

SESSION LAWS

OF THE

STATE OF WASHINGTON

TENTH SESSION.

Convened January 14; Adjourned March 14,

1907.

COMPILED IN CHAPTERS, WITH MARGINAL NOTES,

—BY—

SAM H. NICHOLS,

Secretary of State.

PUBLISHED BY AUTHORITY.

OLYMPIA, WASH.:
C. W. GORHAM, PUBLIC PRINTER.

1907.

EXPLANATORY NOTE.

The Tenth Legislature convened on January 14th, 1907, at 12 o'clock noon (that being the second Monday) and adjourned *sine die* on March 14th, 1907, at 12 o'clock midnight. All laws passed by said session and approved by the Governor, or allowed to become laws without his approval, take effect in ninety days after adjournment, or at 12 o'clock, midnight, on June 11th, 1907, except certain relief bills and those acts having an emergency clause.

SAM H. NICHOLS,
Secretary of State.

STATE GOVERNMENT

1907

CAPITOL..... OLYMPIA

EXECUTIVE OFFICERS.

GOVERNOR	LIEUTENANT GOVERNOR	SECRETARY OF STATE
AUDITOR	TREASURER	ATTORNEY GENERAL

TERM 1905-1909.

OFFICE OF GOVERNOR.

ALBERT E. MEAD *Governor* Olympia
A. N. BROWN..... *Private Secretary*..... Olympia
CHARLES E. COON *Lieutenant Governor*..... Port Townsend

OFFICE OF SECRETARY OF STATE.

SAM H. NICHOLS..... *Secretary of State* Olympia
B. R. FISH *Assistant Secretary* Olympia
F. T. HOUGHTON..... *Auditor and Cashier* Olympia

OFFICE OF STATE AUDITOR.

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JOHN D. ATKINSON *Attorney General* Olympia
A. J. FALKNOR..... *Ass't Attorney General* Olympia
ERNEST C. MACDONALD .. *Second Ass't Attorney General*..... Spokane
J. B. ALEXANDER..... *Third Ass't Attorney General*..... Seattle

OFFICE OF COMMISSIONER OF PUBLIC LANDS.

E. W. ROSS *Commissioner* Olympia
O. BYSTROM *Ass't Commissioner*..... Olympia
C. E. BRAGG..... *Auditor and Cashier*..... Olympia

STATE GOVERNMENT

OFFICE OF SECRETARY OF STATE—INSURANCE DEPARTMENT.

SAM H. NICHOLS.....*Comm'r of Insurance, Ex-Officio*....OlympiaJOHN H. SHIVELEY.....*Deputy Insurance Commissioner* ...Olympia

DEPARTMENT OF PUBLIC INSTRUCTION.

R. B. BRYAN.....*State Superintendent*.....OlympiaHENRY B. DEWEY.....*Ass't State Superintendent*.....OlympiaWM. W. MONTGOMERY....*Deputy State Superintendent*.....Olympia

OFFICE OF ADJUTANT GENERAL.

ORTIS HAMILTON.....*Adjutant General*.....OlympiaCAPT. JOHN KINZIE, *U. S. Army, retired, detailed by War Dept, for duty with National Guard of Washington.*

BUREAU OF LABOR.

CHAS. F. HUBBARD.....*Commissioner*OlympiaD. C. BOTTING.....*State Coal Mine Inspector*.....Seattle

OFFICE OF STATE LIBRARIAN.

J. M. HITT.....*State Librarian* ..Olympia

OFFICE OF STATE LAW LIBRARIAN.

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MISCELLANEOUS DEPARTMENTS.

JOSEPH M. SNOW.....	<i>State Highway Commissioner</i>	Olympia
JOHN W. ARRASMITH.....	<i>State Grain Inspector</i>	Tacoma
L. DAVIES.....	<i>State Dairy and Food Comm'r.</i>	Davenport
JOHN L. RISELAND.....	<i>Fish Comm'r and Game Warden</i>	Bellingham
F. A. HUNTLEY.....	<i>Commissioner of Horticulture</i>	Tacoma
DAVID C. BOTTING.....	<i>State Coal Mine Inspector</i>	Seattle
F. A. CLARK.....	<i>State Oil Inspector</i>	Seattle
C. W. GORHAM.....	<i>Public Printer</i>	Olympia
J. R. WELTY.....	<i>State Fire Warden</i>	Olympia
A. W. ENGLE.....	<i>State Bank Examiner</i>	Olympia
S. B. NELSON.....	<i>State Veterinarian</i>	Pullman

SUPREME COURT OF 1807.

H. E. HADLEY.....	<i>Chief Justice</i>	Olympia
MARK A. FULLERTON.....	<i>Associate Justice</i>	Olympia
FRANK H. RUDKIN.....	<i>Associate Justice</i>	Olympia
R. O. DUNBAR.....	<i>Associate Justice</i>	Olympia
WALLACE MOUNT.....	<i>Associate Justice</i>	Olympia
MILO A. ROOT.....	<i>Associate Justice</i>	Olympia
HERMAN D. CROW.....	<i>Associate Justice</i>	Olympia
C. S. REINHART.....	<i>Clerk</i>	Olympia
ARTHUR REMINGTON.....	<i>Reporter</i>	Olympia

SUPERIOR COURT JUDGES.

W. T. WARREN.....	<i>Lincoln</i>	Davenport
MASON IRWIN.....	<i>Chehalis</i>	Montesano
R. S. STEINER.....	{ <i>Chelan, Douglas and Okanogan</i> }	Waterville
LESTER R. STILL*.....	{ <i>Clallam, Jefferson and Island</i> }	Coupeville
W. W. MCCREDIE.....	{ <i>Cowlitz, Clark, Skamania and Klickitat</i> }	Vancouver
CHESTER F. MILLER...	{ <i>Columbia, Garfield and Asotin</i> }	Dayton

SUPERIOR JUDGES—CONTINUED

ARTHUR E. GRIFFIN....	}	<i>King</i>	Seattle
BOYD J. TALLMAN.....			
GEORGE E. MORRIS....			
R. B. ALBERTSON.....			
A. W. FRATER.....			
MITCHELL GILLIAM....	}	<i>Kitsap</i>	Port Orchard
JOHN B. YAKEY.....			
H. B. RIGG.....	}	<i>Yakima</i>	North Yakima
A. E. RICE.....			
W. H. SNELL.....	}	<i>Pierce</i>	Tacoma
THAD HUSTON.....			
W. O. CHAPMAN.....			
M. L. CLIFFORD †.....			
GEO. A. JOINER.....	}	<i>Skagit, and San Juan</i>	Mt. Vernon
W. W. BLACK.....			
HENRY L. KENNAN....	}	<i>Spokane</i>	Spokane
MILES POINDEXTER....			
W. A. HUNEKE.....			
E. H. SULLIVAN †.....			
O. V. LINN.....	}	<i>Thurston and Mason</i>	Olympia
DANIEL H. CAREY.....			
THOS. H. BRENTS.....	}	<i>Walla Walla</i>	Walla Walla
JEREMIAH NETERER...			
J. A. KELLOGG †.....			
STEPHEN J. CHADWICK...	}	<i>Whitman</i>	Colfax
W. W. ZENT †.....			
RALPH KAUFFMAN †.....	}	<i>Kittitas</i>	Ellensburg

* Appointed to succeed Geo. C. Hatch, deceased.

† Appointed under Chapter 106 Law '07

‡ Appointed under Chapter 79 Law '07.

STATE OF WASHINGTON

LEGISLATIVE ROSTER

1907

SENATE.

MEMBERS OF THE SENATE, TENTH SESSION, 1907.

No. Dist.	NAME.	COUNTIES REPRESENTED.	RESIDENCE.	POLITICS.
1...	Dr. J. I. Pogue*	Douglas Ferry.....	Alma.....	Republican
2...	A. W. Anderson.....	Okanogan.....		
3...	Dr. C. G. Brown*.....	Stevens.....		
4...	W. D. Scott†.....	Spokane.....		
5...	E. C. Bratt*.....	Spokane.....		
6...	Will G. Graves.....	Spokane.....		
7...	Harry Rosenhaupt.....	Spokane.....		
8...	Peter McGregor.....	Whitman.....		
9...	H. M. Boone*.....	Whitman.....		
10...	John R. Stevenson†.....	Asotin.....	Pomeroy.....	Republican
		Columbia.....		
		Garfield.....		
11...	C. T. Hutson*.....	Adams.....	Connell.....	Republican
		Franklin.....		
12...	Fred M. Pauley*.....	Walla Walla.....	Walla Walla.....	Republican
		Walla Walla.....		
13...	Arthur Gunn*.....	Chelan.....	Wenatchee.....	Democrat
14...	Geo. A. Kennedy*.....	Kittitas.....	Odessa.....	Republican
15...	Walter J. Reed*.....	Lincoln.....		
16...	Winthrop B. Presby.....	Yakima.....	North Yakima.....	Republican
17...	E. M. Rands*.....	Klickitat.....	Goldendale.....	Republican
18...	A. L. Watson*.....	Skamania.....		
19...	Henry S. McGowan.....	Clarke.....	Vancouver.....	Republican
20...	J. A. Veness*.....	Cowlitz.....	Kalama.....	Republican
21...	Alex Polson.....	Pacific.....	McGowan.....	Democrat
22...	A. S. Ruth*.....	Wahkiakum.....		
		Lewis.....	Winlock.....	Republican
		Chehalis.....	Hoquiam.....	Republican
		Thurston.....	Olympia.....	Republican
23...	R. W. Condon*.....	Island.....	Port Gamble.....	Republican
		Kitsap.....		
		Mason.....		
24...	John L. Blair.....	Clallam.....	Friday Harbor.....	Republican
		Jefferson.....		
25...	W. H. Paulhamust.....	San Juan.....	Sumner.....	Republican
26...	Ralph Metcalf.....	Pierce.....	Tacoma.....	Republican
27...	Fred Eidemiller†.....	Pierce.....	Tacoma.....	Republican
28...	Lincoln Davis*.....	Pierce.....	Tacoma.....	Republican
29...	Jesse S. Jones.....	Pierce.....	South Tacoma.....	Republican
30...	I. B. Knickerbocker.....	King.....	Auburn.....	Republican
31...	Ralph D. Nichols.....	King.....	Columbia.....	Republican
32...	E. M. Williams.....	King.....	Seattle.....	Republican
33...	F. L. Allen.....	King.....	Seattle.....	Republican
34...	Geo. U. Piper.....	King.....	Seattle.....	Republican
35...	William G. Potts.....	King.....	Seattle.....	Republican
36...	Geo. F. Cotterill.....	King.....	Seattle.....	Democrat
37...	Robert F. Booth.....	King.....	Seattle.....	Republican
38...	T. B. Sumner*.....	Snohomish.....	Everett.....	Republican
39...	S. T. Smith.....	Snohomish.....	Marysville.....	Republican
40...	B. D. Minkler.....	Skagit.....	Lyman.....	Republican
41...	T. A. Hunter*.....	Whatcom.....	Blaine.....	Republican
42...	Robert L. Kline.....	Whatcom.....	Bellingham.....	Republican

* Holdover. † Elected for two years to fill unexpired terms.

HOUSE

MEMBERS OF THE HOUSE OF REPRESENTATIVES, TENTH SESSION, 1907

No. Dist.	NAME.	COUNTIES REPRESENTED.	RESIDENCE.	POLITICS.
1..	R. D. McCrae.....	Stevens.....	Hunters.....	Republican
	A. W. McMorran.....	Stevens.....	Newport.....	Republican
2..	Jesse Huxtable.....	Spokane.....	Spokane.....	Republican
	Harry A. Rhodes.....	Spokane.....	Spokane.....	Republican
3..	J. B. Gilbert.....	Spokane.....	Rockford.....	Republican
	R. A. Hutchinson.....	Spokane.....	Spokane.....	Republican
4..	J. F. Congleton.....	Spokane.....	Milan.....	Republican
	John A. Rancher.....	Spokane.....	Medical Lake.....	Republican
5..	Emery P. Gilbert.....	Spokane.....	Spokane.....	Republican
	D. M. Thompson.....	Spokane.....	Spokane.....	Republican
6..	L. P. Hornberger.....	Spokane.....	Spokane.....	Republican
	Alexander H. Gregg.....	Spokane.....	Spokane.....	Republican
7..	J. Hugh Sherfey.....	Whitman.....	Coffax.....	Republican
	Mark W. Whitlow.....	Whitman.....	Pullman.....	Democrat
8..	F. P. Connell.....	Whitman.....	Tekoa.....	Republican
	G. W. Peddycord.....	Whitman.....	Palouse.....	Republican
9..	Dr. H. C. Fulton.....	Asotin.....	Asotin.....	Republican
10..	W. O. Long.....	Garfield.....	Pomeroy.....	Republican
11..	M. M. Godman.....	Columbia.....	Dayton.....	Democrat
12..	Wm. H. Weber.....	Walla Walla.....	Walla Walla.....	Republican
	Mordo McDonald.....	Walla Walla.....	Walla Walla.....	Republican
13..	Emmett R. Henderson.....	Walla Walla.....	Waitsburg.....	Republican
14..	W. E. Quinlan.....	Franklin.....	Pasco.....	Democrat
15..	J. D. Bassett.....	Adams.....	Ritzville.....	Republican
16..	William H. Thompson.....	Lincoln.....	Harrington.....	Republican
	Isaac N. Stevens.....	Lincoln.....	Sherman.....	Republican
17..	M. A. Smalley.....	Okanogan.....	Chesaw.....	Democrat
18..	E. C. Davis.....	Douglas.....	Coulee City.....	Republican
19..	Geo. E. Dickson.....	Kittitas.....	Eilensburg.....	Republican
	Andrew Olson.....	Kittitas.....	Eilensburg.....	Republican
20..	Samuel J. Cameron.....	Yakima.....	North Yakima.....	Republican
	Lee A. Johnson.....	Yakima.....	Sunnyside.....	Republican
21..	C. F. Kayser.....	Klickitat.....	Blockhouse.....	Republican
22..	J. M. Stevenson.....	Skamania.....	Stevenson.....	Republican
23..	Glenn N. Ranck.....	Clarke.....	Vancouver.....	Republican
	E. A. Blackmore.....	Clarke.....	Ridgefield.....	Republican
24..	Oliver Byerly.....	Cowhit.....	Ostrander.....	Republican
25..	J. G. Megler.....	Wahkiakum.....	Brookfield.....	Republican
26..	T. H. Bell.....	Pacific.....	South Bend.....	Democrat
	George H. Miller.....	Lewis.....	Centralia.....	Republican
27..	George McCoy.....	Lewis.....	Napavine.....	Republican
	J. A. Ulsh.....	Lewis.....	Kosmos.....	Republican
28..	P. H. Carlyon.....	Thurston.....	Olympia.....	Republican
	Edmund Rice.....	Thurston.....	Olympia.....	Democrat
29..	J. C. Hogan.....	Chehalis.....	Aberdeen.....	Republican
	A. M. Wade.....	Chehalis.....	Montesano.....	Republican
30..	H. B. Hewitt.....	Chehalis.....	Hoquiam.....	Republican
31..	Wm. M. Beach.....	Mason.....	Shelton.....	Republican
32..	David J. Davis.....	Kitsap.....	Bremerton.....	Republican
33..	D. S. Troy.....	Jefferson.....	Chimacum.....	Citizens
34..	A. M. Sewall.....	Jefferson.....	Port Townsend.....	Citizens
	David Govan.....	Clallam.....	Port Angeles.....	Democrat
35..	Dr. J. H. Sheets.....	Pierce.....	Buckley.....	Republican
	Geo. E. Vergowe.....	Pierce.....	Tacoma, R. F. D. 1.....	Republican
36..	James W. Sladen.....	Pierce.....	Stellacoom.....	Republican
	George T. Reid.....	Pierce.....	Tacoma.....	Republican
37..	Nicholas Clovborg.....	Pierce.....	Tacoma.....	Republican
	Dr. J. W. Cloes.....	Pierce.....	Tacoma.....	Republican
38..	James J. Glen.....	Pierce.....	Tacoma.....	Republican
	Edmund Croft.....	Pierce.....	Tacoma.....	Republican
39..	O. E. Erickson.....	Pierce.....	Parkland.....	Republican
	Alexander N. Sayer.....	Pierce.....	Tacoma.....	Republican
40..	Howard Taylor.....	King.....	Eagle Gorge.....	Republican
	H. B. Madison.....	King.....	Kent.....	Republican
	F. H. Tonkin.....	King.....	Black Diamond.....	Republican

LEGISLATIVE ROSTER

MEMBERS OF THE HOUSE OF REPRESENTATIVES—CONCLUDED.

No. Dist.	NAME.	COUNTIES REPRESENTED.	RESIDENCE.	POLITICS.
41..	Geo. W. Tibbetts	King	Issaquah	Republican
	Samuel Coles	King	West Seattle	Republican
42..	W. F. Freudenberg	King	Ballard	Republican
	W. C. McMasters	King	Kenmore	Republican
43..	Howard A. Hanson	King	Seattle	Republican
	Joseph H. Griffin	King	Seattle	Republican
44..	James A. Weir	King	Seattle	Republican
	Claude C. Ramsey	King	Seattle	Republican
45..	Henry F. Jackson	King	Seattle	Republican
	Frank H. Renick	King	Seattle	Republican
46..	L. E. Kirkpatrick	King	Seattle	Democrat
	Henry W. Lung	King	Seattle	Republican
47..	Albert H. Beebe	King	Seattle	Republican
	Frank C. Jackson	King	Seattle	Republican
48..	J. A. Falconer	Snohomish	Everett	Republican
	H. L. Strobridge	Snohomish	Everett	Republican
49..	G. H. Armstrong	Snohomish	Arlington	Republican
	E. M. Stevens	Snohomish	Monroe	Republican
50..	Geo. W. Morse	Island	Oak Harbor	Republican
	Charles E. Gaches	Skagit	LaConner	Republican
51..	Frank Bradsberry	Skagit	Sedro-Woolley	Republican
	Henry Hurshman	Skagit	Hamilton	Republican
52..	William Shultz	San Juan	Roche Harbor	Independent Rep.
53..	R. S. Lambert	Whatcom	Sumas	Republican
	F. W. Reeves	Whatcom	Birch Bay	Republican
54..	J. B. Abrams	Whatcom	Bellingham	Republican
	J. W. Romaine	Whatcom	Bellingham	Republican
55..	Wm. A. Halteman	Ferry	Meteor	Republican
56..	J. J. King	Chelan	Leavenworth	Republican
57..	G. Wire Hamilton	Benton	Prosser	Democrat

STATUTES OF WASHINGTON
1907

PASSED BY THE
TENTH SESSION OF THE LEGISLATURE

Convened January 14, 1907. Adjourned March 14, 1907

LAWS OF WASHINGTON.

CHAPTER 1.

[S. B. 9]

APPROPRIATION FOR LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of seventy thousand dollars or so much thereof as may be necessary for the expenses of the Tenth Legislature.

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

SECTION 1. That there be and there is hereby appropriated out of the funds of the State of Washington the sum of seventy thousand dollars (\$70,000) or so much thereof as may be necessary to be used for the purposes of the Tenth Legislature of the State of Washington. Appropriation \$70,000.

Passed the Senate January 16, 1907.

Passed the House January 16, 1907.

Approved by the Governor January 18, 1907.

CHAPTER 2.

[H. B. 1.]

APPROPRIATION FOR OPERATION OF JUTE MILL AT PENITENTIARY.

AN ACT appropriating the sum of ninety thousand dollars from the revolving fund for the purchase of jute and operations of the jute mill at the State Penitentiary.

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

SECTION 1. That there be and is hereby appropriated out of the revolving fund of the State Penitentiary the sum of ninety thousand dollars (\$90,000), or so much thereof as may be necessary, to be used for the purchase of jute and the operations of the jute mill at the State Penitentiary. Appropriation \$90,000.

Passed the House January 16, 1907.

Passed the Senate January 16, 1907.

Approved by the Governor January 18, 1907.

CHAPTER 3.

[S. B. 101.]

PROVIDING FOR THE SALE OF CERTAIN SHORE LANDS
AND CREATING ALASKA-YUKON-PACIFIC EXPOSITION
FUND.

AN ACT to provide for the establishment of harbor lines, survey, platting and appraisal of shore lands of the first class of lakes Washington and Union, in King county, Washington, the sale and disposition of said shore lands, the creation of the Alaska-Yukon-Pacific Exposition fund, and declaring an emergency.

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

SECTION 1. The Board of State Land Commissioners of the State of Washington acting as a Board of Harbor Line Commission or other proper official capacity as now authorized by law, shall, as soon as possible after the passage of this act, and not later than July 1, 1907, establish harbor lines in Lakes Washington and Union, situated in King county, Washington, in front of the city of Seattle, as the corporate limits shall at that time be established, and including also the city of Columbia in the event said city be not at that time consolidated with the city of Seattle, and to extend such harbor lines such distance on either side from the said corporate limits of the said city of Seattle as required by any existing law; and to survey, plat, examine and appraise such shore lands of the first class within or in front of the limits of said city of Seattle and the city of Columbia if the said city be not then consolidated with the city of Seattle, and within two miles of said city of Seattle on either side, said establishment of said harbor lines, survey, platting, examination and appraisal shall be done and performed in the mode and manner and in compliance with any existing law of this state, not inconsistent with the provisions of this act:

Provided, however, That the State Board of Tax Commissioners, together with the Attorney General, shall act with the Board of State Land Commissioners in appraising said shore lands. After the establishment of said harbor lines and the survey, platting, examination and appraisal as aforesaid, a copy of the plat and record thereof, as required by existing law, shall be deposited with the coun-

Establishment of harbor line.

Survey and approval of shore lands.

Appraisers.

Filing plat.

ty auditor of King county, Washington, and another copy shall be delivered to the Commissioner of Public Lands of this state, and the same shall be filed and safely kept as required by law, and before delivering said plat and record to the Commissioner of Public Lands the notice shall be given as required by law, and the same shall be subject to inspection and appeal from said appraisement fixed by said commission, and all other proceedings be and remain the same as now provided by law, except as may be changed or altered by this act. Appeal.

SEC. 2. Within twenty (20) days following the filing of the final appraisal of said shore lands with the Commissioner of Public Lands, the owner or owners of lands abutting or fronting upon said shore lands, and all other persons, firms, or corporations having the preference right of purchase, as provided by any existing law of this state, may apply for the purchase of said shore lands in the mode and manner required or authorized by any existing law of this state, except as modified or amended by the provision of this act. Such application shall be in writing and filed within said twenty (20) days, and if at the end of said twenty days there shall be no conflicting applications filed, the applicant shall be deemed to have the right of purchase. And if at the expiration of said twenty days two or more applications shall have been filed for any tract conflicting with each other, such proceedings shall be had as is authorized or required by any existing law, except as may be changed by this act: *Provided, however,* That in case of contest, interest shall be charged upon the appraised value at the rate prescribed by law from the date of the expiration of said twenty day period, and such interest shall be paid at the time the first installment of principal is made, and no contract shall issue unless such interest be paid. Any of said shore lands remaining unsold and where there is no pending application for the purchase of the same, shall be sold in the same manner as provided by law for the sale of school and granted lands. Sale.

SEC. 3. All of said shore lands whether sold to any applicant as above provided, or sold at public auction, in cases where there is no pending application as above pro- Payment.

vided, shall be paid for by the purchasers in three equal installments, the first of which payments shall be made at the time of the issuance of a contract by the state to the purchaser therefor, and the two remaining installments within one and two years from the date of such contract, and all other provisions of the existing laws of this state governing the matter of the sale of the state's granted, school, tide and other lands shall govern and control the sale and disposition of said shore lands, except as modified or changed by the provisions of this act.

Proceeds
constitute
fund.

SEC. 4. All of the proceeds of the sale of said shore lands, principal and interest, shall, when collected, be paid to the State Treasurer, and there is hereby created the Alaska-Yukon-Pacific Exposition fund to consist of the proceeds of said sales of said shore lands, both principal and interest.

Existing
law shall
control.

SEC. 5. The provisions of any existing law of this state relating to the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands or harbor areas, or any other law of this state applicable thereto, shall control and govern the establishment of the harbor lines, survey, platting, appraisal, sale and disposition of the shore lands mentioned in this act, except as modified, altered or repealed by the provisions of this act.

Certain
shore lands
exempt
from sale.

SEC. 6. Those shore lands in section 16, township 25 north, range 4 E., W. M., lying in front of the limits of what is known as the University of Washington site, and all shore lands within the harbor lines or waterway lines herein provided for, which lie in front of any public park donated to or belonging to the city of Seattle, or in front of any lands which may have been acquired by the city of Seattle for park purposes prior to the final appraisal of the shore lands, are exempted from sale hereunder. The lands lying in front of the University site are hereby donated to the University of Washington and shall be held and used for University purposes only. The shore lands lying in front of the public parks, and acquired lands hereinabove referred to, are donated to the city of Seattle: *Provided, however,* That all such lands donated to the city

of Seattle, shall be used by it only in connection with and as a part of its public park system. Any diversion or attempted diversion of such lands from park purposes, shall cause the title to said lands to revert to the state.

SEC. 7. An emergency exists and this act shall take Emergency. effect immediately.

Passed the Senate January 30, 1907.

Passed the House February 1, 1907.

Approved by the Governor February 4, 1907.

CHAPTER 4.

[S. B. 98.]

DISPOSITION OF ALASKA-YUKON-PACIFIC EXPOSITION FUND.

AN ACT relating to the special Alaska-Yukon-Pacific Exposition fund, making certain warrants to be drawn upon it preferential, and transferring any residue thereof into the general fund of the State Treasury.

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

SECTION 1. That a sufficient amount of the money to come into the special fund to be called the Alaska-Yukon-Pacific Exposition fund, provided for by an act of this legislature, shall be set apart and held to meet the appropriation of six hundred thousand dollars, to be expended under the direction of the Board of Regents of the University of Washington, as provided by an act of this legislature, and that all warrants drawn upon said fund pursuant to the act making said appropriation, including interest thereon, shall be paid in the same manner as the state's general fund warrants are paid.

University
Regents to
expend
\$600,000.

SEC. 2. That the surplus money to come into said special fund in excess of the amount set apart by the preceding section, or a sufficient part thereof, shall be held to meet the appropriation of four hundred thousand dollars to be expended by the Alaska-Yukon-Pacific Exposition Commission, as provided by an act of this legislature, and

Commission
to expend
\$400,000 from
surplus.

warrants drawn upon said special fund pursuant to said last mentioned act shall be paid in full with interest thereon out of said surplus, in the same manner as the state's general fund warrants are paid.

Residue transferred to general fund.

SEC. 3. The residue of said special fund, if there be any remaining after payment of all warrants provided for by the two preceding sections, shall be transferred into the general fund of the state treasury.

Passed the Senate January 30, 1907.

Passed the House February 1, 1907.

Approved by the Governor, February 4, 1907.

CHAPTER 5.

[S. B. 99.]

PROVIDING FOR EXHIBITS AND BUILDINGS OF STATE AT ALASKA-YUKON-PACIFIC EXPOSITION.

AN ACT to provide for an exhibit of the resources, products and advantages of the State of Washington, and the erection of a state building, or buildings, at the World's Fair of Alaska-Yukon-Pacific Exposition, to be held at Seattle, Washington, in 1909, making an appropriation to pay the cost of such exhibit and state building or buildings out of a special fund to be created, and declaring an emergency.

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

SECTION 1. That for the purpose of exhibiting the general developments, resources, products, and advantages of the State of Washington, and the erection of a state building or buildings, at the World's Fair of Alaska-Yukon-Pacific Exposition, to be held at Seattle, Washington, in 1909, and by means thereof to benefit the people of the State of Washington, there is hereby created a commission to be known as Alaska-Yukon-Pacific Exposition Commission of the State of Washington. For convenience, said commission will be hereafter in this act referred to as The Commission. It shall consist of seven members, who shall be appointed by the Governor, and be residents of the

Commission.

Apportionment.

State of Washington. Said Commissioners shall hold office from the date of appointment to January 1, 1910, unless sooner removed for cause by the Governor. In the event of vacancies occurring in said Commission by reason of death, inability or refusal to act, or removal for cause, appointments shall be made by the Governor to fill such vacancies.

SEC. 2. Each of said commissioners so appointed shall serve without salary, but shall be allowed actual necessary expenses incurred in attending meetings of said Commission in discharge of the duties of the office, to be paid out of the sum of money hereinafter appropriated, upon vouchers approved by the Commission.

SEC. 3. The members of The Commission shall meet at the call of the Governor within ten days after their appointment, and organize by the election of one of their members as president, and the employment of a secretary, who shall keep full records of the proceedings and the accounts of The Commission. Headquarters shall be opened at Seattle, in the State of Washington, where such regular or stated meetings as may be necessary for carrying out the purposes of this act shall be held. The Commission shall fix the salaries of all persons employed by it in collecting, installing and displaying the exhibit herein provided for, such salaries to be paid out of the money hereinafter appropriated. Double entry accounts shall be kept, together with complete vouchers covering every financial transaction involving the disbursement of the money hereinafter appropriated, and at the close of the exposition period, The Commission shall report to the Governor of the State of Washington a complete summary of its administration, with a detailed statement of disbursements made. The Commission shall appoint an executive commissioner who shall be a citizen of the State of Washington, and he shall be and is hereby authorized and empowered, under direction and control of The Commission, to assume and exercise all powers and functions necessary to secure, install and maintain a complete and creditable display of the resources, products and interests of the State of Washington at the said exposition; he shall have direct charge

of the solicitation, collection, transportation, installation and exhibition of all materials sent under authority of the State of Washington to said exposition, and shall have authority over the employes and assistants engaged in assembling, installing and displaying the said exhibit. He shall report to The Commission as often as required, and shall hold his office at its pleasure. The said executive commissioner shall be required to furnish a surety company bond in favor of the treasurer of the State of Washington, to be approved by the Governor, in the sum of ten thousand dollars.

State
bureaus,
etc., to
assist Com-
mission.

SEC. 4. All state bureaus, departments and institutions are hereby authorized and directed to co-operate with said Alaska-Yukon-Pacific Exposition Commission in furthering the purposes of this act, and to loan to it such materials, cabinets and specimen collections in their possession, as may be desired for exhibition purposes; said materials to be removed and returned free of cost to said institutions and departments.

Washington
State
building.

SEC. 5. The Commission is hereby authorized to erect a suitable building, to be known as the Washington State Building, upon the exposition grounds, and any additional buildings necessary to protect and display the materials, specimens, and productions constituting the exhibit. Said building, or buildings, shall conform to plans and designs to be approved by the supervising architect of the Alaska-Yukon-Pacific Exposition.

Sale of
exhibits.

SEC. 6. At the close of said exposition, the Governor shall have the power to sell such exhibits as may have become the property of the state, and which it is proper to dispose of, to the best advantage, and shall deposit the proceeds in the general fund of the state treasury.

Appropriation.

SEC. 7. To carry out the purposes and provisions of this act, the sum of four hundred thousand dollars (\$400,000.00), or so much thereof as may be necessary, is hereby appropriated out of the special Alaska-Yukon-Pacific Exposition fund. The State Auditor is hereby authorized and directed to issue warrants payable out of the said Alaska-Yukon-Pacific Exposition fund, not exceeding the said sum of four hundred thousand dollars (\$400,000.00),

upon requisitions made by said executive commissioner, when approved in writing by the president of The Commission and attested by its secretary; and the State Treasurer is hereby authorized and directed to pay such warrants, but only out of the surplus, if any, of money which shall come into said special fund in excess of the amount appropriated out of said fund, to be expended by or under direction of the Board of Regents of the University of the State of Washington. Said warrants shall bear interest at the same rate and be payable in the same manner as provided by law for other state warrants.

SEC. 8. Indebtedness incurred or warrants issued hereunder shall be payable only from the Alaska-Yukon-Pacific Exposition fund and shall never be, nor become, general indebtedness against the state. Liability of State.

SEC. 9. An emergency exists and this act shall take effect immediately. Emergency.

Passed the Senate January 30, 1907.

Passed the House February 1, 1907.

Approved by the Governor February 4, 1907.

CHAPTER 6.

[S. B. 100.]

PROVIDING FOR BUILDINGS FOR UNIVERSITY OF WASHINGTON AND USE THEREOF BY ALASKA-YUKON-PACIFIC EXPOSITION.

AN ACT appropriating funds for the erection of buildings for the University of Washington, and providing for the use thereof by the Alaska-Yukon-Pacific Exposition, and declaring an emergency.

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

SECTION 1. That there is hereby appropriated out of the Alaska-Yukon-Pacific Exposition fund the sum of six hundred thousand dollars, or so much thereof as may be necessary, to be expended by the Board of Regents of the University of Washington in the construction and erection Appropriation.

on the University grounds, in section sixteen (16), township twenty-five (25) north, range four (4) east, W. M., for the use of said University, not less than three buildings; one of which shall be known as an Administration and Auditorium Building, one as an Engineering Building, and one as a Chemical Building.

