

# 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 Fourth day of December, 1865, and ended on Monday  
the Twenty-seventh day of January, 1866.

NINETIETH YEAR OF INDEPENDENCE.

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PUBLISHED BY AUTHORITY.

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OLYMPIA:

T. F. McELROY, PRINTER.

1866.



S T A T U T E S  
OF THE  
TERRITORY OF WASHINGTON.  
1865-66.

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AN ACT  
ESTABLISHING A COMMON SCHOOL SYSTEM FOR THE TERRITORY OF  
WASHINGTON.  
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SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That the principal of all moneys accruing to this Territory from the sale of any lands heretofore given, or which may hereafter be given by the Congress of the United States for school purposes, shall constitute an irreducible fund, the interest accruing from which shall be annually divided among all the school districts in the Territory, proportionally to the number of children or youth in each, between the ages of*

four and twenty-one years, for the support of common schools in said districts, and for no other use or purpose whatever.

SEC. 2. For the purpose of establishing and maintaining common schools, it shall be the duty of the county commissioners of each county, to levy an annual tax of three mills on a dollar, on all taxable property of the county, as shown by the assessment rolls made by the county assessor for the same year, and to include the same in their warrant to the collector, and the said collector shall proceed to collect the said tax in the same manner as other county tax is collected, and the said money so collected shall be paid over to the county treasurer, to be appropriated for the hire of school teachers in the several school districts, to be drawn in the manner hereinafter prescribed; neither shall it be lawful for any county treasurer to receive county orders in payment for county school tax, nor to pay out any school money on county orders.

SEC. 3. For the further support of common schools, there shall be set apart by the county treasurer, all moneys paid into the county treasury, arising from all fines for a breach of any law regulating licenses for the sale of intoxicating liquors, or for the keeping of bowling alleys or billiard saloons, or of any penal laws of this Territory. Such moneys shall be paid into the county treasury, and be added to the yearly school fund raised by tax in each county, and divided in the same manner.

SEC. 4. That it shall be the duty of the county auditor of each county, to report to the county superintendent of common schools, at least twenty days before the first Friday in November of each year, the amount of school tax levied in their respective counties for that year, and that it be the duty of the clerk of the district court, at the close of every term thereof, to report to the superintendent the amount of fines imposed during said term of court; and that it be the duty of all justices of the peace to report to the superintendent, at least twenty days before the first Friday in November of each year, the amount of fines imposed and collected by them for the past year.

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SEC. 1. There shall be elected by the legal voters of the respective counties, at the annual election, a county superintendent of common schools for each county, who shall hold his office for the term of three years; and in case of a vacancy occurring in said office by removal, death, or otherwise, the county commissioners of each county be, and they are hereby authorized and directed to appoint a county school superintendent in all cases of vacancies in their respective counties, who shall hold his office and perform the duties of county school superintendent until his successor is elected and qualified according to law. The superintendent so appointed is hereby authorized and directed to receive district reports of scholars, &c., as by law required, and make the district apportionment of funds for the present year, and the county treasurer is hereby directed to pay the funds so apportioned, upon the order of said superintendent.

SEC. 2. The superintendent shall qualify within ten days after notice of his election, by taking an oath to faithfully dis-

charge the duties of his office, and to the best of his ability promote the interest of education within his county; which oath shall be in writing, and placed on file in the county clerk's office.

SEC. 3. It shall be the duty of the superintendent to district the whole county, so that every resident of the county shall be included in some district; and to divide such portion of his county as shall be inhabited, into convenient school districts; to define the boundaries and numbers; and to prepare and keep in his office a map of the districts of the county, upon which the lines and boundaries of each district shall be clearly defined; he shall lay off new districts, or divide old ones, when the public good shall require it.

SEC. 4. Whenever any school district shall be formed by the superintendent, it shall be his duty to prepare a notice in writing of the establishment of such district, describing its boundaries, and to deliver the same to some taxable inhabitant of such district, who shall have asked for the formation of the same. It shall be the duty of said inhabitant, within two weeks after the receipt of such notice, to notify the other inhabitants of the district of the time and place of the first district meeting, which time and place he shall fix by written notices, and which shall be posted up in three public places in the district, at least ten days previous to the time of meeting. In case the inhabitants fail to attend in sufficient number to do business as hereinafter directed, notice may be renewed at such times as may be thought proper.

SEC. 5. It shall be the duty of the county superintendent to be at the county seat on the third Friday and Saturday of May and November of each year, for the purpose of examining teachers, and for the transaction of other business; and he shall give ten days' public notice of the same, by posting up hand-bills or otherwise. And any person or district applying on different days for the transaction of such business, shall pay the superintendent a reasonable compensation for his trouble, not exceeding the sum of two dollars, and any teacher examined on a different day shall pay the superintendent the sum of two dollars.

SEC. 6. It shall be the duty of the superintendent to examine all persons who wish to become teachers in his county; he shall examine them in orthography, reading, writing, arithmetic, English grammar and geography; and if he be of the opinion that the person examined is competent to teach said branches, and that he or she is of good moral character, he shall give such person a certificate, certifying that he or she is qualified to teach a common school in said county; such certificate shall be for the term of one year only, and may be revoked sooner by the superintendent for good cause. But in the examination of teachers, he may make a distinction according to qualification, granting a certificate of qualification to teach in any specified district, if the applicant therefor be qualified for the school of such district, and not a county certificate, which certificate so granted, shall only be for six months, and may for good cause be sooner revoked.

SEC. 7. The superintendent shall visit all the schools in his county, at least once a year; he shall give such information and encouragement as he may think necessary, and endeavor to promote the introduction of a good and uniform system of school books throughout the county.

SEC. 8. It shall be the duty of the superintendent to receive the district reports hereinafter provided for, and keep them on file in his office; and he shall, on or before the first day of December of each year, make out from the district reports, a statement of the number of scholars in the county, the number of school libraries, the number of school houses, the number of districts; in how many districts a school has been kept in the past year; what school books are principally used; what proportion of all the scholars in the county have attended school for the past year, and the amount of money paid to teachers. This statement, together with such other information and suggestions as he may deem important to the cause of education, he shall file in his office, and may, if convenient, publish it in some newspaper in this Territory.

SEC. 9. It shall be the duty of the superintendents, at the same time, to make an apportionment of the school fund in the

county treasury among the several school districts in their respective counties, in proportion to the number of persons in the district over the age of four and under twenty-one years, and certify the amount due to each district, which shall be drawn as hereinafter directed, and shall forthwith notify the clerks of the school districts of the amount due their respective districts. But he shall not include as entitled to receive any apportionment any non-resident attending at a boarding school, academy, charitable institution or lunatic asylum.

SEC. 10. When the district shall have complied with the law, as hereinafter directed, it shall be the duty of the superintendent to issue orders on the county treasury in favor of the clerks of the districts for the amount of the school funds appropriated to each; on the presentation of which order the treasurer of the county shall pay over to the clerks of the districts all moneys due the respective districts, and the clerks shall endorse on said order a receipt for so much as shall be paid thereon, and they shall also sign a duplicate receipt, which shall be deposited with the superintendent, who shall credit the treasury of the county therewith and charge the same to the proper district.

SEC. 11. The said superintendent shall be allowed out of the county treasury, in compensation for his services, the sum of twenty-five dollars a year. The county commissioners may, in their discretion, if they think the services rendered demand it, increase his salary to any sum not exceeding five hundred dollars a year: *Provided, also*, That a proper allowance shall be made in addition thereto for necessary books and stationery and for preparing of the map required by section three.

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## THIRTEENTH SESSION.

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SEC. 1. A school meeting may be called at any time for the purpose of organizing a new district, as provided in section four, chapter two. No number less than five legal voters shall constitute a quorum to do business in any district meeting.

SEC. 2. Such school meeting shall have power to do all necessary business the same as the regular annual school meeting would have.

SEC. 3. Such meeting when assembled, shall organize by the appointment of a chairman and secretary. It shall then proceed by ballot to elect three directors. Of those so elected, the person having the highest number of votes shall hold his office for the term of three years, and the person having the next highest number shall hold his office for two years, and the person next highest, one year, and each shall continue in office until his successor is elected and qualified. In case two or more persons of those so elected receive an equal number of votes, the duration of their term of office shall be determined by lot, in the presence of the chairman and secretary.

SEC. 4. The term of office of a director not elected at the regular annual meeting, shall continue for the term of one, two or three years, as he may have been elected, from the next annual school meeting, unless such director shall be elected to fill a vacancy, in which case he shall continue in office for the unexpired term; so that at every annual school meeting after the

first, there shall be elected one school director for the term of three years.

SEC. 5. The directors shall qualify within ten days after their election, by taking an oath or affirmation faithfully to discharge the duties of the office to the best of their abilities, and to promote the interest of education within their district. This oath shall be in writing and filed with the clerk of the district.

SEC. 6. It shall be the duty of the directors of every school district:

1. To call special meetings of the district whenever they shall deem it necessary, and when a vacancy occurs by death, resignation or otherwise, the directors shall call a special meeting of the district to fill such vacancy.

2. To procure from county auditor a list containing the names of the taxable inhabitants in the district, and the amount of district tax payable by each inhabitant set opposite his name.

3. To annex to such tax list a warrant directed to the clerk of the district for the collection of the sums in such list mentioned, including such percentage for fees of clerk as they may deem just, not exceeding five per cent.

4. To purchase or lease a site for the district school house as designated by a meeting of the district, and to build, hire or purchase, keep in repair and furnish such school house with necessary fuel and appendages, out of the funds collected and paid to the clerk for such purpose, and to have the custody and safe keeping of the district school house.

5. To contract with and employ teachers; and they shall require a teacher to get a certificate from under the hand of the county superintendent, as provided for in section six, chapter two. No engagement with a teacher shall be valid so as to entitle any district to draw their apportionment of public money, unless such examination has been previously made.

6. To give orders to the teachers on the district clerk for their wages.

7. To discharge any school teacher for neglect of duty, or any cause that in their opinion renders his or her services unprofitable as a teacher, by first paying him or her for what time he or she may have been teaching.

SEC. 7. Any two of said directors shall constitute a quorum to do business.

SEC. 8. It shall be the duty of the directors to visit and examine the school or schools of their respective districts at least twice in each term. They shall endeavor, in connection with the county superintendent, to procure the introduction of a good, uniform system of school books in their district.

CLERKS.

SEC. 9. The first annual school meeting shall also elect a district clerk, who shall continue in office for the term of three years. He shall qualify within ten days after his election, in the same manner as the directors, and give bond to the district directors in such sum as they may require, that he shall well and truly perform the duties of his office, and pay over all moneys coming into his hands by virtue of his office, as by law directed. If a clerk be elected to fill a vacancy, he shall continue in office for the unexpired term; and if elected at the first meeting, not being the regular annual meeting, he shall continue in office three years from the next annual meeting.

SEC. 10. It shall be the duty of the clerk of the district—

1. To record the proceedings of his district in a book to be provided for that purpose by the district.

2. To give notice of annual or special meetings.

3. To procure a list of all residents in the district between the ages of four and twenty-one years, excepting those, if any, who are attending at boarding schools, academies, charitable institutions or lunatic asylums.

4. To give due notice, at least ten days before any tax that may be assessed shall be collected, by written or printed notices in three of the most public places in the district.

5. To collect all district taxes which he shall be required by the warrant from the directors to collect, within the time limited in each warrant for its return; and he shall have the same authority as the county collector to enforce the collection of such tax, and he shall be allowed for collecting, such percentage as the directors may deem proper.

6. To retain a copy of all reports made to the county superintendent relating to the affairs of the district.

SEC. 11. It shall be the duty of the clerk to furnish the county superintendent, within ten days after the first Friday in November of each year, a report containing the number and names of persons in his district over four and under twenty-one years of age; excepting those who may be attending at boarding schools, academics, charitable institutions or lunatic asylums; how long a school has been kept in his district by a qualified teacher during the past year; what school books are principally used; what proportion of the scholars in the district have attended school, and the amount of money paid to teachers, or otherwise expended.

SEC. 12. The clerk of each district shall, at the close of each year of his office, make out in writing a just and true account of all moneys received by him for the use of the district, and the manner in which the same shall have been expended, which account shall be read at the annual district meeting. The clerk shall pay over all moneys remaining in his hands belonging to the district to his successor, when his successor has legally qualified, and upon a refusal or neglect so to do, the directors shall forthwith bring suit upon his bond.

SEC. 13. District clerks shall be treasurers of their respective districts.

SEC. 14. All moneys coming into the hands of the district clerks shall remain in the hands of such clerk or clerks, subject to the order of the directors, and shall not be paid out in any other way.

#### TEACHERS.

SEC. 15. It shall be the duty of every teacher of a common school to procure a certificate of qualification and good moral character, before entering on the duties of a teacher. It shall be his duty to keep a register of the children attending school, their age, and the time when they begin, the time they continue, and of their daily attendance; and with the same he shall give a list of the text-books principally used in his school,

and said register and list of books shall be in duplicate, and filed with the clerk of the district at the close of every term, properly certified by the teacher; the one copy for the use of the clerk and the other shall by the clerk be furnished to the county superintendent with his annual report.

## CHAPTER IV.

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SEC. 1. The minutes of the first school meeting shall be signed by the chairman and secretary and delivered to the clerk of the district, who shall file the same in his office.

SEC. 2. In all school meetings, the director whose term of office shall first expire, shall act as chairman, and the clerk of the district shall act as secretary.

SEC. 3. Districts shall have power to repeal, alter or modify their proceedings from time to time as occasion may require.

SEC. 4. District meetings legally called shall have power to levy a tax upon the property of the district for any purpose whatever connected with and for the benefit of schools, and the promotion of education in the district, subject to the restrictions hereinafter provided.

SEC. 5. Any new district failing to organize and report to the county superintendent the number of children over four and

under twenty-one years of age in said district, within ten days after the first Friday in November, or any district having been organized for the term of one year or more, failing to report to the county superintendent as required in section eleven of the chapter entitled "clerks" in this act, shall not be entitled to any portion of the county school fund for the year: *Provided*, That if the clerk of any school district shall fail to make such report, any three electors of such district may make such report, verified on oath, and the county superintendent shall receive it the same as if made by the clerk.

SEC. 6. The county superintendent shall apportion all the county school fund for that year among those districts only which have organized and reported according to law.

SEC. 7. No district shall be allowed to draw its apportioned county school fund from the treasury until it shall satisfy the county superintendent that a school has been kept in the district by a qualified teacher for the last three months, except as hereinafter provided.

SEC. 8. When the clerk of any school district shall satisfy the county superintendent that a school has actually been kept by a qualified teacher, as provided for in the preceding section, the superintendent shall issue an order to the county treasurer in favor of the clerk of such district for its apportionment of county school funds in the treasury to the credit of such district.

SEC. 9. Districts having less than twenty minors over four years of age, may, by organizing and reporting to the superintendent according to law, draw their proportion of the school money without being required to comply with the provisions of the school law any further than the said organization and report is concerned. And in such districts five legal voters shall constitute a quorum to do business; and it shall be the duty of the clerk of such district to let out all county school fund so received at interest, for the use of the district, on good security, until such time as it may be required for school purposes in said district. The clerk of the district and his securities shall be responsible for such money.

SEC. 10. When a district is organized, it shall be to all in-

tents and purposes a body corporate, capable of suing and being sued, and fully competent to transact all business appertaining to schools or school houses in their own districts; and it shall be the duty of the directors to prosecute or defend any demands for or against their district, and notice shall be served upon one of the directors of any suit brought against a district.

SEC. 11. The directors of any district may permit scholars living out of the district to attend school, with or without charge, as they may deem proper: *Provided*, There be no school in their own district, and such scholar or scholars so sent to school out of their district, shall be entitled to their equal proportion of the public school funds belonging to their district, the same as if they had gone to school in their own district.

SEC. 12. It shall be the duty of every teacher of a district school, in addition to what is required by section fifteen, chapter three, to make out, at the end of every term, a certificate in reference to the attendance of each and every scholar not belonging to the district, showing the time they began and continued, as well as the number of days in attendance; which certificate shall be given to the parents or guardians of said scholar or scholars.

SEC. 13. Upon the presentation of such certificate to the clerk of the district in which such scholar or scholars reside, the clerk shall pay to said parents or guardians the apportionment due them, out of the fund belonging to said district, taking their receipt for the same, which receipt shall be endorsed on said certificate, showing the amount actually received, and signed by the party receiving the money; and said certificate so endorsed shall be a sufficient voucher to the credit of the clerk in making his settlement with the directors, or in paying over to his successors the funds belonging to said district.

SEC. 14. When the clerk of any such school district shall have failed to draw from the county treasury the apportionment for said district, either by reason of not complying with the requirements of section seven of this chapter, or otherwise, then the certificate shall be presented to the county superintendent, who shall issue an order on the county treasurer in favor of the



person or persons entitled to receive the same, and a receipt in due form shall be given to the treasurer for the amount paid, the duplicate of which shall be endorsed on the certificate in the hands of the superintendent, who shall credit the treasury of the county therewith and charge the same to the proper district, in the same manner as when paid to the clerk, according to section ten, chapter two.

SEC. 15. Any scholar having thus received his or her portion of school money, cannot be entitled to any further benefit out of the fund of said district in case of a school being taught therein, until after the next annual apportionment is made.

SEC. 16. It shall be competent for the directors in any district where it may be required, to assess upon the parents or guardians of the children attending the school, their portion of the necessary expenses of sustaining the school, in the way of tuition, fuel, &c., in proportion to the number of scholars sent by each, and time of attendance; but in all cases the directors shall first endeavor to raise the amount required by voluntary subscription.

SEC. 17. Any district may levy a tax for any of the following purposes : To purchase a suitable site for the erection of a school house,—the building or repairing of the same,—the purchase or increase of a district library, or maps, globes or other apparatus for the use of said district or school; but no district shall levy any tax for any of these purposes until the directors shall have sought to obtain the amount required by voluntary subscriptions; and no money shall be expended by the directors or clerk for any other purpose than that for which it was raised.

SEC. 18. In all cases when a tax is to be levied, it shall be stated in the notices given of the meeting for what purpose or purposes the tax is to be levied.

SEC. 19. The directors may assess, for any of the objects named in section seventeen, the property of non-resident holders in any amount they may deem necessary, without calling a meeting of the district for that purpose, where the inhabitants

thereof agree by voluntary subscription to raise the amount required—said assessment not to exceed the average per centum of the subscriptions made by the inhabitants of the district; but if a district meeting be held to levy a tax on all the taxable property in the district, the property of non-residents shall be assessed in equal proportion with the rest, according to the valuation made for the assessment of county taxes.

SEC. 20. The directors may add such a per centum, not exceeding five, as they may deem requisite to remunerate the clerk for his services as collector, but the amount shall be specified and added as a separate item in the schedule or account of taxes so levied or assessed, and where any person shall pay the same within ten days after the notice of such tax is made public by the clerk, in accordance with the fourth clause of section ten of chapter three, the percentage shall be deducted, but in all other cases it shall be collected.

SEC. 21. There shall be an annual school meeting held in each district upon the first Friday in November; and notice of all annual or special meetings shall be in writing, signed by the directors or the clerk of the district, and shall state the object for which the meeting is called, and shall be posted up in three public places in the district at least six days previous to the holding of such meeting.

SEC. 22. Every white male inhabitant over the age of twenty-one years, who shall have resided in any school district for three months immediately preceding any district meeting, or who shall have paid, or be liable to pay any tax except road tax in said district, shall be a legal voter at any school meeting, and no other person shall be allowed to vote, and in the selection of a site for the school house, or for raising a tax, no person shall be allowed to vote except persons liable to pay a school tax.

SEC. 23. Any school meeting shall have power to adjourn from day to day as occasion may require.

SEC. 24. A school meeting legally called shall have power, by the vote of a majority present, to levy a tax on all taxable property in the district.

SEC. 25. The tax payers may, with the consent of the

directors of their district, perform by labor their portion of taxation for the erection of school houses, and shall be so returned by the clerk of said district.

SEC. 26. No person shall be disqualified for the office of county superintendent, district director or clerk, on account of holding any other office within the Territory at the same time.

SEC. 27. It shall be the duty of the directors to appoint a suitable person for librarian when the district shall have procured a library.

SEC. 28. School superintendents, directors and clerks, shall be competent to administer oaths or affirmations in any case occurring under the provisions of this act.

SEC. 29. Where in any county any of the moneys mentioned in chapter one, section three, of this act, are by existing laws set apart to any other fund, or for any other purpose, this act shall not be so construed as to affect the disposition of said funds so set apart.

SEC. 30. Failure of a clerk to make out his report in proper time shall not work a forfeiture of the apportionment to his district, if the report shall reach the superintendent before he apportions the fund.

SEC. 31. No order of the superintendent shall be drawn upon the county treasurer in favor of any district which fails to have or keep up its organization; and any district having been for three years recognized as an organized district, by the inhabitants of the same, and by the superintendent, shall, so long as it complies with the forms of law, be to all intents for the purposes of this act a legal district.

SEC. 32. Any person or persons asking any action of the superintendent which shall affect the boundaries of any district, shall notify the clerk of the said district in writing of his intention to ask for the same, stating what action is or will be asked, and the time—not less than ten days—when the same will be heard, and shall file a certified copy of said writing with the superintendent.

SEC. 33. When satisfied such notice has been given, the superintendent shall proceed to examine the case, unless for

good reason further time is asked by either party, or in the absence of either party he may consider substantial justice cannot be done, in which case he may set some future time for its consideration.

## CHAPTER V.

### AS TO MONEYS ARISING FROM FINES AND PENALTIES PAYABLE TO SCHOOL FUND.

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8. Penalty for a finder failing to advertise money or property found.
9. Penalty against owners of vicious or dangerous cattle.

SEC. 1. The superintendent shall, in the name of the county, collect, or cause to be collected, all moneys due the school fund from fines or from any other source in his county; and until the legislature shall make some provision for the disposal of the school lands given by Congress to the Territory for school purposes, it shall be the duty of the superintendent to preserve said lands from injury and trespass; and when it shall come to his knowledge that any trespass has been committed on such lands, he shall make complaint of the same before the grand jury of the proper county, at the first regular term of court after he has obtained a knowledge of such trespass; and all fines and other moneys thus collected shall be paid over to the treasurer of the county for the use of common schools and divided in said county in the same manner as other school funds.

SEC. 2. Any person trespassing upon or injuring the school lands, as mentioned in the preceding section, shall be liable to be indicted for the same, and upon conviction shall be punished

by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars.

SEC. 3. All fines imposed on any person or persons by the provisions of any act imposing fines for violation of laws of this Territory, when the same shall be collected, shall be paid by the officer collecting the same, to the county treasurer as school funds of the county where such conviction shall have been had, who shall give duplicate receipts therefor, one of which shall be filed with the county auditor; and all officers refusing or neglecting to pay over any fines within one month after they shall have been received, shall, upon conviction thereof, be fined in four-fold the amount of such fines so received, which said fine may be collected in any court having jurisdiction.

SEC. 4. No sheriff shall retain any moneys collected on execution more than twenty days before paying the same to the clerk of the court who issues the writ, under penalty of twenty per cent. on the amount collected, to be paid by the sheriff, the one-half to the party to whom the judgment is payable, and the other half to the county commissioners of the county wherein the action was brought, for the use of the school fund of the county. And the clerk shall, immediately after the receipt of any moneys collected on any judgment, notify the party to whom the same is payable, and pay over the amount to the said party on demand. On failure to so notify and pay over, (without reasonable cause shown for delay) the clerk shall forfeit and pay the same penalty to the same parties as is above prescribed for the sheriff.

SEC. 5. If the owner or person entitled to the possession of any stray shall not appear and make out his title thereto and pay the charges thereon, within one year from the time when the notice is filed with the county clerk, as is provided in the fourth section of "an act relative to estrays," passed February first, eighteen hundred and sixty, such stray shall be sold at the request of the finder, by any constable of the precinct, at public auction, upon first giving public notice thereof, in writing, by posting up the same in three of the most public places in said

precinct, at least ten days before such sale, and the finder may bid therefor at such sale; and after deducting all the lawful charges of the finder as aforesaid, and the fees of the constable, which shall be the same as upon a sale on execution, one-half of the remaining proceeds of such sale shall be deposited in the treasury of the county, to be applied to the common school fund of said county, the other half shall belong to the finder.

SEC. 6. Any money that shall be deposited with any county treasurer under the provisions of an act entitled "an act relative to unclaimed property," which shall not be claimed by the owner thereof, or his legal representative, within five years, the same shall belong to the county, and shall be applied to the common school fund of said county.

SEC. 7. If the owner of any lost money or goods shall fail to appear within one year and make out his right thereto, then the finder of such lost money or goods shall pay one-half of the value thereof, after deducting all legal charges, to the treasurer of the county for school purposes; and in case such finder shall neglect to pay the same on demand, after the expiration of the time aforesaid, the same may be sued for and recovered by the said treasurer in the name of the county, for school purposes.

SEC. 8. If any finder of lost money or goods of the value of five dollars or upwards, shall neglect to give notice of the same, and otherwise to comply with the provisions of "an act in relation to lost money or goods," he shall be liable for the full value of such money or goods, one-half to the use of the county for school purposes, and the other half to the use of the person who shall sue for the same, and shall also be responsible to the owner for such lost money or goods.

SEC. 9. That any person or persons who own or are the owners of dangerous or vicious cattle, which animal or animals are known to endanger the safety of persons traveling through neighborhoods, by their dangerous and vicious disposition, such person or persons having twelve hours' notice of the dangerous disposition of such animal or animals, and shall neglect or refuse effectually to prevent such cattle from disturbing the peace and safety of the neighborhood where such animals may range, such

owner or owners shall be liable to a fine of not less than five dollars nor more than fifty dollars, which may be recovered before any justice of the peace of the county, with costs of suit, for the use of the school fund.

## CHAPTER VI.

## REPEALING AND SAVING CLAUSES.

- SEC. 1. Repealing previous acts.  
 2. Excepting certain counties in which old law continues in force.  
 3. When act to take effect.

SEC. 1. All acts and parts of acts conflicting with any of the provisions of this act, be and the same are hereby repealed.

SEC. 2. This act shall not apply to the counties of Kitsap, Pierce, Clalm and Island; and the acts and parts of acts repealed by section one of this chapter, shall be and remain in force in the counties named in this section.

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

Passed the House of Representatives January 19, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 18, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 27, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

RELATING TO ELECTIONS AND THE MODE OF SUPPLYING VACANCIES.

## CHAPTER I.

## QUALIFICATION OF ELECTORS, AND HEREIN OF RESIDENCE.

- SEC. 1. White American citizens over twenty-one years.  
 American half-breeds holding donation claims, further qualifications.  
 White males who have declared intentions, &c., &c.  
 Further restriction of qualification.  
 Officers and men connected with army and navy excluded.  
 Proviso saving to citizens of Territory in service of the United States the elective franchise.
2. Employment in service of the U. S. does not affect residence.  
 Nor employment in navigation.  
 Nor while a student at academy or college.  
 Nor confinement in asylum, county jail, &c.  
 Conviction of infamous crime excepted.
  3. Idiots, insane and what convicts disfranchised.
  4. Absence from Territory on certain business does not affect residence.
  5. Conviction of infamous crime construed.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all white American citizens above the age of twenty-one years, and all American half-breeds over that age, who hold land under the donation law and who can read and write and have adopted the habits of the whites, and all other white males, inhabitants of this Territory, above that age, who shall have declared on oath their intention to become citizens and to support the Constitution of the United States, at least six months previous to the day of election, and who shall have resided six months in the Territory and thirty days in the county next preceding the day of election, and who have not borne arms against the United States of America, or given aid and comfort to its enemies, and none other shall be entitled to hold office or vote at any election in this Territory: *Provided,* That no officer, soldier, seaman or marine, in the army or navy



of the United States, or attached to troops in the service of the United States, shall be allowed to vote at any election in this Territory; but this provision shall not apply to citizens of the Territory who may be attached to the service of the United States, either as officers or soldiers, seamen or marines, and shall be in the Territory at the time of election.

SEC. 2. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this Territory, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum; nor while confined in any public prison, excepting when serving out a sentence in the penitentiary for an infamous crime.

SEC. 3. No idiot or insane person or persons convicted of an infamous crime shall be entitled to the privileges of an elector.

SEC. 4. Absence from the Territory on business of the Territory, or of the United States, shall not affect the question of residence of any person.

SEC. 5. A crime shall be deemed infamous which is punishable by death or by imprisonment in the penitentiary.

## CHAPTER II.

### REGISTERING VOTES.

- SEC. 1. Assessor to make list of legal voters, when.  
 What assessment list shall contain.  
 One list to be posted, one filed with Secretary of Territory.
2. Duty of assessor in correcting such list, and, herein of extra assessment.  
 As to parties between 21 and 22 years of age.  
 Saving clause for classes hereinbefore designated.
3. Penalty of county assessor refusing to assess legal voters.

SEC. 1. The county assessors of the respective counties, instead of the time named in an act entitled "an act to amend an act entitled an act to provide for the assessing and collecting

Territorial and county revenue," approved January 21st, 1865, shall, on or before the twentieth day of April, of every year, make, or cause to be made, alphabetical lists of the legal voters in each precinct, noting those who shall have paid their poll-tax, and also those who may be exempt by reason of being over fifty years of age, which alphabetical lists shall be posted in each precinct at least twenty days before the election, and one copy of which shall be transmitted to the Secretary of the Territory, and be by him filed as the census of legal voters which county assessors are annually required by law to make.

SEC. 2. County assessors, or those performing such duties under the law, shall attend at the office of the county auditor the week terminating twenty days before the election, for the purpose of correcting such assessment lists and adding thereto any names of legal voters who, from any cause, have been omitted therefrom, and the said extra assessment list alphabetically arranged shall be posted in like manner with the assessment list, and no person shall be allowed to vote in any precinct except such persons as are borne upon one or the other of said assessment lists, or those who may be between twenty-one and twenty-two years of age, who shall be allowed to vote without paying poll-tax, if the judges are satisfied that they are in all other respects entitled to the elective franchise: *Provided*, That the foregoing section shall not be so construed as to exclude from voting certain classes designated and described in section two, chapter one, or persons engaged in the navigation of the waters of this Territory, or of the United States, or of the high seas.

SEC. 3. Any county assessor willfully failing to comply with the provisions of this act by omitting to assess, or by presenting names not entitled to vote, shall, upon conviction thereof, be fined in any sum not exceeding one thousand dollars nor less than fifty dollars.

## CHAPTER III.

## TIME OF HOLDING, AND MANNER OF CONDUCTING ELECTIONS.

- SEC. 1. Annual election on first Monday of June.
2. Special elections may be held.
3. What vacancies to be supplied at general election.
4. The Governor to issue proclamation of election when officer is voted for by Territory at large.
5. County auditors of senior counties to issue notice in joint districts.
6. Notice by county auditor of general or special elections.  
Form of notice.

SEC. 1. A general election shall be held in the several election precincts in this Territory, on the first Monday of June in each year, at which there shall be chosen all such officers as are by law entitled to be elected in such year, unless otherwise provided for.

SEC. 2. Special elections are such as are held to supply vacancies in any office, whether the same be filled by the vote of the qualified electors of the Territory, or any district, county or township, and may be held at such time as may be designated by the proper officer.

SEC. 3. All vacancies which are about to occur in an office, by the expiration of the full term thereof, shall be supplied at the general election.

SEC. 4. It shall be the duty of the Governor, at least sixty days before any general election, to issue his proclamation designating the offices to be filled by the Territory at large at such election, and to transmit a copy thereof to the county auditor of each county.

SEC. 5. It shall be the duty of the county auditors of the senior counties, in any joint council or representative district, to issue to the county or counties composing said district, thirty days before any general election, notice designating the offices to be filled at each election by said district.

SEC. 6. It shall be the duty of the county auditor to give at least thirty days' notice of any general election, and at least

fifteen days previous to any special election, by posting, or causing to be posted up at each place of holding election in the county a written notice thereof, said notice to be, as nearly as circumstances will admit, as follows :

“Notice is hereby given, that on the first Monday, the — day of — next, at — in the — district or precinct of — in the county of — an election will be held for Territorial, county, town or district officers, (naming the offices to be filled, as the case may be,) which election will be opened at nine o'clock in the morning and will continue until six o'clock in the afternoon of the same day.

Dated this — day of — A. D., 18—.

A. B., County Auditor.”

#### CHAPTER IV.

##### OF RESIGNATIONS AND VACANCIES, AND SUPPLYING VACANCIES.

###### SEC. 1. What officers to resign to Governor.

What officers to resign to county commissioners.

All appointees, to the power making appointment.

###### 2. Contingencies creating vacancies.

###### 3. Governor to fill vacancy in office elected by Legislative Assembly.

###### 4. Governor may order special election.

County auditor to give notice of special election.

###### 5. Special elections to fill vacancies in county or precinct office.

###### 6. Officer filling vacancy only serves out unexpired term.

###### SEC. 1. Resignations shall be made as follows :

By the Territorial officers, members of the Legislative Assembly, and by all other officers elected by the Legislature, to the Governor.

By all county officers, to the county commissioners of their respective counties.

By all other officers holding their offices by appointment, to the body, board or officer that appointed them.

##### VACANCIES.

###### SEC. 2. Every office shall become vacant on the happening

of either of the following events before the expiration of the term of such officer:

1. The death of the incumbent.
2. His resignation.
3. His removal.
4. His ceasing to be an inhabitant of the district, county, town or village, for which he shall have been elected or appointed, or within which the duties of his office are to be discharged.
5. His conviction of an infamous crime, or of any offense involving a violation of his official oath.
6. His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit such oath or bond within the time prescribed by law.
7. The decision of a competent tribunal declaring void his election or appointment.
8. Whenever a judgment shall be obtained against such officer for a breach of the condition of his official bond.

#### SUPPLYING VACANCIES.

SEC. 3. Whenever a vacancy shall occur, during the recess of the Legislature, in any office which the Legislature is authorized to fill by election, the Governor of the Territory, until it is otherwise specially provided, may appoint some suitable person to perform the duties of such office, until the Legislature shall meet and elect some person to fill such office.

SEC. 4. Whenever a special election is necessary to fill a vacancy in the office of delegate to Congress, Territorial council, house of representatives, or prosecuting attorney, the Governor shall issue his proclamation ordering such election, in like manner as is provided in regard to general elections, and designating also the time at which it is to be held; and the county auditor of each county in which such election is to be held, shall give notice thereof, as required in section six, chapter three of this act.

SEC. 5. Whenever a special election is necessary to fill a vacancy in any county or precinct office, the board of county

commissioners shall instruct the county auditor to issue an order for such election, designating the office or offices to be filled, and the time of holding the election, and shall publish the same in the manner required by section six, chapter three, of this act.

SEC. 6. Whenever any officer resigns his office before the expiration of his term, or the office becomes vacant from any other cause, and at a subsequent or special election such vacancy is filled, the person so elected to fill such vacancy, shall not hold the office any longer than the original incumbent who resigned would have been entitled to hold the office.

