

STATUTES

OF THE

TERRITORY OF WASHINGTON,

MADE AND PASSED

At a Session of the Legislative Assembly begun and held at the City of Olympia
on Monday the Fifth day of December, 1864, and ended on Monday
the Twenty-third day of January, 1865.

EIGHTY-NINTH YEAR OF INDEPENDENCE.

PUBLISHED BY AUTHORITY.

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1865.

S T A T U T E S

OF THE

TERRITORY OF WASHINGTON.

1864-65.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ASSESSING AND COLLECTING TERRITORIAL AND COUNTY REVENUE," PASSED JANUARY 29, 1864.

SECTION 1. Amends Sec. 1 of Article first of act to provide for the assessing and collecting Territorial revenue, passed Jan. 29, 1864.

Poll tax due by all white males between 21 and 50.

Poll tax to be two dollars.

Property to be valued in equal and rateable proportion.

Four mills tax for Territory.

Territorial warrants to be paid in order of number and issue.

County Commissioners may levy eight mills for county purposes.

County Commissioners may levy two mills for schools.

County Commissioners may make special appropriation to pay current expenses of county.

Provido, amount of special appropriation shall not exceed one-half of revenue of county.

LAWS OF WASHINGTON

SECTION 2. Amends Sec. 8 of act of Jan. 29, 1864.

Assessor may collect poll tax from voters at time of making assessment.

If not paid by 20th of May, County Auditor makes list of delinquents.

Presents copy of list to Sheriff.

Sheriff appoints deputies for each election precinct and furnishes list and blank receipts.

Deputy attends place of voting and collects.

Delinquents not to vote.

Deputy Sheriff to issue receipts.

Deputy Sheriff to enter name of voters paying.

Deputy Sheriff to receive ten per centum.

Deputy Sheriff to pay amount collected to Sheriff.

Sheriff to pay to County Treasurer.

Persons shall vote upon satisfying Judges of Election.

Penalty for allowing delinquents to vote.

Prosecuting Attorney shall prosecute Judges of Election.

Prosecuting Attorney's fees.

“ 3. Territorial Auditor shall issue blank poll tax receipts before Feb. 1st.

Forward them to each County Treasurer.

County Treasurer to sign and number receipts.

Record kept of receipts.

Blank receipts delivered to Clerk of County Commissioners.

Clerk of County Commissioners shall sign and keep record of tax receipts.

Clerk of County Commissioners shall issue tax receipts to Assessor.

“ 4. No poll tax receipts except as in Sec. 3 to be used.

Penalty for receiving tax without delivering proper receipts.

Proviso. County Auditor has power to issue receipts in certain cases.

“ 5. Duty of Assessor.

Summon householders to appraise.

Appraisers sworn and report to assessor.

Aggrieved persons may appeal to County Commissioners.

Judgment of County Commissioners final.

Pay of appraisers.

“ 6. Assessor may summon witnesses and administer oaths.

Proviso. Property owner to pay expenses in certain cases.

Expenses may be recovered in proper Court.

- SECTION 7. Poll tax collector gives receipt to Clerk of County Commissioners for poll tax receipts.
 Clerk charges to officers receiving poll tax receipts.
 Poll tax receipts to be filled with the sum of two dollars.
- “ 8. Tax payers may, before the 1st day of November, pay to County Treasurer.
 Sheriff allowed till 1st January to make return to County Auditor.
- “ 9. Amends Sec. 19 of act to which this is amendatory, by striking out “December” and inserting “March.”
- “ 10. Repeals all conflicting laws.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section one of article first of the act to which this is amendatory be amended to read as follows: That all taxes for the support of the government of this Territory, on polls of white male inhabitants between twenty-one and fifty years of age, and on property valued in equal and rateable proportion, and for county expenditures, to be determined by county commissioners, and the amount on poll tax, by this act, shall be two dollars on every white male inhabitant over twenty-one and under fifty years of age in this Territory, except as hereinafter provided, which poll tax shall be paid into the county treasury for county purposes. There shall also be levied a tax of four mills upon every dollar's worth of property in this Territory for Territorial purposes, and shall be used in the payment of Territorial warrants, in the order of their number and issue. The county commissioners may, in their discretion, levy a county tax of not exceeding eight mills on every dollar's worth of real and personal property for county purposes, and not to exceed two mills for school purposes; and at any regular term of the county commissioners' court, the said commissioners may make a special appropriation sufficient to pay the current expenses of the county, which appropriation shall have preference in order of payment from the funds raised by the provisions of this act: *Provided,* That the amount so set apart shall in no case exceed one half the current revenue of the county.

SEC. 2. *Be it further enacted,* That section eight of the act to which this act is amendatory be amended by adding thereto

after the last word in said section, the following: It shall be the duty of the assessor, at the time of making the assessment, to collect from each voter under the age of fifty years a poll tax of two dollars, and if the same shall not be paid before the twentieth of May following, it shall be the duty of the county auditor to make out alphabetical lists of the names of all persons who shall have paid their poll tax, and shall present a copy of said list for each election precinct in the county to the sheriff, who shall appoint a deputy for each election precinct in the county, whose duty it shall be to attend the annual election for county and Territorial officers and collect the poll tax remaining unpaid, in the manner hereinafter set forth. The said sheriff shall furnish each deputy who shall attend such election with the list aforesaid, and also with a sufficient number of blank poll tax receipts, and it shall be the duty of the said deputy to be present at the place of voting in the precinct to which he is assigned, and when any person shall offer to vote, he shall examine the list, and if the name of the person offering to vote does not appear thereon, he shall not be permitted to vote until he shall pay to the said deputy sheriff the amount of his poll tax, and upon said tax being paid, it shall be the duty of the said deputy sheriff to issue a receipt for the same in the name of the person paying it, and to enter his name in alphabetical order on the list aforesaid, and he shall receive ten per centum of the amount so collected as a recompense for his services, and shall turn over the money so collected to the sheriff, together with a list of names of persons who shall have paid said tax, and the sheriff shall pay the money so collected to the county treasurer, and proceed in the same manner thereafter as is now prescribed by law; but any person paying his poll tax after the return of the auditor's list shall be entitled to vote, upon satisfying the judges of election that his poll tax has been paid, and otherwise qualified. If any person, who shall be liable under the provisions of this act to pay a poll tax, shall be permitted to vote except as herein provided at said annual election, without having paid said tax, the judges of election at the said precinct shall forfeit and pay a fine of not less than ten dollars each for each

person so voting, which shall be recoverable before any court of competent jurisdiction; and it is hereby made the duty of the prosecuting attorneys of the several judicial districts to prosecute each and every judge who shall be liable under the provisions of this section, and he shall receive twenty-five per cent. of the money so collected as a recompense for his services.

SEC. 3. The Territorial auditor shall immediately after the passage of this act, for the present year, and thereafter before the first day of February in each year, cause proper blank receipts for poll taxes to be printed, of a uniform appearance, changing the style each year, and shall cause the number thereof, equal to the probable number of inhabitants in each county liable to poll tax, to be forwarded to the county treasurer of each county, who shall sign and number them, or so many of them as may be required, and make an entry thereof in a book to be kept for that purpose, and shall thereupon deliver them to the clerk of the board of county commissioners, who shall in turn likewise sign them and make an entry thereof in a book to be kept by him for that purpose, whereupon the clerk of the board of county commissioners shall issue to the assessor so many of such executed receipts for poll tax as may be needed.

SEC. 4. No receipts for poll tax other than those mentioned in the third section of this act shall be used or given for the payment of any such tax, and any assessor who shall receive any poll tax without delivering the proper receipt required by law, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not less three months nor more than one year, or by fine not less than one hundred nor more than one thousand dollars for each offense: *Provided*, That when a sufficient number be not sent or received, the county auditor shall have power to issue such receipts to the number required, which shall be signed by him, and attested with the county seal of such county, and such receipt shall have the same force and effect as though issued by the Territorial auditor.

SEC. 5. It shall be the duty of the assessor where he has any doubts as to the value of property assessed, before entering

the same on his books, to summon two disinterested householders to appear and appraise the property, and the said appraisers shall, if they deem it necessary, have power to select a third, and the persons so selected, after being duly sworn to impartially act, shall proceed to appraise the property indicated by the assessor, and shall make their report to the assessor, who shall assess the property at the amount fixed by the appraisers. Any person aggrieved may take an appeal to the board of county commissioners, who shall proceed to try and determine the said appeal, and their judgment shall be final; and the appraisers shall be allowed each five dollars per day, and mileage at the rate of fifteen cents a mile out of the county treasury, to be paid on the certificate of the assessor to the county auditor.

SEC. 6. For the purposes of this act, the assessor shall have full power to administer all oaths necessary to determine the value of property, and shall have power to summon witnesses to appear before the board of appraisers, provided for in the preceding section, and his certificate will entitle them to their fees from the county treasury: *Provided*, That where the appraisers appraise the property at a higher amount than the party owning the property has sworn it to be worth, the property owner or holder shall pay all expenses, to be recovered if necessary by an action in the proper court.

SEC. 7. Upon receiving such executed receipts from the clerk of the board of county commissioners, the officer authorized to collect the poll tax shall give a receipt to said clerk for the same, and the said clerk shall immediately charge the same to the officer so receiving them. All such receipts delivered shall be filled out with the sum of two dollars, and two dollars shall be charged to him for each one so delivered.

SEC. 8. All persons liable to taxation may, before the first day of November in each year, pay their taxes to the county treasurer, and the sheriff shall be allowed until the first day of January thereafter to make his return to the county auditor.

SEC. 9. Amend section of the act to which this is amendatory, by striking out the word "December" wherever it occurs, and insert the word "March" in lieu thereof.

SEC. 10. So much of all laws heretofore passed as are in conflict herewith are hereby repealed.

Passed the House of Representatives January 20, 1865.

FRANK P. DUGAN,

Speaker of the House of Representatives.

Passed the Council January 20, 1865.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

REGULATING WRITS OF ERROR AND APPEALS TO THE SUPREME COURT.

- SECTION 1. What may be examined on writ of error.
2. Writ shall be taken within three months; exception.
 3. Notice of writ; service on defendant in error.
To what term returnable.
Failure to prosecute with diligence; judgment.
 4. Party taking, shall file a precipe.
What precipe shall contain.
Clerk to issue notice of filing a precipe.
Writ of error deemed as issued from filing of precipe.
 5. Service and return of notice.
 6. Fees for transcript to be paid by plaintiff in error.
Clerk to forward transcript; how and when.
 7. What transcript shall contain.
 8. Provision in event of non-reception, or loss of transcript.
When failures arise from neglect of plaintiff.
Diminution of record.
 9. Court shall hear cause on errors assigned in precipe.
 10. Bond may be given by plaintiff to stay execution on original judgment.
 11. Supreme Court may reverse, affirm, or modify judgment complained of.
Enforcement of judgment of Supreme Court.

- SECTION 12. When defendant in error shall have damages, costs, &c., awarded.
13. Any party aggrieved, or privy to judgment, may prosecute writ of error.
Only one writ of error for the same cause is allowed.
14. Court may order other person to be made a party.
15. Title to property sold on execution, when not affected by reversal of judgment.
16. Supreme Court equally divided in opinion, continues suit.
17. Of special verdicts and agreed cases in District Court.
Judgment of District Court *pro forma* and appeal.
In all other cases a writ of error necessary.
18. The Court shall regard all errors by which plaintiff was prejudiced.
All amendments regarded as made.
No judgment reversed except on affidavit of injustice.
All cases heretofore decided may be reviewed on error within time limited in this act.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That every final judgment, order or decision of a district court, in a civil action, may be re-examined upon a writ of error in the same court for error in fact, and in the supreme court for error in law.

SEC. 2. Every such writ shall be taken within three months next succeeding the term of the district court at which the final judgment, order or decision was made, and not afterwards: *Provided,* That if the party entitled to have such writ shall be absent from the Territory, and shall not have been personally served with process, nor appeared to the action; or if the party be an infant, married woman, or imprisoned or insane, then such writ may be made returnable at the next term of the supreme court succeeding the removal of such disability, and not afterwards.

SEC. 3. Notice of the taking of such writ shall be served upon the party or his attorney of record; and if served thirty days or more preceding the first day of any term of the supreme court, the case shall be docketed for trial at such term; and the failure of the plaintiff in error to appear and prosecute his said writ of error, shall be ground for dismissal thereof; and a writ of error dismissed for want of diligence in the prosecution

thereof, or laches of the plaintiff in error, shall be conclusive against said plaintiff, and entitle the defendant in error to affirmance of the judgment below, with costs.

SEC. 4. The party desirous of taking his writ of error shall file with the clerk of the court in which the judgment was rendered, a precipe, containing a particular description of the judgment, order or decision upon which he wishes to bring his writ of error, and a particular description of the errors assigned, which precipe shall also direct the clerk to issue, under seal of the court, notice to the adverse party of the filing of such precipe, and said precipe shall state the term of the supreme court at which such writ of error will be prosecuted; and the writ of error shall be deemed to have issued at the time of the filing of such precipe.

SEC. 5. The notice shall be issued and served in the same manner as other process is served, and shall be returned to the clerk of the court from which the notice issued. It may be served on the defendant, or his attorney of record, in any county in the Territory. And if service of the notice cannot be had from any cause, the court, at such term, upon being satisfied that the precipe has been filed and notice issued, may direct the manner in which such notice may be given; and after the order for giving notice has been fully complied with, may proceed as though notice had actually been given.

SEC. 6. Upon the filing of such precipe, the plaintiff in error shall pay to the clerk his fees for the transcript of the judgment, and the precipe, and notice to the defendant in error; which transcript shall, by the clerk, be forwarded immediately to the clerk of the supreme court; and he shall make out a full transcript of the record, and send the same to the clerk of the supreme court by mail or other safe opportunity (upon the payment of his fees by the plaintiff in error,) at least ten days before the commencement of the term of said supreme court.

SEC. 7. The transcript of the record shall contain a copy of the pleadings, the journal entries, judgment, order or decision, bills of exceptions, execution and return, precipe, notice and return, and all matters pertaining to the case. but it shall not

be necessary to send copies of notices to witnesses, motions or depositions, unless the same, by bill of exceptions, have been made part of the record.

SEC. 8. Whenever from any cause the transcript of the record shall not be received by the clerk of the supreme court, or shall be lost, the court shall order a new transcript to be sent up, in such time and manner as they shall see fit: *Provided*, That in all cases where the failure arises from the neglect of the plaintiff in error to comply with the provisions of this act, the writ of error or appeal shall be dismissed; either party may, upon a suggestion of a dimunition of the record, and upon a proper case made, have an order that a further record be sent up.

SEC. 9. The court of error shall proceed to hear the cause upon the errors assigned in the precipe, and the defendant may take issue on the errors so assigned.

SEC. 10. If at the time of filing the precipe with the clerk, or at any time thereafter the plaintiff in error shall file with the clerk a bond with sureties to the satisfaction of the clerk, in double the amount of the judgment, if it is for money, and if the judgment is for the restraining or performing any other act, or the determination of any other right, then in such a sum as a judge of the supreme court shall direct, conditioned that the plaintiff pay all costs and damages, and perform such judgment as the court on the trial of the writ of error shall adjudge against him, then no further execution shall be had upon the original judgment until the determination of the writ of error, and any execution previously issued shall be recalled.

SEC. 11. The judgment, or other matter complained of, may be affirmed or may be reversed, or set aside, in whole or in part, or may be modified, or a different order or judgment may be substituted for that complained of, or the writ of error may be dismissed by the plaintiff in error or by the court, and the cause be remitted to the district court for such further proceedings as the supreme court by mandate shall direct; and execution may issue from the supreme court to satisfy the judgment of the court below, together with all costs and accruing costs,

in the case of dismissal or other order or judgment of the supreme court aforesaid; or its judgment may be executed by the district court, on a mandate for that purpose.

SEC. 12. In case the judgment in the court below shall have been for a sum of money and shall be affirmed against the plaintiff in error, or the writ of error dismissed, damages shall be awarded to the defendant in error not exceeding ten per cent. on the amount, exclusive of interest and costs of such judgment, and in all cases damages, interest and costs shall be allowed on the original judgment.

SEC. 13. Any person who may be a party, or privy to any judgment, order or decision, may prosecute a writ of error to reverse the same, and the reversal shall enure to the benefit of all the parties and privies therein, and no other party or privy shall afterwards prosecute a writ of error for the same cause.

SEC. 14. When it shall appear that any other person should be made a party to any proceeding upon a writ of error, the court shall require such person to be made a party, and direct in what manner notice shall be given.

SEC. 15. The reversal of a judgment, order or decision shall not affect the title of property sold upon an execution issued upon such judgment, order or decision; but the plaintiff in error may bring an action for the recovery thereof, and the court may award restitution, or render such other judgment as justice shall require.

SEC. 16. When the supreme court shall be equally divided in opinion, the cause shall stand continued until all the judges are present.

SEC. 17. Whenever upon the trial of any civil action in the district court, it shall be found to turn upon important questions of law, the court may direct a special verdict to be found; and in all cases the parties may make an agreed statement of facts, signed by themselves or their attorneys, which shall be entered of record; and all questions of law arising on special verdicts, agreed statements, motions for new trial, and others, in any manner arising in the district court, may, under the

direction of the district court, be taken to the supreme court by way of appeal; and for that purpose the court shall render a judgment in form only, which shall not be executed until the final decision of the cause; and the supreme court on hearing the appeal may give judgment, or remand the cause, or make any order, according to the law and justice of the case. In no other cases except as provided in this section, can any order, judgment or decree of the district court be reviewed in the supreme court, except upon writ of error.

SEC. 18. In all cases of writs of error or appeals in the supreme court, the court shall consider and adjudge upon all errors and mistakes which shall appear in the entire record by which plaintiff in error may have been prejudiced, if the same were excepted to at the time, whether interlocutory or final, and whether plaintiff in error had, according to the strict rules of law, waived the same by proceeding with the case under the order of the court, after such exception.

SEC. 19. All cases, either in law or equity, which have heretofore been decided in this Territory, may at any time within the time limited in this act, be examined upon a writ of error under the provisions of this act, and in adjudging upon such cases, the court shall be governed in their judgment on errors by the rules of the law in force at the time such alleged error was committed.

SEC. 20. All acts or parts of acts in conflict with this act, are hereby repealed.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

AMENDING "AN ACT IN RELATION TO PROSECUTING ATTORNEYS,"
PASSED JANUARY 19, 1863.

SECTION 1. Salary of Prosecuting Attorney, \$800 per annum, payable quarterly.

2. Fees of Prosecuting Attorney.

3. May issue subpoenas signed by him as Prosecuting Attorney.

4. County Commissioners to report in May and November to Prosecuting Attorney the names of county and precinct officers who have neglected to perform official duties.

Prosecuting Attorney to institute prosecutions against delinquent county, district or precinct officers.

5. Prosecuting Attorneys to give advice gratuitously to School Directors and Superintendents.

To assist in preparation of forms of contracts, &c.

6. In absence of, Court shall appoint.

Fees of special Prosecuting Attorney.

Special attorney not prohibited from receiving additional compensation.

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

"Each prosecuting attorney shall receive a salary of eight hundred dollars per annum, payments to be made quarterly by the Territorial treasurer, upon presentation of proper vouchers therefor."

SEC. 2. That the tenth section of said act shall read as follows, to-wit:

"The fees of prosecuting attorney shall be as follows: In all prosecutions where a conviction is had, when the punishment is death or imprisonment for life, fifty dollars; when the punishment is imprisonment in the penitentiary for any less term than for life, thirty-five dollars; in all other criminal prosecutions, twenty-five dollars; and in cases of acquittal, one-half above fees. For prosecuting all forfeited recognizances and debts, and upon all fines and forfeitures recovered for the use of the Territory or any county therein, upon the amount recovered, twenty per centum on all sums under one hundred dollars, and on all sums

over one hundred dollars, ten per centum. For each day's attendance upon the district court, five dollars. In case of failure to attend by the attorney of the first and third districts, the prosecuting attorney of the second judicial district shall receive the following fees for services rendered in the supreme court on behalf of the several districts in the Territory: For prosecuting or defending each case upon appeal or writ of error, fifty dollars, to be paid out of the Territorial treasury. For resisting petition for divorce in the district court, when the same is not personally defended by the real party in interest or his or her attorney, twenty-five dollars; and the party prosecuting may recover the fee aforesaid from the adverse party as part of the costs of suit. The prosecuting attorney may attend a criminal case or investigation before a justice of the peace or magistrate, when requested so to do by such justice or magistrate, for which service he shall be allowed the sum of fifteen dollars, to be paid as his fees are paid in cases tried before the district court. When the prosecuting attorney is called upon to prosecute or defend any civil case for which no fees are provided by this act, he shall be allowed such reasonable compensation as may be allowed by the tribunal or board or other officer before whom such action is tried, to be paid by the party in whose interest he officially appears.

SEC. 3. The prosecuting attorney may, in his discretion, in all cases issue subpoenas for witnesses to appear and testify on behalf of the Territory, and the subpoenas under the hand of the prosecuting attorney shall have the same force and be obeyed in the same manner and under the same penalties as if issued by any clerk or magistrate.

SEC. 4. It shall be the duty of the board of county commissioners of each county to report in the months of May and November of each year to the proper prosecuting attorney the names and place of abode of all county treasurers, assessors, auditors, road supervisors, school clerks, and all county officers and persons required by law to make report to the county commissioners, who have neglected or refused to perform any of the duties imposed upon them respectively by law, which report

shall also contain a statement of the nature of each failure and delinquency, and it shall thereupon be the duty of the prosecuting attorney forthwith to institute such proceeding, concerning such failure or delinquency, as he thinks the interest of the Territory may demand.

SEC. 5. The prosecuting attorney is hereby required to give legal advice gratuitously to directors and superintendents of common schools, in all matters relating to their official business; and also to prepare suitable forms of contracts, obligations, and other like instruments of writing, for the use of the officers last above mentioned.

SEC. 6. Whenever no regular prosecuting attorney appears at any term of the district court, the judge of said court shall have power to appoint a special attorney to prosecute during said term, or to prosecute any particular case; and the said special prosecuting attorney shall be entitled to the same fees as the regular prosecuting attorney: *Provided*, That said special prosecuting attorney shall not be prohibited from receiving additional compensation from private persons.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

IN RELATION TO JUDGES OF PROBATE AND PROSECUTING ATTORNEYS.

SECTION 1. County Auditors to give certificate of election to Probate Judges. Qualification of Probate Judges.

2. County Auditors of Judicial District to certify to votes received in respective county for Prosecuting Attorneys.

In First District, to County Auditor of Walla-walla county.

- SECTION 2. In Second District, to County Auditor of Clarke county.
 In Third District, to County Auditor of Jefferson county.
 County Auditors of Walla-walla, Clarke and Jefferson shall
 respectively certify the election of Prosecuting Attorney
 for respective District.
 Qualification otherwise as prescribed by law.
 No commission necessary for Judge of Probate or Prosecu-
 ting Attorney.
3. Repealing clause.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That it shall be the duty of county auditors in each of the counties in this Territory to issue a certificate of election to the person who shall be elected probate judge of each county, and the person so elected shall proceed to qualify in the same manner as now provided by law, except as hereinafter provided, which shall be a full and complete qualification as judge of probate.

SEC. 2. It shall be the duty of the county auditors of each county of the several judicial districts of this Territory to make out a certificate showing the number of votes cast for prosecuting attorney in their several counties, which certificate shall be transmitted to the several county auditors of the several judicial districts, as follows: The certificates of the county auditors of the several counties of the first judicial district shall be sent to the county auditor of the county of Walla-walla; those of the second judicial district, to the county auditor of the county of Clarke, and those of the third judicial district to the county auditor of Jefferson county; and it shall be the duty of the several county auditors of the counties of Walla-walla, Clarke and Jefferson, to issue a certificate of election to each person who shall have been elected prosecuting attorney in their several judicial districts, who shall thereupon proceed to qualify as now provided by law: *Provided*, That no commission from the Governor shall be necessary, or form any part of the qualification for the offices of judge of probate or prosecuting attorney.

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

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

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 20, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

TO AMEND "AN ACT RELATIVE TO CRIMES AND PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES," PASSED JANUARY 28, 1863.

SECTION 1. Section 164, Chapter XIV, Criminal Practice Act amended.
Inquest of Grand Jury limited to offences of parties in custody or under bail.

Or to party complained of under oath.

Or upon instruction by the Court.

2. If Grand Jury ignore a bill, to find whether complaint is frivolous or malicious.

To say who shall pay costs where bill ignored.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section one hundred and sixty-four, of chapter fourteen, of the act to which this is amendatory be amended so as to read as follows: "The grand jury shall only inquire in the cases of parties in custody or under bail, charged with commission of offenses against the laws of the United States or of this Territory, and duly returned by a committing magistrate, justice of the peace or United States commissioner, or upon a complaint sworn to before an officer authorized to administer oaths and presented by the prosecuting attorney, or under the instructions of the court; and no complainant who may institute a prosecution shall be competent to be present at

the deliberations of a grand jury, or vote for the finding of an indictment.

SEC. 2. Where a grand jury ignore a bill of indictment, they shall also find whether the prosecution is malicious and frivolous, and find whether the complainant or county shall pay the costs, which shall be returned with their proceedings into open court.

SEC. 3. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act to take effect from and after its passage.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

AMENDATORY OF "AN ACT TO REGULATE THE PRACTICE AND PROCEEDINGS IN CIVIL ACTIONS IN THE DISTRICT COURT," PASSED JANUARY 28, 1863.

Proviso added to Section 359, Civil Practice Act.

When Clerk of District Court may issue commission to take depositions.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section three hundred and fifty-nine of said act be amended by adding thereto the following provision, to-wit :

" *Provided,* That if the court is not in session, or the judge or judges be absent, or unable from any cause to give an order for such commission to issue, the clerk of the district court wherein the cause is pending, may, upon application and the filing of interrogatories, after due notice has been given to the

opposite party, issue such commission; and upon the return of the deposition taken by virtue of said commission, the same, on motion, or notice to the adverse party, may be ordered published by the judge of the court; and upon publication, the court or judge thereof shall decide all questions of law arising thereon, as might be done upon ordering a commission."

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO AUTHORIZE PROBATE JUDGES TO ISSUE COMMISSIONS TO TAKE DEPOSITIONS.

- SECTION 1. Probate Judges may issue commissions to take depositions.
2. Rules of practice in District Court applicable.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the probate judges of the Territory be and they are hereby authorized to issue commissions for taking depositions in all cases where necessary in cases pending in their respective courts.

SEC. 2. Said commissions shall issue upon the same terms and upon similar applications as in cases in the district court, and shall have the same force and effect; and depositions taken under said commissions may be used on appeal in the district court.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

MAKING COUNTY AUDITORS EX OFFICIO CLERKS OF THE PROBATE COURTS OF THEIR RESPECTIVE COUNTIES.

- SECTION 1. County Auditors *ex officio* Clerks of Probate Courts.
 Probate Judge may be his own Clerk.
2. Repealing clause.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That each of the county auditors of the several counties of Washington Territory shall be *ex officio* clerks of the probate court in and for their respective counties: *Provided*, That the probate judges of the several counties shall have power to act as clerks of their respective courts, if they shall so elect. *And provided further*, That this section shall not apply to the county of Clarke.

SEC. 2. All acts or parts of acts in anywise conflicting with the provisions of this act be and the same are hereby repealed.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 18, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

ASSIGNING THE DISTRICT JUDGES OF WASHINGTON TERRITORY.

- SECTION 1. Hon. J. E. Wyche assigned to First District.
 2. Hon. C. C. Hewitt assigned to Second District.
 3. Hon. E. P. Oliphant assigned to Third District.
 4. Judges may hold Court in other Districts, when.
 5. Repealing clause.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the Honorable J. E. Wyche be and is hereby assigned to the first judicial district and to reside therein.

SEC. 2. That the Honorable C. C. Hewitt be and is hereby assigned to the second judicial district and to reside therein.

SEC. 3. That the Honorable E. P. Oliphant be and is hereby assigned to the third judicial district and to reside therein.

SEC. 4. That either of the said district judges may hold court in any district other than that to which he is assigned, in case of the absence, sickness or disability of any one of the judges to hold the regular term of said court.

SEC. 5. That all acts or parts of acts heretofore passed in anywise conflicting with the provisions of this act be and the same are hereby repealed.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 12, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

AUTHORIZING TERMS OF THE UNITED STATES DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT TO BE HELD IN THE COUNTY OF STEVENS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the judge of the first judicial district shall hold a term of the United States district court of and for said district, at the county seat of Stevens county, upon the first Monday of September of each year, which term shall continue for two weeks unless sooner adjourned.

SEC. 2. Said court shall have jurisdiction within said county in the same manner and to the same extent as is now had and exercised by the district court of the first judicial district, with the same right as to appeals, certiorari and writs of error as is now or may hereafter be provided by law.

SEC. 3. The said district judge of the first judicial district shall appoint a clerk of the court, who shall give bonds and security as shall be ordered by said court or the judge thereof, and shall keep his office and records of said court at the county seat of said county, and said district court shall be a court of record.

SEC. 4. The various laws now in force and which may be hereafter enacted, regulating the practice and proceedings in civil actions and criminal prosecutions, shall govern the practice and proceedings in said district court.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 20, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

CONFERRING ADDITIONAL POWERS ON DISTRICT JUDGES IN WASHINGTON TERRITORY.