Use of
buildings by
Exposition.

SEC. 2. The said Board of Regents is hereby authorized to turn over said buildings to the Alaska-Yukon-Pacific Exposition Company, to be used for the purposes of the Alaska-Yukon-Pacific Exposition, and under such agreements and conditions as the said Board may consider reasonable for the protection of said buildings.

Liability of
State.

SEC. 3. Indebtedness incurred or warrants issued hereunder shall be payable only from the Alaska-Yukon-Pacific Exposition fund, and shall never be, nor become, general indebtedness against the state.

Emergency.

SEC. 4. An emergency exists and this act shall take effect immediately.

Passed the Senate January 30, 1907.

Passed the House February 1, 1907.

Approved by the Governor February 4, 1907.

CHAPTER 7.

[H. B. 79]

RELIEF OF NEWTON THOMAS.

AN ACT appropriating funds for the relief of Newton Thomas as sheriff of Okanogan county.

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

Appropriation
\$340.95.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, three hundred forty, and ninety-five one-hundredths dollars (\$340.95) for the satisfaction of the claim of Newton Thomas, sheriff of Okanogan county, for expenses incurred in transporting prisoners to the State Penitentiary at Walla Walla from the 10th day of February, 1905, to

the 18th day of February, 1905, both inclusive, and the State Auditor is authorized to draw a warrant on the State Treasurer for said amount in favor of said Newton Thomas, sheriff of Okanogan county, and said State Treasurer is hereby authorized to pay the same out of any money in the State Treasury not otherwise appropriated.

Passed the House January 29, 1907.

Passed the Senate February 1, 1907.

Approved by the Governor February 4, 1907.

CHAPTER 8.

[H. B. 71.]

PROVIDING FOR THE PAYMENT OF CERTAIN STATE MONEYS INTO THE GENERAL FUND AND CERTAIN SALARIES THEREFROM.

AN ACT to provide for the payment of all state moneys into the general fund, except those received from taxes levied for specific purposes and excepting the permanent and irreducible funds and the moneys derived therefrom; and providing for the payment of certain salaries and expenses from the general fund, and declaring an emergency.

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

SECTION 1. All moneys now in or that may be paid into the state treasury from any and all sources, except moneys received from taxes levied for specific purposes and excepting the several permanent and irreducible funds of the state, and the moneys derived therefrom, shall be paid into and become a part of the general fund of the state.

Moneys to be paid into general fund.

SEC. 2. All salaries and other expenses heretofore required to be paid from any of the funds affected by this act shall hereafter be paid from the state general fund.

Salaries paid from general fund.

SEC. 3. An emergency existing, this act, upon approval by the Governor, shall be effective upon the first day of April, 1907.

Emergency.

Passed the House January 29, 1907,

Passed the Senate February 2, 1907.

Approved by the Governor February 7, 1907.

CHAPTER 9.

[H. B. 105.]

LIENS ON SAW LOGS, SPARS AND TIMBER.

AN ACT to amend section 1 of an act entitled, "An act to amend an act entitled, 'An act providing liens upon saw logs, spars, piles or other timber, and upon lumber and shingles, and concerning the remedy to secure and obtain such liens and the benefit thereof, and the manner and procedure of obtaining the same,' approved March 15, 1893,' approved March 19, 1895."

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

SECTION 1. That section 1 of an act entitled, "An act to amend an act entitled, 'An act providing liens upon saw logs, spars, piles or other timber, and upon lumber and shingles, and concerning the remedy to secure and obtain such liens and the benefit thereof, and the manner and procedure of obtaining the same,' approved March 15, 1893,' approved March 19, 1895," be, and the same is hereby amended so as to read as follows: Section 1. Every person performing labor upon, or who shall assist in obtaining or securing saw logs, spars, piles, cord wood, shingle bolts, or other timber, and the owner or owners of any tugboat, or towboat, which shall tow or assist in towing, from one place to another within this state, any saw logs, spars, piles, cord wood, shingle bolts, or other timber, and the owner or owners of any team or any logging engine, which shall haul or assist in hauling from one place to another within this state, any saw logs, spars, piles, cord wood, shingle bolts, or other timber, and the owner or owners of any logging or other railroad over which saw logs, spars, piles, cord wood, shingle bolts, or other timber shall be transported and delivered, shall have a lien upon the same for the work or labor done upon, or in obtaining or securing, or for services rendered in towing, transporting, hauling, or driving, the particular saw logs, spars, cord wood, shingle bolts, or other timber in said claim of lien described, whether such work, labor or services was done, rendered or performed at the instance of the owner of the same or his agent. The cook in a logging camp shall be

Liens on
saw logs,
spars, etc.

regarded as a person who assists in obtaining or securing the timber herein mentioned.

Passed the House January 21, 1907.

Passed the Senate February 2, 1907.

Approved by the Governor February 7, 1907.

CHAPTER 10.

[S. B. 128.]

DEFICIENCY APPROPRIATION FOR OFFICE OF COMMISSIONER OF PUBLIC LANDS.

AN ACT making appropriation for the maintenance of the office of the Commissioner of Public Lands and for the payment of salaries of certain officers employed in said office, and for the payment of sundry expenses of said office.

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

SECTION 1. There is hereby appropriated out of the general fund in the state treasury the sum of \$8,750.00, to be used by the Commissioner of Public Lands, in the same manner as other appropriations for his office, in paying and defraying the per diem of state land inspectors, at not to exceed five dollars per day and traveling expenses, the expenses of appraising, selling and leasing state lands and advertising the sale and leasing thereof, the postal, contingent and incidental expenses of said office, and to pay the salaries of clerks and assistants employed in said office, for the fiscal year ending March 31, 1907.

Appropriation \$8,750.00.

Passed the Senate February 2, 1907.

Passed the House February 6, 1907.

Approved by the Governor February 11, 1907.

CHAPTER 11.

[H. B. 4.]

PUNISHMENT OF PARENTS OF DELINQUENT CHILDREN.

AN ACT to provide for the punishment of parents or persons responsible for, or contributing to, the delinquency of children of the age of 17 years or under.

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

SECTION 1. In all cases where any child shall be a delinquent child or a juvenile delinquent person, as defined by the statute of this state, the parent or parents, legal guardian, or person having the custody of such child, or any other person, responsible for, or by any act encouraging, causing or contributing to the delinquency of such child, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be fined in a sum not to exceed one thousand dollars (\$1,000.00), or imprisoned in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment. The court may impose conditions upon any person found guilty under this act, and so long as such person shall comply therewith to the satisfaction of the court, the sentence imposed may be suspended.

Causing or contributing to delinquency of child.

Penalty.

Suspension of sentence.

Passed the House January 25, 1907.

Passed the Senate February 6, 1907.

Approved by the Governor February 11, 1907.

CHAPTER 12.

[H. B. 43.]

INVESTMENT OF PERMANENT SCHOOL FUND AND PERMANENT FUNDS OF STATE INSTITUTIONS.

AN ACT providing for the investment of the permanent school fund, the permanent funds of the Normal Schools, State University, Scientific School, Agricultural College, charitable, educational, penal and reformatory institutions, of the State of Washington, and declaring an emergency.

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

SECTION 1. There is hereby created a board which shall be known and designated as the "State Board of Fi-

Board of Finance.

nance." Said board shall be composed of the Governor, State Treasurer and State Auditor: *Provided, however,* That the Governor may designate and appoint some state officer as his representative.

SEC. 2. Said board shall keep a full and complete record of all their proceedings in appropriate books of record, and a clerk in the office of the State Auditor shall act as the secretary of the said board. Their office shall be in the office of the State Auditor, and all records and correspondence relating to the said board shall be kept in the office of the State Auditor, and shall be subject to public inspection. Records.

SEC. 3. Said State Board of Finance shall make appropriate rules and regulations for the carrying out of the provisions of this act, not inconsistent with law, and the State Treasurer shall act as chairman of said State Board of Finance. Rules.

SEC. 4. Whenever there shall be in the permanent school funds of the state, or in the permanent funds of the Normal School, State University, Scientific School, Agricultural College, or the charitable, educational, penal and reformatory institutions, one thousand dollars or more available for investment, said State Board of Finance shall invest the same in national, state, county, municipal or school district bonds, bearing not less than three and three-fourths per cent. interest per annum, paying therefor not more than the par value thereof: *Provided,* The word bonds in this section shall not be interpreted to mean or include any special, or assessment district bonds or bonds other than those found to be within the limit of indebtedness prescribed by law, or regularly created and issued as general indebtedness bonds: *Provided, further,* That school district bonds, regularly created and issued, shall be given preference in said investments. Upon such investment being made, the State Auditor shall draw his warrant on said fund for the amount so invested, and the bonds so purchased shall be deposited with the State Treasurer, whose duty it shall be to collect all interest payments falling due thereon, and the principal at maturity. Investment of funds.
Nature of securities.

Emergency. SEC. 5. An emergency existing, this act shall take effect immediately.

Passed the House January 25, 1907.

Passed the Senate February 4, 1907.

Approved by the Governor February 11, 1907.

CHAPTER 13.

[S. B. 57.]

PARTITION FENCES.

AN ACT amending sections 3523 and 3526 of Ballinger's Annotated Codes and Statutes of Washington, relating to partition fences.

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

SECTION 1. That section 3523 of Ballinger's Annotated Codes and Statutes of the State of Washington relating to partition fences, be amended to read as follows: Section 3523. When any fence has been, or shall hereafter be, erected by any person on the boundary line of his land and the person owning land adjoining thereto shall make, or cause to be made, an inclosure, so that such fence may also answer the purpose of inclosing his ground, he shall pay the owner of such fence already erected one-half of the value of so much thereof as serves for a partition fence between them: *Provided*, That in case such fence has woven wire or other material known as hog fencing, then the adjoining owner shall not be required to pay the extra cost of such hog fencing over and above the cost of erecting a lawful fence, as by law defined, unless such adjoining owner has his land fenced with hog fencing and uses the partition fence to make a hog enclosure of his land, then he shall pay to the one who owns said hog fence one-half of the value thereof.

Payment.

SEC. 2. That section 3526 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Section 3526. The respective owners of adjoining inclosures shall keep up and maintain in good repair

Repair.

all partition fences between such inclosures in equal shares, so long as they shall continue to occupy or improve the same; and in case either of the parties shall desire to make such fence capable of turning hogs and the other party does not desire to use it for such purpose, then the party desiring to use it shall have the right to attach hog-fencing material to the posts of such fence, which hog fencing shall remain the property of the party who put it up, and he may remove it at any time he desires: *Provided*, That he leaves the fence in as good condition as it was when the hog fencing was by him attached, the natural decay of the posts excepted. The attaching of such hog fencing shall not relieve the other party from the duty of keeping in repair his part of such fence, as to all materials used in said fence additional to said hog fencing.

Passed the Senate February 2, 1907.

Passed the House February 8, 1907.

Approved by the Governor February 14, 1907.

CHAPTER 14.

[H. B. 160.]

APPROPRIATION FOR PUBLISHING NOTICES OF PROPOSED CONSTITUTIONAL AMENDMENTS.

AN ACT making an appropriation for the payment of the publication of the notices required to be given by section 2 of chapters 65 and 67 of the laws of 1905.

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

SECTION 1. There is hereby appropriated out of the general fund the sum of two thousand, seven and twenty-five one-hundredths dollars (\$2,007.25), for the payment of publishing the notices required by section 2 of chapter 65, and section 2 of chapter 67, of the laws of 1905, relating to the submission to the electors of the state of amendments to the constitution concerning eminent domain and enlarging the public use of waters of the state. The

Appropriation \$2,007.25.

State Auditor is hereby authorized to draw warrants in favor of the persons entitled thereto upon vouchers approved by the Secretary of State.

Passed the House February 5, 1907.

Passed the Senate February 14, 1907.

Approved by the Governor February 15, 1907.

CHAPTER 15.

[H. B. 159.]

DEFICIENCY APPROPRIATION FOR MAINTENANCE OF CAPITOL BUILDING.

AN ACT for certain deficiencies in maintenance of State Capitol building and preparing same for convening of the Tenth Legislature.

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

Appropriation for Legislature halls
\$1,285.82.

SECTION 1. That the sum of \$1,285.82 be, and the same is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for expenses incurred in putting halls and rooms in shape for the convening of the Legislature of 1907, including the supplies for the desks and alterations, etc., that were made; also that the sum of \$5,800.00 be and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purpose of the maintenance of the State Capitol, from November 1, 1906, to April 1, 1907.

Appropriation for maintenance
\$5,800.00.

SEC. 2. The State Auditor is hereby authorized and directed to draw his warrants for said sum upon the State Treasurer, and the State Treasurer is hereby authorized and directed to pay the same out of any funds in the State Treasury not otherwise appropriated.

Passed the House February 5, 1907,

Passed the Senate February 14, 1907,

Approved by the Governor February 15, 1907.

CHAPTER 16.

[S. B. 31.]

GRANTING CERTAIN TIDE LANDS TO THE CITY OF TACOMA FOR PARK PURPOSES.

AN ACT authorizing and directing the Commissioner of Public Lands to certify certain tide lands to the Governor for deed and authorizing and directing the Governor to execute and the Secretary of State to attest a deed conveying to the city of Tacoma certain tide lands for use as, and in connection with its public park, and for no other purpose.

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

SECTION 1. That the Commissioner of Public Lands of the State of Washington be and he is hereby authorized and directed to certify, in manner now provided by law in other cases, to the Governor, for deed to the City of Tacoma, in the State of Washington, all of the tide and shore lands abutting upon and contiguous to the following described uplands, to-wit:

Lots one (1), two (2), and three (3), of Section ten (10), and Lots one (1), two (2), and three (3), and the south half (S $\frac{1}{2}$) of the southwest quarter (SW $\frac{1}{4}$) of Section fourteen (14), and Lots one (1), two (2), three (3), four (4), five (5), and six (6), and the east half (E $\frac{1}{2}$) of the southeast quarter (SE $\frac{1}{4}$) and the northeast quarter (NE $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) and the southwest quarter (SW $\frac{1}{4}$) of the northeast quarter (NE $\frac{1}{4}$) of Section fifteen (15), all in Township twenty-one (21) North, Range two (2) East of the Wilamette Meridian, in Pierce County, State of Washington.

And the Governor is hereby authorized and directed to execute and the Secretary of State to attest, with his signature and seal, in manner provided by the law now governing the execution of deeds, a deed conveying to the City of Tacoma all of said tide and shore lands.

SEC. 2. That all of the tide and shore lands described in Section one of this Act be and the same are hereby granted to the City of Tacoma, in the County of Pierce, and State of Washington, to be used by said City as a part of and in connection with its public park and for no other purpose. In case the City of Tacoma should at-

Commis-
sioner to
certify.

Description.

Deed.

Grant for
park pur-
poses.

Reversion. tempt to use, use or permit the use of said lands, or any portion thereof, for any other purpose, the same shall forthwith revert to the State of Washington, without suit, action or any proceeding whatsoever, or the judgment of any court forfeiting the same.

Passed the Senate February 5th, 1907.

Passed the House February 13th, 1907.

Approved by the Governor February 15th, 1907.

CHAPTER 17.

[S. B. 75.]

GRANTING CERTAIN TIDE LANDS TO THE CITY OF OLYMPIA FOR PARK PURPOSES.

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

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

Commissioner to certify.

SECTION 1. That the Commissioner of Public Lands of the State of Washington be and he is hereby authorized and directed to certify in the manner now provided by law in other cases, to the Governor, for deed to the City of Olympia, in the State of Washington, all of the tide and shore lands lying in front of and abutting upon and contiguous to the following described uplands, to-wit: Pascal Ricard Donation Land Claim No. 53, being part of Sections two (2) and eleven (11), Township No. 18, N. R. 2 W., W. M., except such tide or shore lands as may have heretofore been sold, and subject to any lease of such tide or shore lands heretofore made. And the Governor is hereby authorized and directed to execute and the Secretary of State to attest, with his signature and seal, in the manner provided by the law now governing the execution of deeds, a deed conveying to the City of Olympia, all of said tide and shore lands.

Description.

Deed.

SEC. 2. That all of the tide and shore lands described in Section 1 of this act be and the same are hereby granted to the City of Olympia, in the County of Thurston and State of Washington, to be used by said City as a part of and in connection with its public park and for no other purpose. In case the City of Olympia should attempt to use, use or permit the use of said lands or any portion thereof, for any other purpose, the same shall forthwith revert to the State of Washington, without suit, action or any proceeding whatsoever, or the judgment of any court forfeiting the same.

Grant for
park pur-
poses.

Reversion.

Passed the Senate February 5th, 1907.

Passed the House February 13th, 1907.

Approved by the Governor February 15th, 1907.

CHAPTER 18.

[S. B. 74.]

RELATING TO THE PUBLIC HIGHWAY FUND.

AN ACT to amend section two of an act of the Legislature of the State of Washington, approved March 9th, 1905, entitled "An Act creating a fund to be known as the Public Highway Fund and making provisions for an annual levy to produce revenue therein for the construction and repairs of highways and bridges."

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

SECTION 1. That Section 2 of an act of the Legislature of the State of Washington, approved March 9th, 1905, and entitled "An act creating a fund to be known as the Public Highway Fund and making provisions for an annual levy to produce revenue therein for the construction and repairs of highways and bridges," be and the same is hereby amended to read as follows: Section 2. For the purpose of raising revenue to repair and construct highways and bridges, the proper State officers shall levy and collect a tax of one-half of one mill upon all the property in the State subject to taxation for the fiscal year

Levy.

commencing March 1st, 1907, and for each fiscal year thereafter; that the funds provided by such levy shall be placed in said Highway Fund.

Passed the Senate February 1st, 1907.

Passed the House February 13th, 1907.

Approved by the Governor February 15th, 1907.

CHAPTER 19.

[H. B. 116.]

AUTHORIZING COUNTY COMMISSIONERS TO OPERATE QUARRIES OF ROAD BUILDING MATERIAL.

AN ACT authorizing the county commissioners of any county to acquire and operate quarries of suitable road building rock and ground containing deposits of suitable road building gravel, and to purchase rock-crushing machinery and appliances, and declaring an emergency.

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

Commis-
sioners au-
thorized to
acquire
quarries.

SECTION 1. The board of county commissioners of any county of this State may, out of the general road and bridge fund or district road fund, acquire, by gift, purchase or condemnation, quarries of suitable road building material and land containing deposits of suitable road building gravel.

Machinery.

SEC. 2. Said board of county commissioners are also authorized to purchase and operate, out of the general road and bridge fund, or district road fund, rock-crushing appliances and machinery, and all crushed rock and gravel not directly used or needed by such county in the construction, alteration, repair or maintenance of county roads may be sold at actual cost of production by said county commissioners to any person, firm or corporation, to be only used, however, in the construction, alteration, repair or maintenance of county roads, or used in the construction, alteration, repair or maintenance of any street or streets of any city or town in said county which directly connect with any county road. *Provided, however,* that the board of county commissioners of any county may sell and dispose of any surplus crushed rock or gravel at actual cost

Sale of
material.

of production to any city or town of such county, to be used in the construction or improvement of any street, parkway, boulevard or public place of such city or town.

SEC. 3. All proceeds of sale of crushed rock or gravel shall be paid into the general road and bridge fund or district road fund depending upon whether such quarries or gravel beds have been acquired and operated out of said respective funds. Disposition
of proceeds.

SEC. 4. An emergency exists and this Act shall take effect immediately. Emergency

Passed the House January 31st, 1907.

Passed the Senate February 11th, 1907.

Approved by the Governor February 18th, 1907.

CHAPTER 20.

[H. B. 31.]

REGULATING THE HOURS OF SERVICE OF RAILROAD EMPLOYEES.

AN ACT regulating the hours of service of employes in train service upon railroads, and providing a penalty.

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

SECTION 1. It shall be unlawful for any common carrier by railroad or any of its officers or agents, to require or permit any employe engaged in or connected with the movement of any train to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employe has started on his trip; or, except by accident or unavoidable delay of trains scheduled to make connection with the train on which such employe is serving, he is prevented from reaching his terminal; or, to require or permit any such employe who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours off duty; or, to require or permit any such employe who has been on duty sixteen hours in the aggregate in any twenty-four hour period to continue on duty without having had at least eight hours off duty within the twenty-four hour period. Limit of
hours of
service.

Penalty.

SEC. 2. That any such common carrier, or any of its officers or agents violating any of the provisions of this Act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not less than one hundred or more than one thousand dollars for each and every such violation to be recovered in a suit or suits to be brought by the Attorney General; and it shall be the duty of the Attorney General to bring such suits upon duly verified information being lodged with him of such violation having occurred, in any superior court; and it shall also be the duty of the Railroad Commission to fully investigate all cases of the violation of this Act, and to lodge with the Attorney General information of any such violation as may come to its knowledge.

Passed the House January 29th, 1907.

Passed the Senate February 7th, 1907.

Approved by the Governor February 18th, 1907.

CHAPTER 21.

[H. B. 132.]

APPROPRIATION FOR LEGISLATIVE PRINTING.

AN ACT appropriating the sum of six thousand dollars, or so much thereof as may be necessary to pay for such printing as may be ordered by the Tenth Legislature or either branch thereof.

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

Appropriation \$6,000.

SECTION 1. That there be, and there is hereby appropriated out of the funds of the State of Washington, not otherwise appropriated, the sum of six thousand dollars, to pay for such printing as may be ordered by the Tenth Legislature, or either branch thereof, such printing to be done under the provisions of an Act of the Legislature approved March 11th, 1905.

Passed the House February 1st, 1907.

Passed the Senate February 14th, 1907.

Approved by the Governor February 19th, 1907.

CHAPTER 22.

[H. B. 76.]

KEEPING AND DEPOSIT OF MUNICIPAL FUNDS.

AN ACT relating to the keeping and deposit of municipal funds.

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

SECTION 1. That any city or town in the State of Washington having a population of less than seventy-five thousand (75,000) inhabitants, shall upon a majority vote of its city council instruct its city or town treasurer, upon this bill becoming a law and annually thereafter at the end of each fiscal year or at such other times as may be deemed necessary by the treasurer, to designate one or more banks in the county wherein such city or town is located as depository or depositories of the moneys required to be kept by said treasurer.

Designation
of deposi-
taries.

SEC. 2. Before any such designation shall entitle the treasurer to make deposits in such bank or banks, the bank or banks so designated shall, within ten days after the same is filed with the comptroller or town clerk, file with the comptroller or town clerk of such city or town, a surety bond to such city or town, in the maximum amount of deposits designated by said treasurer to be carried in such bank, or in lieu thereof shall deposit with the treasurer good and sufficient municipal, school district, county, state, or United States bonds, in said amounts, conditioned for the prompt payment thereof on checks duly drawn by the treasurer, which bond shall be approved by the mayor and comptroller or town clerk, of said city or town, and such bank shall also, at the same time, file with said comptroller or town clerk a contract with said city or town, wherein said bank shall agree to pay 2 per centum on the average daily balances where such balances exceed one thousand (\$1,000.00) dollars of all municipal funds kept by such treasurer in said bank, while acting as such depository; such payments to be made monthly to said city or town while said deposits continue in said depository; said contract shall run to said city or town and be in such form as shall be approved by the treasurer, mayor and corporation counsel.

Bond.

Approval of
bond.

Contract to
pay interest
on deposits.

Duty of
treasurer to
give bond.

SEC. 3. The provisions of this act shall in no way affect the duty of the city or town treasurer to give bond to such city or town for the faithful performance of his duties in such amount as may be fixed by the city or town council by ordinance.

Trust com-
pany
included.

SEC. 4. The word bank as used in this act shall be construed to include any trust company organized under the laws of the State of Washington and engaged in the banking business.

Passed the House February 2d, 1907.

Passed the Senate February 8th, 1907.

Approved by the Governor February 19, 1907.

CHAPTER 23.

[H. B. 227.]

RELIEF OF MRS. GEO. E. BLANKENSHIP, MRS. GEO. H. FUNK AND MISS CLARA E. MCKENZIE.

AN ACT appropriating funds for the relief of Mrs. George E. Blankenship, Mrs. George H. Funk, and Miss Clara E. McKenzie for services as markers of teachers' manuscripts in the office of the Superintendent of Public Instruction.

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

Appropriation \$186.50.

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated, one hundred and eighty-six dollars and fifty cents for the payment of the following named persons for the marking of manuscripts of applicants for teachers' certificates at the November examination, 1906, the following sums, viz.: Mrs. Geo. E. Blankenship, \$60.00; Mrs. G. H. Funk, \$60.00; Miss Clara E. McKenzie, \$66.50.

Passed the House February 8th, 1907.

Passed the Senate February 14th, 1907.

Approved by the Governor February 19th, 1907.

CHAPTER 24.

[H. B. 103.]

RELIEF OF A. A. LYTLE.

AN ACT for the relief of A. A. Lytle, sheriff of Douglas county.

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

SECTION 1. That the sum of \$141.95 be, and the same is, hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, for the purpose of reimbursing A. A. Lytle for expenses incurred and services rendered in the transportation of two prisoners from Waterville, Washington, to the State penitentiary at Walla Walla and expenses incurred in the matter of the extradition of Dessie M. Allen, charged with an offense against the laws of the State of Washington. Appropriation \$141.95.

SEC. 2. That the State Auditor is hereby authorized and directed to draw his warrant for said sum upon the State Treasurer, in favor of said A. A. Lytle, and the State Treasurer is hereby authorized and directed to pay the same out of any funds in the State treasury not otherwise appropriated.

Passed the House February 1st, 1907.

Passed the Senate February 14th, 1907.

Approved by the Governor February 19th, 1907.

CHAPTER 25.

[H. B. 68.]

RELIEF OF CHARLES E. SHEPARD.

AN ACT for the relief of Charles E. Shepard.

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

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated, two hundred twenty-nine dollars and sixty-four cents (\$229.64), to be paid to Charles E. Shepard in full for his expenses as a Commissioner of the State of Washington. Appropriation \$229.64.

to the conference of commissioners of the states for making uniform the laws of the several states, held in the year 1905.

Passed the House February 8th, 1907.

Passed the Senate February 14th, 1907.

Approved by the Governor February 19th, 1907.

CHAPTER 26.

[H. B. 118.]

RELIEF OF THE TOWN OF KENT.

AN ACT for the relief of the town of Kent, and making an appropriation therefor.

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

Appropriation \$25.

SECTION 1. That the sum of twenty-five dollars be and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the relief of the town of Kent, on account of the payment of that amount by said town in excess of the amount due the State therefrom upon liquor licenses collected therein.

SEC. 2. The State Auditor is authorized and directed to draw a warrant on the State Treasurer in favor of the treasurer of the said town of Kent for the said amount, and the State Treasurer shall pay said warrant out of any money in the State treasury not otherwise appropriated.

Passed the House February 1st, 1907.

Passed the Senate February 14, 1907.

Approved by the Governor February 19th, 1907.

CHAPTER 27.

[H. B. 129.]

LIABILITY OF BANKS ON FORGED CHECKS.

AN ACT relating to the liability of a bank or trust company to a depositor in case of forged or raised checks.

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

SECTION 1. No bank or trust company shall be liable to a depositor for the payment by said bank or trust company of a forged or raised check, unless within sixty days after the return to the depositor of the voucher of such payment, such depositor shall notify the bank or trust company that the check so paid was raised or forged.

Notice
within sixty
days.

Passed the House February 5th, 1907.

Passed the Senate February 13th, 1907.

Approved by the Governor February 19th, 1907.

CHAPTER 28.

[H. B. 225.]

RELIEF OF SMITH PREMIER TYPEWRITER COMPANY.

AN ACT appropriating funds for the relief of the Smith Premier Typewriter Company, of Seattle, Washington.

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

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated, one hundred and ten dollars and fifty cents (\$110.50) for the payment of the Smith Premier Typewriter Company for two new No. 2 Smith Premier typewriters furnished to the Superintendent of Public Instruction of this State.

Appropriation \$110.50.

Passed the House February 8th, 1907.

Passed the Senate February 14th, 1907.

Approved by the Governor February 19th, 1907.

CHAPTER 29.

[H. B. 38.]

COLLECTION OF TAXES ON PERSONAL PROPERTY ABOUT
TO BE REMOVED OR DISSIPATED.

AN ACT providing for the collection of taxes upon personal property being moved or about to be moved from the limits of the state, or being dissipated or about to be dissipated, and declaring an emergency.

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

Distraint.

SECTION 1. That whenever in the judgment of the assessor or the county treasurer personal property is being removed or is about to be removed without the limits of the State, or is being dissipated or about to be dissipated, the treasurer shall immediately distrain sufficient of said property to pay the taxes upon all the property being removed or about to be removed, is being dissipated or about to be dissipated, together with all accruing costs with interest, and shall advertise and sell said property as provided in Section 7 of Chapter CXLI of the Laws of 1899.

Computation prior to levy.

SEC. 2. If said personal property is being removed or is about to be removed from the limits of the State, is being dissipated or about to be dissipated at any time subsequent to the first day of March of any year, and prior to the levy of taxes thereon the tax upon such property so distrained shall be computed upon the rate of levy for state, county and local purposes for the preceding year.

Emergency.

SEC. 3. An emergency exists and this act shall take effect immediately.

Passed the House February 15th, 1907.

Passed the Senate February 20th, 1907.

Approved by the Governor February 21st, 1907.

CHAPTER 30.

[S. B. 63.]

RELATIVE TO THE CRIMINAL INSANE.

AN ACT relating to the criminal insane, their trial, commitment and custody.

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

SECTION 1. Any person who shall have committed a crime while insane, or in a condition of mental irresponsibility, and in whom such insanity or mental irresponsibility continues to exist, shall be deemed criminally insane within the meaning of this act. No condition of mind induced by the voluntary act of a person charged with a crime shall be deemed mental irresponsibility within the meaning of this act.

Criminal in-sane defined.

SEC. 2. When it is desired to interpose the defense of insanity or mental irresponsibility on behalf of one charged with a crime, the defendant, his counsel or other person authorized by law to appear and act for him, shall at the time of pleading to the information or indictment file a plea in writing in addition to the plea or pleas required or permitted by other laws than this, setting up (1) his insanity or mental irresponsibility at the time of the commission of the crime charged, and (2) whether the insanity or mental irresponsibility still exists, or (3) whether the defendant has become sane or mentally responsible between the time of the commission of the crime and the time of the trial. The plea may be interposed at any time thereafter, before the submission of the cause to the jury, if it be proven that the insanity or mental irresponsibility of the defendant at the time of the crime was not before known to any person authorized to interpose a plea.

Plea of insanity.

SEC. 3. If the plea of insanity or mental irresponsibility be interposed, and evidence upon that issue be given, the court shall instruct the jury when giving the charge, that in case a verdict of acquittal of the crime charged be returned, they shall also return special verdicts finding (1) whether the defendant committed the crime and if so, (2)

Verdict.

whether they acquit him because of his insanity or mental irresponsibility at the time of its commission, (3) whether the insanity or mental irresponsibility continues and exists at the time of the trial, and (4) whether, if such condition of insanity or mental irresponsibility does not exist at the time of the trial, there is such likelihood of a relapse or recurrence of the insane or mental irresponsible condition, that the defendant is not a safe person to be at large. Forms for the return of the special verdicts shall be submitted to the jury with the forms for the general verdicts.

Discharge. SEC. 4. If the jury find by their special verdicts that the defendant committed the crime charged, that he is acquitted because of his insanity or mental irresponsibility at the time of its commission, and that before the trial he has become a sane or mentally responsible person, and is not liable to a relapse or recurrence of the insane or mentally irresponsible condition, and is a safe person to be at large, he shall be discharged. If the jury find that the defendant committed the crime charged, that he is acquitted because of his insanity or mental irresponsibility at the time of its commission, and that the insanity or mental irresponsibility still exists, or, if it does not exist, that he is so liable to a relapse or recurrence of the insane or mentally irresponsible condition as to be an unsafe person to be at large, the court shall enter judgment in accordance therewith, and shall order the defendant committed as a criminally insane person until such time as he shall be discharged as hereinafter provided.

Commitment.

Statement of facts.

SEC. 5. Either party to the cause may have the evidence and all of the matters not of record in the cause made a part of the record by the certifying of a statement of facts or bill of exceptions as in other cases. If an appeal should be not taken, such statement of facts or bill of exceptions shall remain on file in the office of the clerk of the court where the cause was tried, and if an appeal be taken, the statement of facts or bill of exceptions shall be returned from the Supreme Court to the court where the cause was tried when the Supreme Court shall have rendered its final judgment in the cause.