## CHAPTER V.

### PLACES OF HOLDING ELECTIONS—INSPECTORS, JUDGES AND CLERKS OF ELECTION.

- SEC. 1. Precincts and places to hold elections to be fixed by county commissioners, when.
2. Inspector and judges of election to be appointed by county commissioners, when.
- When voters of precinct may elect inspector and judges.
3. Inspector and judges to appoint two clerks.
4. Oath to be taken by inspector and judges.
5. Form of oath of inspector.
6. Form of oath of judge of election.
7. Form of oath of clerk.
8. County auditor to make copy of each of said oaths.
- Oath to be certified by person administering same.
- Oaths to be filed by county auditor with election returns.
9. Inspector to be chairman of board.
- He may administer all necessary oaths.
- After polls opened, inspector may fill vacancy if judges or clerks refuse to serve.

SEC. 1. It shall be the duty of the county commissioners, at their regular session held previous to the day of holding the general election, to divide their respective counties into precincts, in such manner as they may deem most convenient for the population, and appoint a place for holding the elections therein.

SEC. 2. It shall be the duty of the county commissioners,

at their regular session held previous to the day of holding the general election, to appoint for each precinct, from the qualified electors of said precinct, one inspector and two judges, who shall constitute a board of judges of election. In case said board be not appointed for any precinct by the board of county commissioners, as specified in this section, or those appointed in accordance with this section shall not be present at the place designated by the county commissioners in a precinct for holding the polls, at the hour to open the polls, the electors present may appoint a board of judges for such precinct.

SEC. 3. The inspector and judges for each precinct shall, before the time of opening the polls, appoint two suitable persons to act as clerks, who shall be qualified electors.

SEC. 4. The inspector, judges and clerks aforesaid shall, before entering upon the duties of their offices, severally take and subscribe the oath or affirmation hereinafter directed, which shall be administered to them by any person authorized to administer oaths; but if no such person be present, the inspector shall administer the same to the judges and clerks, and one of the judges shall administer the oath to the inspector.

SEC. 5. The following shall be the form of the oath or affirmation to be taken by each inspector:

"I, (A. B.,) do swear (or affirm,) that I will duly attend to the ensuing election during the continuance thereof as an inspector, and that I will not receive any ticket or vote from any person, other than such as I shall firmly believe to be, according to the provisions of the laws of this Territory, entitled to vote at such election, without requiring such evidence of the right to vote as is directed by law; nor will I vexatiously delay or refuse to receive any vote from any person who I shall believe to be entitled to vote as aforesaid; but that I will in all things truly, impartially and faithfully perform my duty therein, to the best of my judgment and abilities, and that I am not directly nor indirectly interested in any bet or wager on the result of this election."

SEC. 6. The following shall be the oath or affirmation of each judge:

"We, (A. B.,) do ——— that we will as judges duly attend

the ensuing election during the continuance thereof, and faithfully assist the inspector in carrying on the same; that we will not give our consent that any vote or ticket shall be received from any person, other than such as we firmly believe to be, according to the provisions of the laws of the Territory, entitled to vote at such election; and that we will make a true and perfect return of the said election, and will in all things truly, impartially and faithfully perform our duty respecting the same, to the best of our judgment and abilities; and that we are not directly nor indirectly interested in any bet or wager on the result of this election."

SEC. 7. The following shall be the form of the oath or affirmation to be taken by the clerks, viz:

"We, and each of us (A. B.,) do ——— that we will impartially and truly write down the name of each elector who shall vote at the ensuing election, which shall be given us in charge, and also the name of the county and precinct wherein such elector resides; and carefully and truly write down the number of votes that shall be given for each candidate at the election, as often as his name shall be read to us by the inspector thereof, and in all things truly and faithfully perform our duty respecting the same, to the best of our judgment and abilities; and that we are not directly nor indirectly interested in any bet or wager on the result of this election."

SEC. 8. It shall be the duty of the county auditor to make out one copy of each of the said oaths or affirmations for each election precinct, which shall be severally subscribed by the inspector, judges and clerks, and the said oaths or affirmations shall be certified under the hand of the person by whom they shall be administered, and the said oaths or affirmations shall be placed with the election returns to be returned to the county auditor.

SEC. 9. The inspector shall be chairman of the board, and after its organization, shall have power to administer all necessary oaths which may be required in the progress of the election. He shall also have power to fill any vacancy that may occur in the



board of judges, or by absence or refusal to serve of either of the clerks, after the polls shall have been opened.

## CHAPTER VI.

## OPENING OF THE POLLS—VOTING AND CHALLENGES.

- SEC. 1. Polls shall be opened at 9 A. M. and closed at 6 P. M.  
 A recess of one hour may be taken.  
 In sparsely settled precincts, polls may be opened later.
2. Proclamation to be made of polls being open.
  3. Auditor to furnish inspector with two poll books five days before election.
  4. Voting shall be by ballot.  
 Description of ballot.  
 Inspector to pronounce audibly name of voter.  
 On receiving ballot, inspector to deposit it in ballot box.
  5. Each clerk to enter name of voter on respective poll list.
  6. Challenging of person offering to vote.  
 Duty of inspector and judges to challenge suspected persons.
  7. Duty of board when party is challenged.  
 Oath to be administered.  
 Questions to be propounded to party challenged.
  8. Challenged party refusing to swear, vote to be rejected.  
 If judges not satisfied, to reject vote.
  9. Further proceedings if challenged party insists.  
 Additional oath to be administered.  
 Oath of identity, where naturalization is produced.
  10. When party challenging fails to traverse, vote admitted.  
 Refusal to take oath, however, vote to be rejected.
  11. When person is challenged, because convicted of infamous crime.  
 Absence of record, two witnesses may prove conviction.
  12. On closing polls, proclamation to be made.

SEC. 1. At all elections the polls shall be opened at nine o'clock in the morning, and shall continue open until six o'clock in the evening, at which time the judges shall close the polls: *Provided*, That the judges of the election may take a recess of one hour at any time they may think proper during the day, before three o'clock in the afternoon: *And provided further*, That in sparsely settled precincts, whenever a sufficient number of qualified electors to constitute a board of election are not present at

nine o'clock on the morning of the day of election, it shall be lawful to open the polls as soon thereafter as a sufficient number are present.

SEC. 2. That the board of judges, before they commence receiving ballots, shall cause it to be proclaimed aloud, at the place of voting, that the polls are now open.

SEC. 3. It shall be the duty of the auditors of the several counties to furnish the inspector of each election precinct with two poll books, at least five days before the time of holding the election.

SEC. 4. The voting shall be by ballot. The ballot shall be a paper ticket, containing the names of the persons for whom the electors intend to vote, and designating the office to which each person so named is intended by him to be chosen. Whenever any person offers to vote, the inspector shall pronounce his name in an audible voice, and if there be no objections to the qualification of such person as an elector, he shall receive his ballot, and in the presence of the judges put the same, without being opened or examined, into the ballot box.

SEC. 5. The name of each elector whose ballot has been thus received, shall be immediately entered by each clerk in the column of his poll list, headed "names of voters," numbering each name in the additional column as it is taken down, so that it may be seen at any time whether the two lists agree.

SEC. 6. Any person offering to vote, may be challenged as unqualified by the inspector or either of the judges, or by any legal voter, and it shall in all cases be the duty of the inspector and each of the judges to challenge any person offering to vote, whom they shall know or suspect not to be duly qualified as an elector, or to have borne arms against the United States, or have given aid to its enemies.

SEC. 7. When any person offering to vote is challenged, it shall be the duty of the board of judges to declare to him the qualifications of an elector, and the inspector, or one of the judges, shall tender him the following oath:

"You do swear or affirm, that you will truly and fully answer all the questions as shall be put to you, touching your

place of residence and qualifications as an elector; and that you have never voluntarily borne arms against the United States since you have been a citizen thereof; that you have voluntarily given no aid, countenance, council or encouragement to persons engaged in armed hostilities thereto; that you have neither sought nor accepted nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that you have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States, hostile or inimical thereto: *And you do further* —, That, to the best of your knowledge and ability, you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, so help you God."

The inspector, or one of the judges, shall then proceed to question the person challenged in relation to his name, his then place of residence, how long he has resided in the township and county, where his last place of residence was; also, as to his citizenship, and whether a native or naturalized citizen, and if the latter, when, where, in what court, or before what officer he was naturalized, and all such other questions as shall tend to test his qualifications as to citizenship and the right to vote. :

SEC. 8. If any person shall refuse to take the aforesaid oath when so tendered, or to answer any and all pertinent questions as to his qualifications, his vote shall be rejected; and if the board of judges are satisfied from his answers as aforesaid, that such person is not a legal voter, they shall reject his vote.

SEC. 9. If such person shall still insist that he is entitled to vote, and the board of judges find no cause to reject his vote under the preliminary examination, and the challenge shall not be withdrawn, he shall not be entitled to vote unless he takes the following oath, to be administered by the inspector or one of the judges, viz:

"You do swear (or affirm, as the case may be,) that you are a citizen of the United States, (or that you have declared your

intention to become a citizen six months previous;) that you have resided in this Territory six months next preceding this election, and in this county thirty days, and that you have not voted this day."

And in case the person offering to vote produces a certified transcript of the record of a court of competent jurisdiction admitting him to citizenship, or certificate of declaration of citizenship, duly attested by the clerk thereof, as evidence of his right to vote, and the person so producing the same is unknown to the board of judges, he shall make oath that he is the person therein named.

SEC. 10. If any person shall take the oath, as tendered to him by the inspector or judges, and no evidence is offered to traverse the same, by the officer or party challenging, he shall be admitted to vote; but if he shall refuse to take the oath or affirmation so tendered to him, his vote shall be rejected.

SEC. 11. If the vote of any person be challenged on the ground that he has been convicted of an infamous crime and shall remain unpardoned, or disfranchised by any court of competent jurisdiction, he shall not be required to answer any questions respecting such alleged conviction, and in the absence of any authenticated record of such fact, it may be competent for two disinterested witnesses, upon oath, to prove the same.

SEC. 12. When the polls are closed, proclamation thereof shall be made at the place of voting, and no votes shall be afterwards received.

## CHAPTER VII.

### COUNTING AND RECEIVING THE VOTES—DECLARING THE RESULT OF ELECTIONS, AND CERTIFICATES OF ELECTIONS.

- SEC. 1. Judges to count votes on afternoon of election day.  
 Ballot box not to be removed till votes are counted.  
 The counting to be public.  
 Method of counting, duty of clerks, &c.  
 Counting shall not be adjourned till completed.
2. Two tickets folded together, both rejected.  
 If more officers than to be elected voted for, all to be rejected.

- SEC. 2. No ticket to be rejected for form, if the person voted for can be ascertained.
3. Certificate to be prepared, and what to contain.  
Election returns, how made up, and sent by inspector to county auditor.
  4. Election returns to be delivered to county auditor, by whom.  
If by private hand, affidavit required, what affidavit shall contain.  
If sent by mail, duties of post master receiving it.  
Inspector to retain duplicate for at least six months.
  5. Election returns not to be rejected for want of form, &c.
  6. County auditor to canvass returns on tenth day.  
What statement shall contain.  
Statement shall be filed in office of county auditor.
  7. Party receiving highest number of votes to be declared elected.  
County auditor to certify under seal of county.
  8. Probate judge to canvass returns and certify election of county auditor.
  9. Duty of county auditor in election of district officers.  
Auditor of senior county to certify election of such district officer.  
Senior county auditor to transmit statements of district vote to Secretary of Territory.
  10. Senior county auditor to give certificate of election to district officer.  
When and how certificate to be authenticated.
  11. Duty of auditor in transmitting election returns to Secretary of Territory.  
Canvass of vote by Secretary.  
Statement by Secretary and Governor's commission or certificate.
  12. County auditor to transmit abstract of votes for certain officers to Secretary of Territory.
  13. Defect or informality of returns, not sufficient cause for withholding certificate of election.
  14. Certificate of post master to be obtained when election returns are transmitted by mail.
  15. In case of a tie vote, a special election shall be ordered.

SEC. 1. As soon as the polls are closed, on the afternoon of the day of election, the judges shall open the ballot box and commence counting the votes, and in no case shall the ballot box be removed from the room in which any election may be held, until all the ballots are counted. The counting of ballots shall in all cases be public. The ballots shall be taken out care-

fully, one by one, by the inspector or one of the judges, who shall open them and read aloud the name of each person contained therein, and the office for which every such person is voted for. Each clerk shall write down each office to be filled and the name of each person voted for for such office, and shall keep the number of votes by tallies as they are read aloud by the inspector or judge. The counting of the votes shall be continued without adjournment until all are counted.

SEC. 2. If two tickets are found folded together, they shall both be rejected, and if more persons are designated on any ticket for any office than are to be elected to such office, such part of the ticket shall not be counted for any of them, but no ticket shall be lost for want of form, if the board of judges can determine to their satisfaction the person voted for and the office intended.

SEC. 3. As soon as all the votes are read off and counted, a certificate shall be drawn up on each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each person voted for has received, and designating the office to fill which he was voted for, which number shall be written in words at full length. Each certificate shall be signed by the clerks, the judges and inspector. One of said certificates, with poll list and tally paper, oath of inspector, judges and clerks, shall be sealed up by the inspector and endorsed "election returns," and be directed or sent by the inspector to the county auditor of the county in which the election is held.

SEC. 4. The said package shall be delivered to the county auditor by one of the judges or clerks of the election, in person, or may be sent by private hand or by mail. If sent by private hand, the person delivering it shall, before the county auditor, take and subscribe an affidavit that the package was delivered to him by one of the judges, (naming him); that it has not been out of his possession since it was received, and has undergone no alteration while in his possession. The affidavit shall be endorsed on the package. If sent by mail, it shall be mailed by one of the judges, and the post master shall make on it an endorsement that he received it from one of the judges, (naming

him.) The other of said certificates, with the poll list and tally papers, oath of judges, inspector and clerks, together with the ballots, shall be retained by the inspector and preserved by him at least six months.

SEC. 5. No tally papers, poll list or certificate, returned from any election shall be set aside or rejected for want of form, nor on account of its not being strictly in accordance with the directions of this act, if the same can be satisfactorily understood.

SEC. 6. On the tenth day after the day of each election, or as soon as he shall have received the returns from each precinct of the county, if he receive them within that time, the county auditor shall proceed to estimate the vote of the county or precinct, a statement of which shall be drawn up and signed by him. The statement shall contain the names of the persons voted for; the office to fill which each person was voted for; the number of votes given at each precinct to each of such persons, and the number of votes given to each in the county; and the same shall be filed, together with the returns from each precinct, in the office of the county auditor.

SEC. 7. The person having the highest number of votes given for each office to be filled by the voters of a single county or of a precinct, shall be declared elected, and the county auditor shall immediately make out and deliver or send to him a certificate of election signed by said auditor and authenticated by the seal of the county:

SEC. 8. When a county auditor is to be elected, the probate judge shall examine the returns so soon as they are filed, and issue to the person chosen a certificate of election in the form prescribed in the preceding section.

SEC. 9. When there are officers voted for who are to be chosen by the electors of a district composed of two or more counties, it shall be the duty of each of the county auditors of the counties composing such district, immediately after making out the statement specified in the sixth section of this chapter, to extract therefrom so much as relates to the election of such officers, and certify under his hand and the seal of the county that such extract contains a full statement of all the votes given

for district officer as returned to him, and without delay transmit the same to the county auditor of the senior of the counties composing such district. The said county auditor shall compare the returns, make up a statement of the vote of the district for such officers, and file the same, together with the returns from the other counties, in like manner as is prescribed in section six of this chapter. He shall also make out and transmit to the Secretary of the Territory such statement of the votes of the district, signed by him officially and authenticated with the seal of the county.

SEC. 10. The county auditor to whom the election returns of a district are made, shall on the twentieth day after the day of election, or so soon as the result is ascertained, if within that time all of such statements are received, make out and deliver or send to each person chosen to any such office, a certificate of election under his hand and the seal of the county.

SEC. 11. When there are other officers voted for who are chosen by the qualified voters of this Territory, it shall be the duty of each county auditor, so soon as the statement of the vote of his county is made out, as required in section six of this chapter, to copy therefrom so much as relates to the vote given for such officer, certify to the correctness thereof under his hand and the seal of the county, and transmit the same to the Secretary of the Territory, endorsing on the package the words "election returns." On the thirtieth day after the day of election, or so soon as the returns shall have been received from all the counties of the Territory, if received within that time, the Secretary of the Territory shall compare and estimate the vote and make out and file in his office a statement thereof, a copy of which shall be transmitted to the Governor. Upon this statement the commission or certificate shall issue.

SEC. 12. That it shall be and is hereby made the duty of the county auditor in each county of this Territory, to immediately after making abstracts of the vote given in his county at any general or special election for members of the Legislature, county, Territorial or district officers, delegate to Congress, to



transmit by mail a certified copy of said abstract to the Secretary of the Territory at the seat of government.

SEC. 13. No certificate shall be withheld on account of any defect or informality in the returns of any election, if it can with reasonable certainty be ascertained from such return what office is intended and who is entitled to such certificate, nor shall any commission be withheld by the Governor on account of any defect or informality of any return made to the office of the Secretary of the Territory.

SEC. 14. Whenever returns are required to be transmitted by one county auditor to another, or by the county auditor to the Secretary of the Territory, it shall be the duty of the county auditor to deliver the same to some post master of the county, at the post office, to be transmitted by mail, taking from such post master, if it can be obtained, a certificate setting forth the time when such returns were deposited in the post office, which certificate the auditor shall file with the returns.

SEC. 15. If at any election to fill any office, two or more persons receive the highest and an equal number of votes, it shall be declared that there is no choice, and a special election to fill such office shall be ordered by the proper officer.

## CHAPTER VIII.

### CONTESTING ELECTIONS OTHER THAN MEMBERS OF THE LEGISLATURE OR DELEGATE TO CONGRESS.

- SEC. 1. Any elector in county may contest election of county officer.  
Any elector in precinct may contest election of precinct officer.  
Causes of contest.
2. When mal-conduct of judges will set aside election.
  3. In contests for mal-conduct of judges, when precincts shall be rejected.
  4. To set aside election on grounds of illegal votes, what must appear.  
All illegal votes first to be deducted.
  5. No person but a qualified elector of district, county or precinct competent to contest.
  6. Statement of contest to be filed with county auditor, when.  
Requisites of such statement.

- SEC. 6. Statement to be verified by affidavit.
7. Sufficiency of allegations of illegal votes.  
Notice of names of illegal voters to be delivered three days before trial.  
Contestant cannot prove illegal votes not specified in said notice.
8. Contest shall not be dismissed for want of form.  
Cause of contest to be alleged with sufficient certainty to be understood.
9. County auditor to advise probate judge.  
Notice of special term of probate court to try contest.
10. Clerk of probate court to issue citation.  
Citation how served.
11. Subpœnas to witnesses; attendance may be enforced by attachment.
12. Procedure and practice in contested elections.
13. The court to declare the officer elected who has the highest number of votes.
14. Fees of officers of probate court in such cases.
15. When costs shall be adjudged against contestant.
16. When costs shall be in favor of contestant.
17. Each party liable for the costs by himself created; how collected.
18. Appeals to district court.
19. If probate court set aside election, and no appeal taken, office becomes vacant.
20. Contested election for probate judge, to be tried by county commissioners.
21. Contested election for prosecuting attorney to be tried by district court.

SEC. 1. Any elector of the proper county may contest the right of any person declared duly elected to an office to be exercised in and for such county; and also any elector of a precinct may contest the right of any person declared duly elected to any office in and for such precinct, for any of the following causes:

1. For mal-conduct on the part of the board of judges, or any member thereof.
2. When the person whose right to office is contested was not, at the time of the election, eligible to such office.
3. When the person whose right is contested shall have been previous to such election convicted of an infamous crime by any court of competent jurisdiction, such conviction not

having been reversed nor such person relieved from the legal infamy of such conviction.

4. When the person whose right is contested has given to any elector or inspector, judge or clerk of the election any bribe or reward, or shall have offered any such bribe or reward for the purpose of procuring his election.

5. On account of illegal votes.

SEC. 2. No irregularity or improper conduct in the proceedings of the board of judges, or any one of them, shall be construed to amount to such mal-conduct as to annul or set aside any election, unless the irregularity or improper conduct shall have been such as to procure the person whose right to the office may be contested, to be declared duly elected when he had not received the highest number of legal votes.

SEC. 3. When any election held for an office exercised in and for a county is contested on account of any mal-conduct on the part of the board of judges of any precinct election, or any member thereof, the election shall not be annulled and set aside upon any proof thereof, unless the rejection of the vote of such precinct or precincts shall change the result as to such office in the remaining vote of the county.

SEC. 4. Nothing in the fifth ground of contest specified in section one of this chapter, shall be so construed as to authorize an election to be set aside on account of illegal votes, unless it shall appear that an amount of illegal votes has been given to the person whose right to the office is contested, which if taken from him would reduce the number of his legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

SEC. 5. No person shall be competent to contest any election unless he is a qualified elector of the district, county or precinct, as the case may be, in which the office is to be exercised.

SEC. 6. When any such elector shall choose to contest the right of any person declared duly elected to such office, he shall within ten days after such person shall have been declared

elected to such office, file with the county auditor a written statement setting forth specifically:

1. The name of the party contesting such election, and that he is a qualified elector of the district, county or precinct, as the case may be, in which such election was held.

2. The name of the person whose right to the office is contested.

3. The office.

4. The particular cause or causes of such contest, which statement shall be verified by the affidavit of the contesting party, that the matters and things therein contained are true, as he verily believes.

SEC. 7. When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state, generally, that illegal votes were cast, which, if given to the person whose election is contested in the specified precinct or precincts, will, if taken from him, reduce the number of his legal votes below the number of legal votes given to some other person for the same office; but no testimony shall be received of any illegal votes, unless the party contesting such election shall deliver to the opposite party, at least three days before such trial, a written list of the number of illegal votes and by whom given, which he intends to prove on such trial, and no testimony shall be received of any illegal votes, except such as are specified in such list.

SEC. 8. No statement of the cause of contest shall be rejected, nor the proceedings thereon dismissed by any court before which such contest may be brought for trial for want of form, if the particular cause or causes of contest shall be alleged with such certainty as will sufficiently advise the defendant of the particular proceedings or cause for which such election is contested.

SEC. 9. Upon such statement being filed, it shall be the duty of the county auditor to inform the judge of probate court, who shall give notice and order a special term of said court, to be held at the court house of the proper county on some day to be named by him, not less than ten nor more than twenty days from the date of such notice, to hear and determine such contested election.

SEC. 10. The clerk of said court shall also at the time issue a citation for the person whose right to the office is contested, to appear at the time and place specified in said notice, which citation shall be delivered to the sheriff or constable and be served upon the party in person, or if he cannot be found, by leaving a copy thereof at the house where he last resided.

SEC. 11. The said clerk shall issue subpoenas for witnesses in such contested election, at the request of either party, which shall be served by the sheriff or constable as other subpoenas, and the probate court shall have full power to issue attachments to compel the attendance of witnesses who shall have been duly subpoenaed to attend, if they fail to do so.

SEC. 12. Said court shall meet at the time and place designated, to determine such contested election by the rules of law and evidence governing the determination of questions of law and fact, so far as the same may be applicable, and may dismiss the proceedings if the statement of the cause or causes of contest is insufficient, or for want of prosecution. After hearing the proofs and allegations of the parties, the court shall pronounce judgment in the premises, either confirming or annulling and setting aside such election, according to the law and right of the case.

SEC. 13. If in any such case it shall appear that another person than the one returned, has the highest number of legal votes, said court shall declare such person duly elected.

SEC. 14. The judge, clerk, sheriff or constable and witnesses, shall receive respectively the same fees from the party against whom judgment is given, as are allowed for similar services in the district court.

SEC. 15. If the proceedings are dismissed for insufficiency, want of prosecution, or the election is by the court confirmed, judgment shall be rendered against the party contesting such election for costs in favor of the party whose election was contested.

SEC. 16. If such election is annulled and set aside, judgment for costs shall be rendered against the party whose election was contested, in favor of the party contesting the same.

SEC. 17. Each party shall be liable for the costs created by himself, to the officers and witnesses entitled thereto, which may be collected in the same manner in which similar costs are collected in the district court.

SEC. 18. Either party feeling himself aggrieved by the judgment of said court, may appeal therefrom to the proper district court, as in other cases of appeal thereto.

SEC. 19. Whenever an election shall be annulled and set aside by the judgment of the probate court, when no appeal has been taken thereupon within ten days, such certificate or commission, if any has been issued, shall be thereby rendered void, and the office become vacant.

SEC. 20. In case of any contest in regard to any election to fill the office of probate judge, such contest shall be tried in like manner by the board of county commissioners.

#### CONTESTING ELECTION OF PROSECUTING ATTORNEY.

SEC. 21. In case of any contest in regard to any election to fill the office of district prosecuting attorney, such contest shall be tried in like manner by the district court.

### CHAPTER IX.

#### CONTESTING ELECTION FOR MEMEBERS OF THE LEGISLATURE.

- SEC. 1. Who may contest election of members of Legislative Assembly.
2. Contestant to file statement with clerk of district court, when. What statement shall contain; to be verified by affidavit.
3. Clerk to issue commission to two justices of the peace to take depositions.
4. Notice of contest, &c., to be served upon party whose right contested.  
Requisites of, how and when served.
5. Sheriff to return notice to clerk; fees of sheriff.
6. Of procuring attendance of witnesses by justices of the peace.
7. Of the taking of depositions of witnesses, how certified, &c.
8. Justices may adjourn from day to day.  
Return of depositions to clerk.
9. Clerk may appoint another justice if either fail to serve.
10. Fees of sheriff and justices of the peace in such cases.

11. Clerk to forward depositions and proceedings to Secretary of the Territory.
12. Duty of Secretary in contested elections.
13. Respective houses to try contested elections.
14. After notice of contest is given, depositions may be taken by either party.  
To be subject to same rules as depositions to be used in district court.  
Said depositions to be certified and returned to Secretary of the Territory.
15. Legislature may issue commissions to take depositions, or may send for and examine witnesses.

SEC. 1. The right of any person declared duly elected to a seat in the council or house of representatives, may be contested by any qualified voter of the county or district to be represented by such councilman or representative.

SEC. 2. The person contesting such election, shall within twenty days after the issue of the certificate of election, file with the clerk of the district court of the district in which the alleged cause or causes of contest originated, a concise statement of the grounds on which he intends to rely, verified by affidavit.

SEC. 3. Immediately on the filing of such statement in the clerk's office, the said clerk shall issue a commission directed to two justices of the peace in the contestant's district, to meet at such time and place as shall be specified in such commission, not less than twenty nor more than thirty days from the time of issuing the same, for the purpose of taking the depositions of such witnesses as the parties to such contest may wish to examine.

SEC. 4. Written notice of such contest, specifying the time and place of taking depositions, and before whom to be taken, and a copy of the statement certified by the clerk of said court, shall be delivered to the person whose election is contested, or if he cannot be found, it shall be left at the house where he last resided, by the sheriff of the county in which such person claims his residence, within ten days after such statement shall have been filed in the clerk's office.

SEC. 5. The sheriff into whose hands such notice and certified copy may come, shall make due service thereof, and shall

return to the proper clerk a certified copy of such notice, with the manner and time of service endorsed thereon, for which he shall be entitled to receive from the party contesting such election, the same fees for service and mileage as are allowed in the district court for service of original writs.

SEC. 6. Either of said justices of the peace shall have power at any time to issue subpoenas for witnesses, at the request of either party, to be served by the sheriff as other subpoenas, and such justices when met at the time and place appointed to take such deposition, shall have the same power to issue attachments and assess fines against witnesses, as is given to justices of the peace in the trial of suits instituted before them.

SEC. 7. Said justices of the peace shall meet at the time and place appointed, to take the depositions of witnesses produced by the parties, which shall be reduced to writing by said justices, and sworn to and subscribed by said witnesses respectively, and duly certified by said justices as depositions are in other cases, noting in the caption of each deposition by which party the witness was called.

SEC. 8. Said justices may continue said examination from day to day, if the business shall require it, and when the same is closed, they shall deliver the depositions taken before them, together with their said commissions, to the clerk of the district court by whom the same was issued.

SEC. 9. If at any time either of the said justices shall become unable to proceed in such examination, said clerk may supply the vacancy by designating any other justice of the peace of the district in the place of such justice.

SEC. 10. The sheriff, for the service of such subpoena, and the justice for issuing the same and taking the depositions, shall receive from the party at whose instance such services are performed, the same fees as are allowed them for similar services in other cases.

SEC. 11. It shall be the duty of said clerk to seal up such depositions, together with the original statements of the grounds of such contest, and the copy of the notice served upon the



party whose right is contested, and the commission issued to the justices of the peace, and transmit the same, by mail, to the Secretary of the Territory, endorsing thereon the names of the contesting parties, and the branch of the Legislature before which such contest is to be tried.

SEC. 12. It shall be the duty of the Secretary of the Territory to deliver the same, unopened, to the presiding officer of the house in which such contest is to be tried, on or before the second day of the session of the Legislature next after taking such deposition, and such presiding officer shall immediately give notice to said house that said papers are in his possession.

SEC. 13. Each house of the Legislature is the judge of the qualifications and election of its members, and shall try all contested elections of its members in such manner as it may direct.

SEC. 14. At any time after notice of any contest shall be given, and before the trial of such contested election before the proper branch of the Legislature, it may be lawful for either party to such contest to take depositions to be read on the trial thereof, in like manner and under the same rules as are allowed and required in the cases of depositions to be read on any trial pending in the district court, and such deposition when thus taken shall be sealed up by the officer taking the same, and directed to the Secretary of the Territory, who shall keep the same, unopened, and deliver them to the presiding officer of the house in which such contest is to be tried, to be disposed of by such officer as the depositions specified in the preceding section of this article.

SEC. 15. Nothing contained in this article shall be so construed as to abridge the right of either branch of the Legislature trying any contested election, from granting commissions to take testimony, or from sending for and examining, before such branch, any witnesses it may desire to hear on such trial.

## CHAPTER X.

## PENALTY FOR MISCONDUCT AT ELECTIONS AND FOR VIOLATION OF CERTAIN PROVISIONS OF THIS ACT—AND HEREIN OF COMPENSATION OF OFFICERS CONDUCTING ELECTIONS.

- SEC. 1. Threats, menace or force to influence voter, fine.
2. Furnishing a ticket falsely representing names thereon to person who cannot read, fine.
  3. Deceiving an elector and causing him to vote differently from intention, fine.
  4. Fraudulent voting or attempting to vote, fine.
  5. Voting or attempting to vote more than once, fine.
  6. Officer of election inducing elector to vote, fine.
  7. Officer of election attempting to pry into ballot, &c., fine.  
Officer of election disclosing a ballot by him illegally ascertained, fine.
  8. Malfeasance or misfeasance of officers named in this act.
  9. Secretary of Territory to notify prosecuting attorney of county auditor failing to return abstracts, &c.  
Certificate of Secretary presumptive evidence of such reported failure.
  10. Prosecuting attorney to present parties violating this act.
  11. Special provisions as to mode of election, appointment of officers and precincts may be made by law.
  12. Fees of officers conducting and connected with elections.
  13. Repealing clause.

SEC. 1. If any person shall directly or indirectly, use any threat, menace or force, or any corrupt measure or device, at or previous to any election held pursuant to this act, towards any elector, or hinder or deter him from voting at such election, or shall attempt by any means whatever, to awe, restrain, hinder or disturb any elector in the free exercise of the right of suffrage, he shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars.

SEC. 2. If any person shall furnish any elector wishing to vote at any election held pursuant to the provisions of this act, who cannot read, with a ticket, such person informing or giving such elector to understand that it contains a name or names,

written or printed thereon, different from the name or names which are written or printed thereon, such person shall, upon conviction thereof, be fined in any sum not less than fifty nor more than five hundred dollars.

SEC. 3. If any person shall defraud any elector at any such election by deceiving and causing him to vote for a different person for any office than such elector desired or intended to vote for, or shall fraudulently attempt to deceive and cause such elector thus to vote for a different person for any office than he intended and desired to vote for, such person upon conviction thereof shall be fined in any sum not less than fifty nor more than five hundred dollars.

SEC. 4. If any person not having the legal qualifications of an elector shall fraudulently vote, or shall fraudulently attempt to vote, at any election, such person, upon conviction thereof, shall be fined in any sum not less than twenty nor more than two hundred dollars.

SEC. 5. If any person shall vote more than once at any election, or shall attempt to vote more than once at the same election, he shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars.

SEC. 6. If any inspector, judge or clerk of election, while acting as such, shall induce or attempt to induce any elector, either by menace or reward or promise thereof, to vote differently from what such elector shall intend or desire to vote, such person so offending shall, upon conviction thereof, be fined in any sum not less than fifty nor more than five hundred dollars.

SEC. 7. If any inspector, judge or clerk of any election, shall, previous to putting the ballot of any elector in the ballot box, attempt to pry into or find out any name or names on such ballot which shall have been handed in by said elector in a folded form, or if any inspector, judge or clerk of any election shall open or suffer the folded ballot of any elector which has been handed in to the board of judges by any elector, with the view to ascertain the name of any person or persons for whom such elector shall have voted at any such election, or if any inspector, judge or clerk of an election, without the consent of the

elector, shall disclose the name of any person or persons which such inspector, judge or clerk shall have fraudulently or illegally discovered to have been voted for by such elector at any election, every such inspector, judge or clerk of an election so offending, upon conviction thereof, shall be fined in any sum not less than fifty nor more than five hundred dollars.

SEC. 8. If the Secretary of the Territory or any inspector, judge, board of judges, board of county commissioners, judge of probate, clerk of district court, county auditor, clerk of probate court, or clerk of election, on whom any duty is enjoined by this act, shall be guilty of any willful neglect of such duty, or of any fraudulent or corrupt conduct in the execution of any such duty, he or they so offending shall, on conviction thereof, be fined in any sum not exceeding two thousand dollars, to which may be added imprisonment in the county jail not exceeding one year.

SEC. 9. It is hereby made the duty of the Secretary of the Territory, after the expiration of thirty days from and after each election for delegate to Congress, to certify to the proper prosecuting attorneys any and all failures and omissions of the county auditors in their respective districts to comply with the provisions of this act, in returning or certifying the returns or certificates of any such election to the office of the Secretary of the Territory, and every such certificate of the Secretary of the Territory shall be sufficient presumptive evidence of any such failure or omission herein specified on the part of the said county auditor, in any trial or indictment against him therefor.

SEC. 10. It shall be the duty of the prosecuting attorney of each district to present all violations of the provisions of this act, which may come to his knowledge, to the special consideration of the proper grand jury.