SECTION 1. Judges may hear any cause in vacation which does not require a jury.

2. Notice under provisions of this act.

Complaint to be served at least thirty days before hearing.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That the judge of any district court*

may hear, try and determine during vacation, at chambers, any case whatever which, without the aid of a jury, said judge could hear, try or determine during any regular session of any district court.

SEC. 2. Any person desiring a case heard at chambers, under the provisions of this act, may bring the same before the judge by making out his complaint and attaching a notice thereto, stating the time and place where the cause will be heard, which time shall not be less than thirty days after the service of the said notice and complaint.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE ACKNOWLEDGMENT OF DEEDS OUT OF THIS TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a deed to lands situated in this Territory may be acknowledged out of this Territory before any clerk of a county having a seal, or any notary public of any other State or Territory, and the signature and seal of such officers shall prove their own genuineness.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO AMEND "AN ACT IN RELATION TO MORTGAGES AND BILLS OF SALE OF PERSONAL PROPERTY," PASSED JANUARY 27, 1863.

SECTION 1. If mortgagor resident of Territory, mortgage to be recorded in county where he resides.

If a non-resident, in county where property is situate.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section second of said act be and the same is hereby amended so as to read as follows: "The instrument mentioned in the preceding section shall be deposited for record with the auditor of the county where the mortgagor therein, if a resident of this Territory, shall reside at the time of the execution thereof; and if not a resident, then with the auditor of the county where the property so mortgaged shall be at the time of the execution of such instrument."

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

PRESCRIBING THE DUTIES OF COUNTY AUDITORS IN CERTAIN CASES, AND FIXING A PENALTY FOR FAILURE TO PERFORM SUCH DUTY.

SECTION 1. County Auditor to record instruments within twenty days.

Fees for record to be tendered.

Penalty for a violation of provisions of this act.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any county auditor who fails to record any instrument entitled to record within twenty days after the same is deposited with him for record, and the fees for

recording the same shall have been tendered to him, shall be deemed guilty of a misdemeanor, and for every such offense may be fined in any sum not less than one hundred nor more than five hundred dollars.

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

TO REPEAL SECTION THIRTY-THREE OF "AN ACT TO PROVIDE FOR THE ASSESSING AND COLLECTING TERRITORIAL AND COUNTY REVENUE," PASSED JANUARY 29, 1864.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section thirty-three of the act to which this is amendatory be and the same is hereby repealed.

SEC. 2. This act shall only apply to Pierce, Island, Wallawalla and Jefferson counties.

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROTECT FREE WHITE LABOR FROM COMPETITION WITH CHINESE COOLIE LABOR, AND TO DISCOURAGE THE IMMIGRATION OF THE CHINESE INTO THIS TERRITORY."

- SECTION 1. Chinese Police Tax made uniform throughout Territory.
 2. Sheriff of Stevens county may collect taxes in, other counties.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section ten of the act of which this is amendatory be amended by striking out all after the words "Territorial taxes."

SEC. 2. *And be it further enacted*, That section eleven of said act be amended to read as follows: "In the collection of the Chinese police tax the sheriff of Stevens county or his deputy shall have power to pursue any person who shall attempt to evade the payment of this tax into any county in the the Territory, and enforce the collection in the same manner as though he were in the county of Stevens."

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

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 20, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO ESTRAYS."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section two of the act to which this is amendatory be amended, and said section shall read as follows:

“Any person finding an animal inside of his inclosures, or any one which breaks into the same, shall, if he attempts to exercise any control or possession of said animal, post said animal as an estray, and if the owner is known, notify the said owner; and any person finding an animal known to be an estray on land owned by him may, within three months, take up the same as an estray; and in case any person shall find any animal which requires feed to preserve life, he may take the same up as an estray at any time.”

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

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

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

TO AMEND “AN ACT TO PROVIDE FOR THE DRAINAGE OF SWAMP LANDS,”
PASSED JANUARY 24, 1863.

SECTION 1. Occupants of swamp lands may drain by ditching other lands.

Persons injured by such ditching may claim damages.

2. Parties benefitted by ditching shall pay share of expenses.

3. Justices of Peace to decide as to division of costs of construction.

Appeal from Justice to District Court.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That any person holding, occupying*

or owning swamp lands in Washington Territory, shall have the privilege of draining the same, and of digging a ditch or ditches for that purpose through any lands that it may be necessary to construct the same through: *Provided*, That any person injured by such ditch or ditches, shall be entitled to receive damages to the amount actually sustained.

SEC. 2. Any person or persons availing themselves of the benefit of such ditch or ditches when completed, shall be required or made to pay to the person or persons who constructed the said ditch or ditches a part of the original cost of constructing said ditch or ditches in proportion to the benefit enjoyed.

SEC. 3. Said part or parts of the original costs of construction, to be decided by any justice of the peace of the county in which said ditch or ditches may be constructed, subject to appeal as in other cases tried before justices of the peace.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 18, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE LOCATION OF AN AGRICULTURAL COLLEGE OF WASHINGTON TERRITORY, UNDER THE PROVISIONS OF AN ACT OF CONGRESS DONATING LANDS TO THE SEVERAL STATES AND TERRITORIES WHICH MAY PROVIDE COLLEGES FOR THE BENEFIT OF AGRICULTURE AND THE MECHANIC ARTS.

SECTION 1. A College established to teach Agriculture and Mechanic Arts.

2. Located in Clarke county.
3. Commissioners to select site.
4. Commissioners authorized to purchase lands.
Price not to exceed \$2000; how paid.

SECTION 5. Time prescribed for first meeting of Commissioners. A majority of Commissioners a quorum.

6. To hold office for two years.

To make report on first day of next session of Legislature.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That there shall be established in this Territory one college for the teaching of such branches as are related to agriculture and the mechanic arts.

SEC. 2. That said college is hereby located in Clarke county.

SEC. 3. That John Aird, Levi Farnsworth and William H. Dillon are hereby appointed commissioners to select a site for said college.

SEC. 4. Said commissioners are hereby authorized to contract for the purchase of a tract of land within Clarke county for the location of said college, of not less than forty acres or more than one hundred and sixty acres, for a sum of money not exceeding the sum of two thousand dollars; said land site to be paid for out of funds to be realized under section five of act of Congress donating lands to this Territory for an agricultural college.

SEC. 5. That said commissioners shall hold their first meeting in Vancouver on the second Monday of next March, and shall proceed as soon thereafter as practicable to select a location for said college, and to contract for the purchase of such land site; and a majority of said commissioners shall constitute a quorum for the transaction of business.

SEC. 6. Said commissioners shall hold their offices for two years, and shall report on or before the first day of the next Legislative Assembly a full statement of their acts and doings to said Legislative Assembly.

Passed December 23, 1864.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Transmitted to the Governor January 7, 1865, and not returned within five days.

AN ACT

FOR THE ESTABLISHMENT AND GOVERNMENT OF AN AGRICULTURAL COLLEGE PROVIDED FOR BY ACT OF CONGRESS APPROVED JULY 2, 1862.

- SECTION 1. Said institution to be called Washington College.
2. Objects of said College and branches to be taught.
 3. A board of Trustees appointed.
Governor of Territory *ex officio* a Trustee.
Other Trustees to hold three years, and to be elected by joint convention of Legislature.
Governor empowered to fill vacancy in board.
 4. The board of Trustees a body corporate.
 5. The Trustees shall appoint a Secretary and Treasurer.
 6. Powers and duties of Trustees.
 7. Meetings of board may be called by three Trustees.
 8. Time of first meeting of board of Trustees.
A Commissioner of College lands to be selected.
Qualifications of Commissioner, and duties.
Commissioner to locate lands and report to Trustees.
 9. Of the location and entry of lands.
 10. Trustees to make annual report on first Monday of December to Legislative Assembly.
 11. On completion of entry of lands, said lands may be sold; manner of sale.
Lands to be appraised and not sold at less than appraised value.
Proceeds of sales of land to be invested.
No Trustee to be interested in purchase.
Principal of fund to be undiminished, except ten per cent. to pay for site of college.
 12. Trustees to execute deed to purchaser.
Requisite of deed.
 13. Qualification of Trustees.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there shall be established in this Territory a college for the benefit of agriculture and the mechanic arts, under the provisions of an act of Congress approved July 2, 1862, entitled "an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," which college shall bear the name and style of "Washington College," and be

located at or near the city of Vancouver, in the county of Clarke, Washington Territory.

SEC. 2. That the object of said college shall be to teach such branches of learning as are related to agriculture and the mechanic arts, including scientific and classic studies and military tactics, in such manner as the board of trustees of said college hereinafter created may prescribe and establish, subject to the approval of the Legislative Assembly of this Territory.

SEC. 3. The government of said college shall be vested in a board of seven trustees, to be composed of the following named persons, to-wit: E. S. Fowler, Mich. Wintler, John Sheets, S. W. Brown, Gay Hayden and John H. Timmons, of which said board the Governor of this Territory shall be *ex officio* a member; and the first named six members shall hold their office for the term of three years from the date of the passage of this act, and until their successors have been duly elected and qualified, such election to be held by the Legislative Assembly of this Territory, in joint convention of both branches, three years from the date of the passage of this act, and every three years thereafter: *Provided*, That if at any time from any cause the Legislative Assembly fails to elect such trustees, or if a vacancy occurs in said board by death, resignation or otherwise, the Governor shall have power to fill such vacancy by the appointment of some suitable person or persons.

SEC. 4. The board of trustees and their successors in office shall constitute a body corporate, with the name and style of the "Board of Trustees of Washington College," with the right as such of suing and being sued, of contracting and being contracted with, of making and using a common seal and altering the same at pleasure.

SEC. 5. The trustees shall appoint a secretary and a treasurer, who shall hold their respective offices during the pleasure of the board. It shall be the duty of the secretary to record all the proceedings of the board, and carefully to preserve all its books and papers; the treasurer shall keep a true and faithful account of all moneys received and paid out by him; and

shall give such bonds for the faithful performance of the duties of his office as the board of trustees may require.

SEC. 6. The said board of trustees shall have power, and it shall be their duty, to enact by-laws for the government of said college, and shall elect from their own number a president of the board, who shall preside at the sessions of said board, and who shall perform such other duties as may be prescribed by the board, and as is hereinafter provided; and in the absence of the president at any regular meeting of the board, the other members may elect from their own number a president *pro tem*.

SEC. 7. Meetings of the board may be called by any three members thereof, at such time and place as they may deem expedient, and a majority of the said board shall constitute a quorum for the transaction of any and all business, but a smaller number may adjourn from time to time.

SEC. 8. The first meeting of said board of trustees shall be held on the third Monday of February, A. D. 1865, at Vancouver, at which time, or as soon thereafter as convenient, there shall be elected by the said board of trustees a commissioner of college lands, who shall be a citizen of this Territory, whose duty it shall be, after having taken and subscribed before some competent officer an oath faithfully to discharge the duties of his office, to locate and select from any surveyed public lands in this Territory, subject to sale at private entry at one dollar and twenty-five cents an acre, the amount of thirty thousand acres, such location and selection to be made and completed by the first day of September, A. D. 1865; and the commissioner is hereby required to make immediately thereafter a full report of his acts and doings under this section to the said board of trustees.

SEC. 9. Upon the adoption of the report of said commissioner by the said board of trustees, it shall be the duty of the said board forthwith to secure the lands, so selected for the benefit of the said agricultural college by entering and notifying upon the same in the proper land office of the United States, and to take all proper steps to effectuate the object herein intended in the manner provided by law of Congress,

and in conformity with the rules and regulations prescribed by the land department of the United States.

SEC. 10. That it shall be the duty of the board of trustees to make an annual report on the first Monday of December, regarding the progress of the college and all matter concerning their doings and acts, one copy of which shall be sent to each branch of the Legislative Assembly and to the Secretary of the Interior, and one copy to all the other colleges which have been endowed under the provisions of the said act of Congress.

SEC. 11. Whenever at any time the said board of trustees have completed the entering and locating of said lands as required in section ninth of this act, and the title thereto vests in the said college hereby created, the said board may order the sale of such lands at public or private sale, after having appraised the separate value of each section or legal subdivision thereof, and after having given public notice thereof in one or more newspapers published in this Territory, for at least four weeks prior to the time of commencement of such sale, which notice shall specify the time, place, manner and terms of such sale. None of the said lands shall be sold for less than one dollar and twenty-five cents per acre, nor less than its appraised value; and no member of said board shall be either directly or indirectly interested in any purchase of such lands upon sale; and the board of trustees shall invest the proceeds of such sale in stocks of the United States, or some other safe stocks yielding not less than five per centum per annum upon the par value of said stocks, and that the money so invested shall constitute a perpetual fund, the principal of which shall remain forever undiminished, except that ten per centum upon the amount received upon such sales may be expended by the board of trustees for the purchase of any suitable site, selected and contracted for by any commissioner appointed by law for that purpose.

SEC. 12. The board of trustees upon payment of the purchase price, shall execute and deliver to the purchasers of land sold under the provisions of this act, a deed, signed and sealed by the president and secretary, and acknowledged by the president before some officer authorized to take acknowledgments.

SEC. 13. Each member of the board of trustees, with the exception of the Governor, before entering upon the duty of his office, shall take and subscribe to, before some competent officer, an oath, faithfully to discharge the duties of his office, which oath shall be filed with the Secretary of this Territory.

Passed January 2, 1865.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Transmitted to the Governor January 7, 1865, and not returned within five days.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF CLARKE COUNTY TO PROCURE FUNDS FOR THE ERECTION OF BUILDINGS OF THE WASHINGTON AGRICULTURAL COLLEGE IN THE COUNTY OF CLARKE.

- SECTION 1. County Commissioners of Clarke county may levy special tax of two mills.
2. Said tax paid out on warrants signed by President of Washington College.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Clarke county be and the same are hereby authorized to levy an annual tax not exceeding two mills on a dollar upon all assessable property within the county of Clarke, to be collected as other county tax.

SEC. 2. Said tax shall be disbursed by the treasurer of Clarke county upon presentment of warrants signed by the president of the board of trustees of the Washington Agricultural College, and countersigned by the secretary of said board.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 14, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

FIXING THE SALARY OF THE TERRITORIAL AUDITOR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the Territorial auditor shall receive an annual salary of five hundred dollars, to be audited by the Territorial treasurer, and paid by him out of any money in the treasury not otherwise appropriated.

SEC. 2. Section fifteen of an act creating the office and defining the duties of Territorial auditor be and the same is hereby repealed.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 18, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

FOR THE PRESERVATION OF GAME.

SECTION 1. Elk or deer not to be killed between Feb. 1st, and July 1st. Pheasants, Partridges or Grouse not to be killed between April 1st and August 1st.

Wanton destruction of game a misdemeanor; penalty.

Snohomish and Kitsap excepted from this act.

2. Indians on reservation not amenable under foregoing section.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That any person or persons who shall buy or sell, shoot, kill or snare for the purpose of selling, any elk or deer from the first day of February to the first day of July, or any pheasants, partridges or grouse from the first day

of April to the first day of August, in each and every year, or who shall at any time wantonly destroy any wild game, shall be deemed guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be fined in any sum not exceeding fifty dollars nor less than ten dollars, one-half to be paid to the informer, the other half to be paid into the county treasury for the use of common schools: *Provided*, That nothing in this act shall be so construed as to apply to the counties of Snohomish and Kitsap.

SEC. 2. This act shall not be so construed as to prevent Indians from killing game on the various Indian reservations.

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

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

TO PROVIDE FOR THE ELECTION OF COUNTY SUPERVISORS AND
DEFINING THEIR DUTIES.

SECTION 1. Office of County Supervisor created.

To hold his office for two years.

2. To give bond in sum of \$500.

3. Duty of Supervisor.

To procure map and designate all public roads and highways.

To pass over roads between April 1st and June 1st.

To make report of condition of roads and determine what work to be put on same.

To examine assessment and apportion road labor.

To procure and take care of necessary tools, and turn over same to successor.

- SECTION 3.** To report to County Commissioners; what report shall contain.
 To notify all persons liable to tax or labor; requisites of notice.
 To do all road work by sections.
4. To appoint deputies, who shall not receive extra compensation.
 5. Compensation to be fixed by County Commissioners.
 6. Supervisor shall keep a certificate book; what shall contain. Certificates issued not transferable.
 7. Duty of County Commissioners at spring sessions. Penalty of person failing to perform labor after notice.
 8. Supervisor shall report at first County Court after October 1st; what report shall contain.
 9. Value of days work to be fixed by Commissioners at spring term.
 10. On qualification of Supervisor; office of district supervisors and division into road districts discontinued.
 11. Pierce, Mason, Island, Walla-walla, King, Snohomish, Thurston and Lewis counties not included in this act.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That at the next general election in 1865, and biennially thereafter, in each of the counties of this Territory, there shall be elected one county supervisor, who shall hold his office for two years or till his successor is elected and qualified.

SEC. 2. Such supervisor shall give bond and security in the sum of five hundred dollars, and such additional sum as may be required by the county commissioners, for the faithful performance of the duties of his office, as hereinafter specified.

SEC. 3. It shall be his duty to provide himself with a map of the county, on which all public highways and legalized roads shall be plainly marked, and which shall be submitted for the approval of the county commissioners, and transmit the same to his successor in office; it shall further be his duty to pass over all the public roads of his county between the first day of April and the first day of June of each year, examine into their condition and determine the amount and kind of work required on each; to obtain from the assessment roll a list of all persons

liable by law to perform labor on the highways, and the amount of property tax assessed to each as a road tax ; to apportion the labor so that it shall be for the benefit of the whole public; to procure at the expense of the county a good and substantial set of tools and implements, to take proper care of the same and deliver them over to his successor; and it shall further be his duty to report in writing to the board of county commissioners, at their regular spring term, the present condition of the roads and the amount of labor necessary to put them in good traveling condition; what bridges are necessary for the public convenience, with an estimate of the expenses of their construction, and such other matters connected with the duties of his office as he shall deem of importance to the public; it shall further be his duty to serve at least ten days' notice, either by himself or deputy, on every person liable to pay road tax, stating the time and place where he is required to work and the tools which he will be required to bring; to do all the road work of the county by sections, and to divide the labor and work the sections successively, and in such way as to secure the greatest amount of benefit to the whole county.

SEC. 4. The supervisor shall have power to appoint deputies to oversee the work in progress in the different sections, but such deputies shall not receive any additional compensation and shall perform their share of labor the same as others.

SEC. 5. The supervisor shall receive for his services such sum as the county commissioners in their judgment shall deem sufficient and just, and such sum shall be paid out of the county treasury, and he shall not be entitled to receive any additional compensation in any other way.

SEC. 6. It shall be the duty of the supervisor to provide himself with a certificate book, and give a certificate to each person performing labor under his direction, or that of his deputies, for the amount of labor performed, each certificate being numbered; and he shall keep a record of the same, and such certificate shall be received by the officer collecting the county revenue in payment of the road tax of the person therein named, but such certificates shall in no case be transferable.

SEC. 7. The county commissioners shall at their spring session take into consideration the condition of the roads, what bridges are necessary for the public convenience, and shall make an estimate of the amount necessary to put them in repair, and shall levy a poll tax of not less than two nor more than five dollars, and a property tax of not less than ten nor more than twenty per cent. on every hundred dollars; and the supervisor shall have power whenever any person shall fail to appear and perform the labor, as notified according to the provisions of this act, to collect the same by suit before any justice of the peace, if in his judgment a failure to institute such suit would result in the loss of the amount for which such person is taxed.

SEC. 8. The supervisor shall, at the first regular session after the first of October of each year, make a report to the county commissioners of the amount of money expended and labor performed, and exhibit his certificate book for their inspection and settle the accounts with the commissioners up to that time.

SEC. 9. The county commissioners shall at their spring session decide the value of a day's work on the highway for the current year; and the supervisor shall receive the amount taxed against any person in money, if tendered by such person in lieu of labor, and shall give his receipt therefor, and shall keep a list of such receipts and report the same to the commissioners, according to the provisions of section eight, and such receipts shall be received by the collector of the revenue in payment of the road tax of the person holding the receipt.

SEC. 10. From the time of the election and qualification of the supervisor of roads, that office as heretofore constituted, as also the existing road districts, is discontinued.

SEC. 11. This act shall not take effect or be in force in the counties of Pierce, Mason, Island, Walla-walla, King, Snohomish, Thurston or Lewis.

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

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

FRANK P. DUGAN,
Speaker of the House of Representatives.
FRANK CLARK,
President of the Council.

Approved January 14, 1865.

WILLIAM PICKERING,
Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO THE CONSTRUCTION OF ROADS AND HIGHWAYS AND DEFINING THE DUTIES OF SUPERVISORS OF HIGHWAYS," PASSED JANUARY 29, 1863.

- SECTION 1. Road Supervisor may distrain for delinquent road tax.
2. This act not to apply in counties where county Supervisor of roads is elected.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section twenty-four of the act of which this is amendatory be and the same is hereby made to read, after the word "direct," in the eighth line: "And should such person fail to perform the labor allotted to him, or pay to the supervisor the amount of his tax in money, without showing good cause, then said supervisor shall distrain any goods or property of the delinquent for payment of said tax."

SEC. 2. All acts or parts of acts in conflict with this act are hereby repealed: *Provided,* That this act shall not apply to counties to which the act entitled "an act in relation to county supervisors, applies."

FRANK P. DUGAN,
Speaker of the House of Representatives.
FRANK CLARK,
President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

TO AMEND AN ACT "ENTITLED AN ACT IN RELATION TO THE CONSTRUCTION OF ROADS AND HIGHWAYS AND DEFINING THE DUTIES OF SUPERVISORS OF HIGHWAYS."

SECTION 1. Twelfth section of road law amended.

Proviso to same section as to erection of gates to avoid construction of a private road.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section twelve of an act, "in relation to the construction of roads and highways, and defining the duties of supervisors of highways," passed January 29, 1863, be so amended in the second line, after the words "public road," as to insert the words "or navigable streams;" and in line four, after the words "public road," to insert "or navigable streams;" and in line fourteen, after the words, "public road," insert the words "or navigable streams;" and that the following proviso be added to said section: *Provided*, That if the said viewers find that the petitioners can be accommodated by not opening the said road, but by the erection of a gate or gates, then it shall be the duty of the said viewers to so report, and fix the points for the erection of said gate or gates, and also define the line of travel over said private premises.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 18, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT AUTHORIZING COUNTY COMMISSIONERS TO LEASE PUBLIC ROADS," PASSED JANUARY 15, 1864.

Counties of Clalm, Walla-walla, and Island exempted from operations of bill hereby amended.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the third and fourth lines in section two, of the act to which this is an amendment, be and the same are hereby amended so as to read: "Clalm, Walla-walla and Island counties are excluded from the provisions of this bill."

SEC. 2. All acts and parts of acts conflicting with this act, so far as they refer to said counties of Clalm, Walla-walla and Island, be and the same are hereby repealed.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 7, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

IN RELATION TO THE COUNTY OF SKAMANIA.

SECTION 1. Territory of county divided between Clarke and Klickitat counties.

Dividing line designated, and portions assigned to Klickitat and Clarke counties.

2. Skamania county officers to cease functions April 1st, 1865.

3. Records, books, &c., to go to Clarke county.

County officers to deliver records, &c., to County Auditor of Skamania, who shall deliver same to Auditor of Clarke.

Penalty for violating this section

SECTION 4. Surplus funds, if any, to be equally divided between Clarke and Klickitat counties.

If funds insufficient to pay indebtedness, Clarke county to pay debts of Skamania.

5. Officers of Clarke county empowered to collect debts due Skamania county after April 1st, 1865.
6. Repealing clause.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county of Skamania, in the Territory of Washington, be and is hereby divided, and the portions thus divided are respectively attached to and incorporated with the several counties of Clarke and Klickitat according to the following boundaries, to-wit: The line dividing the said county of Skamania shall commence at a point in the middle of the Columbia river, directly opposite to the mouth of Rock creek, which empties into said river in said county of Skamania, and said line shall run due north to the northern line of said county, thence west along the line of said county to the corner or line of Clarke county; and all that part of Skamania county embraced between and within the boundaries aforesaid and the Columbia river, from the mouth of the said Rock creek to the present line of Clarke county on said river, shall be attached to and constitute a part of Clarke county; and all that part of Skamania county not embraced in the lines and boundaries aforesaid shall be annexed to and constitute a part of Klickitat county, in the said Territory of Washington.

SEC. 2. All and singular the respective county officers in the said county of Skamania shall cease to act as such from and after the first day of April, Anno Domini 1865, and their several offices shall be vacant, and all acts or proceedings had or done by them after said time shall be void and of no effect.

SEC. 3. All the books, documents, archives and papers belonging or relating to Skamania county in said county shall become the property of the county of Clarke, and shall be deposited with the county auditor of said county by the auditor of Skamania county; and it shall be the duty of the several county officers of Skamania county, to deliver up to the auditor of Skamania county all archives, books, documents or papers

belonging to their respective offices on or before the first day of April, A. D. 1865; and if any officer of said county shall refuse or fail to perform the duties enjoined upon him by the provisions of this act, he shall be liable to prosecution on his official bond, and furthermore liable to a fine of not more than five hundred dollars; or if any county officer of the said county shall deface, mutilate or destroy such archives, books, documents or papers, he shall be punished as aforesaid and provided in this section.

SEC. 4. If any moneys shall remain in the treasury of Skamania county on the first day of April, A. D. 1865, more than shall be necessary to pay the indebtedness of said county, it shall be equally divided between the counties of Clarke and Klickitat, and shall be paid into the school fund of said counties; but if there shall not be money in the treasury of the said county of Skamania to extinguish the indebtedness of said county, then whatever funds there may be in the treasury of said county shall be paid into the treasury of Clarke county, and the said county of Clarke shall assume, become liable for and pay all debts public and private which the county of Skamania shall owe on the said first day of April, A. D. 1865.

SEC. 5. All debts due the said county of Skamania shall be collected by the proper officer of Clarke county, and paid into the treasury of said county: *Provided*, That no officer of Clarke county shall have jurisdiction other than that now held until the first day of April, A. D. 1865.

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

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 14, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

REPEALING AN ACT ENTITLED "AN ACT TO CREATE AND ORGANIZE THE COUNTY OF FERGUSON," PASSED JANUARY 23, 1863.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the act of the Legislative Assembly creating and organizing the county of Ferguson, passed on the 23d day of January, Anno Domini 1863, be and the same is hereby repealed.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 18, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

ESTABLISHING AND ORGANIZING THE COUNTY OF YAKIMA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That all the territory heretofore embraced in the county of Ferguson lying and being south of a line running due west from a point two miles above the lower steamboat landing at Priest's Rapids, on the Columbia river, to the summit of the Cascade mountains, be and the same is hereby constituted and organized into a separate county, to be known and called Yakima county.

SEC. 2. That said territory shall compose a county for civil and military purposes, and be subject to all the laws relating to counties, and be entitled to elect the same officers as other counties are entitled to elect.

SEC. 3. That until the next general election, that William Parker, J. H. Wilbur and Charles Splame be and are hereby appointed county commissioners; that William Wright be and is hereby appointed county auditor; that — Tharp be and is hereby appointed county treasurer, and Gilbert Pell be and is hereby appointed sheriff, who shall, before entering upon the discharge of the duties of their respective offices, qualify in the same manner as is now required by law for county officers.

SEC. 4. The county seat of said county of Yakima is temporarily located at the house of William Wright.

SEC. 5. That the said county of Yakima is attached for judicial purposes and for the election of members of the Legislative Assembly, to the county of Stevens.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO DEFINE THE SOUTH BOUNDARY LINE OF STEVENS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the southern line of the county of Stevens shall be as follows: Commencing at the eastern boundary line of the Territory of Washington where it is intersected by Snake river, thence down said river to its junction with Columbia river; thence up said river to where it intersects the north line of Yakima county; thence due west to the summit of the Cascade mountains.

SEC. 2. All acts or parts of acts in conflict with said first section, and affixing a different line for said south boundary, be and the same are hereby repealed.

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

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

DEFINING THE BOUNDARY LINE OF PIERCE COUNTY.

WHEREAS, In the year 1859, the Legislative Assembly of Washington Territory passed an act defining the boundary line of Pierce county; and

WHEREAS, The act as introduced has been lost and is not to be found in the Secretary's office, and it is believed that the same was not correctly enrolled and printed, but if correctly done would have read and meant as by the following provisions will appear: therefore

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the boundary line of Pierce county shall be as follows: Commencing at a point in the middle of the channel of Puget Sound opposite the mouth of the Nisqually river; thence along the middle of the main channel of Puget Sound to a point opposite the middle of the main channel of Case's Inlet at its mouth; thence along the center of the main channel of said Inlet to its head; thence in a straight line to the line of township twenty-two; north range one west;

thence easterly to the middle of the main channel of Colver's passage; thence along the middle of said passage and the main channel of Commencement bay to a point on the fifth standard parallel; thence in a straight line to a point in the middle of the main channel of White river opposite the head of Stuck river; and thence in a straight line to a point on the summit of the Cascade range at the Naches pass, where the military road leading from Fort Steilacoom to Fort Walla-walla strikes said summit; thence southerly along the summit of mountains to the head waters of the Nisqually river; thence along the middle of the main channel of Nisqually river to the point of beginning.

Passed December 22, 1864.

Returned to the Council by the Governor, January 3, 1865, disapproved.

Passed the Council January 4, 1865, by a vote seven in the affirmative—one in the negative.