SEC. 6. When any person committed hereunder shall claim to have become sane or mentally responsible and to be free from danger of any relapse or recurrence of mental unsoundness and a safe person to be at large, he shall apply to the physician in charge of the criminal insane for an examination of his mental condition and fitness to be at large. If the physician shall certify to the warden that there is reasonable cause to believe that such person has become sane since his commitment and is a safe person to be at large, the warden shall permit him to present a petition to the court that committed him, setting up the facts leading to his commitment, and that he has since become sane and mentally responsible, and is in such condition that he is a safe person to be at large, and shall pray his discharge from custody. The petition shall be served upon the prosecuting attorney of the county, whose duty it shall be to resist the application. No other pleadings than the petition need be filed, and the court shall set the cause down for trial before a jury, and the trial shall proceed as in other cases. The sole issue to be tried in the case shall be whether the person petitioning for a discharge has, since his commitment, become a safe person to be at large, and the burden of proof shall be upon him. If the evidence given upon his trial upon the criminal charge shall have been preserved by statement of facts or bill of exceptions as hereinbefore provided, either party may read such parts of that record as may be desired as evidence upon the hearing. The jury shall be required to find whether the petitioner has become sane since his commitment, is not liable to a recurrence of the mental unsoundness or relapse, and is a safe person to be at large. If they so find, he shall be entitled to a discharge. If not, his petition shall be dismissed, and he shall be remitted to custody. Either party may appeal to the Supreme Court from the judgment discharging the petitioner or remitting him to custody, in the same manner that appeals in other cases are taken. The judgment of remission shall be conclusive that the petitioner is an unsafe person to be at large at the time of its entry; but if he shall subsequently claim to have become a sane and safe person

Application
for examina-
tion.

Certificate
of phy-
sician.

Petition
to court.

Jury trial.
Issue.

Evidence at
former trial
may be
read.

Finding of
jury.

Appeal.

Subsequent
trial.

to be at large, he may upon a certificate of probable cause by the attending physician, which shall show a change in his mental condition since the last trial, his present sanity and fitness to be at large, again petition for discharge, and the proceedings thereon shall be as hereinabove provided.

Recommit-
ment.

SEC. 7. Should any criminally insane person discharged hereunder again become insane or mentally irresponsible, or be found to be an unsafe person to be at large because of mental unsoundness, the prosecuting attorney of the county from which he was committed may file a petition in the name of the State, setting up the facts leading to his commitment and subsequent discharge, and the relapse which is the basis of the petition. A warrant shall be issued for the defendant as in criminal cases, the defendant taken into custody, and the case tried to a jury, as in other cases provided herein; but the burden of proof, showing reasons for commitment, shall be upon the State. Should the jury find the defendant sane, and a safe person to be at large, he shall be discharged. Should they find that since his discharge he has suffered a relapse or recurrence of his mental unsoundness, and by reason thereof he is an unsafe person to be at large, the court shall issue an order remitting him to custody as criminally insane. The evidence given upon the former trial or trials, if preserved by statement of facts or bill of exceptions as hereinbefore prescribed, may be read upon such hearing, and either party may appeal to the Supreme Court as in other cases.

Procedure.

Ward for
criminal in-
sane at
Peniten-
tiary

SEC. 8. The authorities charged with the maintenance and conduct of the State penitentiary shall forthwith provide a ward or department in the State penitentiary wherein shall be confined persons committed as criminally insane persons under the provisions of this act. Such persons shall be under the custody and control of the warden of the penitentiary to the same extent that are other persons committed to his custody, but such provision shall be made for their control, care and treatment as shall be proper in view of their derangement. Any person so committed shall not be discharged from the custody of

the warden save upon the order of a court of competent jurisdiction made after a trial and judgment of discharge as herein provided. When any person so committed shall petition for a discharge, the warden of the penitentiary shall send him to the county where the hearing is to be had at the time the case shall be called for trial in the custody of a guard. During the time he shall be absent from the penitentiary, he shall be confined in the county jail, but shall at all times be deemed to be in the custody of the guard. If he shall be remitted to custody, the guard shall forthwith return him to the penitentiary. If he shall be discharged, the State may forthwith appeal from the order of discharge, and such appeal shall operate as a stay of the order and he shall remain in custody and be forthwith returned to the penitentiary until the Supreme Court shall have rendered a final decision in the cause. If the State does not desire to appeal, the order of discharge shall be a sufficient acquittal to the warden.

SEC. 9. All the criminal insane now confined in the State hospitals for the insane shall be forthwith sent by the authorities of those hospitals to the State penitentiary and placed in the control of the warden and confined by him in the ward or department for the criminal insane, herein provided for, and shall not thereafter be discharged from his custody save in the manner herein provided. Any criminally insane person now confined in the State penitentiary shall be transferred to the ward for the criminally insane, and shall not be discharged, save as herein provided.

SEC. 10. The prosecuting attorney of any county wherein a person may have been acquitted of a crime because of his insanity or mental irresponsibility may cause any such person who is not in custody to be brought before the superior court of that county for trial as to the question of his sanity or mental responsibility by filing a petition in the name of the State setting up the commission of a crime by such person, his acquittal thereof because of his insanity, and his insanity or mental irresponsibility at the present time. The cause shall be tried to a jury as hereinbefore provided. The evidence given

Discharge.

Criminal-insane to be transferred to ward at Penitentiary.

Commitment of persons not in custody

Procedure.

upon the trial of the criminal charge, if preserved by statement of facts or bill of exceptions, may be read in evidence, or the witnesses testifying upon the former trial may themselves be called. The jurors trying the criminal charge may testify as to the ground of acquittal. If the jury shall find that the defendant committed a crime, that he was acquitted thereof because of insanity, and that he is now insane or mentally irresponsible and an unsafe person to be at large, such person shall be committed to the penitentiary as a criminally insane person and be confined under the provisions of this act; otherwise, he shall be discharged. Either party may appeal to the Supreme Court as in other cases.

Passed the Senate February 1, 1907.

Passed the House February 13, 1907.

Approved by the Governor February 21, 1907.

CHAPTER 31.

[S. B. 17.]

AMENDING THE CODE OF PUBLIC INSTRUCTION.

AN ACT relating to the Public School system of the State of Washington, amending sections 75, 78, 89, 97 and 98 of chapter 118 of the session Laws of 1897, approved March 19, 1897.

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

SECTION 1. That section seventy-five of the Code of Public Instruction of the State of Washington be amended to read as follows: Section 75. Whenever any incorporated city in this state shall have a population of ten thousand or more inhabitants, as shown by any regular or special census, together with any adjacent or contiguous territory that now is or may hereafter be attached to said city for school purposes, it shall constitute one school district and be known by the name of "..... (name of city) school district No.," in county, State of Washington, and the board of directors thereof shall constitute a body corporate

Title of
city district.

and possess all of the usual powers of a corporation for Powers.
 public purposes, and in that name and style may sue and be sued, purchase, hold and sell such personal and real estate, and enter into such obligations as are authorized by law; and the title to all school buildings or other property, real or personal, owned by any school district within the corporate limits of any city, shall, upon the organization of a district under the provisions of this act, vest immediately in the new district, and the board of directors by this act provided shall have exclusive control of the same for all purposes herein contemplated: *Provided, however,* That whenever any school district in this state shall regularly employ for a school year of not less than eight months, forty or more teachers, in the various public schools of said district, all under one superintendency, as shown by the certificate of the county superintendent of common schools in and for the county in which said district is situated, said certificate to be made in triplicate, one copy thereof to be filed with the board of directors of said district, one with the Secretary of State of this state and one with the county auditor of the county in which said school district is situated, then and in such case the board of directors of such school district shall constitute a body corporate, as in this section provided, with all the functions, powers and authority hereinbefore and hereinafter conferred by this act.

SEC. 2. That section seventy-eight of said Code of Public Instruction be amended to read as follows: Section 78. The board of directors shall, at a regular meeting, provide not more than two voting places in each ward of the city, and appoint judges and clerks of election, who shall observe and cause to be observed at such election all the election laws of the state applicable thereto not otherwise provided for: *Provided,* That only those persons, male and female, who have complied with the laws governing registration in cities, of the class for which this section provides, shall be permitted to vote, and that no person shall be entitled to vote at said election except in the ward in which he or she resides. In cities of ten thousand or more inhabitants, or a school district regularly employing Election officers.

Registration
of
voters.

forty or more teachers in the public schools thereof, books of registration shall be open for the purpose of registration at not more than five convenient places in the district, to be designated by the board of directors, on each day between the hours of nine o'clock a. m. and four o'clock p. m. of each day, except legal holidays, and that they shall be closed, and no names shall be registered therein during the five days preceding any general or special election held in such district: *Provided*, That during the period of ten (10) days immediately preceding the closing of registration books as aforesaid, such books of registration shall not close earlier than seven (7) p. m. of each day. The secretary of the board shall give notice of the closing of the books of registration in his district by a notice published in a newspaper of general circulation, published in his district, at least ten days before the day for first closing of said books: *Provided, however*, That any elector of said district who has duly registered as a voter at any general election in said district shall be allowed to vote at the next succeeding school election held the same year without re-registration: *Provided, further*, That the city clerk or other municipal officer in whose custody the registration books of the general election are kept shall furnish to the secretary of the board, on the morning of the day of any school election, the registration books of said city or a copy thereof, which said registration books shall be returned within two days after said election. Should any of the judges be absent at the opening of the polls, the electors present shall appoint a legal voter, who, upon taking oath, shall be qualified to fill the vacancy.

Vacancies
in board of
directors.

SEC. 3. That section eighty-nine of said Code of Public Instruction be amended to read as follows: Section 89. The board of directors shall have power to fill, by election, any vacancy which may occur in its body, but the election to fill such vacancy shall be valid only until the next regular district election, and the ballots and returns shall be designated as follows: "To fill unexpired term." *It being however provided*, That school districts having a board of three directors, on becoming a body corporate, as in section 75 provided, said directors shall, at the next

regular meeting of the board of directors of said district after the filing of the certificate in said section 75 provided, or as soon thereafter as possible, at a regular meeting of said board of directors, appoint two qualified persons to fill the position of the additional directors required by this act, which appointment shall be valid only until the next regular district election.

SEC. 4. That section ninety-seven of said Code of Public Instruction be amended to read as follows: Section 97. The board of directors shall annually, at a meeting next preceding the annual tax levy for state and county purposes, report to the board of county commissioners an estimate of the amount of funds in addition to estimated receipts from the state tax required for the support of the schools, for the purpose of school sites, the erection and furnishing of school buildings, the payment of interest upon all bonds issued for school purposes, and the creation of a sinking fund for the payment of such indebtedness, if any, and the county commissioners are hereby authorized and required to levy and collect said additional amount the same as other taxes: *Provided*, That for the purpose of the purchase of school sites and the erection of buildings, the board of directors may expend in cities having a population of more than ten thousand and less than fifty thousand, or a school district regularly employing forty or more teachers in the public schools thereof, a sum not exceeding fifty thousand dollars; in cities having a population of not less than fifty thousand, nor more than one hundred thousand, or a school district regularly employing two hundred (200) or more teachers in the public schools thereof, a sum not exceeding one hundred thousand (100,000) dollars; and in cities having a population exceeding one hundred thousand (100,000) or a school district regularly employing four hundred (400) or more teachers in the public schools thereof, a sum not exceeding two hundred thousand (200,000) dollars: *And provided further*, That when any greater expenditure shall be required for said purposes, in any one current school year, the question shall be submitted to a vote of the electors of the district at the time and place the board of directors may ap-

Board shall estimate funds required.

County commissioners shall levy tax.

Limit of expenditure by directors for sites and buildings.

Vote on purchase of sites and buildings.

point. The board of directors shall, previous to such election, designate in one daily paper published in the district, if there be one, if not, then in such weekly papers as may be selected by the board, the place or places where such election shall be held, the locality of the site or sites required and the proposed cost of the buildings to be erected thereon: *Provided*, That the board of directors of any school district of this state may proceed to condemn and appropriate sufficient land for a school house site not to exceed five acres in extent; such condemnation proceedings shall be in accordance with the laws of this state providing for appropriating private property for public use.

Condemnation of sites.

Limit of tax levy.

SEC. 5. That section ninety-eight of said Code of Public Instruction be amended to read as follows: Section 98. The aggregate tax for school purposes in cities of ten thousand or more inhabitants, or in a school district regularly employing forty or more teachers in the public schools thereof, shall in no one year exceed one per cent of all the taxable property in the district: *Provided*, The board of directors by unanimous vote of all the members thereof, may determine upon a greater tax, not, however, exceeding two per cent, upon all the taxable property of the district.

Passed the Senate February 1st, 1907.

Passed the House February 13th, 1907.

Approved by the Governor, February 21st, 1907.

CHAPTER 32.

[H. B. 233.]

LAW DEPARTMENT OF THE STATE LIBRARY.

AN ACT relating to the law department of the State Library, changing the official title of the librarian in charge thereof, providing for his appointment and fixing his compensation.

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

SECTION 1. The Assistant State Librarian who has charge of the law department of the state library shall hereafter be entitled and known as the State Law Librarian. He shall hold his office by appointment of and at the pleasure of the Supreme Court and shall receive an annual salary of eighteen hundred dollars.

Passed the House February 11th, 1907.

Passed the Senate February 19th, 1907.

Approved by the Governor February 21st, 1907.

CHAPTER 33.

[H. B. 157.]

CARE AND IMPROVEMENT OF CAPITOL BUILDING AND GROUNDS.

AN ACT providing for the repair, construction and beautifying of certain parts of the capitol building and grounds, and providing an appropriation therefor.

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

SECTION 1. The State Board of Control is hereby fully authorized and directed in the manner they are authorized to do similar work at state institutions, to cause to be constructed around the state capitol building cement walks, and through the park, appropriate driveways; to substitute all floors except in the engine room and corridors in that part of the state capitol building formerly used as a court house, with new floors constructed of concrete and expanded metal; said floors to be supported on bench concrete foundation walls so as to allow of a sufficient subway for all steam and other pipes; to cause to be completed

and furnished suitable for occupancy by state officers, the basement of the capitol building; to cause the present smokestack to be abandoned and the brick flues constructed at the side of the small elevator to be substituted therefor; to remove the electric cables over the boilers in the boiler rooms to more suitable places; to repair the water closets and plumbing in that part of the capitol formerly used as a court house; to provide the vaults of the State Auditor's offices with fire-proof files and fittings; and to revise the present gravity system of heating; and to provide means for the use of oil as a fuel for heating purposes, and to provide for an adequate system to protect the capitol building from fire.

Sale of warrants on capitol building fund.

SEC. 2. The State Board of Control shall not proceed herein in the repair, construction or work heretofore referred to in section 1 of this act until warrants upon the state capitol building fund for the entire amount herein appropriated in the sum of thirty thousand dollars are sold at not less than par and the proceeds thereof placed with the Treasurer of the state to the credit of the capitol improvement fund. The said State Board of Control are hereby directed and authorized to sell such warrants in such amount and in such manner as shall appear to them advisable, and the State Auditor is hereby directed to issue such warrants upon request of the State Board of Control who shall determine the interest to be paid on said warrants within the limitations of this act. Said State Board of Control shall indicate the amounts and persons to whom said warrants shall be issued.

State guarantees interest.

SEC. 3. In order to facilitate the sale of said warrants and prevent the sacrifice of the state land donated by the general government for the purpose of erecting public buildings at the state capitol, the State of Washington hereby guarantees the payment of the interest on said warrants issued under this act: *Provided, however,* That the said interest on the said warrants shall not exceed four per centum per annum; which interest shall be due and payable annually on the first day of April of each year, upon the presentation of the warrants at the office of the State Treasurer: *Provided, further,* That all interest here-

in advanced by the state shall be repaid to the general fund from the proceeds of the sale of lands donated the state for the purpose of erecting public buildings at the state capitol next after prior obligations thereon are paid.

SEC. 4. There is hereby appropriated out of the capitol improvement fund, being the fund into which the proceeds of the sale of said warrants directed to be issued herein shall be placed, the sum of thirty thousand dollars.

Appropriation \$30,000.

Passed the House February 8th, 1907.

Passed the Senate February 14th, 1907.

Approved by the Governor, February 21st, 1907.

CHAPTER 34.

[H. B. 6.]

RELATIVE TO NOXIOUS WEEDS ALONG CANALS AND DITCHES.

AN ACT prohibiting the owners or those in charge of any canal or ditch from suffering noxious weeds or other growths to grow on the banks thereof, and providing a penalty for the violation thereof.

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

SECTION 1. If any person or persons, company or corporation, owning, maintaining or operating, any canal or ditch for irrigation, drainage or power purposes shall permit or suffer any weed, weeds or other noxious growths to grow upon the banks of such ditch or canal and suffer the same to stand until the seeds thereof get ripe, such person or persons, company or corporation shall be guilty of a misdemeanor and upon conviction thereof shall for the first offense be fined in the sum of ten dollars; and for the second and each subsequent offense not less than twenty-five nor more than one hundred dollars; to be recovered with costs in an action to be brought in the name of the State of Washington for the use and benefit of the public school fund of the state.

Penalty for permitting growth.

Passed the House February 1st, 1907.

Passed the Senate February 13th, 1907.

Approved by the Governor February 21st, 1907.

CHAPTER 35.

[H. B. 62]

OFFENSE OF UNLAWFUL ENTICEMENT.

AN ACT relating to the offense of unlawful enticement and providing a penalty.

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

Penalty.

SECTION 1. Any person who shall entice a female under the age of eighteen years from the custody of her parents, guardian, or other person having lawful control of her, for any unlawful purpose, shall upon conviction thereof be fined in any sum not exceeding one thousand dollars or imprisoned in the county jail not exceeding one year, or be fined and imprisoned.

Passed the House February 6th, 1907.

Passed the Senate February 13th, 1907.

Approved by the Governor, February 21st, 1907.

CHAPTER 36.

[H. B. 78.]

PROVIDING FOR A PRIVILEGE TAX ON PRIVATE CAR COMPANIES.

AN ACT providing a method for the assessment and collection of an excise or privilege tax on private car companies doing business in this state, and declaring an emergency.

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

Private car
companies
defined.

SECTION 1. Any person or persons, joint stock company or corporations, wherever organized or incorporated, engaged in the business of operating or running cars for the purpose of transporting any articles of merchandise, during the transportation thereof on or over any railroad line or lines in whole or in part within this state, such line or lines not being owned or leased by such person or persons, joint stock company or corporation, shall be deemed a private car company within the meaning of this act.

SEC. 2. Every private car company, as defined in section one hereof, doing business in this state, shall annually,

between the 1st and 30th day of April, after passage of this act, under oath of the person constituting such company, if a person, or under oath of the president, treasurer, superintendent or chief officer in this state, of such association, or corporation, if an association or corporation, make and file with the State Board of Tax Commissioners a statement, in such form as the Board may prescribe, containing the following facts: Annual statement.

1st. The name of the person, or persons, association or corporation.

2nd. Under the laws of what state or country organized.

3rd. The location of its principal office.

4th. The name and postoffice address of the president, secretary, auditor, treasurer, superintendent and general manager.

5th. The name and postoffice address of the chief officer, or managing agent of the company in this state.

6th. The entire receipts (including all sums earned or charged, whether actually received or not) for business done by such company within this state including its proportion of gross receipts for business done by such company within the state in connection with other companies.

7th. Such other facts and information as the said Board may require in the form of return prescribed by it. Blanks for making the above statement shall be prepared and furnished any private car company by the said Board.

SEC. 3. The State Board of Tax Commissioners shall proceed to ascertain and determine, on or before the first Monday in July, the entire gross receipts of each of said private car companies for business done within the State of Washington for the year next preceding the first day of April, and the amount so ascertained by the said board shall, in such instances, be held and deemed to be the gross receipts of such private car company for business done within the State of Washington, for the year under consideration. Tax Commissioners ascertain gross receipts.

SEC. 4. The Board may adjourn from time to time until the business before it is finally disposed of. In case of failure or refusal of any private car company to make

Failure to
make
statement.

the statement required by law, or furnish the Board any information requested by it, the Board shall inform itself as best it may on the matters necessary to be known in order to discharge its duty. And at any time after the meeting of the Board on the first Monday in June, and before the gross receipts of any private car company for business done within the State of Washington are determined, any person, company or corporation interested shall have the right, on written application to appear before the Board and be heard in the matter of such determination. After the determination of the amount of the gross receipts of any private car company for business done in the State of Washington and before the certification of the State Board of Tax Commissioners of such amount, the Board may, on the application of any person, company or corporation interested, or on its own motion, review and correct its findings in such manner as may seem to it to be just and proper.

Hearings.

Penalty.

SEC. 5. In case any private car company shall refuse, fail or neglect to make and file the statement or schedule, as provided for, in this act, such company shall be subject to a penalty of five hundred dollars (\$500.00) and an additional penalty of one hundred dollars (\$100.00) for each day's omission after the 30th day of April to file its statement, said penalty to be recovered by action in the name of the State, and on collection, paid into the State Treasury to the credit of the general fund of the state. The Attorney General, on request of the State Board of Tax Commissioners, shall institute such action against any such person or persons, joint stock company or corporation so delinquent in any court of competent jurisdiction in this state.

Collection.

Commission
may require
production
of books.

SEC. 6. The State Board of Tax Commissioners shall have power to require the president, secretary, treasurer, receiver, superintendent, managing agent, or other officer or employe, or agent, of any private car company or any person, joint stock company or corporation, engaged in the private car business, to attend before the Board, and bring with him for the inspection of the Board, any books or papers, of such person or persons, joint stock company

or corporation, in his possession, or under his control, and to testify under oath, touching any matter relating to the organization or business of such person or persons, joint stock company or corporation. Any member of the Board is authorized and empowered to administer such oath. Any officer, employe or agent who shall refuse to attend before the Board, when requested so to do, or shall refuse to bring with him and submit for the inspection of the Board any books or papers in his possession, custody or control, or shall refuse to answer any questions put to him by the Board or any member thereof, touching the organization or business of such person, persons, joint stock company or corporation, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined, not more than five hundred dollars (\$500.00), nor less than one hundred dollars (\$100.00).

Any member may administer oath.

Penalty for refusal to testify.

SEC. 7. The State Board of Tax Commissioners shall on the first Monday in August, annually, enter the amount of gross receipts of private car companies doing business in this State, for the year then next preceding the first day of April, as determined as provided for in section three of this act in a book provided for that purpose. It shall be the duty of the State Treasurer, annually, to collect from each such private car company, doing business in this state, a sum in the nature of an excise or privilege tax, to be computed by taking seven per centum of the amount fixed by the State Board of Tax Commissioners as the gross receipts of such private car company for business done within the State of Washington for the year next preceding the first day of April, as determined and certified by the State Board of Tax Commissioners: *Provided*, Nothing contained in this act shall exempt or relieve any private car company from the assessment and taxation of their tangible property in the manner authorized and provided by law. All taxes collected under the provisions of this act shall be credited to the state general fund.

Record of gross receipts.

Seven per cent. tax.

Taxation of tangible property.

SEC. 8. If any private car company fails or refuses to pay the said tax as provided for in this act before the 30th day of September, annually, the State Treasurer shall

Suit to collect tax.

proceed to collect the tax, together with interest, at the rate of fifteen per centum per annum, by suit instituted by the Attorney General, whose duty it shall be, upon request of the State Treasurer, or upon request of the State Board of Tax Commissioners, to prosecute any and all proceedings for the collection of such tax.

Emergency. SEC. 9. An emergency exists and this act shall take effect April 1, 1907.

Passed the House February 2nd, 1907.

Passed the Senate February 11th, 1907.

Approved by the Governor February 21st, 1907.

CHAPTER 37.

[S. B. 46.]

STATE DEPOSITARIES.

AN ACT to provide for state depositaries and regulate the deposits of state moneys therein.

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

State
depository
defined.

SECTION 1. Any national or state banking corporation which shall be approved by the State Board of Finance, may, upon filing a bond, or depositing the security as hereinafter provided, and upon the compliance with all other requirements of law, become a state depository; and no state funds shall be deposited in any institution other than a state depository. The record of the proceedings of said board shall be kept by the State Auditor, and a duly certified copy thereof, or any part thereof, shall be admissible in evidence in any action or proceeding in any court of this state.

Bond of
depository.

SEC. 2. Every state depository, before it shall be entitled to receive any state moneys, shall file with the State Treasurer a good and sufficient bond to the State of Washington, or shall deposit with the State Treasurer good and sufficient municipal, county, state, or United States bonds, or in lieu thereof a bond of a surety company authorized

to do business in this state, to be approved by said Board as security and pledge for the payment upon demand to him or his order, free of exchange, at any place in this state designated by him, of all such moneys deposited with it, and of interest thereon at the rate fixed by said Board; which bonds shall be at least equal to the amount of the moneys to be received by said depository of said state, and shall, before such deposit, be approved by said Board. The State Board of Finance may require the State Auditor or State Bank Examiner to thoroughly investigate and report to it concerning the condition of any bank which makes application to become a state depository, and may also as often as it deems necessary require such investigation and report concerning the condition of any bank which may have been designated as such depository, the expense of such investigation to be borne by the depository examined.

Investigation of applicant.

SEC. 3. The State Board of Finance shall from time to time fix the rate of interest to be paid by said depositories upon said moneys deposited with them, and cause notice thereof to be published in such newspapers as the Board may direct. The rate of interest, until changed by said Board, shall be not less than two per cent. per annum.

Rate of interest.

SEC. 4. The State Treasurer may deposit with any depository which has fully complied with all requirements of law any state moneys in his hands or under his official control not exceeding the limit herein prescribed, and any sum so on deposit shall be deemed to be in the State Treasury, and such Treasurer shall not be liable for any loss thereof resulting from the failure or default of any such depository without fault or neglect on his part or on the part of his assistants or clerks. The amount at any time on deposit with any depository shall not exceed the actual paid up capital and surplus, nor the penalty of the bond filed by it, nor three-fourths of the value of the bonds deposited by it, nor the amount prescribed by the State Board of Finance, if any be prescribed.

Funds on deposit deemed to be in treasury.

Limit of deposits.

SEC. 5. The State Board of Finance shall not approve the municipal, county, state or United States bonds, or in lieu thereof the bond of a surety company of any such de-

Depositories
to be
financially
sound.

pository until fully satisfied that said bond or bonds are good and sufficient, and that the depository is prosperous and financially sound and has unimpaired the paid up capital claimed by it and surplus. Said Board may at any time require any state depository to furnish a new or additional bond or bonds, and upon failure so to do may after fifteen (15) days notice to said depository revoke their designation and approval thereof, and immediately upon such revocation such corporation shall cease to be a state depository.

Statements.

SEC. 6. Every state depository shall, on the 1st day of each calendar month, and oftener when required, file with the State Auditor a sworn statement of the amount of state moneys on deposit with it, and shall, within ten days after the first day of January, April, July and October in each year make a full statement of all deposits and payments of state moneys during the preceding quarter, together with a computation and statement of the interest earned thereon, computed upon the daily balance on deposit, to the State Board of Finance, which interest shall thereupon be remitted to the State Treasurer and placed to the credit of the general fund and deposit interest funds; such statement shall be upon such forms as may be prescribed by the State Board of Finance and be accompanied by an affidavit of the president and cashier of such depository to the effect that it is in all respects true and correct, and that, except for the interest therein credited, neither said depository nor any officer, agent or employe thereof, nor any person in its behalf has in any way whatsoever given, paid, or rendered, or promised to give, pay or render to any member of the State Board of Finance, or to any other person, or corporation whatever any money, credit, service or benefit whatsoever by reason or in consideration of a deposit with it of any portion of the state moneys. Any person who shall make any false statement in any affidavit required by this section shall be guilty of perjury. The total interest paid by all depositories shall be by the State Treasurer placed to the credit of the deposit interest fund, and upon the fifteenth (15) day of January of each year, the State Treasurer shall divide the deposit interest fund among the

False
statement
perjury.

various funds from which such deposits are made, in proportion to the respective amounts thereof.

SEC. 7. The word "bank" as used in this act shall be construed to include any trust company organized under the laws of the State of Washington engaged in the banking business. Trust
company.

Passed the Senate February 4th, 1907.

Passed the House February 14th, 1907.

Approved by the Governor February 21st, 1907.

CHAPTER 38.

[H. B. 73.]

DISPOSAL OF MINING CLAIMS BY COUNTIES.

AN ACT authorizing counties which have acquired or which may hereafter acquire mining claims or properties for taxes to lease the same with or without an option to purchase, declaring an emergency.

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

SECTION 1. The commissioners of any of the counties of the State of Washington which have acquired, or which may hereafter acquire, mining claims or properties through the nonpayment of taxes may, when they deem it most advantageous for the county, lease, to the highest and best bidder at public auction with or without an option to purchase, said mining claims or properties or any part thereof, instead of selling the same at public sale: *Provided*, Said lease shall require the payment of royalties on all ore or minerals taken from said mineral claims or properties in such amount and upon such terms and conditions as said commissioners shall deem for the best interest of said county. At least thirty days notice of the time and place where said lands will be offered for lease shall be given by the commissioners by two publications in some weekly newspaper published in the county where such lands are situated.

Lease of
mining
claims.

Notice by
publication.

Terms of
lease.

SEC. 2. When said commissioners, in their discretion, decide to lease said claims or properties as provided in section 1, they shall enter an order to that effect upon their records and shall fix the duration and terms and conditions of said lease, and in case an option to purchase is given shall fix the purchase price, which shall not be less than the total amount of the taxes, interest and penalties due at the time the property was acquired by the county, and may provide that any royalties paid shall apply and be credited on the purchase price, and said lease or lease and option shall be signed and executed on behalf of said county by said commissioners, or a majority of them.

Conveyance.

SEC. 3. Upon payment of the full purchase price, in cases where an option to purchase is given, a conveyance shall be executed to the purchaser by the chairman of the board of county commissioners. Such conveyance shall refer to the order of the board authorizing such leasing with the option to purchase, and shall be deemed to convey all the estate, right, title and interest of the county in and to the property sold; and such conveyance, when executed, shall be conclusive evidence of the regularity and validity of all proceedings hereunder.

Emergency.

SEC. 4. An emergency exists, and this act shall take effect immediately.

Passed the House February 1st, 1907.

Passed the Senate February 15th, 1907.

Approved by the Governor February 25th, 1907.

CHAPTER 39.

[H. B. 128.]

EMPLOYMENT OF COUNTY PRISONERS ON ROADS.

AN ACT relating to the duty of county commissioners in regard to prisoners in county jails and authorizing the employment of such prisoners.

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

SECTION 1. The board of county commissioners of any county, may in their discretion, order the sheriff to cause all persons under sentence of imprisonment in the county jail, except females and persons incapable of performing manual labor, to be put to work and perform labor on the public roads and highways within such counties. Work on highways.

SEC. 2. All work done by prisoners as herein provided shall be under the direction of the county commissioners: *Provided*, That when the work is done on any of the roads or highways leading to and within the corporate limits of any incorporated city or town it shall be done according to the directions of the proper authorities of such city or town. Supervision of work.

Passed the House February 14th, 1907.

Passed the Senate February 19th, 1907.

Approved by the Governor February 25th, 1907.

CHAPTER 40.

[H. B. 40.]

ASSESSMENT AND COLLECTION OF TAXES IN CITIES OF THE SECOND, THIRD AND FOURTH CLASSES.

AN ACT relating to the assessment and collection of taxes in municipal corporations of the second, third, and fourth classes, and amending sections 1810 and 1814, of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

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

SECTION 1. That section 1810 of Ballinger's Annotated Codes and Statutes of Washington be, and the same

hereby is, amended so as to read as follows: Section 1810. All taxes levied for municipal purposes by municipal corporations of the second, third and fourth class, and by cities of equal population but existing under special legislative charters, may be assessed and collected in the manner hereinafter provided, whenever such municipal corporation shall by ordinance provide that assessments and collection of taxes shall be so made. A copy of which said ordinance shall be delivered to the county assessor and to the county treasurer: *Provided*, That nothing in this chapter shall be held to prevent any such municipal corporation from providing by ordinance a general system for the assessment and collection of its taxes: *Provided*, That penalties and interest on delinquent taxes shall not exceed those provided by the general revenue laws.

Ordinance.

SEC. 2. That section 1814 of Ballinger's Annotated Codes and Statutes of Washington, be, and the same hereby is amended so as to read as follows: Section 1814. Said assessment shall be equalized by the county and state board of equalization in the same manner as other assessments are equalized: *Provided*, That in counties having a city of the second class situated therein, the city council of such city shall select a committee of three members of such council to act with the board of county commissioners as a board of equalization with respect to all property situated within such city, and the board of equalization so constituted, shall have the powers and perform the duties concerning the equalization of assessments within such city of the second class that are given to the county boards of equalization by the general revenue laws of the state. The city council may provide for the compensation of the members of the committee for the time they are actually engaged as members of the board of equalization.

Equalization.

Emergency.

SEC. 3. An emergency exists and this act shall take effect immediately.

Passed the House February 1st, 1907.

Passed the Senate February 15th, 1907.

Approved by the Governor February 25th, 1907.

CHAPTER 41.

[S. B. 148.]