SEC. 11. Special provisions may be made by law prescribing the mode of calling elections, of appointing the officers thereof, and of designating election precincts otherwise than as provided in this act.

SEC. 12. In all general or special Territorial or county elections hereafter legally held in this Territory, there shall be

audited and paid to officers of the same, out of the county treasury, in the same manner as other county charges are paid, the following per diem allowance: To the inspector, judges and clerks of an election, three dollars per day; the person carrying the returns to the county auditor shall be entitled to and receive three dollars, and such mileage as the sheriffs are allowed.

SEC. 13. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

Passed the House of Representatives January 18, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 19, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 23, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO APPORTION THE REPRESENTATION OF WASHINGTON TERRITORY IN THE LEGISLATIVE ASSEMBLY.

- SEC. 1. Council districts designated.  
 2. House apportionment fixed.  
 3. Repealing previous laws.  
 4. Act to take effect.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the apportionment of the Legislative Assembly shall be as follows in the council, to-wit:

The county of Walla-walla shall be entitled to elect one councilman, to be elected in 1867.

The counties of Walla-walla and Stevens shall be entitled to elect one joint councilman, to be elected in 1866.

The counties of Clark, Klickitat and Yakima shall be entitled to elect one joint councilman, to be elected in 1868.

The counties of Clarke, Cowlitz, Wahkiakum and Pacific shall be entitled to elect one joint councilman, to be elected in 1868.

The counties of Thurston and Lewis shall be entitled to elect one joint councilman, to be elected in 1868.

The counties of Pierce, Mason and Chehalis shall be entitled to elect one joint councilman, to be elected in 1867.

The counties of King and Kitsap shall be entitled to elect one joint councilman, to be elected in 1866.

The counties of Snohomish, Island and Whatcom shall be entitled to elect one joint councilman, to be elected in 1867.

The counties of Jefferson and Clalm shall be entitled to elect one joint councilman, to be elected in 1866.

SEC. 2. The apportionment of representatives in the house shall be as follows:

The county of Walla-walla shall be entitled to elect five members.

The county of Stevens one.

The county of Clark three.

The counties of Klickitat and Yakima one.

The counties of Cowlitz and Wahkiakum one.

The county of Pacific one.

The county of Chehalis one.

The county of Mason one.

The county of Lewis one.

The county of Thurston three.

The county of Pierce two.

The county of King two.

The county of Snohomish one.

The county of Kitsap two.

The county of Jefferson two.

The county of Clalm one.

The county of Island one.

The county of Whatcom one.

SEC. 3. All acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

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

Passed the House of Representatives January 8, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 16, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO PROVIDE FOR THE FORMATION OF CORPORATIONS FOR CERTAIN PURPOSES.

- SEC. 1. Purposes for which corporations may be formed.
2. Three or more persons may associate.  
Plan of, to be acknowledged and filed with county auditor.  
Certified copy to be filed with Secretary of Territory.  
What statement shall contain.
  3. Certified copy of articles *prima facie* evidence of existence of corporation.
  4. After filing certificate, persons named shall be a body corporate.  
Powers of corporations.
  5. Board of trustees not to be less than three.  
Qualifications of such trustees.  
Elections to be by ballot.  
Right of stockholder to vote in person or by proxy.  
Vacancies how filled.
  6. Failing to elect does not dissolve corporation.  
Special elections may be ordered.  
Trustees hold till qualification of successors.

- SEC. 7. Majority of trustees a quorum.
8. Requisites of notice of first election.
9. Stock shall be personal estate.  
How transferable.
10. On assessments upon stock.  
Sale of stock for failure to pay assessments.
11. Legal representative when may represent stock.
12. Shares of stock may be pledged.  
Party holding may vote as stockholder.
13. Of dividends upon stock, how made, &c.  
Nothing herein to prevent a division of assets on dissolution.
14. Debts shall never exceed capital stock.  
Of liability of stockholders.
15. Restriction of power to prevent issue of bills, &c., as money.
16. Liability of stockholder defined.
17. Person holding stock as collateral, or in representative capacity,  
how far liable.
18. Trustees to keep an alphabetical list of shareholders, what shall  
contain.  
Books to be open to inspection.  
Extracts may be made by stockholder or creditor.  
Clerk may be compelled to certify extracts.  
Such certificate shall be received as presumptive evidence, &c.
19. Penalty for making false entries or extracts.  
Damages arising under this act how recovered.
20. Capital may be increased or diminished, when.
21. Proceedings in increasing or diminishing capital.  
Two-thirds vote necessary.
22. On such proceedings had, statement to be filed; requisites of,  
and certificate.
23. Trustees of a dissolved corporation shall be trustees of creditors  
and stockholders.  
Powers of to settle affairs of said dissolved corporation.
24. Proceedings in dissolution of corporations.  
District court to enter order, &c.
25. Disfranchisement of foreign corporations.
26. Proceedings in changing place of business of a corporation.
27. Clarke and Clickitat, and within late boundary of Skamania, not  
included in provisions of this bill, so far as companies for  
transportation, &c., are concerned.
28. Saving provision for mining corporations, as to subscription of  
capital.  
Provisoes as to assessments in mining corporations.



SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That corporations for manufacturing, mining, milling, wharfing and docking, mechanical, chemical, mercantile, building and farming purposes, or for the purpose of engaging in any other species of trade, may be formed according to the provisions of this act, such corporations and the members thereof, being subject to all the conditions and liabilities herein imposed, and to none other.

SEC. 2. Any three or more persons who may desire to form a company for any one or more of the purposes specified in the preceding section, may make, sign and acknowledge, before some person competent to take the acknowledgment of deeds, and file and have recorded, in a book provided for that purpose, in the office of the auditor in the county in which the principal place of business of the company is intended to be located; and a certified copy thereof, under the hand of the auditor and the seal of the county, in the office of the Secretary of the Territory, a certificate in writing, in which shall be stated the corporate name of the company, the object for which the same shall be formed, the amount of its capital stock, the time of its existence, not to exceed fifty years, the number of shares of which the capital stock shall consist, the number of trustees and their names, who shall manage the concerns of the company for such length of time, (not less than two nor more than six months,) as may be designated in such certificate, and the name of the city, town or locality and county in which the principal place of business of the company is to be located.

SEC. 3. A copy of any certificate of incorporation, filed in pursuance of this act, and certified by the auditor of the county in which it is filed, or his deputy, or by the Secretary of the Territory, shall be received in all the courts and places as *prima facie* evidence of the facts therein stated.

SEC. 4. When the certificate shall have been filed, the persons who shall have signed and acknowledged the same and their successors, shall be a body corporate and politic, in fact and in name, by the name stated in their certificate, and by their

corporate name have succession for the period limited, and power:

1. To sue and be sued in any court having competent jurisdiction.

2. To make and use a common seal and to alter the same at pleasure.

3. To purchase, hold, sell and convey such real and personal estate as the purposes of the corporation shall require.

4. To appoint such officers, agents and servants as the business of the corporation shall require; to define their powers, prescribe their duties, and fix their compensation.

5. To require of them such security as may be thought proper for the fulfillment of their duties, and to remove them at will, except that no trustee shall be removed from office, unless by a vote of two-thirds of the stockholders, as hereinafter provided.

6. To make by-laws not inconsistent with the organic act of this Territory, and the laws of the Congress of the United States and of this Territory.

7. The management of its property, the regulation of its affairs, the transfer of its stock, and for carrying on all kinds of business within the objects and purposes of the company, as expressed in the articles of incorporation.

SEC. 5. The corporate powers of the corporation shall be exercised by a board of not less than three trustees, who shall be stockholders in the company, and a majority of them citizens of the United States and residents of this Territory, who shall, before entering upon the duties of their office, respectively take and subscribe to an oath as prescribed by the laws of this Territory, and who shall, after the expiration of the term of the trustees first selected, be actually elected by the stockholders at such time and place within the Territory, and upon such notice and in such manner as shall be directed by the by-laws of the company; but all elections shall be by ballot, and each stockholder, either in person or by proxy, shall be entitled to as many votes as he may own, or represent by proxy, shares of stock, and the person or persons receiving the greatest number of

votes, shall be trustee or trustees. It shall be competent at any time for two-thirds of the stockholders of any corporation organized under this act to expel any trustee from office, and to elect another to succeed him. In all cases where a meeting of the stockholders is called for the purpose of expelling a trustee and electing his successor, such notice shall be given of the meeting as the by-laws of the company may require. Whenever any vacancy shall happen among the trustees by death, resignation, or otherwise, except by removal and the election of his successor as herein provided, it shall be filled by appointment of the board of trustees.

SEC. 6. If it shall happen at any time that an election of trustees shall not be made on the day designated by the by-laws of the company, the corporation shall not for that reason be dissolved; but it shall be lawful on any other day to hold an election for trustees, in such manner as shall be provided for in the by-laws of the company, and all acts of the trustees shall be valid and binding upon the company until their successors are elected.

SEC. 7. A majority of the whole number of trustees shall form a board for the transaction of business, and every decision of a majority of the persons duly assembled as a board, shall be valid as a corporate act.

SEC. 8. The first meeting of the trustees shall be called by a notice signed by one or more persons named as trustees in the certificate, setting forth the time and place of the meeting, which notice shall be either delivered personally to each trustee or published at least twenty days in some newspaper in the county in which is the principal place of business of the corporation, or if no newspaper is published in the county, then in some newspaper nearest thereto in the Territory.

SEC. 9. The stock of the company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no transfer shall be valid, except between the parties thereto, until the same shall have been entered upon the books of the company, so as to show the names of the parties by and to whom transferred, the num-

bers and designation of the shares, and the date of the transfer.

SEC. 10. The stockholders of any corporation formed under this act, may, in the by-laws of the company, prescribe the times, manner and amounts in which payment of the sums subscribed by them respectively shall be made; but in case the same shall not be so prescribed, the trustees shall have the power to demand and call in from the stockholders the sums by them subscribed, at such time, and in such manner, payments or installments, as they may deem proper. In all cases notice of each assessment shall be given to the stockholders personally, or by publication in some newspaper published in the county in which the principal place of business of the company is located, and if none be published in such county, then in the newspaper nearest to said principal place of business in the Territory. If, after such notice has been given, any stockholder shall make default in the payment of assessments upon the shares held by him, so many of said shares may be sold as will be necessary for the payment of the assessment upon all the shares held by him, her, or them. The sale of said shares shall be made as prescribed in the by-laws of the company, but shall in no case be made at the office of the company. No sale shall be made except at public auction, to the highest bidder, after a notice of four weeks, published as above directed in this section, and at such sale the person who shall pay the assessment so due, together with the expenses of advertising and sale, for the smallest number of shares or portion of a share, as the case may be, shall be deemed the highest bidder.

SEC. 11. Whenever any stock is held by a person as executor, administrator, guardian or trustee, he shall represent such stock at all meetings of the company, and may vote accordingly as a stockholder.

SEC. 12. Any stockholder may pledge his stock by a delivery of the certificates or other evidence of his interest, but may, nevertheless, represent the same at all meetings and vote as a stockholder.

SEC. 13. It shall not be lawful for the trustees to make any dividend, except from the net profits arising from the busi-

ness of the corporation; nor divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the company, nor to reduce the capital stock of the company unless in the manner prescribed in this act; and in case of any violation of the provision of this section, the trustees under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the board of trustees at the time, or were not present when the same did happen, shall, in their individual or private capacities, be jointly and severally liable to the corporation and to the creditors thereof, in the event of its dissolution, to the full amount so divided, or reduced, or paid out: *Provided*, That this section shall not be construed to prevent a division and distribution of the capital stock of the company which shall remain after the payment of all its debts upon the dissolution of the corporation, or the expiration of its charter.

SEC. 14. The total amount of the debts of the corporation shall not at any time exceed the amount of the capital stock actually paid in, and in case of an excess, the trustees under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large upon the minutes of the board of trustees at the time, and except those not present when the same did happen, shall, in their individual and private capacities, be liable, jointly, and severally, to the said corporation, and in the event of its dissolution, to any of the creditors thereof, for the full amount of such excess.

SEC. 15. No corporation organized under this act shall, by any implication or construction, be deemed to possess the power of issuing bills, notes, or other evidences of debt for circulation as money.

SEC. 16. Each stockholder shall be individually and personally liable for his proportion of the debts and liabilities of the company contracted or incurred during the time that he was a stockholder, for the recovery of which joint or several actions may be instituted and prosecuted.

SEC. 17. No person holding stock as executor, administrator, guardian or trustee, or holding it as collateral security, or in pledge, shall be personally subject to any liability as a stockholder of the company; but the person pledging the stock shall be considered as holding the same, and shall be liable as a stockholder, and the estate and funds in the hands of the executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator, or intestate, or the ward, or person interested in the trust fund would have been if he or she had been living and competent to act and hold the stock in his or her own name.

SEC. 18. It shall be the duty of the trustees of every company, incorporated under this act, to keep a book containing the names of all persons, alphabetically arranged, who are, or shall be stockholders of the corporation, and showing the number of shares of stock held by them respectively, and the time when they became the owners of such shares, which book, during the usual business hours of the day, on every day excepting Sunday and the legal holidays, shall be open for the inspection of stockholders and creditors of the company at the office or principal place of business of the company; and any stockholder or creditor of the company shall have the right to make extracts from such book, or to demand and receive from the clerk or other officer having the charge of such book, a certified copy of any entry therein, or to demand and receive from any clerk or officer a certified copy of any paper, placed on file in the office of the company, and such book and certified copy shall be presumptive evidence of the facts therein stated in any action or proceeding against the company or any one or more of the stockholders.

SEC. 19. If at any time the clerk, or other officer, having charge of such book, shall make any false entry, or neglect to make any proper entry therein, or having the charge of any papers of the company, shall refuse or neglect to exhibit the same, or allow the same to be inspected, or extracts to be taken therefrom, or to give a certified copy of any entry, as provided in the preceding section, he shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the party injured, a penalty

of not less than one hundred dollars, nor more than one thousand dollars, and all damages resulting therefrom, to be recovered in action of debt in any court having competent jurisdiction; and for neglecting to keep such book for inspection as aforesaid, the corporation shall forfeit to the people the sum of one hundred dollars for every day it shall so neglect, to be sued for and recovered in the name of the people, in the district or probate court of the county in which the principal place of business of the corporation is located.

SEC. 20. Any company incorporated under this act may, by complying with the provisions herein contained, increase or diminish its capital stock to any amount which may be deemed sufficient and proper for the purposes of the corporation; but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the sum to which the capital is proposed to be diminished, such amount shall be satisfied and reduced so as not to exceed the diminished amount of the capital.

SEC. 21. Whenever it is desired to increase or diminish the amount of capital stock, a meeting of the stockholders shall be called by a notice signed by at least a majority of the trustees, and published at least eight weeks in some newspaper published in the county where the principal place of business of the company is located, or if no newspaper is published in the county, then the newspaper nearest thereto in the Territory, which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount to which it is proposed to increase or diminish the capital; and a vote of two-thirds of all the shares of stock shall be necessary to increase or diminish the amount of capital stock.

SEC. 22. If at a meeting so called a sufficient number of votes have been given in favor of increasing or diminishing the amount of capital, a certificate of the proceedings, showing a compliance with these provisions, the amount of capital actually paid in, the whole amount of debts and liabilities of the company, and the amount to which the capital stock is to be increased or diminished, shall be made out and signed and verified

by the affidavit of the chairman and secretary of the meeting, certified to by a majority of the trustees, and filed as required by the second section of this act, and when so filed the capital stock of the corporation shall be increased or diminished to the amount specified in the certificate.

SEC. 23. Upon the dissolution of any corporation formed under this act, the trustees at the time of the dissolution shall be trustees of the creditors and stockholders of the corporation dissolved, and shall have full power and authority to sue for and recover the debts and property of the corporation, by the name of the trustees of such corporation, collect and pay the outstanding debts, settle all its affairs, and divide among the stockholders the money and other property that shall remain after the payment of the debts and necessary expenses.

SEC. 24. Any corporation formed under this act, may dissolve and disincorporate itself, by presenting to the district judge of the judicial district in which the office of the company is located, a petition to that effect, accompanied by a certificate of its proper officers, and setting forth that at a meeting of the stockholders called for the purpose, it was decided by a vote of two-thirds of all the stockholders to disincorporate and dissolve the corporation. Notice of the application shall then be given by the clerk, which notice shall set forth the nature of the application, and shall specify the time and place at which it is to be heard, and shall be published in some newspaper of the county, once a week for eight weeks, or if no newspaper is published in the county, by publication in the newspaper nearest thereto in the Territory. At the time and place appointed, or at any other time to which it may be postponed by the judge, he shall proceed to consider the application, and if satisfied that the corporation has taken the necessary preliminary steps, and obtained the necessary vote to dissolve itself, and that all claims against the corporation are discharged, he shall enter an order declaring it dissolved.

SEC. 25. All corporations hereafter formed under the laws of other States and Territories for the conducting and transaction of any of the branches of business mentioned in section first



of this act, shall not be allowed to engage in such business within this Territory, and shall be disregarded in law and denied the rights and privileges of corporations.

SEC. 26. Any corporation desiring at any time to remove its principal place of business into some other county in the Territory, shall file in the office of the county auditor a certified copy of its certificate of incorporation. If it is desired to remove its principal place of business to some other city, town, or locality within the same county, publication shall be made of such removal, at least once a week for four weeks, in the newspaper published nearest to the city, town or locality from which the principal place of business of such corporation is desired to be removed. The formation or corporate acts of no corporation hereafter formed under this act, shall be rendered invalid by reason of the fact that its principal place of business may not have been designated in its certificate of incorporation: *Provided*, That within three months from the passage of this act, such corporation shall cause publication to be made once a week for at least four weeks, in the newspaper published nearest the city, town or locality, and where the principal place of business of such corporation has been in fact located, designating the city, town or locality, and county, where its principal place of business shall be located. On compliance with the provisions of this section, in the several cases herein mentioned, the principal place of business of any corporation shall be deemed established, or removed, at or to any designated city, town or locality, and county in the Territory.

SEC. 27. Nothing in this act shall be so construed as to include within its provisions any telegraph, railroad, steamboat, portage, express, or insurance company, or companies engaged in the transportation of freight or passengers within the present boundaries of Clark and Clickitat counties, or within the boundaries of the late county of Skamania.

SEC. 28. In incorporations already formed, or which may hereafter be formed under this act, where the amount of the capital stock of such corporation consists of the aggregate valuation of the whole number of feet, shares, or interest in any min-

ing claim in this Territory, for the working and development of which such corporation shall be or have been formed, no actual subscription to the capital stock of such corporation shall be necessary; but each owner in said mining claim shall be deemed to have subscribed such an amount to the capital stock of such corporation as under its by-laws will represent the value of so much of his interest in said mining claim, the legal title to which he may by deed, deed of trust, or other instrument, vest, or have vested in such corporation for mining purposes; such subscription to be deemed to have been made on the execution and delivery to such corporation of such deed, deed of trust, or other instrument; nor shall the validity of any assessment levied by the board of trustees of such corporation be affected by the reason of the fact that the full amount of the capital stock of such corporation, as mentioned in its certificate of incorporation, shall not have been subscribed as provided in this section: *Provided*, That the greater portion of said amount of capital stock shall have been so subscribed: *And provided further*, That this section shall not be so construed as to prohibit the stockholders of any corporation formed, or which may be formed, for mining purposes as provided in this section, from regulating the mode of making subscriptions to its capital stock, and calling in the same by by-law or express contract.

Passed the House of Representatives January 15, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 8, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 27, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

FOR THE INCORPORATION OF COLLEGES, SEMINARIES, CHURCHES, LYCEUMS, LIBRARIES, AND OTHER SOCIETIES, FOR BENEVOLENT, TEMPERANCE, CHARITABLE AND SCIENTIFIC PURPOSES.

- SEC. 1. Two or more persons may form.  
 For what purposes.  
 What articles of shall contain.  
 Articles, by whom to be subscribed and verified.  
 Articles to be filed and recorded with county auditor.  
 Copy of to be filed with Secretary of Territory.
2. As soon as first section complied with, a body corporate may adopt by-laws not inconsistent with the Constitution of the United States and laws of Territory.
  3. Colleges or seminaries may confer degrees.
  4. Dissolution of, and surrender of charter.
  5. Act not to apply to any purposes other than named in Sec. 1.
  6. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any two or more persons desirous of forming a corporation for a college, seminary, church, library, or any benevolent, temperance, charitable or scientific society, shall adopt articles certifying:

1. The names of the persons concerned, and their having associated to form a body politic.
2. Their corporate name and location and chief place of business.
3. If a joint stock company, the amount of capital stock and the amount constituting a share; if not a joint stock company, then the terms of admission to membership.
4. A full and specific statement of their object and purpose.
5. What officers the society and company will have; by what officers business will be conducted, and when they are to be elected, or if appointed, when and by whom such appointment is to be made; and also the number of trustees to manage the affairs of said society, and the names of the trustees for the first year of its existence; which articles shall be subscribed and sworn to by them, or by their president or secretary and a majority of such associates, before some officer authorized to administer oaths, and filed and recorded in the office of the auditor of the county where such corporation or its chief place of business shall

exist, and a copy thereof, certified to by the auditor, shall be filed in the office of the Secretary of the Territory.

SEC. 2. When such articles shall have been filed as aforesaid, the persons who shall have signed and verified the same, and their successors, shall be a body politic and corporate, with perpetual succession. They shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered, in all courts of this Territory. They may have a common seal, alter and change the same at pleasure; acquire and sell property, personal and real, for the purposes of carrying out the specified objects of the corporation, and no other; make by-laws, rules and regulations as they may deem proper and best for the welfare and the good order of the corporation: *Provided*, That such by-laws, rules and regulations be not contrary to the Constitution and laws of the United States and the existing laws of this Territory.

SEC. 3. That any college or seminary hereafter incorporated by the provisions of this act, shall have power and is hereby invested with authority to confer the degrees usually conferred by such institutions.

SEC. 4. Any corporation desiring its dissolution may, by a three-fourths vote of all its members, at some regular meeting, execute a surrender of all its corporate powers, and upon the filing of duplicate surrenders with the said auditor and Territorial Secretary, the said corporation shall be dissolved to all intents and purposes.

SEC. 5. This act shall not be so construed as to extend to any association of persons, who shall not exclusively have for their object and purpose the formation of societies and corporations mentioned in the first section of this act.

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

Passed the House of Representatives January 3, 1866.

EDWARD ELDRIDGE,  
*Speaker of the House of Representatives.*

Passed the Council January 18, 1866.

HARVEY K. HINES,  
*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,  
*Governor of the Territory of Washington.*

## AN ACT

## FOR THE REGULATION OF THE TELEGRAPH, AND TO SECURE SECRECY AND FIDELITY IN THE TRANSMISSION OF TELEGRAPHIC MESSAGES.

- SEC. 1. Penalty for divulging contents of telegram.  
Or for altering or adding to same.  
Proviso as to substitution of words or figures.
2. Penalty for sending or delivering false or forged message with intent to deceive.
3. Penalty for using information obtained.
4. For neglect or refusal to transmit or deliver message.
5. Penalty for persons unconnected with telegraph company opening sealed letters.  
Or obtaining information by false representation, or destroying same.
6. Penalty for unconnected person taking off messages by machines, &c., or clandestinely obtaining purport of messages.  
Or for giving information unlawfully obtained.
7. Bribery of an agent or employee of telegraph company.
8. Malicious destruction of poles, wires, &c.  
Or destruction of insulation or effecting a postponement of transmission.  
Penalty for violating this section.
9. In addition to penalties before prescribed, action of damages given.
10. Employees exempt from military and jury service.
11. Contracts by telegraph shall be deemed to be in writing.
12. Notices by telegraph, if received, deemed actual notice.
13. Powers of attorney may be sent by telegraph, with full force and effect.  
Such telegram *prima facie* evidence.  
May be admitted to record.
14. Of checks, duebills, notes, &c., drawn by telegraph.  
When original of telegram shall be required.
15. Of writings under seal and acknowledged.  
Burden of proof with party denying same.
16. Warrant, &c., for arrest of criminals.  
The original warrant or order to be retained in office transmitting message.
17. Of service by, in civil suits and proceedings.  
Original to be deposited in office of transmission.
18. How seal or revenue stamp to be recited in telegram.

- SEC. 19. Stamp, seal or device of telegraph company operating in this Territory, may be filed with Secretary and thus become sole property of the company.  
Penalty for wilfully using same.
20. Dispatches shall be transmitted in order of receipt.  
Proviso as to dispatches on government business.  
News dispatches may be sent out of order.
21. Construction of terms: "telegraphic copy" and "telegraphic duplicate."
22. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* If any officer, agent, operator, clerk or employee of a telegraph company, or any other person, shall wilfully divulge to any other person than the party from whom the same was received, or to whom the same is addressed, or his agent or attorney any message received or sent, or intended to be sent, over any telegraph line, or the contents, substance, purport, effect or meaning of such message or any part thereof, or shall wilfully alter any such message, by adding thereto, or omitting therefrom any word or words, figure or figures, so as to materially change the sense, purport or meaning of such message to the injury of the person sending or desiring to send the same, or to whom the same was directed, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment in the discretion of the court: *Provided,* That when numerals or words of number occur in any message, the operator or clerk sending or receiving, may express the same in words or figures, or in both words and figures, and such fact shall not be deemed an alteration of the message, nor in any manner affecting its genuineness, force or validity.

SEC. 2. If any agent, operator or employee in any telegraph office, or any other person, shall knowingly or wilfully send by telegraph to any person or persons, any false or forged message, purporting to be from such telegraph office, or from any other person, or shall wilfully deliver, or cause to be delivered, to any person any such message, falsely purporting to have been

received by telegraph; or if any person or persons shall furnish, or conspire to furnish, or cause to be furnished, to any such agent, operator or employee, to be so sent by telegraph, or to be so delivered, any such message, knowing the same to be false, or forged, with the intent to deceive, injure or defraud any individual, partnership or corporation, or the public, the person or persons so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine, not to exceed one thousand dollars, or imprisonment, not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 3. If any agent, operator or employee in any telegraph office, shall in any way use or appropriate any information derived by him from any private message or messages passing through his hands and addressed to any other person or persons, or in any other manner acquired by him by reason of his trust as such agent, operator or employee, or shall trade or speculate upon any such information so obtained, or in any manner turn, or attempt to turn, the same to his own account, profit or advantage, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine, not to exceed one thousand dollars, or imprisonment, not to exceed one year, or by both such fine and imprisonment, in the discretion of the court; and shall also be liable in treble damages to the party aggrieved, for all loss or injury sustained by reason of such wrongful act.

SEC. 4. If any agent, operator or employee in any telegraph office, shall unreasonably and wilfully refuse or neglect to send any message received at such office for transmission, or shall unreasonably and wilfully postpone the same out of its order, or shall unreasonably and wilfully refuse or neglect to deliver any message received by telegraph, the person so offending shall be deemed guilty of a misdemeanor, and may be punished by fine, not to exceed five hundred dollars, or imprisonment not to exceed six months, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That nothing herein contained shall be so construed to require any message to be received, transmitted or delivered, unless the charges thereon shall have been paid or tendered, nor to require the send-

ing, receiving or delivery of any message counselling, aiding, abetting or encouraging treason against the government of the United States, or other resistance to lawful authority, or any message calculated to further any fraudulent plan or purpose, or to instigate or encourage the perpetration of any unlawful act, or to facilitate the escape of any criminal or person accused of crime.

SEC. 5. If any person not connected with any telegraph office shall, without the authority or consent of the person or persons to whom the same may be directed, wilfully and unlawfully open any sealed envelop enclosing a telegraphic message, and addressed to any other person or persons, with the purpose of learning the contents of such message, or shall fraudulently represent any other person or persons, and thereby procure to be delivered to himself any telegraphic message addressed to such other person or persons, with the intent to use, destroy or detain the same from the person or persons entitled to receive such message, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine, not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court; and shall, moreover, be liable in treble damages to the party injured, for all loss and damages sustained by reason of such wrongful act.

SEC. 6. If any person not connected with any telegraph company, shall, by means of any machine, instrument or contrivance, or in any other manner, wilfully and fraudulently read or attempt to read any message, or to learn the contents thereof, whilst the same is being sent over any telegraph line, or shall wilfully or fraudulently or clandestinely learn, or attempt to learn, the contents or meaning of any message, while the same is in any telegraph office, or is being received thereat, or sent therefrom, or shall use or attempt to use, or communicate to others, any information so obtained by any person, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine, not to exceed one thousand dollars, or impris-



onment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 7. If any person shall, by the payment or promise of any bribe, inducement or reward, procure, or attempt to procure any telegraph agent, operator or employee, to disclose any private message, or the contents, purport, substance or meaning thereof, or shall offer to any such agent, operator or employee any bribe, compensation or reward, for the disclosure of any private information received by him, by reason of his trust as such agent, operator or employee, or shall use or attempt to use any such information so obtained, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine, not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 8. If any person shall wilfully or maliciously cut, break or throw down any telegraph pole, or any tree, or other material used in any line of telegraph, or shall wilfully and maliciously break, displace or injure, any insulator in use in any telegraph line, or shall wilfully or maliciously cut, break, or remove from its insulator, any wire used as a telegraph line, or shall, by the attachment of a ground wire, or by any other contrivance wilfully destroy the insulation of such telegraph line, or interrupt the transmission of the electric current through the same, or shall in any other manner wilfully injure, molest or destroy any property or materials appertaining to any telegraph line, or shall wilfully interfere with the use of any telegraph line, or obstruct or postpone the transmission of any message over the same, or procure or advise any such injury, interference or obstruction, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine, not to exceed five hundred dollars, or imprisonment not to exceed six months, or by both such fine and imprisonment, in the discretion of the court; and shall, moreover, be liable to the telegraph company whose property is injured, in a sum equal to one hundred times the amount of actual damages sustained thereby.

SEC. 9. Any person offending against the provisions of

sections one, two, four, six or seven of this act, shall, in addition to the penalty therein prescribed, be liable to the party damaged in a civil suit for all damages occasioned thereby.

SEC. 10. All operators, clerks and persons in the employ of any telegraph company, whilst employed in the offices of said company, or along the route of its telegraph line, shall be exempt from militia duty and from serving on juries, and from any fine or penalty for the neglect thereof.

SEC. 11. Contracts made by telegraph shall be deemed to be contracts in writing; and all communications sent by telegraph, and signed by the person or persons sending the same, or by his or their authority, shall be held and deemed to be communications in writing.

SEC. 12. Whenever any notice, information or intelligence, written or otherwise, is required to be given, the same may be given by telegraph: *Provided*, That the dispatch containing the same be delivered to the person entitled thereto, or to his agent or attorney. Notice by telegraph shall be deemed actual notice.

SEC. 13. Any power of attorney, or other instrument in writing, duly proved or acknowledged, and certified so as to be entitled to record, may, together with the certificate of its proof or acknowledgment, be sent by telegraph, and telegraphic copy or duplicate thereof shall, *prima facie*, have the same force and effect, in all respects, and may be admitted to record and recorded in the same manner and with like effect as the original.

SEC. 14. Checks, duebills, promissory notes, bills of exchange, and all orders or agreements for the payment or delivery of money, or other thing of value, may be made or drawn by telegraph, and when so made or drawn, shall have the same force and effect to charge the maker, drawer, indorser or acceptor thereof, and shall create the same rights and equities in favor of the payee, drawer, indorsee, acceptor, holder or bearer thereof, and shall be entitled to the same days of grace as if duly made or drawn and delivered in writing; but it shall not be lawful for any person, other than the person or drawer thereof, to cause any such instrument to be sent by telegraph, so as to charge any person thereby, except as hereinafter in the next

section otherwise provided. Whenever the genuineness or execution of any such instrument received by telegraph shall be denied on oath, by or on behalf of the person sought to be charged thereby, it shall be incumbent upon the party claiming under or alleging the same, to prove the existence and execution of the original writing from which the telegraph copy or duplicate was transmitted. The original message shall in all cases be preserved in the telegraph office from which the same is sent.

SEC. 15. Except as hereinbefore otherwise provided, any instrument in writing, duly certified, under his hand and official seal, by a notary public, commissioner of deeds, or clerk of a court of record, to be genuine, within the personal knowledge of such officer, may, together with such certificate, be sent by telegraph and the telegraphic copy thereof shall, *prima facie*, only have the same force, effect and validity, in all respects whatsoever as the original, and the burden of proof shall rest with the party denying the genuineness, or due execution of the original.

SEC. 16. Whenever any person or persons shall have been indicted or accused on oath of any public offense, or thereof convicted, and a warrant of arrest shall have been issued, the magistrate issuing such warrant, or any judge of the supreme court, or of any district or probate court, may endorse thereon an order signed by him and authorizing the service thereof by telegraph, and thereupon such warrant and order may be sent by telegraph to any marshal, sheriff, constable or policeman, and on the receipt of the telegraphic copy thereof by any such officer, he shall have the same authority and be under the same obligation to arrest, take into custody and detain the said person or persons, as if the said original warrant of arrest, with the proper direction for the service thereof, duly endorsed thereon, had been placed in his hands, and the said telegraphic copy shall be entitled to full faith and credit, and have the same force and effect in all courts and places as the original; but prior to indictment and conviction, no such order shall be made by any officer, unless in his judgment there is probable cause to believe the said accused person or persons guilty of the offense charged: *Provided*, The making of such order by any officer aforesaid, shall be

*prima facie* evidence of the regularity thereof, and of all proceedings prior thereto. The original warrant and order, or a copy thereof, certified by the officer making the order, shall be preserved in the telegraph office from which the same is sent, and in telegraphing the same, the original or the said certified copy may be used.

SEC. 17. Any writ or order in any civil suit or proceeding, and all the papers requiring service, may be transmitted by telegraph for service in any place, and the telegraphic copy of such writ or order or paper so transmitted, may be served or executed by the officer or person to whom it is sent for that purpose, and returned by him, if any return be requisite, in the same manner, and with the same force and effect, in all respects, as the original thereof might be, if delivered to him, and the officer or person serving or executing the same, shall have the same authority and be subject to the same liabilities as if the said copy were the original. The original, when a writ of order, shall also be filed in the court from which it was issued, and a certified copy thereof shall be preserved in the telegraph office from which it was sent; in sending it, either the original or certified copy may be used by the operator for that purpose.

SEC. 18. Whenever any document to be sent by telegraph bears a seal, either private or official, it shall not be necessary for the operator in sending the same, to telegraph a description of the seal, or any words or device thereon, but the same may be expressed in the telegraphic copy by the letters "L. S.," or by the word "seal," and whenever any document bears a revenue stamp, it shall be sufficient to express the same in the telegraphic copy, by the word "stamp," without any other or further description thereof.