Passed the House of Representatives January 5, 1865, by a vote of nineteen in the affirmative—eight in the negative.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

AN ACT

REGULATING FEES AND COSTS IN THE COUNTIES OF PIERCE, THURSTON, LEWIS, JEFFERSON AND WALLA-WALLA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the fees and compensation of the several officers herein named shall be as follows in the counties of Pierce, Thurston, Jefferson, Walla-walla and Lewis:

SHERIFF.

For service of every notice and complaint, and return thereof. on each defendant, besides mileage \$ 2 00

For levying each writ of execution on real or personal property, besides mileage.....	\$ 2 00
For levying each writ of attachment on real or personal property, besides mileage.....	2 00
For service of <i>capias ad satisfaciendum</i> upon the body of each defendant named in the writ.....	2 00
For every bail bond.....	1 00
For serving writ of possession, without the aid of the county, besides mileage.....	3 00
For serving writ of possession, with the aid of the county, besides mileage.....	5 00
For executing a writ of inquiry, and returning the same with inquisition.....	3 00
For copy of any complaint, notice, writ or process necessary to complete a service, for each one hundred words.....	20
For serving and returning a notice to witness, besides mileage, for each person therein named.....	75
For summoning each grand and petit juror.....	50
Per centage on all moneys actually made and paid to sheriff on execution, or order of sale of real estate under one thousand dollars, two per cent.	
Per centage on all sums over one thousand dollars, one per cent.	
For serving declaration in ejectment, and return, besides mileage.....	2 00
For making a deed of land sold on execution, decree or order of court, to be paid by the grantee.	
For serving <i>scire facias</i> for each defendant, besides mileage.....	2 00
For calling jury.....	50
For calling each witness.....	20
For bringing up a person on a writ of habeas corpus, besides mileage.....	2 00
For each day's attendance on any court of record.....	3 00
For posting each notice, besides mileage.....	75
For executing a sentence of death.....	50 00

For each mile necessarily traveled in going and returning from the court to the place of service.....\$ 20

CONSTABLE.

For service of complaint and notice on each defendant, besides mileage..... 2 00
 For service and return of a capias or warrant, besides mileage..... 2 00
 For committing to prison, besides mileage:..... 2 00
 For serving an execution on goods, besides mileage..... 2 00
 For all moneys made on an execution, five per centum.
 For every day's attendance upon any court of record.... 3 00
 For summoning jury before justice of the peace..... 3 00
 For each mile necessarily traveled in going and returning from the court to the place of service..... 20

SEC. 2. This act to be in force from and after its passage and approval by the Governor.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

PRIVATE AND LOCAL LAWS.

PRIVATE AND LOCAL LAWS.

AN ACT

IN RELATION TO THE COUNTY TREASURER OF CHEHALIS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the treasurer of Chehalis county be and he is hereby authorized to hold his office at any place within said county.

SEC. 2. All acts and 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 from and after its passage.

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 11, 1865.

WILLIAM PICKERING,
Governor of Washington Territory.

AN ACT

TO PERMANENTLY LOCATE THE COUNTY SEAT OF CLALM COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That at the next general election the voters of Clalm county shall designate by their ballots the place they choose for the county seat of said county, and the place receiving the largest number of votes shall be the permanent county seat for said county.

SEC. 2. *Be it further enacted,* That for the purpose of securing land, town lots, block or blocks, on which to erect county buildings, or for the benefit and use of said county, together with building material, property or money, the county commissioners of Clalm county shall, at their next meeting after the passage of this act, consider and determine upon such propositions as to their value and availability to the county, and cause proper notice of such propositions, if available, and the place to which they are applicable, to be posted with the notice of election.

SEC. 3. *Be it further enacted,* That before the county seat shall be declared permanently located by the county commissioners, the title to all real estate conveyed to the county on account of the county seat shall be approved by the judge of the third judicial district, and such approval filed with the board of county commissioners.

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

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

IN RELATION TO LICENSES IN CLALM COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all moneys arising from licenses in and for the county of Clalm shall be paid into the county treasury for general county purposes.

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

SEC. 3. This act to take effect from and after its passage and approval of the Governor.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 11, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO LICENSES IN CLARKE COUNTY," PASSED JANUARY 8, 1864.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That line four in section one of said act be and the same is hereby amended, by inserting after the word "business," where it occurs in said line, the words "within the corporate limits of the city of Vancouver."

SEC. 2. Also section two of said act be and the same is hereby amended, by striking out all of said section after the word "Vancouver," where it occurs in line second of said section, and made to read as follows: "And upon the payment of the sum as required by ordinance, the treasurer of said city shall give a receipt for the same, and upon presentation of the

said receipt to the city recorder, said recorder shall issue to the person so applying a certificate of such license, and shall charge the treasurer with the amount as specified in said receipt."

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO REGULATE THE FEES OF COUNTY AUDITOR AND PROBATE JUDGE OF KITSAP COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That the fees of county auditor of Kitsap county shall be as follows:*

For making out assessment roll to county assessor, for each quire such roll may contain.....	\$15 00
For making out original tax duplicate, for each one hundred words such duplicate may contain, counting every two figures as a word.....	40
For making out exhibit of receipts and expenditures of county for past year, counting every two figures as a word.....	40
For each settlement of his accounts, or of any other officer with the county.....	2 00
For filing each paper, exhibit or necessary document connected with the duties of his office.....	20
For attending each regular and special term of board of county commissioners, per diem.....	6 00
For recording proceedings of board of county commissioners, for each one hundred words.....	40

For each order drawn on county treasurer.....	\$ 40
For copy of any order drawn upon the order of the board	1 00
For drawing each receipt.....	40
For each notice delivered to the sheriff for general or special election.....	1 00
For opening and examining election returns and making abstracts of votes and copies thereof, per diem....	6 00
For each certificate of election, to be paid by the parties entitled to the same.....	2 00
For each order for view of road.....	2 00
For taking bonds for county officers, and all other persons required by the board or by law to give bonds, each	2 00
For taking oaths of county officers and other persons, and certifying to the same.....	2 00
For administering an oath.....	50
For each bond executed by the commissioners to pur- chase of county property, and other purposes....	4 00
For each deed executed by county commissioners.....	6 00
For each poll book delivered to sheriff or judges of elec- tion.....	2 00
For filing each bond, oath, receipt, bill, order, appoint- ment and petition, report, resignation, deed, affidavit, and all other papers required to be put on file....	20
For issuing each license, under seal, for grocery, tavern, ferry, or to peddlers, showmen or managers or own- ers of circuses, and all other business, to be paid by the party to whom granted.....	2 00
For entering license on record.....	50
For entering the approval of county commissioners of licenses granted in vacation, in each case, to be paid by applicant.....	2 00
For notifying clerk of the district court of the selection of grand and petit jurors, each list.....	2 00
For all writs ordered issued by the board or required by law, the same fees as are allowed the clerk of the district court for the same service.	
For reading and entering petition for view of road, to be	

paid by petitioners.....	\$ 2 00
For reading and entering remonstrance against view of road or petition for damages, each to be paid by the person remonstrating.....	2 00
For entering appointment of road viewers.....	1 00
For reading and entering report of road viewers.....	1 00
For notifying justice of the peace or county commissioners to attend the opening and examining of the election returns, each.....	1 00
For certified copy of commissioners proceedings or parts thereof, for each one hundred words, to be paid by the party requiring such copy.....	40
For filing each deed or instrument in writing for record.	50
For making final settlement of any account with the county, each one hundred words such account may contain	40
And for similar services required to be rendered, the same fees as are allowed by this act for similar services.	
For each certificate as recorder of liens on record, against the property of any person.....	1 00
SEC. 2. Fees of probate judge :	
For granting letters of administration.....	2 00
For probate of will or testament.....	2 00
For granting letters testamentary.....	2 00
When the same are contested.....	6 00
Taking bonds in any case.....	2 00
Hearing complaints against spendthrifts and lunatics...	6 00
Appointing guardians.....	2 00
Decree of settlement of an estate.....	2 00
When contested.....	4 00
Order of distribution.....	2 00
Examining inventory of appraisement or bill of sale and filing the same in office, each.....	2 00
Every writ or process under seal.....	2 00
Each order of court on record.....	1 00
Examining accounts, each one hundred words, counting two figures for a word.....	40

Warrant to appraise or divide an estate.....	\$ 2 00
Issuing commissions.....	2 00
Allowing an appeal.....	50
Approving securities in bonds, each.....	40
Assigning dower in real estate.....	2 00
Assigning personal estate to widow.....	2 00
Refusing letters of administration or probate of will, to be paid by the losing party.....	4 00
For every continuance, when asked by a party.....	1 00
Order for the sale of personal estate.....	2 00
Order for partition of real estate.....	2 00
Certificate of necessity for the sale of real estate.....	2 00
Allowing reports on the accounts of executors or admin- istrators.....	1 00
Extending letters of administration.....	1 00
Decree respecting the probate of will or codicil.....	2 00
A quietus.....	1 00
Filing each paper.....	20
Administering an oath.....	40
Recording all papers required by law to be recorded, for each one hundred words.....	40
Order of apportionment of an insolvent estate among the creditors.....	4 00
Acknowledging, with seal.....	1 00
Entering appointment of executors, administrators or guardians, or other appointments necessary.....	2 00
Issuing letters of guardianship.....	2 00
For hearing each contested case, to be taxed as costs against the party in default.....	6 00
Issuing citations to executors, administrators and guard- ians.....	2 00
Copies of papers and records, each one hundred words.	40

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

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 11, 1865.

WILLIAM PICKERING,
Governor of Washington Territory.

AN ACT

TO PERMANENTLY LOCATE THE COUNTY SEAT OF KITSAP COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That at the next general election the voters of Kitsap county shall designate by their ballots the places they choose for the county seat of said county, and the place receiving the largest number of votes shall be the permanent county seat for said county.

SEC. 2. *Be it further enacted*, That for the purpose of securing lands, town lots, block or blocks, on which to erect county buildings, or for the benefit and use of said county, together with building material, property or money, the county commissioners of Kitsap county shall, at their next meeting after the passage of this act, consider and determine upon such proposition, as to their value and availability to the county, and cause proper notices of such proposition, if available, and the place to which they are applicable, to be posted with the notice of the election.

SEC. 3. *Be it further enacted*, That before the county seat shall be declared permanently located by the county commissioners, the title to all real estate conveyed to the county on account of the county seat, shall first be approved by the judge of the third judicial district, and such approval filed with the board of county commissioners.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 11, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

TO RE-LOCATE THE COUNTY SEAT OF ISLAND COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the county seat of Island county be and the same is hereby located at Coveland, in said county: *Provided*, A majority of the legal votes cast at the next general election are in favor of said location.

SEC. 2. All acts or parts of acts in anywise conflicting with the provisions of this act be and the same are hereby repealed.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO LEGALIZE THE ACTS OF THE COUNTY COMMISSIONERS AND AUDITOR OF JEFFERSON COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the acts of the county commissioners and auditor of Jefferson county had and done, in relation to filling the vacancy in the office of sheriff, caused by the death of the sheriff elect, in the month of December, 1864, be and the same is hereby declared legal and of the same effect as if had and done in accordance with the law regulating the manner of filling of vacancies in the office of sheriff.

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

FRANK P. DUGAN,
Speaker of the House of Representatives.
FRANK CLARK,
President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

TO PREVENT HOGS RUNNING AT LARGE IN ROAD DISTRICT NO. 1, IN JEFFERSON COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all persons owning hogs in the county of Jefferson are hereby prohibited to let them run at large in road district No. 1, of Jefferson county.

SEC. 2. All hogs found running at large in said road district, on complaint being made to constable of precinct in which said road district is, he shall take possession of the same and notify the owner of said hogs that he has them in possession.

SEC. 3. The owner of said hogs shall, any time within twenty days after notice, tender the reasonable damages done by said hogs, together with the bill of costs for keeping said hogs, and reasonable compensation to the constable for his services.

SEC. 4. In case the owner of any hogs does not within the twenty days avail himself of the benefit of section third, the constable shall sell said hogs, and after paying costs and compensation as named in section third, he shall pay the balance into the county treasury, which shall become school funds if not claimed by the owner of said hogs within sixty days after its deposit.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 20, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

LEGALIZING THE ACTS OF THE COUNTY COMMISSIONERS OF PACIFIC COUNTY, DECLARING THE OFFICE OF AUDITOR OF SAID COUNTY VACANT, AND APPOINTING FRANKLIN WARREN TO FILL THE OFFICE UNTIL THE NEXT GENERAL ELECTION.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the action of the county commissioners of Pacific county, at their November meeting, in declaring the office of auditor of said county vacant, and appointing Franklin Warren to fill the office until the next general election, be and the same is hereby declared legal.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 12, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

LAWS OF WASHINGTON

AN ACT

TO ENABLE THE COUNTY COMMISSIONERS OF PIERCE COUNTY TO TAKE UP AND TRANSACT NEW ROAD BUSINESS AT A CALL SESSION OF THE BOARD.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Pierce county are hereby authorized and empowered to take up and transact new road business at a call session of said board of commissioners, and that the acts of the said board at such call session shall have the same legal effect and force as if transacted at a regular term of said board.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 7, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

TO LEGALIZE THE ACTS OF THE PROBATE COURT OF PIERCE COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington;* That all acts of the probate court of the county of Pierce, had and done at terms illegally held upon days not specified by law, be and the same are hereby declared legal, and of the same and no more binding force and effect than as if had and done upon days legally specified by law.

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

FRANK P. DUGAN,
Speaker of the House of Representatives.
FRANK CLARK,
President of the Council.

Approved January 11, 1865.

WILLIAM PICKERING,
Governor of Washington Territory.

AN ACT

TO LEGALIZE THE ACTS OF THE COUNTY COMMISSIONERS AND OTHER OFFICERS OF SNOHOMISH COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all acts of the county commissioners, auditor and sheriff of the county of Snohomish, had and done at terms illegally held upon days not specified by law, or done at terms other than those specified by law for that particular purpose, be and the same are hereby declared legal, and of the same and no more binding force and effect than as if had and done upon days legally specified by law.

FRANK P. DUGAN,
Speaker of the House of Representatives.
FRANK CLARK,
President of the Council.

Approved January 12, 1865.

WILLIAM PICKERING,
Governor of Washington Territory.

AN ACT

REGULATING THE ISSUE OF GROCERY LICENSES IN THE COUNTY OF STEVENS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That so much of the fourth section of article second of an act entitled an "act to provide for the assessing and collecting Territorial and county revenue," passed January 29, 1864, as renders it necessary for an applicant to the board of county commissioners for a license to keep a drinking saloon to present a petition, signed by a majority of all the adult white inhabitants of an election precinct, shall not apply to the issue of such licenses in said county of Stevens.

SEC. 2. With the exception of dispensing with the said petition referred to in section first of this act, said law governing the issue of licenses shall be in full force and effect in the said county of Stevens.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 20, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO REGULATE THE FEES OF COUNTY AUDITOR AND PROBATE JUDGE OF WALLA-WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the fees of county auditor of Walla-walla, county shall be as follows :

For making out assessment roll to county assessor, for

each quire such roll may contain.....\$15 00

For making out original tax duplicate, for each one hundred words such duplicate may contain, counting every two figures as a word.....	\$	40
For making out exhibit of receipts and expenditures of county for past year, counting every two figures as a word.....		40
For each settlement of his accounts, or of any other officer with the county.....		2 00
For filing each paper, exhibit or necessary document connected with the duties of his office.....		20
For attending each regular and special term of board of county commissioners, per diem.....		6 00
For recording proceedings of board of county commissioners, for each one hundred words.....		40
For each order drawn on county treasurer.....	\$	40
For copy of any order drawn upon the order of the board		1 00
For drawing each receipt.....		40
For each notice delivered to the sheriff for general or special election.....		1 00
For opening and examining election returns and making abstracts of votes and copies thereof, per diem....		6 00
For each certificate of election, to be paid by the parties entitled to the same.....		2 00
For each order for view of road.....		2 00
For taking bonds for county officers, and all other persons required by the board or by law to give bonds, each		2 00
For taking oaths of county officers and other persons, and certifying to the same.....		2 00
For administering an oath.....		25
For each bond executed by the commissioners to purchase of county property, and other purposes.....		4 00
For each deed executed by county commissioners.....		6 00
For each poll book delivered to sheriff or judges of election		2 00
For filing each bond, oath, receipt, bill, order, appointment and petition, report, resignation, deed, affidavit, and all other papers required to be put on file.....		20

For issuing each license, under seal, for grocery, tavern, ferry, or to peddlers, showmen or managers or owners of circuses, and all other business, to be paid by the party to whom granted.....	\$ 2 00
For entering license on record.....	50
For entering the approval of county commissioners of licenses granted in vacation, in each case, to be paid by applicant	2 00
For notifying clerk of the district court of the selection of grand and petit jurors, each list.....	2 00
For all writs ordered issued by the board or required by law, the same fees as are allowed the clerk of the district court for the same service.	
For reading and entering petition for view of road, to be paid by petitioners.....	\$ 2 00
For reading and entering remonstrance against view of road or petition for damages, each to be paid by the person remonstrating.....	2 00
For entering appointment of road viewers.....	1 00
For reading and entering report of road viewers.....	1 00
For notifying justice of the peace or county commissioners to attend the opening and examining of the election returns, each.....	1 00
For certified copy of commissioners proceedings or parts thereof, for each one hundred words, to be paid by the party requiring such copy.....	40
For filing each deed or instrument in writing for record.	50
For making final settlement of any account with the county, each one hundred words such account may contain	40
And for similar services required to be rendered, the same fees as are allowed by this act for similar services.	
For each certificate as recorder of liens on record, against the property of any person.....	1 00
SEC. 2. Fees of probate judge :	
For granting letters of administration.....	2 00
For probate of will or testament.....	2 00

For granting letters testamentary.....	\$ 2 00
When the same are contested.....	6 00
Taking bonds in any case.....	2 00
Hearing complaints against spendthrifts and lunatics...	6 00
Appointing guardians.....	2 00
Decree of settlement of an estate.....	2 00
When contested.....	4 00
Order of distribution.....	2 00
Examining inventory of appraisement or bill of sale and filing the same in office, each.....	2 00
Every writ or process under seal.....	2 00
Each order of court on record.....	1 00
Examining accounts, each one hundred words, counting two figures for a word.....	40
Warrant to appraise or divide an estate.....	\$ 2 00
Issuing commissions.....	2 00
Allowing an appeal.....	50
Approving securities in bonds, each.....	40
Assigning dower in real estate.....	2 00
Assigning personal estate to widow.....	2 00
Refusing letters of administration or probate of will, to be paid by the losing party.....	4 00
For every continuance, when asked by a party.....	1 00
Order for the sale of personal estate.....	2 00
Order for partition of real estate.....	2 00
Certificate of necessity for the sale of real estate.....	2 00
Allowing reports on the accounts of executors or admin- istrators.....	1 00
Extending letters of administration.....	1 00
Decree respecting the probate of will or codicil.....	2 00
A quietus.....	1 00
Filing each paper.....	20
Administering an oath.....	25
Recording all papers required by law to be recorded, for each one hundred words.....	40
Order of apportionment of an insolvent estate among the creditors.....	4 00

Acknowledgment, with seal.....	\$ 1 00
Entering appointment of executors, administrators or guardians, or other appointments necessary.....	2 00
Issuing letters of guardianship.....	2 00
For hearing each contested case, to be taxed as costs against the party in default.....	6 00
Issuing citations to executors, administrators and guardians.....	2 00
Copies of papers and records, each one hundred words.	40

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF THURSTON COUNTY TO LEVY A ROAD TAX.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the board of county commissioners of the county of Thurston be authorized, at their May term, to levy and assess a road tax of eight dollars on every person liable to perform labor on the public roads, and also to assess twenty-five cents road tax on every one hundred dollars of the valuation as returned by the county assessor, which tax, if not paid in labor, shall be collected as is now prescribed by law.

SEC. 2. The poll tax for road purposes, levied by virtue of the foregoing section, may be paid by two days' performance of

labor upon the public roads, under the direction of the supervisor, in the district in which such labor is due.

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

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

RELATING TO FEES OF JUSTICE OF THE PEACE IN WALLA-WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That justices of the peace in Walla-walla county shall be entitled to charge and collect the following fees for services, to-wit:

For issuing notice.....	\$2 00
For issuing warrant in criminal cases.....	2 00
For taking recognizance of bail.....	2 00
For committing to jail.....	2 00
For every subpœna.....	50
For each name in subpœna after first.....	25
For entering judgment on trial.....	2 00
For entering judgment of confession or default.....	1 25
For each folio of certified copy of proceedings on appeals, <i>certiorari</i> or otherwise.....	40
For every adjournment, at request of either party.....	1 00
For swearing witnesses, jurors or arbitrators, each.....	30
For issuing writ of attachment.....	2 00
For <i>scire facias</i>	2 00

For entering discontinuance or satisfaction.....	\$1 00
For taking acknowledgments to deeds or other instruments	2 00
For <i>venire</i> for jury.....	2 00
For writ of restitution.....	2 00
For taking affidavits, each.....	1 50
For attending, with clerk of board of county commissioners, at the opening of polls, per diem.....	5 00
For each trial, a fee of.....	3 00
For issuing writ of replevin.....	2 00
For filing each paper in a cause.....	25
For approving a bond.....	50
For administering an oath.....	25
For any other services, the same fees as by law allowed to other officers for similar service.	

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

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

TO AUTHORIZE THE COMMISSIONERS OF WALLA-WALLA COUNTY TO LEVY A DIRECT TAX.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That special power be and is hereby granted to the county commissioners of Walla-walla county to levy, for the term of three years from the passage of this act, a special tax, in their discretion, of not to exceed three mills on

the dollar on all taxable property in said county, for the purpose of liquidating the indebtedness of said county.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO INCORPORATE THE TOWN OF SEATTLE.

ARTICLE FIRST.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the town of Seattle shall include all of the west half of section four (4) and fractional sections five (5) and six (6), of township twenty-four (24) north, range four east, and sections thirty-one (31) and thirty-two (32), and the west half of section thirty-three (33), in township twenty-five (25) north, range four (4) east, including the waters fronting the same to the middle of Elliot's bay, all in the county of King and Territory of Washington.

SEC. 2. The inhabitants of said town of Seattle shall be and are hereby constituted a body politic and corporate, by the name and style of the "Town of Seattle," 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 whatsoever; and receive property, personal and real, within said town for public buildings, public works and town improvements, and may dispose of the same in any way for the benefit of the town; may purchase property beyond the limits of the town, to be used for burial and for other useful purposes.

ARTICLE SECOND.

SEC. 1. For the government of the said town of Seattle, 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 offices for one year, or until their successors shall be duly elected and qualified; and there shall be appointed annually, by the board of trustees, one town clerk, one town marshal and one committing magistrate.

ARTICLE THIRD.

SEC. 1. That a general election for all town officers of the corporation required under this act, shall be held on the first Monday in April of each year.

SEC. 2. No person, unless a householder, or owning property within the corporate limits of said town, liable to taxation to the amount of two hundred and fifty dollars, shall be allowed to vote at any town election; or who shall not be an elector for Territorial officers, and who shall have resided in this town ten days next preceding the day of election; and no person shall be eligible to any office under this charter who is not a qualified voter of said town.

SEC. 3. At all elections for town officers, the vote shall be by ballot, at the time and place designated by the board of trustees.

SEC. 4. That all vacancies happening before the annual election shall be filled by the board of trustees.

SEC. 5. That all elections for town officers shall continue for one day, during which time the polls shall be kept open from ten o'clock, A. M., to four o'clock, P. M.

SEC. 6. The person who shall receive a plurality of votes for any office shall be declared duly elected, and the clerk shall issue to him a certificate of election; and on presentation of the same to the board of trustees, he shall be sworn into office.

ARTICLE FOURTH.

SEC. 1. The members of the board of trustees shall annually elect one of their number president of the board of trus-

tees, who shall hold his office for one year, or until his successor shall be elected and qualified.

SEC. 2. The members of the board of trustees shall fix the time and place for holding their stated meetings, and may be convened by the president of the board of trustees at any time. 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.

SEC. 3. Any ordinance which shall have been passed by the board of trustees shall, before it becomes a law, be signed by the president of the board.

SEC. 4. Said board of trustees shall have full power and authority:

1. To make all needful by-laws, ordinances and regulations not repugnant to the Constitution or laws of the United States, and the laws of this Territory.

2. To levy taxes for municipal purposes, not to exceed one-half of one per centum per annum, upon all taxable property, as is shown by the assessment made for Territorial and county purposes.

3. To prohibit and prevent the introduction of contagious diseases into said town limits, and to make such regulations as shall promote the security of health, peace, cleanliness and good order within said town.

4. To prevent and restrain any disturbance or disorderly conduct, riot, drunkenness, or any indecent and immoral practice within the limits of said town.

5. To appoint a suitable person residing within said town committing magistrate, whose duty it shall be to hear all complaints of violation of said ordinances, and to examine all parties arrested by the town marshal.

6. The roads, streets and alleys within said town limits shall be under the exclusive control of said board of trustees, who shall make all needful rules in regard to the improvement, repair, grading, cleaning, &c., thereof; and for the purposes of this act, said town shall not be included in any road district, but the road tax now due by law within said town, shall be col-

lected by the town marshal, and laid out and expended by him as directed by ordinance.

ARTICLE FIFTH.

SEC. 1. The trustees shall receive no compensation for their services.

SEC. 2. The town clerk shall receive such compensation for his services as may be allowed him by ordinance.

SEC. 3. The marshal shall receive the same fees for his services as constables are entitled to for services of a similar nature, and for other services, such compensation as may be provided by ordinance.

ARTICLE SIXTH.

SEC. 1. It shall be the duty of the board of trustees at their first meeting, annually, to elect one of their number to perform the duties of town treasurer, who shall hold his office for one year, or until his successor is elected and qualified.

SEC. 2. It shall be the duty of the town marshal, in addition to the duties prescribed by the board of trustees, to execute and return all process issued by the committing magistrate within the town limits; collect all moneys and tax, and pay the same over to the town treasurer monthly.

SEC. 3. It shall be the duty of the town treasurer to receive all moneys which shall come to said town by taxation or otherwise, and pay out the same as may be provided by ordinance.

SEC. 4. The board of trustees shall define the duties of all officers by ordinance which are not herein prescribed.

ARTICLE SEVENTH.

SEC. 1. All officers required to be elected under this act shall, before entering upon the duties of their office, take an oath or affirmation of office before any person competent to administer oaths.

SEC. 2. All resolutions and ordinances calling for an appropriation of money for any sum exceeding the sum of one hundred dollars, shall lie over two meetings.

ARTICLE EIGHTH.

SEC. 1. This charter shall go into operation as soon as the law receives the signatures of the presiding officers of the Legislative Assembly and be approved by the Governor; and until the first election held under the provisions of this law shall have been held, the following persons shall be trustees: C. C. Terry, H. L. Yesler, Mr. Burnett, D. T. Denny, Charles Plummer; and Thomas S. Russell shall be town Marshal; and the said board shall have power to fill vacancies.

SEC. 2. The board of trustees of the town of Seattle, and their successors in office, shall be *ex officio* trustees of schools for said district, and the corporate limits of the town of Seattle shall form one school district.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 14, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

 AN ACT

TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF WALLA-WALLA TO LEVY AN EXTRA TAX TO BUILD AN ENGINE HOUSE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the common council of the city of Walla-walla, Washington Territory, be and they are hereby authorized to levy a special tax of five mills on the dollar for the year A. D. 1865, for the purpose of building an engine house in said city.

SEC. 2. The said tax shall be assessed and collected in the same manner as other city taxes.

SEC. 3. The money arising from said tax shall be kept as a separate fund, and shall only be drawn by order of the common council for the purpose specified in section one of this act: *Provided*, That the common council shall have power, if the amount of this tax shall be sufficient, to finish the upper story of the said engine house as a council chamber.

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

FRANK P. DUGAN,
Speaker of the House of Representatives.
FRANK CLARK,
President of the Council.

Approved January 11, 1865.

WILLIAM PICKERING,
Governor of Washington Territory.

AN ACT

CONFERRING ADDITIONAL POWERS UPON THE CITY OF VANCOUVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the corporation of said city of Vancouver shall, in addition to the powers heretofore granted and conferred, have power to fix the rate of and issue licenses for hurdy-gurdies and dance houses within the corporate limits of said city of Vancouver, as also the penalty for keeping and maintaining such hurdy-gurdies or dance houses without first obtaining such license.

SEC. 2. Fines and penalties imposed by said city of Vancouver for keeping and maintaining a hurdy-gurdy or dance house within such incorporate limits without a license from said city corporation, shall be collected and enforced as other fines and penalties are now by law collected and enforced.

SEC. 3. All moneys accruing from such licenses may be

applied by the corporate authorities of said city of Vancouver in aid of constructing the city wharf or warehouses, or other city improvements.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO DEFINE THE BOUNDARY LINES OF NATCHESS MINING DISTRICT IN THE CASCADE RANGE OF MOUNTAINS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all that part of the Cascade range of mountains, situate, lying and being between the fourth (4) and seventh (7) standard parallels, be and the same is hereby defined and declared to be and to constitute the Natchess mining district.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 14, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

PROVIDING FOR AND APPOINTING A DISTRICT RECORDER FOR THE NATCHESS MINING DISTRICT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That A. B. Rabbeson be and he is hereby appointed recorder for the Natchess mining district, and is hereby authorized to appoint one or more deputies, if required, to perform his duties.