CONSTRUCTION AND OPERATION OF RAILROADS IN
CITIES OF THE FIRST CLASS.

AN ACT granting additional authority to cities of the first class to authorize the location, construction and operation of railroads in, along, over or across any highway, street, alley, or public place, and to prescribe the duration and condition of such use, notwithstanding any charter provisions limiting the term of franchise, or concerning the acquisition by any such city of the property of companies holding any franchise, privilege, license, grant or authority, and declaring an emergency.

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

SECTION 1. Any city of the first class shall have the power by ordinance to authorize the location, construction and operation of railroads in, along, over and across any highway, street, alley or public place in such city, for such term of years and upon such conditions as the city council of such city may by ordinance prescribe, notwithstanding any provisions of the charter of such city limiting the terms of franchises, or requiring such franchises to contain a provision that such city shall at any time have the right to appropriate, by purchase, the property of the corporation receiving any franchise, license, privilege or authority: *Provided, however,* That nothing herein contained shall be construed as applying to street railroads or railroads operated in connection with street railroads, in and along the streets of such city.

Authority notwithstanding charter provisions.

Street railroads excepted.

SEC. 2. An emergency exists and this act shall take effect immediately.

Emergency.

Passed the Senate February 13th, 1907.

Passed the House February 20th, 1907.

Approved by the Governor February 26th, 1907.

CHAPTER 42.

[S. B. 77.]

FISH HATCHERY ON LEWIS RIVER.

AN ACT to establish a state fish hatchery on the Lewis river, or some of its tributaries, in Cowlitz county, in the State of Washington.

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

Commis-
sioner to
prospect.

SECTION 1. That the State Fish Commissioner is hereby authorized and directed to prospect the Lewis river and its tributaries, in Cowlitz county with a view of establishing and maintaining a state salmon hatchery thereon.

Establish-
ment.

SEC. 2. That if after investigating, the State Fish Commissioner finds the Lewis river, in Cowlitz county, or any of its tributaries, a suitable stream for the location of a salmon hatchery he is hereby authorized and directed to establish and maintain a state salmon hatchery on said Lewis river, or its tributaries, in Cowlitz county.

Passed the Senate February 4th, 1907.

Passed the House February 20th, 1907.

Approved by the Governor February 26th, 1907.

CHAPTER 43.

[S. B. 54.]

FISH HATCHERY ON LYLE RIVER.

AN ACT to establish a state fish hatchery on the Lyle river, in Clallam county, in the state of Washington.

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

Commis-
sioner to
prospect.

SECTION 1. That the State Fish Commissioner is hereby authorized and directed to prospect the Lyle river in Clallam county with a view of establishing and maintaining a state salmon hatchery thereon.

Establish-
ment.

SEC. 2. That if after investigation, the State Fish Commissioner finds the Lyle river in Clallam county a suitable stream for the location of a hatchery, he is hereby

authorized and directed to establish and maintain a state salmon hatchery on said Lyle river in Clallam county.

Passed the Senate February 4th, 1907.

Passed the House February 20th, 1907.

Approved by the Governor February 26th, 1907.

CHAPTER 44.

[S. B. 60.]

FILING OF PLATS.

AN ACT to amend section 1263 Ballinger's Annotated Codes and Statutes of Washington, relating to filing of plats and payment, assessment and collection of taxes upon the same.

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

SECTION 1. That section 1263 of Ballinger's Annotated Codes and Statutes of Washington shall be amended Deposit. to read as follows: Section 1263. Any person filing a plat subsequent to May 31st, in any year and prior to the date of the collection of taxes, shall deposit with the county treasurer a sum equal to an increase of twenty-five per cent. of the amount of the tax for the previous year on the property platted. The treasurer's receipt for said amount shall be taken by the auditor as evidence of the payment of the tax. The treasurer shall appropriate so much of said deposit as will pay the taxes on the said Taxes. property when the tax rolls are placed in his hands for collection, and in case the sum deposited is in excess of the amount necessary for the payment of the said taxes, the treasurer shall return, to the party depositing, the amount of said excess, taking his receipt therefor, which receipt shall be accepted for its face value on the treasurer's quarterly settlement with the county auditor. Any plat filed in accordance with the provisions of this act subsequent to March 1st, and on or before May 31st, of any year, shall be assessed as though of record, March 1st.

Passed the Senate February 7th, 1907.

Passed the House February 20th, 1907.

Approved by the Governor February 26th, 1907.

CHAPTER 45.

[S. B. 86.]

ESTRAYS.

AN ACT to amend section 3 of an act entitled "An act in relation to estrays, providing for their detention, regulation and sale, and prescribing penalties for its violation," approved February 16, 1905.

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

Registration
by finder.

SECTION 1. That section three of an act entitled "An Act in relation to estrays, providing for their detention, regulation and sale, and prescribing penalties for its violation," approved February 16, 1905, is hereby amended to read as follows: Sec. 3. Any person about whose premises any animal may be in the habit of running at large at any time between the 1st day of October and the 1st day of March east of the Cascade range and between the first day of December and the first day of March, west of the Cascade range, may take up such animal, and shall within ten days thereafter cause the same to be registered with the county auditor of his county under "Estrays Found," giving the information required by the record as fully as practicable, and the auditor shall charge against such estrays the said fee of fifty cents for each animal so registered. Breachy or vicious animals may be taken up and registered as herein provided. The word "Animal" or "Animals" for the purpose of this act, shall include only horses, mules, cattle and hogs.

Passed the Senate February 5th, 1907.

Passed the House February 20th, 1907.

Approved by the Governor February 26th, 1907.

CHAPTER 46.

[H. B. 340 Sub. for H. B. 107.]

TAXATION OF BANK STOCK.

AN ACT relating to assessment and taxation of bank stock, and declaring an emergency.

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

SECTION 1. All the shares of stock in banks whether of issue or not, existing by authority of the United States or of the state, and located within the state, shall be assessed to the owners thereof in the cities or towns, where such banks are located, and not elsewhere, in the assessment of all state, county and municipal taxes imposed and levied in such place whether such owner is a resident of said city or town or not; all such shares shall be assessed at their full and fair value in money on the first day of March in each year, first deducting therefrom the proportionate part of the assessed value of the real estate belonging to the bank. And the persons or corporations who appear from the records of the banks to be owners of shares at the close of the business day next preceding the first day of March in each year shall be taken and deemed to be the owners thereof for the purposes of this section.

Assessment.

Who shall be deemed owners.

Emergency.

SEC. 2. An emergency exists and this act shall take effect immediately.

Passed the House February 19th, 1907.

Passed the Senate February 27th, 1907.

Approved by the Governor February 27th, 1907.

CHAPTER 47.

[H. B. 282.]

CREATING THE COUNTY OF GRAYS HARBOR.

AN ACT to create the county of Grays Harbor, subject to the requirements of the state constitution and statutes in respect to the establishment of new counties, and declaring an emergency.

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

Boundaries.

SECTION 1. All that part of Chehalis county lying and being west and north of the following described line: Commencing at a point where the north and south section line between sections 10 and 11, township 15 north, range 8 west, W. M., intersects the north boundary line of Pacific county, the same being the section corner common to sections 10, 11, 14 and 15, township 15, north, range 8 west, W. M., and running thence northerly on the section line between sections 10 and 11, 2 and 3, in township 15 north, range 8 west, and between sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, 10 and 11, 2 and 3, in township 16 north, range 8 west, and between sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, 10 and 11, and 2 and 3, in township 17 north, range 8 west and between sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, 10 and 11, and 2 and 3, in township 18 north, range 8 west, to the township line between townships 18 and 19 north, to a point which is the section corner common to sections 2 and 3, township 18 north, range 8 west, and sections 34 and 35, township 19 north, range 8 west; thence easterly on the township line between said townships 18 and 19 north, to the southwest corner of Mason county; thence northerly along the westerly boundary line of Mason county to the northerly boundary line of Chehalis county, as now existing, shall be and is hereby created and established as the county of Grays Harbor: *Provided, however,* That the said Grays Harbor county is hereby created as aforesaid subject to the requirements of the constitution of the State of Washington in the respect to the establishment of new counties, and subject to an ascertainment of the fact of such compliance as hereinafter provided, and that

the creation of Grays Harbor county hereby shall not become operative to establish said county until such compliance shall have been so had and the fact of such compliance so ascertained.

SEC. 2. At any time within three months after this act shall take effect any qualified voter living in the portion of Chehalis county embraced within the boundaries of Grays Harbor county, as hereinbefore described, may present to the Governor of the State of Washington a petition addressed to the Governor in substance: That the signers of said petition are a majority of the voters living in the portion of Chehalis county embraced within the boundaries of Grays Harbor county as defined within this act, and praying that in case it should be found that the constitutional provisions relating to the creation of new counties have been fully complied with that the county of Grays Harbor shall be deemed fully established: *Provided*, That said petition shall be accompanied by a good and sufficient bond to the State of Washington, to be approved by the Secretary of the State of Washington, in the sum of one thousand dollars to cover costs of proceedings under this act, in case such county shall not be established.

SEC. 3. The Governor shall forthwith transmit said petition to the superior judge of the next nearest judicial district adjoining the judicial district in which said county of Chehalis is now situate, and the superior judge to whom said petition shall be transmitted shall within thirty days thereafter examine said petition and ascertain whether said petition bears the signature of persons living within the territory of Grays Harbor county and entitled to vote therein in number equal to a majority of the voters voting within said territory at the last preceding general election as nearly as such number of voters can be determined, and a majority in number of the voters voting at the last preceding general election shall be a sufficient requirement as to number to authorize the said judge to find the petition sufficiently signed. If the judge finds the petition sufficiently signed, then the said judge shall ascertain to his satisfaction, upon evidence received in open court, that the striking therefrom of the territory proposed

Census.

to be set over unto Grays Harbor county will not reduce the remaining population of said Chehalis county to a population of less than four thousand and that such territory so proposed to be set over contains a population of two thousand or more: *Provided, however,* That the judge may, in his discretion, appoint an elector or electors; who shall be a freeholder or freeholders residing within the territory of Grays Harbor county, to take special enumeration of the population of the county of Chehalis, or of any part thereof which he may so desire, so that it will show separately the number of population living in such portion thereof within the boundary of said Chehalis county. It shall be the duty of the person or persons so appointed to qualify by filing with such court an oath that he will make such enumeration truly and impartially and thereupon he or they shall take such enumeration and return the same verified by his affidavit that he believes the same to be a true and correct enumeration of such county, or as the case may be, of the portion of such county to which the same relates in such court and to file the same in such court within one month after such enumeration has been completed.

Decree.

SEC. 4. If it shall be shown to the satisfaction of such judge of such superior court that there are two thousand or more inhabitants within the boundaries herein set forth for Grays Harbor county and that there shall remain four thousand or more inhabitants in the remaining portion of Chehalis county, thereupon he shall make a decree setting forth the fact that the provisions of the constitution of the State of Washington have been complied with. Upon the filing of such decree it shall be the duty of the clerk of such court to make and transmit to the board of county commissioners of Chehalis county a certified copy thereof and also a certified copy thereof to the Governor of the state and to the Secretary of State.

Proclamation.

SEC. 5. Immediately upon the receipt of said certified copy of the decree of said superior court the Governor shall make proclamation declaring the county of Grays Harbor duly established.

SEC. 6. The county of Grays Harbor shall assume and pay to the county of Chehalis its proportion of the bonded and warrant indebtedness of the county of Chehalis in proportion that the assessed valuation of that part of Grays Harbor county lying within the boundaries of Chehalis county bears to the assessed valuation of the whole of Chehalis county before division. The adjustment of such indebtedness shall be based upon the assessment for the year 1906: *Provided*, That in the accounting between the said counties neither county shall be charged with any debt or liability incurred in the purchase of any county property or the purchase of any county buildings which fall within and are retained by the other county: *And provided further*, That if an accounting shall show a surplus of cash in the treasury of Chehalis county over and above the amount necessary to pay off and discharge the entire bonded and warrant indebtedness of said county, the county of Chehalis shall turn over to the county of Grays Harbor such proportion of such surplus as the assessed value of the taxable property lying within Grays Harbor county bears to the assessed value of all taxable property included within the whole of Chehalis county before division, the assessed value to be taken from the tax rolls of 1906. All lands owned by Chehalis county forfeited or deeded to it for delinquent taxes and situated within the territory comprising Grays Harbor county shall be the property of Grays Harbor county.

Adjustment
of indebted-
ness.

SEC. 7. The county seat of Grays Harbor county is hereby located at the city of Aberdeen and shall remain there until the same shall be removed in accordance with the provisions of law.

Aberdeen
county seat.

SEC. 8. Until otherwise classified said county of Grays Harbor is hereby designated as belonging to the twelfth class.

Twelfth
class.

SEC. 9. W. L. Adams, Waldo W. Hart and E. B. Benn, all being residents within the proposed county of Grays Harbor, shall be the first board of county commissioners of said county of Grays Harbor, and they shall hold office until the second Monday in January, 1909,

Personnel of
commission-
ers.

and until their successors are elected and qualified, and shall meet at the county seat of said Grays Harbor county within thirty days from the date of the Governor's proclamation as hereinbefore provided and shall qualify as such county commissioners by filing their oath of office with the judge of the superior court, who shall approve their bonds in the manner provided by law; *Provided, however,* That if any of the above named commissioners shall fail to qualify within the specified time, then the Governor shall appoint a *bona fide* resident and qualified elector of Grays Harbor county to fill the vacancy.

Division of
county.

SEC. 10. Such commissioners shall divide their county into precincts, townships and districts as provided for by the laws then existing, making only such changes as are rendered necessary by the altered condition of the boundaries occasioned by the segregation from the original county.

Officers to
retain
positions.

SEC. 11. In all townships, precincts, school and road districts which retain their old boundaries the officers thereof shall retain their respective offices in and for such new county until their respective terms of office expire, or until their successors are elected and qualified, and shall give bonds to Grays Harbor county of the same amount and in the same manner as had previously been given to the original county.

Appoint-
ment of
officers.

SEC. 12. Except as provided in the preceding section such commissioners shall be authorized and required to appoint all the county officers of the county organized under the provisions of this act and of which they are commissioners, and the officers thus appointed shall commence to hold their offices immediately upon their appointment and qualification according to law, and shall hold their office until the 2nd Monday of January, 1909, or until their successors are elected and qualified.

Judicial
district.

SEC. 13. The county of Grays Harbor and the county of Chehalis shall compose one judicial district and shall be entitled to one superior judge of the superior court in and for such judicial district, and the superior court in and for Grays Harbor county shall be held at Aberdeen in the county of Grays Harbor.

SEC. 14. The board of county commissioners at a regular meeting held within one year from the time when they shall qualify as commissioners of the county of Grays Harbor, by order duly entered in the minutes of their proceedings, shall divide Grays Harbor county into three commissioners districts, in the manner provided by law and shall designate the boundaries thereof and at the next general election in said county there shall be elected, three commissioners, one for each of said districts, the commissioner from district No. 1 to be elected for four years and the commissioners from districts No. 2 and 3 for two years.

Commis-
sioner's
districts.

SEC. 15. For the purpose of representation in the Legislature, until otherwise provided by law, the county of Grays Harbor and the county of Chehalis shall constitute the twenty-first senatorial district and shall be entitled to one Senator, and the County of Grays Harbor shall constitute the thirtieth representative district and shall be entitled to two Representatives, and the county of Chehalis shall constitute the twenty-ninth representative district and shall be entitled to one Representative.

Legislative
districts.

SEC. 16. Until the county of Grays Harbor is organized by the appointment and qualification of its officers the jurisdiction of the present officers of Chehalis county shall remain in full force and effect in those portions of the territory constituting the said county of Grays Harbor lying within Chehalis county.

Jurisdiction
of present
officers.

SEC. 17. Within such time as they shall be transcribed after the Governor's proclamation, as hereinbefore provided, the county auditor of Chehalis county shall certify from the records of said county all records and all papers and documents on file in any wise affecting the title to any estate or property, real or personal, situated within the county of Grays Harbor, and the county commissioners of Grays Harbor county shall provide, at the expense of the county, proper and suitable record books to which such records shall be so transcribed, and shall transcribe said records as hereinafter provided in legible writing and said record books and papers shall be delivered to the auditor of Grays Harbor county and such records and documents

Records.

so transcribed shall be accepted and received as evidence in all courts and places as if the same had been originally recorded or filed in the office of the auditor of Grays Harbor county.

Actions shall be transferred.

SEC. 18. All actions and proceedings which shall be pending in the superior court of Chehalis county at the time of the governor's proclamation hereinbefore referred to, affecting the title or possession of real estate in Grays Harbor county or in which one or all of the parties are residents of Grays Harbor county shall be transferred to the superior court of Grays Harbor county and all further proceedings had therein shall be in Grays Harbor county the same as if originally commenced in that county. All other proceedings, either civil or criminal, now pending in the superior court of Chehalis county shall be prosecuted to termination thereof in the superior court of Chehalis county.

Transfer of pleadings.

SEC. 19. All pleadings, process, documents and files in the office of the county clerk of Chehalis county affecting pending suits and proceedings to be transferred as provided in the preceding section of this act, shall be transferred and all records therein transcribed as hereinafter provided, and certified by the county clerk of Chehalis county and transmitted to the county clerk of Grays Harbor county after such clerk shall have entered upon the duties of said office.

Instruments affecting title to be transcribed.

SEC. 20. All records, papers and documents of record or on file in the office of the county clerk, county auditor and all other officers of Chehalis county in any wise affecting the title or possession of real estate or other property in Grays Harbor county and required to be transcribed and transmitted to the county clerk, county auditor or other officer of Grays Harbor county by such person or persons as may be employed by the county of Grays Harbor for that purpose under the certificates of the county clerk, county auditor and other officers of Chehalis county and said records and documents when so transcribed and transferred shall be received as evidence in all courts and places as if originally recorded or filed, as the case may be, in the county of Grays Harbor.

SEC. 21. All records of Chehalis county required by this act to be transcribed shall be transcribed by a person or persons to be employed by the board of county commissioners of Grays Harbor county as follows, to-wit: Said transcribing shall be done by a person or persons under contract, who shall receive said contract after bids for said work shall have been advertised, and the contract given to the best bidder. All records so transcribed shall be certified by the officer of the respective offices from which such records shall be transcribed, under his signature and the seal of his office, if such office have a seal, in the manner following, to-wit: Each book of transcribed records shall be certified to be a correct transcript of the records of Chehalis county contained therein and each officer so certifying shall finally certify to the completeness of all records so transcribed from his office. All original volumes of the assessment rolls of Chehalis county which include only property in the territory comprising the new county of Grays Harbor shall be transmitted to the county of Grays Harbor.

Who shall transcribe.

SEC. 22. An emergency exists and this act shall take effect immediately. Emergency.

Passed the House February 18th, 1907.

Passed the Senate February 21st, 1907.

Approved by the Governor February 27th, 1907.

CHAPTER 48.

[S. B. 52.]

TAXATION OF PERSONAL PROPERTY.

AN ACT amending an act entitled, "An act to amend section 3, of chapter LXXXIII of the laws of 1897 relating to revenue and taxation," passed the senate and the house June 12, 1901, notwithstanding the veto of the governor, and declaring an emergency.

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

SECTION 1. That section 3 of "Chapter LXXXIII of the Laws of 1897, amended June 12, 1901," is hereby

Personal
property
defined.

amended to read as follows: Sec. 3. Personal property, for the purpose of taxation, shall be construed to embrace and include, without especially defining and enumerating it, all goods, chattels, stocks or estates; all improvements upon lands, the fee of which is still vested in the United States, or in the State of Washington, or in any railroad company or corporation, and all and singular of whatsoever kind, name, nature and description, which the law may define or the courts interpret, declare and hold to be personal property, for the purpose of taxation, and as being subject to the laws and under the jurisdiction of the courts of this state, whether the same be any marine craft, as ships and vessels, or other property holden under the laws and jurisdiction of the courts of this state, be the same at home or abroad: *Provided*, That the ships or vessels registered in any custom house of the United States within this state, which ships or vessels are used exclusively in trade between this State and any of the islands, districts, territories, states of the United States, or foreign countries, shall not be listed for the purpose of or subject to taxation in this state, such vessels not being deemed property within this state: *Provided*, That mortgages, notes, accounts, moneys, certificates of deposit, tax certificates, judgments, state, county, municipal and school district bonds and warrants shall not be considered as property for the purpose of this chapter, and no deduction shall hereafter be allowed on account of an indebtedness owed.

Ships
exempt.

Credits
exempt.

Emergency.

SEC. 2. An emergency exists and this act shall take effect immediately.

Passed the Senate February 14th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor February 28th, 1907.

CHAPTER 49.

[S. B. 76.]

CONSTRUCTION OF RESIDENCE FOR THE GOVERNOR.

AN ACT providing for the purchase of site, construction and furnishing of a residence for the Governor of the State of Washington, appropriating the sum of \$35,000 therefor.

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

SECTION 1. That for the purpose of erecting and completing a residence for the use of the Governor of the State of Washington at the city of Olympia, in said state, there is hereby created a board, to be known as the "State Building Commission." Said commission shall consist of three members, to be composed of the Governor, State Treasurer and State Auditor, said officers to serve without compensation other than their official salaries now provided by law. The Governor shall be chairman of said commission. Commission.

SEC. 2. The purchase of a suitable site, construction and erection of said residence, the letting of the contracts therefor, and the expenditure of all moneys for the construction and furnishing thereof, shall be under the control and direction of said commission: *Provided*, That if the title of the State of Washington to that tract of land known as the "old capitol site" in Olympia is confirmed by the Supreme Court in the case now pending therein, then and in that event, the Governor's residence shall be erected upon some portion of said tract to be selected by the State Building Commission. Direction
of work.

Site.

SEC. 3. The said Commission shall let contracts for the erection of the Governor's residence, and the furnishing of the same, and shall pay all expenses incident thereto. It may employ a superintendent of construction, clerk or other necessary employes, at salaries to be fixed by the Commission, to be paid out of the appropriation herein provided, and approved by them. It may offer prizes for competitive plans, and the Commission shall be allowed the necessary contingent expenses incurred in the prosecution of its duties, but such salaries, prizes and expenses, to- Contracts.

gether with the cost of site, construction and furnishing of said building shall not in the aggregate exceed the amount herein appropriated.

Material.

SEC. 4. The Governor's residence herein provided for shall be of stone, or other permanent material; and it shall be completed and ready for occupancy on or before the first day of June, A. D. nineteen hundred and nine.

Warrants.

SEC. 5. The said Commission shall not proceed herein in the purchase of site, construction or completion of said Governor's residence until the warrants upon the state capitol building fund for the entire amount herein appropriated in the sum of thirty-five thousand dollars, are sold at not less than par, and the proceeds thereof placed with the Treasurer of the state.

Report.

SEC. 6. Upon the erection, completion and furnishing of said Governor's residence, said Commission shall make a full report of their acts and expenditures to the next session of the Legislature of the State of Washington.

Appropriation \$35,000.

SEC. 7. There is hereby appropriated out of the state capitol fund, for the purchase of site, construction and completion of said Governor's residence, and furnishing of same, and all expenses incident thereto the sum of thirty-five thousand dollars, or so much thereof as may be necessary.

State guarantees interest.

SEC. 8. In order to facilitate the sale of warrants and prevent the sacrifice of state lands donated by the general government for the purpose of erecting public buildings at the state capital, the State of Washington hereby guarantees the interest on warrants hereafter issued under the provisions of this act: *Provided, however,* That said interest shall not exceed five per cent. per annum and be due and payable annually upon the first day of April of each year, upon the presentation of the warrants at the office of the State Treasurer.

Passed the Senate February 4th, 1907.

Passed the House February 20th, 1907.

Approved by the Governor February 28th, 1907.

CHAPTER 50.

[Sub. H. B. 81.]

RELATING TO THE SALE OF PROPERTY OF RESIDENT
INSANE PERSONS.

AN ACT amending sections 6434, 6435 and 6437 of Ballinger's Annotated Codes and Statutes of Washington, relating to the duties of guardian and the sale of the property of resident insane persons.

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

SECTION 1. That section 6434 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Sec. 6434. The superior court shall have power to make orders for the restraint, support and safe-keeping of such person, for the management of his estate, and the support and maintenance of his family, and education of his children, out of the proceeds of his estate; to set apart and reserve, for the use of such family, all property, real or personal, not necessary to be sold for the payment of debts; and to let, sell or mortgage any part of such estate, real or personal, when necessary for the payment of debts, the maintenance of such insane person or his family, or the education of his children; and to order the sale of any property when a better investment can be made of the proceeds.

Power of
court.

SEC. 2. That section 6435 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Section 6435. When cause shall exist therefor it shall be the duty of such guardian to lay the same before the superior court by whom he was appointed, setting forth the particulars relative to the estate, real and personal, of such person, and all the debts by him owing, or the reasons why a better investment can be made accompanied by a correct and true account of his doings therewith; whereupon, if the court shall find in the exercise of its sound discretion that it is necessary for the payment of debts to dispose of such estate, real or personal, or a portion thereof, or that a better investment of such estate or a portion thereof can be made, it shall be the duty of such court to make an order directing the mort-

Duty of
guardian.

gage, lease or sale at his discretion, of the whole or such part of the real estate as may be necessary.

SEC. 3. That section 6437 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Section 6437. When any such sale, mortgage or lease is approved by the court ordering the same, as having been executed according to law, and not under such circumstances as to operate prejudicially to the interest of such ward, it shall be the duty of the guardian to execute a deed, mortgage or other instrument of writing, which shall be as valid and effective in law as if executed by such ward when of sound mind and discretion. In case of the sale of community property the sane member of the community may either join in the conveyance by the guardian or execute a separate conveyance for the property.

Passed the House February 5th, 1907.

Passed the Senate February 13th, 1907.

Approved by the Governor February 28th, 1907.

CHAPTER 51.

[H. B. 90.]

COUNTY DEPOSITARIES.

AN ACT relating to the deposit of public funds in banks by the several county treasurers of this state.

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

Designation
of deposi-
tary.

SECTION 1. Each county treasurer in this state shall on the first day of July, 1907, and annually on the second Monday in January thereafter, and at such other times as he may deem necessary, designate one or more banks in the state as depository or depositories of all public funds held and required to be kept by him as such Treasurer, and such designation or designations shall be in writing, and the same shall be filed with the board of county commissioners of his county, and no county treasurer shall deposit any public money in banks except as herein provided.

SEC. 2. Before any such designation or designations ^{Bond.} shall become effectual and entitle the said Treasurer to make deposits in such bank or banks, the bank or banks so designated shall within ten days after such designation or designations have been filed, file with the county clerk of such county a surety bond to such county treasurer, properly executed by some reliable surety company qualified under the laws of this state to do business therein, in the maximum amount of deposits designated by said Treasurer to be carried in such bank or banks, conditioned for the prompt and faithful payment thereof on checks duly drawn by such Treasurer, which bond must be approved by the chairman of the board of county commissioners, the prosecuting attorney and the county treasurer, or any two of such officers of said county, before being filed with the county clerk, and unless so approved the same shall not be received or filed by the county clerk: *Provided*, That said depository or depositaries may deposit with the county treasurer good and sufficient municipal, county, state or United States bonds in lieu of the surety bond herein provided for.

SEC. 3. Before any such designation or designations ^{Interest on} shall become effectual and entitle said Treasurer to make ^{balances.} deposits as hereinabove provided, the bank or banks so designated shall also enter into a written contract with the county whose treasurer is to make such deposits, to pay to said county, to be credited to the county expense fund thereof two per centum per annum on the average daily balances of all moneys so deposited by such county treasurer in said bank while acting as such depository; such payments to be made monthly to said county while such deposits continue in such depository; said contract shall be in such form as shall be approved by the board of county commissioners and the prosecuting attorney of said county.

SEC. 4. The county treasurer shall deposit with any ^{Funds} depository or depositaries which have fully complied with ^{deemed to} all requirements as herein provided, any county moneys in ^{be in} his hands or under his official control, and for the purpose ^{treasury.} of making the quarterly settlement and counting funds

in the hands of the treasurer any such sums so on deposit shall be deemed to be in the county treasury.

Liability of
treasurer.

SEC. 5. The provisions of this act shall in no way relieve or release the county treasurer from any liability upon his official bond as such treasurer, or any surety upon such bond, and shall in no way affect the duty of the several county treasurers of this state to give the bond as such treasurer now required by law.

Bank
defined.

SEC. 6. The word bank whenever it occurs in this act shall be construed to include all national, foreign, state and private banks and trust companies doing business in the state.

Passed the House January 31st, 1907.

Passed the Senate February 25th, 1907.

Approved by the Governor March 1st, 1907.

CHAPTER 52.

[H. B. 252.]

RELATING TO BOOM COMPANIES.

AN ACT to amend section 2 of an act entitled: "An act to declare and regulate the powers, rights and duties of corporations organized to build booms and to catch logs and timber products therein," approved March 17, 1890.

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

SECTION 1. That section 2 of an act entitled "An Act to declare and regulate the powers, rights and duties of corporations organized to build booms and to catch logs and timber products therein," approved March 17, 1890, be and the same is hereby amended to read as follows:

Filing plat.

SEC. 2. Any corporation hereafter organized for the purpose mentioned in section one of this act, shall within ninety days after its articles of incorporation have been filed, proceed to file in the office of the Secretary of State a plat or survey of so much of the shore lines of the waters of the state and lands contiguous thereto as are proposed to be appropriated for said purpose by said

corporation. Any corporation heretofore organized in the Territory of Washington for any of the purposes expressed in section one (1) of this act, shall file such plat within ninety days after the passage of this act. Such plat shall be made from the records of the United States in the Surveyor General's office of this state, or by competent surveyor, subsequent to actual survey. Such corporation may from time to time whenever it desires to extend its operations to portions of streams not embraced in its original plat, or to other streams tributary to the stream or streams described in such original plat, or any portion of such streams, or in any manner to change, modify or correct its original plat, file additional plats or surveys in the office of the Secretary of State, of so much of the shore lines of the waters of the state and lands contiguous thereto as are proposed to be appropriated for said purposes by said corporation, and whenever by reason of floods or otherwise, the channel of any stream shall be so changed as to put such stream beyond the limits of said original plat, or any supplemental or additional plat filed pursuant to the provisions of this section, such corporation may file in the office of the Secretary of State additional plats or surveys showing the change in said channel and so much of the shore lines of the waters of the state and lands contiguous thereto as are proposed to be appropriated for said purposes by said corporation which shall vest it with the same rights that it acquired by the filing of said original plat.

Passed the House February 14th, 1907.

Passed the Senate February 20th, 1907.

Approved by the Governor March 1st, 1907.

CHAPTER 53.

[H. B. 187.]

RELATING TO THE TRESPASS OF SHEEP ON CERTAIN LANDS.

AN ACT to amend sections 3482 and 3483 of Ballinger's Annotated Codes and Statutes of Washington relating to the trespass of sheep on certain lands, and providing a punishment therefor.

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

Unlawful
to enter.

SECTION 1. That section 3482 of Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows: Section 3482. It shall be unlawful in this state for sheep to enter any enclosed lands belonging to or in the possession of any person other than the owner of such sheep, unless by the consent of the owner of such land, other than the public lands of the United States, or upon any unenclosed land or lands of another without such consent, where the limits thereof are marked by a furrow, or where such furrow is impracticable, then by some other discernible mark or line. Where a furrow is used to mark the boundaries or limits of such unenclosed land the soil from such furrow shall be thrown inward onto such land.

Penalty.

SEC. 2. That section 3483 of Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows: Section 3483. Any person being the owner, or having in his possession, charge, or control as herder, or otherwise, any sheep, who shall herd or drive such sheep upon the lands of another, as described in section one of this act, for the purpose of pasture, against the consent of the owner of such land, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding three hundred dollars (\$300.00) or imprisoned in the county jail not exceeding thirty days, or both such fine and imprisonment, which fine, when collected, shall go into the county school fund of the county.

Passed the House February 7th, 1907.

Passed the Senate February 19th, 1907.

Approved by the Governor March 1st, 1907.

CHAPTER 54.

[H. B. 74.]

PROVIDING FOR A PRIVILEGE TAX ON EXPRESS COMPANIES.

AN ACT providing a method for the assessment and collection of an excise or privilege tax from express companies doing business in this state, and declaring an emergency.

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

SECTION 1. That any person or persons, joint stock association or corporation, wherever organized or incorporated, engaged in the business of conveying to, from or through this State, or any part thereof, money, packages, gold, silver plate or any articles by express service as distinguished from the ordinary freight lines of transportation of merchandise and property in this state, shall be deemed to be an express company. Express companies defined.

SEC. 2. Every express company, as defined in section one hereof, doing business in this state, shall annually, Annual statement. between the first and thirtieth day of April, after passage of this act, under oath of the person constituting such company, if a person, or under oath of the president, treasurer, superintendent or chief officer in this state, of such association or corporation, if an association or corporation, make and file with the State Board of Tax Commissioners a statement, in such form as the Board may prescribe, containing the following facts:

1st. The name of the person, or persons, association or corporation.