SEC. 19. The president or secretary of any telegraph company doing business in this Territory, may file in the office of the Secretary of the Territory, a copy of any printed blank or envelop, picture or device, used or intended so to be, by said company, with his certificate that the same is commonly used, or is intended so to be, in the business of said company, as a distinguishing mark, notice or index of said business, and thereupon such

blank, envelop, picture or device, shall become the property of said company, and it shall not be lawful for any person, unless by the employment or permission of said company, to print, publish, distribute or use, or cause to be printed, published, distributed or used, either of them, or any copy, counterfeit, similitude or imitation thereof. Any person wilfully offending against the provisions of this section, may be punished by fine, not to exceed five hundred dollars, or imprisonment not to exceed six months.

SEC. 20. It shall be the duty of any telegraph company doing business in this Territory, to transmit all dispatches in the order in which they are received, under the penalty of one hundred dollars, to be recovered with costs of suit, by the person or persons whose dispatch is postponed out of its order: *Provided*, That communication to and from public officers on official business, may have precedence over all other communications: *And provided also*, That intelligence of general and public interest may be transmitted for publication out of its order.

SEC. 21. The term "telegraphic copy," or "telegraphic duplicate," whenever used in this act, shall be construed to mean any copy of a message, made or prepared for delivery at the office to which said message may have been sent by telegraph.

SEC. 22. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 9, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 11, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 24, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

## RELATIVE TO LANDLORD AND TENANT.

- SEC. 1. In what cases act operative.
- Failure to pay rent, and insufficiency of property.
  - Notice to quit by lessor or landlord.
  - Complaint before justice to sustain ejectment of tenant.
  - Proceedings of justice.
  - Notice by justice of hearing, requisites of.
2. Judgment of justice. .
- When premises shall be delivered.
3. Of writ of possession.
- If rent paid and costs, the writ stayed.
  - Writ stayed by entry of appeal.
  - How appeal is taken.
  - District court may give judgment for accruing rent.
4. Intention of act.
- Not to interfere with action of ejectment or forcible entry and detainer.
  - When justice of peace shall not exercise jurisdiction.
5. When act takes effect.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That in case any lessee or tenant for a term of years, or at will, or otherwise, of a messuage, lands or tenements, upon the lease or demise whereof any rents are or shall be reserved, or by occupancy whereof rent may become due, when the lessee or tenant shall neglect or refuse to pay the rent so reserved as often as the same may grow due according to the terms of the lease, or in case of such occupancy the reasonable rent therefor as often as once a month, and where there are no goods on the premises adequate to pay the rent so due or in arrear, except such articles or property as are by law exempt by execution, it shall be lawful for the lessor or landlord of said premises to give the lessee or tenant notice to quit the premises within ten days from the date of said notice, if such notice is given on or after the first day of May, and before the first day of November, and within twenty days from the date thereof, if given on or after the first day of November, and before the first day of May, and if the lessee or tenant shall not

within the period aforesaid remove from or deliver up the said premises to the said lessor or landlord, or pay and satisfy the rent so due or in arrear, it shall be lawful for the lessor or landlord to make complaint, verified by affidavit, before a justice of the peace within the proper county, describing the premises so occupied, reciting the terms of the contract or lease, or the circumstances under which occupancy was acquired, and the amount of rent due by said lessee or tenant, and that there is not property subject to execution sufficient to pay such rent in arrear; the said justice shall thereupon issue notice substantially reciting said allegations to said lessee or tenant, which notice shall be served by the sheriff or any constable of said county as other process is served. Said notice shall require said lessee or tenant to appear before said justice of the peace at a day and time therein fixed, not less than three nor more than six days thereafter, to answer said complaint.

SEC. 2. If, on the hearing of said complaint, the justice of the peace shall be satisfied that the allegations thereof are just and true, said justice shall enter judgment in favor of said lessor against said tenant or lessee, for the amount of rent due and in arrear and the costs of the proceeding, and that the premises shall be delivered up to the lessor or landlord.

SEC. 3. At the request of the landlord or lessor, said justice of the peace shall issue a writ of possession, directed to the sheriff or constable, commanding said officer forthwith to deliver actual possession of the premises to the lessor or party entitled to the possession thereof: *Provided*, That if the lessee or tenant shall pay the rent in arrears and the costs of the proceeding before the writ of possession shall be executed, such payment shall supersede the writ and render it of none effect: *And provided further*, That if said lessee or tenant desires to appeal from the judgment of said justice, he may within five days after the rendition thereof, file a good and sufficient bond in twice the amount of judgment and costs, conditioned that said appellant will do and abide the judgment of the district court, and will pay the judgment thereof, costs and increased costs; and the district court in the trial of such appeal, may add to the

judgment therein, all rent which may have accrued between the taking of such appeal and the rendition of judgment in said district court.

SEC. 4. This law is intended to secure to landlords a means to regain possession of their premises where tenants fail to pay the rent due therefor, and is not intended to modify the laws now existing whereby parties maintain their action of ejectment, forcible entry and detainer, or to recover possession of a mining claim; nor shall justices of the peace render judgment under the provisions of this act, if the title to land or real estate be in controversy between the parties to the action.

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

Passed the House of Representatives January 8, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 11, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

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## AN ACT

### TO REGULATE MARRIAGES.

- SEC. 1. Marriage a civil contract.  
 May be entered into by males and females of what age.
2. Causes of prohibition.
3. Marriage by parties incapable of consent, voidable.  
 So also where consent obtained through fraud.  
 Who may avoid such marriage.
4. Who may join parties in.
5. No particular form necessary.  
 But declaration in presence of proper witnesses of intention.



- SEC. 6. Of certificates of, by whom given and requisites.
7. Party joining persons in marriage shall file certificate with probate court, when.  
Form of certificate.
  8. Duty of clerk of probate court, and fees.
  9. Penalty for failing to file certificate of.
  10. Marriages by unauthorized person not void if either party believed such person possessed power.
  11. Children born out of wedlock, legitimized by subsequent marriage of parents.  
Marriage according to custom of any religious society allowed, though no priest or minister should officiate.
  12. Before marriage, license to be issued by county auditor.
  13. When written consent of parent or guardian must be obtained before issue of license.
  14. Affidavit to be filed before issue of license, what to contain.
  15. Auditor to keep a record of licenses issued.  
Person joining parties in marriage to retain license.
  16. Penalty for auditor violating provisions of this act.
  17. Penalty for unlawfully joining parties in marriage.
  18. Repealing section.
  19. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That marriage is a civil contract, which may be entered into by males of the age of twenty-one years, and females of the age of sixteen years, who are otherwise capable.

SEC. 2. Marriages in the following cases are prohibited:

1. When either party thereto has a wife or husband living at the time of such marriage.
2. When the parties thereto are nearer of kin to each other than second cousins, whether of whole or half-blood, computing by the rules of the civil law.
3. When either of the parties is a white person and the other a negro or Indian, or a person of one-half or more negro or Indian blood.

SEC. 3. When either party to a marriage shall be incapable of consenting thereto, for want of legal age or a sufficient understanding, or when the consent of either party shall be

obtained by force or fraud, such marriage is voidable, but only at the suit of the party laboring under the disability, or upon whom the force or fraud is imposed.

SEC. 4. Marriages may be solemnized by any regularly ordained and authorized minister or priest of any church or religious denomination in this Territory, and by any justice or judge of district or probate court anywhere within the Territory, and by any justice of the peace within their respective counties.

SEC. 5. In the solemnization of a marriage, no particular form is required, except that the parties thereto shall assent or declare in the presence of the minister, priest, or judicial officer solemnizing the same, and in the presence of at least two attending witnesses, that they take each other to be husband and wife.

SEC. 6. The person solemnizing a marriage, shall give to each of the parties thereto, if required, a certificate thereof, specifying therein the names and residence of the parties, and of at least two witnesses present, the time and place of such marriage and the date of the license thereof, and by whom issued.

SEC. 7. A person solemnizing a marriage, shall, within three months thereafter, make and deliver to the clerk of the probate court of the county where the marriage took place, a certificate containing the particulars specified in the last section, which said certificate may be in the following form:

TERRITORY OF WASHINGTON, }  
County of ——— . }

"This is to certify that the undersigned, a — by authority of a license bearing date — day of —, A. D., 18—, and issued by the county auditor of the county of —, did on the — day of — A. D., 18—, at the house of —, in the county and Territory aforesaid, join in lawful wedlock, A. B., of the county of —, of the —, and C. D., of the county of — of the — with their mutual assent, in the presence of F. H. and E. G., witnesses.

Witness my hand."

SEC. 8. The clerk of the probate court shall file such cer-

tificate, and record the same in the record of marriages, and the legal fees therefor shall be paid by the person solemnizing the marriage, who shall be entitled to demand and receive the same from the parties before the marriage.

SEC. 9. Any person solemnizing a marriage who shall wilfully refuse or neglect to make and deliver to the clerk of the probate court for record the certificate mentioned in the last section, within the time in such section specified, shall be deemed guilty of a misdemeanor, and upon conviction shall pay for such refusal or neglect a fine not less than twenty-five, nor more than three hundred dollars.

SEC. 10. A marriage solemnized before any person professing to be a minister or a priest of any religious denomination in this Territory, or professing to be any authorized officer thereof, is not void, nor shall the validity thereof be in any way affected on account of any want of power or authority in such person, if such marriage be consummated with a belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

SEC. 11. Illegitimate children become legitimate by the subsequent marriage of their parents with each other, and all marriages to which there are no legal impediments, solemnized before or in any religious organization or congregation, according to the established ritual or form commonly practiced therein, are valid; but in such case a certificate thereof, containing the particulars specified in sections six and seven, shall be made and filed for record by the person or persons presiding or officiating in such religious organization or congregation, in the manner and with like effect as in ordinary cases.

SEC. 12. Before any person can be joined in marriage, they shall produce a license from the county auditor of the county in which the female resides, directed to any person or religious organization or congregation, to join together the persons therein named as husband and wife.

SEC. 13. Such license shall not issue without the written consent of the parents or guardian, if there be any, if the female

be within sixteen years, or the male within the age of twenty years, nor in any case unless the female is over sixteen years, and the male is over twenty years of age, but if either of the parties, being of an age capable of contracting marriage, have no parents or guardian resident within this Territory, and the female has resided within this Territory for the period of three months next preceding such application, the license may issue, if otherwise proper, without the consent mentioned in this section.

SEC. 14. Before the license issues, the applicant therefor shall file with the auditor an affidavit of some credible person, other than the parties seeking the license, showing the facts specified in the last section, or any of them that may be necessary to be shown in the particular case, except the consent of the parent or guardian, and such affidavit shall be sufficient authority to the auditor, so far as such facts are concerned, for issuing the license.

SEC. 15. The person solemnizing the marriage is authorized to retain in his possession the license, but the auditor who issues the same, before delivering it, shall enter in his marriage record a memorandum of the names of the parties, the consent of the parents or guardian, if any, and the name of the affiant, and the substance of the affidavit upon which said license issued, and the date of such license.

SEC. 16. Any auditor who shall issue a license contrary to the provisions of this act, shall, upon conviction thereof, be punished by fine of not more than five hundred nor less than one hundred dollars.

SEC. 17. Any person who shall undertake to join others in marriage, knowing that he is not lawfully authorized so to do, or any person authorized to solemnize marriage, who shall join persons in marriage contrary to the provisions of this act, shall upon conviction thereof, be punished by a fine of not more than five hundred, nor less than one hundred dollars.

SEC. 18. All acts inconsistent with this act are hereby repealed.

SEC. 19. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 16, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 15, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 20, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

DECLARING LEGITIMATE THE ISSUE OF MARRIAGES OF WHITE MEN WITH INDIAN WOMEN.

- SEC. 1. Issue of such marriages legitimized.  
 Right of inheritance of such issue, only against parents.
2. Such issue shall be excluded from inheriting if any issue of previous lawful marriage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all marriages heretofore entered into or solemnized between white men and Indian women in accordance with the forms of law, in which there shall be issue, such marriage shall be so far recognized as legal as to secure to all issue thereof, before or after their marriage, against either of the parties to the same, the same rights as legitimate children; such issue, however, cannot claim by right of inheritance other than are deemed by and through the parents of such child or children.

SEC. 2. That when there is any issue by a former marriage, that the issue from marriage as named in section one of this act shall be debarred from the right of inheritance.

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

Passed the House of Representatives January 12, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 15, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 20, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

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## AN ACT

### FOR THE BETTER OBSERVANCE OF SUNDAY.

- SEC. 1. Prohibition of amusements, drinking, &c., on Sunday.
2. No judicial business shall be done.  
Deliberations of a jury excepted.  
No official record made or process issued.  
Except apprehension of criminal and examination of offenders.  
Highways and plains shall be construed as race grounds for purposes of this act.
  3. Penalty prescribed for violation of this act.
  4. Justices of the peace have jurisdiction.
  5. Fine how collected, to go to school fund.
  6. Snohomish county not regarded as within the provisions of this act.
  7. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That no person shall keep open any play house or theater, race ground, cock pit, or play at any game of chance for gain, or engage in any noisy amusements, or keep open any drinking or billiard saloon, or sell or dispose of any intoxicating liquors as a beverage, on the first day of the week, commonly called Sunday.

SEC. 2. No judicial business shall be transacted by any court, except the deliberations of a jury, who have received a case on a week day so called, and who receive further instructions from the court at their request, or deliver their verdict, nor any civil process be served by certifying or attesting officer, or any record made by any legally appointed or elected officer, upon the day of the week commonly called Sunday. *Provided*, That criminal process may issue for the apprehension of any person charged with crime, and criminal examination to be proceeded with: *And provided further*, That this act shall be so construed and understood that the public common highways and plains shall be considered as race grounds for the purpose of this act.

SEC. 3. Any person violating any of the provisions of the two preceding sections of this act, shall be punished, upon conviction thereof, by a fine of not less than thirty dollars, nor more than two hundred and fifty dollars for each offense.

SEC. 4. Justices of the peace may have jurisdiction of all complaints arising under this act.

SEC. 5. On complaint of any person before a justice of the peace, the person or persons found guilty of any offense specified in this act, shall be fined as aforesaid, to be paid to the treasurer of the county for the benefit of common schools, and the offender shall stand committed until the fine and costs be paid, or the same be commuted by confinement, at the rate of two dollars per day.

SEC. 6. This act shall not apply to the county of Snohomish.

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

Passed the House of Representatives January 16, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 16, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 20, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

## RELATING TO SUITS ON FOREIGN JUDGMENTS.

- SEC. 1. Judgments in suits without personal service, of no greater evidence than original claim or demand.
2. Same defense may be made in suits on such judgments, as could be made in original action.
3. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That no judgment for debt rendered in any State or other Territory, against any person or persons residents of this Territory at the time of the rendition of such judgment, shall be of any higher character as evidence of indebtedness than the original claim or demand upon which such judgment is rendered, unless such judgment shall be rendered upon personal service of summons, notice or other due process against the defendant thereon, and upon a verdict of a jury finding the amount for which the same is entered up.

SEC. 2. The same defense to suits on judgments rendered without such personal service, may be made by the judgment debtor which might have been set up in the original proceeding.

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

Passed the House of Representatives January 8, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 11, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*



## AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ACKNOWLEDGMENT OF DEEDS OUT OF THE TERRITORY," APPROVED JANUARY 21, 1865.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled "an act to provide for the acknowledgment of deeds out of this Territory," be and the same is hereby repealed.

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

Passed the House of Representatives January 15, 1866.

EDWARD ELDRIDGE,  
*Speaker of the House of Representatives.*

Passed the Council January 10, 1866.

HARVEY K. HINES,  
*President of the Council.*

Approved January 20, 1866.

WILLIAM PICKERING,  
*Governor of the Territory of Washington.*

## AN ACT

CONCERNING SUITS FOR DIVORCE AND ALIMONY, AND TO REPEAL AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO REGULATE SUITS FOR DIVORCE AND ALIMONY," PASSED JAN. 27, 1864.

SEC. 1. Residence of one year necessary before divorce can be petitioned for.

Same service of notice and complaint.

2. Act of January 27, 1864, repealed.

3. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person who has been a resident of the Territory for one year, may file his or her complaint for a divorce and decree of nullity of marriage, under oath, in the district court of the district where he or she may reside, and like proceedings shall be had thereon as in other civil cases.

SEC. 2. An act entitled "an act to amend an act entitled

an act to regulate suits for divorce and alimony," passed January 27, 1864, be and the same is hereby repealed.

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

Passed the House of Representatives January 6, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 9, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO REPEAL AN ACT ENTITLED AN ACT TO REGULATE SUITS OF DIVORCE AND ALIMONY," PASSED JANUARY 27, 1864, AND TO REVIVE AND RENEW AN ACT PASSED JANUARY 18, 1863.

SEC. 1. Divorce suits pending under existing laws, not included in act to which this is a supplement.

2. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act to which this is supplemental, passed at the present session, shall not be so construed as to apply to any cases now pending in any of the courts in this Territory.

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

Passed the House of Representatives January 15, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 16, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE PRACTICE AND PROCEEDINGS IN CIVIL ACTIONS IN THE DISTRICT COURTS," PASSED JANUARY 28, 1863.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the first clause of section two hundred and eighty-nine of the act to which this is amendatory, be amended by striking out the words "five hundred" and inserting in lieu thereof the words "one thousand."

SEC. 2. This act to be in force from and after its passage. Passed the House of Representatives January 13, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 16, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

RELATING TO WITNESSES AND EVIDENCE.

- SEC. 1. Negro blood no ground of excluding witness.  
 Credibility of witness a matter for jury, &c., &c.  
 Repealing parts of acts inconsistent herewith.
2. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That no person not otherwise disqualified as prescribed by law, shall be incompetent as a witness in any action or proceeding, civil or criminal, before any court, officer, board or tribunal in this Territory, by reason of having negro blood, it being the express intention of this act, that the question of credibility of the testimony of such persons shall be left exclu-

sively, as in other cases, to the jury, court, officer, board or tribunal before whom such action or proceeding is tried or had.

SEC. 2. All acts and parts of acts in any manner conflicting with any of 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.

Passed the House of Representatives January 3, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 8, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

### CONCERNING MINORS, THEIR RIGHTS AND LIABILITIES.

- SEC. 1. Age of majority defined.
2. Contracts of minors are binding if not disavowed, when.  
He must restore property, &c., obtained after attaining majority.
  3. If misrepresentations as to age have been used, contract shall be avoided.
  4. Receipts by a minor for services performed under contract by him made, defeats a recovery by parent or guardian.
  5. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That the period of minority extends in males to the age of twenty-one years, and in females to the age of eighteen years.*

SEC. 2. A minor is bound, not only by contracts for neces-

saries, but also by his other contracts, unless he disaffirms them within a reasonable time after he attains his majority, and restores to the other party all money and property received by him by virtue of the contract, and remaining within his control at any time after his attaining his majority.

SEC. 3. No contract can be thus disaffirmed in cases where on account of the minors own misrepresentations as to his majority, or from his having engaged in business as an adult, the other party had good reasons to believe the minor capable of contracting.

SEC. 4. When a contract for the personal services of a minor has been made with him alone, and those services are afterwards performed, payment made therefor to such minor in accordance with the terms of the contract, is a full satisfaction for those services, and the parents or guardian cannot recover therefor.

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

Passed the House of Representatives January 11, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 13, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO REGULATE FEES AND COSTS OF CERTAIN OFFICERS IN THE COUNTIES OF KITSAP, JEFFERSON AND STEVENS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the fees and compensation of the several officers of said counties herein named, shall be as follows, to-wit:

## COUNTY AUDITOR.

For making an assessment roll to county assessor, for each quire such roll may contain, . . . . .	\$12 00
For making out original tax duplicate, for each one hundred words such duplicate may contain, counting every two figures as a word, . . . . .	25
For making out exhibit of receipts and expenditures of county for past year, counting every two figures as a word, . . . . .	25
For attending each regular and special term of board of county commissioners, per diem, . . . . .	4 00
For recording proceedings of board of county commissioners, for each one hundred words, . . . . .	25
For each order drawn on county treasurer, . . . . .	25
For copy of any order drawn upon the order of the board . . . . .	75
For drawing each receipt, . . . . .	25
For each notice delivered to the sheriff for general or special election, . . . . .	75
For opening and examining election returns and making abstracts of votes and copies thereof, per diem, . . .	4 00
For each certificate of election, to be paid by the parties entitled to the same, . . . . .	1 25
For each order for view of road, . . . . .	1 25
For taking bonds for county officers, and all others required by the board or by law to give bonds, each, . . . . .	1 25
For taking oaths of county officers and other persons and certifying to the same, . . . . .	1 25

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For administering an oath,.....	\$	50
For each bond executed by the commissioners to purchase of county property, and other purposes,....		3 00
For each deed executed by county commissioners,....		4 00
For recording deeds and mortgages,.....		3 00
For each poll book delivered to sheriff or judge of election,.....		1 25
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,..		15
For issuing each license under seal for grocery, tavern, ferry, or to peddlers, showmen or managers or owners of circus, and all other license, to be paid by the party to whom granted,.....		1 25
For entering license on record,.....		50
For entering approval of county commissioners of license granted in vacation, in each case to be paid by the applicant. ....		1 25
For notifying clerk of the district court of the selection of grand and petit jurors, each list,.....		1 25
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 services,.....		1 25
For reading and entering petition for view of road, to be paid by petitioners,.....		1 25
For reading and entering remonstrance against view of road, or petition for damages, each to be paid by the person remonstrating,.....		1 25
For entering appointment of road viewers,.....		75
For reading and entering report of road viewers,.....		75
For notifying justices of the peace or county commissioners to attend the opening and examining of election returns, each,.....		75
For certified copy of commissioners' proceedings or parts thereof, for each one hundred words, to be paid by the party requiring such copy,.....		25
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, . . . . .	\$	25
And for similar services to be rendered, the same fees as are allowed by this for similar services.		
For each certificate as recorder of liens on record against the property of any person, . . . . .		75

## JUDGE OF PROBATE.

For granting letters of administration, . . . . .	1	50
For probate of will or testament, . . . . .	1	50
For granting letters testamentary, . . . . .	1	50
When the same are contested, . . . . .	4	00
Taking bonds in any case, . . . . .	1	50
Hearing complaints against spendthrifts and lunatics . . .	4	00
Appointing guardian, . . . . .	1	50
Decree of settlement of an estate, . . . . .	1	50
When contested, . . . . .	3	00
Order of distribution, . . . . .	1	50
Examining inventory of appraisement or bill of sale and filing the same in office, each, . . . . .	1	50
Every writ or process under seal, . . . . .	1	50
Each order of court on record, . . . . .		75
Examining accounts, each one hundred words, counting two figures as a word, . . . . .		25
Warrant to appraise or divide an estate, . . . . .	1	50
Issuing commission, . . . . .	1	50
Allowing appeal, . . . . .		30
Approving securities in bonds, each, . . . . .		25
Assigning dower in real estate, . . . . .	1	25
Assigning personal estate to widow, . . . . .	1	25
Refusing letters of administration or probate of will, to be paid the losing party, . . . . .	3	00
For every continuance when asked for by a party, . . . . .		75
Order for the sale of personal property, . . . . .	1	50
Certificate of necessity for the sale of real estate, . . . . .	1	50
Order for partition of real estate, . . . . .	1	50



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Allowing reports on the accounts of executors or administrators, . . . . .	\$	75
Extending letters of administration, . . . . .		75
Decree respecting the probate of will or codicil, . . . . .	1	50
A quietus, . . . . .		75
Filing each paper, . . . . .		15
Administering an oath, . . . . .		25
Recording all papers required by law to be recorded, for each hundred words, . . . . .		25
Order of apportionment of an insolvent estate among the creditors, . . . . .	3	00
Acknowledgment with seal, . . . . .		75

COUNTY COMMISSIONERS.

For services per diem, besides mileage, . . . . .	6	00
For each mile necessarily traveled to and from the county seat, . . . . .		25

SHERIFF.

That the fees and mileage of the sheriffs of Kitsap, Jefferson and Stevens counties shall be as follows:

For service of every notice and complaint and return thereof, on each defendant, besides mileage, at twenty-five cents per mile, . . . . .	1	25
For levying each writ of execution on real or personal property, besides mileage at twenty-five cents per mile, . . . . .	1	25
For service of <i>capias ad satisfaciendum</i> upon the body of each defendant named in the writ, besides mileage at twenty-five cents per mile, . . . . .	2	75
For every bail bond, . . . . .	1	25
For serving writ of possession, without the aid of the county, besides mileage at twenty-five cents per mile, . . . . .	4	00
For serving writ of possession, with the aid of the county, besides mileage at twenty-five cents per mile, . . . . .	6	25
For executing a writ of inquiry and returning the same, with inquisition, . . . . .	3	75

For copy of any complaint, notice, writ or process necessary to complete a service, for each one hundred words, . . . . .	\$	25
For serving and returning a notice to witness, besides mileage at twenty-five cents per mile, for each person therein mentioned, . . . . .		75
For summoning each grand and petit juror, to be paid out of the county treasury, besides mileage at twenty-five cents per mile, . . . . .		75
For summoning jurors in other cases, besides mileage at twenty-five cents per mile, . . . . .	5	00
Percentage on all moneys actually made and paid to the sheriff on execution, decree or sale of real estate, under one thousand dollars, three per centum.		.
Percentage on all sums over one thousand dollars, two per centum.		.
For every declaration in ejectment and return, besides mileage at twenty-five cents per mile, . . . . .	1	25
For making deed of land sold on execution, decree or order of court, to be paid by the grantee, . . . . .	5	00
For serving <i>scire facias</i> , for each defendant, besides mileage at twenty-five cents per mile, . . . . .	1	25
For calling jury, . . . . .		75
For calling each witness, . . . . .		20
For bringing up a person on a writ of <i>habeas corpus</i> , besides mileage at twenty-five cents per mile, . . . . .	2	50
For each days attendance on any court of record, . . . . .	6	00
For posting each notice of election, besides mileage at twenty-five cents per mile, . . . . .	1	00
For executing a sentence of death, . . . . .	75	00
For each mile traveled in going and returning from the court to the place of service, . . . . .		25

## JUSTICE OF THE PEACE.

For a <i>capias</i> or notice, . . . . .	1	00
For warrant in criminal cases, . . . . .	1	50
For taking recognizance of bail, . . . . .	1	50
For every subpoena for one person, . . . . .		50

For all persons more than one named in a subpoena,...	\$ 30
For entering judgment on trial,.....	2 25
For entering judgment of confession or default,.....	1 50
For issuing an execution,.....	1 50
For each one hundred words on certified copy of proceedings on appeal, <i>certiorari</i> on otherwise,.....	35
For every adjournment at the request of either party,	75
For entering a rule of reference or copy thereof, each,	40
For swearing witnesses, jurors or arbitrators, each,....	35
For issuing writs of attachment,.....	1 50
For <i>scire facias</i> ,.....	1 50
For entering discontinuance or satisfaction,.....	75
For the acknowledgment of a deed or other instrument of writing with a certificate thereof,.....	1 50
For acknowledgment of a deed or other instrument of writing, without certificate,.....	75
For a venire for jury,.....	1 50
For writ of restitution,.....	1 50
For taking affidavits, each,.....	75
For every search warrant,.....	1 50
For attending with clerk of the board of county commissioners at the opening of the poll book, per diem besides mileage,.....	4 00
For marrying each couple at office,.....	10 00
Constables shall receive the same fees as sheriffs.	

SEC. 2. All acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

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

Passed the House of Representatives January 10, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 12, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 23, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

AMENDING AN ACT ENTITLED "AN ACT RELATING TO JUSTICES OF THE PEACE AND THEIR PRACTICE AND JURISDICTION," PASSED JANUARY 23, 1863.

- SEC. 1. When filing verified claim shall be equivalent to complaint.  
 Form of summons to be issued by justice of the peace.  
 Service of summons.
2. On appearance of defendant, plaintiff may be required to file complaint.  
 This act authorizes justice to enter judgment, in cases of default, on original account or demand.
3. A party may bring his action under the old justices' practice act.
4. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That so much of the act entitled "an act relating to justices of the peace and their practice and jurisdiction," passed January 23, 1863, be and the same is hereby modified so that civil actions may be commenced by summons instead of complaint and notice. The party desiring to bring action for the recovery of a debt, shall file his claim with a justice of the peace, verified by his oath, and thereupon the justice of the peace shall, on payment of his fees, if demanded, issue a summons to the opposite party, which summons shall be in the following form, or as nearly as the case will admit, viz:

"TERRITORY OF WASHINGTON, }  
 County, \_\_\_\_\_ } ss.

*To the sheriff or any constable of said county:*

In the name of the United States, you are hereby commanded to summon — if he (or they) be found in your county, to be and appear before me, at — on — day of — at — o'clock — P. M., to answer the complaint of — for a failure to pay him a certain demand, amounting to — dollars and — cents, upon — (here state briefly the nature of the claim,) and of this writ make due service and return. Given under my hand this — day of — 18—.

\_\_\_\_\_, *Justice of the Peace.*"

In which summons the justice shall specify a certain place, day, and hour for the trial, not less than five nor more than fifteen days from the date of such summons, at which time and place the defendant is to appear, which process shall be served at least three days before the time of trial mentioned therein, and shall be served by copy, in the same manner as complaint and notice are served.

SEC. 2. If the defendant appear, the plaintiff may be required to file a complaint, briefly and plainly stating his cause of action, and subsequent pleadings shall be as required and regulated in the act to which this is an amendment. It is the intention, however, of this act to authorize the justice, when the defendant fails to appear, or fails to answer, to enter judgment conformable to the account, note or demand upon which the action is brought.

SEC. 3. But nothing in this act shall be so construed as to preclude any party, if he shall so elect, from commencing a civil action before any justice of the peace in the manner prescribed by the act to which this act is amendatory.

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

Passed the House of Representatives January 11, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 15, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATIVE TO CRIMES AND PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES."

- SEC. 1. Judge to affix the terms of punishment instead of jury.  
 . Form of verdict of jury.  
 2. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section two hundred and thirty-nine of the act to which this is amendatory, be and the same is hereby amended so as to read as follows:

"SEC. 239. When the defendant is found guilty, the court, and not the jury, shall fix the amount of fine and the punishment to be inflicted."

The verdict of the jury may be substantially in the following form:

"We, the jury, in the case of the Territory of Washington, plaintiff, against —, defendant, find the defendant (guilty or not guilty as the case may be.) (Signed) A. B., *Foreman.*

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

Passed the House of Representatives December 21, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 8, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 17, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

IN RELATION TO DISTRICT COURTS IN THE FIRST JUDICIAL DISTRICT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the terms of the district court of the first judicial district, shall be held at Walla-walla on the first

Monday of April, second Monday of July, and second Monday of October of each year, and shall continue four weeks unless sooner adjourned; and at Pinkney City, in Stevens county, on the second Monday of May, and shall continue two weeks unless sooner adjourned.

Passed the House of Representatives January 20, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 22, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 24, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

### PREScribing THE HOLDING OF A SPECIAL TERM OF THE SUPREME COURT OF WASHINGTON TERRITORY.

- SEC. 1. Special term provided 2d Monday June, 1866.  
 All business triable at December term, 1865, to be docketed.  
 Proviso, if no quorum of court appears.
2. The Governor to make publication.  
 Justice to publish in event of adjourned term.
  3. Expense of publication payable out of Territorial treasury.
  4. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a special term of the supreme court shall be held at the seat of government on the second Monday of June, A. D., 1866, at which term all business of said court docketed for the regular December term, A. D., 1865, may be tried and disposed of: *Provided,* That if from any cause there shall not be a quorum of said court present on the day appointed herein, it shall be lawful for any justice of said court to adjourn said court from time to time, not exceeding three weeks at any

one time, by causing an order to that effect to be entered on the record of said court, until a quorum of said court shall be present to transact business.

SEC. 2. The Governor shall cause this act to be published immediately after its passage in two or more newspapers of the Territory, and if said court should adjourn for want of a quorum, the justice of said court ordering such adjournment, shall also immediately cause to be published in such newspapers the facts of such adjournment, and the time to which said court is adjourned.

SEC. 3. All reasonable expenses of publication required by the provisions of this act, shall be paid by the Territory, and the auditor of the Territory is hereby instructed to audit and issue a warrant for the payment of the same, and the Territorial treasurer is authorized to pay such warrant out of any moneys in the treasury not otherwise appropriated.

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

Passed the House of Representatives January 20, 1866.

EDWARD ELDRIDGE,  
*Speaker of the House of Representatives.*

Passed the Council January 20, 1866.

HARVEY K. HINES,  
*President of the Council.*

Approved January 24, 1866.

WILLIAM PICKERING,  
*Governor of the Territory of Washington.*

## AN ACT

### TO PROTECT SHEEP AND WOOL GROWERS.

- SEC. 1. Scabby sheep not to run at large, penalty of person owning. How recovered, and payable to school fund.
2. Penalty for allowing diseased sheep to mix with others.
  3. Diseased sheep may be impounded. Notice to owner or keeper, and costs of poundage. Penalty of owner refusing to receive his sheep.



- SEC. 3. How collected, and payable to school fund.
4. Sale of impounded sheep where owner is unknown.  
When proceeds to be paid to school fund.
  5. Notice shall be given to owner before suit for having diseased sheep.
  6. Nothing herein contained shall prohibit sound sheep from running at large.
  7. Rams prohibited from running at large between May 1st and November 15th.  
Penalty of violating above provision.
  8. Act to take effect, when.  
Inconsistent laws repealed.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all persons owning or having in charge sheep infected with the scab or other infectious disease, be and are hereby prohibited from allowing such sheep to run at large upon the commons within this Territory, under a penalty of fifty dollars and costs of suit for each offense, to be recovered before any justice of the peace; said sum of fifty dollars to be paid by the justice of the peace into the county school fund for school purposes: *Provided,* Such sheep may be driven on the high ways in charge of herdsmen or drivers, under the regulations hereinafter provided.

SEC. 2. If any person owning or having diseased sheep in charge, suffer the same to mix with or run through other flocks of sheep on the commons or the highway, such person shall be liable to the owners of such flocks of sheep in a sum of not less than five dollars, or in such other sums of damages and costs not exceeding the value of said flock, as may be adjudged by a court having competent jurisdiction.

SEC. 3. It shall be lawful for any person finding scabby or diseased sheep running at large without a herdsman to impound such sheep in a sufficient pasture or field, and immediately notify the owner or keeper of said sheep, who shall pay such finder the sum of five dollars for each person necessarily employed to secure said sheep, and five cents per day for pasturing each head of sheep. If said owner neglect or refuse to take care of said sheep, he shall be liable to be prosecuted for

such neglect, and shall forfeit and pay the sum of twenty-five dollars into the county school fund for every such neglect, and shall be liable to pay any damage occasioned by such neglect, on complaint being made before any justice of the peace in the county, or other court having competent jurisdiction, where the sheep were found.

SEC. 4. If no owner be found to claim such sheep within thirty days, said sheep shall be sold at public auction to the highest bidder and the expenses to be taken up, and the remainder, if any, shall be paid to the county treasurer for the use of the owner; if no owner appears within one year, the money so paid shall be applied to the common school fund.