SEC. 2. The compensation for services for recording each claim shall be five dollars, one dollar of which shall be paid into the Territorial treasury: *Provided*, That where parties shall hold claims which have been recorded by any other recorder, the fee for recording anew shall be two dollars for each claim so recorded, one dollar of which shall be paid into the Territorial treasury; and said recorder shall hold his office and perform its duties until the next annual election, and until his successor shall be elected and qualified.

SEC. 3. He shall keep his office at Natchess city, and his records shall at all times be open to public inspection.

SEC. 4. Said recorder shall be elected annually by the miners of said district, and no person shall be entitled to vote at any election for recorder of said district who is not an actual settler or miner of said district.

SEC. 5. Said recorder, before entering upon the duties of his office, shall file a bond in the sum of five hundred dollars to the Territory of Washington, for the faithful performance of his duties.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 18, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

FIXING THE SEAT OF THE RECORDER OF THE NATCHESS MINING DISTRICT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the point near the foot of the Cascade range of mountains where the military road leading from Fort Steilacoom to Fort Walla-walla, and which has been surveyed and selected as a convenient site for a town in the Natchess mining district, be and the same is hereby named and designated as Natchess city, and is also hereby declared to be the point at which the recorder of said district shall keep his office.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 14, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

IN RELATION TO QUARTZ MINING CLAIMS, &c., IN THE NATCHESS MINING DISTRICT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the extent of a quartz mining claim in said district shall not exceed two hundred feet of the lead, including all the dips, spurs and angles embraced within the space of said two hundred feet.

SEC. 2. Any person who shall discover a vein of mineral bearing quartz shall be entitled to two claims of the dimensions specified in the preceding section.

SEC. 3. No person shall be entitled to hold a quartz mining claim in said district unless, during the summer months immediately following the location of such claim, he shall per-

form, or cause to be performed, labor in developing such claim to the value of \$100; and any person failing to work such claims, or have them worked for the period of two months, during the summer or autumn months, shall forfeit and lose all rights to the same thereafter.

SEC. 4. No person shall have any rights in a mining claim until his notice of intention to hold the same shall have been thereon posted, and such notice shall clearly define the boundaries of such claim.

SEC. 5. Individuals associated together as companies, may, by working upon any portion of their claims which are held, claimed or owned by them as a company, perform the labor required by this act of individuals locating and holding claims, and such labor shall entitle them to hold their claims under this act.

SEC. 6. All claims heretofore taken under existing laws, whenever recorded, shall be respected: *Provided*, That on or before the first day of May, 1865, the same shall be recorded in the office of the recorder of said mining district: *And provided further*, That the rights of opposing claimants shall in all cases be determined by proof of priority of location of claims.

SEC. 7. On and after the first day of May, 1865, no person shall be considered as having any right in any claim in said district, unless the same shall be recorded in the office of the district recorder.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 18, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

DEFINING THE EVIDENCE OF TITLE IN QUARTZ MINES IN THE NATCHES
MINING DISTRICT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a certificate of the district recorder of the Natchess mining district shall be conclusive evidence of the statements therein embraced: *Provided,* That this act shall not be so construed as to prevent any person with competent testimony from establishing in any court of competent jurisdiction his rights in said mining district.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 14, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

DEFINING THE BOUNDARY OF RAINIER MINING DISTRICT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the boundary line of Rainier mining district shall embrace all that part of the Cascade range of mountains lying between the second and fourth standard parallels, be and the same is hereby defined and declared to be and to constitute the Rainier mining district.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

APPOINTING GEORGE C. BLANKENSHIP RECORDER OF RAINIER MINING DISTRICT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That George C. Blankenship be and he is hereby appointed recorder of Rainier mining district.

SEC. 2. The recorder shall be entitled to charge a fee of five dollars for each claim recorded, one dollar of which shall be paid into the Territorial treasury: *Provided*, That for recording claims that have been recorded by any former recorder, the fee shall be two dollars, one dollar of which shall be paid into the Territorial treasury.

SEC. 3. The said recorder shall pay the amount due the Territory every three months, and for the faithful performance of his duty shall give bonds to the Territory in the sum of three hundred dollars, and shall keep his office at the most convenient point: *Provided*, That at the next general election the legal voters of said district shall select the place where the said recorder shall keep his office, and the recorder shall keep his office at the point so selected from and after that time;—that at the next general election the legal voters shall elect a recorder for said district, who shall hold his office for one year and until his successor is elected and qualified.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

AMENDING "AN ACT SUPPLEMENTARY TO AND AMENDATORY TO AN ACT ENTITLED AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM A POINT KNOWN AS THE PORT DISCOVERY MILLS AT THE HEAD OF PORT DISCOVERY BAY, TO THE ELWHA VALLEY IN THE COUNTIES OF CLALM AND JEFFERSON, PASSED JANUARY 27, 1863, AND TO PROVIDE A FUND FOR BUILDING OF SAID ROAD."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section fourth of the act to which this is amendatory shall be so amended as to read: "The expenses incurred in reviewing and building the portion of said road hereinbefore recited, shall be paid out of the county treasury, the amount to be designated by the county commissioners of said county."

SEC. 2. All acts or parts of acts not in conformity with this act are hereby repealed.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 11, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM SKAGET HEAD TO DECEPTION PASS IN ISLAND COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That G. O. Haller, Wm. Robertson and R. S. Bailey be and they are hereby appointed to constitute a board of commissioners to view and establish a Territo-

rial road from the most suitable point at Skaget Head to the most suitable point at or near Deception Passage.

SEC. 2. Said commissioners, or a majority of them, shall meet at the residence of R. S. Bailey in Island county, on the first Monday of April, 1865, or as soon thereafter as circumstances will permit, and after being duly sworn, faithfully to view and locate said road on the nearest and most practicable route, as described in section one.

SEC. 3. Said commissioners shall have authority to adjourn from day to day and from place to place, to fill any vacancy that may occur in said board; and after their first meeting, as provided in section two, the said commissioners shall have authority to administer any oath necessary and proper to carry into effect the provisions of this act.

SEC. 4. And the commissioners aforesaid shall cause a true report of their proceedings to be made, and a true copy of the same to be deposited with the county auditor of Island county, who shall file and preserve the same; after which said road shall be in every respect a Territorial road, and shall be opened and kept in repair as other Territorial roads.

SEC. 5. Said commissioners shall make their report to the county commissioners of Island county within thirty days after they shall have completed their commissions; and Island county shall not be liable for any portion of the expenses of viewing or surveying said road.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 11, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

TO VIEW AND LOCATE A TERRITORIAL ROAD FROM CLAQUATO, IN LEWIS COUNTY, TO FORT WILLOPA, IN PACIFIC COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Austin Davis, Joseph Mormon, M. Bullard and C. D. Soule are hereby appointed and constituted a board of commissioners, to view and locate a Territorial road from Claquato, in Lewis county, to Fort Willopa, in Pacific county.

SEC. 2. Said commissioners, or a majority of them, shall meet at the residence of J. D. Clinger, in Lewis county, on the first day of June, 1865; or as soon thereafter as practicable, and after being duly sworn, shall proceed to view and locate the said road between the points herein designated. Said commissioners shall have authority to administer any oath necessary and proper to carry this act into effect.

SEC. 3. Said commissioners shall make out a true report of their proceedings, and cause a certified copy thereof to be filed with the county auditors of Lewis and Pacific counties within thirty days from the completion of their labors; and when said report is so filed, the said road shall be a Territorial road, and shall be kept in repair as are other Territorial roads.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 11, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

AUTHORIZING ANDREW CRONLY TO ESTABLISH A FERRY ON SNAKE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Andrew Cronly, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across Snake river, at a point known as Alamote, on the new trail to be opened from Walla-walla to Kootenai; and that the said Andrew Cronly, his heirs and assigns, have the exclusive privilege of ferrying on Snake river within the following limits, to-wit: a distance up and down said river of two miles from said ferry, each way, for the term of five years from the passage of this act: *Provided,* That said ferry, when so established, shall be subject to the same regulations and under the same restrictions as other ferries are or may hereafter be by the laws of this Territory, prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. It shall be lawful for the said Andrew Cronly, his heirs or assigns, to receive and collect the following rates of toll for ferriage upon said ferry:

For each wagon, with two animals attached.....	\$4 00
For each pleasure wagon, with two animals.....	3 00
For each hack or sulky, with one horse.....	2 00
For man and horse.....	1 50
For loose horses or mules.....	75
For animals packed.....	1 00
For footman.....	50
For loose cattle, each head.....	50
For sheep or hogs.....	10

But the county commissioners of Walla-walla county, at any regular term of said court, shall have power to alter the above rates of toll, and when once so altered, it shall be lawful for said Andrew Cronly, his heirs and assigns, to collect and receive ferriage only according to the rates fixed by said commissioners.

SEC. 3. That said Andrew Cronly, his heirs and assigns, shall, within one year from and after the passage of this act,

procure and keep on said ferry a sufficient ferry boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property without unnecessary delay; and upon proof being made to the county commissioners of Walla-walla county that the said Andrew Cronly, his heirs and assigns, have failed or refused to keep at said ferry a sufficient ferry boat, with the requisite number of hands to work the same, as required above, then this act shall be void.

SEC. 4. That said Andrew Cronly, his heirs and assigns, shall before collecting any money for ferriage, as provided in this act, pay into the county treasury, as an annual tax, a sum not to exceed twenty-five dollars per annum, for the use and benefit of Walla-walla county.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 18, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO AUTHORIZE R. M. DOWNEY AND WM. TIDD TO ESTABLISH A FERRY ON WHITE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That R. M. Downey and William Tidd, their heirs or assigns, be and they are hereby authorized to establish and keep a ferry across the White river, at a point where the new road from Finnell's prairie crosses White river; and the said R. M. Downey and William Tidd, their heirs or

assigns, shall have the exclusive privilege of one mile below the aforesaid point, for the term of ten years from the passage of this act.

SEC. 2. It shall be lawful for the said R. M. Downey and William Tidd, their heirs or assigns, to collect and receive the following rates of toll for ferriage on said ferry:

For each wagon, with two animals attached.....	\$ 50
For each additional span of horses.....	25
For a sulky, with one horse.....	38
For each man and horse.....	25
For all loose animals, other than sheep and hogs.....	20
For each animal packed.....	25
For sheep, goats and hogs.....	05
For each foot passenger.....	10

SEC. 3. The said R. M. Downey and William Tidd, their heirs or assigns, shall, within three months from the passage of this act, keep on said ferry a sufficient number of boats, and hands to work them, to transport persons and property over said river without delay.

SEC. 4. The county commissioners of Pierce county may, at any regular term of commissioners court, alter the rates of toll, and the rates so fixed may be collected by said R. M. Downey and William Tidd, their heirs or assigns.

SEC. 5. The failure of the said R. M. Downey and William Tidd, their heirs or assigns, within three months from the passage of this act to comply with its provisions, shall render this act null and void.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 7, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

TO AUTHORIZE VAN OGLE TO KEEP A FERRY ACROSS THE PUYALLUP RIVER IN PIERCE COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Van Ogle, his heirs or assigns, are hereby authorized to keep and maintain a ferry across the Puyallup river at a point where the military road from Fort Steilacoom to Walla-walla crosses said river; and the said Van Ogle, his heirs or assigns, shall have the exclusive privilege of one mile above and one mile below the aforesaid point, for the term of ten years from the passage of this act.

SEC. 2. It shall be lawful for the said Van Ogle, his heirs or assigns, to collect and receive the following rates of toll for ferriage upon said ferry:

For each wagon with two animals attached.....	\$ 50
For each two additional animals.....	25
For each pack or riding horse.....	25
For all loose animals other than sheep or hogs.....	20
For each sheep, goat or hog.....	05
For each foot passenger.....	10

SEC. 3. The said Van Ogle, his heirs or assigns, shall, within sixty days from the passage of this act, keep on said ferry a sufficient number of boats, and hands to work them, to transport persons and property over said river without delay.

SEC. 4. The county commissioners of Pierce county may at any regular term of commissioners' court, alter the rates of toll, and the rates so fixed may be collected by the said Van Ogle, his heirs or assigns.

SEC. 5. The failure of the said Van Ogle, his heirs or assigns, to comply with the provisions of this act, shall render this act null and void.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 7, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

TO AUTHORIZE S. W. BABCOX AND HENRY CARNES TO ESTABLISH AND KEEP A FERRY ACROSS THE COLUMBIA RIVER IN STEVENS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That S. W. Babcox and Henry Carnes, their heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Columbia river at a point about three miles above the little dalles on said river, and shall have the exclusive privilege of ferrying for the distance of three miles up and three miles down said river from the point selected for said ferry, for the term of seven years from the passage of this act: *Provided*, That said ferry, when so established, shall be under the directions of the county commissioners of the county within which the same may be situated, who may make such regulations relating to ferriage fees as they may deem best and right.

SEC. 2. It shall be lawful for the said S. W. Babcox and Henry Carnes, their heirs and assigns, to collect and receive the following rates of ferriage:

For each footman.....	\$ 50
For each man and horse.....	1 50
For each pack animal.....	1 50
For loose horses and cattle, each.....	50
For each wagon with two horses, mules or oxen.....	3 50
For each wagon with four horses, mules or oxen.....	5 00
For horse and buggy.....	3 50
For sheep or hogs, each.....	25

SEC. 3. The said S. W. Babcox and Henry Carnes, their heirs and assigns, shall within six months from the passage of this act, have constructed a good and sufficient boat or boats for ferrying safely persons, animals and property; and said boat or boats shall be properly and skilfully manned by the requisite number of hands to expedite transportation over said ferry.

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

FRANK P. DUGAN,
Speaker of the House of Representatives.
 FRANK CLARK,
President of the Council.

Approved January 18, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

AUTHORIZING CHARLES ADDIS TO ESTABLISH A FERRY ON SNAKE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Charles Addis, his heirs or assigns be and they are hereby authorized to establish and keep a ferry across Snake river at a point known as Awanwi, and that the said Charles Addis, his heirs and assigns, have the exclusive privilege of ferrying upon Snake river within the following limits, to-wit: A distance of two miles each way from said ferry for the term of five years from the passage of this act: *Provided,* That said ferry, when so established, shall be subject to the same regulations and under the same restrictions as other ferries are, or may hereafter be by the laws of this Territory prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. It shall be lawful for the said Charles Addis, his heirs and assigns, to receive and collect the following rates of toll for ferriage upon said ferry:

For each wagon with two animals.....	\$4 00
Pleasure wagon with two animals.....	3 00
Hack or sulky with one animal.....	2 00
Man and horse.....	1 50
Loose horses or mules.....	75

Animal packed	\$1 50
Footman	50
Cattle, per head.....	50
Sheep or hogs.....	10

But the county commissions of Walla-walla county, at any regular term of said court, shall have power to alter the above rates of toll, and when once so altered, it shall be lawful for said Charles Addis, his heirs and assigns, to collect and receive ferriage only according to the rates fixed by said commissioners.

SEC. 3. The said Charles Addis, his heirs and assigns, shall within one year from and after the passage of this act, procure and keep on said ferry a sufficient ferry boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property without unnecessary delay; and upon proof being made to the county commissioners of Walla-walla county that the said Charles Addis, his heirs and assigns, have failed or refused to keep at said ferry a sufficient ferry boat, with the requisite number of hands to work the same, as required above, then this act shall be null and void.

SEC. 4. The said Charles Addis, his heirs or assigns, shall, before collecting any money for ferriage, as provided in this act, pay into the county treasury as an annual tax, a sum not to exceed twenty-five dollars per annum, for the use and benefit of Walla-walla county.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 7, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

TO AUTHORIZE WILLIS POWELL AND THOMAS POWELL TO CONSTRUCT AND KEEP A FERRY ON CATHAPOODLE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Willis Powell and Thomas Powell, their heirs and assigns, be and they are hereby authorized to construct and keep a ferry on Cathapoodle river, at a point known as the crossing of the county road from Vancouver to Monticello; and that the said Willis Powell and Thomas Powell, their heirs and assigns, shall have the exclusive privilege of ferrying on Cathapoodle river within the following limits: a distance of two miles each way from said ferry, for the term of ten years from the passage of this act: *Provided*, That said ferry, when so established, shall be subject to the same regulations as other ferries are or may hereafter be by the laws of this Territory.

SEC. 2. That no court or board of county commissioners shall authorize any persons, other than as herein mentioned, to keep a ferry within the prescribed limits of this act.

SEC. 3. It shall be lawful for the said Willis Powell and Thomas Powell, their heirs and assigns, to collect and receive the following rates of toll:

For each wagon, with four animals attached.....	\$1 50
For each pleasure wagon, with two animals.....	75
For each additional animal.....	25
For each cart, wagon or carriage, with one animal.....	50
For loose cattle, each head.....	20
For sheep or hogs.....	5
For footman.....	20

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 11, 1865.

WILLIAM PICKERING,
Governor of Washington Territory.

AN ACT

TO AUTHORIZE ARTHUR QUIGLEY TO CONSTRUCT AND KEEP A FERRY ON LAKE RIVER, IN CLARKE COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Arthur Quigley, his heirs and assigns, be and they are hereby authorized to construct and keep a ferry on Lake river, at a point where the county road, leading from Vancouver to Lewis river, intersects said Lake river; and that the said Arthur Quigley, his heirs and assigns, shall have the exclusive right and privilege of ferrying on Lake river within the following limits: a distance of one mile up and down from the point designated, for the term of ten years from the passage of this act: *Provided,* That said ferry, when so established, shall be subject to the same regulations as other ferries are or may hereafter be by the laws of this Territory.

SEC. 2. That no court or board of county commissioners, or city authority, shall authorize any person, other than as herein mentioned, to keep a ferry within the prescribed limits of this act.

SEC. 3. The county commissioners of Clarke county shall, at their next regular session, fix the rates of toll which the said Arthur Quigley, his heirs or assigns, may charge and collect thereafter; until said rates are changed by the commissioners of said county, it shall not be lawful for the said corporator to charge any greater sum for ferriage than stipulated by said commissioners.

SEC. 4. If the county commissioners shall fail at their next session to fix the rates of ferriage which the said corporator may collect, it shall be lawful for the county commissioners at any subsequent session to fix the rates of ferriage which the said corporator may charge: *Provided,* That the commissioners of Clarke county may, at any subsequent meeting, alter the said rates of ferriage.

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 20, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

AUTHORIZING THOMAS W. DAVIDSON TO ESTABLISH A FERRY ACROSS SNAKE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Thomas W. Davidson, his heirs or assigns, be and they are hereby authorized to establish a ferry across Snake river, at a point known by the Indian name of Y-youks-ber-nets crossing or camp, being on a direct line between the town of Walla-walla and the bridge that is being constructed above the Indian ferry on Spokane river; and that the said Thomas W. Davidson, his heirs or assigns, have the exclusive privilege of ferrying upon Snake river within the following limits, to-wit: a distance up and down said river of one mile from said ferry, for the term of six years from the passage of this act: *Provided,* That said ferry, when so established, shall be subject to the same regulations and under the same restrictions as other ferries are, or may hereafter be, by the laws of this Territory prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. It shall be lawful for the said Thomas W. Davidson, his heirs or assigns, to receive and collect the following rates of toll for ferriage upon said ferry:

For each wagon with two animals.....	\$4 00
Pleasure wagon with two animals.....	3 00
Hack or sulky with one animal.....	2 00
Each additional span of horses or pair of cattle.....	1 50
Man and horse.....	1 50
Loose horses or mules.....	50
Animal packed.....	1 50
Footman.....	50
Cattle, per head.....	50
Sheep, goats or hogs.....	10

But the county commissioners of Walla-walla county, at any regular term of said court, shall have power to alter the above rates of toll, and when so altered, it shall be lawful for said

Thomas W. Davidson, his heirs and assigns, to collect and receive only according to the rates fixed by said commissioners.

SEC. 3. The said Thomas W. Davidson, his heirs and assigns, shall, within six months from and after the passage of this act, procure and keep on said ferry a sufficient ferry boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property without unnecessary delay; and upon proof being made to the county commissioners of Walla-walla county that the said Thomas W. Davidson, his heirs and assigns, have failed or refused to keep at said ferry a sufficient ferry boat, with the requisite number of hands to work the same, as required above, then this act shall be void.

SEC. 4. That said Thomas W. Davidson, his heirs and assigns, shall before collecting any money for ferriage, as provided in this act, pay into the county treasury, as an annual tax, a sum not to exceed fifty dollars per annum, for the use and benefit of Walla-walla county.

SEC. 5. This act not to come in conflict with any rights previously granted.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO AUTHORIZE B. F. YANTIS AND WILLIAM COVINGTON TO ESTABLISH AND KEEP A FERRY ACROSS THE COLUMBIA RIVER IN STEVENS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That B. F. Yantis and William Covington, their heirs and assigns, be and they are hereby author-*

ized to establish and keep a ferry across the Columbia river, at a point opposite the mouth of the Okenagan river, to extend two miles above and two miles below said point, on said river, and shall have the exclusive privilege of ferrying, for the distance of two miles on said river from the point selected for said ferry, for the term of five years from the passage of this act: *Provided*, That said ferry, when so established, shall be under the direction of the county commissioners of the county within which it may be situated, who may make such regulations relating to ferriage fees as they may deem best and right.

SEC. 2. It shall be lawful for the said B. F. Yantis and William Covington, their heirs and assigns, to collect and receive the following rates of ferriage:

For each footman.....	\$ 50
For each man and horse.....	1 50
For each pack animal.....	1 50
For loose horses and cattle, each.....	50
For each wagon with two horses, mules or oxen.....	3 50
For each wagon with four horses, mules or oxen.....	5 00
For horse and buggy.....	3 50
For sheep or hogs, each.....	25

SEC. 3. The said B. F. Yantis and William Covington, their heirs and assigns, shall within six months from the passage of this act, have constructed a good and sufficient boat or boats for ferrying safely persons, animals and property; and said boat or boats shall be properly and skilfully manned by the requisite number of hands to expedite transportation over said ferry.

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

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

TO AUTHORIZE R. M. DOWNEY AND WILLIAM TIDD, THEIR HEIRS OR ASSIGNS, TO CONSTRUCT A BRIDGE ACROSS WHITE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That R. M. Downey and William Tidd, their heirs or assigns, be and they are hereby authorized to construct and keep a bridge across White river, at a point where the new road from Finnell's prairie crosses said river; and the said R. M. Downey and William Tidd shall have exclusive privilege of constructing and maintaining a bridge at the aforesaid place, for the term of ten years from the passage of this act: *Provided*, That the said bridge, when constructed, shall not interfere with any rights heretofore granted by the Legislature of the Territory of Washington to any corporate company or companies: *And provided further*, That said bridge, when so constructed, shall be under the same regulations as other bridges are, or may be, by the laws of this Territory prescribing the manner in which bridges shall be kept and regulated: *And provided further*, That the county of Pierce shall, at any time before the expiration of said period of ten years, have a right to take said bridge upon payment to said R. M. Downey and William Tidd, their heirs or assigns, a fair valuation therefor; and the said bridge shall be free, and thereafter all and singular the rights hereinbefore granted to the said R. M. Downey and William Tidd, their heirs or assigns, shall pass and vest in said county.

SEC. 2. It shall be lawful for said R. M. Downey and William Tidd, their heirs or assigns, to receive the following rates of toll for crossing upon said bridge:

For each wagon with two animals attached.....	\$ 50
For each two additional animals.....	25
For man and horse.....	25
For animals packed.....	25
For all loose animals other than sheep or hogs.....	20
For each sheep, goat or hog.....	05
For each foot passenger.....	10

Provided, The county commissioners of Pierce county, at any

regular term of said court, shall have power to alter the above rates of toll, and when so altered, it shall be lawful for the said R. M. Downey and William Tidd, their heirs or assigns, to collect and receive toll only according to the rates of toll so fixed by said commissioners.

SEC. 3. That no courts or board of county commissioners shall authorize any person, except as hereinafter provided in this act, to construct or keep and maintain a bridge at the point hereinbefore designated: *Provided*, That the said R. M. Downey and William Tidd, their heirs or assigns, shall within nine months after the passage of this act, construct and keep a good, substantial and safe bridge; and should the laws, regulating the construction of bridges and establishing ferries, now, or such as may hereafter be in force, be violated by said R. M. Downey and William Tidd, their heirs or assigns, or if no good and sufficient bridge be constructed and completed within the time specified in this act, upon proof thereof being made to the satisfaction of the board of county commissioners of the county of Pierce, then this act shall be void.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 11, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

AUTHORIZING R. S. MORE AND VAN OGLE TO KEEP A BRIDGE ON
PUYALLUP RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That R. S. More and Van Ogle, their heirs or assigns, be and they are hereby authorized to construct

and keep a bridge across the Puyallup river at a point where the military road crosses said river; and the said R. S. More and Van Ogle shall have the exclusive privilege of constructing and maintaining a bridge one mile above and one mile below the crossing of said military road for the term of fifteen years from the passage of this act: *Provided further*, That the said bridge, when so constructed, shall not interfere with any rights heretofore granted by the Legislature of the Territory of Washington to any corporate company or companies: *And provided*, that said bridge, when constructed, shall not interfere with the navigation of said Puyallup river in anywise: *Provided further*, That said bridge, when so constructed, shall be under the same regulations as other bridges are or may be by the laws of this Territory prescribing the manner in which bridges shall be kept and regulated: *And provided further*, That the county of Pierce shall at any time before the expiration of said fifteen years, have a right to take said bridge upon payment to said R. S. More and Van Ogle, their heirs or assigns, a fair valuation therefor, and thereafter all and singular the rights hereinafter granted to said R. S. More and Van Ogle, their heirs or assigns, shall pass and vest in said county.

SEC. 2. The county commissioners of Pierce county shall regulate the rates of toll, and it shall be lawful for said R. S. More and Van Ogle to collect and receive toll only according to the rates of toll fixed by said commissioners.

SEC. 3. That no courts or board of county commissioners shall authorize any person, except as hereinafter provided in this act, to construct or keep and maintain a bridge at the point herein designated: *Provided*, That the said R. S. More and Van Ogle, their heirs or assigns, shall, within one year after the passage of this act, construct and keep a good, substantial and safe bridge; and should the laws regulating the construction of bridges be violated by said R. S. More and Van Ogle, their heirs or assigns, or if no good and sufficient bridge be constructed and completed within one year, upon proof thereof being made to the satisfaction of the county commissioners of the county of Pierce, then this act shall be void.

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

FRANK P. DUGAN,
Speaker of the House of Representatives.
FRANK CLARK,
President of the Council.

Approved January 7, 1865.

WILLIAM PICKERING,
Governor of Washington Territory.

AN ACT

TO AUTHORIZE IRWIN R. MORRIS, HIS HEIRS AND ASSIGNS, TO CONSTRUCT
A BRIDGE ACROSS SPOKANE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Irwin R. Morris, his heirs and assigns, be and they are hereby authorized and empowered to build a toll bridge across the Spokane river, to have and hold the same for their use and benefit, with exclusive right to bridge said river, commencing at a point two miles above the house of Antoine Plant, and extending up said river a distance of five miles above said point.

SEC. 2. That no court or board of county commissioners shall authorize any person, except as hereinafter provided by this act, to build or keep a toll bridge within the limits defined in this act: *Provided,* That the said Irwin R. Morris, his heirs and assigns, shall within one year from the date of the passage of this act, construct or furnish a good and substantial bridge across said river, suitable to transport all persons and property with safety.

SEC. 3. That the said bridge, when established, shall be subject to the same regulations and under the same restrictions that other bridges are, or may hereafter be, by laws of this Territory prescribing the manner in which toll bridges shall be

kept and regulated: *And provided further*, That the said Irwin R. Morris, his heirs and assigns, shall pay into the county treasury of the county of Walla-walla an annual license of twenty-five dollars.

SEC. 4. It shall be lawful for the said Irwin R. Morris, his heirs or assigns, to collect and receive the following rates of toll upon said bridge:

For each wagon, with two animals attached.....	\$4 00
For each pleasure wagon.....	3 00
For each man and horse.....	1 00
For each animal packed.....	75
For each foot passenger.....	50
For all loose animals, other than sheep and hogs.....	50
For sheep, goats and hogs.....	10

Provided, That nothing contained in this act shall be so construed as to prevent the county commissioners from altering the rates of toll at any term of their court.

SEC. 5. If the said Irwin R. Morris, his heirs or assigns, shall fully and faithfully do and perform all the conditions specified in this act, they shall enjoy and possess all the privileges herein named, for the term of ten years from the date of its passage; but a failure to do or perform any part thereof, shall work a forfeiture of and render this charter null and void: *Provided*, That this charter shall not be so construed as to interfere with any charter already granted.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 20, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO AUTHORIZE S. D. SMITH AND HIS ASSOCIATES TO CONSTRUCT A BRIDGE ACROSS SPOKANE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That S. D. Smith and all others whom he may associate with him, their heirs and assigns, be and they are hereby authorized to construct and keep, for the term of ten years from the date hereof, a bridge across the Spokane river at or near the place known as Colonel Wright's crossing.

SEC. 2. The said bridge shall not be less than eight feet wide, and shall be substantially built, and sufficiently strong to bear up with safety a wagon carrying three tons with the team attached.