2nd. Under the laws of what state or country organized.

3rd. The location of its principal office.

4th. The name and postoffice address of the president, secretary, auditor, treasurer, superintendent and general manager.

5th. The name and postoffice address of the chief officer, or managing agent of the company in this state.

6th. The entire receipts (including all sums earned or charged, whether actually received or not), for business done within this state, including its proportion of gross

receipts for business done by such company within this state in connection with other companies.

7th. Such other facts and information as the said Board may require in the form of return prescribed by it. Blanks for making the above statement shall be prepared and furnished any express company by the said Board.

Tax commissioners shall ascertain gross receipts.

SEC. 3. The State Board of Tax Commissioners shall proceed to ascertain and determine, on or before the first Monday in July, the entire gross receipts of each of said express companies for business done within the State of Washington for the year next preceding the first day of April, and the amount so ascertained shall, in such instances, be held and deemed to be the gross receipts of such express company for business done within the State of Washington for the year under consideration.

Commission to proceed in case statement not furnished.

SEC. 4. The Board may adjourn from time to time until the business before it is finally disposed of. In case of failure or refusal of any express company to make the statement required by law, or furnish the Board any information requested by it, the Board shall inform itself as best it may on the matters necessary to be known in order to discharge its duty. And at any time after the meeting of the Board on the first Monday in June, and before the gross receipts of any express company for business done within the State of Washington are determined, any person, company or corporation interested shall have the right, on written application, to appear before the Board and be heard in the matter of such determination. After the determination of the amount of the gross receipts of any express company for business done in the State of Washington and before the certification of the State Board of Tax Commissioners of such amount, the Board may, on the application of any person, company or corporation interested, or on its own motion, review and correct its findings, in such manner as may seem to it to be just and proper.

Hearings.

Penalty for failure to file statement.

SEC. 5. In case any express company shall refuse, fail or neglect to make and file the statement or schedule, as provided for in this act, such company shall be subject to a penalty of five hundred dollars (\$500.00), and an addi-

ditional penalty of one hundred dollars (\$100.00) for each day's omission after the 30th day of April to file its statement, said penalty to be recovered by action in the name of the state, and, on collection, paid into the state treasury to the credit of the general fund of the state. The Attorney General, on request of the State Board of Tax Commissioners, shall institute such action against any such person or persons, joint stock company or corporation so delinquent in any court of competent jurisdiction in this state. Collection.

SEC. 6. The State Board of Tax Commissioners shall have power to require the president, secretary, treasurer, receiver, superintendent, managing agent, or other officer, or employe, or agent, of any express company, or any person, joint stock company or corporation, engaged in the express business, to attend before the Board, and bring with him for the inspection of the Board, any books or papers, of such person or persons, joint stock company or corporation, in his possession, or under his control, and to testify under oath, touching any matter relating to the organization or business of such person or persons, joint stock company, or corporation. Any member of the Board is authorized and empowered to administer such oath. Any officer, employe or agent, who shall refuse to attend before the Board when requested so to do, or shall refuse to bring with him and submit for the inspection of the Board, any books, records or papers in his possession, custody or control, or shall refuse to answer any questions put to him by the Board or any member thereof, touching the organization or business of such person, persons, joint stock company or corporation, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined, not more than five hundred dollars (\$500.00) nor less than one hundred dollars (\$100.00). Commission may require officers to testify.

Any member may administer oath.

Penalty for refusal to testify.

SEC. 7. The State Board of Tax Commissioners shall on the first Monday in August, annually, enter the amount of gross receipts of express companies doing business in this state, for the year then next preceding the first day of April, as determined as provided for in section three of Record of gross receipts.

this act in a book provided for that purpose. It shall be the duty of the State Treasurer, annually, to collect from each such express company, doing business in this state, a sum in the nature of an excise or privilege tax, to be computed by taking five percentum of the amount fixed by the State Board of Tax Commissioners as the gross receipts of such express company for business done within the State of Washington for the year next preceding the first day of April, as determined and certified by the State Board of Tax Commissioners: *Provided*, Nothing contained in this act shall exempt or relieve any express company from the assessment and taxation of their tangible property in the manner authorized and provided by law. All taxes collected under the provisions of this act shall be credited to the state general fund.

Five per cent tax.

Taxation of tangible property.

Suit to collect tax.

SEC. 8. If any express company fails or refuses to pay the said tax as provided for in section seven before the 30th day of September, annually, the State Treasurer shall proceed to collect the tax, together with interest, at the rate of fifteen per centum per annum, by suit instituted by the Attorney General, whose duty it shall be, upon the request of the State Treasurer, or upon request of the State Board of Tax Commissioners, to prosecute any and all proceedings for the collection of such tax.

SEC. 9. An emergency exists and this act shall take effect April 1, 1907.

Passed the House February 21st, 1907.

Passed the Senate February 21st, 1907.

Approved by the Governor March 1st, 1907.

CHAPTER 55.

[H. B. 292.]

CONSTRUCTION OF ARMORIES FOR THE NATIONAL GUARD
OF WASHINGTON.

AN ACT relating to the construction of armories for the use of the National Guard of Washington, appropriating money from the military fund therefor, creating a board to superintend the construction thereof, and declaring an emergency.

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

SECTION 1. That for the purpose of constructing an armory for the use of such organization or organizations of the National Guard of Washington as may be stationed there, the sum of \$130,000 is hereby appropriated from the military fund for the construction of an armory in the city of Seattle, on a site heretofore purchased by King county and deeded to the State of Washington.

Appropriation for Seattle armory \$130,000.

SEC. 2. That for the purpose of constructing an armory for the use of such organization or organizations of the National Guard of Washington as may be stationed there, the sum of \$95,000 is hereby appropriated from the military fund for the construction of an armory in the city of Tacoma: *Provided*, That a suitable site for such armory be furnished without cost to the State of Washington therefor, and that the title to such site shall be deeded to the State of Washington.

Appropriation for Tacoma armory \$95,000.

SEC. 3. That for the purpose of completing an armory for the use of such organization or organizations of the National Guard of Washington as may be stationed there, the sum of \$58,363.06 is hereby appropriated from the military fund for the completion of an armory in the city of Spokane, on a site heretofore purchased and deeded to the State of Washington: *Provided*, That Spokane county, or the city of Spokane, first turns over to the State Treasurer, to be placed in the permanent school fund, the sum of \$9,750.00; upon which sum being furnished, the State Treasurer is hereby authorized and directed to return also to the permanent school fund \$20,250.00 from the Spokane armory fund, and then to surrender to Spokane county bonds in the sum of \$30,000.00

Appropriation for Spokane armory \$58,363.06.

issued by Spokane county and purchased by the permanent school fund under date of September 15, 1905.

Purchase
of site.

SEC. 31½. Any county of the State of Washington is hereby authorized and empowered to appropriate money for the purchase of an armory site whenever the Legislature of this state shall appropriate money for or authorize the construction of an armory therein.

Personnel
of armory
commissions.

SEC. 4. That for the purpose of erecting and completing the armories provided for by this act, the Governor shall appoint boards or commissions to be known as (insert name of city) Armory Commission. Each of these boards shall consist of six members comprised as follows: The Adjutant General of the National Guard of Washington, the ranking officer of the active list of the National Guard of Washington, stationed at the city or town wherein said armory is to be located, the State Board of Control and the chairman of the board of county commissioners of the county in which said armory is to be located, all of whom shall be ex-officio members of the Board. The Adjutant General shall be chairman of each of said boards, and each board shall elect a secretary from among its members. The members of these boards shall act as such until the completion of the armory in their charge and the acceptance thereof by the state, and shall give bond with at least two sureties, to the State of Washington in the sum of five thousand dollars, conditioned for the faithful performance of the duties imposed by this act, to be approved by the Governor and filed with the Secretary of State, said sureties qualifying in double the penal obligation of said bond. In each case, a majority of the board shall constitute a quorum: *Provided, however,* That no member of any of said boards shall be allowed or shall receive any compensation for his services as a member of such board.

Bond.

Members
not to be
interested in
work.

SEC. 5. It shall be unlawful for any of the members of the said boards to be connected, either directly or indirectly, in any manner whatsoever, with any contract or part thereof for the erection of said armories, or for any work connected therewith, or for the furnishing of any supplies or material therefor, or to receive any benefit there-

from, either by way of commission, rebate, bonus, division of profits or otherwise, and any one of said members who shall violate any of the provisions of this act shall be guilty of a felony, and upon conviction thereof shall be subject to a fine not to exceed \$1,000 and imprisonment in the penitentiary not to exceed five years and shall forfeit his right to and be removed from his place on the board by the court in which he shall have been convicted. It shall be unlawful for any of said boards to employ any person in the supervision or superintendence of the building of said armories, or in any work connected therewith, who may or shall become in any manner connected, directly or indirectly with any contract for the erection of said armories, or for the furnishing of any supplies or material therefor; and the said boards are hereby charged with the rigid enforcement of this provision of this act. Penalty.

SEC. 6. It shall be the duty of each of said boards to locate its armory upon the most sightly and suitable site which shall become available therefor within its respective city; to secure the submission of plans and designs appropriate to an armory to cost not more than the amount specified in this act, and such additional sum, if any, as may be donated for the purposes of this act; to select the most desirable site, plan and design, and to obtain proper architectural designs, plans and specifications and details, in conformity with such plan and design; to secure the erection and completion of such armory building, conforming faithfully to such plan and design. Sites and plans.

SEC. 7. No construction or material exceeding \$500 in amount shall be furnished except pursuant to bids advertised for in one daily newspaper for a period of ten days in each of the cities in which these armories are to be built. The bid of the lowest and best responsible bidder shall be accepted, saving that the boards shall have the right to reject any and all bids. The performance of every contract shall be secured by a surety company bond to the State of Washington, in a sum not less than one quarter of the contract price, said bond to be conditioned for the faithful performance of said contract and to be approved by the respective commissions. Each bid shall be accom- Contracts.

panied by a certified check in the sum of \$1,000, payable to the chairman of the respective commissions, which shall be forfeited to the state for the use of the military fund upon failure of the party, for a period of ten days after any contract is awarded, to enter into a proper contract and furnish satisfactory bonds as required by law. All contracts shall reserve the right of the board for good cause shown to annul the contract, without allowance for damages, and allowing only expenses incurred and labor performed, not exceeding the contract price of the proportion that the work done or material furnished thereunder bears to the total amount contracted for. Such a per centum, not less than twenty per centum, as the board shall deem proper, shall be reserved from payment on monthly estimates of work done, until such work shall have been completed, inspected and accepted. All material contracted for shall be of the best quality and to the satisfaction of the board, and the directions, plans and specifications of the work executed and carried out by skilled and reputable architects, artists, mechanics and laborers, likewise to the satisfaction of the board.

Architects.

SEC. 8. The architect chosen by each of these boards shall receive such compensation for his plan and design as the board shall deem reasonable. He shall be supervising architect of said building, and for all contracts for construction or material therefor. He shall see that all material furnished and work done shall be of the best quality, and all contracts with said board are faithfully performed by the parties so contracting with said board. He shall perform all other duties devolving upon him as such architect, and the supervising architect of said building, and may be removed at the pleasure of said board. Neither said architect nor any of his subordinates or assistants shall be in any way connected with any work done or material furnished for said building, or any contract therefor, or shall have any interest therein, directly or indirectly. He shall furnish a surety company bond to the State of Washington in the sum of \$10,000, conditioned for the faithful performance by said architect, his assistants and subordinates, of his or their duties as herein prescribed.

SEC. 9. All disbursements on account of the construction of any of the armories provided for in this act shall be made pursuant to certificates issued by the board having charge. All claims, bills and demands for labor performed, work done or material furnished shall be presented to the board in duplicate, and shall be passed upon by said board after a careful examination of every item named. If found correct, they shall audit the same, preserving one duplicate and transmitting the other as audited and allowed to the State Auditor, and shall issue a certificate to the effect that the services have been rendered or material furnished, and the person therein named is entitled to a warrant on the treasury for the amount therein named. Upon a presentation of said certificate and a duplicate of the vouchers therefor as audited and approved by the board herein provided, to the State Auditor, he shall draw his warrant on the state treasury upon the military fund, and the State Treasurer is hereby authorized to pay said warrant for the amount stated, and to the order of the person named in said certificate: *Provided*, That no certificate shall be issued in excess of the amount appropriated for each armory. All certificates issued shall be recorded in a book for that purpose.

Audit of
bills.

SEC. 10. The Attorney General shall be the legal adviser of the boards herein constituted.

Attorney
General
legal
adviser.

SEC. 11. The commander-in-chief is hereby authorized to make such rules and regulations as he may deem expedient to govern these armories, but such rules and regulations shall conform to this act. When promulgated, they shall have the same force and effect as this act.

Rules for
use of
armories.

SEC. 12. An emergency exists and this act shall take effect immediately.

Emergency.

Passed the House February 14th, 1907.

Passed the Senate February 26th, 1907.

Approved by the Governor March 1st, 1907.

CHAPTER 56.

[H. B. 195.]

RELATIVE TO FEES OF STATE AND COUNTY OFFICERS,
WITNESSES AND JURORS.

AN ACT in relation to the fees of state and county officers, witnesses and jurors, and repealing an act entitled "An act in relation to the fees of state and county officers, witnesses and jurors, and repealing an act entitled 'An act in relation to the fees of state and county officers, witnesses and jurors, and amending section 2086 of the Code of Washington of 1881, same being approved March 15, 1893,' approved March 16, 1903."

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

SECTION 1. The several officers herein named shall collect the fees herein prescribed for their official services:

Supreme
Court.

CLERK OF THE SUPREME COURT.

Upon filing his first paper or record and making an appearance in the Supreme Court, the appellant shall pay to the clerk of said court a docket fee of \$5.00.

Upon making his appearance in the Supreme Court, the respondent in any appealed case shall pay to the clerk a fee of \$2.00.

The applicant or petitioner in any special proceeding in the Supreme Court, upon making his appearance, shall pay to the clerk thereof a fee of \$3.00.

The respondent in a special proceeding, and each respondent appearing separately therein, at the time of his appearance, shall pay to the clerk a fee of \$1.00.

The foregoing fees shall be all the fees connected with the appeal or special proceeding: *Provided*, That no fees shall be required to be advanced by the state, or any municipal corporation, or any public officer prosecuting or defending on behalf of such state or municipal corporation.

For filing application, entering admission and issuing certificate to an attorney upon admission to practice, \$20.00.

For all services for which no fee is hereinbefore prescribed, the Clerk of the Supreme Court shall receive the same fees as are prescribed for clerks of the superior courts for like services.

CLERKS OF THE SUPERIOR COURT.

Superior
courts.

The plaintiff, or other party instituting any civil action or proceeding shall pay, when the case is entered in the court or when the first paper on his part is filed therein, a fee of \$4.00.

The defendant or other adverse party or any one or more of several defendants or other adverse parties, or intervenors, appearing separately from the others, shall pay when his or their appearance is entered in the case, or when his or their first appearance is filed therein, a fee of \$2.00.

When no issue of fact is joined in the case and no judgment other than a dismissal or discontinuance, without trial of an issue of fact is rendered, no further fee need be paid.

Where, after an issue of fact has been joined, the cause is dismissed or discontinued without trial of such issue, the party causing such dismissal or discontinuance to be entered shall pay, at the time of the entry thereof, a further fee of \$1.00.

If a judgment other than a dismissal or discontinuance is rendered, the party obtaining the same shall pay, at the time of the entry thereof, a further fee as follows:

1. Where the judgment is rendered without the taking of proof of any fact pleaded:

(a) If no adverse party has appeared in the case, \$2.00.

(b) Or if an adverse party has appeared, \$3.00.

2. Where the judgment is rendered upon proof taken, but without the assessment of damages by a jury, and in a case other than the foreclosure of a lien or mortgage or partition of real estate:

(a) If no adverse party has appeared in the case, \$3.00.

(b) If an adverse party has appeared, \$5.00.

3. Where the judgment is rendered upon an assessment of damages by a jury, no adverse party having appeared in the case, \$5.00.

4. Where the judgment is rendered after an appearance by an adverse party, and a trial by jury, or by the

court or a judge, referee or commissioner, in a cause other than the foreclosure of a lien or mortgage, or partition of real estate, \$6.00.

5. Where the judgment is rendered in an action for the foreclosure of a lien or mortgage or partition of real estate:

(a) If no adverse party has appeared in the case, \$6.00.

(b) If an adverse party has appeared, \$8.00.

6. For making a transcript on appeal to the Supreme Court, or for transcribing the records in any action for any other purpose, 10 cents per folio.

7. For comparing a transcript on appeal, or transcript of the record in any action where the party has prepared it himself, 5 cents per folio.

The appellant in appeals from judgments of a justice of the peace, shall at the time of docketing his appeal, pay a docket fee of \$4.00.

The adverse party in appeals from judgment of a justice of the peace at the time of his appearance in the superior court shall pay a fee of \$2.00.

Other fees shall be charged as are charged in actions originally begun in the superior court.

For filing an abstract of a judgment entered in the Supreme Court or of any other superior court of the State or of any United States court held in this State, or a transcript of a judgment of a justice court, a fee of \$1.00.

For taking an affidavit with or without seal, 50 cents.

For certificate with or without seal, 50 cents.

For entering a declaration to become a citizen of the United States, \$1.50.

For entering the final admission of an alien to citizenship and for a certified copy thereof under seal, \$3.00.

For filing all instruments required by law to be filed in his office, where no other fee is provided, 10 cents.

For filing and recording marriage certificates, the same to be collected as provided by law, \$1.00.

For approving bond, including justification thereon, in other than civil actions and probate proceedings, 50 cents.

In probate proceedings the party instituting such pro-

ceedings shall pay, at the time of the filing of the first paper therein, a fee of \$5.00.

Upon the filing of a petition for the sale of real estate, there shall be paid at the time of filing such petition a fee of \$3.00.

Upon the filing of a final account in the settlement of the decedent's estate, there shall be paid a fee of five dollars.

For issuing commission to take deposition, there shall be paid a fee of \$1.00.

For filing any petition to contest a will admitted to probate, or to prove a will which has been rejected and for all other services in connection with such petition, subsequent to its filing and up to final settlement of the issues raised by such petition, to be paid at the time of filing such petition, a fee of \$25.00.

SHERIFF'S FEES.

Sheriffs.

For service of each summons and complaint, and return thereon, on each defendant, besides mileage, 60 cents.

For making a return of not found in the county upon a summons, besides mileage actually traveled, 30 cents.

For levying each writ of attachment or writ of execution upon real or personal property, besides mileage, 60 cents.

For serving writ of possession or restitution without aid of the county, besides mileage, \$1.50.

For serving writ of possession or restitution with aid of the county, besides mileage, \$2.00.

For service and return or subpoena, upon each person served, besides mileage, 25 cents.

For summoning each juror, in a justice of the peace court, besides mileage, 25 cents.

For serving an arrest warrant in a civil action or proceeding, besides mileage, 80 cents.

For serving or executing any other writ or process in a civil action or proceeding, besides mileage, 60 cents.

For taking and approving any bond, in a civil action or proceeding, required by law to be taken or approved by him, except indemnity bonds, 50 cents.

For posting each notice, besides mileage, 25 cents.

For each mile actually and necessarily traveled by him in going to or returning from any place of service, 10 cents.

For making a deed to lands sold upon execution or order of sale, or other decree of court, to be paid by the purchaser, \$3.00.

For making copy of any complaint, notice, writ or process, necessary to complete service, per folio, 10 cents:

Provided, that he shall not be required to make any certified copies for a fee of less than \$1.00.

Constable.

CONSTABLE'S FEES.

For serving any arrest warrant in a criminal action, or making an arrest in cases where an arrest may be lawfully made without a warrant, besides mileage, \$2.00.

For other services he shall receive the same fees and mileage as is paid to a sheriff for like services.

County
auditors.

COUNTY AUDITORS.

For filing each instrument, when filed for recording, 10 cents.

For filing each instrument other than for recording (except chattel mortgages and conditional sale contracts), 25 cents.

For filing each chattel mortgage and conditional sale contract and entering same as required by law, 50 cents.

For indexing each instrument, except chattel mortgages and conditional sale contracts, for the first two names, 5 cents.

For each additional name, 5 cents.

For a marginal release of mortgage or lien, 25 cents.

For release of chattel mortgage or conditional sale contract, 25 cents.

Making certified copy of instrument besides certificate and seal, per folio, 10 cents.

For comparing instrument prepared by another, besides certificate and seal, per folio, 5 cents.

For certificate and seal, 50 cents.

For recording each instrument, per folio, 15 cents.

For administering an oath or taking an affidavit with or without seal, 50 cents.

For issuing miscellaneous license and entering of record, \$1.00.

For issuing marriage license, including fee of \$1.00 for county clerk, \$3.00.

For recording plats, 25 cents for each lot, except for cemetery plats, 10 cents for each lot, and one dollar for each acknowledgment, dedication or description, with a minimum fee of one dollar for each plat.

For searching records, per hour, \$1.00.

For filing, recording and indexing cattle brands and marks, for each mark and brand described, \$1.00.

For filing, recording and indexing brands of loggers, for each brand described, \$1.00.

For filing and recording statement and oath in regard to sires, under section 3442 of Ballinger's Codes and Statutes of the State of Washington, the same fees per folio, as are paid for other instruments.

For each certificate issued under the provisions of section 3443 of said Ballinger's Codes and Statutes of the State of Washington, in regard to sires, 50 cents.

For sealing weights and measures, for each weight and measure sealed, 10 cents.

CORONERS.

Coroners.

For each inquest held, besides mileage...\$10.00

For issuing a venire..... 1.00

For drawing all necessary writings, per folio10

For mileage each way, per mile..... .10

For performing the duties of a sheriff, he shall receive the same fees as a sheriff would receive for the same service.

JURORS.

Jurors.

Each grand and petit juror shall receive for each day's attendance upon the superior court, besides mileage, \$3.00.

Each talesman serving in the superior court, per day..... 2.00

For each day's attendance upon a justice of the peace court..... 1.00

For serving on a coroner's jury, per day. 2.00

Mileage, each way, per mile..... .10

Witnesses.

WITNESSES.

Witnesses shall receive for each day's attendance in all courts of this State, besides mileage at ten cents per mile each way, \$2.00.

Secretary
of State.

FEES OF SECRETARY OF STATE.

1. For a copy of any law, resolution, record or other document or paper on file in his office, fifteen cents per folio: *Provided*, no copy shall be furnished by the Secretary of State unless under the seal of the State.

2. For any certificate under seal of State, \$2.00.

3. For recording articles of incorporation, 15 cents per folio.

4. For filing and recording trade mark, \$5.00.

5. For each deed or patent of land issued by the Governor, if for one hundred and sixty acres of land, or less, one dollar, and for each additional one hundred and sixty acres, or fraction thereof, one dollar.

6. For recording miscellaneous records, papers or other documents, ten cents per folio, and five dollars for filing each case. But no member of the Legislature, State officer, Judge of the Supreme Court or superior courts, shall be charged for any search relative to matters pertaining to the duties of their offices; nor must they be charged for a certified copy of any law or resolution passed by the Legislature relative to their official duties: *Provided*, Such law has not been published as a State law. All fees herein enumerated must be collected in advance.

Notaries
public.

NOTARIES PUBLIC.

1. Protest of a bill of exchange or promissory note, \$1.00.

2. Attesting any instrument of writing with or without seal, 50 cents.

3. Taking acknowledgment, two persons, with seal, 50 cents.

4. Taking acknowledgment, each person over two, 25 cents.

5. Certifying affidavit, with or without seal, 50 cents.

6. Registering protest of bill of exchange or promissory note for nonacceptance or nonpayment, 50 cents.

7. Being present at demand, tender or deposit, and noting the same, besides mileage at the rate of ten cents per mile, 50 cents.

8. Noting a bill of exchange or promissory note, for nonacceptance or nonpayment, 50 cents.

9. For copying any instrument or record, besides certificate and seal per folio, 15 cents.

All officers enumerated in this section, who are paid a salary in lieu of fees, shall collect the fees herein prescribed for the use of the State or county, as the case may be, and shall pay the same into the State or county treasury, as the case may be, on the first Monday of each month. Salaried officers.

SEC. 2. An Act entitled "An Act in relation to the fees of State and county officers, witnesses, and jurors, and repealing an act entitled 'An Act in relation to the fees of State and county officers, witnesses and jurors, and amending section 2086 of the Code of Washington of 1881, the same being approved March 15, 1893,' approved March 16, 1903," and all other acts and parts of acts in conflict herewith are hereby repealed. Repeal.

Passed the House February 11th, 1907.

Passed the Senate February 19th, 1907.

Approved by the Governor March 2d, 1907.

CHAPTER 57.

[S. B. 97.]

SALARIES OF JUDGES OF THE SUPREME AND SUPERIOR COURTS.

AN ACT relating to the salaries of the judges of the supreme and superior courts.

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

SECTION 1. Each Judge of the Supreme Court shall receive an annual salary of six thousand dollars. Each judge of the superior court shall receive an annual salary of three thousand dollars: *Provided*, That in counties of the first class said salary may be increased by order of the Salaries.
Increase.

board of county commissioners to an amount not exceeding four thousand dollars. Whenever the salary of any judge shall be increased as herein provided the amount of such increase shall be paid by the county and not otherwise.

When act effective.

SEC. 2. This act shall take effect and be in force from and after the second Monday in January, 1909: *Provided*, That the salaries of all Judges of the Supreme Court now elected, shall remain during their present terms, the same as at the time of their election.

Passed the Senate February 28th, 1907.

Passed the House February 28th, 1907.

Approved by the Governor March 4th, 1907.

CHAPTER 58.

[S. B. 4.]

TEACHERS' CERTIFICATES.

AN ACT amending section 2407 of Ballinger's Annotated Codes and Statutes of Washington relating to the classification and issuance of teachers' certificates to be issued by the authority of the State of Washington, entitling the holder thereof to teach in the schools of this state.

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

SECTION 1. That section 2407 of Ballinger's Annotated Codes and Statutes of Washington, be and the same is hereby amended to read as follows: Section 2407. The teachers' certificates issued by authority of the State of Washington and entitling the holder thereof to teach in the schools of the State shall consist of,

Life diplomas and state certificates.

First. Life diplomas, valid during the life of the holder, and State certificates, valid for five years from the date of issue; said life diplomas and State certificates shall be issued by the Superintendent of Public Instruction on the authority of the State Board of Education: *Provided*, That State certificates may, upon application and without examination, be renewed, or a life diploma be authorized in lieu thereof by the State Board of Education.

Second. First grade common school certificates, valid for a period of five years from date of issue; second grade common school certificates, valid for two years from date of issue; third grade common school certificates, valid for one year from date of issue; said first grade certificates, second grade certificates and third grade certificates shall be issued, by the Superintendent of Public Instruction, as provided by law: *Provided*, That any teacher who is the holder of a first grade certificate or any renewal thereof, or other certificate of higher grade, in full force and effect, who shall present to the Superintendent of Public Instruction in writing satisfactory evidence of having taught successfully ninety or more months, not less than thirty-six thereof, being in the State of Washington, and whose application shall be accompanied by the written endorsement of the county superintendent, shall receive a permanent certificate of the same grade as that held by the applicant at the time of making such application, valid during the life of the holder unless revoked for cause.

First, second and third grade certificates.

Third. Temporary certificates may be issued, as provided by law, by any county superintendent, entitling the holder thereof to teach in any common school of the county wherein the same is issued until the next regular examination of teachers; whereas, if the applicant take the examination for certification, the county superintendent may extend the same until it shall have been determined whether a certificate is to be issued to the applicant in accordance therewith: *Provided*, That the superintendent of schools of any district embracing an incorporated city having a population of ten thousand or more inhabitants, may issue a temporary certificate to any teacher who shall have been elected by the board of directors of such district; such temporary certificate shall be valid within such district until the end of any school year in which such certificate shall be issued, provided that only one such temporary certificate shall be issued to the same person.

Temporary certificates.

Fourth. Special certificates may be issued without examination by the county superintendent to teachers of music, languages other than English, drawing and paint-

Special certificates.

ing, manual training, penmanship, and kindergarten training, upon application of any board of directors, which certificate shall entitle the holder thereof to teach the subject therein named in any school of the district under the control of said board of directors, until revoked for cause: *Provided*, That the county superintendent, before issuing the same, shall receive satisfactory evidence of the applicant's fitness to teach the subject for which he has made application for certificate.

Passed the Senate February 13th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 4th, 1907.

CHAPTER 59

[S. B. 68.]

HOLIDAYS IN PUBLIC SCHOOLS.

AN ACT relating to holidays in the public schools, and amending section 56 of chapter CXVIII of the session laws of 1897, and declaring an emergency.

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

School
holidays.

SECTION 1. That section 56 of chapter CXVIII of the Session Laws of 1897 be amended to read as follows: Sec. 56. No teacher shall be required to teach school on Saturdays, or on Labor Day, Thanksgiving Day and the day immediately following Thanksgiving Day, Christmas, New Year's or Fourth of July, or on Memorial, commonly called "Decoration Day": *Provided*, That no reduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught.

Emergency. SEC. 2. An emergency exists, and this act shall take effect immediately.

Passed the Senate February 19th, 1907.

Passed the House February 28th, 1907.

Approved by the Governor March 4th, 1907.

CHAPTER 60.

[S. B. 50.]

RELATIVE TO COMPETENCY AND IMMUNITY OF WITNESSES IN CERTAIN CASES.

AN ACT relating to the competency of witnesses in certain cases, and providing for immunity from indictment, information, prosecution and punishment for such witnesses.

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

SECTION 1. That any person offending against any provisions of the common law or statutes of the State of Washington or any ordinances of any municipality thereof, relating to bribery, grafting or corrupt solicitation, shall be a competent witness against any other person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding or investigation in the same manner as any other person. But the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying. A person so testifying shall not thereafter be liable to indictment, information, prosecution, or punishment for such offense.

Competency
of wit-
nesses.

Immunity.

SEC. 2. The provisions of this act shall not be applicable to any prosecution or proceeding before a committing magistrate or justice of the peace.

Proceedings
before com-
mitting
magistrate.

Passed the Senate February 14th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 4th, 1907.

CHAPTER 61.

[S. B. 61.]

AMENDING ACT RELATIVE TO ASSESSMENT OF COUNTY
PROPERTY FOR LOCAL IMPROVEMENTS.

AN ACT amending section 2 of an act entitled "An act authorizing the assessment of lands held or owned by any county in the state, within the limits of incorporated cities or towns in such county, for local improvements, and providing for the payment of such assessments," approved February 23, 1905.

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

SECTION 1. That section 2 of an act entitled "An Act authorizing the assessment of lands held or owned by any county in the State, within the limits of incorporated cities or towns in such county, for local improvements, and providing for the payment of such assessments," approved February 23, 1905, be and the same is hereby amended so as to read as follows: Sec. 2. In all local improvement assessment districts in an incorporated city or town in this State, property in such district held or owned by the county in which such city or town is situated shall be assessed and charged for its proportion of the cost of such local improvement in the same manner as other property in such district, and the county commissioners of any such county are authorized to cause such assessment to be paid at the times and in the manner provided by law and the ordinances of such city or town creating such local improvement districts, and making such assessments, and to pay any and all such assessments in any local improvement district heretofore made and which became due and payable prior to the time this act shall take effect, together with interest on such past due assessments.

Assessment
of county
property for
local im-
provements.

Passed the Senate February 11th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 4th, 1907.

CHAPTER 62.

[S. B. 132.]

AMENDING ACT PROVIDING FOR CREATION OF DRAINAGE DISTRICTS.

AN ACT amending section 38 of an act entitled, "An act to provide for the establishment and creation of drainage districts, and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof; and declaring an emergency," approved March 20, 1895.

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

SECTION 1. That section thirty-eight of an act entitled "An Act to provide for the establishment and creation of drainage districts, and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof; and declaring an emergency," approved March 20th, 1895, be and the same is hereby amended to read as follows: Sec. 38. In performing their duties under the provisions of this act the board of drainage commissioners shall receive such compensation as may be just and reasonable for all necessary services actually performed, not exceeding three dollars and fifty cents per day, to be determined and allowed by the court upon presentation by said commissioners, or either of them, of an itemized statement duly verified by either or all of such board, that the same is just, reasonable, necessary and that such services were actually performed, and that no part of said compensation has ever been paid, and in case such services are rendered by said board in the establishment or construction of said improvement, or any extension thereof, the amount thereof so allowed by the court shall be deemed to be a part of the cost of the construction and establishment of said improvement, and in case such compensation to be allowed by the court shall be for services rendered by said board in the repairing or maintenance of such improvement, such allowance shall be added to the annual cost of maintenance of such system: *Provided*, That any person interested therein may file objections to the allowance asked for either in whole or in part, and such claims so filed shall not be passed upon or allowed by the

Compensation of drainage commissioners.

court until the expiration of thirty days from the filing thereof. Said board of commissioners, or the member thereof presenting such claim or allowance, shall, at the time of the filing thereof in the court, post notices in at least four public places within said district, which said notices shall set forth therein the fact that an application for allowance has been filed in said court, giving the date of the filing thereof and the amount of the allowance applied for, and demand that any and all persons having any interest therein shall file objections in said court, if any they have, to the allowance of such claim or any portion thereof, within thirty days from the filing of such application for allowance, and the court shall hear said application and the objections thereto, if any be made and filed, and shall in its discretion, make such allowance in such amount as it may deem to be just in the premises, and the same shall be paid as other claims against said district are paid.