SEC. 5. That if any person discovering one or more sheep infected with scab or infectious disease, he shall give the said owner or herdsman of said flock at least two days notice, before commencing suit against said owner or herdsman.

SEC. 6. Nothing in this act shall be so construed as to prohibit sound and healthy sheep from running at large.

SEC. 7. It shall be unlawful for any person owning or having in charge a ram or rams, to suffer the same to run at large between the first day of May and the fifteenth day of November of each year, under the like penalties as for suffering scabby or diseased sheep running at large upon the common without herdsmen.

SEC. 8. This act to take effect and be in force from and after its passage, and all acts or parts of acts inconsistent with this act are hereby repealed.

Passed the House of Representatives January 12, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 15, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO PREVENT THE SPREAD OF CONTAGIOUS OR INFECTIOUS DISEASES  
AMONG DOMESTIC ANIMALS.

SEC. 1. Penalty for bringing into Territory animals affected with contagious disease.

How recovered, and funds to go into county treasury.

2. Parties owning animals so affected to preserve same from contact with other animals.

Penalty of violating this section.

3. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That no person or company of persons shall bring or cause to be brought into this Territory, sheep, hogs, cattle or other domestic animals of any description, knowing them to be affected by any contagious or infectious disease, under penalty of a fine of not less than fifty nor more than five hundred dollars for each offense, said fine to be collected by an action brought for that purpose, in the name of the Territory, before any court having competent jurisdiction in the county where such animal or animals were introduced, and to be paid into the county treasury of said county.

SEC. 2. Any person or company of persons, now or hereafter having ownership of or in any such animal or animals mentioned in the preceding section, affected by contagious or infectious diseases, shall keep such animals within an inclosure or in a district secure from contact with other animals. Any person wilfully or knowing violating the provisions of this section shall be liable to the same penalty as provided for in the first section of this act.

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

Passed the House of Representatives January 5, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 9, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

## PRESCRIBING CERTAIN DUTIES OF THE TERRITORIAL AUDITOR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be the duty of the Territorial auditor, in lieu of making out duplicate warrants, to keep a correct register of all warrants issued by him in tabular form, showing the number, date, amount, to whom payable and for what payable, with an additional column in which to enter the date on which each warrant is rendered.

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

Passed the House of Representatives January 19, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 19, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 24, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

## RELATIVE TO DUTIES OF COUNTY AUDITORS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be the duty of the auditors of each of the several counties of this Territory, to publish the proceedings of the commissioners' court within fifteen days after the adjournment of each regular session thereof, in any newspaper published in the county or having general circulation therein, but if there be no newspaper published in the county, the auditor may post up such proceedings in three different places in the county.

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

Passed the House of Representatives January 10, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 12, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO PROVIDE FOR THE PAYMENT OF THE COSTS AND EXPENSES OF KEEPING AND MAINTAINING THE INSANE AND IDIOTIC PERSONS IN WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act entitled "an act to provide for the payment of the Saint John's Lunatic Asylum at Vancouver, for the safe-keeping, care and medical treatment of the insane and idiotic persons of Washington Territory," passed January 30, 1864, be and the same is hereby revived, renewed, extended and continued, any act relating to Territorial revenue to the contrary notwithstanding.

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

Passed the House of Representatives December 18, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 19, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved January 9, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO PROVIDE FOR ASSESSING AND COLLECTING TERRITORIAL AND SCHOOL REVENUE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That taxes for Territorial purposes shall be three mills upon every dollar's worth of real and personal property in this Territory, and three mills for school purposes.

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

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

Passed the House of Representatives January 18, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 19, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 23, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

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

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section one of an act entitled "an act in relation to prosecuting attorneys," passed January 19, 1863, be amended so as to read as follows:

SEC. 2. "That at the general election in 1867, and every two years thereafter, there shall be elected by the qualified voters of the several counties in each judicial district of this Territory, one prosecuting attorney, who shall be a practicing

attorney at law, and have the qualifications of an elector, and shall reside in and be an inhabitant of the district for which he is elected, who shall continue in office for the term of two years and until his successor is elected and qualified."

Passed the House of Representatives December 19, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 15, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 17, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

REQUIRING THE TERRITORIAL TREASURER TO SUBMIT AN ESTIMATE OF PROBABLE EXPENSES OF THE TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be the duty of the Territorial treasurer to submit to the House of Representatives of the Legislative Assembly, at each regular session, an estimate of the probable expenditures of the Territory.

Passed the House of Representatives January 16, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 17, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

REPEALING AN ACT ENTITLED "AN ACT MAKING COUNTY AUDITORS EX-OFFICIO CLERKS OF PROBATE COURTS OF THEIR RESPECTIVE COUNTIES," PASSED JANUARY 18, 1865.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act entitled "an act making county auditors ex-officio clerks of the probate courts of their respective counties," approved January 18, 1865, be and the same is hereby repealed.

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

Passed the House of Representatives January 4, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 6, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 17, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

CONCERNING CERTAIN DUTIES OF SHERIFFS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That whenever any sheriff pays over to any county treasurer any taxes or other moneys received by him in his official capacity as sheriff, and required to be paid over to the county treasurer by law, it is hereby made the duty of such sheriff to require from the treasurer receipts in duplicate for moneys paid as aforesaid; and it is hereby made the duty of the treasurer to issue the said receipts when required as aforesaid, and one of the said duplicate receipts shall be lodged by said sheriff with the auditor of his county, within



ten days after payment made to said treasurer, said receipts to be filed of record in the office of said auditor.

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

Passed the House of Representatives January 16, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 17, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO ENABLE COUNTIES TO OBTAIN A REGISTRY OF OUTSTANDING COUNTY ORDERS WHEN SAID REGISTRY IS LOST.

- SEC. 1. County auditor to give notice.  
 How notice shall be posted.  
 Registry of orders presented.
2. Treasurer may notify parties of ability to redeem orders.  
 Parties failing to demand payment, treasurer may pay orders issued of later date.
3. Interest on orders advertised by treasurer, stops at expiration of notice.  
 On such orders when presented, he shall endorse time of presentation.
4. Penalty on party failing to observe notice of county auditor as specified in Sec. 1.  
 Such orders rank from date of registry.
5. How far this act repeals present laws in force.
6. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That in counties where from any reason the record of county orders heretofore issued is incom-

plete, and the auditor is unable to supply the county treasurer with a register of the outstanding orders, it shall be lawful for the county auditor to give public notice, by posting thirty days at the place of holding elections in each of the precincts of said county, to parties holding county orders to present the same to said auditor, to be registered in a book prepared for the purpose of ascertaining the outstanding liability of the county by reason of the loss of a registry of the issue of said county orders.

SEC. 2. It shall be lawful for the county treasurer of a county by public notice posted as required in section one, or by advertising four successive weeks in any newspaper in the Territory, to notify holders of county orders that said treasurer is prepared to pay and discharge county orders issued between certain dates; after the expiration of which notice it shall be lawful for said treasurer to pay county orders next in order of priority of issue, though of subsequent date to the times embraced in said notice, notwithstanding orders of earlier date may still remain unrepresented and unpaid.

SEC. 3. County orders referred to in the notice of the county treasurer, which shall not be presented within the time named in said notice, shall not draw interest after the expiration of the notice, and upon presentation the county treasurer shall endorse the time of presentation if he has not funds to pay the same by reason of paying out all the funds applicable to the discharge of the outstanding liabilities of the county.

SEC. 4. Persons holding county orders who shall fail to comply with the notice given by the county auditor, as referred to in Sec. 1 of this act, within the period named in said notice, shall upon presentation of said order have the time of presentation endorsed upon the said order, and said county order shall from that time rank in priority of payment from the date of said endorsement, and the county auditor shall register the same and furnish notice thereof to the county treasurer, who shall in paying said order be governed by the date of said endorsement, anything in former acts of the Legislative Assembly providing a different order of payment to the contrary notwithstanding.

SEC. 5. All acts and parts of acts in conflict with this, so

far as applies to counties who have imperfect registries of their outstanding indebtedness, be and the same shall conform to the sections of this act.

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

Passed the House of Representatives January 12, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 15, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

ENTITLED "AN ACT TO AMEND AN ACT TO PROTECT FREE WHITE LABOR AGAINST COMPETITION WITH CHINESE COOLIE LABOR, AND TO DISCOURAGE THE IMMIGRATION OF THE CHINESE INTO THIS TERRITORY," PASSED JANUARY 23, 1864.

- SEC. 1. Mongolians over age of 18 years liable to tax.  
Chinese police tax \$16 *per capita*.
2. County auditors to procure blank receipts.  
Form of.
3. Duties of county auditor as to receipts.  
Duties of county treasurer as to receipts.
4. Sheriff made collector.  
May seize personal property.  
Title to personal property sold by bill of sale.  
Party paying tax to receive from sheriff a receipt.
5. Sheriff to furnish delinquent list to county commissioners.  
Delinquents to work on road, allowance therefor.  
Delinquents refusing, to be expelled from county.  
Delinquents who have worked out tax to have receipt.  
Fees of sheriff.
6. Collector of, receiving tax without giving proper receipt.

- SEC. 6. Or for inserting more than one name in receipt.  
Penalty for violating this section.
7. Penalty for sale of blank tax receipts.
8. Employers of Chinamen responsible for tax.  
Same action against employer as Chinaman.
9. Compensation of collectors.  
Collections to go to school fund, except in Stevens county.  
In Stevens county this tax to go to roads.
10. Receipts to be issued and numbered by county auditor.  
To date from March 1st, 1866, and annually thereafter from  
same date.  
Such receipt to be signed by county treasurer.
11. Repealing section.
12. To take effect from March 1st, 1866.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there is hereby levied on each person, male and female, of the Mongolian race, of the age of eighteen years and upwards, residing in the Territory of Washington, an annual capitation tax of sixteen dollars, which shall be known as the Chinese police tax.

SEC. 2. It shall be the duty of the county auditors of the various counties in this Territory to procure a sufficient number of blank police tax receipts, which shall be substantially in the following form. These tax receipts shall be numbered consecutively, and a record thereof be made out and filed in their respective offices:

“ CHINESE POLICE TAX.

\_\_\_\_\_ COUNTY, \_\_\_\_\_, 186\_\_\_\_.

This certifies that \_\_\_\_\_ has this day paid the tax collector of \_\_\_\_\_ county sixteen dollars, the same being his police tax for the year commencing \_\_\_\_\_ and ending \_\_\_\_\_ 186\_\_\_\_.

\_\_\_\_\_, *Sheriff and Collector.*

\_\_\_\_\_, *County Auditor.*

SEC. 3. The county auditor shall with ink fill the blanks which have been left in the printed form with the name of the county, and shall sign and issue to the treasurer of his county, when required by the said treasurer, a sufficient number of police tax receipts for the use of such county, and take a receipt and charge the county treasurer with the same. The county

treasurer shall, in a book to be kept by him for that purpose, keep an account of all Chinese police tax receipts received by him, and shall deliver them to the sheriff of the county, who shall be collector of the Chinese police tax, taking his receipt therefor; and the said county treasurer shall, on or before the first Monday in the month of March of every year, write the date of the month and year in all police tax receipts issued by him for that year, and shall deliver to the sheriff of his county a sufficient number of said tax receipts for the use of his county for that year.

SEC. 4. The sheriff shall collect the Chinese police tax provided for in this act, from all persons liable to pay the same, and may seize the personal property of any such person refusing to pay such tax, and sell the same at auction, by giving notice by proclamation two hours previous to such sale, and shall deliver the property, together with a bill of sale therefor, to the person agreeing to pay and paying the highest therefor, which delivery and bill of sale shall transfer to such person a good and sufficient title to the property, and after deducting the tax and necessary expense incurred by reason of such refusal, seizure and sale of property, the sheriff shall return the surplus of the proceeds of the sale, if any, to the person whose property was sold, and the sheriff when he shall collect Chinese police tax, as provided for in this section, shall deliver to each of the persons paying such taxes a police tax receipt with the blanks properly filled.

SEC. 5. It shall be the duty of the sheriff of each county to furnish a list of the delinquents, if any, their names and place of abode, and deliver the same to the county commissioners, who in a like manner shall deliver the same to the road supervisors of their county, whose duty it shall be to cause said delinquent to work upon the public highways, in such a manner and at such places as the county commissioners may direct. Said delinquents shall be allowed at the rate of one dollar per diem for all such labor so performed, together with rations or board while performing said labor, which rations or board the county commissioners shall provide at the expense of the county. All delinquents who refuse to comply with the provisions of this

section, shall be expelled from the county where such labor is due. After the performance of said labor upon the public highways, the sheriff of the county shall deliver to said delinquent a police tax receipt, properly signed by the county officers, for which service he shall receive such fees as are hereinafter provided by this act.

SEC. 6. Any person charged with the collection of Chinese police taxes, who shall give any receipt other than the one provided in this act, or receive money for such taxes without giving the necessary receipt therefor, or shall insert more than one name in any one receipt, shall be deemed guilty of a misdemeanor, and upon indictment and conviction thereof, shall be fined in a sum not exceeding one thousand dollars, and be imprisoned in the county jail for a period not exceeding one year.

SEC. 7. Any sheriff acting as tax collector, who shall sell or cause to be sold, any police tax receipt with the date of sale left blank, or which shall not be dated and signed, and blanks filled with ink by the county auditor, and any person who shall make any alteration, or cause the same to be made in any police tax receipt, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one thousand dollars, and imprisoned in the county jail for a period not exceeding one year; and the police tax receipt so sold with blank date, or which shall not be signed and dated, and blanks filled with ink as aforesaid, or which shall have been altered, shall be received in evidence in any court of competent jurisdiction.

SEC. 8. Any person or company who shall hire or employ persons liable to pay the Chinese police tax, shall be held responsible for the payment of the tax due from each person so employed or hired, and no employer shall be released from this liability on the ground that the employee is indebted to him, and the collector may proceed against any such employer in the same manner as he might against the original party from whom said taxes were due.

SEC. 9. The collector shall receive ten per cent., except in the county of Stevens, who shall receive twenty-five per cent.

for his services in collecting police taxes; and the residue, after deducting the percentage of the collector, shall be paid into the common school fund of the several counties where said tax may be collected: *Provided*, That the provisions hereinbefore specified in this section, shall in nowise apply to the county of Stevens. It is hereby provided that all moneys so collected in and for the county of Stevens according to the provisions of this act, shall be set apart from other moneys of the said county of Stevens, and known as the "county road fund." It shall not be lawful for the county commissioners of Stevens county to appropriate out of the aforesaid fund other than for the construction and improvement of the public highways, and of the money derived from the Chinese police tax.

SEC. 10. All tax receipts required by this act shall be issued from the county auditor's office of the several counties, and shall be numbered consecutively, commencing with number one, on the first day of March, eighteen hundred and sixty-six, and then shall commence on the first Monday in the month of March annually thereafter, and all such tax receipts shall be signed by the county treasurer or by a deputy.

SEC. 11. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 12. This act to take effect from and after the first day of March, eighteen hundred and sixty-six.

Passed the House of Representatives January 10, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 12, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 17, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE UNIVERSITY OF WASHINGTON TERRITORY," PASSED JANUARY 24, 1862.

- SEC. 1. Number of regents increased to fifteen.
2. Board filled.
3. Five a quorum.
4. Executive committee provided.
5. An irreducible fund created.
6. Traveling expenses of regents and visitors abolished.
7. Repealing section.
8. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the number of the board of regents of the University of Washington Territory, be and the same is hereby increased from nine to fifteen.

SEC. 2. That in addition to the six regents that hold over, G. A. Meigs, C. Clymer, D. T. Denny, D. R. Bigelow, C. H. Hale, G. F. Whitworth, H. K. Hines, H. Burnett and A. S. Abernethy are hereby constituted said board of regents, whose term of service shall be fixed by lot, as provided in the act to which this is an amendment.

SEC. 3. That five members of the board of regents shall constitute a quorum to do business.

SEC. 4. That at their first regular meeting the board of regents shall elect by ballot two members of the board, who, together with the president of the board, shall constitute an executive committee, whose duties shall be prescribed by the board of regents.

SEC. 5. That all moneys now belonging to the University fund, or that may hereafter be acquired by it, by gift, grant, donation, demise, or otherwise, shall go into the principal fund, which shall be forever hereafter irreducible.

SEC. 6. That section eighteen of the act to which this is an amendment, providing for the payment of traveling expenses of the board of regents and visitors be stricken out.

SEC. 7. That all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.



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

Passed the House of Representatives January 4, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 3, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 17, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

### FOR THE ESTABLISHMENT OF A PILOTAGE ON THE COLUMBIA RIVER AND SHOALWATER BAY.

- SEC. 1. Board of commissioners created.  
 May appoint branch pilots and deputies.  
 Deputies to be appointed by board.  
 Vacancies in board filled by board.
2. Pilot or deputy to give bond.
3. Duties of branch pilot.  
 To show his warrant.  
 Coasting vessels under 100 tons not required to take pilot.  
 The vessel liable for pilotage.
4. As to steam tug being placed on between Astoria and sea.  
 Tug boat to apply to commissioners.  
 Tug boat to satisfy commissioners, of what.  
 Commissioners to license her master and pilots employed by her.  
 And then to revoke licenses heretofore issued to such as said  
 boat does not employ.  
 To grant no licenses but to such as employed by her.  
 Said grounds to extend on open sea to 15 miles above Cape  
 Disappointment.
5. Pilotage fees.  
 Fees on Columbia river above Astoria to be fixed by board.
6. Damages for loss by negligence or unskilfulness of pilot.

- SEC. 6. Such pilot may be removed from office.
7. What vessels shall not be compelled to take pilot.  
When liable for half pilotage.
8. The board to hear all complaints against pilots.  
May suspend or remove them and appoint others.
9. All penalties may be enforced in any court having jurisdiction  
of amount, &c.
11. Penalty for outward-bound vessel carrying off pilot.
12. Fees of commissioners for licenses.  
Five dollars per day in hearing complaints, &c.
13. No commissioner shall be a pilot.
14. Subsequent legislation may be had.
15. Repealing section.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That H. C. Doane, Charles Brady, and Geo. T. Eastbrook shall constitute a board of commissioners for the purpose of examining candidates for the pilotage of the Columbia river bar and Shoalwater Bay, and may appoint one or more suitable persons, if they deem it necessary, to be pilots on the bar of the Columbia river and at Shoalwater Bay, giving each of such pilots a branch or warrant for the execution of his office, with an authority to appoint deputies in the cases to be specified in such branch or warrant: *Provided*, Each pilot shall report his said deputies for the approbation of the said board of commissioners: *Provided, also*, That whenever there shall occur a vacancy in said board of commissioners, such vacancy shall be filled by an appointment made by a majority of their own body.

SEC. 2. Every such pilot or deputy shall, before entering upon the duty of his or their office, give bond with sufficient security to the said board of commissioners in the sum of five thousand dollars, for the faithful performance of his or their duties in office.

SEC. 3. Every such branch pilot is authorized and directed, by himself or his deputy, to take charge of any vessel requiring his services bound into or out of the Columbia river or Shoalwater Bay, but shall first show the master his warrant; but no vessel under one hundred tons burthen engaged in the coasting trade shall be compelled to pay pilotage unless the services

of a pilot are required, and in all cases when the services of a pilot are required by the master of any vessel, said vessel shall be liable to pay the pilot his fees as specified in this act.

SEC. 4. When any citizen or citizens of the United States; or any corporation organized under the laws of this Territory, shall place a steam tug boat on the pilot ground between Astoria and the open sea outside the bar, and shall apply to the pilot commissioners for the right of pilotage on such pilot grounds, the commissioners shall examine such tug boat, and if they find the same to be of sufficient size, strength and motive power for that service in all weather when the bar can be crossed by the best class of steamers and sailing vessels, and her hull and machinery have been duly inspected and approved under the laws of the United States, and that she is abundantly supplied with boats and every appliance which they may think necessary, and that her master and a sufficient number of pilots in her employ are well qualified to act as such bar pilots, the commissioners shall license such master and his deputies and other pilots in the employ of such tug boat, and shall revoke all other such licenses within thirty days after the application of said master and his deputies, and shall not license any other bar pilots than such as shall be in the employ of such a tug boat, so long as such tug boat and her master and pilots shall fully satisfy all the requirements of pilotage and towage upon the said pilot grounds. Said pilot grounds shall extend from the open sea outside the bar to fifteen miles above Cape Disappointment.

SEC. 5. The fee for piloting a ship or vessel from the open sea beyond the bar to Astoria, shall be ten dollars per foot draft for the first twelve feet, and twelve dollars per foot for any excess above twelve feet, and for piloting a ship or vessel from Astoria to the open sea beyond the bar, ten dollars per foot draft for the first twelve feet, and twelve dollars per foot draft for excess above twelve feet. If a pilot shall board a ship or vessel bound in, while she is either on or within the bar and not above Sand Island, he shall be entitled to only half fees from thence to Astoria, and if at the time of boarding she shall be above Sand Island, he shall be entitled to quarter fees only, and

the fees for towing shall be regulated by the board of pilot commissioners, and the fees of pilots on the river above Astoria shall be fixed from time to time by the pilot commissioners.

SEC. 6. If any vessel while under the charge of a branch or warrant pilot or his deputy, shall be lost or aground or sustain any damage through the neglect or unskilfulness of such pilot or deputy, such pilot shall be liable both for himself and his deputy to pay all damages sustained by any person interested in said vessel or her cargo, and may moreover be removed from his office.

SEC. 7. No master of any vessel under one hundred tons engaged in the coasting trade, bound into or out of the Columbia river or Shoalwater bay, shall be compelled to take a pilot, but the vessels over one hundred tons burthen shall be liable to pay half pilotage in and out, to the pilot first offering his services; but when the services of any pilot are required by the master of any vessel bound into or out of Shoalwater Bay or the Columbia river, said pilot shall take charge of such vessel, first exhibiting his authority, and shall be entitled to charge and receive the fees as allowed by this act.

SEC. 8. The board of commissioners are authorized to hear and determine all complaints exhibited against the pilots appointed by them as aforesaid and their deputies, and to suspend or remove them and appoint others in their place.

SEC. 9. All penalties, forfeitures and complaints incurred under this act shall be tried and determined in any court of record having cognizance of the same.

SEC. 10. Should any ship master omit or refuse to pay the pilotage fees in any instance where by this law he has become liable, then the vessel or owners of such vessel shall be liable to pay double the amount of such pilotage.

SEC. 11. If a pilot acting under the provisions of this act shall have boarded any vessels outward bound, and shall be detained on board said vessel and carried out to sea, or to any foreign port, the officers and owners of said vessel so detaining said

pilot, shall be liable to pay the pilot so detained a compensation equal to the pay of the highest officer on board of said vessel, for all the time he shall be so detained from his proper port.

SEC. 12. The said board of commissioners shall be allowed twenty dollars for each license, branch or warrant granted by the provisions of this act, to be paid by the applicant therefor, and when engaged in the hearing and determining of complaints, as provided in section eight of this act, they shall be allowed five dollars per day for every day actually engaged, to be paid equally by the contesting parties.

SEC. 13. No member of said board of commissioners shall be allowed to act as pilot over the bar of the Columbia river or Shoalwater Bay.

SEC. 14. Nothing in this act shall be so construed as to prevent any subsequent Legislative Assembly from repealing or modifying any of the provisions of this act.

SEC. 15. All acts or parts of acts inconsistent with the foregoing act are hereby repealed.

Passed the House of Representatives January 11, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 8, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 20, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ELECTION OF COUNTY SUPERVISORS AND DEFINING THEIR DUTIES," APPROVED JANUARY 14, 1865, EXCEPT IN THE COUNTY OF JEFFERSON.

SEC. 1. Office of county supervisor.

Office still continued in Jefferson county.

2. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That the act passed January 14, 1865, entitled "an act to provide for the election of county supervisors and defining their duties," be and the same is hereby repealed; but the act repealed by the provisions of this act, shall be and remain in full force and effect in the county of Jefferson.*

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

Passed the House of Representatives January 12, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 16, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

IN RELATION TO REMOVING OBSTRUCTIONS TO ROADS.

SEC. 1. When road loses width from certain causes, may be widened.

Supervisor may secure necessary width of road.

Damages occasioned by act of road supervisor.

Houses or barns not to be removed.

Where location of road shall become necessary.

2. Act to take effect, when:

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That if any public highway located on*

the bank of any stream, river, creek, water course or body of water, becomes obstructed and loses its width as established by law, by reason of the banks of such stream, river, creek, water course or body of water caving or being washed away by the overflowing or action of the waters thereon, it shall be the duty of the road supervisor of the county or district where such obstructions exist, to remove immediately such obstructions by extending the width of such public highway to the limits established by law, and such supervisor is hereby authorized to remove or cause to be removed any fence or other obstruction: *Provided*, That damages are awarded to owners of lands, fences, &c., by reason of the extension of such public highways as hereinbefore provided for, which shall be paid by the county, and assessed and paid in the manner now provided for the assessment and payment of damages in the location and establishment of county roads. Nothing in this act shall be so construed as to authorize the removal of any dwelling house or barn or any other buildings but in such case it shall be the duty of the county commissioners to re-locate the road in such places on the most direct and practicable route, in the manner provided by law, not interfering, however, with such dwellings, houses or barns or other buildings.

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

Passed the House of Representatives January 18, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 19, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 24, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

## APPROPRIATING MONEY TO AID IN THE CONSTRUCTION AND REPAIR OF CERTAIN ROADS.

- SEC. 1. One thousand dollars appropriated for road from Upper Cascades to Vancouver.  
Levi Farnsworth, commissioner.
2. Two thousand dollars appropriated to explore Naches and Snoqualmie passes.  
Levi Farnsworth to select the most practicable.
3. W. R. Downey superintendent if Naches route be selected.  
John Denny, if Snoqualmie be selected.
4. Duty of said exploring commissioner.  
Time when his report shall be made.  
\$800 appropriated for Snoqualmie pass.  
James Buzby commissioner.
5. Money not to be expended till equal amount raised by subscription.  
Affidavit of commissioner, &c.
6. When money shall be paid over to superintendent of either road.
7. If Levi Farnsworth cannot serve, Governor may appoint commissioner.  
County commissioners of county may appoint superintendent, if vacancy occurs.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one thousand dollars, be and the same is hereby appropriated out of the Territorial treasury, to be expended in opening a road from the landing at the upper Cascades on the Columbia river to the city of Vancouver, and Levi Farnsworth is hereby appointed a commissioner to superintend the expenditure of said appropriation upon the road.

SEC. 2. The further sum of two thousand dollars, be and the same is hereby appropriated to be expended in exploring and improving a road through the Snoqualmie or Naches Pass of the Cascade Mountains, as shall hereafter be determined by Levi Farnsworth, who is hereby appointed commissioner for the purpose of exploring the two passes, and determining which of the two roads would be the best and most practicable.

SEC. 3. If said commissioner shall determine that the



Nachess Pass is the best and most practicable, then W. R. Downey is hereby appointed to superintend the expenditure of said appropriation; but in case he shall determine that the Snoqualmie Pass is the best and most practicable, then John Denny is hereby appointed to superintend the expenditure of said appropriation.

SEC. 4. It shall be the duty of said Levi Farnsworth, exploring commissioner, to explore both routes and report to said W. R. Downey and John Denny by the first day of July, eighteen hundred and sixty-six, or as soon thereafter as practicable, and said W. R. Downey or John Denny, (as the case may be), is hereby authorized and directed to pay said Levi Farnsworth a reasonable compensation for his services as such commissioner; and a still further sum of eight hundred dollars, be and is hereby appropriated for the purpose of exploring and locating a road from Skaget river to Lake Chelan, and that James Busby, be and is hereby appointed a commissioner to superintend the expenditure of the money hereby appropriated for said road.

SEC. 5. *And be it further enacted,* That no money shall be paid out of the Territorial treasury for the purposes of this act, to any commissioner, until such commissioner shall make affidavit to the Governor that the citizens residing in the section wherein such road is explored, located or improved, have subscribed and paid into his hands an amount in money at least equal to the amount herein appropriated for the particular road he is to superintend.

SEC. 6. Whenever such affidavit is made by either of the persons herein appointed superintendent for either of the routes named in this act, the Governor shall issue his certificate to the Territorial auditor, who shall immediately thereon issue a warrant or warrants on the Territorial treasurer for the amount or amounts due on such certificate.

SEC. 7. In case of the death or failure to serve of the said Levi Farnsworth as commissioner to explore Nachess and Snoqualmie Passes, the Governor shall appoint a commissioner to serve in his stead; and in case of the death or failure to serve of either of the superintendents appointed in this act for the ex-

penditure of the moneys appropriated, the county commissioners, where the road he superintends is located, shall appoint a person to serve in his place and stead.

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

Passed the House of Representatives January 18, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 20, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 27, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

PRIVATE AND LOCAL LAWS.



# PRIVATE AND LOCAL LAWS.

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## AN ACT

TO RESTRAIN AND LICENSE DANCE HOUSES IN THE COUNTIES OF KITSAP, JEFFERSON AND KING.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That no public dance house shall be opened, kept or maintained in the counties of Kitsap, Jefferson and King, and the county of Clarke outside the corporate limits of the city of Vancouver, until a proper license granting such permission shall have been obtained from the county auditors of said counties, in accordance with the provisions of this act.

SEC. 2. All houses, rooms or tenements which shall be kept as hurdy-gurdies, or any other description of dancing room which shall be open to the public, either by free admission or the payment of money or the presentation of tickets, at which women resort as waiters, or who pursue the profession of or engage in dancing with those frequenting such places, shall be deemed and held to be dance houses within the meaning of this act.

SEC. 3. The auditors of said counties shall collect from each person to whom they shall issue a license for a dance house, the sum of three hundred dollars per quarter, or a term of three months, and no license shall be issued for a less time, and the money so received shall be paid into the common school fund of said counties, and the auditors shall receive a fee of three dollars for each license so issued.

SEC. 4. Any person or persons who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor,

and, upon conviction thereof, shall be fined in an amount not less than three hundred dollars, to which imprisonment in the county jail, not exceeding one year, may be added.

SEC. 5. Fines and forfeitures under this act shall be paid into the common school fund of the county in which license may be granted.

SEC. 6. It is hereby made the duty of the county auditors to institute complaints, forthwith, against parties violating the provisions of this act, and the failure of said officers, so to do, shall subject them, on conviction thereof, to a fine of not more than two hundred dollars nor less than one hundred dollars.

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

Passed the House of Representatives January 4, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 5, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 11, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

ALLOWING THE TAX-PAYERS OF THE COUNTY OF CHEHALIS RESIDING ON GRAY'S HARBOR, TO PERFORM THEIR ROAD LABOR ON THE TIDE-WATER IN REMOVING OBSTRUCTIONS AND STAKING OUT THE CHANNELS OF SAID HARBOR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the tax-payers of the county of Chehalis, residing on Gray's harbor, shall have the privilege of performing their annual road labor on the tide-waters of said harbor, in removing obstructions and staking out the channels in the same, at the discretion and under the direction of the road supervisors of the respective districts.

SEC. 2. That the tax payers performing their road labor as

in section one, shall receive from the supervisor of the district a certificate of the labor performed, which shall be received by the county treasurer of said county in payment for road taxes: *Provided*, That nothing in this act shall be so construed as to prevent a sufficient amount of labor from being put on the county roads of the several districts, as will keep them in good condition.

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

Passed the House of Representatives December 15, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 16, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved January 9, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

### RELATING TO PUBLIC ROADS IN CLARKE COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the board of county commissioners of Clarke county shall, at their regular fall term in each year, divide said county into road districts, as may be most convenient and best adapted to the opening and working the roads, and shall appoint one road supervisor in and for each district, and said commissioners shall hold a special term of the commissioners' court on the second Monday of March, eighteen hundred and sixty-six, for the purpose of constituting said road districts, and appointing supervisors therein for the year eighteen hundred and sixty-six.

SEC. 2. It shall be the duty of each road supervisor in

said county to pass over all the public highways in his district, between the first day of April and the first day of May in each year, to examine into the condition of the roads in said district, and to determine when and how the road tax and road labor shall be expended so as most effectually to secure the general improvement of the roads in his district; and it shall further be his duty to collect and disburse all road labor and road tax in his district, according to the tax list furnished him by the county auditor in accordance to the provisions of the general road law, and to return all delinquents to the sheriff of the county by the the first day of November in each year, who shall collect such delinquent taxes as provided for in the general road law.

SEC. 3. That all road taxes shall be expended and road labor performed in the district where said taxes are assessed or labor is due, unless the board of county commissioners shall otherwise direct.

SEC. 4. No road once regularly viewed and located shall be declared vacated by the board of county commissioners, without giving public notice, either in some newspaper published in the county, for four consecutive weeks, or by posting public notices in three conspicuous places in the district, at least one term of the commissioners court before such declaration issues of their intention to make such declaration, unless upon the petition of a clear majority of the *bona fide* residents and tax payers in the district.

SEC. 5. All provisions of all laws inconsistent with the provisions of this act, shall not apply to the county of Clarke.

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

Passed the House of Representatives January 18, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 18, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*



## AN ACT

TO AMEND AN ACT ENTITLED "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 act of which this is amendatory, be and the same is hereby amended by striking out the word "Lewis," wherever it occurs in said act.

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

Passed the House of Representatives January 12, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 15, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO PERMANENTLY LOCATE AND ESTABLISH THE COUNTY SEAT OF KITSAP COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county seat of the county of Kitsap is hereby located at Teekalet, in said county, and the county buildings shall be erected upon the certain lot or parcel of land, three hundred and twenty feet square, donated by the Puget Mill Company to said county, for the purpose of a county seat.

SEC. 2. That the county offices of said county, which by law are to be kept at the county seat, and the archives and records of said county shall be removed to the said county seat.

SEC. 3. That until the necessary county buildings shall be erected, the county commissioners of said county of Kitsap shall have full authority to rent the necessary buildings and offices for the use of the county.

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

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

HARVEY K. HINES,

*President of the Council.*

Returned to the House January 3d, 1866, by the Governor, disapproved.

Passed the House January 4th, 1866, by a vote of seventeen in the affirmative and seven in the negative.

L. D. DURGIN,

*Chief Clerk of the House of Representatives.*

Passed the Council January 4th, 1866, by a unanimous vote in the affirmative.

N. S. PORTER,

*Chief Clerk of the Council.*

## AN ACT

### IN RELATION TO LICENSES IN CLALLAM COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all moneys arising from licenses during the year 1866, in and for the county of Clallam, shall be paid into the county treasury, for the purpose of paying for the county buildings in said county.

SEC. 2. The county treasurer of said county shall, upon the presentation to him of any order, signed by the county commissioners of said county, pay any and all sums requisite for that purpose: *Provided,* That nothing in this act shall admit of

the county treasurer paying out for that purpose any other moneys than those specified in this act.

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

Passed the House of Representatives January 10, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 12, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO ABOLISH THE OFFICE OF ASSESSOR IN THE COUNTY OF ISLAND.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sheriff of Island county shall perform all the duties of assessor in said county.