SEC. 3. The said corporators shall be entitled to charge the following rates of toll for crossing said bridge when completed, to-wit:

For each wagon with two horses attached.....	\$ 4 00
For each additional span of horses.....	1 50
For each animal packed.....	75
For each loose animal other than sheep and hogs.....	50
For each carriage drawn by one horse.....	75
For each carriage drawn by two horses.....	3 00
For sheep and hogs, each.....	15
For each foot passenger.....	25

SEC. 4. It shall not be lawful for any other party or parties to build or keep any bridge or ferry on Spokane river within two miles of the place designated in this act as Colonel Wright's crossing.

SEC. 5. The said S. D. Smith and his associates or assigns, shall have said bridge completed within eighteen months from the passage of this act, and default shall forfeit all rights under this act; and until the completion thereof, shall have the exclusive right to transport passengers, stock and teams across said river within the limits prescribed in this act: *Provided,* That before the said S. D. Smith and his associates shall receive any toll,

they shall pay into the county treasury of Walla-walla county the sum of twenty-five dollars yearly.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO INCORPORATE THE WASHINGTON RAILROAD COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That Peter Donahue, William Kohl and Alexander P. Ankeny, their heirs, successors, assigns, and such other persons as they may associate with them, be and they are hereby constituted and declared a body politic and corporate, by the name and style of the Washington Railroad Company.*

SEC. 2. Said corporation shall have full power to survey, locate and re-locate, own, construct, maintain in repair, and use a single or double track railroad, with such turn-outs as may be necessary or convenient between suitable points to be selected on the navigable waters of the Columbia river above and below the Cascades, in the county of Skamania; and for the purpose of locating such railroad, may select and appropriate, in the manner hereinafter provided, a strip of land not exceeding thirty feet in width between the termini of said road: *Provided, That where, for grading, bridging and embankment, more than thirty feet in width is necessary for the security of the road, a*

sufficient width may be appropriated ; also land at the termini of said road sufficient for warehouses, wharf-boats and steam-boat landings, not exceeding a frontage of one thousand feet on the river by a depth of five hundred feet; also such timber and stone as may be required in the construction of said road. Said corporation shall also have power to sue and be sued, contract and be contracted with, to have and receive, purchase and possess, retain and enjoy property, real, personal and mixed, rents and effects of any kind necessary or convenient to carry into effect the objects of said corporation, and the same may use, alien, sell and dispose of at pleasure; may have a common seal, and the same may break or change at pleasure; and may make by-laws for the management of its concerns, not repugnant to the Constitution and laws of the United States and the laws of this Territory.

SEC. 3. The capital stock of this corporation shall consist of not to exceed three hundred thousand dollars, and shall be divided into shares of five hundred dollars each, which shall be transferable only on the books of the company in such manner as the by-laws shall provide.

MEETING OF STOCKHOLDERS.

SEC. 4. There shall be an annual meeting of the stockholders held at Lower Cascades, in Skamania county, at such a time or times as shall be provided in the by-laws. At such meeting, every share of stock represented in person or by proxy, and not delinquent on assessments, shall be entitled to one vote; notice of the time and place of meeting shall be given as is provided in the by-laws. Special meetings may be called in such a manner as shall be provided in the by-laws.

DIRECTORS.

At the annual meeting of the stockholders, five directors shall be elected by the votes of a majority of the stock represented at such meeting, who shall hold their office until the next annual meeting, and until their successors are elected and qualified. Before entering upon the discharge of their duties,

the directors shall take an oath faithfully and honestly to discharge their official duties, and when qualified they shall possess all the powers of the corporation.

SEC. 5. The directors shall elect from their number a president and vice-president, who shall hold their offices for one year, and until their successors are duly elected and qualified. They shall also appoint a secretary, and such officers and agents as they shall deem necessary and useful, and may remove the same at pleasure. The directors shall meet from time to time as shall be convenient and necessary, and as may be provided by the by-laws.

DUTIES OF OFFICERS.

SEC. 6. The president shall be the chief executive officer of the company; shall preside at all meetings of the stockholders and directors; call special meetings of the stockholders and directors, as may be provided in the by-laws or ordered by the directors, and discharge such other duties as may be prescribed by the by-laws; and in all his duties shall be under the control of the directors. The vice-president, in the absence or disability of the president, shall discharge his duties, and perform such other duties as shall be prescribed by the by-laws and directors. The directors, in the absence or in case of disability of both president and vice-president, may appoint one of their number president *pro tem*, to discharge the duties of president during such absence or disability. The secretary and other officers and agents shall discharge such duties as shall be imposed on them by the directors, or the president and vice-president, in the exercise of their lawful authority.

MISCELLANEOUS.

SEC. 7. The company shall at no time after the expiration of one year from the completion of said road, keep on hand the receipts of said road when they shall exceed the sum of fifty thousand dollars, for more than thirty days without the consent of the majority of the stock represented at a regular or special meeting, and never over one hundred thousand dollars over

sixty days, but a dividend shall be declared and the money paid to the stockholders every three months: *Provided*, That this section shall not be so construed as to prevent the company from retaining on hand a surplus fund for contingencies to such an amount as may be necessary, not exceeding fifty thousand dollars.

SEC. 8. The company shall have power to assess the capital stock of said company to carry out the objects of this corporation, and if after due notice for four consecutive weeks in some newspaper published in this Territory, any of the stockholders shall proceed to sell the delinquent stock at public auction, giving ten days' notice as before, after the following manner: The person or persons taking the least number of shares and paying the assessment on the entire number of delinquent shares belonging to one stockholder, shall be entitled to have issued to him such number of shares.

SEC. 9. Said company shall, within eighteen months from and after this act becomes a law, have in operation a good and sufficient iron track railroad connecting the navigable waters above and below the said Cascades, with sufficient rolling stock to transport all freight and passengers offered for transportation, without unnecessary delay, over the same; and they shall also within said eighteen months have good and sufficient depots or warehouses for the safe storage of all freights which are offered for storage, or all rights and privileges herein granted shall become forfeited. A failure to forward freight or passengers over said road in the order of their arrival, if required, and to charge uniform rates for the same, shall also work a forfeiture of this charter.

ORGANIZATION.

SEC. 10. The corporation above named, or a majority of them, may open books for subscription as they shall deem best, and when one hundred thousand dollars shall be subscribed, the subscribers may elect directors and the company shall be organized. The incorporators, or a majority of them, shall call a meeting of the subscribers when the requisite amount of stock is

taken as above, and shall certify the election of the directors, who shall be chosen by a majority of the stock represented, and shall hold their offices until the first annual meeting and until their successors are elected and qualified. Subscriptions for stock may be made in right of way, land, material or property necessary or useful in carrying out the objects of the corporation. The value of the property so subscribed may be agreed upon by the subscribers and directors, or may be settled by appraisers.

SEC. 11. This act shall not be so construed as to prevent the construction, laying or use of another road or roads across the track or alongside the track of the hereinbefore specified road, at any point or points along the line where the commissioners of the county in which the road is situate, or other competent authority, shall authorize the same to be done: *Provided*, That the parties so constructing cross or parallel tracks shall not be permitted to place any permanent obstruction in the way of the road hereby authorized to be constructed. All steam-boats, barges and wharf-boats owned by the Washington Railroad Company shall be assessed and taxed in Skamania or Clarke counties in Washington Territory, and subject to the city or county and Territorial laws.

SEC. 12. Whenever, for the purpose before named, any land shall be taken, or used or occupied, or any material taken by said company without agreement with the owner thereof as to compensation therefor, it shall be lawful and the duty of the district judge having jurisdiction, or any judge of the supreme court, to appoint three disinterested persons residing in the district to appraise and make due report and return of their appraisal of the value of the lands or material so used or taken, which shall be filed of record in the office of the clerk of the district court, and unless appeal be taken therefrom in twenty days by either party, the judgment of the court may be entered in accordance with said report and return, at any term of said court, on motion of course: *Provided*, That either party may appeal within twenty days after filing of said report and return, by entering written notice with the clerk of the court, who

shall docket the cause, setting down the claimants as plaintiff and the company as defendant, and the court shall proceed to ascertain the compensation to be paid as the value of materials or lands taken; and if the amount found shall not exceed the amount appealed from, the claimant shall pay the costs, with expenses of any suit, and the judgment of said district court shall be final; and when such compensation so ascertained, according to the provisions of this act, shall be paid or tendered to the party entitled to the same, the title of said land shall vest in said company in fee simple, and a copy of such report or judgment filed in the office of the auditor of the county in which the lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, before and pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of said lands, for all the lawful purposes of said corporation; and they shall not before or during the pending of such proceeding, until said refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding either at law or equity: *Provided*, That in determining the amount of compensation for material or land taken, the increased value of lands of the same owner adjacent thereto, caused by the location of such railroad, or any road or land of said company, shall be considered and form part of such compensation: *And provided further*, That if the title of any land taken by said company shall be in dispute between claimants against the United States, the compensation therefor shall be ascertained and paid to the person who shall receive the patent therefor, or those claiming under him.

SEC. 13. Nothing in this act shall be so construed as to interfere with any charter or privilege heretofore granted to any corporation or company, or to preclude the present or any future Legislative Assembly, or any competent authority, from granting to any person or persons a right of way or privilege to build a road, or locate, re-locate, change or repair any road built, or to be built over the said Cascade portage route: *Pro-*

vided, That no new road shall be built, located or laid within fifteen feet of said road of the Washington Railroad Company, except as hereinbefore provided.

SEC. 14. This act is passed with the distinct understanding and agreement on the part of the persons named in the first section hereof, that said road, rolling stock and appurtenances may at any time be taken and appropriated by any company or persons who may be authorized by Congress, or other proper authority, to locate, build or construct a road from Puget Sound to intersect any trunk or branch road leading from the Atlantic to the Pacific coast, upon paying to the said Donahue, Kohl and Ankeny, their assigns or legal representatives, the actual cost of such road at the time it may be taken: *Provided*, That this shall not be so construed as to permit said road to be so taken and appropriated, except for the purpose of making entire a road from Puget Sound to intersect the trunk, or a branch of said trunk road from the Atlantic to the Pacific coast: *And provided further*, That Congress, or the government of the United States, may at any time take said road by paying the actual cost of the same at the time it may be taken.

FRANK P. DUGAN,
Speaker of the House of Representatives.
FRANK CLARK,
President of the Council.

Approved January 14, 1865.

WILLIAM PICKERING,
Governor of Washington Territory.

AN ACT

TO INCORPORATE THE MIDDLE CASCADES PORTAGE COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That William C. Parsons and Richard Harris, their heirs, successors, assigns, and such other persons as they may associate with them, be and they are hereby con-

stituted and declared a body politic and corporate, by the name and style of the Middle Cascade Portage Company.

SEC. 2. Said corporation shall have full power to survey, locate and re-locate, own, construct, maintain in repair, and use a single track railroad, with such turn-outs as may be necessary or convenient between suitable points to be selected on the navigable waters of the Columbia river above and below the middle Cascades, in the county of Clarke; and for the purpose of locating such railway, may select and appropriate, in the manner hereinafter provided, a strip of land not exceeding thirty feet in width between the termini of said road: *Provided*, That where, for grading, bridging and embankment, more than thirty feet in width is necessary for the security of the road, a sufficient width may be appropriated; also land at the termini of said road sufficient for warehouses, wharf-boats and steam-boat landings, not exceeding a frontage of five hundred feet on the river by a depth of two hundred fifty feet; also such timber and stone as may be required in the construction of said road. Said corporation shall also have power to sue and be sued, contract and be contracted with, to have and receive, purchase and possess, retain and enjoy property, real, personal and mixed, rents and effects of any kind necessary or convenient to carry into effect the objects of said corporation, and the same may use, alien, sell and dispose of at pleasure; may have a common seal, and the same may break or change at pleasure; and may make by-laws for the management of its concerns, not repugnant to the Constitution and laws of the United States and the laws of this Territory.

SEC. 3. The capital stock of this corporation shall consist of not to exceed one hundred thousand dollars, and shall be divided into shares of two hundred and fifty dollars each, which shall be transferable only on the books of the company in such manner as the by-laws shall provide.

MEETING OF STOCKHOLDERS.

SEC. 4. There shall be an annual meeting of the stockholders held at the middle Cascades, in Clarke county, at such a

time or times as shall be provided in the by-laws. At such meeting, every share of stock represented in person or by proxy, and not delinquent on assessments, shall be entitled to one vote; notice of the time and place of meeting shall be given as is provided in the by-laws. Special meetings may be called in such a manner as shall be provided in the by-laws.

DIRECTORS.

At the annual meeting of the stockholders, three directors shall be elected by the votes of a majority of the stock represented at such meeting, who shall hold their office until the next annual meeting, and until their successors are elected and qualified. Before entering upon the discharge of their duties, the directors shall take an oath faithfully and honestly to discharge their official duties, and when qualified they shall possess all the powers of the corporation.

SEC. 5. The directors shall elect from their number a president, who shall hold his office for one year, and until his successor is duly elected and qualified. They shall also appoint a secretary, and such officers and agents as they shall deem necessary and useful, and may remove the same at pleasure. The directors shall meet from time to time as shall be convenient and necessary, and as may be provided by the by-laws.

DUTIES OF OFFICERS.

SEC. 6. The president shall be the chief executive officer of the company; shall preside at all meetings of the stockholders and directors; call special meetings of the stockholders and directors, as may be provided in the by-laws or ordered by the directors, and discharge such other duties as may be prescribed by the by-laws; and in all his duties shall be under the control of the directors. The directors, in the absence or in case of disability of the president, may appoint one of their number president *pro tem*, to discharge the duties of president during such absence or disability. The secretary and other officers and agents shall discharge such duties as shall be imposed on them by the directors, or the president, in the exercise of their lawful authority.

SEC. 7. The company shall have power to assess the capital stock of said company to carry out the objects of this corporation, and if after due notice for four consecutive weeks in some newspaper published in this Territory, any of the stockholders shall proceed to sell the delinquent stock at public auction, giving ten days' notice as before, after the following manner: The person or persons taking the least number of shares and paying the assessment on the entire number of delinquent shares belonging to one stockholder, shall be entitled to have issued to him such number of shares.

SEC. 8. Said company shall commence operations within six months, and be completed within two years from and after the passage of this act, when they shall have in operation a good and sufficient railroad connecting the navigable waters above and below the middle Cascades, with sufficient depots and cars to transport freight and passengers without unnecessary delay. It shall be obligatory on said company to transport all passengers and freight which may be offered, in their regular order of arrival, and to receive the same at the landings so far as it shall be practicable, and the charges for freight and passengers shall be uniform in all cases, or all rights and privileges herein granted shall become forfeited.

ORGANIZATION.

SEC. 9. The corporators above named may open books for subscription as they shall deem best, and when thirty thousand dollars shall be subscribed, the subscribers may elect directors, and the company shall be organized. The corporators shall call a meeting of the subscribers when the requisite amount of stock is taken as above, and shall certify the election of the directors, who shall be chosen by a majority of the stock represented, and shall hold their offices until the first annual meeting and until their successors are elected and qualified. Subscriptions for stock may be made in right of way, land, material or property necessary or useful in carrying out the objects of the corporation. The value of the property so subscribed may be agreed upon by the subscribers and directors, or may be settled by appraisers.

SEC. 10. This act shall not be so construed as to prevent the construction, laying or use of another road or roads across the track or alongside the track of the hereinbefore specified road, at any point or points along the line where the commissioners of the county in which the road is situate, or other competent authority, shall authorize the same to be done: *Provided*, That the parties so constructing cross or parallel tracks shall not be permitted to place any permanent obstruction in the way of the road hereby authorized to be constructed. Nothing in this act shall be so construed as to interfere with any charter or privilege heretofore granted to any corporation or company, or to preclude the present or any future Legislative Assembly, or any competent authority, from granting to any person or persons a right of way or privilege to build a road, locate or re-locate, change or repair any road built or to be built over the said Cascade portage. All steamboats, barges and wharf-boats owned by the Middle Cascade Portage Company, shall be registered, assessed and taxed in Clarke county in Washington Territory, and subject to the city or county and Territorial laws.

SEC. 11. Whenever, for the purpose before named, any land shall be taken, or used or occupied, or any material taken by said company without agreement with the owner thereof as to compensation therefor, it shall be lawful and the duty of the district judge having jurisdiction, or any judge of the supreme court, to appoint three disinterested persons residing in the district to appraise and make due report and return of their appraisal of the value of the lands or material so used or taken, which shall be filed of record in the office of the clerk of the district court, and unless appeal be taken therefrom in twenty days by either party, the judgment of the court may be entered in accordance with said report and return, at any term of said court, on motion of course: *Provided*, That either party may appeal within twenty days after filing of said report and return, by entering written notice with the clerk of the court, who shall docket the cause, setting down the claimant as plaintiff and company as defendant, and the court shall proceed to ascertain the compensation to be paid as the value of materials or

lands taken, and if the amount found shall not exceed the amount appealed from, the claimant shall pay the cost with expenses of any suit, and the judgment of said district court shall be final; and when such compensation, so ascertained according to the provisions of this act, shall be paid or tendered to the party entitled to the same, the title of said land shall vest in said company in fee simple, and a copy of such report or judgment filed in the office of the auditor of the county in which the lands lie, shall be sufficient evidence of such title, and the said company shall have full power and authority before and pending all such proceedings, and until they shall refuse to pay the compensation, so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of said lands for all the lawful purposes of said corporation, and they shall not before or during the pending of such proceedings, until said refusal, be disturbed in such possession, use, occupancy and enjoyment by any proceeding either at law or equity: *Provided*, That in determining the amount of compensation for material or land taken, the increased value of lands of the same owner adjacent thereto, caused by the location of such railroad, or any road or land of said company, shall be considered and form part of such compensation: *And provided further*, That if the title of any land taken by said company shall be in dispute between claimants against the United States, the compensation therefor shall be ascertained and paid to the person who shall receive the patent therefor, or those claiming under him.

SEC. 12. This act is passed with the distinct understanding and agreement on the part of the persons named in the first section hereof, that said road may at any time be taken and appropriated by any company or persons who may be authorized by Congress, or other proper authority, to locate, build or construct a road from Puget Sound to intersect any trunk or branch road leading from the Atlantic to the Pacific coast, upon paying to the said W. C. Parsons and Richard Harris, or their assigns or legal representatives, the actual cost of such road at the time it may be taken: *Provided*, That this shall not be so construed as to permit said road to be so taken and appropri-

ated, except for the purpose of making entire a road from Puget Sound, to intersect the trunk or a branch of said trunk road from the Atlantic to the Pacific coast: *And provided further*, That Congress, or the government of the United States, may at any time take said road by paying the actual cost of the same at the time it may be taken.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 14, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

TO INCORPORATE THE WALLA-WALLA AND WALLULA TURNPIKE ROAD COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That George F. Thomas, Lewis Day, Daniel J. Welch, E. L. James, and all other persons who shall be associated with them for that purpose, be and are hereby created and constituted a body politic and corporate, by the name and style of the Walla-walla and Wallula Turnpike Road Company; and said company is hereby authorized and empowered to build a continuous turnpike road from Wallula, on the Columbia river, to Walla-walla, in the county of Walla-walla, Washington Territory, on such route as said company may deem most advantageous to the public interest: *Provided*, That the said road shall in nowise conflict with, injure nor prevent the use of the county road now located and traveled between the aforesaid places: *And provided further*, That the county commissioners of Walla-walla county shall have power to grant

right of way and use of such portion of said road as may be actually necessary in order to construct said turnpike road.

SEC. 2. The said company shall before the first day of August, A. D. 1865, cause an accurate survey to be made of the line and route of such road, which they may adopt as the line of its location, and shall cause an accurate map of the same to be made, which shall be filed in the office of the Secretary of the Territory.

SEC. 3. The said road shall be of sufficient width to accommodate and permit the meeting and passing of wagons without inconvenience or danger of collision at any and all points or parts of said road.

SEC. 4. The said company shall construct safe and convenient bridges over all streams on the line of said road which shall require to be bridged, and the said bridges, together with all parts of said road, shall be kept in good repair and condition for public use.

SEC. 5. The capital stock of said company shall be twenty thousand dollars, which shall be divided into four hundred shares of fifty dollars each, which shall be deemed personal property under the provisions of this act, and shall be negotiable and transferable in such manner as said corporation shall by its by-laws provide and direct.

SEC. 6. The above named corporators, and such other persons as they may associate with them for that purpose, shall have power to appoint two commissioners, whose duty it shall be to open subscription books at Walla-walla and Wallula, and as soon as the capital stock of said company shall be taken and subscribed in good faith by responsible subscribers, the said commissioners shall close said books, and shall name a convenient time and place for a meeting of the stockholders, which shall be publicly advertised by publication in some newspaper in Walla-walla county, or by posting notices thereof in not less than three public places in said county; and such stockholders as shall attend such meeting, either in person or by proxy, shall elect by ballot a board of directors for said corporation, and in such election, and all other elections of said corporation, each

share of stock shall entitle the holder thereof or his proxy to one vote. The commissioners appointed by this section shall act as inspectors of said election, and in case either or both commissioners fail to appear or attend such election, the stockholders then and there present shall elect said inspectors, who shall certify under their hand the names of the persons elected as directors of said corporation at such election; and it shall be the duty of the aforesaid commissioners to deliver up the subscription books to the directors so elected. Each stockholder of said company shall be individually liable to said corporation, or to any creditor thereof, to an amount equal to the amount unpaid on the stock held by him, for all debts and liabilities of said company until the capital stock so held by him shall have been paid to the company, or the creditors thereof.

SEC. 7. All the stockholders of said company shall be jointly and severally liable for all debts due or owing to any of its laborers or employees, for services rendered or performed for said corporation; but said stockholders shall not be liable to an action therefor until an execution shall be returned unsatisfied in whole or in part against said corporation, and the amount due on such execution shall then be recoverable with costs against such stockholders.

SEC. 8. It shall be lawful for said company, from time to time, to fix and regulate the fares, tolls and charges to be received and collected for the transportation of persons and property over such road, or any portion thereof; but said company shall in no case charge, collect or receive more than twenty cents per miles for vehicles used or engaged in the transportation of passengers, nor to exceed fifteen cents per mile for vehicles carrying less than five persons or less than three thousand pounds of freight. It shall be lawful for the said company, as soon as the said road shall be completed, to charge such rates of toll or fare as may be just and equitable, but shall in no case exceed the following rates, to-wit:

For each coach or passenger wagon.....	\$2 50
For each freight wagon, with one yoke or span of animals.	1 50
For each wagon, with four animals.....	2 00

For each additional span of horses.....	\$ 50
For each additional yoke of oxen.....	25
For each buggy or pleasure carriage.....	1 00
For each sulky or gig.....	75
For each horseman.....	75
For each packed animal.....	25
For loose animals, each.....	10

SEC. 9. It shall be lawful for the board of directors, or a majority thereof, to require and enforce payment of the sums subscribed to the capital stock of said company, at such times and in such proportions as the interests of the company may require, in order to complete such road according to the terms hereinbefore and hereinafter set forth.

SEC. 10. It shall be the duty of the directors to publicly notify all subscribers to the capital stock of said corporation, at the time any assessment shall be made on their subscription, of the amount of per centage so assessed on each share of said stock, of the time and place of payment of said assessment; and in case any stockholder shall fail or refuse to pay such assessment, suit may be brought to recover the amount of such assessment, and such failure or refusal shall work an entire forfeiture of the stock held, and the amount paid on such stock by the person or persons so failing or refusing payment: *Provided*, That such stock may be redeemed at any time within six months after such forfeiture, by the payment of the amount due on such capital stock, with the addition of ten per cent. to the amount so redeemed or paid.

SEC. 11. The board of directors shall have power to make from time to time all necessary rules, regulations and by-laws for the government of said company, which are not inconsistent with the Constitution and laws of the United States nor laws of this Territory, and the same shall be binding on said company, and on each and every member thereof.

SEC. 12. If it shall appear that the cash capital hereinbefore named shall not be sufficient to finish the said road, the shareholders of said corporation shall have power, by a majority vote, to increase the amount of cash capital to any amount not

exceeding forty thousand dollars in the aggregate, and to open subscription books for said addition to the cash capital in the same manner as hereinbefore set forth and described.

SEC. 13. The said company shall on or before the first day of October, A. D. 1865, commence work on the said road, and shall complete the same within eighteen months thereafter.

SEC. 14. The said company shall have power to charge and receive toll for any part of such road before the said road shall be entirely completed, in proportion to the rates of toll hereinbefore mentioned.

SEC. 15. If the said company shall fully comply with and carry out all and singular the provisions of this act, then this charter shall remain in full force and virtue until the year A. D. one thousand eight hundred and eighty-four, subject to such amendments as may be deemed necessary; but if the said corporation shall fail to comply with all and singular the provisions of this act, then this charter to be null and of no effect.

SEC. 16. This act shall take effect and be in force from and after its passage.

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 18, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

TO INCORPORATE THE SKOOKUM CHUCK AND COWLITZ PLANK ROAD COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That O. B. McFadden, Marcel Chappellier, Henry Winsor, Timothy R. Winston, John R. Jackson, John McIlroy, Sydney S. Ford, James Phillips, Marcel Bernier,*

Wesley B. Gosnell, A. B. Dillenbaugh and Henry Miles be and are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Skookum Chuck and Cowlitz Plank Road Company hereby incorporated; and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions by publishing the same in one or more newspapers printed in Olympia, Thurston county.

SEC. 2. The capital stock of said company shall be thirty thousand dollars, in shares of twenty-five dollars each, and as soon as one hundred shares of the capital stock shall be subscribed, and five per cent. of the amount thereof actually paid in or secured to the said company, the subscribers to said stock, with such other persons as shall thereafter associate with them for that purpose, their successors and assigns, shall be and they hereby are created and declared a body corporate and politic, by the name and style of the "Skookum Chuck and Cowlitz Plank Road Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining and conveying estate, real, personal and mixed, have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do.

SEC. 3. The said commissioners, or a majority of them, after said one hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days' notice, in one or more of the newspapers of the said city of Olympia, of the time and place of the meeting of the stockholders for the purpose of electing five directors, who shall hold their offices until their successors are elected; and annually thereafter upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, being published in one or more of the newspapers in the said city of Olympia, to be designated by the said directors, the said stockholders shall meet to elect directors: *Provided*, That until the first election

of directors, the said commissioners above named, upon the subscription of one hundred shares of stock, and the organization of said commissioners, by the election by them of one of their number president, shall have all the powers and perform all the duties of a board of directors for said company; and the corporate existence of said company shall be taken and held to have begun and be complete as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of directors, or in the said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancy.

SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders in person or by their proxies duly authorized; and in all elections, and in the discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote; and the majority of the votes cast shall govern, except in election, when the five persons having the greatest number of votes cast for directors shall be declared duly elected.

SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers and revoke the powers of said agents at pleasure. They shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers; all of which by-laws not inconsistent with the laws of the Territory, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company and all persons interested therein, as if the same formed a part of this act of incorporation.

SEC. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon for failure to pay such instalments as may be called for, and also to accept in behalf of the company a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same, valid releases discharging them from all liabilities thereafter for or on account of the acts of said company or its officers.

SEC. 7. The directors shall have power to regulate tolls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons, as the execution and management of the work and the interest and convenience of the company may require; and may issue to each stockholder a certificate or certificates for the shares which he, she or they shall subscribe for, stating in the body of such certificate or certificates the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

SEC. 8. The said company shall have power to locate and construct a single or double track road from Skookum Chuck, via Norwaukum bridge, John R. Jackson's, to Drew's, in Lewis county, or to a point on the Cowlitz river, to be determined by a vote of the stockholders holding a majority of the stock of said company, who shall be represented in person or by proxy at a special meeting called for the purpose of fixing the location or termination of said road. The track of said road shall be constructed of plank, stone, gravel, or either, in whole or in part each, at the option of the directors, so that the same when completed shall constitute a firm, regular and proper surface for the wagons and carriagès.

SEC. 9. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said

plank road, doing thereto no unnecessary damage; and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of and use such lands, not exceeding four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as may be established by law.

SEC. 10. The directors shall have power in their discretion to construct said plank road along or upon any highway or road now or hereafter to be laid out, opened or established by the proper authorities, and of such width and in such manner as the said directors shall determine; and they may erect toll-gates and exact toll from persons traveling on their road whenever three consecutive miles are finished, or when the whole road is completed, not exceeding six cents per mile for every vehicle, sled or carriage drawn by two animals; and if drawn by more than two animals, three cents per mile for additional animal; and for every sled, sleigh or carriage drawn by one animal, three cents per mile; and for every horse and rider or led animal, three cents per mile; and for every sheep or swine, two mills per mile; and for every head of cattle, one cent per mile; and for every footman, one cent per mile. The toll-gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate any animal or carriage subject to toll until the toll thereon is paid.

SEC. 11. The said directors may receive from any stockholders in said company, in lieu of money for stock subscribed by him, real or personal security, subject to the approval of said board of directors, and upon the acceptance of such security from said stockholders or any of them, the subscription of such stockholders shall be considered as paid, and certificates of stock shall be issued to said stockholders in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for the said stockholders paying their subscription to said stock in securities as aforesaid, to contract and pay to said company interest at the

rate of ten per cent. per annum for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them, or any of them, in the same manner as if the same were made payable to individuals or to their order as assigns.