Passed the Senate February 13th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 4th, 1907.

CHAPTER 63.

[S. B. 213.]

RELATING TO THE SELECTION OF JURORS.

AN ACT amending section three of an act entitled "An act providing for and regulating the selection of jurors in the superior courts of the state; and providing for the appointment of jury commissioners, prescribing their duties, qualifications and compensation, and providing for their removal from office; declaring certain violations of this act to be contempt of court and providing for the punishment thereof as such; and repealing all laws and parts of laws in conflict therewith," approved March 9, 1905.

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

SECTION 1. That section three of an act entitled "An Act providing for and regulating the selection of jurors in the superior courts of the state, and providing for the appointment of jury commissioners, prescribing their duties, qualifications and compensation, and providing for

their removal from office; declaring certain violations of this act to be contempt of court and providing for the punishment thereof as such; and repealing all laws and parts of laws in conflict herewith," approved March 9, 1905, be amended to read as follows: Sec. 3. In open court within twenty days in counties of the first class and within ten days in counties of the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth classes, the commissioners shall select the names of all the qualified jurors in the county, as far as the commissioners may be able to ascertain the same from the latest tax rolls, and poll books of the county and deposit the same written on separate slips of paper of uniform size, shape and color in a box to be furnished by the clerk of the court for that purpose. In selecting and depositing such names the said commissioners shall, in all things observe their oaths and they shall not select the name of any person who is to them known to be interested in any cause pending in the court by which such commissioners were appointed. When such names have been selected and deposited in such box, the jury commissioners shall deliver the box, locked and the key thereof, to the clerk of the court by which the commissioners were appointed; and such clerk shall at all times keep such locked box and said key separately in some safe and convenient place in his office. A list of the names so chosen shall be spread at large upon the journal of the court and all names subsequently drawn from the box shall at the time of drawing be compared and checked in open court with the list as so recorded: *Provided*, That in counties of the first class, where twenty thousand or more votes shall have been polled at the next preceding general election, the superior court may on a showing of necessity made by affidavit of the commissioners selected by it, extend the time for the completion of the duties prescribed in this section, for a period not to exceed forty days altogether.

Selection
and deposit
of names.

Passed the Senate February 20th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 5th, 1907.

CHAPTER 64.

[S. B. 27.]

RELIEF OF SOLDIERS, SAILORS AND MARINES AND THEIR FAMILIES.

AN ACT relating to the relief of soldiers, sailors and marines and their families, and amending sections 1, 2, 3, 4, 5, 6, and 7 of chapter 117 of the laws of 1888.

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

Aid by
counties.

SECTION 1. That section 1 of chapter 117 of the Laws of 1888, be amended to read as follows: Section 1. For the relief of indigent and suffering Union soldiers, sailors and marines who served in the Civil war, in the war of Mexico or in any of the Indian wars in the United States or soldiers of the Spanish-American war and Philippine insurrection and their families, or the families of those deceased, who need assistance in any city, town or precinct in this State, the board of commissioners of the county in which said city, town or precinct is situated, may provide such sum or sums of money as may be necessary, to be drawn upon by the commander and quartermaster of any post of the Grand Army of the Republic, or Camp of the United Spanish war veterans, in said city or town upon recommendation of the relief committee of said post, or camp, in the same manner as is now provided by law for the relief of the poor: *Provided*, Said soldier, sailor or marine or the families of those deceased are and have been residents of the State for at least twelve months, and the orders of said commander and quartermaster shall be the proper voucher for the expenditure of said sum or sums of money.

Nearest post
or camp
may receive.

SEC. 2. That section 2 of chapter 117 of the Laws of 1888 be amended to read as follows: Sec. 2. If there be no post of the Grand Army of the Republic, or camp of the United Spanish war veterans, in any precinct in which it should be granted, the county commissioners of the county in which such precinct is, may accept and pay the orders drawn, as hereinbefore provided, by the commander and quartermaster of any post of the Grand Army of the Republic, or Camp of the United Spanish War Veterans,

located in the nearest city or town, upon the recommendation of a relief committee who shall be residents of the said precinct in which the relief may be furnished.

SEC. 3. That section 3 of chapter 117 of the Laws of 1888 be amended to read as follows: Sec. 3. Upon the passage of this act the commander of any post of the Grand Army of the Republic, or Camp of the United Spanish War Veterans, which shall undertake the relief of indigent veterans and their families, as hereinbefore provided, before the acts of said commander and quartermaster may become operative in any city or precinct, shall file with the county auditor of such county, notice that said post or camp intends to undertake such relief, as is provided by this act. Such notice shall contain the names of the relief committee of said post or camp in such city or precinct, and the commander of said post or camp shall annually thereafter during the month of October, file a similar notice with said auditor, and also a detailed statement of the amount of relief furnished during the preceding year, with the names of all persons to whom such relief shall have been furnished, together with a brief statement in each case from the relief committee upon whose recommendations the orders were drawn.

Notice of relief work.

Bond of officer

SEC. 4. That section 4 of chapter 117 of the Laws of 1888 be amended to read as follows: Sec. 4. The county commissioners may require of the commander and quartermaster of any post of the Grand Army of the Republic, or Camp of the United Spanish War Veterans, undertaking to distribute relief under this act a bond with sufficient and satisfactory sureties for the faithful and honest discharge of their duties under this act.

SEC. 5. That section 5 of chapter 117 of the Laws of 1888 be amended to read as follows: Sec. 5. County commissioners are hereby prohibited from sending indigent Union or Spanish-American war soldiers, sailors and marines (or their families, or the families of the deceased), of the classes of persons mentioned in section 1, to any alms house (or orphan asylum) without the concurrence and consent of the commander and relief committee of the post of the Grand Army of the Republic or Camp of the

Care of indigent soldiers.

United Spanish War Veterans, having jurisdiction, as provided in sections one and two. Indigent veterans, shall, whenever practicable, be provided for and relieved at their homes in such city, town or precinct in which they shall have a residence, in the manner provided in sections one and two of this act. Indigent or disabled veterans of the classes specified in section one, who are not insane, and have no families or friends with whom they may be domiciled, may be sent to any soldiers' home.

Burial of
deceased
soldiers.

SEC. 6. That section 6 of chapter 117 of the Laws of 1888 be amended to read as follows: Sec. 6. It shall be the duty of the board of county commissioners in each of the counties of the State to designate some proper authority other than that designated by law for the care of paupers and the custody of criminals, who shall cause to be interred the body of any honorably discharged soldier, sailor or marine, who served in the army or the navy of the United States during the late Civil war or in the war with Mexico or in any of the Indian wars that occurred in the State of Washington, or the Spanish-American war and Philippine insurrection, and the wives or widows of such soldiers, sailors or marines, who shall hereafter die without leaving means sufficient to defray funeral expenses; but the expenses of such funeral shall not, in any case exceed the sum of fifty dollars. If the deceased has relatives or friends who desire to conduct the burial, and who are unable to pay the charges thereof, then the said expenses, not to exceed the sum of fifty dollars, shall be paid to them or their representatives, by the county treasurer, upon due proof of the death and burial of any person provided for by this section and proof of expenses incurred.

Tax levy.

SEC. 7. That section 7 of chapter 117 of the Laws of 1888 be amended to read as follows: Sec. 7. The boards of county commissioners of the several counties in this State shall levy, in addition to the taxes now levied by law, a tax not less than one-fortieth of one mill, and not greater than one-fifth of one mill, upon the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating a fund for the relief.

of honorably discharged soldiers, sailors and marines who served in the Civil war, in the war of Mexico or in any of the Indian wars, or the Spanish-American war or the Philippine insurrection and the indigent wives, widows and minor children of such indigent or deceased Union soldiers, sailors and marines to be disbursed for such relief by such board of county commissioners.

Passed the Senate February 15th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 5th, 1907.

CHAPTER 65.

[S. B. 145.]

AUDIT OF ACCOUNTS OF COUNTY OFFICERS.

AN ACT providing for a system of checking the accounts of various county officers, and amending section 1597 of Ballinger's Annotated Codes and Statutes of Washington, and repealing all acts or parts of acts in conflict herewith.

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

SECTION 1. That each of the salaried officers authorized to receive fees under the laws of this State, shall on or before the first Monday of each month and at the end of his term of office submit to the county auditor a statement and copy of his fee book for the month last past, duly verified as provided in section 1597 of Ballinger's Annotated Codes and Statutes of Washington: *Provided*, That the county auditor shall submit the statement and copy of his fee book to the county clerk.

Officers to
make state-
ment.

SEC. 2. It shall thereupon be the duty of the county auditor and county clerk to check such statements submitted to him with the fee book of their respective offices and the records pertaining thereto and if they are found to be correct he shall return same after having attached thereto his official certificate.

Checking of
statements.

SEC. 3. That section 1597 of Ballinger's Annotated Codes and Statutes of Washington be amended to read

as follows: Sec. 1597. The fees and compensation collected and chargeable for the county in each month shall be paid to the county treasurer on the first Monday of the following month, and must be accompanied by a statement and copy of the fee book for the month last past, duly verified by the officer making such payment, and certified to by the proper officer. The affidavit shall be in the following form:

State of Washington, County of ss.

Affidavit.

I, county, do swear that the fee book in my office contains a true statement in detail of all fees and compensation of every kind and nature, for official services rendered by me, paid or chargeable, my deputies or assistants, for the month of, A. D. 19. . . ., and that said fee book shows the full amount received or chargeable in said month, and since my last monthly payment; and neither myself nor to my knowledge or belief, any of my deputies or assistants, have rendered any official services, except for the county or state, which is not fully set out in said fee-book; and that the foregoing statement thereof is a full, true and complete copy thereof. Subscribed and sworn to before me this day of 19.

The certificate of the checking officer shall be in the following form:

State of Washington, County of ss.

This is to certify that I have checked the records of the office of the county for the month of 19. . . ., and find the same to be properly entered on his fee book, and that the foregoing statement is a full, true and complete copy thereof.

Witness my hand and official seal this day of, 19.

Errors or irregularities.

SEC. 4. That if any errors or irregularities are found by the checking officer he shall immediately notify the officer interested and if within three days after such notification said errors or irregularities are not corrected by such officer, it shall be the duty of the checking officer to so notify the board of county commissioners in writing and upon receipt of such notification it shall be the duty

of said board to proceed against such officer in the manner provided by law.

SEC. 5. That all acts or parts of acts in conflict herewith are hereby repealed.

Passed the Senate February 14th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 5th, 1907.

CHAPTER 66.

[S. B. 136.]

TAX FOR IMPROVEMENT OF RIVERS AND STREAMS.

AN ACT authorizing the levy of a tax for the purpose of improving rivers and streams and providing for the expenditure of the same.

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

SECTION 1. The county commissioners of any county may annually levy a tax, beginning with the year 1907, in such amount as, in their judgment they may deem necessary or advisable, but not to exceed one mill upon all taxable property in such county, for the purpose of creating a fund to be known as "River Improvement Fund."

Commissioners may levy tax.

"River Improvement Fund."

SEC. 2. Said fund shall be expended by such county commissioners in acquiring by condemnation or otherwise, any land bordering upon the banks of any river or stream to be improved, which in their judgment it is advisable to acquire, to strengthen and preserve the banks of any river or stream and prevent overflow thereof, and confine such river or stream within its proper channel; to construct any levee, embankment or other construction at such point where such land is acquired, as in their judgment they may deem necessary or advisable, to protect and render more secure the banks of any river by constructing therein stone or masonry work, contrivance or piling or such other construction as in their judgment is best adapted to accomplish such purpose; to remove log jams or obstructions that may be or hereafter form in such river, and to do any

Improvement of rivers.

other act to prevent the formation of any obstruction in such river or stream.

Removal of
log jams.

SEC. 3. The board of county commissioners are hereby authorized to employ such persons as they deem necessary and fix their compensation to patrol such rivers and streams and remove such log jams or obstructions now existing or which may hereafter form, and for the purpose of preventing the formation thereof, and who shall perform such other duties as are contemplated by this act and directed by said board of county commissioners.

Expenditure
of fund.

SEC. 4. All expenses to be incurred in accomplishing the objects authorized by this act shall be paid out of said river improvement fund and which fund shall be used for no other purpose than the purposes contemplated by this act.

Passed the Senate February 19th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 4th, 1907.

CHAPTER 67.

[S. B. 161.]

AMENDMENT OF STATE CONSTITUTION RELATIVE TO THE ASSESSMENT AND TAXATION OF PROPERTY.

AN ACT to amend article VII of the Constitution of the State of Washington relating to the assessment and taxation of property within the state.

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

Submission
to vote.

SECTION 1. That at the general election to be held in this State on the Tuesday next succeeding the first Monday in November, 1908, there shall be submitted to the qualified electors of this State for their adoption and approval an amendment to Article VII of the Constitution of the State of Washington, by striking from said article VII all of sections 1, 2, 3 and 4, and inserting in lieu thereof the following, to be known as section one: Section

Taxation.

1. The power of taxation shall never be surrendered, suspended or contracted away. Taxes shall be uniform upon

the same class of subjects, and shall be levied and collected for public purposes. The property of the United States, and of the State, counties, school districts, and other municipal corporations and personal property to the amount of three hundred dollars for each head of a family, liable to assessment and taxation under the provisions of the laws of this State of which the individual is the actual and *bona fide* owner shall be exempt from taxation.

Exemptions.

SEC. 2. The Secretary of State shall cause the amendment proposed in section one (1) of this act to be published for three months next preceding the said election therein described in some weekly newspaper in every county where a newspaper is published, throughout the State.

Publication of proposed amendment.

SEC. 3. There shall be printed on all ballots provided for the said election, the words: "For the proposed amendment to article VII of the Constitution relating to the assessment and taxation of property within the State." "Against the proposed amendment to article VII of the Constitution relating to the assessment and taxation of property within the State."

Form of ballots.

Passed the Senate February 18th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 5th, 1907.

CHAPTER 68.

[H. B. 145.]

REPEALING ACT RELATING TO THE SPREAD OF DISEASES AMONG ANIMALS.

AN ACT to repeal an act entitled "An act to prevent the spread of contagious or infectious diseases among cattle, horses and other domestic animals, and prescribing penalties for violation of the provisions thereof," being chapter 143, of Session Laws of 1895.

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

SECTION 1. That chapter 143, of the Session Laws of 1895, the same being an act entitled "An Act to prevent the spread of contagious or infectious diseases among

Repeal.

cattle, horses and other domestic animals, and prescribing penalties for violation of the provisions thereof," be and the same hereby is repealed.

Passed the House February 11th, 1907.

Passed the Senate February 28th, 1907.

Approved by the Governor March 5th, 1907.

CHAPTER 69.

[H. B. 97.]

AMENDMENT OF STATE CONSTITUTION RELATIVE TO THE EXERCISE OF THE POWER OF EMINENT DOMAIN.

AN ACT providing for the amendment of section 16 of article one (1) of the Constitution of the State of Washington, relating to the exercise of the power of eminent domain.

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

Submission
to vote.

SECTION 1. That at the general election to be held in this State on the Tuesday next succeeding the first Monday in November, 1908, there shall be submitted to the qualified electors of the State for their adoption and approval an amendment of section sixteen (16) of Article one (1) of the Constitution of the State of Washington so that the same shall read, and it is proposed that the same shall read, when so amended, as follows: Sec. 16.

Right of
eminent
domain.

Private property may be taken, under such terms, conditions and limitations as shall be prescribed by the Legislature for drains, flumes and ditches for agricultural, domestic and sanitary purposes, and for rights of way for the removal of timber or timber products, and the appropriation and use of property for such purposes are hereby declared to be public usage, even though such appropriation and use may inure to the special benefit of some private individual, firm, corporation or association: *Provided, however,* That this declaration as to public uses shall not be construed to limit the right to appropriate property for other public uses. Private property shall not be taken for private use, except for private ways of necessity. No private property shall be taken or damaged for, public or

private use without just compensation having been first made, or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public, shall be a judicial question, and determined as such, without regard to any legislative assertion that the use is public, except as to the uses which are herein declared to be public.

SEC. 2. The Secretary of State shall cause the amendment proposed in section one of this act to be published for three months next preceding the said election therein described in some weekly newspaper in every county where a newspaper is published throughout the State.

Publication
of proposed
amendment.

SEC. 3. There shall be printed on all ballots provided for the said election the words "For the proposed amendment to section 16 of Article I of the Constitution, relating to the exercise of the power of eminent domain." "Against the proposed amendment to section 16 of Article I of the Constitution, relating to the exercise of the power of eminent domain."

Form of
ballots.

Passed the House February 14th, 1907.

Passed the Senate February 25th, 1907.

Approved by the Governor March 5th, 1907.

CHAPTER 70.

[H. B. 14.]

AMENDMENT OF ACT RELATING TO ASSESSMENTS FOR LOCAL IMPROVEMENTS.

AN ACT to amend section 1 of an act entitled "An act amending section 1 of an act entitled 'An act amending section 943 of Ballinger's Codes and Statutes of Washington, relating to assessments for local improvements,' approved March 16, 1903."

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

SECTION 1. That section 1 of an act entitled "An Act amending section 1 of an act entitled 'An Act amending section 943 of Ballinger's Codes and Statutes of Washington, relating to assessments for local improvements,' approved March 16, 1903," be amended to read as follows: Section 1. That section 943 of Ballinger's Annotated Codes and Statutes of Washington, relating to assessments for local improvements be amended to read as follows: Section 943. The city council are hereby authorized and empowered to order any work authorized by this chapter to be done upon the streets, alleys, avenues, highways and public places of such city. The expense or cost of improving and repairing streets, sidewalks, alleys, squares or other public highways and places within the city, removing obstructions therefrom, grading, planking, paving, macadamizing, graveling and curbing the same and planting, setting out and cultivating of shade trees therein, and constructing gutters, culverts and sidewalks therein, shall be assessed as follows: The city council shall before grading, paving or other improvement of any street or alley, the cost of which is to be levied and assessed upon the property benefitted, first pass a resolution or ordinance declaring its intention to make such improvement and stating in such resolution or ordinance the name of the street or alley to be improved, the points between which the said improvement is made, and the estimate of the cost of the same, and the cost of the same, is to be assessed against the property abutting (and included in the assessment district herein provided) on such street proposed to be improved, and shall fix a time not less than ten

City council
to order
work done.

Resolution
or ordinance
describing
improvement.

days in which protests against such proposed improvement may be filed in the office of the city clerk. It shall be the duty of such clerk to cause such resolution to be published in the official newspaper of the city in at least two consecutive issues before the time fixed in such resolution for filing such protest, and affidavit of such publication shall be filed on or before the time fixed for such filing. If protest against the proposed improvement by the owners of more than two-thirds of the front feet of lots and lands abutting on such proposed improvement and included in the assessment district therein proposed, be filed on or before the date fixed for such filing, the council shall not proceed further with the work unless six members of said council shall vote to proceed with such work. If no such protest is filed, or if such protest is filed and six councilmen shall vote to proceed with such work, the council shall at its next regular meeting, proceed to consider the same, and shall then or at a subsequent time proceed to enact an ordinance for such improvement. By the provisions of such ordinance a local improvement district shall be established to be called "Local Improvement District No.," which shall include all the property fronting on the street to be improved between the points named in such resolution, to the distance back from such street, if platted in blocks, to the center of the blocks; if platted in lots only to the center of each lot, and if not platted, to the distance of one hundred and twenty feet. Such ordinance shall provide that such improvement shall be made, and that the cost and expense thereof shall be taxed and assessed upon all the property in such local improvement district, which cost shall be assessed in proportion to the number of feet of such land and lots fronting thereon, and included in said improvement district, and in proportion to the benefits derived by said improvement: *Provided*, That the city council may expend from the general fund for such purposes such sums as in their judgment may be fair and equitable in consideration of benefits accruing to the general public by reason of such improvements. The expense of all improvements in the space formed by the junction of two or more streets, or where one main street

Publication
of resolu-
tion.

Protests.

Local im-
provement
districts.

terminates in or crosses another main street, and also all necessary street crossing or crossings at corners or intersections of streets, and the expenses of establishing, building and repairing bridges in such city shall be paid by such city; the expenses incurred in making and repairing sewers in any street, shall be paid by special assessment levied against the property benefitted thereby. In all the streets constituting the water front of such city, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets, from the center line thereof to the said water front, or to such property of the city bounded thereon, shall be paid for by such city, but no contract for any such work shall be given except to the lowest responsible bidder, and in the manner hereinafter provided. When any work or improvements mentioned in this section is done or made on one side of the center lines of such streets, avenues or public highways, the lots or portions of lots fronting on that side only shall be assessed to cover the expenses of said work according to the provisions of this chapter. Whenever any expenses or costs of work shall have been assessed on any lands, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, except general tax liens, and which may be foreclosed in accordance with the provisions of the code of civil procedure. Said suit shall be in the name of the city of (naming it) as plaintiff. And in any such proceedings where the court trying the same shall be satisfied that the work has been done or material furnished, which according to the true intent of the act would be properly chargeable upon a lot or land through or by which the street, alley or highway improved or repaired may pass, a recovery shall be permitted or charge enforced to the extent of the proper proportion of the value of the work or material which would be chargeable on such lot or land notwithstanding any informalities, irregularities, or defects in any of the proceedings of such municipal corporation or its officers.

Assessment
to become a
lien.

Suit.

Passed the House January 31, 1907.

Passed the Senate February 25, 1907.

Approved by the Governor March 5th, 1907.

CHAPTER 71.

[H. B. 278.]

AUTHORIZING CITIES AND TOWNS TO CONSTRUCT AND
MAINTAIN DIKES.

AN ACT authorizing and empowering cities and towns to construct and maintain dikes and embankments to protect such cities or towns, or any part thereof, from overflow, and to pay the cost and expenses thereof out of its current expense fund, or by a special assessment upon the property benefitted, or by both, and declaring an emergency.

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

SECTION 1. All incorporated cities and towns within the State of Washington are hereby authorized and empowered to construct and maintain dikes, levees, embankments or other structures and works to protect such city or town, or any part thereof from overflow, and the cost and expense of securing right of way for the same, damages accruing and the constructing and maintaining of said works may be paid for by a special assessment upon the lots and lands protected or benefitted by such improvement, such assessment to be made according to the benefits received by each tract, block, lot or smaller subdivision of land included in the special assessment district provided for the levy of such special tax.

Construction of dikes, levees and embankments.

Special assessments on property benefitted.

SEC. 2. The city council shall, before the beginning of the actual construction of such improvement, if the same is to be paid by a special tax as hereinbefore provided, first pass a resolution or ordinance declaring its intention to make such improvement, and stating in such resolution or ordinance the place of commencement and ending of such improvement, the route to be used, the nature of such improvement, the estimated cost of construction, and maintenance thereof, and the boundaries of the special assessment district to be formed, and shall, by resolution, or ordinance, fix a time not less than thirty (30) days in which protests against such proposed improvement may be filed in the office of the city clerk. It shall be the duty of such clerk to cause such resolution or ordinance to be published in the official newspaper of such city or town in at least four

Resolution describing improvement.

Publication of resolution.

Protest of
property
owners.

consecutive issues before the time fixed for the termination of the filing of said protests. If protests are filed by more than two-thirds in number of the owners of property included in said proposed assessment district against such improvement, the council of such city or town shall not proceed further with the work.

Ordinance
creating
improve-
ment dis-
trict

SEC. 3. If such number of protests are not filed, the council may proceed to enact an ordinance for such improvement, by the provisions of which ordinance, if the cost and expense, or any part thereof, is to be paid by a special tax as hereinbefore provided, a local improvement district shall be established to be called "Local Improvement District No.," which shall include all the real property included within the boundaries of the district described in the resolution or ordinance of intention to make such improvement; each tract, block, lot or smaller subdivision thereof, shall be assessed to pay its proportion of the cost and expense of securing the necessary rights of way, all damages occasioned by such improvement and the construction and maintenance of such improvement according to the benefits derived by said property from such proposed improvement.

Council may
make pay-
ment from
current ex-
pense fund.

SEC. 4. The city or town council may construct and maintain the improvements provided for by this act out of its current expense fund, or such council may expend from its current expense fund for such purpose, such sums as in their judgment may be fair and equitable in consideration of benefits accruing to the general public by reason of such improvements, and levy a special assessment as hereinbefore provided for the remainder of such cost and expense.

When city
included in
diking
district.

SEC. 5. That the fact that any city or town or any part thereof, is now or shall hereafter be placed within the boundaries of any diking district organized under the general diking laws of this State, shall not deprive such city or town of the benefit of this act, but any such city or town for the purpose of constructing new improvements, or of repairing or improving any dikes, embankments or other structures or work constructed by it, or

any diking district, or other municipal corporation, shall be entitled to proceed under this act and may use the rights of way and improvements erected by any other such organization: *Provided, however,* That this act shall not deprive such other diking district, or organization of the right to enter upon and improve and repair such improvement if it deem it necessary to do so: *And provided further,* That this act shall not release any real estate from assessment and payment of any lawful diking taxes, levied for the payment of any indebtedness existing for the construction or maintenance of such former improvement.

SEC. 6. After the establishment of the assessment district by the city or town council, for such improvement, the city or town clerk shall at once proceed to make, complete and file in his office an assessment roll which shall contain a description of all the lots, blocks or parcels of land included within said assessment district so established; which roll, in addition to said description, shall contain the name of the owner or reputed owner of each separate lot or parcel of land so far as the same is shown by the county records and the said city or town clerk shall enter upon said roll, opposite each property description, the respective amounts computed by the engineer in charge of, or who has designed said improvement or defined the boundaries of the assessment district, in behalf of said city or town, such amounts to be an apportionment made by said engineer of the cost and expense of such improvement, or so much thereof as has been determined upon, on all the property included within such assessment district and said city or town clerk, from the computations and information furnished by said engineer, shall assess each parcel, block, lot or smaller subdivision thereof with its just portion of said cost and expenses, according to the benefits received by it from such proposed improvement, and shall fix a time for the consideration and equalization of such assessment by the city or town council, and give notice thereof by publication in at least two consecutive issues of the official newspaper of such city or town, which hearing shall not be less than ten days from the first publication of such notice.

Assessment
roll.

Notice by
publication.

Council to
hear objec-
tions.

SEC. 7. The city or town council shall meet at the time fixed in such notice or at such other time as said meeting may be adjourned to, and shall hear and decide all objections made to such assessment, whether the same may be to the regularity of the proceedings, the correctness of the assessment or the amount thereof, and may correct any and all irregularities and proceedings, and make corrections of assessments and equalize the said assessment, and shall make an order confirming said roll after such equalization; which roll shall thereupon become the assessment roll of said assessment district, and the amount charged to and assessed against each parcel, block, lot or smaller subdivision of land, in such assessment roll, shall be a first and prior lien upon the same, excepting other taxes levied for State, county or other municipal purposes, and shall become delinquent sixty days after such order of confirmation and bear interest after delinquency at the rate of twelve (12) per cent. per annum; and said lien may be foreclosed and said property sold for the payment thereof.

Confirma-
tion of roll.

Assessments
a lien upon
property.

Delin-
quency.

Appeals to
the superior
court.

SEC. 8. Any person who has made objections to the assessment as made by the clerk, shall have the right to appeal from the equalization as made by the city or town council to the superior court of the county in which such city or town may be situated. Such appeal shall be made by filing a written notice of appeal with the clerk of such city or town within ten days after the equalization of said assessment by the council, and said notice shall describe the property and the objections of such appellant to such assessment; and the appellant shall also file with the clerk of the superior court aforesaid within ten (10) days from the time of taking such appeal a copy of said notice, appeal, assessment and proceedings thereon, certified by the clerk of such city or town, together with a bond to such city or town conditioned to pay all costs that may be awarded against appellant in such sums not less than two hundred dollars and with such security as shall be approved by the judge of such court, and the case shall be docketed by the clerk of such court in the name of the person taking such appeal as plaintiff and such city or town as defendant. Said cause shall then be at issue and shall be tried

immediately by such court as in the case of equitable causes, except that no further pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment in so far as the same affects the property of the appellant, from which judgment an appeal shall lie to the Supreme Court as in other causes.

SEC. 9. That the levy and collection of said special tax, the foreclosure of the lien thereof and the sale of said property, and all other matters and things with relation to such improvement shall be governed by the laws relating to the levy of special assessments to pay for street improvements in the class to which said city or town belongs, except in so far as modified by this act.

Laws relat-
to assess-
ments for
street im-
provements
applicable.

SEC. 10. That this act shall be concurrent with all other laws now in force and shall not repeal nor affect any law now in force relating to dikes or the prevention of lands from overflow.

Act concu-
rent with
existing
laws.

SEC. 11. That an emergency exists and this act shall take effect immediately.

Emergency.

Passed the House February 15th, 1907.

Passed the Senate February 25th, 1907.

Approved by the Governor March 5th, 1907.

CHAPTER 72.

[H. B. 320.]

APPROPRIATION FOR STATE ROADS.

AN ACT appropriating the sum of forty-two thousand one hundred and forty-two dollars and seventy-five hundredths of a dollar (\$42,142.75) from the state highway fund to complete contracts now in force on state roads.

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

SECTION 1. That the sum of forty-two thousand one hundred and forty-two and seventy-five hundredths dollars (\$42,142.75), or so much thereof as may be necessary be,

Appropriation
\$42,142.75.

and the same is hereby appropriated from the State Highway fund for completing work already under contract and under construction on the State roads hereinafter mentioned, the completion of such work having been delayed by extraordinary floods, severe weather, scarcity of labor and other unavoidable causes.

SEC. 2. Such appropriation shall be apportioned to the several State roads under construction as follows, viz.:

King
County-
Natchez
road.

To the Yakima county section of State road No. 1, of the King County-Natchez road, the sum of four thousand three hundred and twenty-eight and 5-100 dollars (\$4,328.05).

Chelan-
Skagit road.

To the Chelan county section of State road No. 3, known as the Chelan-Skagit road, the sum of eight hundred forty-six and 18-100 dollars (\$846.18).

Cowlitz-
Pass road.

To the Yakima county section of State road No. 5, known as the Cowlitz-Pass road, the sum of four thousand four hundred and 41-100 dollars (\$4,400.41).

Cowlitz-
Pass road.

To the Lewis county section of State road No. 5, known as the Cowlitz-Pass road, the sum of six thousand and fourteen and 91-100 dollars (\$6,014.91).

Loomis-
Sans Poil
road.

To the Ferry county section of State road No. 4, known as the Loomis-Sans Poil road, the sum of one thousand one hundred and ninety dollars (\$1,190).

Lyle-
Washougal
road.

To the Skamania county section of State road No. 8, known as the Lyle-Washougal road, the sum of seven thousand nine hundred and forty-three and 93-100 dollars (\$7,943.93).

Lyle-
Washougal
road.

To the Clarke county section of State road No. 8, known as the Lyle-Washougal road, the sum of three thousand seven hundred and two and 79-100 dollars (\$3,702.79).

Montesano-
Port
Angeles
road.

To the Chehalis county section of State road No. 9, known as the Montesano-Port Angeles road, the sum of nine thousand dollars (\$9,000).

Wenatchee-
Johnson
Creek road.

To the Okanogan county section of State road No. 10, known as the Wenatchee-Johnson creek road, the sum of one thousand thirty-seven and 50-100 dollars (\$1,037.50).

Methow-
Barron
road.

To the Okanogan county section of State road No. 12, known as the Methow-Barron road, the sum of three thou-

sand six hundred and seventy-eight and 98-100 dollars (\$3,678.98).

Passed the House February 15th, 1907.

Passed the Senate February 27th, 1907.

Approved by the Governor March 5th, 1907.

CHAPTER 73.

[S. B. 65.]

RELATIVE TO THE ASSESSMENT OF STATE SCHOOL AND GRANTED LANDS FOR LOCAL IMPROVEMENTS.

AN ACT authorizing and empowering cities of the first class to include within local improvement districts tide lands and land in school sections, the title of which remains in the State of Washington, and to assess such land for the cost of local improvements, and authorizing the sale of such lands.