SEC. 2. This act to take effect and be in force from and after the next annual election.

Passed the House of Representatives January 11, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 12, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

CONFERRING CERTAIN POWERS ON COUNTY COMMISSIONERS' COURTS  
OF COWLITZ COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners' court of the county of Cowlitz, may, upon the petition of the owner or owners of any block or blocks in the town of Freeport, in the county of Cowlitz, authorize the owner or owners of said blocks to postpone the opening of the streets of any part of said town of Freeport without vacating the plat of said town, where it will not interfere with the ingress or egress of parties owning or holding in possession the same, so as to compel them to pass over lands owned or occupied by others; but when necessity shall exist, it shall be their duty, and they are hereby empowered, to order any or all of said streets to be opened.

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

Passed the House of Representatives January 20, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 20, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 24, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

IN RELATION TO DOGS IN THE COUNTY OF ISLAND.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there shall be and hereby is levied upon each and every dog owned and kept in the county of Island an annual tax of three dollars, to be collected at the

same time and in the same manner as county and Territorial taxes, which shall be paid into the respective county treasuries, for the benefit of the school fund of such county.

SEC. 2. The county assessor of the said county of Island shall make out a list containing the number of dogs owned or kept by each person in their respective county, which list shall be returned with their annual assessment, and the said tax of three dollars for each dog, so owned or kept, shall be collected in the same manner as Territorial and county taxes.

SEC. 3. It shall be the duty all persons owning or keeping any dog or dogs, to place and keep a collar upon the neck of such dogs, with the name of the owner or keeper, as the case may be, plainly marked thereon.

SEC. 4. It shall be lawful for any person to kill or destroy any dog or dogs, found at large without collars as aforesaid, and no action for value or damages shall be maintainable in any court of this Territory against any person for killing any dog or dogs as provided for in this section.

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

Passed the House of Representatives January 10, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 12, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF JEFFERSON COUNTY, W. T., TO BORROW MONEY FOR THE PURPOSE OF BUILDING A JAIL AND REPAIRING THE PUBLIC BUILDINGS OF THE COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Jefferson county be and they are hereby authorized and empowered, in the name of the county, to raise a sum not to exceed twenty-five hundred dollars, upon which they may pay interest at the rate of one and one-half per cent. per month, to be appropriated for the purpose of erecting a county jail, and repairing the court house and public buildings and improving the public grounds in said county.

SEC. 2. That the county commissioners shall, at their regular spring term of each year, set aside not less than ten nor more than twenty-five per cent. of all moneys arising from licenses and fines paid into the treasury of said county, for the purpose of securing the payment of said debt and interest created in accordance with this act.

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

Passed the House of Representatives January 16, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 17, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 20, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO ESTABLISH THE SOUTHERN BOUNDARY OF KING COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the southern boundary of King county shall be as follows: From where the fifth standard parallel line strikes the main land near the head of Commencement Bay, thence east along said parallel line to the middle of the main channel of White river, thence up the middle of the main channel of White river to the forks of White river and Green Water, thence up the middle of the main channel of Green Water, to the summit of the Cascade Mountains.

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

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

Passed the House of Representatives December 18, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 2, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 9, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

IN RELATION TO LICENSE IN KING COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That one-half of all liquor and billiard license collected in King county shall be applied to the common school fund of said county.

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

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

Passed the House of Representatives January 6, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 10, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO AMEND AN ACT TO PREVENT HOGS RUNNING AT LARGE IN ROAD DISTRICT NO. 1, IN JEFFERSON COUNTY, APPROVED JANUARY 20, 1865.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act to which this is amendatory shall be so amended as to strike out the words "road district, No. 1," wherever they occur, and inserting in lieu thereof, "city of Port Townsend;" also by striking out in section two of said act the words "precinct in which said road district and said city of Port Townsend," in lieu of road district where it appears in said section.

Passed the House of Representatives December 18, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 18, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved January 11, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*



## AN ACT

## IN RELATION TO ROAD TAXES IN WHATCOM COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That all persons residing in Whatcom county, liable to pay road tax, shall pay the same into the county treasury, and all moneys collected for taxes on the property of non-residents shall likewise be paid into the county treasury.

SEC. 2. The county commissioners shall, at their November term in each year, appoint a proper person in each road district, whose duty it shall be to ascertain and report to the board of county commissioners at their May term, the condition of the different public roads in their respective districts, and what amount of labor would be requisite to repair and put the public roads in a proper condition for the convenience of the public.

SEC. 3. The county commissioners shall, at their May term in each year, contract with some responsible person in each road district to perform the labor on the public roads of his district, to the extent and in the manner prescribed by them.

SEC. 4. It shall be the duty of the clerk of the board of county commissioners, whenever informed by the person or persons who contracted to perform the labor on the public roads, that the amount of labor contracted for by him or them has been performed in the manner prescribed by the board of county commissioners, to immediately examine and ascertain if the work has been faithfully performed according to the terms of the contract, and if so, he shall immediately issue an order on the county treasurer in favor of the contractor for the amount set forth in the contract, and the county treasurer shall, on the presentation of said order, immediately pay the same out of the moneys collected for road tax.

SEC. 5. If it shall appear upon examination that the work has not been done in a proper manner as set forth in the contract, the clerk of the board of county commissioners shall not issue any order in payment thereof, but shall refer the whole matter to the county commissioners at their next term, who shall

examine the case and make such disposition thereof as to them may seem just and proper.

SEC. 6. The county commissioners shall hold a special term on the second Monday in February, 1866, for the purpose of appointing road viewers for each district for the present year.

SEC. 7. All road taxes to be paid under this law, shall be for the same amount as is provided for by the present existing laws.

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

Passed the House of Representatives January 4, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 8, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 26, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO PREVENT THE BUILDING OF FISH-TRAPS IN THE WALLA-WALLA RIVER, IN THE COUNTY OF WALLA-WALLA, W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall not be lawful for any person or persons to build or place any fish-traps in Walla-walla river, Walla-walla county, W. T., that will reach more than two-thirds across said river, or that will wholly prevent the passage of any fish either up or down said Walla-walla river.

SEC. 2. Any person who shall violate the provisions of this act, shall, on conviction thereof, be fined in a sum of twenty-five dollars, and it shall be lawful for any person to remove or destroy any such traps which may be found in said river.

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

Passed the House of Representatives January 11, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 9, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO PROVIDE FOR THE ELECTION OF COUNTY ASSESSOR IN LEWIS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That at the next general election in 1866, and every year thereafter, there shall be elected in Lewis county a county assessor, who shall hold his office for one year or until his successor is elected and qualified.

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

Passed the House of Representatives January 13, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 16, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO AUTHORIZE THE VOTERS OF SCHOOL DISTRICT NO. 2, LEWIS COUNTY,  
TO LEVY A TAX TO BUILD A SCHOOL HOUSE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the voters of school district No. 2, Lewis county, be and they are hereby authorized to levy sufficient tax to build a school house, when the same is voted for by a majority of the voters of the district at a meeting called for that purpose by the directors.

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

Passed the House of Representatives January 12, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 15, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

FIXING THE TIMES FOR HOLDING COUNTY COMMISSIONERS' COURTS IN  
THE COUNTY OF THURSTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the regular sessions of the board of county commissioners in the county of Thurston shall commence on the first Mondays of April, July, October and January, at each of which they shall transact any business which may be required by law.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed: *Provided,* That nothing contained in this act shall be so construed as prohibiting the

county commissioners from calling and holding special sessions of their courts at any time or times they may deem necessary.

SEC. 3. This act to take effect and be in force from and after the first day of March, 1866.

Passed the House of Representatives January 11, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 12, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 17, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO REPEAL AN ACT "ENTITLED AN ACT TO REGULATE THE FEES OF COUNTY AUDITOR AND PROBATE JUDGE OF KITSAP COUNTY," APPROVED JANUARY 11, 1865.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That said act be and the same is hereby repealed.

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

Passed the House of Representatives December 15, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 16, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved January 9, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO ASSESS AND COLLECT A ROAD TAX IN THURSTON COUNTY, W. T.

SECTION, 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the board of county commissioners of Thurston county, be authorized and directed at their April term to levy and assess a road tax of six dollars on every person liable to perform labor on the public roads, and also to assess thirty 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 prescribed by law.

SEC. 2. The tax for road purposes levied by virtue of the foregoing section, may be paid in labor upon the public roads, under the direction of the supervisor in the district in which such labor is due, at rates of three dollars per day.

SEC. 3. All road labor and road tax shall be paid in the district where such labor or tax is due.

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

Passed the House of Representatives January 18, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 19, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 24, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

APPOINTING OFFICERS FOR THE COUNTY OF YAKIMA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the following named persons be and the same are hereby appointed county officers of Yakima

county, to-wit: F. M. Sharp, Wm. Parker and A. Henson shall be county commissioners, John Nelson shall be judge of the probate court, Charles Splaun shall be sheriff, Jackson Splaun shall be auditor and M. Haines shall be a justice of the peace, and the person herein appointed auditor is hereby authorized to administer the oaths of office to the officers appointed herein, and he himself shall qualify before the county commissioners, or a majority of them, in the manner required by law; but the officers herein appointed shall only continue in such office by virtue of their appointment until the next general election, and until their respective successors are elected and qualified.

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

Passed the House of Representatives January 18, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 19, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 24, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

CONFERRING ADDITIONAL POWERS UPON THE CITY RECORDER OF THE CITY OF VANCOUVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the city recorder of the city of Vancouver shall be *ex-officio* a justice of the peace in and for Clarke county, vested with the same jurisdiction as other justices of the peace in this Territory, and all laws of a general or special nature now or hereafter in force applicable to justices of the peace or their writs, shall also apply to the said city re-

order, when acting by virtue of his *ex-officio* authority as justice of the peace.

SEC. 2. The said city recorder shall also have full power and authority to join parties in marriage, take acknowledgments of deeds or other instruments of writing, administer oaths and affidavits and perform all other acts and exercise all other powers conferred upon justices of the peace by any laws now or hereafter in force, and nothing in this act shall be so construed as to take away any other authority or powers heretofore granted to said city recorder.

SEC. 3. The title of said officer when exercising the powers and jurisdiction vested in him by the provisions of this act, shall be "City Recorder, Vancouver, *ex-officio* justice of the peace of Clarke county, W. T.," and the title of his court shall be the "justices court of (inserting name of officer) city recorder of Vancouver, *ex-officio* justice of the peace of Clarke county, W. T."

SEC. 4. In case of the death, resignation or absence of the mayor of the said city of Vancouver, the said city recorder shall be and he is hereby authorized and required to execute and perform all the powers and duties of the mayor during such vacancy or absence, or until another mayor shall be elected and qualified to fill such vacancy.

SEC. 5. All acts and parts of acts in any manner conflicting with any of 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.

Passed the House of Representatives December 13, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 15, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved January 9, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*



## AN ACT

CONFERRING CERTAIN POWERS ON THE CITY OF WALLA-WALLA, W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the city of Walla-walla, in the Territory of Washington, be and is hereby authorized and empowered to grant, make and execute deeds of conveyance, possession and ownership to all persons holding and occupying lots in said city within its corporate limits, who shall have acquired a right thereto by having located or built upon or so fenced and improved such lots as to have complied with the regulations in regard to locating town lots in said city, passed by the board of county commissioners of Walla-walla county, or with the subsequent ordinance of the city of Walla-walla, regulating the manner of locating and holding lots in said city, and also to all persons who shall have bought the right to such lots from persons lawfully claiming and holding as aforesaid.

SEC. 2. Such deeds shall be drawn and executed as a warranty against all claimants, and shall vest the ownership of such lots in fee simple in the person to whom the deed shall be executed.

SEC. 3. The common council of said city shall have power to prescribe by ordinance the proofs necessary to be made and the manner of making such proofs as may be necessary to entitle persons to receive deeds, and may in the same manner fix the time when applications for deeds shall be made, and may limit such time to a period not less than thirty days after such ordinance shall have been published in some newspaper published in said city: *Provided,* That a notice requiring claimants to present their claims shall be published three months, and all non-residents holding and claiming lots as aforesaid, shall have three months from the date of such notice in which to present their claims for deeds.

SEC. 4. The common council aforesaid shall have power to sell, lease, or otherwise dispose of any and all lots within the corporate limits of the city aforesaid, (defined in section one of the act of incorporation of said city) for which no application for a deed or deeds thereto shall have been made as hereinbefore pro-

vided, the proceeds of which shall be paid into the city treasury as other city revenue.

SEC. 5. The common council aforesaid, shall have power to charge, receive and collect the sum of ten dollars for each lot, or fraction exceeding one-half of a lot, and the sum of five dollars for each fraction of half or less than half of a lot, from every person who shall receive a deed thereof, and the city clerk shall receive from such person a fee of two dollars for each deed so executed: *Provided*, That any person who shall hold a certificate of record from said city showing that the necessary fee has been paid, shall receive a deed on payment of the clerk's fees as aforesaid.

SEC. 6. All deeds shall be signed by the mayor and president of the common council, and shall be attested by the city clerk, who shall affix the seal of the city to such deed, and no acknowledgment shall be necessary to render such deed valid.

SEC. 7. If any lot or lots shall be claimed by more than one person, the common council shall have power to execute a deed warranting and defending such property against the United States and the city of Walla-walla, and if any person shall receive a deed of such a nature and shall subsequently be deprived of the property so deeded, by any person holding a prior right, or with whom a suit may be pending at the time such deed is executed, he shall be entitled to recover the amount paid for such deed, from the person who shall gain ownership of such property.

SEC. 8. This act is passed in conformity with the provisions of the act of Congress, passed May 23, 1844, entitled "an act for the relief of the citizens of towns upon the lands of the United States, under certain circumstances."

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

HARVEY K. HINES,  
*President of the Council.*

EDWARD ELDRIDGE,  
*Speaker of the House of Representatives.*

Approved December 11, 1866.

WILLIAM PICKERING,  
*Governor of the Territory of Washington.*

## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT CONFERRING CERTAIN POWERS ON THE CITY OF WALLA-WALLA, W. T."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section three of the act to which this act is amendatory, passed December 9, 1865, be and the same is hereby amended and shall be so construed and executed as to allow all non-residents, minor heirs, executors or administrators of estates at least one year in which to present their claims for lots, after notice requiring such claims to be filed shall have been published, and no sales or other disposals of lots claimed by such parties shall be made until the expiration of that time.

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

Passed the House of Representatives December 18, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 19, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved January 9, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

AUTHORIZING THE CORPORATE AUTHORITIES OF THE CITY OF VANCOUVER TO APPROPRIATE THE PROCEEDS OF CERTAIN LICENSES IN CLARKE COUNTY FOR CERTAIN PURPOSES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the proceeds of licenses granted to the corporate authorities of the city of Vancouver by virtue of the provisions of an act entitled "an act in relation to licenses in Clarke county," passed January 8, 1864, and an act

amendatory thereto, approved January 21, 1865, and also by the provisions of an act entitled "an act conferring additional powers upon the city of Vancouver," approved January 21, 1865, may be applied by said corporate authorities for general city improvements, such as the construction of a city jail, fire engine house, offices for city officials, the improvement of streets, sidewalks and public squares, for the purpose of engines and other apparatus useful for the extinction of fires, and for all other purposes not inconsistent with the provisions of the city charter of said city, or any act amendatory thereto: *Provided*, This section shall not be so construed as to preclude the said corporate authorities from applying any of the proceeds of said licenses for the purpose of putting, keeping and maintaining in repair any wharf constructed by virtue of the provisions of the several aforementioned acts, or for the purpose of liquidating any indebtedness lawfully accrued against said city in the construction of such wharf.

SEC. 2. All appropriations of moneys arising from said licenses made by said corporate authorities shall be by ordinance, which ordinance shall not pass unless it has had two several readings, on two different regular meetings of the common council of said city.

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

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

Passed the House of Representatives December 18, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 21, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved January 9, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

AN ACT

TO AUTHORIZE WILLIAM NIX AND JAMES MONAHEN AND THEIR ASSOCIATES TO CONSTRUCT A BRIDGE ACROSS SPOKANE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That William Nix and James Monahen and all others whom they may associate with them, their heirs and assigns, be and they are hereby authorized to construct and keep, for the term of ten years from the date thereof, a bridge across Spokane river, on the direct road leading from Walla-walla to Colville valley.

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 or hogs,.....	50
For each carriage drawn by two horses,.....	3 00
For each carriage drawn by one horse,.....	75
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 above and two miles below of the place designated in this act as the direct road leading from Walla-walla to Colville valley.

SEC. 5. The said William Nix and James Monahen and their associates or assigns, shall have said bridge completed within two years 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 William Nix and James Mona-

hen and their associates shall receive any toll, they shall pay into the county treasury of Stevens county the sum of twenty-five dollars yearly.

SEC. 6. The county commissioners of Stevens county may, at any regular term of the commissioners' court, alter the rates of toll, and the rates so fixed may be collected by the said William Nix and James Monahan or their heirs or assigns.

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

Passed the House of Representatives December 22, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 3, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 11, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO AUTHORIZE I. S. MCFARLAND AND HENRY MARLIN, THEIR ASSOCIATES, HEIRS AND ASSIGNS TO BUILD A BRIDGE ACROSS THE COLUMBIA RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That I. S. McFarland and Henry Marlin, their heirs and assigns and such other persons as they may associate with them, be and they are hereby authorized to construct, keep and maintain a bridge across the Columbia river, about four miles above the town of Rockland, in the county of Klickitat, and at a narrow passage or channel in the Columbia river, commonly called "The Dalles," and the said I. S. McFarland and Henry Marlin, their associates, heirs and assigns, shall have the exclusive privilege for the term of twenty years after its completion, of constructing and maintaing a bridge at the

aforesaid point for the distance of two miles up and two miles down said Columbia river, on each side of said point.

SEC. 2. That it shall be lawful for the said I. S. McFarland and Henry Marlin, their associates, heirs and assigns, to receive and collect the following rates of toll for crossing upon said bridge :

For each wagon and span of horses, mules or yoke of oxen,	\$3 00
Additional span of animals,.....	1 00
Man and horse,.....	1 00
For horse and pack,.....	1 00
For each footman,.....	50
For loose animals other than sheep or hogs, each,.....	50
Sheep and hogs, each,.....	15

SEC. 3. That the said I. S. McFarland and Henry Marlin, their associates, heirs and assigns, shall within three years from and after the passage of this act, have completed a good and substantial bridge at said point, and thereafter shall keep and maintain said bridge in good and sufficient repair, so that the same may be crossed with safety.

SEC. 4. No court or board of county commissioners shall authorize any person or persons to construct a bridge within the limits set out in this act.

SEC. 5. The said I. S. McFarland and Henry Marlin, their associates, heirs and assigns, are further authorized to construct a road from said bridge intersecting the military road leading from the Columbia river, in Klickitat county, to Fort Simcoe, at the most practical point.

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

Passed the House of Representatives December 20, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 16, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO AUTHORIZE CHARLES M. BRADSHAW AND WILLIAM P. BAGLEY, THEIR HEIRS OR ASSIGNS TO CONSTRUCT A BRIDGE ACROSS DUNGENESS RIVER, CLALM COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Charles M. Bradshaw and William P. Bagley be and they are hereby authorized to construct and keep a bridge across Dungeness river in Clalm county, and they shall have the exclusive right and privilege to build and keep said bridge over said Dungeness river, at the most favorable point between the mouth of said river and a point located two miles up said stream, and no person or persons shall be allowed to build or construct a second bridge within half a mile (up or down said river) of the point where your petitioners propose to locate their bridge: *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: *And provided further*, That the county of Clalm shall, upon the expiration of a period of one year, have a right to take said bridge, upon payment to Charles M. Bradshaw and William P. Bagley, their heirs and assigns, a fair valuation, and the said bridge shall be free, and thereafter all and singular the rights hereinbefore granted to the said Charles M. Bradshaw and William P. Bagley, their heirs or assigns, shall pass and vest in said county.

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

For each wagon with two animals,.....	\$ 25
For each two additional animals,.....	10
For man and horse,.....	25
For animals packed, .....	10
For all loose animals, apiece,.....	10
For all hogs and sheep,.....	05
For each foot passenger,.....	10

SEC. 3. That no court or board of county commissioners shall authorize any person or persons, except as hereinafter



provided in this act, to construct or keep and maintain a bridge between the points hereinbefore designated: *Provided*, That the said Charles M. Bradshaw and William P. Bagley, their heirs and assigns, shall within nine months after the passage of this act construct a good, substantial bridge, and if no bridge is constructed and completed within the time specified by this act by Charles M. Bradshaw and William P. Bagley, their heirs or assigns, upon such proof being made satisfactory to the board of county commissioners of Clalm county, then this act shall be void.

Passed the House of Representatives January 9, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 4, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 17, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO AUTHORIZE M. B. MADDOCKS TO KEEP A FERRY ON WHITE RIVER  
IN KING COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That M. B. Maddocks, his heirs or assigns, be and they are hereby authorized to establish and keep a ferry on White river, at the most convenient point along said Maddocks' claim, and that the said M. B. Maddocks, his heirs or assigns, shall have the exclusive privilege of ferrying across said river for a distance of one mile up and one mile down from where his barn now stands, for the term of five years from the passage of this act.

SEC. 2. It shall be lawful for the said M. B. Maddocks,

his heirs or assigns, to receive and collect the following rates of toll for ferriage:

For each wagon with two animals attached,.....	\$ 50
For each two additional animals,.....	25
For each vehicle with one animal attached,.....	37½
For each man and horse,.....	25
For footman,.....	12½
For loose horses or cattle each,.....	10
For sheep or hogs each,.....	05

SEC. 3. The said M. B. Maddocks, his heirs or assigns, shall within six months from the passage of this act, keep a good, substantial boat sufficiently manned to cross persons and property with safety and without unnecessary delay over said river.

SEC. 4. The failure of M. B. Maddocks, his heirs or assigns, to comply with the provisions of this act within six months from the passage thereof, shall render this act null and void.

Passed the House of Representatives January 6, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 10, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 17, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

AUTHORIZING S. H. FOSTER TO KEEP A FERRY ON BLACK RIVER IN KING COUNTY, W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That S. H. Foster, his heirs or assigns, be and they are hereby authorized to establish and keep a ferry*

on Black river, where the county road crosses near the mouth of said river, and the said S. H. Foster, his heirs or assigns, shall have the exclusive privilege of ferrying at said point for the term of four years from the passage of this act.

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

For each wagon or carriage with two animals attached, ..\$	50
For each two additional animals, .....	25
For each vehicle with one animal attached, .....	50
For each man and horse, .....	37½
For each footman, .....	12½
For all loose horses or cattle, .....	10
For all loose sheep or hogs, .....	05

SEC. 3. The said S. H. Foster, his heirs or assigns, shall within two months from the passage of this act, keep a boat sufficiently manned to trasport persons and property over said river, with safety and without unnecessary delay.

SEC. 4. The county commissioners of King county, may, at any regular term of commissioners' court, alter the rates of toll, and the rates fixed by said commissioners may be collected by said S. H. Foster, his heirs or assigns.

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

Passed the House of Representatives December 11, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 14, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved January 9, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO AUTHORIZE JOHN SHAW AND A. ROLLIS AND THEIR ASSOCIATES TO ESTABLISH A FERRY ACROSS THE COLUMBIA RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That John Shaw and A. Rollis, their associates heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Columbia river at or near a point known as the "Little Dalles," in Stevens county, and the said John Shaw and A. Rollis, and associates heirs and assigns, shall have exclusive privilege of ferrying upon said river within the following limits: two miles above and two miles below 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 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. That no court or board of county commissioners shall authorize any person, other than is herein mentioned, to keep a ferry within the prescribed limits of this act.

SEC. 3. It shall be lawful for said John Shaw and A. Rollis, their associates and their heirs and assigns, to collect and receive the following rates of toll:

For each footman,.....	\$ 50
For each man and horse,.....	1 50
For each wagon and span of animals,.....	4 00
For each span of animals additional,.....	1 50
For each animal packed,.....	1 00
For all loose animals other than sheep and hogs,.....	50
For sheep and hogs, each,.....	25

But the county commissioners of the county wherein said ferry is located shall have power to alter the above rates of toll, and when so altered it shall be lawful for John Shaw and A. Rollis, their associates, heirs and assigns, to collect and receive ferriage only according to the rates fixed by said commissioners.

SEC. 4. The said John Shaw and A. Rollis, their associates, their heirs and assigns, shall within eight months from the passage

of this act procure and keep on said ferry a good and sufficient ferry boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property with safety and without unnecessary delay.

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

Passed the House of Representatives January 18, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 19, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 24, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO AUTHORIZE JAMES LEE TO ESTABLISH A FERRY ON THE COLUMBIA RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That James Lee, his heirs or assigns, be and they are hereby authorized to establish and keep a ferry across the Columbia river, at the mouth of Kettle river, and the said James Lee, his heirs or assigns, shall have the exclusive privilege of one and one-half miles above and one and one-half miles below the aforesaid point, for the time of ten years from and after the passage of this act.

SEC. 2. It shall be lawful for the said James Lee, 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,.....	\$ 4 00
For each pleasure wagon with two animals attached,....	3 00
For hack or sulky with one horse,.....	2 00

For each man and horse,.....	\$1 50
For each head of loose animals, other than sheep or hogs,	50
For each animal packed,.....	1 50
For each foot passenger,.....	50
For each sheep, goat or hog,.....	25

SEC. 3. The said James Lee, his heirs or assigns, shall within six 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 Stevens 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 James Lee, his heirs or assigns.

SEC. 5. The failing of the said James Lee, his heirs or assigns, within six months from the passage of this act, to comply with its provisions, shall render this act null and void.

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

Passed the House of Representatives December 22, 1865.

EDWARD ELDRIDGE,  
*Speaker of the House of Representatives.*

Passed the Council January 3, 1866.

HARVEY K. HINES,  
*President of the Council.*

Approved January 11, 1866.

WILLIAM PICKERING,  
*Governor of the Territory of Washington.*

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## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE WILLIS POWELL AND THOMAS POWELL TO CONSTRUCT AND KEEP A FERRY ON CATHAPOODLE RIVER," PASSED JANUARY 11, 1865.

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

“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 each man and horse,.....	50
For loose cattle and horses, each head,.....	20
For sheep or hogs, each,.....	05
For each footman,.....	20

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

Passed the House of Representatives December 15, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 3, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 11, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO LOCATE A TERRITORIAL ROAD FROM CATHLAMET, IN WAHIAKUM COUNTY, TO OAK POINT IN COWLITZ COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That J. J. Foster, W. F. Jackson and T. Dray, or any two of them, be and they are hereby constituted a board of commissioners to view out and establish a Territorial road from Cathlamet, in Wahkiakum county, to Oak Point in Cowlitz county.*

SEC. 2. Said commissioners shall meet at Cathlamet, on

the second Monday in April, A. D., 1866, or as soon thereafter as practicable, and after being duly sworn, by any officer authorized to administer an oath, faithfully to perform the duties assigned them, shall proceed to view and locate and mark out a road on the route designated, on the nearest and most practicable route.

SEC. 3. Said commissioners shall make out a true report of their proceedings, and cause a certified copy thereof to be filed with Secretary of the Territory and the county auditor of Wahkiakum and Cowlitz counties, within sixty days from the completion of their labor, and when said report is so filed, the said road shall be considered a Territorial road, and shall be opened and kept in repair as other Territorial roads.

SEC. 4. If from any cause one or more of said commissioners shall fail to qualify and act, the remaining members shall appoint some suitable person or persons who shall have all the powers granted in this act.

SEC. 5. And the commissioners to view out the said road shall receive two dollars per day, out of any money in the treasury of said county of Wahkiacum not otherwise appropriated.

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

Passed the House of Representatives December 14, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 16, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved January 9, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*



## AN ACT

REPEALING AN ACT ENTITLED "AN ACT TO INCORPORATE THE DALLES PORTAGE COMPANY," PASSED DECEMBER 19, 1859, AND THE AMENDMENT THERETO, PASSED JANUARY 17, 1859.

WHEREAS, The conditions imposed in the charter of the Dalles Portage Company, and the extension thereof by the amendment thereto, to-wit: "the building of a practicable wagon road between the navigable waters above and below the Dalles of the Columbia river," has not been complied with by the corporators named in said act, nor any other persons associated with them, although the twenty-eight months allowed by said amendment in which said wagon road was to be constructed, long since expired, to-wit: in the month of April, 1862, by virtue whereof the franchise intended to be granted by said charter never enured to the corporators named therein, but were forfeited by non-acceptance and non-use of the same, therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That said act incorporating said Dalles Portage Company, and the act amendatory thereto, extending the time in which said wagon road should be built, be and the same are hereby repealed, and all franchise, rights of way and privileges thereby intended to be granted, be and the same are hereby revoked and annulled, anything in said act, or amendatory act, to the contrary notwithstanding.

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

Passed the House of Representatives January 19, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 18, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM SKAGET HEAD TO DECEPTION PASS IN ISLAND COUNTY," APPROVED JANUARY 11, 1865.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act to locate and establish a Territorial road from Skaget Head to Deception pass in Island county, passed January 11, 1865, be and the same is hereby repealed.

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

Passed the House of Representatives January 11, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 12, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO LOCATE AND RE-LOCATE A ROAD FROM THE JUNCTION OF LAKE RIVER, IN CLARKE COUNTY, WITH COLUMBIA SLOUGH, TO THE UPPER LINE OF WM. H. DILLON'S DONATION LAND CLAIM.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a Territorial road be and the same is hereby established, commencing at the junction of the Columbia Slough with Lake river, in Clarke county, along and near the bank of said Lake river to the upper line of Arthur Quigley's donation land claim, and from thence shall follow the wagon track at present traveled, to the high bank or bridge

after crossing the corduroy bridge on the north line of John Carothers' said land claim; from thence in a southeasterly course to intersect the said wagon track fifteen rods from the point of leaving the same, and from thence following the wagon track of present travel to the south line of W. H. Dillon's donation land claim.

SEC. 2. It shall be lawful for the said A. Quigley to put in and keep a gate which can be easily opened and closed by the traveling public, below his ferry landing, and for Wm. H. Dillon to keep in like manner three gates at points on said road where he now has or has had the same, and any other person along the line of said road wishing to put on and keep a gate or gates upon the same, shall first obtain a permit from the county commissioners' court, or in time of vacation, from the county auditor, subject to the approval of said court at its next session: *Provided*, That where other persons now having gates upon the same, they shall be allowed to keep them for one year after this act becomes a law, on like conditions as the said Quigley and Dillon, and that the county commissioners shall not authorize the putting on or keeping of a gate nearer than half a mile of another, other than where they now exist.

SEC. 3. Nothing in this act shall be construed to the detriment of the ferry charter granted by the last Legislative Assembly to the said Arthur Quigley, and any person ferrying below his ferry landing on said Lake river and receiving pay therefor, shall be deemed guilty of a misdemeanor and fined in any court having competent jurisdiction, in the sum of five dollars for each and every offense.

SEC. 4. Any person leaving open any of the gates provided for in this act, or driving stock upon any lands over which said road passes, and leaving it to pasture without the consent of the owner, shall be guilty of a misdemeanor, and in any court of competent jurisdiction shall be fined in the sum of ten dollars for each and every offense, and liable to the person having the same in possession in damage to double the value of said pasturage.

SEC. 5. The width of said road shall be thirty feet.

SEC. 6. This act to take effect and be in force from and after the first day of April, 1866.

Passed the House of Representatives January 13, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 17, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO INCORPORATE THE KLICKITAT PORTAGE COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That* D. S. Baker, William C. Parsons, Richard Harris, Andrew Patterson, William Stephens, and such other persons as they may associate with them, their heirs, successors and assigns, be and they are hereby constituted and declared a body politic and corporate by the the name and style of the Klickitat Portage Company.

SEC. 2. Said corporation shall have full power to survey, locate, re-locate, own, construct, maintain in repair and use, a single track rail road, with such turnouts as may be necessary or convenient between suitable points to be selected on the navigable waters of the Columbia river above and below the Dalles of the said river, in the county of Klickitat; 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 is necessary for the security of the road, a sufficient width may be appropriated; also lands at or about the termini of said

road sufficient for warehouses, wharf boats and steamboat landings, and also at any and all points along the rail road survey, for the purpose of building warehouses, station houses and fixtures necessary for the operation and business of said road, not to exceed two acres at any one point, together with the privilege of inclines from any point or points on said road to the waters of said river where it may be convenient to land boats at high or low water, and for the purpose of making drains and giving proper direction to water courses, removing obstacles and to deposit earth, gravel or stone taken from cuts, and to obtain earth, gravel, stone, and other material necessary for the construction and repair of said road, subject however to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter named. 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 be three hundred thousand dollars, with power to increase the same to any amount not exceeding one million of dollars, by a vote of two-thirds of the stockholders, 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.

SEC. 4. There shall be an annual meeting of the stockholders held at Rockland, in Klickitat county, at such time 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; and special meetings may be called in such a manner as shall be provided in the by-laws. 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 other 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 may be provided by the by-laws.

SEC. 6. The president shall be 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, said assessments are not paid, the directors may proceed to sell the delinquent stock at public auction, giving ten day's notice thereof in some newspaper published in said Territory, upon the following con-

ditions: 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 twelve months, and be completed within five years from and after the passage of this act, when they shall have in operation a good and sufficient rail road, connecting the navigable waters above and below the Dalles, with sufficient 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 the charges for freight and passengers shall be uniform in all cases.

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 of stock may be made in right of way, land, material or property necessary or useful in carrying out the objects of this 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 situated, or other competent authority, shall authorize the same to be done: *Provided*, That the parties so constructing cross or parallel tracks shall not be privileged 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: *Provided*, That no other road shall be located, laid or built within fifteen feet of, and parallel to the said Klickitat Portage Company's line of road, except as hereinbefore provided. All steamboats, barges and wharf boats, owned by the Klickitat Portage Company shall be registered, assessed and taxed in Klickitat county, Washington Territory.

SEC. 11. Whenever for the purposes before named any land shall be taken, 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 counties of Klickitat and Clarke to appraise and make due report and return of their appraisement of the value of the lands or materials 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 the company, for all the lawful purposes and uses of said corporation, 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 proceedings, 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 said compensation: *And provided further*, That if the title of any land taken 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 understanding that Congress, or the government of the United States, may take and appropriate said road for the purposes of making entire a road to intersect a trunk or branch of a trunk road from the Atlantic to the Pacific coast: *Provided*, They shall pay to D. S. Baker, Wm. C. Parsons, Richard Harris, Andrew Patterson and William Stevens, their assigns or legal representatives, the actual worth of said road at the time it may be taken.