SEC. 12. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road to be constructed by the said company, or any part thereof, or any work, building or fixtures attached to or in use upon the same belonging to said company, such person or persons so offending shall each of them for every such offense be liable to a civil suit for the recovery of damages by said company, by an action of trespass in any court having competent jurisdiction in the county where the offense shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court.

SEC. 13. Any person who shall wilfully break down any gate on such road which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage or animal turn out of said road, or pass any gate thereon or ground adjacent thereto, and again return on said road, shall for each offense forfeit a sum not exceeding ten dollars to and for the use of said company, and also be liable for all damages done to the profit of said company in an action of trespass.

SEC. 14. The directors of said company, at any annual or special meeting of the stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

SEC. 15. At each annual meeting of the stockholders for the purpose of choosing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the

affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by the directors or by any number of stockholders holding one-fourth in amount in capital stock of the company, by giving twenty days' notice of the time and place of such meeting in a newspaper published in the aforesaid city of Olympia.

SEC. 16. This act to take effect and be in force from and after its passage.

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 14, 1865.

WILLIAM PICKERING,
Governor of Washington Territory.

AN ACT

TO INCORPORATE THE NACHES ROAD COMPANY.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That J. B. Webber, P. J. Moorey, E. R. Rogers, Henry Winsor and J. D. Laman, and all other persons who shall be associated with them for that purpose, be and are hereby created and constituted a body politic and corporate, by the name and style of the Naches Road Company; and said company is hereby authorized and empowered to build a continuous road from Steilacoom to the White river silver mines in Washington Territory, on such route as said company may deem most advantageous to the public interest: Provided, That the said road shall in nowise conflict with, injure nor prevent the use of the county road now located and traveled between the aforesaid places.*

SEC. 2. The said company shall, before the first day of August, 1865, cause an accurate survey to be made of the line

and route of such road which they may adopt as the line of its location, and shall cause an accurate map of the same to be made, which shall be filed in the office of the Secretary of the Territory.

SEC. 3. The said road shall be of sufficient width to accommodate and permit the meeting and passing of wagons without inconvenience or danger of collision, at any and all points or parts of said road.

SEC. 4. The said company shall construct safe and convenient bridges or ferries over all streams on the line of said road which shall require to be bridged or ferried, and the said bridges or ferries, together with all parts of said road, shall be kept in good repair and condition for public use.

SEC. 5. The capital stock of said company shall be ten thousand dollars, which shall be divided into two hundred shares of fifty dollars each, which shall be deemed personal property under the provisions of this act, and shall be negotiable and transferable in such manner as said corporation shall by its by-laws provide and direct.

SEC. 6. The above named corporators, and such other persons as they may associate with them for that purpose, shall have power to appoint two commissioners, whose duty it shall be to open subscription books at Steilacoom, and as soon as the capital stock of said company shall be taken and subscribed in good faith by responsible subscribers, the said commissioners shall close said books, and shall name a convenient time and place for meeting of the stockholders, which shall be publicly advertised by publication in some newspaper in the Territory, or by posting notices thereof in not less than three public places in said county, and such stockholders as shall attend such meeting, either in person or by proxy, shall elect by ballot a board of directors for said corporation; and in such election, and all other elections of said corporation, each share of stock shall entitle the holder thereof, or his proxy, to one vote. The commissioners appointed by this section shall act as inspectors of said election, and in case either or both commissioners fail to appear or attend such election, the stockholders then and there

present shall elect said inspectors, who shall certify under their hands the names of the persons elected as directors of said corporation at such election, and it shall be the duty of the aforesaid commissioners to deliver up the subscription books to the directors so elected.

SEC. 7. Each stockholder of said company shall be individually liable to said corporation, or to any creditor thereof, to an amount equal to the amount unpaid on the stock held by him, for all debts and liabilities of said company, until the capital stock so held by him shall have been paid to the company or the creditors thereof.

SEC. 8. All the stockholders of said company shall be jointly and severally liable for all debts due or owing to any of its laborers or employees for services rendered or performed for said corporation; but said stockholders shall not be liable to an action therefor until an execution shall be returned unsatisfied in whole or in part against said corporation, and the amount due on such execution shall then be recoverable with costs against such stockholder.

SEC. 9. It shall be lawful for said company, from time to time, to fix and regulate the fares, tolls and charges to be received and collected for the transportation of persons and property over such road, or any portion thereof; but said company shall in no case charge, collect or receive more than twenty cents per miles for vehicles used or engaged in the transportation of passengers, nor to exceed fifteen cents per mile for vehicles carrying less than five persons or less than three thousand pounds of freight. It shall be lawful for the said company, as soon as the said road shall be completed, to charge such rates of toll or fare as may be just and equitable, but such toll shall in no case exceed the following rates, to-wit:

For each coach or passenger wagon.....	\$2 50
For each freight wagon, with one yoke or span of animals.	1 50
For each wagon, with four animals.....	2 00
For each additional span of horses.....	50
For each additional yoke of oxen.....	25
For each buggy or pleasure carriage.....	1 00

For each sulky or gig.....	\$ 75
For each horseman.....	75
For each packed animal.....	25
For loose animals, each.....	10

SEC. 10. It shall be lawful for the board of directors, or a majority thereof, to require and enforce payment of the sums subscribed to the capital stock of said company, at such times and in such proportions as the interests of the company may require, in order to complete such road according to the terms hereinbefore and hereinafter set forth.

SEC. 11. It shall be the duty of the directors to publicly notify all subscribers to the capital stock of said corporation, at the time any assessment shall be made on their subscription, of the amount of per centage so assessed on each share of said stock and the time and place of payment of said assessment; and in case any stockholder shall fail or refuse to pay such assessment, suit may be brought to recover the amount of such assessment, and such failure or refusal shall work an entire forfeiture of the stock held, and the amount paid on such stock by the person or persons so failing or refusing payment: *Provided*, That such stock may be redeemed at any time within six months after such forfeiture, by the payment of the amount due on such capital stock, with the addition of ten per cent. to the amount so redeemed or paid.

SEC. 12. The board of directors shall have power to make from time to time all necessary rules, regulations and by-laws for the government of said company, which are not inconsistent with the Constitution and laws of the United States nor laws of this Territory, and the same shall be binding on said company, and on each and every member thereof.

SEC. 13. If it shall appear that the cash capital hereinbefore named shall not be sufficient to finish the said road, the stockholders of said corporation shall have power, by a majority vote, to increase the amount of cash capital to any amount not exceeding forty thousand dollars in the aggregate, and to open subscription books for said addition to the cash capital in the same manner as hereinbefore set forth and described.

SEC. 14. The said company shall on or before the first day of October, A. D. 1865, commence work on the said road, and shall complete the same within thirty months thereafter.

SEC. 15. The said company shall have power to charge and receive toll for any part of such road before the said road shall be entirely completed, in proportion to the rates of toll hereinbefore mentioned.

SEC. 16. If the said company shall fully comply with and carry out all and singular the provisions of this act, then this charter shall remain in full force and virtue until the year A. D. one thousand eight hundred and eighty-four, subject to such amendments as may be deemed necessary; but if the said corporation shall fail to comply with all and singular the provisions of this act, then this charter to be null and of no effect.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO INCORPORATE WASHINGTON LODGE, NO. 4, OF ANCIENT FREE AND ACCEPTED MASONS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That* W. H. Troup, worshipful master, Thomas R. Turnbull, senior warden, James Davidson, junior warden, C. R. Stegert, treasurer, Theodore J. Eckerson, secretary, and each and every member of Washington Lodge, No. 4, of Ancient Free and Accepted Masons, located in the city of

Vancouver, county of Clarke and Territory of Washington, and their successors in office and associates in membership while holding such offices or membership, shall be and the same are hereby declared to be a body politic and corporate, by the name, style and description of Washington Lodge, No. 4, of Ancient Free and Accepted Masons.

SEC. 2. The said corporation, by the name, style and title aforesaid, shall have power to sue and be sued, plead and be impleaded, prosecute and defend in all manner of actions at law or in equity, in all places where legal or equitable proceedings are had. The said corporation shall have power to make such by-laws, rules and regulations for its own government and the management of its concerns as shall be deemed advisable, and to alter or amend the same at pleasure: *Provided*, That such by-laws, rules and regulations shall not conflict with the Constitution and laws of the United States or of the Territory of Washington, nor the constitution, laws and standing resolutions of the Grand Lodge of Washington Territory of Ancient Free and Accepted Masons.

SEC. 3. The said corporation, by the name and style aforesaid, shall be capable in law of purchasing, holding and conveying real estate and personal property of all kinds for the benefit of said corporation: *Provided*, That said corporation shall not at any time hold real estate to the value of more than thirty thousand dollars, nor personal property or mixed property to an amount exceeding twenty thousand dollars.

SEC. 4. The said corporation shall have power to loan money belonging to the same, to take promissory notes, mortgages or other evidences of debt for the money so loaned, or any property sold by said corporation, which may be recorded in their corporate name aforesaid in all courts or places where judicial proceedings are had.

SEC. 5. The said corporation shall have power to borrow money: *Provided*, That at no time shall the said corporation borrow or owe more than one thousand dollars, nor pay a greater rate of interest than twenty per cent. per annum.

SEC. 6. That in the management of its business concerns,

said corporation is authorized and empowered to appoint and employ such officers, agents and attorneys as from time to time may be deemed necessary, and shall possess all the rights, powers and privileges usually granted to corporations of this style and nature.

SEC. 7. This act shall be liberally construed by all courts for the benefit of the corporation herein created.

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

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 11, 1865.

WILLIAM PICKERING,
Governor of Washington Territory.

AN ACT

TO INCORPORATE MOUNT MORIAH LODGE, NO. 11, OF ANCIENT FREE AND ACCEPTED MASONS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That* Wm. Champ, worshipful master, J. T. Knox, senior warden, E. A. Wilson, junior warden, J. M. Elson, senion deacon, David Shelton, secretary, M. T. Simmons, treasurer, and each and every member of Mount Moriah Lodge, No. 11, of Ancient Free and Accepted Masons, located in the city of Oakland, county of Mason and Territory of Washington, and their successors in office and associates in membership, while holding such offices or membership, shall be and the same are hereby declared to be a body corporate and politic, by the name, style and description of Mount Moriah Lodge, No. 11, of Ancient Free and Accepted Masons.

SEC. 2. The said corporation, by the name, style and title aforesaid, shall have power to sue and be sued, plead and be impleaded, prosecute and defend in all manner of actions at law or in equity, in all places where legal or equitable proceedings are had. The said corporation shall have power to make such by-laws, rules and regulations for its own government and the management of its concerns as shall be deemed advisable, and to alter or amend the same at pleasure: *Provided*, That such by-laws, rules and regulations shall not conflict with the Constitution and laws of the United States or of the Territory of Washington, nor the constitution, laws and standing resolutions of the Grand Lodge of Washington Territory of Ancient Free and Accepted Masons.

SEC. 3. The said corporation, by the name and style aforesaid, shall be capable in law of purchasing, holding and conveying real estate and personal property of all kinds for the benefit of said corporation: *Provided*, That said corporation shall not at any time hold real estate to the value of more than thirty thousand dollars, nor personal property or mixed property to an amount exceeding twenty thousand dollars.

SEC. 4. The said corporation shall have power to loan money belonging to the same, to take promissory notes, mortgages or other evidences of debt for the money so loaned, or any property sold by said corporation, which may be recorded in their corporate name aforesaid in all courts or places where judicial proceedings are had.

SEC. 5. The said corporation shall have power to borrow money: *Provided*, That at no time shall the said corporation borrow or owe more than one thousand dollars, nor pay a greater rate of interest than twenty per cent. per annum.

SEC. 6. That in the management of its business concerns, said corporation is authorized and empowered to appoint and employ such officers, agents and attorneys as from time to time may be deemed necessary, and shall possess all the rights, powers and privileges usually granted to corporations of this style and nature.

SEC. 7. This act shall be liberally construed by all courts for the benefit of the corporation herein created.

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

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory

AN ACT

TO INCORPORATE THE KING COUNTY AGRICULTURAL SOCIETY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the president, vice-president, secretary, treasurer, executive committee, and each and every member of the King County Agricultural Society, located in the county of King and Territory of Washington, and their successors in office and membership, while holding such offices and membership, be and the same are hereby declared to be a body politic and corporate, by the name and style of the King County Agricultural Society, for the purpose of promoting the interest of agriculture in said county.

SEC. 2. The said corporation, by the name and title aforesaid, shall have power to sue and be sued, plead and be impleaded, prosecute and defend in all manner of actions at law or in equity, in all places where legal or equitable proceedings are had. The said corporation shall have power to make such by-laws, rules and regulations for its own government and the management of its affairs as shall be deemed advisable, and to alter or amend the same at pleasure: *Provided,* That such by-laws,

rules and regulations shall not conflict with the constitution and laws of the United States or of the Territory of Washington.

SEC. 3. The said corporation, by the name and style aforesaid, shall be capable in law of purchasing, holding and conveying real estate and personal property of all kinds for the benefit of said corporation: *Provided*, That said corporation shall not hold more than thirty thousand dollars.

SEC. 4. That in the management of its business affairs, said corporation is authorized and empowered to appoint and employ such officers, agents and attorneys as from time to time may be deemed necessary, and shall possess all the rights, powers and privileges usually granted to corporations of this style and nature.

SEC. 5. This act shall be deemed a public act, and shall be liberally construed by all courts for the benefit of the corporation herein created.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 20, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO INCORPORATE A LIBRARY AND LITERARY ASSOCIATION IN THE TOWN OF WALLA-WALLA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That W. W. Johnson, B. N. Sexton, L. B. Monson, L. J. Rector, J. H. Kendrick, Augus McKay and the officers and members of the Calliopian Society of Walla-walla,

their associates and successors, be and the same are hereby constituted a body politic and corporate, under the name and style of the Walla-walla Library and Literary Association.

SEC. 2. That said society, under its corporate name, shall have perpetual succession, may sue and be sued, plead and be impleaded, defend and be defended in all the courts of law and equity in this Territory.

SEC. 3. Said corporation may receive and hold all moneys or property coming to their hands by voluntary subscriptions, contributions or otherwise, or apply the same to the establishing and maintaining of a library, and may also receive and hold all donations of books, papers and periodicals that may be donated for that purpose.

SEC. 4. The said association may hold its meetings at such times and places, and elect such officers and pass such laws and regulations for the government and management of said society as they deem necessary: *Provided*, That the same be not inconsistent with the constitution and laws of the United States and of the Territory of Washington.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 20, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO INCORPORATE WASHINGTON FIRE ENGINE COMPANY, NO. 1, OF WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That F. P. Allen, Joseph Ackley, U. E. Johnson, J. D. Cook, W. P. Horton, Chas. Abel, Wm. Phillips, Wm. Kohlhauff, Jaques Bauer, Chas. Bertram, P. M. Lynch,

R. R. Rees, A. Schwabacher, E. H. Massam and Ellis Brown, their associates and successors, be and are hereby constituted and declared a body corporate and politic, to be known by the name and style of Washington Fire Engine Company, No. 1, of Washington Territory.

SEC. 2. Said corporation may by their corporate name sue and be sued, plead and be impleaded, defend and prosecute in all the courts of law and equity in this Territory; and may receive and hold all moneys coming into their hands, and all properties, real or personal, necessary for their organization, fruition and perpetuation, either by gifts, contributions or otherwise; also all legacies and devices of real estate or personal property, to have and to hold the same, and to possess lands or tenements, so far as may be necessary to further and carry out the purposes and intentions of this incorporation, together with all such rights, under a liberal construction of law, as are usually possessed by corporations of this character. The said corporation, under the name and title aforesaid, shall have power to borrow and loan money, to elect their own officers, and to enact and amend such by-laws, from time to time, as they may deem necessary: *Provided*, That such by-laws shall in nowise conflict with the Constitution of the United States, or the Organic Act or laws of this Territory.

SEC. 3. The said corporation shall not have power to sell, dispose of or convey their engine house, the lot on which it may stand, their engine, hose or other fixtures; and if the said corporation shall violate any of the provisions of this section, the sale thereof shall be void, and the property so sold shall revert to the city of Walla-walla; and should this corporation ever become defunct, or the said company cease to exist as a corporate company, having at least seven members and meeting at least once in each month, all the property of said company shall vest in the city of Walla-walla, and is hereby declared to be exempt from all taxation, attachments, execution, or other legal process against the said corporation, by the name and style aforesaid, or the said city of Walla-walla.

SEC. 4. If at any time the said company shall become

defunct, and the property thereof pass to the city of Walla-walla, it shall be the duty of the city council to hold said property in trust, and to deliver it up to any company who may organize as a fire company under the name and style aforesaid, and be recognized as a fire company by the said common council.

SEC. 5. The aforesaid corporators shall have the right to accept or reject this act of incorporation, and shall, before the first day of May, A. D. 1865, file with the Secretary of this Territory a notice of the acceptance or rejection of this charter, which shall be signed by the president of said company, and be attested by the clerk of city of Walla-walla, with the seal of said city.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 20, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO INCORPORATE ST. PAUL'S CHURCH AT PORT TOWNSEND.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That J. J. H. Van Bokkelen, O. F. Gerrish and Paul K. Hubbs, and their successors in office, are hereby declared a body corporate and politic in law, by the name and style of the Trustees of St. Paul's Church of Port Townsend; said church being under the control, direction and care of the Protestant Episcopal church of the United States.*

SEC. 2. Said corporation shall have continual and perpetual succession,—shall have and use a common seal,—shall have power to acquire, receive and hold by voluntary contribution,

purchase or otherwise, and to retain and possess any property, real, personal or mixed, and the same to sell, convey, rent or otherwise dispose of at pleasure: *Provided*, That no part of the resources thereof shall ever be used for any other purpose than for the interest of said church.

SEC. 3. Said trustees shall have power to adopt a constitution and by-laws for their government, and may appoint such officers and agents, and establish such rules and regulations as may be necessary for the management of their affairs.

SEC. 4. A majority of said trustees shall constitute a quorum for the transaction of business,—they shall elect one of their number as president and one as treasurer and secretary of the board, and may fill temporarily any vacancy occurring in their board, but their successors from year to year shall be elected annually by the members of St. Paul's church, Port Townsend, at such time and place as said members may designate.

SEC. 5. All deeds and other instruments of writing shall be made by order of the board of trustees, sealed with the seal of the corporation, signed by the president and acknowledged by him in his official capacity: *Provided*, That until a seal shall be adopted by said board, an ordinary scroll shall be sufficient.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 12, 1865.

WILLIAM PICKERING,

Governor of Washington Territory.

AN ACT

TO INCORPORATE THE WASHINGTON WOOLEN MANUFACTURING COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Wm. W. Miller, Geo. A. Barnes, Chas. E. Williams, Joseph Cushman, Clanrick Crosby, Joseph Bontard, Andrew J. Chambers, their associates, successors and assigns, be and they hereby are made a corporation, by the name of the Washington Woolen Manufacturing Company; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and shall be and hereby are invested with all the powers and privileges, and are made subject to all the liabilities incident to corporations of a similar nature.

SEC. 2. That said corporation be and hereby is empowered to establish, manage and prosecute, the business of manufacturing blankets, cloths, or any other woolen fabric, and such other branches of manufacture as may be necessarily connected therewith, in the county of Thurston; and for that purpose may purchase, hold and convey real and personal estate: *Provided*, The same do not at any time exceed in value the sum of fifty thousand dollars: *And provided also*, The capital stock thereof shall be divided into shares of \$100 each: *And provided further*, That neither the before named corporators, or the stockholders in the Washington Woolen Manufacturing Company, shall be at any time individually liable for the debts of said corporation or company.

SEC. 3. That before said corporation shall commence manufacturing from wool, they shall advertise in some newspaper printed in Thurston county, for three successive weeks, the names of the officers of the corporation, the amounts of money as capital stock actually paid in, and the amount of indebtedness of the corporation, which statement shall be signed by the president and treasurer of the corporation.

SEC. 4. The before named corporators, or any two of them, may call the first meeting of said corporation, by posting

up notices thereof at two or more places in said Thurston county ten days at least previous to the time of said meeting.

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

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

FOR THE RELIEF OF STEPHEN JUDSON, SHERIFF OF PIERCE COUNTY,
WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of four hundred and eighty-eight dollars be and the same is hereby appropriated out of any money in the Territorial treasury, to pay Stephen Judson for board, clothing and safe-keeping of an insane man (Agustus W. Kruger,) in Pierce county jail, from October 14, 1863, to December 15, 1864.

SEC. 2. The Territorial auditor is hereby requested to draw a warrant on the Territorial treasurer for the amount appropriated in section first of this act, such warrant to have preference in order of payment over all other warrants, except those drawn for similar service, by virtue of a contract made by his excellency the Governor.

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

Passed January 6, 1865.

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Transmitted to the Governor January 13, 1865, and not returned within five days.

AN ACT

REMUNERATING THE SERVICES OF THE REPORTER OF THE DECISIONS
OF THE SUPREME COURT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the sum of seven hundred dollars be appropriated to Elwood Evans out of any funds in the Territorial treasury not otherwise appropriated, for his preparation for publication, indexing, &c., of the opinions of the supreme court of the Territory, from December term, 1854, to December term, 1863, inclusive.

SEC. 2. The Territorial auditor is hereby instructed to issue to said Elwood Evans a Territorial warrant for the above named sum on the Territorial treasury, payable out of any funds not otherwise appropriated.

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

Passed the House of Representatives January 13, 1865.

FRANK P. DUGAN,

Speaker of the House of Representatives.

Passed the Council January 9, 1865.

FRANK CLARK,

President of the Council.

AN ACT

AUTHORIZING C. C. TERRY AND H. L. YESLER, THEIR ASSOCIATES AND
ASSIGNS, TO LAY DOWN WATER PIPES IN THE TOWN OF SEATTLE,
IN KING COUNTY, WASHINGTON TERRITORY.

WHEREAS, C. C. Terry and H. L. Yesler have brought water in pipes to supply the wants of the inhabitants of the incorporation of the town of Seattle; and

WHEREAS, It is desired by said inhabitants that such supply be continued; and

WHEREAS, To make the pipes and necessary apparatus for such supply permanent, it requires a large expenditure of money; therefore

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That C. C. Terry and H. L. Yesler, their associates and assigns, be and they are hereby granted the exclusive privilege of bringing water in pipes into and through the corporation of the town of Seattle; and they are hereby authorized and empowered to lay down pipes in the said town of Seattle, in King county, and through and along the streets and alleys thereof, and through said pipes to supply water for the use of said town and its inhabitants. *Ad.*

SEC. 2. That the said C. C. Terry and H. L. Yesler, their associates and assigns, in making the necessary excavations in and along the public streets in said town of Seattle for the purpose of laying down water pipes therein, or for the replacement or repairs of said pipes, shall not be allowed to obstruct such street or alley unnecessarily, or for a longer time than is actually required for making such improvements.

SEC. 3. The said C. C. Terry and H. L. Yesler, their associates and assigns, shall within a reasonable time after being required by any inhabitant of said town to be furnished with water, furnish such person with water as required, if said demand be accompanied by a tender of a sum of money in proportion to charges made to other persons for a like accommodation, and a failure so to do, or a failure for an unreasonable length of time to keep sufficient pipes in good repair to supply the town and the inhabitants of the town with water to meet the necessary wants, shall work a forfeiture of this charter, and the rights and franchise hereby granted shall then cease and determine.

SEC. 4. The charges to persons for water shall be uniform.

SEC. 5. This act shall not be so construed so as to interfere with the rights of the Territorial University bringing water in pipes for all necessary purposes, and used on University grounds.

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

FRANK P. DUGAN,
Speaker of the House of Representatives.
FRANK CLARK,
President of the Council.

Approved January 20, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

AUTHORIZING CHARLES E. WILLIAMS TO BUILD A WHARF.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Charles E. Williams be and he is hereby authorized to build a wharf from the foot of the western terminus of Fourth street, in the town of Olympia, of the width of said street, to commence at a sufficient distance above highwater mark and extend westward to the channel of Budd's Inlet.

SEC. 2. Said Charles E. Williams may, in addition to the privileges granted in section first of this act, construct, at the western end of said wharf, an addition or additions to said wharf, on either or both sides thereof, to form an L or T, neither of which additions shall exceed sixty feet square, and upon which said Williams may erect buildings, warehouses or other necessary improvements.

SEC. 3. The said Charles E. Williams, his heirs or assigns, shall be entitled to receive such rates of wharfage as the corporate authorities of the town of Olympia shall establish, except as herein provided. Said wharf shall be subject to the laws of this Territory regulating wharves, and shall be and remain the property of said Charles E. Williams, his heirs and assigns:

Provided, That the said Charles E. Williams shall within sixty days after the passage of this act commence to build said wharf, and shall within six months have the same completed.

SEC. 4. All acts or parts of acts heretofore passed conflicting with this grant, or the provisions herein contained, be and the same are hereby repealed.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 18, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

FOR THE INTRODUCTION OF EASTERN SHAD AND ALEWIVES INTO LAKES WASHINGTON AND UNION AND THE TRIBUTARIES AND OUTLET STREAMS OF SAID LAKES, IN KING COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Charles C. Terry and Joseph Cushman, their heirs and assigns, be and they are hereby authorized to introduce into and stock lake Washington and lake Union, in King county, Territory of Washington, with eastern shad and alewives, with the exclusive right, for the term of thirty years, to catch and cure all alewives and shad in said lakes and in all the tributary lakes and streams running into said lakes Washington and Union, and in all the outlet streams of said lakes Washington and Union, the Black river, Duwamish river, and the outlet stream of Union lake running into Salmon bay, so called.

SEC. 2. The said Charles C. Terry and Joseph Cushman shall within five years from the date of the passage of this act, introduce into and stock the before named lakes with either eastern alewives or shad, or both, as they may determine.

SEC. 3. The said Charles C. Terry and Joseph Cushman shall not by reason of these alewives or shad fisheries, obstruct the free navigation of any of the above named lakes or rivers or any part thereof.

SEC. 4. The property, real and personal, of the before named grantees in all that appertains to their fishing business carried on under this grant, shall not be taxed at a higher rate than other property in King county.

SEC. 5. The exclusive right is hereby given to Charles C. Terry and Joseph Cushman, their heirs and assigns, to locate and establish fishing stations on the banks of Black river, Duwamish river, or the outlet streams of Union lake so called, for the purpose of drawing seines or nets to catch alewives or shad; and they are authorized to take any private land, not exceeding one acre to each fishing station, by paying a reasonable compensation therefor.

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

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

AN ACT

TO AUTHORIZE MICHAEL S. DREW AND HIS ASSOCIATES TO PLANT AND CULTIVATE OYSTERS IN PORT GAMBLE BAY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That Michael S. Drew, and such other person or persons as he may associate with him, be and they are hereby authorized to plant and cultivate oysters on a part of the flat at the mouth of Walker's creek, also on a part of the*

flat at the mouth of the brook at the head of Port Gamble Bay, Kitsap county, in all not exceeding ten acres, for the term of ten years from and after the passage of this act.

SEC. 2. It shall not be lawful for any other person or persons to cultivate or take oysters from any cultivated bed of oysters in said bay after the passage of this act.

SEC. 3. Any person violating any of the provisions of section two of this act, shall, on conviction, be fined in any sum not exceeding fifty dollars, and shall be liable to corporator or corporators under this act in double the value of the oysters taken.

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

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

Approved January 20, 1865.

ELWOOD EVANS,
Acting Governor of Washington Territory.

AN ACT

AUTHORIZING HENRY WINSOR AND L. D. DURGIN, OF THURSTON COUNTY, WASHINGTON TERRITORY, THEIR HEIRS AND ASSIGNS, TO PLANT, CULTIVATE AND GATHER OYSTERS IN BUDD'S INLET.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Henry Winsor and L. D. Durgin, their heirs and assigns, be and they are hereby granted the exclusive privilege to plant, cultivate and gather oysters in so much of Budd's Inlet as lies within the limits of the east half of section fifteen, in township eighteen, north of range two west of the Willamette meridian, in the Territory of Washington: *Provided,* That this act shall not be so construed as to

vest any right in the parties named to any of the native oyster beds in Budd's Inlet.

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

SEC. 3. All acts or parts of acts not in conformity with this act are hereby repealed.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 20, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

MEMORIALS.

MEMORIALS.

MEMORIAL

IN RELATION TO BIENNIAL SESSIONS OF THE LEGISLATIVE ASSEMBLY
OF WASHINGTON TERRITORY, AND COMPENSATION THEREFOR.

*To the Honorable 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 represent:

That great economy, benefit and advantage would result from an amendment of the Organic Act of this Territory, providing biennial instead of annual sessions of the Legislative Assembly of said Territory.

That there is no real necessity for said annual sessions.

That the present per diem and mileage allowed the said Legislative Assembly, were it even paid in gold, is too small a compensation to justify our citizens abandoning their professions or avocations of life; and at the present reduced condition of our government currency, is inadequate to meeting the actual expenses of board and travel.

That a large amount is expended annually for printing the laws and journals of said Assembly without substantial, practical advantage to the people, for the reason that the expenses of labor and high price of material, especially when paid in government currency, preclude prompt execution and early distri-

bution, so essential to advising our citizens of the laws under which they live; this added to the extent of territory, the distance between settlements, the necessarily difficult and dilatory inter-mail communication usually defeats the reception of the result of the legislation of one year before the convening of a subsequent Legislature. These amendments or alterations are made in our legislation to be in turn altered or modified before trial, and often times before the existence of a law is really known.