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

SECTION 1. Any city of the first class in the State of Washington is hereby authorized and empowered to include within any local improvement district formed by it the whole or any part of any land in school sections or tide lands, title of which remains in the State of Washington; and said city is authorized and empowered to assess the cost of any local improvement against any such tide or school land in the same manner as if the same were private property: *Provided, however,* That the interest of the State in such property shall not be sold to satisfy the lien of such assessment, but only such interest, or contract or other right therein as may be in private ownership shall be subject to such sale.

State school or tide lands may be included in improvement district.

Interest of individuals only shall be sold.

SEC. 2. Whenever any such tide or school land situated within the city limits of any city of the first class has been included within any local improvement district by such city, and the contract, leasehold or other interest of any individual therein has been purchased to satisfy the lien of such assessment for local improvement, the purchaser of such interest at such sale shall be entitled to receive from the State of Washington, on demand, a conveyance of the

Rights of purchaser.

property purchased by him upon the payment to the State of the amount of balance which his predecessor in interest was obligated to pay.

Legislature
to make
appropriation.

SEC. 3. Where the State has made no lease or contract, or has granted no right with reference to any such lands or any part thereof, against which an assessment has been made for local improvements, the State shall at the next session of the Legislature after such improvement is made, if it still owns the land, appropriate sufficient money to pay for such improvements, or the person entitled to such money may apply to the proper State officers to have such lands sold in the manner provided by law, and if the said lands have not been appraised, the State Land Commissioner shall, upon said application being made, cause the same to be appraised, and the assessment for such improvement shall be added to the appraised valuation of all such tracts owned by the State, and such Land Commissioner shall cause the sale of such lands to be made in the manner provided by law, but no sale shall be made for less than the appraised value, plus the assessment, against the tract to be sold. When such lands are sold, the proper State officers are authorized to pay to the party entitled to receive the same, the amount or amounts of said assessments for local improvements.

Appraisal
and sale of
lands.

Passed the Senate February 5th, 1907.

Passed the House February 28th, 1907.

Approved by the Governor March 5th, 1907.

CHAPTER 74.

[S. B. 178.]

RELATING TO THE PAYMENT OF ASSESSMENTS ON STATE
LANDS FOR DIKES, ETC.

AN ACT relating to the payment by the state of assessments made on state, school or granted lands for the construction and maintenance of dikes and drains benefiting such lands, and repealing section 2 of chapter 127 of laws of 1905, and making an appropriation therefor.

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

SECTION 1. The several county treasurers of this State shall, in each year, within thirty days after the tax rolls have been received and filed by them, make up and certify to the Commissioner of Public Lands a list of all State, school and granted lands upon said rolls against which special assessments have been levied under the laws of this State for the construction or maintenance of any diking system or any drainage system constructed and maintained under the laws of this State. Said certificate shall contain (1) a description of the State, school or granted lands by legal subdivisions, (2) the amount of the assessment against each legal subdivision separately stated.

County treasurer shall certify assessments to Land Commissioner.

SEC. 2. As soon as the said assessments shall become due and payable the Commissioner of Public Lands shall certify to the State Auditor a list of all lands certified to him by the county treasurer, which have not been sold by the State, and his certificate shall contain the same facts as to the land certified by him that the certificate of the county treasurer shall contain as provided for in section one of this act.

Land Commissioner to certify to State Auditor.

SEC. 3. Upon issuing his certificate to the State Auditor as provided for in section two of this act, the Commissioner of Public Lands shall make a minute upon his records showing the amount paid and charge it to the tract of land against which it was assessed. The valuation of the tract of land benefited by the diking or drainage improvement shall not be raised by or on account thereof, but when any of said land is offered for sale there shall be added to the appraised value of such lands as provided for

Entry on records.

Assessment added to appraised value of land.

by law the amount of such payments made by the State out of the general fund, which amount so added shall be paid by the purchaser in cash at the time of the sale of said land, and such additional sum shall be turned over to the State Treasurer and placed to the general fund.

Auditor to draw warrants in payment of assessments.

SEC. 4. Upon receipt of the certificate of the Commissioner of Public Lands herein provided for the State Auditor shall draw his warrants in favor of the several county treasurers upon the general fund for the payment of such assessments; and when he transmits his warrants he shall certify to the several county treasurers a description of the lands upon which he pays the assessment, the amount paid on each legal subdivision of land.

Estimate of money required

SEC. 5. It shall be the duty of the State Auditor to include in his estimate of the amount of money necessary to be appropriated for the purposes of this act a statement of the amount necessary to pay the assessments certified to him.

Repeal.

SEC. 6. Section 2 of Chapter 127 of the Session Laws of 1905 is hereby repealed.

Appropriation \$5,000.

SEC. 7. There is hereby appropriated out of the general fund the sum of \$5,000 to be applied as provided in this act for the payment of assessments heretofore or hereafter made upon State, school or granted lands for the construction or maintenance of dikes or drains.

Passed the Senate February 19th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 5th, 1907.

CHAPTER 75.

[S. B. 35.]

AMENDING ACT RELATING TO THE INCORPORATION OF ASSOCIATIONS FOR SOCIAL, CHARITABLE AND EDUCATIONAL PURPOSES.

AN ACT to amend sections seven and twelve of an act entitled, "An Act to provide for the incorporation of associations for social, charitable and educational purposes," approved March 21, 1895.

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

SECTION 1. That section seven of said act entitled "An Act to provide for the incorporation of associations for social, charitable and educational purposes," approved March 21, 1895, be and the same hereby is amended to read as follows: Sec. 7. The corporation may prescribe by its laws the manner in which, and the officers and agents by whom the purposes of its incorporation may be carried out. The corporation may hold real and personal estate, and may hire, purchase or erect suitable buildings for its accommodation, to be devoted to the purposes set forth in its agreement of association, and may receive and hold in trust, or otherwise, funds received by gift or bequest, to be devoted by it to such purposes. And for the purposes of the corporation shall have power to issue its promissory notes, bonds or other obligations, to be secured by mortgages on its real estate and other property in such manner as may be provided by its by-laws. The board of trustees shall have power to sell or dispose of the whole or any part of the property, either real or personal, which the corporation may from time to time own, and to acquire other property, but shall not sell or dispose of or purchase real estate unless authorized so to do by the vote of two-thirds of all the stock represented or two-thirds of the members present at a meeting called for that purpose, written notice of which shall have been given to all stockholders or members at least thirty days previous thereto by mail, in such manner as shall be provided by the by-laws, which two-thirds vote must comprise at least a majority of all the stock or of the members of the corporation. Such notice shall set forth

Fowers.

in full the matter or proposition to be considered at such meeting. Voting by proxy shall be allowed at such meeting.

Amendment
of articles
of incorpor-
ation.

SEC. 2. That section twelve of the above mentioned act be, and the same hereby is amended to read as follows: Sec. 12. Whenever it is desired to amend in any particular within the scope of this act, the provisions of the articles of agreement of any corporation organized or qualified under this act, such amendment or amendments shall be effected by the filing with the Secretary of State of a certificate signed and sworn to by the president, secretary and a majority of the board of trustees, which certificate shall be authorized by a vote of at least two-thirds of the stock represented or members of the corporation present at a meeting called and held for that purpose, in the manner prescribed by the by-laws and the Secretary of State shall, upon payment of a fee of five dollars, cause such certificate to be recorded, and shall issue a certificate in the following form:

STATE OF WASHINGTON.

Form of
certificate.

Be it known that, whereas, (here the name of the corporation shall be inserted) a corporation heretofore duly organized, has, in accordance with the provisions of the laws of this state in such case made and provided, amended its articles of agreement as follows: (Here shall be inserted the nature of the amendment or amendments), as appears from a certificate of the proper officers of said corporation recorded in this office. Now, therefore, I (here the name of the secretary is to be inserted), Secretary of the State of Washington, do hereby certify that such amendment (or amendments) ha.. been duly adopted as, and now are, a part of the articles of agreement of said corporation.

Witness my official signature hereunto subscribed and the seal of the State of Washington hereunto affixed, this day of in the year (In these blanks the day, month and year of execution of this certificate shall be inserted).

This certificate shall be signed, sealed and recorded, and

filed in the same manner and shall have the same effect as the certificate provided for in section six.

Passed the Senate February 13th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 5th, 1907.

CHAPTER 76.

[S. B. 38.]

AMENDING ACT PROVIDING FOR THE LEVY, COLLECTION, AND MANNER OF PAYMENT OF ROAD, BRIDGE, POLL AND PROPERTY TAXES.

AN ACT amending section 8 of an act entitled "An act providing for the levy, collection and manner of payment of road, bridge, poll and property taxes and the manner of the extension thereof, and providing for the division of the counties into road districts, and the appointment of supervisors thereof, and repealing all acts and parts of acts in conflict herewith," approved March 16th, 1903 and being chapter 119 of the session laws of the State of Washington of the year 1903.

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

SECTION 1. That section 8 of said act, providing for the levy, collection and manner of payment of road, bridge, poll and property taxes, road and bridge improvements etc., being chapter 119 of the Session Laws of 1903 of the State of Washington, be amended so as to read as follows, to-wit: Sec. 8. The board of county commissioners, shall, annually, at the time of making their levy for county purposes, levy and certify to the county auditor, a tax of not more than four mills on the dollar, of all the taxable property in the county, which shall be payable in money, for the general road and bridge fund, from which they shall order paid such sums as may be found necessary for the construction and repair of roads and bridges, in which all the inhabitants of the county, (including the inhabitants of incorporated cities and towns therein) are interested: *Provided*, That in any incorporated city or town, fifteen per cent of all money collected for the general road and bridge fund in such city or town may be expended

Levy for roads and bridges.

Fifteen per cent. to be expended in cities.

inside said city or town on roads and bridges connecting with roads leading out into the country known or designated as county roads under the supervision of the county commissioners.

Passed the Senate February 14th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 5th, 1907.

CHAPTER 77.

[S. B. 174.]

AMENDING ACT FOR THE PROTECTION OF PERSONS WORKING IN COAL MINES.

AN ACT to amend section one (1) of an act entitled "An act for the protection of persons working in coal mines," approved March 6, 1897.

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

SECTION 1. That section one (1) of an act entitled "An Act for the protection of persons working in coal mines," approved March 6, 1897, be and the same hereby is amended to read as follows: Section 1. For the purpose of this act, this state shall be divided into inspection districts, each district to contain not less than ten nor more than sixty coal mines, each district to be under the supervision of an inspector of coal mines, the manner of whose appointment shall be as follows: *Provided*, That there shall be appointed but one inspector until sixty coal mines shall be in operation in this state. The Governor shall upon the recommendation of a board, to be by him selected and appointed for the purpose of examining candidates for appointment to the office of mine inspector under the provisions of this act, appoint a properly qualified person or persons to fill the office of inspector of coal mines for this state. The commissions of said inspector or inspectors shall be for the term of four years, and inspectors shall be at all times subject to removal from office for neglect of duty or malfeasance in the discharge of their duties. Said board shall consist of one practical coal miner; one owner

Inspection districts.

Appointment of mine inspectors.

Term.

Board of examiners.

or operator of a coal mine, and one mining engineer, all of whom shall be sworn to a faithful discharge of their duties. The said inspectors shall be citizens of the State of Washington, and shall have had at least five years practical experience in coal mining. Such person or persons so appointed as inspector shall devote their entire time to the duties of the office, and shall possess other qualifications at present defined by the laws of the State of Washington and not inconsistent with the provisions of this act. Each of such inspectors shall give bond in the sum of two thousand dollars, with sureties to be approved by a judge of a superior court of the county in which he resides, conditioned for the faithful performance of his duties, and take an oath (or affirmation) to discharge his duties impartially and with fidelity, to the best of his knowledge and ability. The salary of each of such inspectors shall be twenty-four hundred (\$2,400) dollars per annum, and he shall be allowed his actual and necessary traveling expenses while in the performance of his duties under the provisions of this chapter, and the Auditor of the state is hereby authorized and directed to draw his warrant on the State Treasurer in favor of each of such inspectors for the amount due them for their salaries monthly, to be paid out of any moneys in the treasury not otherwise appropriated.

Qualifica-
tion of
inspectors.

Bond.

Compensa-
tion.

Passed the Senate February 15th, 1907

Passed the House February 27th, 1907.

Approved by the Governor March 5th, 1907.

CHAPTER 78.

[H. B. 152.]

ASSESSMENT OF RAILROADS.

AN ACT to provide for the assessment of the operating property of railroads.

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

Tax com-
mission to
assess.

SECTION 1. That the State Board of Tax Commissioners shall make an annual assessment of the operating property of all railroad companies within this state, for the purpose of levying and collecting taxes as hereinafter provided.

Definitions.

SEC. 2. For the purposes of this act, the following provisions and definitions are made.

1. The term "board" in this act, without other designation means the State Board of Tax Commissioners.

2. Any person, association, company or corporation, owning or operating a railroad in this state, or owning or operating any station, depot, terminal or bridge for railroad purposes, as owner or lessee or otherwise, shall be deemed a railroad company within the meaning of this act.

3. The term "property of the railroad company" as used in this act, shall include all franchises, right-of-way, road bed, tracks, terminals, rolling stock equipment and all other real and personal property of such company, used or employed in the operation of the railroad, or in conducting its business, and shall include all title and interest in such property, as owner, lessee or otherwise. Real estate not adjoining its tracks, stations or terminals, and real estate not used in operating the railroad, is excepted, and shall be assessed in the same manner as like property of individuals.

4. The railway company operating a railroad in this state shall be the representative of every title and interest in the property of the railroad company, as owner, lessee or otherwise, and notice to the operating company shall be notice to all interests in the railroad property, for the purpose of taxation. The assessment of the property of

the railroad company in the name of the owner, lessee or operating company, shall be deemed and held an assessment of all the title and interest in such property of every kind and nature.

5. The term "general property of the state" shall be deemed to include all the real and personal property appearing upon the assessment rolls and tax rolls throughout the entire state, upon which the state, county and local taxes are levied and collected.

6. The word "railroad" or words "railroad company," wherever they occur in this act, shall be considered, for all purposes of assessment and taxation, as including every kind of street railway, suburban railroad, or interurban railroad, person, firm, association, company or corporation, whether its line of railroad be maintained either at the surface, or above or below the surface of the earth, or by whatever power its vehicles are transported.

SEC. 3. The board shall have access to all books, papers, documents, statements and accounts on file or of record in any of the departments of the state. It shall have like access to all books, papers, documents, statements and accounts on file or of record in counties, towns, cities, villages and assessment districts, and the officers thereof shall, in form prescribed by said board, make returns to it of all the information called for. Said board shall have the power, by a summons signed by a member of said board, and served in a like manner as a subpoena issued from courts of record, to compel witnesses to appear and give evidence, and to produce books and papers. Any member of the board or the secretary thereof, is authorized to administer oaths to witnesses. The attendance of any witness may be compelled by attachment issued out of any superior court upon application to said court by any member of said board, upon a proper showing that such witness has been duly served with a summons, and has refused to appear before the said board. In case of the refusal of a witness to produce books, papers, documents or accounts, or to give evidence on matters material to the hearing, said board or any member thereof, may institute proceedings in the proper superior court, to compel

Fowers of
Tax Com-
mission.

Attendance
of wit-
nesses.

such witness to testify, or to produce such books or papers, and to punish him for the refusal. All summons and process issued by such board shall be served by the sheriff of the proper county, and such service certified by him to said board, without any compensation therefor. Persons appearing before said board in obedience to a summons, shall, in the discretion of the board, receive the same compensation as witnesses in the superior court, to be audited by the State Auditor, on the certificate of said board. The records, books, accounts and papers of any person, association or corporation owning or operating railroad property to be assessed, shall be subject to visitation, investigation and examination by said board.

Depositions.

SEC. 4. The board, in any matter material to the valuation, assessment or taxation of the property of railroad companies, may cause the deposition of witnesses residing without the state or absent therefrom, to be taken upon notice to the railroad company interested, in like manner as the deposition of witnesses are taken in civil actions in the superior court.

Report of
company—
contents.

SEC. 5. Every railroad company, operating in this state shall, between the first day of January and the first day of April in each year, under the oath of the president or other chief officer, and the secretary, treasurer, auditor or superintendent, of such company, make and file with the board, in such form as the board may prescribe, reports containing the following facts:

(1) The name of the company.

(2) The nature of the company, whether a person, association, company or corporation, and under the laws of what state or country organized, the date of original organization, date of re-organization, consolidation, or merger, with specific reference to laws authorizing the same.

(3) The location of its principal office.

(4) The place where its books, papers and accounts are kept.

(5) The name and postoffice address of the president, secretary, treasurer, auditor, superintendent, general manager, counsel, directors and all other general officers.

(6) The name and postoffice address of the chief officer or managing agent of the railroad company in the State of Washington, and of all other general officers residing in this state.

(7) The total number of shares of capital stock.

(8) The par value of the shares of capital stock, for the whole system, showing: (1) Amount authorized; (2) amount issued; (3) amount outstanding; (4) the dividends paid thereon.

(9) The market value of the shares of capital stock for the whole system, on the dates and for the periods the board may request or specify.

(10) If such capital stock has no market value, the actual value on the dates and for the periods designated by the said board.

(11) The funded debt of the railroad company for the whole system, and a detailed statement of all series of bonds, debentures and other securities, forming part of the funded debt, at par value, with date of issue, date of maturity, rate of interest, and interest paid.

(12) The market value of each series of funded debt for the whole system, on the dates and for the periods designated by said board; and if the whole, or a part, of such funded debt has no market value, then the actual value for such periods and such dates as the board may specify.

(13) Such a general description of the real property of the railroad company, owned or operated in the State of Washington, as would be sufficient in a conveyance thereof, under a judicial decree directing a sale for taxes, to vest in the grantee all title and interest in and to said property.

(14) A like description of the personal property, including moneys and credits, held by the company as a whole system, and also the part thereof apportioned to the system in this state.

(15) A statement in detail of all capital stock and bonds or other securities of such railroad company, owned by or held in trust for the company, and the capital stock, bonds, and other securities of other persons, companies or

corporations, owned by or held in trust for it, and the par value, and the market or actual value of the same.

(16) The whole length of the railroad system operated by the company, and the length of the line in this state, whether operated as owner, lessee or otherwise. The length of the line owned and the length of the line operated for the whole system in this state shall be separately reported.

(17) The entire gross earnings of the railroad company from operation, income from operation, and income from other sources for the whole system, and in this state, and the disposition made from such income.

(18) The entire gross earnings of such company in the state of Washington, for each and every month, for each calendar year, ending on the 31st day of December.

(19) The annual reports of the board of directors, or other officers to the stockholders of the company, duplicate of the annual reports made to the interstate commerce commission, to the railway commission in this state, and to the railway commissioners or state officers or boards of other states in or through which the line of said railroad is operated.

(20) Such other facts and information as said board may require, in the form of returns prescribed by it. Blanks for making the above reports shall be furnished to such companies by said board except for the copies of the reports required under the provisions of subdivision nineteen of this section. In case any company refuses or neglects to make the reports provided for by this act, or refuses or neglects to furnish any information requested, the board shall inform itself the best it may on the matters necessary to be known, in order to discharge its duties with respect to the valuation and assessment of the property of such company.

Failure to
report,
effect.

SEC. 6. If any railroad company or its officers or agents, shall refuse or neglect to make any reports required by this act, or said board, or shall refuse or neglect to permit an inspection and examination of its records, books, accounts or papers when requested by said board, or shall refuse or neglect to appear before the board in obedience to a summons, such company shall be estopped to

question or impeach the action or determinations of the board upon any grounds not affecting the substantial justice of the tax.

SEC. 7. The board, on or before the first day of March and the first day of June, in each year, according to their best knowledge and judgment, shall ascertain and determine the true cash value of the property of each railroad company within this state. Every such company shall be entitled on its own motion, to a hearing and to present evidence before such board, at any time between the first day of April and the first day of May, relating to the value of the property of such company, or to the value of the general property in the state. On request in writing for such hearing or presentation, the board shall appoint a time and place therefor, within the period aforesaid, the same to be conducted in such manner as the board shall direct. Such hearing shall not impair or affect the right to a further hearing before the State Board of Equalization, as hereinafter provided. The value of property of railroads for assessment shall be made as of the same time, and in like manner, as the value of the general property of the state, is ascertained and determined. Hearings.

SEC. 8. The board shall prepare assessment rolls and place thereon, after the name of each railroad company assessed, the general description of the property of such railroad, which shall include its real estate, right-of-way, tracks, stations, terminals, appurtenances, rolling stock, equipment, franchises and all other real and personal property of said company, which shall be deemed and held to include the entire property and franchises of such railroad company within the state, and all title and interest therein. For the purpose of determining the true cash value of the property of each company, the board may, if deemed necessary, view and inspect the property of such company, and shall consider the reports filed in compliance with this act, and the reports and returns of the company filed in the office of any officer of this state, and such other evidence or information as may have been taken or obtained bearing upon the value of the property of the railroad company assessed. In case of railroad companies Assessment roll.

which own or operate railroads lying partly within and partly without the state, the said board shall only value and assess the property within this state. In determining the value of the portion within the state, the board shall take into consideration the value of the entire system, the mileage of the whole system, and of the part within this state, together with such other information, facts and circumstances as will enable the board to make a substantially just and correct determination. When the value of the property of the railroad company within this state shall have been ascertained and determined, the amount thereof shall be entered upon said assessment rolls, opposite the name of the company, and shall be and constitute the value of the entire property of such railroad company within this state, for the levy of taxes thereon, subject to revision and correction by the State Board of Equalization as hereinafter provided. Upon the completion of such assessment, the board shall give notice by mail to each railroad company assessed, of the amount of its assessment as entered upon such rolls.

Sessions of
Tax Com-
mission.

SEC. 9. In making the investigation and holding the hearings provided for in this act, the board may hold its sessions at such times and in such places throughout the state as it may deem proper, or necessary for the convenient performance of their duties, and may adjourn from time to time and from place to place.

Equaliza-
tion of
assessment.

SEC. 10. The assessment rolls of railroad companies shall, by said Board of Tax Commissioners, be submitted to the State Board of Equalization at its annual meeting held for the purpose of equalizing the assessed valuation of the taxable property of the state; and any railroad company interested shall have the right to appear and be heard as to the assessment of the property of such company, and as to the value and assessment of the general property of the state, and the said Board of Equalization may, on application or of its own motion, correct the valuation or assessment of the property of such company, in such manner as may in its judgment make the valuation thereof just and relatively equal with the valuation of the general property of the state. The assessed valuation

of the property of the railroad company as it appears on such rolls, shall not be increased without notice to the company, by registered letter, that such increase is contemplated, and fixing a time for a hearing in relation thereto.

SEC. 11. On the completion of the equalization of the property of the railroad companies and other property in the state, by the State Board of Equalization it shall be the duty of the State Board of Tax Commissioners, to apportion the value of the operating properties of such railroad, to the county or counties through or into which the lines thereof may extend, according to the classification and value thereof, in such proportion to the entire value thereof, as the length of the line in each county may bear to the entire length of line within the state, which valuation, together with a description of the railroad property assessed, giving the name of the company and the length of line in said county, shall be certified by said board, to the county auditor of the proper county. The county auditor shall in like manner distribute the value so certified to him, to the several cities, towns, road districts, school districts and other taxing districts, in his county, entitled to a proportionate value of the operating property of such railroad; and each assessment so apportioned shall be placed upon the tax rolls of said county, and the taxes extended against the same, as against other property in said county, cities, towns, school, road, and other taxing districts.

Apportionment of value to counties, cities, etc.

SEC. 12. In making the assessments of the operating property of railroads, and in the apportionment of the values and the taxation thereof, as hereinbefore provided, all land occupied and claimed exclusively as the right-of-way for railroads, with all the tracks, and substructures and superstructures which support the same, together with all side tracks, second tracks, turn-outs, station houses, depots, round-houses, machine shops, or other buildings belonging to the road, used in the operation thereof, without separating the same into land and improvements, shall be assessed and taxed as real property. And the rolling stock and other movable property belonging to

Assessments—realty and personalty.

any railroad company or corporation shall be considered personal property and shall be assessed and taxed as such.

Passed the House February 11th, 1907.

Passed the Senate February 20th, 1907.

Approved by the Governor March 6th, 1907.

CHAPTER 79.

[H. B. 413.]

JUDGES OF THE SUPERIOR COURT OF WHATCOM, YAKIMA, KITTITAS, BENTON, FRANKLIN, ADAMS, LINCOLN AND SPOKANE COUNTIES.

AN ACT relating to the superior courts of the counties of Whatcom, Yakima, Kittitas, Benton, Franklin, Adams, Lincoln and Spokane, the election and appointment of judges therein, and declaring an emergency.

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

Election
in 1908.

SECTION 1. At the general election to be held in nineteen hundred and eight there shall be elected in the county of Whatcom, two superior judges; in the county of Yakima one superior judge; in the county of Kittitas one superior judge; in the counties of Benton, Franklin and Adams jointly, one superior judge; in the county of Lincoln one superior judge; and in the county of Spokane four superior judges.

Governor to
appoint.

SEC. 2. The Governor shall, upon the taking effect of this act appoint one additional superior judge for the county of Whatcom, one superior judge for the county of Kittitas, one superior judge for the counties of Benton, Franklin and Adams jointly, and one additional superior judge for the county of Spokane, who shall hold their offices from the time of their appointments until the next general election and until their successors are elected and qualified.

Present
judges to
hold office.

SEC. 3. After the appointment and qualification of a superior judge for the county of Kittitas and a superior judge for the counties of Benton, Franklin and Adams jointly, the judge elected at the November election, 1904, for the counties of Kittitas, Yakima and Franklin shall,

during the remainder of his term of office, and until the election and qualification of his successor, remain the superior judge for the county of Yakima, and after the appointment and qualification of a superior judge for the counties of Benton, Franklin and Adams jointly, the superior judge elected at the November election, 1904, for the counties of Lincoln and Adams, shall, during the remainder of his term of office, and until the election and qualification of his successor, remain the superior judge for the county of Lincoln.

SEC. 4. An emergency exists and this act shall take Emergency. effect immediately.

Passed the House February 28th, 1907.

Passed the Senate March 1st, 1907.

Approved by the Governor March 6th, 1907.

CHAPTER 80.

[H. B. 130.]

WITHDRAWAL OF DEPOSITS IN BANKS AND TRUST COMPANIES.

AN ACT relating to the withdrawal of bank deposits in banks or trust companies.

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

SECTION 1. When a deposit has been made or shall Joint deposits. hereafter be made in any bank or trust company transacting business in this state in the name of two persons, payable to either of such persons, such deposit or any part thereof, or interest or dividends thereon, may be paid to either of the said persons whether the other be living or not, and the receipt or acquittance of the person so paid shall be valid and sufficient release and discharge to such bank or trust company for any payment so made: *Provided*, That this act shall not apply to deposits in excess of three hundred (\$300.00) dollars.

Passed the House February 11th, 1907.

Passed the Senate February 27th, 1907.

Approved by the Governor March 7th, 1907.

CHAPTER 81.

[H. B. 185.]

EXAMINATIONS FOR STATE CERTIFICATES AND LIFE DIPLOMAS.

AN ACT providing for the holding of examinations for state certificates and life diplomas in the state of Washington.

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

Manner of
conducting
examina-
tions.

SECTION 1. Examinations of applicants for state certificates and life diplomas in this state shall be held and conducted in the manner hereinafter provided:

First. The State Board of Education shall prepare all questions for such examinations and shall make such rules and regulations as may be deemed necessary and which are not specifically provided by law.

Second. All examinations provided for in this act shall be held twice each year, in not more than six nor fewer than three counties in this state, such counties to be designated by the Superintendent of Public Instruction, who shall notify all county superintendents of the times and places of holding such examinations, at least thirty days prior to the beginning of said examinations; and all county superintendents shall embrace at least the substance of such notices in their published notices of examinations for common school certificates. The Superintendent of Public Instruction shall furnish to all county superintendents in which examinations for state certificates and life diplomas are to be held printed lists of the questions prepared by the State Board of Education for such examinations, and he shall also furnish such county superintendents with all rules and regulations for conducting said examinations.

Third. The examinations for state certificates and life diplomas herein provided for shall be held on Monday, Tuesday and Wednesday of the week in which examinations for common school certificates are required to be held, in the months of May and August each year, and the questions prepared for use at such examinations shall be uniform in the counties in which said examinations are held.

Fourth. The county superintendents of the counties in which examinations for state certificates and life di-

plomas are designated to be held shall conduct the examinations in the manner prescribed by law and by the rules and regulations of the State Board of Education, and shall immediately after the conclusion of the examinations forward to the Superintendent of Public Instruction, by registered mail or by express, all manuscripts produced by all persons writing at such examinations, and the Superintendent of Public Instruction shall carefully preserve all such papers and other data pertaining to the examinations, and shall present the same to the State Board of Education at its next succeeding meeting.

Fifth. The State Board of Education shall, at its next succeeding meeting after the holding of any examination provided for in this act, carefully examine all manuscripts of applicants for state certificates and life diplomas that are on file in the office of the Superintendent of Public Instruction, and shall award such credits as the answers to the questions used shall justify; and all credits earned by such applicants, together with such other information as may be deemed of sufficient importance to be preserved, shall be recorded by the secretary of the board, in a book to be furnished by the Superintendent of Public Instruction and to be kept in his office; and when any applicant shall have completed his or her examination, with sufficient credits and experience to entitle him or her to a state certificate or a life diploma, as the case may be, the State Board of Education shall order such paper to be issued to such applicant by the Superintendent of Public Instruction.

Passed the House February 15th, 1907.

Passed the Senate February 27th, 1907.

Approved by the Governor March 7th, 1907.

CHAPTER 82.

[H. B. 51.]

ESTABLISHMENT OF PUBLIC LIBRARIES.

AN ACT to amend an act authorizing the establishment of public libraries in cities.

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

How estab-
lished.

SECTION 1. That section 981 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: That whenever three or more resident taxpayers of any city of the first, second or third class, or any city of like population existing under special legislative charter, shall present to the mayor and council of such city their petition in writing for the establishment of a public library in said city, together with their private agreement to donate to the city, within three months thereafter for the use of such library, one thousand dollars in money or books, the said council may appoint three reputable citizens of said city to act as directors of the public library, except where city charters otherwise provide for the organization and management of public libraries.

Council
may levy
tax.

SEC. 2. That section 984 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: The city council of every such city, after the directors have made the report mentioned in the second section of this chapter, annually and in the same manner as other city taxes are levied, may levy a tax of not more than one-half mill on the dollar in cities having an assessed valuation of two million dollars or more or such tax as may be necessary to raise one thousand dollars in cities having an assessed valuation of less than two million dollars for the support of such library. The money so raised shall be kept as a separate fund, to be known as the library fund, and shall be disbursed for library purposes only.

Passed the House February 15th, 1907.

Passed the Senate February 27th, 1907.

Approved by the Governor March 7th, 1907.

CHAPTER 83.

[H. B. 93.]

VITAL STATISTICS.

AN ACT to provide a system of registration of births and deaths and the method of reporting births and deaths, and for the issuance of permits for the burial, removal or transportation of bodies of deceased persons, and fixing the penalty for the violation.

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

SECTION 1. That it shall be the duty of the State Board of Health to have charge of the State system of registration of births and deaths and to prepare the necessary rules, forms and blanks for obtaining records and to insure the faithful registration of the same. The Secretary of the State Board of Health shall be *ex-officio* State Registrar and shall have general supervision over the system of vital statistics hereby authorized and shall be charged with the uniform and thorough enforcement of this law throughout the State, and shall, from time to time, recommend any additional forms and amendments that may be necessary. The State Board of Health is authorized to appoint, when necessary, an Assistant State Registrar who shall be Assistant Secretary of the State Board of Health, and to employ the necessary clerical assistants to properly record, index and classify the returns of vital statistics herein provided for.

State
Board of
Health—
duties.

Secretary
ex-officio
State
Registrar.

SEC. 2. That for the purposes of this act, the State shall be divided into registration districts as follows: Each city and incorporated town, and each county exclusive of the portion included within cities and incorporated towns, shall constitute a primary registration district.

Registra-
tion dis-
tricts.

SEC. 3. That the health officer of each county and of each city or incorporated town, shall be the local registrar in and for such primary registration district, and shall perform all such duties of local registrar as hereinafter provided. Each local registrar shall immediately appoint in writing a deputy who shall be authorized to act in his

Local
registrars.

stead in case of absence, death, illness or disability, and when it may appear necessary for the convenience of the people in any county, the local registrar is hereby authorized with the approval of the State Registrar to appoint one or more proper and competent persons to act as sub-registrars, who shall be authorized to receive certificates of death and to issue burial permits, removal or transportation permits in and for such portions of the county as may be designated. Each sub-registrar shall note in legible writing over his signature the date each certificate of death was filed, and shall forthwith forward the certificate to the local registrar of the county, and in all cases before the fifth day of the following month: *Provided*, That all sub-registrars shall be subject to the supervision and control of the State Registrar of vital statistics.

Burial
permits.