SEC. 13. All laws and parts of laws which may in any manner contravene or interfere, by misuses or non-uses, with the location and building of roads, or other matters provided for by this act, be and the same are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives December 21, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 14, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved December 23, 1865.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE MIDDLE  
CASCADE PORTAGE COMPANY," PASSED JANUARY 14, 1865.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section eleven of said act be and the same is hereby amended, by striking out the words, "in fee simple," where they occur in said section, and inserting in place thereof, "for all the lawful purposes and uses of said corporation."

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

Passed the House of Representatives December 9, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 8, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved December 23, 1865.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO AUTHORIZE S. W. BEALL, S. W. BROWN, H. L. CAPLES AND THEIR ASSOCIATES, TO SURVEY, CUT AND CONSTRUCT DITCHES OR CANALS FOR MINING PURPOSES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That S. W. Beall, S. W. Brown, H. L. Caples and their associates, shall have power to survey, open, cut and construct one or more ditches or canals for the purpose of conveying the water of the Lakamas creek, in Clarke county, along the side hills, gulches and bars to such points in the vicinity as the said Beall, Brown, Caples and their associates may designate or determine, for the distance of twenty miles, com-

mencing said ditches or canals at any point or points on the said Lakamas creek that they may elect or determine, and of sufficient dimensions to contain and carry all the water in said creek if they shall so determine; and they, the said Beall, Brown, Caples and their associates or assigns, are hereby authorized and empowered to take, use and convey all the water in said Lakamas creek, for the purpose of mining within said Clarke county.

SEC. 2. It shall be the duty of the said S. W. Beall, S. W. Brown, H. L. Caples and their associates or assigns, after the completion of said ditches or canals, or any part of them, to furnish the miners with water, as far as practicable, at prices reasonable and uniform: *Provided*, There be a surplus over the wants of the said Beall, Brown, Caples and their associates or assigns, in working their own mining claims along the line of said ditches or canals.

SEC. 3. It shall be lawful for the said Beall, Brown, Caples and their associates or assigns, to purchase and to hold real estate, to construct dams, reservoirs, aqueducts,—to lay pipes or whatever else may be necessary to supply their ditches or canals with water.

SEC. 4. Any person or persons obstructing the passage of the water in said ditches or canals, by cutting the embankments or otherwise, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding five hundred dollars, or by imprisonment at hard labor for not more than one year, or both: *Provided*, Such criminal prosecution shall not impair the right of the said Beall, Brown, Caples and their associates or assigns, to sue such offenders for damages in the civil courts.

SEC. 5. If any ditch or canal cut or constructed under the provisions of this act shall cross or in any way interfere with any public highway, said S. W. Beall, S. W. Brown, H. L. Caples and their associates and assigns, shall construct good and substantial bridges, and keep them in good repair, and in every other respect prevent damage and obstruction to the roads by such ditches and canals.

SEC. 6. The ditches or canals authorized by this act shall

be subject to the same laws, regulations and restrictions as other ditches or canals are or may hereafter be by the laws of this Territory.

SEC. 7. This act shall take effect and be in force from and after the day of its approval: *Provided*, Nothing in this act shall be so construed as to prevent any other person or persons from using any water remaining in the bed of said creek below the point or points where said canals and ditches leave said creek, without charge: *And provided further*, That said Beall, Brown, Caples and their associates, shall not take from said creek at any time more water than is actually necessary to properly work the mines that are or may be worked along the line of said ditch or ditches: *And provided further*, That such ditches or canals shall conduct the water back into the bed of the creek at any point above the head of Lakamas lake.

Passed the House of Representatives January 13, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 15, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 23, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO INCORPORATE THE SIMMILKIMEEN QUARTZ MINING COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Robert Lamphen, W. H. Low, James McAuliff, H. J. Merriman and H. F. Smith, their associates, and all such persons as shall hereafter become stockholders in said company hereby incorporated, shall be a body politic by the name and style of the Simmilkimeen Quartz Mining

Company, with continued succession for the time herein specified, and under that name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against in law and equity in all courts in this Territory; may make and use a common seal and alter the same at pleasure; purchase, hold, sell and convey such real estate and personal property as the purposes of the corporation may require; appoint such officers, agents and servants as the business of the corporation may require, to define their powers and duties and fix their compensation; to make by-laws not inconsistent with the laws of this Territory, for the complete organization of the company, the regulation of its affairs, the transfer of its stock, and for all kinds of business within the objects and purposes of the company.

SEC. 2. The said corporation is hereby authorized and empowered to erect such buildings, construct machinery, build dams, cut ditches, run flumes, lay ways and all other suitable apparatus as may be necessary and requisite for successfully carrying on the business of quartz and other mining in the Similkimeen mining district in Washington Territory, and to survey, locate, mark out and designate the boundaries of the mineral and water claims of the corporation, and to make all needful regulations for their care, government and protection.

SEC. 3. The capital stock of said company shall be divided into fifteen hundred shares, and shall consist of such nominal value per share as the stockholders may determine upon at their first meeting under the provisions of this act, which value shall be stated by resolution entered upon the record book of the corporation. The immediate government and direction of the company shall be vested in a board of trustees, consisting of at least three members, who shall be chosen by the stockholders of the company, and whose powers, duties and terms of office shall be regulated by the by-laws of the company. A majority of the trustees shall form a quorum for the transaction of business, and shall elect one of their number to be president of the company, and the said trustees shall have power to elect or appoint a secretary and treasurer, and such other officers as may

be deemed advisable and proper to facilitate the business of the company.

SEC. 4. The first meeting of the company under the provisions of this act, shall be called by a majority of the stockholders herein mentioned, who shall give notice, by publication or otherwise, of at least twenty days before said meeting is held, which notice shall distinctly state the objects of the meeting and the time and place to be held.

SEC. 5. The franchise granted by the provisions of this act shall continue for the period of twenty-five years, unless sooner annulled by the voluntary dissolution of the company.

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

Passed the House of Representatives January 16, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 16, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO CREATE THE VANCOUVER QUARTZ MINING DISTRICT, AND REGULATE THE HOLDING OF CLAIMS THEREIN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all that portion of the Cascade Mountains lying between the Columbia river and the second standard parallel, be and the same is hereby defined and declared to be and to constitute the Vancouver Mining District.

SEC. 2. That the extent of a quartz claim in said district shall be two hundred feet of the lode, including all dips, spurs

and angles within said two hundred feet, and for fifty feet on either side of the ledge.

SEC. 3. Any person who may discover a ledge of mineral bearing quartz within said district, shall be entitled to hold two claims, one as a discovery claim, and one by right of pre-emption.

SEC. 4. No person shall be entitled to hold a quartz mining claim in said district, unless upon locating such claim he shall distinctly mark the bounds, by planting firmly stakes not less than three inches square, at either end of such claim, upon which shall be plainly marked, or cut, the name of the locator and the number of the claim, counting from the discovery claim in regular order upon either extension, and shall cause the same to be recorded in the county recorder's office, in the county in which such claim or ledge may be situated, within ten days after locating such claim.

SEC. 5. The county recorder shall be entitled to charge and receive two dollars for each and every claim, bill of sale or transfer by him recorded, one-half of said sum to the use of the recorder, and one-half shall be by him paid into the county treasury for the use of common schools.

SEC. 6. Every person who may locate a quartz mining claim in said district, shall within one year after locating such claim, do or cause to be done, one hundred dollars worth of work upon each and every claim held or located by such person. An affidavit sworn to before any person competent to administer oaths, by the person or persons performing such labor or work, and filed with the county auditor, shall be sufficient proof of compliance with the requirements of this section; or in lieu of such work, the persons holding such claim or claims may pay into the county treasury of the county in which such claim or claims may be located, one hundred dollars, one-half of which shall be for the use of common schools, one-fourth to the use of the county, and the balance to the use of the Territory.

SEC. 7. Individuals associated together as companies may, by working upon any portion of the claims held or owned by them as a company, to the amount of one hundred dollars for

each and every claim so held, be deemed to have worked upon each, and shall not therefore be deemed to have forfeited any, or may pay into the county treasury as provided for in section six of this act.

SEC. 8. No sales or transfer of claims shall be deemed valid, unless the same shall be recorded in the county recorder's office in the county where such claim or claims may be situated, within fifteen days after such sale or transfer.

Passed the House of Representatives January 11, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 4, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 17, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

DEFINING THE BOUNDARY OF MOUNT RAINIER MINING DISTRICT, AND REGULATING CLAIMS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the boundary line of Mount 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 Mount Rainier Mining District.

SEC. 2. That the extent of a quartz mining claim in said district shall not exceed two hundred feet of the lode, including all the dips, spurs and angles embraced within the space of said two hundred feet.

SEC. 3. 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. 4. 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 perform or cause to be performed labor in developing such claim to the value of one hundred dollars; and 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 the said notice shall be recorded on the district records within fifteen days from the date and posting of said notice; the same applying to water claims.

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 acts or parts of acts heretofore passed that will in any manner conflict with this act, are hereby repealed.

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

Passed the House of Representatives January 19, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 13, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO INCORPORATE THE MOUNT RAINIER QUARTZ MINING COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That F. P. Foster, Henry Winsor, J. Longmire, A. E. Mabie and J. D. Mabie, their associates and all such persons as shall hereafter become stockholders in said company hereby incorporated, shall be a body politic by the name and style of the Mount Rainier Quartz Mining Company, with continued succession for the time herein specified, and under that name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against, in law and in equity, in all the courts in this Territory; may make and use a common seal and alter the same at pleasure; purchase, hold, sell and convey such real estate and personal property as the purposes of the corporation may require; appoint such officers, agents and servants as the business of the corporation may require,—to define their powers and duties, and fix their compensation; to make by-laws not inconsistent with the laws of this Territory, for the complete organization of the company, the regulation of its affairs, the transfer of its stock, and for carrying on all kinds of business within the objects and purposes of the company.

SEC. 2. The said corporation is hereby authorized and empowered to erect such buildings, construct machinery, build dams, cut ditches, run flumes, lay ways, and all other suitable apparatus as may be necessary and requisite for successfully carrying on the business of quartz and other mining in the Mount Rainier quartz mining district, in Washington Territory; and to survey, locate, mark out and designate the boundaries of the mineral and water claims of the corporation, and to make all needful regulations for their care, government and protection.

SEC. 3. The capital stock of said corporation shall be divided into twelve hundred shares, and shall consist of such nominal value per share as the stockholders may determine upon at their first meeting under the provisions of this act; but in no case shall the shares exceed in value the sum of one hundred dollars per share, which value shall be stated by resolution en-

tered upon the record book of the corporation. The immediate government and direction of the company shall be vested in a board of trustees, consisting of at least three members, who shall be chosen by the stockholders of the company, and whose powers, duties and terms of office shall be regulated by the by-laws of the company. A majority of the trustees shall form a quorum for the transaction of business, and shall elect one of their number to be president of the company, and the said trustees shall have power to elect or appoint a secretary and treasurer, and such other officers as may be deemed advisable and proper to facilitate the business of the company.

SEC. 4. The first meeting of the company under the provisions of this act shall be called by a majority of the stockholders herein mentioned, who shall give twenty day's notice, by publication in one or more newspapers published in Olympia, this Territory, which notice shall distinctly state the objects of the meeting, and the time and place to be held.

SEC. 5. The franchise granted by the provisions of this act shall continue for the period of twenty years, unless sooner annulled by the voluntary dissolution of the company.

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

Passed the House of Representatives January 5, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 10, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 17, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

APPOINTING A RECORDER FOR MOUNT RAINIER MINING DISTRICT, AND  
LOCATING THE OFFICE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That F. P. Foster be and he is hereby appointed recorder for the Mount Rainier mining district.

SEC. 2. The recorder shall be entitled to charge a fee of three dollars for each mineral or water claim recorded, and shall keep his office at the Mount Rainier gold and silver lode, on the Titan, in the aforesaid mining district: *Provided*, That on the first Monday in October, 1866, twenty or more legal voters, miners and actual residents of the aforesaid mining district, may select the place where the said recorder shall keep his office, and elect by ballot a district recorder, who shall hold his office for one year and until his successor is elected and qualified; and it is made necessary by this act that the recorder of the said district shall take the common oath of office, administered by a person duly authorized by law, before entering upon the duties of the said office.

SEC. 3. All acts or parts of acts heretofore passed that may in any way conflict with this act are hereby repealed.

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

Passed the House of Representatives January 11, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 10, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 17, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO INCORPORATE THE GRAND MOUND UNION CEMETERY ASSOCIATION.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That G. W. Miller, Joseph Axtell and E. N. Sargent and their successors are hereby constituted a body politic and corporate, under the name and style of the Grand Mound Union Cemetery Association, with power to sue and be sued, plead and be impleaded, defend and be defended against, in all the courts of this Territory.

SEC. 2. It shall be lawful for the said corporation to have, hold and possess in trust for the purpose hereinafter mentioned, a certain tract or parcel of land of ten acres, in the northwest corner of the northeast quarter of section two, township (15) fifteen, north of range three west of the Willamette meridian, in Thurston county, Washington Territory, the said tract of land to be used exclusively as a cemetery or burying ground for the people residing on Grand Mound Prairie and its vicinity, in said county: *Provided*, The said corporation shall not be allowed to make any charges for interment made in said cemetery.

SEC. 3. The said corporation is further authorized to adopt any rules and regulations necessary for the government of said cemetery: *Provided*, The same do not conflict with the existing laws of Congress or this Territory.

SEC. 4. In case of the death, inability or refusal or failure to act of any of the above named incorporators or their successors, it shall be lawful for two of the number to fill the vacancy.

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

Passed the House of Representatives January 13, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 15, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO INCORPORATE THE CHAMBERS' PRAIRIE CEMETERY ASSOCIATION.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Henry Parsons, S. L. Ruddell and G. W. White, their associates and assigns, be and they are hereby constituted a body politic and corporate under the name and style of the Chambers' Prairie Cemetery Association, with full power to sue and be sued, plead and be impleaded, defend and be defended against in all the courts of this Territory.

SEC. 2. It shall be lawful for the said corporators, their associates or assigns, to have and to hold a tract or parcel of land on the donation land claim of S. D. Ruddell, on the prairie aforesaid, for the purpose of a cemetery: *Provided*, That no charges be made for interments in said cemetery.

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

Passed the House of Representatives January 18, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 19, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 24, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO ORGANIZE THE UNION CEMETERY OF THURSTON COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That William Jenks, James Dunlap and Morris Littlejohn, be and they are hereby declared a body corporate and politic by the name and style of the Union Ceme-

tery, for the only and express purpose of procuring a suitable piece or parcel of land for a cemetery or burying ground.

SEC. 2. That the deed of conveyance shall be taken in the name of the persons herein incorporated, and to their successors forever, and the deed of conveyance shall be recorded in the county records as the law provides in other cases, and also in the books of the said corporation, and filed in the office of the secretary of the corporation.

SEC. 3. That an annual election shall be held on the first Saturday in November, at 2 o'clock, p. m., for the purpose of electing three trustees, one for one year, one for two years, and one for three years, one treasurer and one secretary, who shall severally take an oath to act faithfully and honestly for the association, which oath may be administered by the trustees or secretary, and said oath shall be recorded in the books of the association, by the secretary, within ten days of the election.

SEC. 4. That the trustees shall have power, and it is hereby made their duty to cause a thorough survey of the land, and shall cause plats to be made and numbered, designating exactly the lots and fractional parts of lots now occupied, and the names of persons heretofore buried therein.

SEC. 5. That the trustees aforesaid shall have power to appoint a suitable person to act as sexton; to fix his compensation, and also see that the necessary implements and fixtures are furnished for burial purposes.

SEC. 6. The sexton shall be furnished a plat of the burying ground, which shall be kept for inspection and reference.

SEC. 7. The trustees shall have power to cause the ground or cemetery to be inclosed with a good and substantial fence, and to plant or set shade trees or shrubbery as they may think suitable and proper, and to collect by subscription or sale of lots or otherwise sufficient to defray such expenses, and also the necessary expenses of surveying and platting.

SEC. 8. That the secretary shall give at least six day's notice, by posting in three of the most public places in the vicinity of the cemetery, or in some newspaper printed in the county, of the time and place of election, and at such election

any and every person owning a lot, or representing a lot or lots by proxy, shall be entitled to vote for officers of the association, also on all questions submitted to a vote at annual or special elections or meetings of the association.

SEC. 9. That if for any cause there be no election on the first Saturday in November, then and in that case the secretary may call a special election; if from any cause the secretary fails, one of the trustees may call a special election, and the trustees failing in like manner, any owner of a lot or lots may call an election.

SEC. 10. That the trustees aforesaid shall cause a fair grade of prices to be set to each lot, and shall visit the cemetery and see that order and regularity be observed in the fencing, walks, alleys, gates, right of way, &c.

SEC. 11. That the secretary is hereby authorized to give to any person requesting the same, a certificate under his official hand, of such person being the owner of a lot or lots in the cemetery, with a description by number, having reference to plat and record of the association, which certificate may be transferred by assignment and held as good and valid: *Provided, however,* No transfer shall be valid except the same appear on the books of the association.

SEC. 12. That the trustees, treasurer and secretary shall settle the accounts of the association and publish the same to the people present at the annual election, showing the true state of the affairs of the association, and the balance for or against the association shall be recorded in the books of the secretary.

SEC. 13. That at each election all books and papers shall be handed over to successors, and the officers of the association shall hold their offices until their successors are chosen and qualified.

SEC. 14. That the association is hereby authorized to ordain and establish such rules, regulations and by-laws as may be necessary for the well-being of said corporation, subject, however, to the laws of this Territory.

SEC. 15. That at every election of officers after the first,



one trustee is to be elected for three years; the treasurer and secretary shall be elected for three years.

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

Passed the House of Representatives January 9, 1866.

EDWARD ELDRIDGE,  
*Speaker of the House of Representatives.*

Passed the Council January 4, 1866.

HARVEY K. HINES,  
*President of the Council.*

Approved January 17, 1865.

WILLIAM PICKERING,  
*Governor of the Territory of Washington.*

## AN ACT

TO INCORPORATE THE PUGET SOUND STEAM NAVIGATION COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That W. P. Sayward, Thomas Deane, E. S. Fowler, H. L. Tibbals, O. F. Gerrish, P. M. O'Brien, C. B. Sweeny, W. W. Miller, Isaac Lightner, S. W. Percival, S. D. Howe, G. K. Willard, Sam. Coulter, T. F. McElroy, J. L. McDonald, and their associates, in the association known as the Puget Sound Steam Navigation Company, and their successors are hereby declared a body corporate and politic by the name and style of the Puget Sound Steam Navigation Company, for the purposes of navigation and transportation in Washington Territory, Vancouver's Island and British Columbia.

SEC. 2. Said corporation shall have power to build, purchase and receive in all lawful ways, own and possess boats, vessels, lands, tenements, goods, chattles and effects of every kind, the same to use and dispose of in all lawful ways, to contract and be contracted with, to implead and be impleaded, sue and be sued in all courts, to have a common seal and the same to use and change at discretion, to ordain and establish such by-laws and

regulations as it may deem expedient for its own government and the efficient management of its own affairs, consistent with the Constitution of the United States, the laws of Congress and of Washington Territory.

SEC. 3. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of not more than five hundred dollars each, transferable as their by-laws may provide.

SEC. 4. Said corporation shall receive, possess and enjoy all the property, interests and rights of said association, and shall hold and have and may enforce by legal remedies all claims and obligations due or to become due, given, or that may be given to said association, and for the debts of said corporation each member thereof shall be personally liable to the extent of the amount of stock owned, held or subscribed by him or her, for any debts contracted while he or she was such member.

SEC. 5. This act to take effect and be in force from and after its passage: *Provided*, That nothing herein contained shall be so construed as to prevent the amendment or repeal of this act by any future Legislative Assembly: *Provided, also*, That all steamers and other vessels belonging to said corporate company shall be registered and subject to taxation in this Territory.

SEC. 6. This act shall not be so construed as to allow the Puget Sound Steam Navigation Company to carry on the business of said association on the Columbia river or any of its tributaries.

Passed the House of Representatives January 11, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 13, 1866.

HARVEY K. HINES,

*President of the Council.*

Sent to the Governor January 17, 1866. Returned January 25, 1866.

Attest:

L. D. DURGIN,

*Chief Clerk of the House of Representatives.*

## AN ACT

TO INCORPORATE THE CALIFORNIA STATE TELEGRAPH COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the California State Telegraph Company, a company formed within the State of California, and having its principal office in the city of San Francisco, and doing business within the Territory of Washington, is hereby declared to be duly incorporated under its present corporate name, style and organization, and the right is hereby granted to said company to acquire, own and enjoy, and to dispose of any and all such property, real and personal, franchises and privileges as may be proper or convenient for the transaction of its business, and for effectually carrying out the objects and purposes of said company as fully and completely as if said company had been originally formed and duly incorporated under the laws of this Territory, hereby conferring upon said company as ample power to do and transact business and maintain its rights in all courts and places as is or may be possessed by domestic corporations or natural persons.

SEC. 2. There is hereby granted to the California State Telegraph Company the privilege of constructing and putting in operation lines of telegraph over any public lands and along or across any streets, roads, highways or streams within the Territory of Washington: *Provided,* That the same be not unnecessarily obstructed thereby.

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

Passed the House of Representatives January 9, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 10, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO INCORPORATE THE CHEHALIS MANUFACTURING AND NAVIGATION COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That S. S. Ford, Courtland Ethridge, A. J. Miller, J. Boise, O. B. McFadden, S. S. Ford, jr., J. Brady, S. Benn, Reuben Redmond and G. W. Biles, together with all other persons who shall become associated with them by subscribing to the capital stock of said company, and their successors, be and are hereby constituted and declared a body corporate and politic by the name and style of the Chehalis Manufacturing and Navigation Company, for the purpose of manufacturing lumber and flour, developing the agricultural resources of Chehalis valley, and navigating the waters of Gray's Harbor and its tributaries by steam or other vessels, for the transportation of freight and passengers; and said company is hereby authorized and empowered to have and to receive, purchase and possess, enjoy and retain lands, tenements, goods, chattels, rents and effects of any kind and to any amount necessary to carry into effect the objects of said corporation, and the same to use, alien, sell and dispose of at pleasure; to sue and be sued in any court having competent jurisdiction; to have and use a common seal; to ordain and establish such rules, regulations and by-laws as may be necessary for the well-being of said corporation, subject, however, to the constitution of the United States, the laws of this Territory, and the restrictions and limitations contained in this act.

SEC. 2. The capital stock of said company shall not exceed fifty thousand dollars, to be divided into shares of fifty dollars each, and shall be transferable as the regulations of the corporation shall prescribe.

SEC. 3. The persons named in the first section of this act, or a majority of them, shall do and perform all acts necessary to organize said company, and are hereby authorized to receive subscriptions to the capital stock, and shall have power to cause books to be opened at any time or in any place they may think proper for that purpose.

SEC. 4. That when one hundred shares shall have been subscribed, the persons named in the first section of this act, or a majority of them, shall call a meeting of the subscribers at such time and place as they may designate, and proceed to organize said company by the election of five directors and such other officers as they may deem necessary, and adopt such regulations and by-laws for the government of the corporation as by them may be deemed expedient; stockholders to vote either in person or by proxy, and to be entitled to one vote for each share.

SEC. 5. Said company shall be subject to the provisions of any law that now is, or may hereafter be enacted regulating the mode of taxation.

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

Passed the House of Representatives January 6, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 11, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

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## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE WASHINGTON WOOLEN MANUFACTURING COMPANY."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section two of said act be so amended that the first proviso of said act shall read as follows, viz: "*Provided,* The same do not at any time exceed in value the sum of two hundred and fifty thousand dollars."

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

Passed the House of Representatives December 20, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 22, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved January 9, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO INCORPORATE THE SPILGIE CREEK LOG DRIVING AND BOOM COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That George Backman, Lewis Miller, Thomas Fobister and John Robinson, 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 Spilgie Creek Log Driving and Boom Company.

SEC. 2. Said corporation shall have full power to commence work on said creek at the point where the same empties into Lewis river, in Clarke county, within six months from and after the passage of this act, and shall within one year thereafter remove the drift logs, clear out the channel and obstructions in said creek so that the same may be used for driving logs, timber, or rafting the same, for a distance of not to exceed ten miles from the mouth thereof.

SEC. 3. This corporation shall erect and construct sufficient guards and booms at the mouth of said creek so as to pre-

vent their rafts, timber and logs from interfering with the free use and navigation of Lewis river, and shall have and may use said creek for said purposes for a term of not exceeding ten years after the passage of this act: *Provided*, That said corporation shall in nowise interfere with the usufructuary or vested rights of land owners owning lands bordering on said creek.

SEC. 4. 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, and may 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, and 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. 5. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives January 6, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 10, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

TO INCORPORATE THE SNOHOMISH CITY MILL COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Clark Ferguson, W. B. Sinclair, M. L. King, John Harvey, E. C. Ferguson and Charles Short, be and are hereby appointed commissioners, under the directions of a majority of whom subscriptions may be received to the capital stock of the Snohomish City Mill 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 day's notice of the time and places of taking such subscriptions, by publishing the same in some newspaper in this Territory, or by posting notices thereof in not less than three public places in Snohomish 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 ten 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 are hereby created and declared a body corporate and politic by the name and style of the Snohomish City Mill 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 day's notice in some newspaper in said Territory, or by posting notices thereof in not less than three public places in said county, one of which shall be at Snohomish city, 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 the notice of the place of meeting being given by the directors therein being published in one of the newspapers in said Territory, or by posting notices thereof, in not less than three public places in said county, one of which shall be at Snohomish City, 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 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 alone 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 allow to accept in behalf of the company a relinquishment of any stock subscribed and executed 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 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 mill at or near the mouth of a small creek on the north bank of the Snohomish river, and on the land claim now held by E. C. Ferguson, in Snohomish county, 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 of said mill.

SEC. 9. It shall and may be lawful for said company, in the prosecution of the objects of said corporation, to use the water in said creek, to construct a dam or dams across said creek whenever said company may deem it necessary, to build a flume or flumes for the purpose of conveying water from the dam to said mill, and they may enter upon and take possession of and use any lands, timber or stone necessary to the prosecution of said work, 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 said directors may receive from any stockholder 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 such 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 the 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 or assigns.

SEC. 11. 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 day's notice of the time and place of such meeting in some newspaper in

the Territory, or by posting notices thereof in not less than three public places in said county, one of which shall be at Snohomish city.

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

Passed the House of Representatives January 9, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 4, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 17, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

AUTHORIZING WM. O. GREEN, HIS ASSOCIATES AND LEGAL REPRESENTATIVES, TO RAFT LOGS, TIMBER AND WOOD DOWN MILL CREEK TO WALLA-WALLA CITY, IN WALLA-WALLA COUNTY, W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That William O. Green, his associates and legal representatives, be and are hereby empowered to remove all jams and other obstructions to driving or floating logs, timber or wood down Mill creek to the city of Walla-walla.

SEC. 2. That said company shall within six months from and after the passage of this act, commence clearing the channel of said creek of jams and other obstructions to floating logs down the same, and shall within two years after the passage of this act, complete the clearing of said stream for a distance of twelve miles up from the city of Walla-walla, with the privilege of continuing the clearing of said stream of obstructions for such further distance as said company may deem advisable.

SEC. 3. Said company, whenever and so far as they may have complied with the provisions of this act, shall have the right of floating logs, hewn timber and wood down said stream, and shall have the right, and are hereby empowered to charge and collect from other persons floating logs, hewn timber or wood down said stream, any sum they may deem reasonable, not exceeding one dollar per thousand per log measure; and said company shall have the right to detain any logs or timber floated down the same until such charges are paid.

SEC. 4. Said company shall have the right of way to and from said stream from all points: *Provided*, They do no damage to improvements or lands lying along its banks, and shall also have the right to construct booms and other structures on said stream as may be considered necessary by said company.

SEC. 5. The privileges granted by this act to William O. Green, his associates, their heirs and legal representatives, shall be continued to them in the full enjoyment thereof, for the term of ten years from and after the passage of this act.

SEC. 6. The provisions of this act shall not be so construed as to empower said company in destroying or injuring any dams or improvements now made, or that may hereafter be made for milling, irrigating or hydraulic purposes on said stream.

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

Passed the House of Representatives January 5, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 10, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

PROVIDING FOR THE APPOINTMENT OF INSPECTORS OF THE ST. JOHN'S INSANE ASYLUM, AND TO PRESCRIBE THEIR DUTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the judge of the probate court of Clarke county for the time being, David Wall and A. G. Tripp, be and the same are hereby appointed a board of resident inspectors of the St. John's Asylum at Vancouver, W. T., to continue in that position so long as the insane and idiotic persons of the Territory are kept in said asylum under existing laws of the Territory.

SEC. 2. It shall be the duty of the said board of resident inspectors, or a majority of them, to visit said asylum on the fourth Monday of the months of January, April, July and October of each year, and at such other times as they may see proper, and examine the manner in which said asylum is kept with reference to the food, clothing, medical treatment and attendance given to and bestowed upon persons kept therein under the laws of this Territory, and to report the result of their examinations, at least every six months, to the Governor of this Territory.

SEC. 3. It is further made the duty of the said board of resident inspectors to audit and allow all the claims of the managers of said asylum against the Territory for the keeping of the insane and idiotic persons therein confined; and no claim shall be paid by the Territorial treasurer unless such claim has been audited and approved by said board of inspectors, or a majority of them.

SEC. 4. Each of said board of resident inspectors shall be allowed the sum of three dollars for each day actually and necessarily employed in the performance of the duties required of them by the provisions of this act, to be paid out of any moneys in the Territorial treasury not otherwise appropriated, upon presentation of the proper vouchers therefor.

SEC. 5. The said inspectors shall, before entering upon their duties, take the customary oath of office required of officers in this Territory, before some officer authorized to administer oaths.

SEC. 6. In case of a vacancy in said board, the Governor shall appoint some suitable person to fill the vacancy *ad interim* until such vacancy is filled by appointment of the Legislative Assembly.

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

Passed the House of Representatives January 13, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 17, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

AUTHORIZING O. F. GERRISH, H. L. TIBBALS AND OTHERS, TO CONSTRUCT A WHARF AT PORT TOWNSEND.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That O. F. Gerrish, H. L. Tibbals and others that they may associate with them, be and are hereby authorized to construct a wharf at Port Townsend, in the county of Jefferson, W. T., at the foot or southern terminus of Taylor street in said city of Port Townsend, of the width of said street, to commence at a sufficient distance above high water mark, and extend southerly to the ship channel of Port Townsend bay, to a point where there shall not be less than twenty feet of water at low tide.

SEC. 2. The said O. F. Gerrish and his associates may, in addition to the privileges granted in section first of this act, construct at the southerly 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 O. F. Gerrish and his associates may erect buildings, warehouses or other necessary improvements.

SEC. 3. The said O. F. Gerrish and his associates, their heirs or assigns, shall be entitled to receive such rates of wharfage as the corporate authorities of the city of Port Townsend shall establish, except as herein provided. Said wharf shall be subject to the laws of the Territory regulating wharves, and shall be and remain the property of said O. F. Gerrish and his associates, their heirs and assigns: *Provided*, That the said O. F. Gerrish and his associates, shall within twelve months 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.

Passed the House of Representatives January 3, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 20, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved January 11, 1865.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

AUTHORIZING S. W. PERCIVAL TO BUILD A WHARF.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Samuel W. Percival be and he is hereby authorized to build a wharf from the western terminus of second street in the town of Olympia, of the width of twenty-feet, to commence at a sufficient distance above high water mark, and extend westward to the channel of Budd's Inlet.



SEC. 2. Said Samuel W. Percival 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 forty feet square, and upon which the said Samuel W. Percival may erect buildings, warehouses or other necessary improvements: *Provided*, That no addition to said wharf shall extend below the north line of said street.

SEC. 3. The said Samuel W. Percival, 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 Samuel W. Percival, his heirs or assigns: *Provided*, That the said Samuel W. Percival shall within one year after the passage of this act commence to build said wharf, and shall within one year from the commencement finish and complete the same.

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.

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

Passed the House of Representatives December 18, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 21, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved January 9, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

AUTHORIZE GEORGE E. ALLINGHAM TO BUILD A WHARF.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That George E. Allingham, be and is hereby authorized to build a wharf in front of his house in Port Angeles, in Clalm county, of the width of eighteen feet, to commence at a sufficient distance above high water mark, and extend northward to the channel in Port Angeles Bay.

SEC. 2. Said George E. Allingham may in addition to the privileges in section first of this act, construct at the northern 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 forty feet square.

SEC. 3. The said George E. Allingham, his heirs or assigns, shall be entitled to receive such rates of wharfage as the county commissioners of said county shall allow, except as herein provided. Said wharf shall be subject to the laws of the Territory regulating wharves, and shall be and remain the property of said George E. Allingham, his heirs and assigns: *Provided,* That the said George E. Allingham shall within one year after the passage of this act, commence to build said wharf, and shall within one year from the commencement, finish and complete the same.

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

Passed the House of Representatives January 13, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 16, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

FOR THE RELIEF OF WILLIAM PICKERING, GOVERNOR OF WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of ninety two dollars, (\$92), be and the same is hereby appropriated out of the Territorial treasury for the payment of William Pickering, Governor of Washington Territory, for expenses incurred in advertising proclamations for the years 1864 and 1865.

SEC. 2. It shall be the duty of the Territorial auditor to draw a warrant on the Territorial treasurer for the sum of ninety two dollars in favor of William Pickering, Governor of Washington Territory, and the Territorial treasurer is hereby authorized and directed to pay the same out of any moneys in the treasury 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, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 17, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## 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 two hundred and four dollars and fifty-six cents, be and the same is hereby ap-

propriated out of any money in the Territorial treasury, to pay Stephen Judson for board, clothing and safe-keeping of an insane man (Augustus W. Kruger) in Pierce county jail, from December 15, 1864, to June 12, A. D., 1865.

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

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

Passed the House of Representatives December 19, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 21, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved January 9, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

AUTHORIZING W. N. HORTON AND HIS ASSOCIATES AND ASSIGNS TO LAY DOWN WATER PIPES IN THE TOWN OF OLYMPIA, THURSTON COUNTY, WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That W. N. Horton and his associates and assigns, be and they are hereby granted the exclusive privilege of bringing water in pipes into and through the corporate limits of the town of Olympia, and they are hereby authorized to lay down pipes in the said town of Olympia, in the county of Thurston, 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: *Provided*, Said privilege shall not exceed the term of fifteen years.

SEC. 2. That the said W. N. Horton and his associates and assigns in making the necessary excavations in and along the public streets in said town of Olympia, 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 W. N. Horton, his 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. All acts or parts of acts in conflict with this act are hereby repealed.

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

Passed the House of Representatives January 6, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 10, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 18, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

FOR THE RELIEF OF RICHARD LANE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of two hundred dollars, (\$200,) be and the same is hereby appropriated out of the Territorial treasury for the payment of Richard Lane, for the purpose of paying him for services in straightening up the auditor's books.