That the granting of the prayer of this memorial will save to the government one annual appropriation. For the above and other reasons not believed necessary to be incorporated, your memorialists pray the amendment of said organic act in the following particulars: To provide biennial sessions not to exceed in duration a term of sixty days; members of the Council to be elected for six years, one third retiring biennially; Representatives to be elected for two years; compensation of members to be raised to six dollars per day, and six dollars for every twenty miles of travel; chief clerks to receive eight dollars per day; other officers five dollars per day; and one joint enrolling and engrossing clerk for both houses, to receive eight dollars per day each.

And your memorialists, as in duty bound, will ever pray.

Passed December 24, 1864.

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

MEMORIAL

RELATIVE TO THE REMOVAL OF THE PORT OF ENTRY FOR PUGET SOUND
DISTRICT NO. 103, FROM PORT ANGELES TO PORT TOWNSEND.

*To the Honorable 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 represent:

That the interests of the commerce of this collection district imperatively demands a change in the location of the port of entry for Puget Sound district.

And your memorialists would further represent, that previous to the removal of the port of entry from Port Townsend to Port Angeles, the shipping of this district was better accommodated and the revenue more easily collected than it can possibly be collected at any other point in the district.

And your memorialists would further represent, that there never was any good and sufficient reason for the removal of the port of entry from Port Townsend, which place has a safe and commodious harbor and easy of access at all times, and being situated conveniently to all the ports where shipping is owned in this district, and in the immediate vicinity of and below all the principal places of business on the Straits of Fuca.

And your memorialists would further represent, that a trial of two years and a half fully demonstrates the entire unfitness of Port Angeles as the port of entry for Puget Sound district, either as a convenient point for the collection of the revenue or for the entrance and clearance of vessels engaged in trade with this district.

In view of the facts as above set forth, your memorialists would respectfully request that the port of entry be immediately removed from Port Angeles and located at Port Townsend, and, as in duty bound, your memorialists will ever pray.

Resolved by the Legislative Assembly of the Territory of Washington, That the Secretary of the Territory be and he is hereby requested to forward a copy of the foregoing memorial and this resolution to our delegate in Congress, who is hereby instructed to use his influence to obtain the early passage of an act in conformity with the prayer of this memorial.

Passed December 12, 1864.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

MEMORIAL

RELATIVE TO THE EXTENSION OF THE PROVISIONS OF ACT OF MARCH 2, 1831, AND OTHER ACTS RELATING TO THE FOREIGN AND COASTING TRADE ON THE NORTHERN, NORTH-EASTERN AND NORTH-WESTERN FRONTIERS, TO THE TRADE BETWEEN STRAITS OF FUCA, ADMIRALTY INLET, PUGET SOUND, AND THE BRITISH COLONIES OF VANCOUVER ISLAND AND BRITISH COLUMBIA.

*To the Honorable 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 the interest of commerce and of the inhabitants of Collection District No. 103 require a change in the present revenue laws governing the trade between this Collection District and the British Provinces of Vancouver Island and British Columbia.

Your memorialists would therefore pray that the provisions of the act of March 2, 1831, relating to foreign and coasting trade on the northern, north-eastern, north-western frontiers be extended to the waters of Puget Sound, Admiralty Inlet and Straits of Fuca.

Your memorialists would further ask that the trade between the Territory of Washington and the British Colonies of Vancouver Island and British Columbia be regulated in accordance with the provisions of the said act of March 2, 1831, and in accordance with the provisions of the reciprocity treaty of 1854, and all other laws at present regulating the trade between the north and north-eastern states and the Canadas.

And your memorialists further represent that the extension of the provisions of said acts to the waters of this Territory will materially advance the interests of said Territory and increase the revenue of the United States.

And in duty bound your memorialists will ever pray.

Resolved by the Legislative Assembly of the Territory of Washington, That the Secretary of the Territory be and he is hereby requested to forward a copy of the foregoing memorial and this resolution to our delegate in Congress, who is hereby

instructed to use his influence to obtain the early passage in Congress of an act in conformity with the prayer of this memorial.

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

MEMORIAL

IN RELATION TO A BRANCH MINT AT DALLES, OREGON.

*To the Honorable 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 beg leave to present to your consideration the following preamble and prayer:

WHEREAS, Congress did at the thirty-eighth session enact a law providing for the erection and establishment of a United States Branch Mint at Dalles, Wasco county, Oregon; and

WHEREAS, Rich and extensive fields of gold and silver are being constantly discovered and developed in the Territories of Montana, Idaho and Washington, which fully justifies the belief that the mines embraced in these Territories are destined to produce a greater amount of gold and silver than the entire remaining portion of the Pacific coast; and

WHEREAS, The transportation of the precious metals produced in these Territories to the Branch Mint in San Francisco, is attended with great danger, loss of time and expense, the high rates of express charges being ruinous to both the mining and mercantile community, thereby compelling the miner to sell his dust at a heavy discount on its intrinsic value; and

WHEREAS, The aforesaid city of Dalles is situated at a point where all the roads leading to the different mining districts in

eastern Oregon, Washington and Idaho Territories concentrate, thereby rendering the said city more accessible, eligible and convenient than any other place in the State of Oregon; and

WHEREAS, It sometimes happens that during severe winters the lower Columbia river is closed, and the Cascade mountains between Dalles and Portland rendered practically impassable, thereby suspending communication and preventing travel below Dalles, while the said city can be reached by land travel from the mining districts at all seasons of the year; all of which facts, in the opinion of your memorialists, confirm the wisdom of your choice in the selection of the said city of Dalles as the most advantageous place for the location of a Branch Mint; and

WHEREAS, Powerful and persistent efforts are being made by certain parties to effect a repeal of the law locating the said branch mint at Dalles, and to establish it at Portland, Oregon, which purpose, if accomplished, will prove a serious detriment and disadvantage to the entire population of Eastern Oregon, and the territories of Washington, Idaho and Montana.

Therefore, Your memorialists respectfully and earnestly pray that your honorably body will immediately appoint commissioners for the erection and establishment of the branch mint at Dalles, Wasco county, Oregon, and that measures be adopted to finish and put it into practical operation at the earliest period of time possible.

And your memorialists as in duty bound will ever pray.

Resolved, That the Secretary of the Territory be requested to immediately transmit a certified copy of the foregoing memorial to our delegate in Congress, and that he be and is hereby instructed to lay the same before Congress and to use his influence to secure the accomplishment of the prayer thereof.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

MEMORIAL

RELATIVE TO AN APPROPRIATION OF LAND TO BUILD A ROAD FROM
SEATTLE TO WALLA-WALLA.

*To the Honorable the 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 at the last session of this body a memorial was passed, of which the following is a copy:

“Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that the military road across the Cascade Mountains is now impassable by reason of fallen timber, and the unfinished condition in which it was left after the expenditure of the appropriation heretofore made by Congress for its construction.

“The opening of this road is of the most vital importance and interest to the people of Washington Territory; would doubtless be used yearly by thousands of persons going to and returning from the gold fields lying east of the Cascade range, and in the opinion of your memorialists, in a military point of view, is absolutely required.

“Quite a large amount of money has been expended by government in opening this road, yet it is now useless in every respect, and will so continue unless repaired.

“The repair and thorough completion of the same would also bring into immediate use and cultivation the large and fertile tracts of land lying east of the Cascades, and on the line of this road, which have heretofore remained unoccupied because of the impossibility of getting supplies to, and their produce from the homes of settlers, by means of ingress and egress then and now afforded.

“Your memorialists are of the opinion that not less than fifty thousand dollars will thoroughly repair and complete said road, and therefore pray your honorable bodies to pass an act appropriating that sum, either in money or land lying along said road, for its repair and completion.”

And that the best interests of the government and of Washington Territory require early and favorable action by Congress upon the same.

Your memorialists would also respectfully represent that the wants of the people and interest of the lower part of Puget Sound require that a suitable appropriation, in land or money, should be made to open a road from Seattle, in King county, to intersect said road in the vicinity of the foot of the Cascade range of mountains, on the western slope, at the Naches pass.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

MEMORIAL

PRAYING CONGRESS TO AMEND THE ORGANIC ACT SO AS TO GIVE JUSTICES OF THE PEACE CONCURRENT JURISDICTION IN ACTIONS WHERE THE AMOUNT CLAIMED DOES NOT EXCEED TWO HUNDRED AND FIFTY DOLLARS.

To the Honorable 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 represent:

That there are portions of this Territory where there are large settlements distant more than two hundred miles from the usual place of holding the district courts; that persons having claims over one hundred dollars are compelled to expend large sums of money in traveling expenses and expense of bringing witnesses to enforce the collection of the same in the district courts; that such expense, where the amount does not exceed two hundred and fifty dollars, would under some circumstances where there are many witnesses to be produced at trial, absorb the entire amount of the claim at the present time when the

currency is depreciated one-half, and amounts to a prohibition on suitors, and enables dishonest persons to take advantage of them.

Your memorialists would therefore pray your honorable bodies to so amend the organic act of this Territory so as to confer concurrent jurisdiction on justices of the peace to try cases wherein the sum claimed does not exceed two hundred and fifty dollars, and, as in duty bound, your memorialists will ever pray.

Resolved by the Legislative Assembly of the Territory of Washington, That the Secretary of the Territory be and he is hereby requested to forward a copy of the foregoing memorial to our delegate in Congress, with a request that he use his influence to secure the passage of the amendment prayed for.

Passed January 3, 1865.

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

MEMORIAL

PRAYING CONGRESS FOR GRANT OF LAND TO MEN ENLISTED IN INDIAN
WAR OF 1855 AND 1856.

*To the Honorable 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 in the years 1855 and 1856, the people of this Territory were engaged in a war with the Indians, and nearly every person was compelled to take the field for the protection of their homes, and for one year lived in the field, to the great injury of their property.

Therefore we would respectfully ask your honorable body to grant one hundred and sixty acres of land to each and every person engaged in said war who served for fourteen days or more, and were honorably discharged.

And in duty bound your memorialists will ever pray.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

MEMORIAL

RELATIVE TO STEAM MAIL SERVICE IN ADMIRALTY INLET.

*To the Honorable 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 a great necessity exists for the establishment of a steam mail service on Admiralty Inlet, between the towns of Seattle and Whatcom, *via* Swinimish or Deception Passage, touching at the intermediate post offices.

We would therefore respectfully ask that the contract be at once let to some responsible party who will place a suitable steamer on the route, with a compensation for said service commensurate with its importance.

And your memorialists, as in duty bound, will ever pray.

Passed December 21, 1864.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

MEMORIAL

RELATIVE TO THE POSTAL ORDER SYSTEM.

To the Honorable Postmaster General of the United States :

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent:

That the establishment of the postal money order system in connection with the Olympia and Walla-walla post-offices would be of great convenience and benefit to the citizens of those sections, would pray that the same be established at the earliest possible day.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

MEMORIAL

PRAYING FOR MAIL SERVICE FROM PORT TOWNSEND TO NEAH BAY.

To the Honorable Post Master General of the United States :

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent:

That under contract No. , from Olympia to Victoria, that the residents of Squim, New Dungeness, Clalm bay and Neah bay, in Clalm county, W. T., are left out of said contract, and are at present entirely without any mail facilities.

Your memorialists would therefore respectfully pray that a weekly mail route from Port Townsend to Neah bay, stopping at New Dungeness, Port Angeles and Clalm bay on said route, connecting at Port Townsend with the mail from Olympia to Victoria.

Your memorialists would further state, that by the present route there are some four hundred and fifty persons that are entirely without mail facilities.

We would therefore respectfully pray that a route be established between the above named places, and that proposals for carrying the same be immediately advertised for; and as in duty bound your memorialists will ever pray.

Resolved by the Legislative Assembly of the Territory of Washington, That the Secretary of the Territory be and he is hereby requested to forward a copy of the foregoing memorial to the Hon. Post Master General.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

MEMORIAL

RELATIVE TO MAIL SERVICE FROM ASTORIA TO OLYMPIA.

To the Honorable Second Assistant Post Master General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent:

That on the line of post from Olympia, Washington Territory, route number 15261, via the Chehalis river and Gray's harbor to Astoria, Oregon, there are numerous post-offices by which the growing settlements in this portion of the Territory, through which said route passes, are supplied with mail matter; that in consequence of large sections of excellent agricultural and arable land being constantly developed, population is steadily increasing, and such settlements daily acquiring more importance, fully sufficient to justify an increase of mail facilities; that for nearly two years immediately preceding June 30, 1864, these settlements were supplied with mails weekly by the present contractor upon said route, U. G. Warbass, deceased, and since his death by Mary C. Warbass, administratrix upon his estate; that the suspension of said weekly service and the

adoption of a semi-monthly service in lieu thereof, is a privation to the people of said settlements, the more unjust because of having enjoyed such facilities for the period above referred to; that to insure prompt and efficient service semi-monthly, the contractor is obliged to retain in employ by the month necessary assistants to carry such mail, and with but slight additional expense, can do and perform weekly mail service as readily as semi-monthly service; that at the present depreciated value of government currency, the only approximate to indemnifying a contractor is allowance for weekly trips, as said contractor is forced to keep the necessary hands, boats and horses subject to use, though losing the pay of alternate trips while being subjected to the expense thereof.

Therefore would your memorialists pray that steps be taken by the Department to reinstate the service on said route to a weekly contract; and in the settlement of the account of Mrs. Mary C. Warbass, survivor to the contract and legal representative, that she be allowed for said weekly service up to June 30, 1864, and authorized to perform the balance of said time of contract in carrying the mail weekly upon said route 15261.

And your memorialists as in duty bound will ever pray.

Passed January 4, 1865.

FRANK P. DUGAN,
Speaker of the House of Representatives.

FRANK CLARK,
President of the Council.

MEMORIAL

PRAYING CONGRESS TO ESTABLISH A DISTRIBUTING POST OFFICE AT
WALLA-WALLA, WASHINGTON TERRITORY.

*To the Honorable 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 represent:

That there is in the Territories of Washington and Idaho a combined population of over eighty thousand inhabitants; that in these Territories rich deposits of gold and silver are being constantly discovered and developed; that the permanent population is being steadily and rapidly augmented; that mining towns are in consequence springing into existence in every part of the mining districts; that the present postal arrangements are entirely inadequate to meet the growing demand for postal conveniences; that the city of Walla-walla, in the said Territory of Washington, is on the natural and recognized transit route of the great northern overland mail, and is the geographic and eligible centre of distribution for the great mining districts of Idaho and Washington Territories; that at this time such settlements are almost entirely dependent upon the said overland mail, which arrives at Walla-walla three times a week, which city is already connected by roads with Lewiston, Fort Lapwai, Fort Colville, Florencé, Pierce City, Elk City, Oro Fino, Deer Lodge Valley and other mining camps; that mail matter for such towns and settlements must and does necessarily pass through Walla-walla; that the western portion of Washington Territory, embracing the Lower Columbia and Puget Sound country, as well as all that portion of Oregon north of the Calapooia mountains, can with slight additions to existing postal arrangements of overland service, secure the reception of mail matter from the Atlantic States in from five to ten days less time than by way of Sacramento, California.

Your memorialists, therefore, pray that your honorable body will take these facts into consideration, and that you will, in your wisdom, create and establish the post office at Walla-walla, Washington Territory, a distributing post office.

And in duty bound your memorialists will ever pray.

Resolved by the Legislative Assembly of the Territory of Washington, That the Secretary of the Territory be and he is hereby requested to forward a copy of the foregoing memorial to our delegate in Congress, who is hereby instructed to use

his influence to secure and accomplish the object sought in the prayer of this memorial.

FRANK P. DUGAN,
Speaker of the House of Representatives.
FRANK CLARK,
President of the Council.

MEMORIAL

FOR A WEEKLY MAIL ROUTE FROM SEATTLE, IN KING COUNTY, TO SNOHOMISH CITY, IN SNOHOMISH COUNTY.

To the Honorable Post Master General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent:

That the people now living in the interior of Snohomish county are laboring under great inconvenience and expense, from the fact of there being no mail facilities to or near that section of the country; Snohomish city being the county seat of Snohomish county, and being surrounded by a rich farming country that is being rapidly settled up.

In view of these facts, your memorialists would pray that a weekly mail route be established overland between the town of Seattle, in King county, and Snohomish City, in Snohomish county.

FRANK P. DUGAN,
Speaker of the House of Representatives.
FRANK CLARK,
President of the Council.

MEMORIAL

IN RELATION TO JOHN CARSON'S LAND CLAIM IN PIERCE COUNTY.

*To the Honorable 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 in the year 1854, John Carson located in Pierce county on the banks of the Puyallup river, a donation land claim of 320 acres, and that he has since resided upon and has improved and made the same his home; that said claim as laid and notified upon and improved by Mr. Carson cannot be held by him under existing laws, by reason of the fact that a part of the same lies on either side of the Puyallup river, which is a meandered stream.

Your memorialists would further represent that Mr. Carson is an old and valued citizen of the country, and that he was induced to lay his claim as above stated by advice of the register and receiver of the land office, at the time he notified upon his claim: They then informed him that he could, under existing laws, hold the same.

Your memorialists would further represent that all the lands adjacent to Mr. Carson's claim are now taken, and that unless he can hold his claim as laid, he will be deprived of about one third of the benefits of the law, with which it is believed he sought strictly to comply. Therefore it is respectfully requested that a law be passed enabling him to hold his claim as notified upon.

Passed January 4, 1865.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

RESOLUTIONS.

RESOLUTIONS.

RESOLUTION

**AUTHORIZING THE PAYMENT OF T. F. MCELROY'S CLAIM FOR PRINTING
OPINIONS OF THE SUPREME COURT OF WASHINGTON TERRITORY.**

WHEREAS, T. F. McElroy did under instructions and at the request of the Legislative Assembly of this Territory, print the opinions of the Supreme Court of the said Territory, delivered at its several terms from the organization of the Territory down to and including the December term, 1863, the publication of which was demanded for the information and convenience of the Bench, Bar and People of the Territory; therefore

Resolved by the Legislative Assembly of the Territory of Washington, That our Delegate in Congress be instructed to use his utmost exertion to secure the allowance of the claim of said McElroy for said printing, and should it be necessary, to secure the passage of an appropriation by Congress to defray the expenses of said printing.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 21, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

RESOLUTIONS.

RESOLUTION

IN RELATION TO JOINT COMMITTEE ON ENROLLED BILLS.

Resolved by the House, the Council concurring, That the standing committees of the two Houses on enrolled bills compose a joint committee.

Passed December 13, 1865.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Transmitted to the Governor and not returned within five days.

RESOLUTION

APPOINTING JAMES GALLAGHER ENGROSSING AND ENROLLING CLERK.

Resolved by the House, the Council concurring, That James Gallagher be and he is hereby appointed and constituted a joint engrossing and enrolling clerk for the Council and House during the present legislative session, at a compensation of five dollars per day from the Territorial treasury, and such further compensation as the members of the two houses may individually see fit to make.

Be it further resolved, That the Territorial auditor be and he is hereby instructed to issue a warrant on the Territorial treasurer, for such sum as may be certified by the Speaker of the House and President of the Council to be due the said James Gallagher.

Passed December 19, 1864.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Transmitted to the Governor and not returned within five days.

RESOLUTION

RELATIVE TO THE REPORTS OF TERRITORIAL OFFICERS.

Resolved by the House, the Council concurring, That a committee of three be appointed by the Speaker to act in conjunction with a like committee on the part of the Council, to examine the reports of the Territorial officers, and report as soon as practicable to the Legislative Assembly.

Passed January 6, 1865.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Transmitted to the Governor and not returned within five days.

RESOLUTION

RELATIVE TO REPORT OF BOARD OF UNIVERSITY REGENTS.

Resolved by the Council, the House concurring, That a committee of five on the part of the Council, to act with a like number on the part of the House of Representatives, be and they are hereby appointed to take into consideration and report upon the report of the President of the board of regents of Washington Territory University.

Passed December 21, 1864.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Transmitted to the Governor and not returned within five days.

RESOLUTION

RELATIVE TO JOINT CONVENTION TO ELECT TERRITORIAL OFFICERS.

Resolved by the House, the Council concurring, That the two houses meet in joint convention, in the hall of the House of Representatives, at the hour of one o'clock, P. M., on the fifth day of January, 1865, for the purpose of electing one Territorial auditor, one Territorial treasurer, one Territorial librarian, and all other officers required by law to be elected.

Passed December 20, 1864.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Transmitted to the Governor and not returned within five days.

RESOLUTION

RELATIVE TO ADJOURNMENT OVER THE HOLIDAYS.

Resolved by the House, the Council concurring, That when the two houses of the Legislative Assembly adjourn to-day, they adjourn to meet on Monday, the second day of January, 1865, at the hour of 11 o'clock, A. M.

Passed December 24, 1864.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Transmitted to the Governor and not returned within five days.

RESOLUTION

RELATIVE TO JOINT COMMITTEE ON REVISION OF REVENUE LAW.

Resolved by the House, the Council concurring, That the committee on ways and means of both houses be and they are hereby appointed a joint committee for the purpose of revising the revenue law, and that they report a bill as soon as practicable.

Passed January 3, 1865.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Transmitted to the Governor and not returned within five days.

RESOLUTION

RELATIVE TO ADJOURNING *SINE DIE*.

Resolved by the House, the Council concurring, That when the two houses adjourn on Monday, January 23d, they adjourn *sine die*.

FRANK P. DUGAN,

Speaker of the House of Representatives.

FRANK CLARK,

President of the Council.

Approved January 18, 1865.

ELWOOD EVANS,

Acting Governor of Washington Territory.

INDEX.

INDEX

TO THE

FOREGOING GENERAL LAWS.

A.

	PAGE.
ACKNOWLEDGMENT—	
Of deeds out of Territory.....	25
AFFIDAVIT—	
Of injustice, in suits to Supreme Court.....	14
AGRICULTURE—(<i>See Agricultural College.</i>)	
AGRICULTURAL COLLEGE—	
A College established to teach Agriculture and Mechanic Arts....	32
Located in Clarke county.....	32
Commissioners to select site.....	32
Commissioners authorized to purchase lands.....	32
Price not to exceed \$2000; how paid.....	32
Time prescribed for first meeting of Commissioners. A majority of Commissioners a quorum.....	32
To hold office for two years.....	32
To make report on first day of next session of Legislature.....	32
Said institution to be called Washington College.....	33

	PAGE.
AGRICULTURAL COLLEGE—(CONTINUED.)	
Objects of said College and branches to be taught.....	33
A board of Trustees appointed.....	33
Governor of Territory <i>ex officio</i> a Trustee.....	33
Other Trustees to hold three years, and to be elected by joint convention of Legislature.....	33
Governor empowered to fill vacancy in board.....	33
The board of Trustees a body corporate.....	33
The Trustees shall appoint a Secretary and Treasurer.....	33
Powers and duties of Trustees.....	33
Meetings of board may be called by three Trustees.....	34
Time of first meeting of board of Trustees.....	34
A Commissioner of College lands to be selected.....	34
Qualification of Commissioner, and duties.....	34
Commissioner to locate lands and report to Trustees.....	34
Of the location and entry of lands.....	34
Trustees to make annual report on first Monday of December to Legislative Assembly.....	35
On completion of entry of lands, said lands may be sold; manner of sale.....	35
Land to be appraised and not sold at less than appraised value...	35
Proceeds of sales of land to be invested.....	35
No Trustee to be interested in purchase.....	35
Principal of fund to be undiminished, except ten per cent. to pay for site of college.....	35
Trustees to execute deed to purchaser.....	35
Requisite of deed.....	35
Qualification of Trustees.....	36
County Commissioners of Clarke county may levy special tax of two mills, to build said College.....	36
Said tax paid out on warrants signed by President of Washington College.....	36
APPEALS—(<i>See Writ of Error.</i>)	
Of persons aggrieved by act of assessor.....	8
To Supreme Court.....	10
From Justice to District Court, on damages resulting from ditching to drain swamp lands.....	30
APPRAISEMENT—(<i>See Appraisers.</i>)	
APPRAISERS—	
Appointed by assessor to value property.....	8
Compensation of.....	8

	PAGE.
ASSESSMENT—(<i>See Assessor.</i>)	
ASSESSOR—	
When making assessment, shall collect poll tax.....	6
Penalty for receiving poll tax without delivering receipt.....	7
May order appraisalment of property if improper returns be made..	8
Action of, may be appealed from, to board of County Commissioners.	8
Compensation of such appraisers.....	8
Empowered to administer necessary oaths.....	8
If appraisalment higher than returned value, property liable for ex- penses of appraisalment.....	8
AUDITOR—(<i>See County Auditor, Territorial Auditor.</i>)	

B.

BILLS OF SALE—	
Of personal property, where to be recorded.....	26

C.

CHINESE POLICE TAX—	
Made uniform throughout Territory.....	28
Sheriff of Stevens county may collect out of his county.....	28
CIVIL PRACTICE—	
Amended to allow clerk of Court to issue a commission.....	20
CLERK—(<i>See County Auditor.</i>)	
Of District Court may issue commissions to take depositions.....	21
Of Court out of Territory to deed, seal of proves genuineness.....	25
COMMISSION—	
None required in the qualification of Judge of Probate or Prose- cuting attorney.....	18
To take depositions, when may be issued by clerk of District Court.	20
When Probate Judge may issue to take deposition.....	21
COMPLAINT—	
In criminal proceedings where frivolous or malicious.....	20
CONSTABLE—	
Fees of, in Pierce, Thurston, Jefferson, Walla-walla and Lewis.....	52
COSTS—(<i>See Writs of Error, Supreme Court.</i>)	
Of transcript to be paid clerk before returned to Supreme Court...	12
Judgment for to defendant in error.....	13
In ignoring a bill by grand jury.....	20

	PAGE.
COUNTY—	
Current expenses equal to one-half of revenue may be paid by County Commissioners.....	5
COUNTY OF CLALM—	
Excluded from operation of law as to leasing public roads.....	44
COUNTY OF CLARKE—	
County Auditor of, to certify election of Prosecuting Attorney of second judicial district.....	18
Agricultural College located in.....	32
County Commissioners of, may levy tax of two mills to build Washington College.....	36
A part of Skamania County annexed to.....	44
Duties of officers of, in settlement of division of Skamania.....	45
COUNTY OF FERGUSON—	
Act abolishing.....	47
COUNTY OF ISLAND—	
Exempt from thirty-third section of revenue law.....	27
Exempt from law creating office of County Supervisor.....	41
Excluded from operation of law as to leasing public roads.....	44
COUNTY OF JEFFERSON—	
County Auditor of, to certify election of Prosecuting Attorney of third judicial district.....	18
Exempt from thirty-third section of revenue law.....	27
Fee bill of officers of.....	50
COUNTY OF KING—	
Exempt from law creating County Supervisor.....	41
COUNTY OF KITSAP—	
Exempt from game laws.....	38
COUNTY OF LEWIS—	
Exempt from law creating office of County Supervisor.....	41
Fees of officers of.....	50
COUNTY OF MASON—	
Exempt from law creating office of County Supervisor.....	41
COUNTY OF PIERCE—	
Exempt from thirty-third section of revenue law.....	27
Exempt from law creating office of County Supervisor.....	41
Boundary line of, defined.....	49
Fee bill of officers.....	50

	PAGE.
COUNTY OF SKAMANIA—	
Territory of County divided between Clarke and Klickitat Counties.....	45
Dividing line designated, and portions assigned to Klickitat and Clarke Counties.....	45
County officers to cease functions April 1st, 1865.....	45
Records, books, &c., to go to Clarke County.....	45
County officers to deliver records, &c., to County Auditor of Skamania, who shall deliver same to Auditor of Clarke.....	45
Penalty for violating this section.....	46
Surplus funds, if any, to be equally divided between Clarke and Klickitat Counties.....	46
If funds insufficient to pay indebtedness, *Clarke County to pay debts of Skamania.....	46
Officers of Clarke County empowered to collect debts due Skamania County after April 1st, 1865.....	46
Repealing clause.....	46
COUNTY OF SNOHOMISH—	
Exempt from game laws.....	38
Exempt from law creating office of County Supervisor.....	41
COUNTY OF STEVENS—	
Act creating District Court of.....	23
Sheriff of, may collect Chinese police tax out of his County.....	28
South boundary of, defined.....	48
COUNTY OF THURSTON—	
Exempt from law creating office of County Supervisor.....	41
Fees of officers of.....	50
COUNTY OF WALLA-WALLA—	
County Auditor of, to certify election of Prosecuting Attorney of first judicial district.....	18
Exempt from thirty-third section of revenue law.....	27
Exempt from law creating office of County Supervisor.....	41
Excluded from operation of law as to leasing public roads.....	44
Fee bill of officers of.....	50
COUNTY OF YAKIMA—	
Act creating and organizing.....	47
COUNTY AUDITOR—	
Duty of, as to poll tax remaining unpaid on 20th of May.....	6
As to the registry of poll tax receipts issued by Territorial Auditor	7
When he may issue poll tax receipts.....	7

	PAGE.
COUNTY AUDITOR—(CONTINUED.)	
To charge officers with poll tax receipts.....	8
Return of taxes collected by sheriff on 1st January.....	8
To certify to election of probate judge.....	18
Of counties composing a judicial district to certify election of Prosecuting Attorney.....	18
Of Walla-walla, to certify to election of Prosecuting Attorney of first judicial district.....	18
Of Clarke, to certify election of Prosecuting Attorney of second judicial district.....	18
Of Jefferson, to certify election of Prosecuting Attorney of third judicial district.....	18
<i>Ex officio</i> clerk of probate court of respective county.....	22
To record instruments within twenty days.....	26
Fee of, to be paid or tendered.....	27
Penalty for failing so to record.....	27
COUNTY COMMISSIONERS—	
May levy tax, not to exceed eight mills, for county purposes.....	5
May levy school tax, not to exceed two mills.....	5
May appropriate for current expenses, not to exceed half of county revenue.....	5
Appeal to, by person aggrieved by act of Assessor.....	8
To report in May and November, to Prosecuting Attorney, delin- quent county and precinct officers.....	17
To fix compensation of County Supervisor of roads; counties ex- cepted.....	41
Duty of, at spring session, in counties having a County Supervisor	41
Value of day's work to be fixed by.....	41
COUNTY SUPERVISOR—	
Act creating office.....	38
To hold his office for two years.....	39
To give bond in sum of \$500.....	39
Duty of.....	39
To procure map and designate all public roads and highways.....	39
To pass over roads between April 1st and June 1st.....	39
To make report of condition of roads and determine what work to be put on same.....	40
To examine assessment and apportion road labor.....	40
To procure and take care of necessary tools, and turn over same to successor.....	40
To report to county commissioners; what report shall contain.....	40

	PAGE.
COUNTY SUPERVISOR—(CONTINUED.)	
To notify all persons liable to tax or labor; requisites of notice....	40
To do all road work by sections.....	40
To appoint deputies, who shall not receive extra compensation....	40
Compensation to be fixed by county commissioners.....	40
Supervisor shall keep a certificate book; what shall contain.....	40
Certificates issued not transferable.....	41
Duty of county commissioners at spring sessions.....	41
Penalty of person failing to perform labor after notice.....	41
Supervisor shall report at first county court after October 1st; what report shall contain.....	41
Value of days work to be fixed by commissioners at spring term... ..	41
On qualification of Supervisor, office of district supervisors and division into road districts discontinued.....	41
Pierce, Mason, Island, Walla-walla, King, Snohomish, Thurston and Lewis counties not included in this act.....	41
COUNTY TREASURER—	
To receive, sign and number blank poll tax receipts from Territorial auditor.....	7
COURT—(<i>See Writ of Error, Supreme Court.</i>)	
May appoint special prosecuting attorney.....	17
CRIMES AND PUNISHMENTS—	
Act relating to, amended.....	19
CRIMINAL PRACTICE—	
Amendatory of, act.....	18
D.	
DAMAGES—	
When awarded to defendant in error.....	13
Of persons injured by ditching to drain swamp lands.....	30
DEEDS—	
Out of Territory, by whom acknowledged.....	25
DEFENDANT IN ERROR—(<i>See Writ of Error, Supreme Court.</i>)	
DEPOSITION—	
Clerk of district court may issue commission.....	20
Publication of.....	21
Judge of probate may issue commission.....	21
In probate court, to be used in district court on appeal.....	21

	PAGE.
DISTRICT JUDGES—	
Hon. J. E. Wyche assigned to first district.....	23
Hon. C. C. Hewitt assigned to second district.....	23
Hon. E. P. Oliphant assigned to third district.....	23
May hold each other's courts.....	23
Of first district, to hold district court for Stevens county.....	23
Additional powers conferred upon	24
May hear and determine causes in vacation, not requiring jury...	25
DITCHING—(<i>See Swamp Lands.</i>)	
On other lands, may be resorted to, to drain swamp lands.....	30
Damages, &c., growing out thereof.....	30
Parties benefitted by, shall bear share of expenses.....	30
DRAINAGE—(<i>See Swamp Lands.</i>)	
E.	
ERROR—(<i>See Writ of Error.</i>)	
To be assigned in precept.....	11
ESTRAYS—	
Law relating to, amended.....	28
F.	
FEES—	
Of county auditor, to be paid when instrument is deposited for record.....	27
G.	
GAME—	
Act for preservation of.....	37
Elk or deer not to be killed between February 1st and July 1st...	37
Pheasants, partridges or grouse not to be killed between April 1st and August 1st.....	38
Wanton destruction of game a misdemeanor; penalty.....	38
Snohomish and Kitsap excepted from this act.....	38
Indians on reservation not amenable under foregoing section.....	38
GRAND JURY—	
Inquest of, limited.....	19
On ignoring bill, to find whether complaint is frivolous or malicious	20
To say who are liable for costs.....	20

J.

JUDGE OF PROBATE—

PAGE.

Election of, to be certified by county auditor.....	18
Qualification of.....	18
No commission from Governor necessary.....	18
To issue commission to take deposition.....	21
May be his own clerk.....	22

JUDGMENT—(See Writ of Error, Supreme Court.)

What may be reviewed in Supreme Court.....	10
Failure to prosecute writ of error with diligence.....	10
Stay of, pending hearing of Supreme Court.....	12
To defendant in error, for damages, costs, &c.....	13
Party privy to or aggrieved by, may take writ of error.....	13
Reversal of, does not affect title to property sold, &c.....	13
On special verdicts and agreed cases.....	13
<i>Pro forma</i> , of district court and appeal.....	13
None reversed, except on affidavit of injustice.....	13

L.

LANDS—

Drainage of swamp lands, act relating to.....	29
---	----

LIMITATION—

Of taking writ of error... ..	10
As to cases pending at time of passage of act regulating writs of error.....	14

M.

MORTGAGES—

On personal property, where to be recorded.....	26
---	----

N.

NON-RESIDENT—

Mortgages on personal property of, to be recorded in county where property situate.....	26
---	----

NOTARY PUBLIC—

Seal of, proves genuineness, to deed executed out of Territory....	25
--	----

NOTICE—

Of taking writ of error to supreme court.....	11
Of filing precipe for writ of error.....	11
Of hearing by district judge in vacation.....	24

P.

	PAGE.
PENALTY—	
For county auditor refusing to record instrument.....	27
PLAINTIFF IN ERROR—(<i>See Writs of Error, Supreme Court.</i>)	
POLL TAX—	
Of \$2 on white males between 21 and 50.....	5
To be applied for county purposes.....	5
Assessor to collect when assessing property.....	6
If not paid by 20th May, auditor to make list and give to sheriff..	6
Duties of sheriff in collection of.....	6
Failure to pay poll tax disqualifies from voting.....	6
Territorial auditor to prepare proper forms for receipts.....	6
Penalty for assessor receiving without delivering proper receipts...	7
Officers receiving receipts to be charged with the amount thereof..	8
PRECIPE—	
For writ of error, what shall contain.....	11
PROBATE COURT—	
County auditor to be <i>ex officio</i> clerk of.....	22
PROSECUTING ATTORNEY—	
To prosecute judges of election for suffering parties to vote who have not paid poll tax.....	7
Salary of, \$800 per annum, payable quarterly.....	15
Fees of,	15
May issue subpoenas signed by him as.....	16
County commissioners to report in May and November the names of county and precinct officers who have neglected to perform official duties.....	16
To institute prosecutions against delinquent county, district or pre- cinct officers.....	17
To give advice gratuitously to school directors and superintendents	17
To assist in preparation of forms of contracts, &c.....	17
In absence of, court shall appoint.....	17
Fees of special.....	17
Special attorney not prohibited from receiving additional compensa- tion.....	17
Of respective districts, to receive certificates of election from county auditor	18
Of first district, of county auditor of Walla-walla.....	18
Of second district, to county auditor of Clarke.....	18
Of third district, to county auditor of Jefferson.....	18
No commission from Governor necessary.....	18

	PAGE.
PUBLICATION—	
Of depositions taken under commission issued by clerk of court...	21
REVENUE—	
Amendatory law, providing for Territorial and county.....	3
Poll tax \$2 on white males between 21 and 50.....	5
Property to be valued in equal and rateable proportion.....	5
Four mills for Territorial purposes.....	5
Territorial warrants to be paid in order of issue.....	5
County commissioners may levy 8 mills for county.....	5
County commissioners may levy 2 mills for school purposes.....	5
Contingent current expenses not to exceed one-half of.....	5
May be appropriated by county commissioners.....	5
Poll tax; its mode and method of collecting.....	6
Duties of assessor and assessment of property.....	7, 8
County treasurer may receive till first of November.....	8
Collected by sheriff, returned January 1st.....	8
Law, 33d section of, repealed in certain counties.....	27
R.	
ROADS—(See County Supervisor.)	
Twelfth section of law relating to, amended.....	43
S.	
SCHOOLS—	
Two mills levied by county commissioners to support.....	5
Directors and superintendents of, to receive advice of prosecuting attorney <i>gratis</i>	17
SEAL—	
Of clerk of court or notary out of Territory proves genuineness....	25
SHERIFF—	
Mode of collecting poll tax.....	6
To appoint a deputy to attend each election precinct.....	6
Compensation for collecting poll tax.....	6
Allowed till 1st of January to make return of taxes collected.....	8
Of Stevens county, may collect Chinese police tax out of his county	28
Fees of, in Pierce, Thurston, Jefferson, Walla-walla and Lewis....	50
SPECIAL VERDICT—(See Writ of Error, Supreme Court.)	
SUPERVISOR—(See County Supervisor.)	
May distrain for delinquent road tax.....	42
Not in counties where county supervisor.....	42

	PAGE.
SUPREME COURT—	
Appeals to, and writ of errors	10
What may be examined on writ of error	10
Writ shall be taken within three months; exception	10
Notice of writ; service on defendant in error	10
To what term returnable	10
Failure to prosecute with diligence; judgment	10
Party taking, shall file a precipe	11
What precipe shall contain	11
Clerk to issue notice of filing a precipe	11
Writ of error deemed as issued from filing of precipe	11
Service and return of notice	11
Fees for transcript to be paid by plaintiff in error	11
Clerk to forward transcript; how and when	11
What transcript shall contain	11
Provision in event of non-reception, or loss of transcript	12
When failures arise from neglect of plaintiff	12
Diminution of record	12
Court shall hear cause on errors assigned in precipe	12
Bond may be given by plaintiff to stay execution on original judgment	12
Supreme court may reverse, affirm, or modify judgment complained of	12
Enforcement of judgment of Supreme Court	13
When defendant in error shall have damages, costs, &c., awarded	13
Any party aggrieved, or privy to judgment, may prosecute writ of error	13
Only one writ of error for the same cause is allowed	13
Court may order other person to be made a party	13
Title to property sold on execution, when not affected by reversal of judgment	13
Supreme court equally divided in opinion, continues suit	13
Of special verdicts and agreed cases in district court	13
Judgment of district court <i>pro forma</i> and appeal	13
In all other cases a writ of error necessary	13
The court shall regard all errors by which plaintiff was prejudiced	13
All amendments regarded as made	13
No judgment reversed except on affidavit of injustice	14
All cases heretofore decided may be reviewed on error within time limited in this act	14
SWAMP LANDS—	
Occupants of, may drain by ditching other lands	30

	PAGE.
SWAMP LANDS—(CONTINUED.)	
Persons injured by such ditching may claim damages.....	30
Parties benefitted by ditching shall pay share of expenses.....	30
Justices of Peace to decide as to division of costs of construction..	30
Appeal from justice to district court.....	30

T.

TAX—(<i>See Poll Tax, Revenue.</i>)	
Special, in Clarke county, to build Washington College.....	36
Delinquent road, may be distrained for in counties having no county supervisor.....	42
TERRITORIAL AUDITOR—	
Duties of, in the preparation of and supply of counties with blank poll tax receipts.....	7
Salary increased to \$500 per annum.....	37
TERRITORIAL REVENUE—(<i>See Revenue.</i>)	
TERRITORIAL WARRANTS—	
To be paid in order of issue.....	5
TRANSCRIPT—(<i>See Writ of Error, Supreme Court.</i>)	
In writ of error to Supreme Court.....	11
What it shall contain.....	11
Fee for making, to be paid.....	11
How transmitted.....	11
Diminution of record, when, &c.....	12

W.

WASHINGTON COLLEGE—(<i>See Agricultural College.</i>)	
WRIT OF ERROR—	
What may be examined on.....	10
Writ shall be taken within three months; exception.....	10
Notice of writ; service on defendant in error.....	10
To what term returnable.....	10
Failure to prosecute with diligence; judgment.....	10
Party taking, shall file a precipe.....	11
What precipe shall contain.....	11
Clerk to issue notice of filing a precipe.....	11
Deemed as issued from filing of precipe.....	11
Service and return of notice.....	11
Fees for transcript to be paid by plaintiff in error.....	11

	PAGE.
WRIT OF ERROR—(CONTINUED.)	
Clerk to forward transcript ; how and when	11
What transcript shall contain	11
Provision in event of non-reception, or loss of transcript.	12
When failures arise from neglect of plaintiff.	12
Diminution of record.	12
Court shall hear cause on errors assigned in precipe.	12
Bond may be given by plaintiff to stay execution on original judgment	12
Supreme court may reverse, affirm, or modify judgment complained of.	12
Enforcement of judgment of Supreme Court.	13
When defendant in error shall have damages, costs, &c., awarded.	13
Any party aggrieved, or privy to judgment, may prosecute.	13
Only one for the same cause is allowed.	13
Court may order other person to be made a party.	13
Title to property sold on execution, when not affected by reversal of judgment.	13
Supreme court equally divided in opinion, continues suit.	13
Of special verdicts and agreed cases in district court.	13
Judgment of district court <i>pro forma</i> and appeal.	13
In all other cases a writ of error necessary.	13
The court shall regard all errors by which plaintiff was prejudiced.	13
All amendments regarded as made.	13
No judgment reversed except on affidavit of injustice.	14
All cases heretofore decided may be reviewed on error within time limited in this act.	14

INDEX

— TO —

PRIVATE AND LOCAL LAWS, MEMORIALS AND RESOLUTIONS.

A.

- AGRICULTURAL SOCIETY—
 Of King County, incorporated..... 138
- ALEWIVES—
 Act authorizing Joseph Cushman and C. C. Terry to introduce
 into Lakes Washington and Union..... 149
- APPROPRIATIONS—
 An act for the relief of Stephen Judson, Sheriff of Pierce County. 145
 An act remunerating the services of the reporter of the decisions
 of the Supreme Court..... 145

B.

- BRIDGES—
 An act to authorize R. M. Downey and Wm. Tidd, their heirs and
 assigns, to construct, across White river..... 102

	PAGE.
BRIDGES—(CONTINUED.)	
An act authorizing R. S. More and Van Ogle to keep, on Puyallup river.....	103
An act to authorize Irwin R. Morris, his heirs and assigns, to construct across Spokane river.....	105
An act to authorize S. D. Smith and his associates to construct across Spokane river.....	107
C.	
CHURCH—	
St. Paul's, at Port Townsend, incorporated.....	142
CITY—	
Of Walla-walla, council may levy special tax to build engine house	79
Of Vancouver, additional powers conferred.....	80
COMPANIES—(See Incorporation.)	
CORPORATIONS—(See Incorporation.)	
COUNTIES—	
An act in relation to the county treasurer of Chehalis.....	55
An act to permanently locate the county seat of Clalm.....	56
An act in relation to licenses in Clalm.....	57
An act to amend an act entitled "an act in relation to licenses in Clarke.....	57
An act to regulate the fees of county auditor and probate judge in Kitsap.....	58
An act to permanently locate the county seat of Kitsap.....	62
An act to re-locate the county seat of Island.....	63
An act to legalize the acts of the county commissioners and auditor of Jefferson.....	63
An act to prevent hogs running at large in road district No. 1, in Jefferson.....	64
An act legalizing the acts of commissioners of Pacific.....	65
An act to enable commissioners of Pierce, to transact new road business at a called session.....	66
An act to legalize the acts of probate court of Pierce.....	66
An act to legalize acts of officers of Snohomish.....	67
An act regulating the issue of grocery licenses in Stevens.....	68
An act to regulate the fees of county auditor and probate judge in Walla-walla.....	68
An act to authorize the county commissioners of Thurston, to levy a road tax.....	72

INDEX TO LOCAL LAWS.

197

	PAGE.
COUNTIES—(CONTINUED.)	
An act relating to fees of justice of peace in Walla-walla.....	73
An act to authorize the commissioners of Walla-walla, to levy a direct tax.....	74
COUNTY OF CHEHALIS—	
Acts of treasurer legalized.....	55
COUNTY OF CLALM—	
An act to permanently locate county seat of.....	56
An act in relation to licenses.....	57
COUNTY OF CLARKE—	
In relation to licenses.....	57
COUNTY OF ISLAND—	
To re-locate county seat of.....	63
COUNTY OF JEFFERSON—	
To legalize acts of county commissioners and auditor.....	63
To prevent hogs running at large in road district No. 1.....	64
COUNTY OF KITSAP—	
Fee bill of county auditor and probate judge of.....	58
To permanently locate county seat.....	62
COUNTY OF PACIFIC—	
Acts of county commissioners legalized.....	65
COUNTY OF PIERCE—	
County commissioners, authorized to transact new road business at called sessions.....	66
Acts of probate court, legalized.....	66
COUNTY OF SNOHOMISH—	
Acts of officers, legalized.....	67
COUNTY OF STEVENS—	
Issue of grocery licenses regulated.....	68
COUNTY OF THURSTON—	
Road tax, fixed by law.....	72
COUNTY OF WALLA-WALLA—	
Fees of county auditor and probate judge.....	68
Fees of justice of the peace.....	73
Commissioners authorized to levy a direct tax.....	74
COUNTY AUDITOR—	
Of Jefferson, acts of, legalized.....	63
Of Kitsap, fees of, regulated.....	58
Of Pacific, Franklin Warren's appointment legalized.....	65
Of Walla-walla, fees regulated.....	68

	PAGE.
COUNTY COMMISSIONERS—	
Of Jefferson, acts legalized.....	63
Of Pacific, acts legalized.....	65
Of Pierce, enabled to do new road business at special session.....	66
Of Snohomish, acts legalized.....	67
Of Thurston, to levy road tax.....	72
Of Walla-walla, may levy a direct tax.....	74
COUNTY SEAT—	
Of Clalm, an act to permanently locate.....	56
Of Kitsap, an act to permanently locate.....	62
Of Island, to re-locate the.....	63
COUNTY TREASURER—	
Of Chehalis, act in relation to.....	55
F.	
FEEES—	
Of county auditor and probate judge of Kitsap County, an act to regulate.....	58
Of county auditor and probate judge of Walla-walla county, act to regulate.....	68
Of justice of the peace in Walla-walla county.....	73
FERRIES—	
An act authorizing Andrew Cronley to establish on Snake river...	90
An act authorizing R. M. Downey and Wm. Tidd to establish on White river.....	91
An act to authorize Van Ogle to keep across the Puyallup river in Pierce county.....	93
An act to authorize S. W. Babcox and Henry Carnes to establish and keep, across the Columbia river.....	94
An act authorizing Charles Addis to establish on Snake river....	95
An act to authorize Willis and Thomas Powell to construct and keep on Cathapoodle.....	97
An act to authorize Arthur Quigley to construct and keep on Lake river in Clarke county.....	98
An act authorizing Thomas W. Davidson to establish on Snake river.....	99
• An act to authorize B. F. Yantis and Wm. Covington to establish and keep across the Columbia river.....	100
FIRE ENGINE—	
Washington company No. 1, incorporated.....	140

INDEX TO LOCAL LAWS.

199

	PAGE.
FRANCHISE—(<i>See Bridges, Ferries, Incorporation.</i>)	
To C. C. Terry and H. L. Yesler to bring water into Seattle.....	146
To Charles E. Williams to build a wharf.....	148
To C. C. Terry and Joseph Cushman to introduce eastern alewives and shad into lakes Union and Washington.....	149
To Michael S. Drew to plant and gather oysters in Port Gamble bay.....	150
To Henry Winsor and L. D. Durgin to plant and gather oysters in Budd's Inlet.....	151

H.

HOGS—

An act to prevent, running at large in road district No. 1, Jefferson county.....	64
--	----

I.

INCORPORATIONS—

Of the town of Seattle.....	75
City of Walla-walla authorized to levy a special tax.....	79
Amendment to the act incorporating the city of Vancouver.....	80
Of the Washington Railroad company.....	108
Of the Middle Cascades Portage company.....	114
Of the Walla-walla and Wallulu Turnpike Road company.....	120
Of the Skookum Chuck and Cowlitz Plank Road company.....	124
Of the Naches Road company.....	130
Of Washington Lodge No. 4, of Free and Accepted Masons.....	134
Of Mount Moriah Lodge No. 11, of Ancient Free and Accepted Masons.....	136
Of King County Agricultural Society.....	138
Of Library and Literary Association in the town of Walla-walla....	139
Of Washington Fire Engine company No. 1, of Washington Terri- tory.....	140
Of St. Paul's Church at Port Townsend.....	142
Of Washington Woolen Manufacturing company.....	144

JOINT RESOLUTIONS—

Relative to claim of T. F. McElroy for printing opinions of Su- preme Court, W. T.....	173
In relation to joint committee on enrolled bills.....	174
Appointing James Gallagher engrossing and enrolling clerk.....	174

	PAGE.
JOINT RESOLUTIONS—(CONTINUED.)	
Relative to reports of Territorial officers.....	175
Relative to report of University Regents.....	175
Relative to joint convention to elect Territorial officers.....	176
Relative to adjournment over the holidays.....	176
Relative to joint committee on revision of revenue law.....	177
Relative to adjourning <i>sine die</i>	177
JUSTICE OF PEACE—	
Fees of, in Walla-walla county, act regulating.....	73

L.

LICENSES—

In relation to, in Clarke county.....	57
In relation to, in Clalm county.....	57
In Stevens county, act regulating issue of.....	68

M.

MASONS—

Washington Lodge No. 4, act of incorporation.....	134
Mount Moriah Lodge No. 11, act of incorporation.....	136

MEMORIALS—

In relation to biennial sessions of the Legislative Assembly of Washington Territory, and compensation therefor.....	155
Relative to the removal of the port of entry for Puget Sound dis- trict from Port Angeles to Port Townsend.....	156
Relative to the extension of the provisions of act March 2, 1831, and other acts relating to the foreign and coasting trade on the northern, north-eastern and north-western frontiers, to the trade between Straits of Fuca, Admiralty Inlet, Puget Sound, and the British Colonies of Vancouver Island and British Co- lumbia.....	158
In relation to a Branch Mint at Dalles, Oregon.....	159
Relative to an appropriation of land to build a road from Seattle to Walla-walla.....	162
Praying Congress to amend the organic act so as to give justices of the peace concurrent jurisdiction in actions where the amount claimed does not exceed two hundred and fifty dollars.	162
Praying Congress for grant of land to men enlisted in Indian war of 1855 and 1856.....	163
Relative to steam mail service in Admiralty Inlet.....	164

	PAGE.
MEMORIALS—(CONTINUED.)	
Praying mail service from Port Townsend to Neah bay.....	165
Relative to the postal order system.....	165
Relative to mail service from Astoria to Olympia.....	166
Praying Congress to establish a distributing post office at Walla- walla	167
For a weekly mail route from Seattle, in King county, to Snoho- mish county.....	169
In relation to John Carson's land claim in Pierce county.....	170

MINING DISTRICTS—

An act to define the boundary lines of Natchess Mining District in the Cascade range of mountains.....	81
An act providing for and appointing a district recorder for the Natchess Mining District.....	82
An act fixing the seat of the recorder of the Natchess Mining Dis- trict.	83
An act in relation to quartz mining claims, &c., in the Natchess Mining District.....	83
An act defining the evidence of title in quartz mines in the Natchess Mining District.....	85
An act defining the boundary of Rainier Mining District.....	85
An act appointing George C. Blankenship recorder of Rainier Min- ing District.....	86

N.

NATCHESS MINING DISTRICT—(*See Mining District.*)

NATCHESS ROAD COMPANY—

Act of incorporation.....	130
---------------------------	-----

O.

OYSTERS—

M. S. Drew authorized to plant and gather in Port Gamble Bay..	150
Henry Winsor and L. D. Durgin authorized to plant and gather in Budd's Inlet.....	157

P.

PLANK ROAD—

Act to incorporate Skookum Chuck and Cowlitz Company.....	124
---	-----

	PAGE.
PROBATE COURT—	
Of Pierce county, act to legalize acts of.....	66
PROBATE JUDGE—	
Fees of, in Kitsap county.....	58
Fees of, in Walla-walla county.....	68

R.

RAILROAD COMPANIES—	
An act incorporating Washington.....	108
An act incorporating Middle Cascades Portage.....	114
RANIER MINING DISTRICT—(<i>See Mining Districts.</i>)	
RECORDER—	
Of Naches mining district, A. B. Rabbeson appointed.....	82
Of Rainier mining district, Geo. C. Blankenship appointed.....	86
ROAD—(<i>See Plank Road, Territorial Road, and Turnpike Road.</i>)	
New business, by commissioners at special session, authorized....	66
Tax in Thurston county.....	72
Act incorporating Natchess Road Company.....	130
ROAD DISTRICT—	
An act to prevent hogs running at large in road district No. 1, Jefferson county.....	64

S.

SHAD—	
Joseph Cushman and C. C. Terry authorized to introduce, into Lakes Union and Washington.....	149
SHERIFF—	
Of Pierce county, appropriation to pay expenses of keeping an insane person.....	145

T.

TAX—	
Road, in Thurston county.....	72
Direct, in Walla-walla county....	74
Of city of Walla-walla, to build engine house.....	79
TERRITORIAL ROADS—	
An act amending "an act supplementary to and amendatory to an act entitled an act to locate and establish a Territorial road	

	PAGE.
TERRITORIAL ROADS—(CONTINUED.)	
from a point known as the Port Discovery Mills, at the head of Port Discovery Bay, to the Elwha Valley, in the counties of Clalm and Jefferson, passed January 27, 1863, and to provide a fund for building of said road.".....	87
An act to locate and establish a Territorial road from Skaget Head to Deception Pass, in Island county.....	87
An act to view and locate a Territorial road from Claquato, in Lewis county, to Fort Willopa, in Pacific county.....	89
TOWN—	
Of Seattle, an act to incorporate.....	75
City of Walla-walla, extra tax to build an engine house.....	79
City of Vancouver, additional powers conferred.....	80
TURNPIKE ROADS—	
An act to incorporate Walla-walla and Wallula Company.....	120

W.

WATER—	
C. C. Terry and H. L. Yesler authorized to bring into Seattle....	146
WHARF—	
Charles E. Williams authorized to build	148
WOOLEN MANUFACTURING COMPANY—	
Act incorporating Washington.....	144

LIST OF GENERAL LAWS.

	PAGE.
An act to amend an act entitled "an act to provide for the assessing and collecting Territorial and county revenue," passed January 29, 1864.....	3
An act regulating writs of error and appeals to the supreme court.....	9
An act amending "an act in relation to prosecuting attorneys," passed January 19, 1863.....	15
An act in relation to judges of probate and prosecuting attorneys.....	17
An act to amend "an act relative to crimes and punishments and proceedings in criminal cases," passed January 28, 1863.....	19
An act amendatory of "an act to regulate the practice and proceedings in civil actions in the district court," passed January 28, 1863.....	20
An act to authorize probate judges to issue commissions to take depositions.....	21
An act making county auditors <i>ex officio</i> clerks of the probate courts of their respective counties.....	22
An act assigning the district judges of Washington Territory.....	12

	PAGE.
An act authorizing terms of the United States district court of the first judicial district to be held in the county of Stevens.....	23
An act conferring additional powers on district judges in Washington Territory.....	24
An act to provide for the acknowledgment of deeds out of this Territory.....	25
An act to amend "an act in relation to mortgages and bills of sale of personal property," passed Jan. 27, 1863...	26
An act prescribing the duties of county auditors in certain cases, and fixing a penalty for failure to perform such duty.....	26
An act to repeal section thirty-three of "an act to provide for the assessing and collecting Territorial and county revenue," passed January 29, 1864.....	27
An act to amend an act entitled "an act to protect free labor from competition with Chinese coolie labor, and to discourage the immigration of the Chinese into this Territory.".....	28
An act to amend an act entitled "an act in relation to estrays.".....	28
An act to amend "an act to provide for the drainage of swamp lands," passed January 24, 1863.....	29
An act to provide for the location of an agricultural college of Washington Territory, under the provisions of an act of Congress donating lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.....	30
An act for the establishment and government of an agricultural college, provided for by act of Congress approved July 2, 1862.....	32
An act to authorize the county commissioners of Clarke county to procure funds for the erection of buildings of the Washington Agricultural College in the county of Clarke.....	36
An act fixing the salary of the Territorial auditor.....	37

LIST OF GENERAL LAWS.

207

	PAGE.
An act for the preservation of game.....	37
An act to provide for the election of county supervisors and defining their duties.....	38
An act to amend an act entitled "an act in relation to the construction of roads and highways and defining the duties of supervisors of highways," passed January 29, 1863.....	42
An act to amend an act entitled "an act in relation to the construction of roads and highways and defining the duties of supervisors of highways.".....	43
An act to amend an act entitled "an act authorizing county commissioners to lease public roads," passed January 15, 1864.....	44
An act in relation to the county of Skamania.....	45
An act repealing an act entitled "an act to create and or- ganize the county of Ferguson," passed January 23, 1863.....	47
An act establishing and organizing the county of Yakima..	47
An act to define the south boundary line of Stevens county	48
An act defining the boundary line of Pierce county.....	49
An act regulating fees and costs in the counties of Pierce, Thurston, Lewis, Jefferson and Walla-walla.....	50