SEC. 2. It shall be the duty of the Territorial auditor to draw a warrant on the Territorial treasurer for the said sum of two hundred dollars in favor of Richard Lane, and the treasurer is hereby authorized and directed to pay the same out of any moneys in the treasury not otherwise appropriated.

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

Passed the House of Representatives January 19, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 19, 1866.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

FOR THE RELIEF OF JOHN M. MURPHY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of (\$27 00) twenty-seven dollars, be and the same is hereby appropriated out of the Territorial treasury, for the payment of John M. Murphy, for the purpose of paying him for printing proclamation by order of the Governor.

SEC. 2. It shall be the duty of the Territorial auditor to draw a warrant for the said sum of twenty-seven dollars (\$27 00) in favor of John M. Murphy, and the Territorial treasurer is hereby authorized and directed to pay the same out of any moneys in the treasury 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 18, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 16, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved January 22, 1865.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*

## AN ACT

APPOINTING F. P. FOSTER ENROLLING CLERK AND PROVIDING PAYMENT FOR HIS SERVICES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That F. P. Foster be and he is hereby appointed enrolling clerk for the Legislative Assembly at its present session.

SEC. 2. He shall be entitled to receive from the Territorial treasury, for his services, the sum of four dollars per day.

SEC. 3. Upon the presentation of a certificate, signed by the President of the Council and the Speaker of the House of Representatives, to the Territorial auditor, stating the amount of services rendered by the person above named, it shall thereupon be the duty of said auditor to draw his warrant upon the Territorial treasury for the payment of the same, and it shall be the

duty of the treasurer to pay the same from any moneys in the treasury not otherwise appropriated.

Passed the House of Representatives December 14, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 16, 1865.

HARVEY K. HINES,

*President of the Council.*

Approved January 11, 1866.

WILLIAM PICKERING,

*Governor of the Territory of Washington.*



MEMORIALS.



# MEMORIALS.

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## MEMORIAL

RELATIVE TO THE ELECTION OR APPOINTMENT OF FEDERAL OFFICERS  
IN THE TERRITORY OF WASHINGTON.

*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 ask your honorable bodies so to change the organic law of this Territory, as to permit the legal voters of the Territory to elect all its officers in the same manner as the members of the Territorial Legislature and county officers are now elected. We urge your compliance with the prayer of this memorial for the following reasons:

1. Many officers, both executive and judicial, appointed by the Federal Government for this Territory, have been frequently absent from their posts of duty, and for so long a time as to seriously embarrass the Territory, and interfere to a very great degree with the administration of justice among us. During the past year two of our three judges have been absent from the Territory for many months, and both at the same time, so that in consequence of their absence the people of the Territory have suffered serious inconvenience and embarrassment. Their absence has also prevented the annual session of the Supreme Court of the Territory, and thus continued and aggravated the difficulties arising from a failure to hold court in some of the districts.

2. Our Territory is so remote from the seat of the Federal

Government, and its social and business relations of such a peculiar character as to require that they be put in charge of the best of men acquainted with them, and we are satisfied from our past experience as a Territory, that men cannot be found, as a general rule, to be sent to us from abroad, who will have, or can have that identification with our interests which is required for the intelligent and faithful discharge of the duties of office among us; and we are further convinced that the only practicable way of securing a good and faithful administration of law, is to hold the administrators to account before the people.

3. We put our prayer also on the ground of justice. We are citizens of the United States, loyal to the Government, and ready to fulfil all our obligations to it. We pay taxes under the revenue law, are represented in Congress by a delegate without a vote, thus measurably subjected to taxation without representation. Among our own people are citizens of that experience and capability in the discharge of public duties, men who have done good and faithful service to the government, and who as pioneers have borne and established its flag on these Pacific shores, who are justly entitled to whatever of privilege or emolument is connected with these offices. For these and other reasons we respectfully, though urgently, request your compliance with the prayer of this memorial. But in case your honorable bodies cannot comply with our petition, we respectfully ask you to aid and promote such legislation as will secure the appointment of citizens of this Territory only to office in the Territory.

And as in duty bound your memorialists will ever pray.

Passed the House of Representatives January 18, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 8, 1866.

HARVEY K. HINES,

*President of the Council.*

## MEMORIAL

RELATIVE TO THE CODIFICATION AND REPUBLICATION OF THE TERRITORIAL LAWS.

*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 this is the thirteenth session of the Legislature of this Territory, and its statutes are spread through as many pamphlets as there have been sessions. Of the laws passed shortly after the organization of the Territorial government, few copies were printed, because at that early period such was the sparseness of our population, a great number were not needed. Since then, immigration has greatly increased our population and widely extended our settlements where a number of new counties have of late years been organized, thus greatly increasing the number of public officers, hence the copies of the early session laws have long since been exhausted, and in a large number of counties there is not a complete set of the laws to be found. Practicing attorneys are unsupplied and unable to procure them at any price; indeed the scarcity is such as to render it impossible to procure copies for the use of the members of the Legislature, Courts, Federal, Territorial and county officers.

The various alterations which have at different times been made in our statutes, have increased the difficulty of ascertaining what laws remain unimpaired by subsequent enactments; the presence of a large mass of printed matter contained in these several pamphlets, many of which have been so changed and amended that great confusion has been thereby produced, and the people should not be kept ignorant of the laws under which they live.

In view of these facts, your memorialists would pray that your honorable body will take these facts into consideration, and that you will in your wisdom make an appropriation to defray the expenses of a commission to be appointed by the Legislature for the purpose of codifying or making a digest of the public and private laws of this Territory.

And inasmuch as the organic act provides that laws shall relate to but one subject, which shall be expressed in the title, that Congress give its consent to the adoption of laws reported by such code commission, where codes of procedure are provided, in which, of necessity, several kindred subjects are included.

Passed the House of Representatives January 16, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 16, 1866.

HARVEY K. HINES,

*President of the Council.*

## MEMORIAL

IN RELATION TO THE ESTABLISHMENT OF AN AGRICULTURAL COLLEGE  
IN 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, would respectfully represent:

That this Legislative Assembly, in the year 1864, passed an act accepting the propositions offered to the different States and Territories by virtue of the provisions of an act passed by the Congress of the United States, 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;" that by subsequent legislation this Legislative Assembly established and located an agricultural college, and appointed commissioners to select a site for said college and contract for the purchase thereof; and further provided for the government and management of said college by a board of trustees for the location, entry and sale of lands selected as provided in said act of Congress, and the proper investment of the proceeds of said sales; that in consequence of the legislation of this Legislative Assem-

bly, a site for said college was selected and the purchase thereof contracted for by commissioners appointed for that purpose; that the board of trustees fully organized and caused the selection of thirty thousand acres of land appropriated by Congress, and made application to enter the same in the proper land office of the United States; that afterwards the Commissioner of the General Land Office of the United States decided that the said act of Congress did only apply to the States and not to the Territories of the United States. Wherefore, in view of the premises aforesaid, your memorialists respectfully petition your honorable body to extend the benefits of the said act of Congress to the Territory of Washington, to the end that the legislation had in this Territory on the subject matter may be carried into practical effect, and thereby material aid be extended for the development of the agricultural resources and the advancement of the mechanic arts in this Territory.

Passed the House of Representatives December 21, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 3, 1866.

HARVEY K. HINES,

*President of the Council.*

## MEMORIAL

TO HIS EXCELLENCY THE PRESIDENT OF THE UNITED STATES IN REFERENCE TO THE COD AND OTHER FISHERIES.

*To His Excellency Andrew Johnson, President of the United States:*

Your memorialists, the Legislative Assembly of Washington Territory, beg leave to show:

That abundance of codfish, halibut, and salmon of excellent quality have been found along the shores of the Russian Possession.

Your memorialists respectfully request your Excellency to obtain such rights and privileges of the Government of Russia as will enable our fishing vessels to visit the ports and harbors of its Possessions, to the end that fuel, water and provisions may be easily obtained; that our sick and disabled fishermen may obtain sanitary assistance, together with the privilege of curing fish and repairing vessels in need of repairs.

Your memorialists further request that the Treasury Department be instructed to forward to the collector of customs of this Puget Sound district, such fishing licenses, abstract journals and log-books as will enable our hardy fishermen to obtain the bounties now provided and paid to the fishermen in the Atlantic States.

You memorialists finally pray your Excellency to employ such ships as may be spared from the Pacific naval fleet, in exploring and surveying the fishing banks known to navigators to exist along the Pacific coast from the Cortez bank to Behrings Straits.

And as in duty bound your memorialists will ever pray, &c.  
Passed the House of Representatives January 10, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 13, 1866.

HARVEY K. HINES,

*President of the Council.*

## MEMORIAL

IN RELATION TO SAN JUAN ISLAND.

*To the Honorable Wm. H. Seward, Secretary of State of the United States:*

Your memorialists, the Legislative Aassembly of the Territory of Washington, would respectfully represent:

That the island of San Juan is one of a group of islands sit-



uated in the waters of Puget Sound, part of which group has been claimed by the Colonial authorities of Great Britain in this neighborhood as belonging to that nation, and although that claim has never for a moment been admitted by this Government, yet in order to prevent any unfriendly feelings which might arise from peremptory action in the premises, and in accordance with that courtesy due from one great nation to another, a joint occupancy of the premises in dispute by both powers was agreed to, until the question of sovereignty could be decided in a manner satisfactory to both nations. In pursuance of said agreement entered into by Lieut. General Scott, on the part of the United States, and His Excellency Governor Douglas, on the part of Great Britain, a military company from each nation was placed upon the island of San Juan, and all questions which might arise between the subjects of Great Britain and the citizens of the United States were left to the decision of the military commanders, and the commander of the American troops received in his instructions exclusive jurisdiction of all offenses by American citizens against the peace and dignity of the Island. The act of Congress approved September 27, 1850, offered inducements to all persons who would come and settle in Washington Territory, then a part of Oregon. The laws of Washington Territory defines the island of San Juan as being a part and parcel of Whatcom county. No proclamation was ever made forbidding American citizens from settling on any of those Islands, or warning them if they done so they would do it at their own risk, and in the absence of any proclamation to that effect, every American citizen who settled upon any of those Islands in good faith, has a right to the privileges and protection of the laws of his country. There are upwards of one hundred actual settlers now on the island of San Juan, citizens of the United States, whose persons and property have been for the last five years at the caprice of a military officer, who states officially that his instructions set forth that no functionary of Washington Territory shall exercise any authority over San Juan Island during the joint military occupancy of said Island, thereby causing great discontent and dissatisfaction. Much diffi-

culty also exists amongst the settlers in defining the boundary lines of their respective claims, which cannot be correctly ascertained until the Island shall have been surveyed.

In view of these facts your memorialists would most respectfully urge the necessity of having this national question, which has been in abeyance for the last nineteen years, settled at an early day, in order that the said Island may be surveyed, and the laws of the United States and of Washington Territory extended thereon.

And as in duty bound your memorialists will ever pray.

Passed the House of Representatives January 3, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 18, 1866.

HARVEY K. HINES,

*President of the Council.*

## MEMORIAL

IN RELATION TO A LIGHT HOUSE AT GRAY'S HARBOR, AND BUOYING OUT THE CHANNEL AND BAR OF THE SAME.

*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 the consideration of your honorable body the following preamble and prayer:

WHEREAS, Congress did by an act passed at its thirty-sixth session, and approved June 20, A. D., 1860, appropriate the sum of twenty thousand dollars for building a light house at Gray's Harbor, and for buoying out the channel and bar of the same; and

WHEREAS, For some reason unknown to your memorialists, no steps have as yet been taken towards carrying out the mani-

fest intentions of Congress as indicated by said act referred to; and

WHEREAS, Such a light house by contributing to the safety and convenience of the large and increasing number of vessels plying between the mouth of the Columbia river and the Straits of Fuca, would promote the general interests of commerce; and

WHEREAS, The growing settlements bordering upon said harbor, and upon its streams and tributaries require facilities for transporting their produce to market, which can only be advantageously secured to them by the entry of vessels into said harbor; and

WHEREAS, By the official survey of said bar and harbor of 1862, it is shown that vessels of all classes can enter the same;

*Therefore*, Your memorialists respectfully and earnestly pray that your honorable body will immediately appropriate a sufficient sum of money (if the former appropriation is not available) to build a light house at the mouth of said harbor, and to buoy out the channel and bar of the same; and that the Light House Board be instructed to erect and put into practical operation said light house at the earliest period of time possible.

And your memorialists as in duty bound will ever pray.

*Be it resolved*, That the Hon. A. A. Denny, our delegate in Congress, be requested to use his influence to secure the objects expressed in this memorial at as early a day as possible.

Passed the House of Representatives December 22, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 3, 1866.

HARVEY K. HINES,

*President of the Council.*

## MEMORIAL

RELATIVE TO SCHOOL LAND.

*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 act entitled "an act to establish the Territorial Government of Washington," approved March 2, 1853, it was provided that when the lands in said Territory were surveyed, preparatory to bringing the same into market, or otherwise disposing thereof, sections sixteen and thirty-six shall be reserved for the purpose of being applied to common schools in said Territory, and further provided that where any of said sections shall have been occupied by actual settlers prior to survey, it shall be the duty of the commissioners in the counties where said lands are so occupied to locate other lands, in sections or fractional sections, as the case may be, to an equal amount, in lieu of the lands so occupied.

And your memorialists would further represent that the interests of education throughout the Territory require that the said lands should be brought into market, and the interest of the proceeds thereof applied to the schools throughout the Territory, and as it is considered that the act of Congress when literally construed does not vest the title to said lands with the Territory, but simply withdraws them from sale or private entry; your memorialists would therefore respectfully request that your honorable bodies would enact a law conferring the title to said lands, and authorizing the said lands to be sold in whatever manner the Legislative Assembly of the Territory may provide.

Your memorialists would further represent that in some instances in several of the townships bordering upon Puget Sound and its various inlets, bays and channels, sections sixteen and thirty-six are in some instances entirely submerged in water, and in others the quantity of the land intended to be reserved is greatly reduced, whereby the intention of Congress in making

or reserving the grant for common schools is wholly, or in a great measure, defeated.

Therefore your memorialists would pray, where from such cause such reservation is defeated or reduced, that said organic act be so amended as to authorize the county commissioners of the proper county, to locate in other sections the necessary quantity to make up for so much of said sections as shall be so submerged.

And as in duty bound your memorialists will ever pray.

Passed the House of Representatives January 6, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 10, 1866.

HARVEY K. HINES,

*President of the Council.*

## MEMORIAL

RELATIVE TO INDIANS RESIDING IN STEVENS COUNTY.

*To the Honorable Senate and House of Representatives  
of the United States of America in Congress assembled:*

The Legislative Assembly of the Territory of Washington beg leave to represent, that in view of the rapidly filling up of the country east of the Cascade range of mountains with a hardy and industrious class of emigrants, who are making homes for themselves and posterity, the necessity, at an early date as practicable, of effecting a treaty with such tribes of Indians as have not already been treated with for their lands.

And your memorialists would further urge the necessity of your honorable bodies granting this our prayer, from the fact of the hostile attitude manifested at various times and places for the last seven years by the Indians not treated with for their lands or otherwise provided for by law; that murder and theft are of very frequent occurrence, and the security of life and

property are in constant jeopardy from the small roving tribes that have not been placed on reservations.

Therefore your memorialists would respectfully urge the necessity of appointing an agent or agents, with power to select a place or places for reservations, where the said Indians may be collected and treated in every respect as other Indian tribes with whom treaty stipulations have been made.

Your memorialists would further represent, that all of the Indian tribes not treated with east of the Cascade mountains reside within the boundaries of Stevens county, and that they number between fifteen hundred and two thousand.

*Resolved by the Legislative Assembly, That the Hon. A. A. Denny is hereby instructed to use his influence for the appointment of one or more agents for the purposes specified in this memorial.*

Passed the House of Representatives January 6, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 10, 1866.

HARVEY K. HINES,

*President of the Council.*

## MEMORIAL

PRAYING FOR THE ESTABLISHMENT OF A MAIL ROUTE FROM WALLULA, ON THE COLUMBIA RIVER, VIA YAKIMA VALLEY AND SNOQUALMIE PASS, TO SEATTLE, PUGET SOUND.

*To the Honorable Post Master General of the United States:*

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent:

That the growing interests of the Territory demand the establishment of a mail route through the Yakima valley and across the Cascade mountains, by way of the Snoqualmie pass, to Seattle, on Puget Sound.

Your memorialists would therefore earnestly pray you to urge the passage of an act at the present session of Congress for the establishment of a weekly mail route between the places and on the route above mentioned, and as in duty bound, your memorialists will ever pray.

*Resolved*, That the Secretary of the Territory be and is hereby requested to forward a copy of the foregoing memorial and this resolution, duly certified, to our delegate in Congress, who is hereby requested to use his influence to effect the speedy passage of an act in accordance with the prayer of this memorial.

Passed the House of Representatives January 2, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 3, 1866.

HARVEY K. HINES,

*President of the Council.*

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## MEMORIAL

PRAYING FOR THE EXTENSION OF MAIL ROUTE NO. 15,402.

*To the Honorable Post Master General of the United States:*

Your memorialists, the Legislative Assembly of Washington Territory, would respectfully represent:

That the people now living in the counties of Mason and Chehalis, between the post offices of Franklin, in Mason county, and Elma, in Chehalis county, are laboring under great inconvenience and expense from the fact of there being no mail facilities to or nearer that section of country than the offices named, and that a route between those two offices would pass through a rich farming country that is being rapidly settled up. In view of these facts your memorialists would pray that mail route No. 15,402, from Olympia to Franklin, be extended from Kamilchie by Chase Prairie to Elma, a distance of eighteen miles.

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

*Provided*, That the Secretary of the Territory be requested to forward a copy of this memorial to the Hon. A. A. Denny, with a request that he present the same at an early day to the Hon. Post Master General.

Passed the House of Representatives January 2, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 3, 1866.

HARVEY K. HINES,

*President of the Council.*

## MEMORIAL

FOR AN APPROPRIATION TO BUILD A WAGON ROAD FROM WALLA-WALLA  
TO SEATTLE.

*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 there is a good pass through the Cascade mountains known as the Snoqualmie Pass, and that said pass is of low elevation and more practicable than any other pass as yet discovered leading to the Sound; that the citizens of King and adjoining counties have this past year expended much money and labor in building a road through said pass; that said road is now finished a distance of twenty miles or more, and nearly to the summit of the Cascade range on the west side, and that a completion of said road through said pass would be of great benefit to the citizens of this Territory, and afford good facilities to the government in transporting military munitions and supplies. The opening of this road is of the most vital importance to the people of Washington Territory, and would doubtless be used yearly by thousands of persons going to and returning from the



vast and as yet scarcely prospected gold fields lying east of the Cascade range, and the vast pastures and rich soils no less than the mineral treasures, offer unusual inducements to settlers, with whom a practical and direct road is of prime necessity.

Your memorialists would therefore earnestly appeal to your honorable bodies to pass an act at your earliest convenience appropriating \$20,000 to build said wagon road from Walla-walla, through the Snoqualmie pass to Seattle, on Puget Sound.

Passed the House of Representatives December 15, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 16, 1865.

HARVEY K. HINES,

*President of the Council.*

## MEMORIAL

PRAYING FOR THE ESTABLISHMENT OF A POST ROUTE FROM HELENA, MONTANA TERRITORY, TO WALLULA IN THE TERRITORY OF WASHINGTON.

*To the Honorable Senate and House of Representatives  
of the United States of America in Congress assembled:*

The memorial of the Legislative Assembly of the Territory of Washington, respectfully represents:

That the portion of Montana Territory lying westward of the Rocky Mountains is fast filling with population attracted thither by the rich mining fields recently discovered and already being successfully developed; that there is now in such portion of said Territory an estimated population of some twenty-five thousand, distributed in numerous mining camps and towns; that your memorialists believe these pioneers of settlement who are laboring to develop the resources of the country have strong claims on your consideration, and they may be permitted to express their belief, also, that the encouragement by

the Government of mining interests will materially tend to increase the supply of the precious metals and their distribution, the result of which must secure a national benefit, because of the fact that an abundance of gold and silver would defeat a speculation in gold, and as the premium on that was reduced, it would measurably enhance the value of currency, thereby alleviating the Government in its discharge of our great national debt; that the opening of post routes and the bestowal of mail facilities are among the highest boons whereby the pursuit of happiness is secured to the people, and your honorable bodies must be satisfied how vastly beneficial in the development of a country and promoting its settlement are the opening of roads, the establishment of post offices, the presence of appliances and conveniences for travel and transportation, the inducements to extend facilities to go from place to place; that your memorialists are advised that the honorable Post Master General has established a post route in said region of Territory between Helena and Virginia city, and there is full as much necessity that said route should be extended from said town of Helena, by way of Hell Gate, Pend d'Orille lake and Antoine Plant's, and from thence by most direct route to Wallula, in Washington Territory; because the natural outlet of said region, whereby its vast mineral wealth is to become beneficial to the world, is through the Columbia river to Portland, Oregon, and San Francisco; that upon those points and by such channel the population of this region are to depend, principally, for their supplies, and a reference to the map will demonstrate that through such channel they can be easily, cheaply and expeditiously supplied at all seasons of the year. And your memorialists may add in this connection, that if these settlements are made to depend upon St. Louis, they will be restricted to the occasional trips of steamboats at the high stages of water of the Missouri river; that the topography of the country, the present line of settlements in Montana, Idaho and Washington Territories will justify the assertion that the establishment of said proposed route will benefit a large majority of the settlers of the regions traversed by it, by securing to them the benefit of postal communication;

that the nature of the country, the great natural channels of transportation and travel afforded for so great a distance by the Columbia river and its tributaries, the navigability of Lake Pen d'Oreille, the character of the climate, justify the belief that during the whole year mail communications can be kept open between San Francisco and the said Territory of Montana, and that a semi-weekly service is not only easily to be secured, but absolutely needed to satisfy the wants of said people.

In view of these facts, and others might be added, your memorialists would urgently pray the necessary legislation to secure the establishment of said post route from Helena, in the Territory of Montana, to Wallula, in Washington Territory, by way of Hell Gate, Pen d'Oreille Lake and Antoine Plant's, with semi weekly service.

And as in duty bound your memorialists will every pray, &c.  
Passed the House of Representatives December 19, 1865.

EDWARD ELDRIDGE,  
*Speaker of the House of Representatives.*

Passed the Council December 21, 1865.

HARVEY K. HINES,  
*President of the Council.*

## MEMORIAL

PRAYING FOR AN APPROPRIATION FOR THE IMPROVEMENT OF MAIL  
ROUTE FROM OLYMPIA TO MONTICELLO.

*To the Honorable Senate and House of Representatives  
of the United States of America in Congress assembled:*

Your memorialists, the Legislative Assembly of Washington Territory, would most earnestly request your attention to the fact that the greater part of the inhabitants of Washington Territory lying west of the Cascade mountains, are without any means of communication by land with other sections of the

country, excepting the route from Olympia, the capital of Washington Territory, to Monticello on the Columbia river, a distance of about ninety miles, which road at some seasons of the year is impassable for wagons, and at best, very poor for want of repairs and improvement. In fact, so bad is this route that it has become noted on the Pacific coast as the worst route in the world; and yet it is the only United States mail route for the Puget Sound country; and that the settlements along said route are so sparse that it is impossible to keep the same in repair with the usual road tax.

Your memorialists would therefore ask for an appropriation of thirty thousand dollars to be expended in repairing and improving the said road from Olympia to Monticello. And your memorialists would respectfully recommend that a commission of three, consisting of L. A. Davis, Henry Winsor and S. S. Ford, Sr., be appointed to superintend and direct the expenditure of said money, and that they be allowed a reasonable compensation for such service.

*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 the House of Representatives January 8, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 21, 1865.

HARVEY K. HINES,

*President of the Council.*

## MEMORIAL

IN RELATION TO A MILITARY ROAD FROM WILLOPA RIVER TO BLACK RIVER, W. T.

WHEREAS, At the session of the Legislative Assembly of the Territory of Washington for the year 1863-64, a joint memorial was passed recommending the building of a military road from the Willopa river to Black river, and an appropriation for the same, be it

*Resolved*, That the Hon. A. A. Denny, our delegate in Congress, be requested to urge the action of Congress on said memorial at an early day.

Passed the House of Representatives January 10, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 15, 1866.

HARVEY K. HINES,

*President of the Council.*

## MEMORIAL

PRAYING CONGRESS FOR AN APPROPRIATION TO BUILD A ROAD FROM A POINT ON THE COLUMBIA RIVER KNOWN AS CATHLAMET, THE COUNTY SEAT OF WAHIAKUM COUNTY, IT BEING ABOUT THIRTY-FIVE MILES BELOW THE MOUTH OF THE COWLITZ RIVER, AND OF AN EQUAL DISTANCE FROM THE MOUTH OF THE COLUMBIA RIVER; THIS ROAD TO CONNECT A ROAD AT BOISFORT PRAIRIE, LEWIS COUNTY, LEADING TO CLAQUATO AND THENCE TO OLYMPIA, THE CAPITAL OF THE 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, would respectfully represent:

That the present and only road of communication between Puget Sound and the Columbia river, is a road that during the winter season is almost impassable, and which at all seasons of

of the year presents serious and many obstacles to easy and convenient travel; that by an expenditure of ten thousand dollars, a good road can be opened leading from Cathlamet, on the Columbia river, to Boisfort Prairie, a distance of twenty-eight miles, which is a large and flourishing settlement in the heart of the Territory, from whence a road is now already built and traveled to Olympia, the capital of the Territory; that the building of the proposed road would not only afford more convenient but also increase the amount of travel, and open up a rich and fertile country for settlement, besides diminishing the distance now traveled between the Columbia river and Olympia, some ten miles.

Wherefore your memorialists would respectfully pray your honorable body to appropriate ten thousand dollars to be expended for the use and purposes set forth in this memorial.

Passed the House of Representatives January 5, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 11, 1866.

HARVEY K. HINES,

*President of the Council.*

# RESOLUTIONS.





# RESOLUTIONS.

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## RESOLUTION

### RELATIVE TO THE UNION.

WHEREAS, The most gigantic and destructive war ever witnessed on earth, upon the issue of which was staked the destiny of the human race, has been brought to a successful and glorious close, mainly through the inflexible patriotism, perseverance and firmness of our lamented President, Abraham Lincoln; and

WHEREAS, In the hour of victory when the mind of the leader is most required to calm the fierce and turbulent passions aroused by war, he was cut off by the hand of an assassin; therefore

*Resolved by the Legislative Assembly of the Territory of Washington,* That we hail with heartfelt emotion the triumph of our government in the late rebellion, thereby preserving and perpetuating to the world the principles of free government.

*Resolved,* That we welcome and approve of the act by which slavery was abolished, thereby removing the only blot which stained our national escutcheon.

*Resolved,* That we deeply deplore the untimely death of President Lincoln, both from the loss to the country of a just and magnanimous ruler, and also from the stain which the act has cast upon the name of American.

*Resolved,* That the sympathy and condolence of the people of Washington Territory is due to the relatives of those who fell while so nobly defending the honor and integrity of their country, in this the hour of their sorrow and distress.

*Resolved*, That we consider it to be the duty of every American citizen to maintain a jealous guard over the preservation and perpetuation of our national Union as the source of our happiness and prosperity and as the great example for nations, proving that the legitimate purpose and uses of governments are to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to the people.

*Resolved*, That in the opinion of this body, President Johnson, in his reconstruction policy, is actuated by the highest motives of patriotism and justice.

*Resolved*, That in the judgment of this Legislative Assembly, the action of President Johnson in endeavoring to secure an early re-organization of civil government in the lately revolted States, was dictated by worthy and patriotic motives, and we regret that these efforts have not met an equally patriotic and worthy response from the people of the South.

*Resolved*, That we renew our confidence in the present National Administration, and pledge to it our hearty and unqualified support.

Passed the House of Representatives December 12, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 13, 1865.

HARVEY K. HINES,

*President of the Council.*

## RESOLUTION

PROTESTING AGAINST THE DISINTEGRATION OF WASHINGTON TERRITORY.

*Resolved by the Legislative Assembly of the Territory of Washington*, That our delegate in Congress is hereby instructed to resist any and all attempts to diminish the area of the Terri-

tory of Washington, by annexing Walla-walla county to the State of Oregon.

*Resolved*, That it is our firm belief that such proposed scheme of annexation meets with the earnest disapprobation of a large majority of the citizens of said county, and finds no favor with the people of the Territory.

*Resolved*, That the Secretary of the Territory be instructed to forward a copy of these resolutions to our delegate in Congress, and to Hon. James M. Ashley, chairman of the committee on Territories, House of Representatives, and also one to Hon. Benjamin Wade, chairman of committee on Territories, United States Senate.

Passed the House of Representatives January 9, 1866.

EDWARD ELDRIDGE,  
*Speaker of the House of Representatives.*

Passed the Council January 9, 1866.

HARVEY K. HINES,  
*President of the Council.*

## RESOLUTION

### RELATIVE TO THE NORTHERN PACIFIC RAIL ROAD.

WHEREAS, There has been a project organized to connect the great lakes of the North with Puget Sound and the Pacific ocean by a rail road to be designated as the Northern Pacific Rail Road; and

WHEREAS, We believe such an enterprise would be greatly beneficial to Washington Territory in developing its various agricultural, mechanical, mineral and commercial interests; therefore,

*Resolved by the Legislative Assembly of the Territory of Washington*, That we hail with joy an enterprise of this kind as tending to develop not only the interests of Washington Territory, but all the great Northwest.

## RESOLUTIONS.

*Resolved* That we feel it to be our duty to lend all the aid and encouragement we can by all means, information and influence in our power to the immediate commencement and early completion of this masterly project.

Passed the House of Representatives January 10, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 15, 1866.

HARVEY K. HINES,

*President of the Council.*

## RESOLUTION

IN RELATION TO THE REMOVAL OF CUSTOM HOUSE FOR PUGET SOUND DISTRICT NO. 103, FROM PORT ANGELES TO PORT TOWNSEND.

WHEREAS, At the last session of the Legislative Assembly of the Territory of Washington, a joint memorial was passed recommending the removal of the custom house for Puget Sound District No. 103, from Port Angeles to Port Townsend Bay; therefore

*Be it resolved*, That Hon. A. A. Denny, our delegate in Congress, be requested to urge the passage of said memorial at an early day.

Passed the House of Representatives December 21, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 14, 1865.

HARVEY K. HINES,

*President of the Council.*

## RESOLUTION

RELATIVE TO RETAINING IN OFFICE THE HON. F. A. WILSON.

WHEREAS, Information has been received of the removal from office of the Hon. F. A. Wilson, Collector of Customs for the District of Puget Sound; therefore

*Resolved by the House, the Council concurring,* That our delegate in Congress be and he is hereby instructed to use all honorable means to secure the continuance of the said Hon. F. A. Wilson, he being a true, reliable and efficient public officer.

Passed the House of Representatives December 21, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 2, 1866.

HARVEY K. HINES,

*President of the Council.*

## RESOLUTION

RELATIVE TO THE ELECTION OF PUBLIC PRINTER.

*Resolved by the House, the Council concurring,* That both Houses meet in joint convention, on Saturday December 16, for the purpose of electing or appointing a Public Printer.

Passed the House of Representatives December 9, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 14, 1865.

HARVEY K. HINES,

*President of the Council.*

## RESOLUTION

RELATIVE TO PAYING CHAS. A. WHITE FOR SERVICES IN ENROLLING ACTS, MEMORIALS AND RESOLUTIONS PASSED THIS SESSION.

*Resolved by the Council, the House concurring,* That Charles A. White be allowed out of the Territorial treasury, five dollars a day for each and every day that he is employed in assisting in enrolling bills, memorials and resolutions passed this session, and that the auditor be instructed to issue a warrant in favor of Charles A. White for such amount as said White may claim for services, upon his making affidavit as to the number of days he has been employed; but in no case to be paid for over six days.

Passed the House of Representatives January 20, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 20, 1866.

HARVEY K. HINES,

*President of the Council.*

## RESOLUTION

RELATIVE TO ADJOURNMENT *SINE DIE*.

*Resolved by the Council, the House concurring,* That when they adjourn on Monday the 22d day of January, 1866, they do adjourn *sine die*.

Passed the House of Representatives January 16, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 16, 1866.

HARVEY K. HINES,

*President of the Council.*

## RESOLUTION

RELATIVE TO A JOINT COMMITTEE TO WAIT UPON HIS EXCELLENCY  
THE GOVERNOR.

*Resolved by the House, the Council concurring,* That a committee of three be appointed by the Speaker on the part of the House, to act in conjunction with a similar committee from the Council, to wait upon His Excellency Wm. Pickering, Governor of this Territory, and inform him that the Legislative Assembly is now organized and ready to receive from his Excellency any communication he may be pleased to make.

Passed the House of Representatives December 8, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 8, 1865.

HARVEY K. HINES,

*President of the Council.*

## RESOLUTION

RELATIVE TO A JOINT CONVENTION FOR THE RECEPTION OF THE GOV-  
ERNOR'S MESSAGE.

*Resolved by the House, the Council concurring,* That the two Houses of the Legislative Assembly of the Territory of Washington meet in joint convention in the hall of the House of Representatives on Wednesday, January 10, at 11 o'clock, A. M., for the purpose of receiving the message of His Excellency Governor Pickering.

Passed the House of Representatives January 9, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 9, 1866.

HARVEY K. HINES,

*President of the Council.*

## RESOLUTIONS.

## RESOLUTION

RELATIVE TO NEW BUSINESS.

*Resolved by the Council, the House concurring,* That no new business shall be introduced after Monday, January 15, 1866.

Passed the House of Representatives January 10, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 11, 1866.

HARVEY K. HINES,

*President of the Council.*

## RESOLUTION

RELATIVE TO ADJOURNMENT OVER THE HOLIDAYS.

*Resolved by the House, the Council concurring,* That when the two Houses of the Legislative Assembly of Washington Territory adjourn on Friday next, they adjourn to meet on Tuesday the second day of January, 1866.

Passed the House of Representatives December 18, 1865.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council December 19, 1865.

HARVEY K. HINES,

*President of the Council.*



## RESOLUTION

RELATIVE TO ADJOURNING *SINE DIE*.

*Resolved by the Council, the House concurring, That the joint-resolution fixing Monday, the 22d of January, 1866, for adjournment of the Legislative Assembly sine die, be and the same is hereby rescinded.*

Passed the House of Representatives January 19, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 19, 1866.

HARVEY K. HINES,

*President of the Council.*

## RESOLUTION

RELATIVE TO ADJOURNMENT *SINE DIE*.

*Resolved by the Council, the House concurring, That when they adjourn on Monday, January 29, 1866, that they adjourn sine die.*

Passed the House of Representatives January 23, 1866.

EDWARD ELDRIDGE,

*Speaker of the House of Representatives.*

Passed the Council January 23, 1866.

HARVEY K. HINES,

*President of the Council.*



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# INDEX

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