SEC. 4. That the body or remains of no person whose death occurs in the State, shall be interred, deposited in a vault, grave or tomb, cremated, disinterred or otherwise disposed of, or removed from or into any registration district until a permit for burial, disinterment or removal shall have been properly issued by the local registrar of the registration district in which the death occurred, and no such burial or removal permit shall be issued by any local registrar until a complete and satisfactory certificate and return of death has been filed with him, as hereinafter required: *Provided*, That in case of any death outside of the State, where the body is accompanied by a removal or transit permit issued in accordance with the law and the health regulations in force where the death occurred, such removal or transit permit shall be accepted as of the same authority as a permit from the local registrar, when such removal or transit permit shall have indorsed thereon the written approval of the State Registrar of vital statistics, or when said State Registrar otherwise officially notifies the local registrar of his approval. But when a body is removed from a district in Washington to an adjacent or nearby district for interment, not requiring the use of a common carrier or the issuance of a transit permit, then the registrar's removal permit from the district where death occurred may be accepted as authority for burial.

SEC. 5. That stillborn children or those dead at birth shall be registered as births and also as deaths, and a certificate of both the birth and the death shall be filed with the local registrar, in the usual form and manner, the certificate of birth to contain, in place of the name of the child, the word "stillbirth." The medical certificate of the cause of death shall be signed by the attending physician or midwife, if any, and shall state the cause of death as "stillborn," with the cause of the still birth, if known, whether a premature birth, and, if born prematurely, the period of uterogestation, in months if known; and a burial or removal permit in usual form shall be required.

Stillborn children.

SEC. 6. That the certificate of death shall contain the following items:

Certificate of death—contents.

(1) Place of death; including state, county, township or town, village or city. If in a city, the ward, street and house number. If in a hospital or other institution, the name of the same to be given instead of the street and house number. If in an industrial camp, the name to be given.

(2) Full name of decedent. If an unnamed child, the surname preceded by "unnamed."

(3) Sex.

(4) Color or race; as white, black, (negro or negro descent), Indian, Chinese, Japanese or other.

(5) Conjugal condition; as single, married, widowed, or divorced.

(6) Date of birth, including the year, month and day.

(7) Age, in years, months and days.

(8) Place of birth, state or foreign country.

(9) Name of father.

(10) Birthplace of father, state or foreign country.

(11) Maiden name of mother.

(12) Birthplace of mother, state or foreign country.

(13) Occupation. The occupation to be reported of any person who had any remunerative employment, women as well as men.

(14) Signature and address of informer.

(15) Date of death, including the year, month and day.

(16) Statement of medical attendance on decedent, fact and time of death, including the last time seen alive.

(17) Cause of death, including the primary and immediate causes, and contributory causes or complications, if any, and duration of each.

(18) Signature and address of physician or official making the medical certificate.

(19) Special information concerning deaths in hospitals and institutions, and of persons dying away from home, including the former or usual residence, length of time, and place of death, and place where the disease was contracted.

(20) Place of burial or removal.

(21) Date of burial or removal.

(22) Signature and address of undertaker.

(23) Official signature of registrar, with date when certificate was filed, and registered number.

The personal and statistical particulars (items one to thirteen) shall be authenticated by the signature of the informer, who may be any competent person acquainted with the facts.

The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in death, giving the primary and immediate causes, and also the contributory causes, if any, and the duration of each. Indefinite and unsatisfactory terms, indicating only symptoms of disease or conditions resulting from disease, will not be held as sufficient for issuing a burial or removal permit; and any certificate containing only such terms as defined by the State Registrar as indefinite and unsatisfactory shall be returned to the physician for correction and definition. Causes of death, which may be the result of either disease or violence, shall

be carefully defined; and if from violence, its nature shall be stated, and whether accidental, suicidal or homicidal, and in case of death in hospitals, institutions, or away from home, the physician shall furnish the information required under this head, (item nineteen), and shall state where, in his opinion, the disease was contracted.

SEC. 7. That in case of any death occurring without medical attendance it shall be the duty of the undertaker or person acting as such, to notify the local registrar of such death and if the local registrar is a qualified physician he shall, at once, investigate the circumstances of the case and from the results of such investigation make a certificate and return of death noting this fact upon the certificate: *Provided*, That if the local registrar is not a qualified physician or if the circumstances of the case render it probable that the death was caused by unlawful or suspicious means, the local registrar shall then refer the case to the coroner for investigation and certification.

Certificate
in case of
death with-
out medical
attendance.

SEC. 8. That the undertaker, or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the local registrar, and securing a burial or removal permit, prior to any disposition of the body. He shall obtain the personal and statistical particulars required from the person best qualified to supply them, over the signature and address of his informer. He shall then present the certificate to the attending physician, if any, or to the coroner, as directed by the local registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in section six. And he shall then state the facts required relative to the date and place of burial, over his signature and with his address, and present the completed certificate to the local registrar, within the time limit, if any, designated by the local board of health for the issuance of a burial or removal permit. The undertaker shall deliver the burial permit to the sexton, or person in charge of the place of burial, before interring the body; or shall attach the transit permit, containing the local registrar's removal permit, to the box containing the corpse, when shipped by any transportation company; said permit to

Duties of
under-
takers.

accompany the corpse to its destination, where, if within the State of Washington, it shall be taken up by the local registrar of the district in which interment is made, who shall issue a burial permit thereon.

Contents of burial permit.

SEC. 9. That if the interment, or other disposition of the body, is to be made within the State, the wording of the burial permit may be limited to a statement by the local registrar and over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove or otherwise dispose of the deceased; stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the State Registrar.

Burial grounds, duties of persons in charge of.

SEC. 10. That no sexton, or person in charge of any premises in which interments are made, shall inter, or permit the interment or other disposition of any body, unless it is accompanied by a burial, removal or transit permit, as herein provided. And each sexton or person in charge of any burial ground shall indorse upon the permit the date of interment, over his signature, and shall return all permits so endorsed to the local registrar of his district within ten days from the date of interment, or within the time fixed by the local board of health. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker, which record shall at all times be open to public inspection.

Registration of births.

SEC. 11. That all births that occur in the State shall be immediately registered in the districts in which they occur, as hereinafter provided.

Certificate of birth.

SEC. 12. That it shall be the duty of the attending physician or midwife to file a certificate of birth, properly and completely filled out, giving all of the particulars required by this act, with the local registrar of the district in which the birth occurred, within ten days after the date of birth. And if there be no attending physician or midwife, then it shall be the duty of the father or mother of the child, householder or owner of the premises, manager or superintendent of public or private institution in which

the birth occurred, to notify the local registrar, within ten days after the birth, of the fact of such a birth having occurred. It shall then, in such case, be the duty of the local registrar to secure the necessary information and signature to make a proper certificate of birth.

SEC. 13. That the certificate of birth shall contain the following items: Contents of certificate.

(1) Place of birth, including state, county, township or town, village or city. If in a city, the ward, street, and house number; if in a hospital or other institution, the name of the same to be given, instead of the street and house number.

(2) Full name of the child. If the child dies without a name, before the certificate is filed enter the words "died unnamed." If the living child has not been named at the date of filing certificate of birth, the space for "full name of child" is to be left blank, to be filled out subsequently by a supplemental report, as hereinafter provided.

(3) Sex of child.

(4) Whether a twin, triplet, or other plural birth. A separate certificate shall be required for each child in a case of plural birth, giving the number of child in order of birth.

(5) Whether legitimate or illegitimate.

(6) Full name of father.

(7) Residence of father.

(8) Color or race of father.

(9) Birthplace of father.

(10) Age of father at last birthday, in years.

(11) Occupation of father.

(12) Maiden name of mother, in full.

(13) Residence of mother.

(14) Color or race of mother.

(15) Birthplace of mother.

(16) Age of mother at last birthday, in years.

(17) Occupation of mother.

(18) Number of child of this mother, and number of children of this mother now living.

SEC. 14. That when any certificate of birth of a living child is presented without statement of the given name, Names of children.

then the local registrar shall make out and deliver to the informant a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the registrar as soon as the child shall be named. The original certificate of birth shall not be considered complete until the supplemental report is filed or the blank returned with the statement "died unnamed."

Registration of physicians, midwives and undertakers.

SEC. 15. That every physician, midwife and undertaker shall, without delay, register his or her name, address and occupation with the local registrar of the district in which he or she resides or may hereafter establish a residence; and shall thereupon be supplied by the local registrar with a copy of this act, together with such rules and regulations as may be prepared by the State Registrar relative to its enforcement. Within thirty days after October first of each year each local registrar shall make a return to the State Registrar of all physicians and midwives who have been registered in his district during the whole or any part of the preceding calendar year: *Provided*, That no fee or other compensation shall be charged by local registrars to physicians, midwives, or undertakers for registering their names under this section or making returns thereof to the State Registrar.

Hospital records.

SEC. 16. That all superintendents or managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of disease, confinement, or are committed by process of law, are hereby required to make a record of all the personal and statistical particulars relative to the inmates in their institutions, at the date of approval of this act, that are required in the form of the certificate provided for by this act, as directed by the State Registrar; and thereafter such record shall be by them made for all future inmates at the time of their admission. And in case of persons admitted or committed for medical treatment of contagious disease, the physician in charge shall specify, for entry in the record, the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this

section shall be obtained from the individual himself, if it is practicable to do so; and when they can not be so obtained, they shall be secured in as complete a manner as possible from the relatives, friends, or other persons acquainted with the facts.

SEC. 17. That the State Registrar shall prepare, print and supply to all registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. And no other blanks shall be used than those supplied by the State Registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants, or undertakers, connected with any case, and all other persons having knowledge of the facts are hereby required to furnish such information as they may possess regarding any birth or death upon demand of the State Registrar in person, by mail, or through the local registrar. He shall furnish, arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card index of all births and deaths registered; the cards to show the name of child or deceased, place and date of birth or death, number of certificate, and the volume in which it is contained. He shall inform all local registrars that [what] diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health, as decided by the State Board of Health, in order that, when death occurs from such diseases, proper precautions may be taken to prevent the spreading of dangerous diseases.

Duties of
State
Registrar.

SEC. 18. That it shall be the duty of the local registrar to supply blank forms of certificates to such persons as require them. And he shall carefully examine each certificate of birth or death when presented for record, to

Duties of
local
registrar

see that it has been made out in accordance with the provisions of this act and the instructions of the State Registrar; and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defects in the return, and to withhold issuing the burial or removal permit until they are corrected. If the certificate of death is properly executed and complete, he shall issue a burial or removal permit to the undertaker: *Provided*, That in case the death occurred from some disease that is held by the State Board of Health to be infectious, contagious or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the local registrar, except under such conditions as may be prescribed by the State and local boards of health. If a certificate of a birth is incomplete, he shall immediately notify the informant, and require him to supply the missing items if they can be obtained. He shall then number consecutively the certificates of birth and death, in two separate series, beginning with "number one" for the first birth and the first death in each calendar year, and sign his name as local registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate registered by him, upon a form identical with the original certificate, to be filed and permanently preserved in his office as the local record of such death, in such manner as directed by the State Registrar. And he shall on or before the fifth day of each month, transmit to the State Registrar all original certificates registered by him during the preceding month. And if no births or no deaths occurred in any month, he shall, on the fifth day of the following month, report that fact to the State Registrar, on a card provided for this purpose: *Provided*, That in cities of the first class, original certificates may be retained by the local health authorities, and exact duplicates of the original certificates may be forwarded by the local registrars to the State Registrar.

Compensa-
tion.

SEC. 19. That each local registrar shall be entitled to be paid the sum of not exceeding twenty-five cents for each birth and death certificate properly and completely made

out and registered with him, and by him returned to the State Registrar on or before the fifth day of the following month, which sum shall cover and include the making out of the burial permit and the copy of the certificate to be filed and preserved in his office. And in case no births or no deaths were registered during any month, the local registrar shall be entitled to a sum not exceeding twenty-five cents for each report to that effect, promptly made in accordance with the directions of the State Registrar: *Provided, however,* That all such compensation for such services may be fixed by the board of county commissioners, city council, or other governing body of such local registration district. All accounts payable to local registrars under the provisions of this act shall be paid by the treasurer or other lawful officer, out of the funds of the registration district, upon warrants drawn by the local auditor or other proper local officer of such district, which warrants shall specify the number of certificates properly registered and reports promptly returned where no deaths are registered, with the amount due for each: *Provided, however,* That no warrant shall be issued to any local registrar where notice is previously given by the State Registrar to the auditor, city clerk, or other proper officer of such registration district that the local registrar has failed to comply with the rules and regulations of the State Board of Health and Bureau of Vital Statistics and the instructions of the State Registrar.

SEC. 20. That the State Registrar shall, upon request, furnish any applicant a certified copy of the record of any birth or death registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. And any such copy of the record of a birth or death, when properly certified by the State Registrar to be a true copy thereof, shall be *prima facie* evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made the State Registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search, to be paid by the applicant. And the State Registrar shall keep a true

Copies of records.

and correct account of all fees by him received under these provisions and turn the same over to the State Treasurer on the first day of January, April, July and October: *Provided*, That in cities of the first class certified copies of any birth or death may be furnished by the local health authorities. The fee for such copy or search of record to be the same as herein provided, and all such fees shall be paid into the treasury of said cities.

Penalties.

SEC. 21. That if any physician who was in medical attendance upon any deceased person at the time of death, shall neglect or refuse to make out and deliver to the undertaker, sexton or other person in charge of the interment, removal or other disposition of the body, upon request, the medical certificate of cause of death, hereinbefore provided for, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars, nor more than fifty dollars. And if any physician shall knowingly make a false certificate of the cause of death in any case, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars.

Any physician or midwife in attendance upon a case of confinement, or any other person charged with responsibility for reporting births, in the order named in section thirteen of this act, who shall neglect or refuse to file a proper certificate of birth with the local registrar, within the time required by this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars.

And if any undertaker, sexton or other person acting as undertaker, shall inter, remove or otherwise dispose of the body of any deceased person, without having received a burial or removal permit as herein provided, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars, nor more than one hundred dollars.

And any local registrar, deputy local registrar, or sub-registrar who shall neglect or fail to enforce the provisions of this act in his district, or shall neglect or refuse to perform any of the duties imposed upon him by this act or

by the instructions and directions of the State Registrar, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars and be removed from office.

And any person who shall wilfully alter any certificate of birth or death, or the copy of any certificate of birth or death, on file in the office of any registrar, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding sixty days, or suffer both fine and imprisonment, in the discretion of the court. And any other person or persons who shall violate any of the provisions of this act, or shall wilfully neglect or refuse to perform any duties imposed upon them by the provisions of this act, or shall furnish false information to a physician, undertaker, midwife, or informant for the purpose of making incorrect certification of births or deaths, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars. And any transportation company or common carrier transporting or carrying or accepting through its agents or employees for transportation or carriage, the body of any deceased person, without an accompanying permit issued in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars: *Provided*, That in case the death occurred outside the State and the body is accompanied by a certificate of death, burial or removal or transit permit issued in accordance with the law or board of health regulations in force where the death occurred and approved by the Washington State Board of Health, such death certificate, burial or removal permit may be held to authorize the transportation or carriage of the body into or through the State.

SEC. 22. The local registrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts, under the supervision and direction of the State Registrar. And they shall make an

Enforce-
ment of act.

immediate report to the State Registrar of any violations of this law coming to their notice by observation or upon the complaint of any person, or otherwise. The State Registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the State, and with supervisory power over local registrars, to the end that all of the requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all local registrars shall aid him, upon request, in such investigation. When he shall deem it necessary he shall report cases of violation of any of the provisions of this act to the prosecuting attorney of the proper county with a statement of the fact and circumstances; and when any such case is reported to them by the State Registrar, all prosecuting attorneys or officials acting in such capacity shall forthwith initiate and promptly follow up the necessary court proceedings against the parties responsible for the alleged violations of law. And upon request of the State Registrar the attorney general shall likewise assist in the enforcement of the provisions of this act.

Act
effective
July 1, 1907.

SEC. 23. That this act shall take effect July first, 1907.

Passed the House February 14th, 1907.

Passed the Senate February 27th, 1907.

Approved by the Governor March 7th, 1907.

CHAPTER 84.

[H. B. 44.]

PROTECTION AGAINST NOXIOUS WEEDS.

AN ACT for protection against the spread of Canada and Russian thistles, tumbling mustard and other noxious weeds, for the destruction thereof, and for the payment of cost of destroying same and providing for the punishment for the violation of this act and for the appointment of State Botanists.

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

SECTION 1. That for the purpose of this act the Botanist of the State University of Washington, and the Botanist at the State College of Washington, at Pullman are hereby made *ex-officio* State Botanists, to act without additional compensation.

SEC. 2. Canada thistle (*chicus arvensis*), Russian thistle (*Salsola Kali tragus*), tumbling mustard, the so-called "Jim Hill" mustard, (*Sisymbrium altissimum*), cocklebur, and all other weeds liable to become a pest and detrimental to the agricultural interests of any county in this State, are hereby declared to be noxious weeds.

SEC. 3. When the State Botanists are or either of them is of the opinion that any weed is, or may become noxious as herein defined other than those specifically mentioned, he or they shall notify the auditor of the county in which such weeds are, and the clerk of each incorporated city or town in such county, giving a description of such weed, and he or they shall also accompany such description with a specimen of the same, and shall at the same time, send to each road supervisor of such county a description and specimen of such weed.

SEC. 4. The county auditor and the city or town clerk, upon receipt of said description and specimen shall have said description published weekly in the newspaper doing the county or city printing for four successive weeks, and he shall retain said specimen in his office for the inspection of the public.

Penalty for
permitting
growth.

SEC. 5. If any owner, possessor or occupier of land, shall knowingly suffer any noxious weeds as herein defined to grow thereon and the seed to ripen he shall be guilty of a misdemeanor and upon conviction thereof be fined not to exceed twenty dollars for each offense and the costs of prosecution: *Provided*, That this section shall not apply to what is commonly known as "Bull thistles" on lands not used for agricultural purposes outside cities and towns.

Notice to
remove.

SEC. 6. It shall be the duty of each road supervisor in each road district in this State to see that the provisions of this act are carried out within their respective districts, and he shall give notice to the owner, possessor or occupier, or to the agent of such owner, if known, of any land in his district whereon any noxious weeds are growing, requiring him to cause the same to be cut down within ten days from the service of such notice, and in case such owner, possessor, occupier or agent of such owner shall refuse or neglect to cut down said noxious weeds within said ten days, then the said road supervisor shall enter upon the land and cause all of said weeds to be cut down with as little damage to growing crops as may be: *Provided*, That when such noxious weeds are growing upon the land of a non-resident of this State and such owner has no known agent in the county, said notice shall be posted in a conspicuous place on the land in view of the traveling public: *And provided*, That in case of noxious weeds growing on the right-of-way of any railroad within said road district, said notice may be served on the section foreman in charge of the portion of the right-of-way within said district, or it may be served on any agent of the company in said county: *And provided further*, That in case such noxious weeds are growing on public lands and not occupied by a lessee it shall be the duty of said supervisor to cut said weeds as herein provided and the cost thereof shall be paid by the county out of the general fund.

Expense of
removal—
payment.

SEC. 7. Each road supervisor shall keep an accurate account of the expenses incurred by him in carrying out the provisions of this act, with respect to each parcel of land entered upon therefor, and shall offer or send by mail a

statement of such expense, including a description of the land, verified by oath, to the owner, possessor, occupier or agent of such owner if known, requiring him to pay the same within thirty days. In case payment thereof is not made within said time, the supervisor shall present said claim to the board of county commissioners, and if the board finds the same correct, it shall be ordered paid out of the road and bridge fund of said county.

SEC. 8. At the time when the board of county commissioners pays the claim for cutting said weeds as in section 7 provided, it shall make an order that the amount paid be a tax on the land on which said work was done; and the county treasurer shall enter the same on the tax rolls against the land for the current year and collect it together with penalty and interest as other taxes are collected, and when so collected, the same shall be credited to the road and bridge fund in the district in which said land is situated.

Expense of removal a tax on land.

SEC. 9. Each road supervisor shall destroy all noxious weeds and prevent the same from going to seed, in the highways of his district and shall be paid therefor in the same manner as in doing other work upon the public highways.

Highways.

SEC. 10. The provisions of this act shall be applicable to all cities and towns in this State; the duty herein prescribed for the road supervisors shall be performed by the marshal or supervisor of streets in such city or town, and the duty of the board of county commissioners shall be performed by the council, and the county treasurer shall enter on the tax roll the amount paid by the council of said town or city, when certified to him under the hand of the mayor and city clerk and the seal of such city or town.

Act applicable to cities.

Passed the House February 15th, 1907.

Passed the Senate February 26th, 1907.

Approved by the Governor March 7th, 1907.

CHAPTER 85.

[H. B. 92.]

AMENDING ACT FOR THE PREVENTION OF THE SPREAD
OF CONTAGIOUS DISEASES.

AN ACT to amend sections 1, 3, 4, 7 and 8 of an act entitled "An act for the prevention of the spread of contagious diseases; defining the methods and fixing the penalty for the violation and repealing sections in conflict with this act," approved March 12, 1903, and adding section 1½ to said act.

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

SECTION 1. That section 1 of an act entitled "An Act for the prevention of the spread of contagious diseases; defining the methods and fixing the penalty for the violation and repealing sections in conflict with this act," approved March 12, 1903, be and the same is hereby amended to read as follows: Section 1. The board of county commissioners of each and every county in this State shall be constituted a county board of health for such county, and said county board of health's jurisdiction shall be co-extensive with the boundaries of said county, except that nothing herein contained shall give said board jurisdiction in cities of the first class. The chairman of the board of county commissioners shall be the president of the county board of health, and the county auditor shall be the clerk thereof. They shall on or before July 1st, next following each general election, appoint a legally qualified physician county health officer whose term of office shall be for two years from July 1st, next following each general election and shall fix his compensation.

The county health officer shall be *ex-officio* member of the county board of health and shall be the executive officer thereof and may be county physician. The county board of health may appoint as many sanitary officers as they deem necessary and fix the compensation of all appointees, who shall serve during the pleasure of the board. In case of refusal or neglect of any county board of health to appoint a county health officer for 30 days after July 1st, next following any general election, or if a vacancy shall exist in the office of county health officer for a period

County
board of
health.

County
health
officer.

exceeding 30 days, the State Board of Health may make such appointment for such county for that term and fix the compensation and a health officer so appointed shall have the same duty, power and authority as though appointed by the county board of health. The county board of health shall be subject to the supervision of the State Board of Health and shall make such reports to the State Board of Health as the State Board may require.

SEC. 2. That section 1½ is hereby added to said act to read as follows: Sec. 1½. The mayor of every incorporated city and town except cities of the first class, shall each year appoint a legally qualified physician city health officer whose compensation shall be fixed by the city council and whose term of office shall be until January 31st of the year following that in which he is appointed or until his successor is appointed and qualified: *Provided*, That in cities of the second class having a board of health the board of health shall appoint the health officer: *Provided further*, That health officers of cities of the third class elected at the last city election shall hold such office until the expiration of the term for which they were elected.

City health officers.

SEC. 3. That section 3 of said act be and the same is hereby amended to read as follows: Sec. 3. The county health officer shall have supervision over all matters pertaining to the preservation of life and health of the people of his jurisdiction, subject to the supervision and control of the State Board of Health. He shall have authority to order the abatement or removal of any nuisance detrimental to the public health and if such nuisance is not properly abated or removed to cause its removal or abatement at the expense of the owners of the property on which the nuisance is maintained. Said expenses, if not promptly paid, to be collected, with costs, by due process of law. He shall cause proper measures, in accordance with the rules and regulations and orders of the State Board of Health, to be taken to prevent, suppress or control any dangerous contagious or infectious disease that may occur within the county. All city health officers except those of cities of the first class shall report immediately to the

Powers and duties of health officers.

State Board of Health every new outbreak of any contagious or infectious disease and shall make weekly reports to the county health officer of all contagious or infectious diseases occurring within the city.

It shall be the duty of all health officers, upon the appearance of any dangerous contagious or infectious diseases within their jurisdiction, immediately to investigate all circumstances concerning such diseases, and to make a full report thereof as required above and at all times, promptly, to take such measures for the prevention, suppression and control of such diseases as may be needful and proper. Every health officer shall have the power to remove to and restrain in a pest house or isolation hospital, or to quarantine or isolate, any person sick with any dangerous contagious or infectious disease until such sick person shall have thoroughly recovered and been disinfected: *Provided*, That no person shall be removed to or restrained in a pesthouse or isolation hospital until such person has been examined by the health officer or a medical deputy. He shall also quarantine, isolate, restrain, vaccinate or disinfect any person or persons exposed to any dangerous contagious or infectious disease in such manner and for such time as he may deem best or the State Board of Health may direct. He shall disinfect any room or house or building and the contents thereof or any clothing, bedding, furniture or other articles that may be infected, in such a manner that the danger of conveying any disease by such means shall be destroyed.

Physicians shall report diseases.

SEC. 4. That section 4 of said act be and the same is hereby amended to read as follows: Sec. 4. Whenever any physician shall attend any person sick with any dangerous contagious or infectious disease, or with any diseases, required by the State Board of Health to be reported, he shall, within twenty-four hours, give notice thereof to the health officer within whose jurisdiction such sick person may then be.

Penalties.

SEC. 5. That section 7 of said act be and the same is hereby amended to read as follows: Sec. 7. Any health officer who shall refuse or neglect to obey or enforce the provisions of this act or the rules or regulations or orders

of the State Board of Health or who shall refuse or neglect to make prompt and accurate reports to the county health officer or to the State Board of Health may be removed as health officer, by the State Board of Health and shall not again be reappointed except with the consent of the State Board of Health.

Any member of a city or county board of health who shall violate any of the provisions of this act or refuse or neglect to obey or enforce any of the rules, regulations or orders of the State or county boards of health made for the prevention, suppression or control of any dangerous contagious or infectious disease or for the protection of the health of the people of this State, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 nor more than \$200.00. Any physician who shall refuse or neglect to report to the proper health officer within 12 hours after first attending any case of contagious or infectious disease or any diseases required by the State Board of Health to be reported or any case suspicious of being one of such diseases, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 nor more than \$200.00 for each case that is not reported.

Any person violating any of the provisions of this act or violating or refusing or neglecting to obey any of the rules and regulations or orders made for the prevention, suppression and control of dangerous contagious and infectious diseases by the county board of health or health officer or State Board of Health, or who shall leave any pest house or isolation hospital or quarantined house or place without the consent of the proper health officer or who evades or breaks quarantine or conceals a case of contagious or infectious disease or assists in evading or breaking any quarantine or concealing any case of contagious or infectious disease, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than \$25.00 nor more than \$100.00 or to imprisonment in the county jail not to exceed ninety days or to both fine and imprisonment.

Expenses—
how paid.

SEC. 6. That section 8 of said act be and the same is hereby amended to read as follows: Sec. 8. All expenses incurred in carrying out the provisions of this act, or any of them, shall be paid by the county or city by which or in behalf of which such expenses shall have been incurred.

Passed the House February 7th, 1907.

Passed the Senate February 27th, 1907.

Approved by the Governor March 7th, 1907.

CHAPTER 86.

[H. B. 133.]

SALE AND CONVEYANCE OF STREET RAILWAY LINES BY CITIES.

AN ACT authorizing cities and towns owning any street railway line or plant to sell and convey the same, and ratifying and validating all such sales and conveyances heretofore made, and declaring an emergency.

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

Sale au-
thorized.

SECTION 1. It is and shall be lawful for any city or town in this State to sell and convey any line or lines of street railway, or street railway plant or plants, with the equipment and appurtenances, of which any such city or town may be the owner, in the manner hereinafter prescribed.

Submission
of question
to vote of
electors.

SEC. 2. Whenever the council of such city or town shall deem it advisable to sell any such line or lines of street railway, or street railway plant or plants, with the equipment and appurtenances, such council shall, by ordinance, submit to the qualified electors of such city or town at any general or special city election the question whether such line or lines of street railway, or street railway plant or plants, with the equipment and appurtenances, shall be sold or not upon the terms and conditions to be specified in such ordinance; and if at such election three-fifths of said electors voting upon said question shall vote in the affirmative, it is and shall be lawful for such council to provide for the sale of, and to sell and cause to be con-

veyed any such line or lines of street railway, or street railway plant or plants, with the equipment and appurtenances, upon the terms and conditions mentioned in such ordinance.

SEC. 3. That all sales and agreements of sale of any such line or lines of street railway, or street railway plant or plants, with the equipment and appurtenances, heretofore made or attempted to be made, by any such city or town, and all deeds and instruments of conveyance heretofore executed and delivered, or tendered, in behalf of any such city or town, for the purpose of carrying any such sale into effect, by authority of an ordinance of any such city or town, where the question whether such sale should be made was previously submitted to the qualified electors of such city or town in the manner provided in section two of this act, and three-fifths of said electors voting upon such question voted in the affirmative, are hereby ratified and approved, and declared to have the same validity and effect as if this act had been in force at and prior to the time of the submission of such question to the qualified voters and the carrying out of the other proceedings concerning such sale, and at and prior to the time of the making of such sales and the execution and delivery, or tender, of such deeds or instruments of conveyance; and any such sale or agreement of sale heretofore made or attempted to be made as aforesaid may be completed by the proper officers of such city or town with the same effect as if all the proceedings heretofore had and taken were had and taken after the passage of this act.

Ratification
of prior
sales.

SEC. 4. An emergency exists and this act shall take effect immediately. Emergency.

Passed the House February 1st, 1907.

Passed the Senate February 20th, 1907.

Approved by the Governor March 8th, 1907.

CHAPTER 87.

[S. B. 205.]

AMENDING ACT PROVIDING FOR THE APPOINTMENT OF
FISH COMMISSION.

AN ACT to amend section one of an act entitled "An act to amend sections six and seven of an act entitled 'An act for the appointment of a Fish Commission, and defining its duties, and declaring an emergency to exist,' approved February 20, 1890, relating to fish commissioner and declaring an emergency," approved March 18, 1901.

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

SECTION 1. That section one of an act entitled "An Act to amend sections six and seven of an act entitled 'An Act for the appointment of a fish commission, and defining its duties, and declaring an emergency to exist,' approved February 20, 1890, relating to Fish Commissioner and declaring an emergency," approved March 18, 1901, be, and the same is, amended to read as follows: Section 1. That section six (6) of an act entitled "An Act for the appointment of a Fish Commission, and defining its duties, and declaring an emergency to exist," be and the same is hereby amended to read as follows:

.Salaries.

Sec. 6. The Fish Commissioner shall receive an annual salary of two thousand four hundred dollars to be paid in monthly installments by the State Treasurer, and he shall be allowed his actual expenses of travel in the performance of his duties not to exceed one thousand dollars in any one year. The deputies shall receive a salary of fifteen hundred dollars each per year to be paid in monthly installments by the State Treasurer, and they shall be allowed their actual expenses of travel in the performance of their duties, not to exceed six hundred dollars per annum each. The general superintendent of hatcheries shall receive a salary of eighteen hundred dollars per annum to be paid in monthly installments and he shall be allowed his actual expenses of travel in the performance of his duties not to exceed nine hundred dollars per annum.

Passed the Senate February 25th, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 9th, 1907.

CHAPTER 88.

[S. B. 41.]

COMPELLING RAILROADS TO FENCE THEIR RIGHTS-OF-WAY.

AN ACT compelling railroads to fence their rights-of-way and to protect the owners of stock injured by moving railway trains, declaring a law of negligence with regard to stock injured by railway trains.

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

SECTION 1. Every person, company or corporation having the control or management of any railroad shall, within six months after the passage of this act, outside of any corporate city or town, and outside the limits of any side-track or switch, cause to be constructed and maintained in good repair on each side of said railroad, along the line of said right-of-way of such person, company or corporation operating the same, a substantial fence, and at every point where any roadway or other public highway shall cross said railroad, a safe and sufficient crossing must be built and maintained, and on each side of such crossing and at each end of such side-track or switch, outside of any incorporated city or town, a sufficient cattle guard: *Provided*, That any person holding land on both sides of said right-of-way shall have the right to put in gates for his own use at such places as may be convenient.

SEC. 2. Every such person, company or corporation owning or operating such railroad shall be liable for all damages sustained in the injury or killing of stock in any manner by reason of the failure of such person, company or corporation, to construct and maintain such fence or such crossing or cattle guard; but when such fences, crossings and guards have been duly made, and shall be kept in good repair, such person, company or corporation shall not be liable for any such damages, unless negligently or unlawfully done.

SEC. 3. That in all actions against persons, companies or corporations, operating steam or electric railroads in the State of Washington, for injury to stock by collision with moving trains, it is *prima facie* evidence of negligence

on the part of such person, company or corporation, to show that the railroad track was not fenced with a substantial fence or protected by a sufficient cattle guard at the place where the stock was injured or killed.

Passed the Senate February 21st, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 9th, 1907.

CHAPTER 89.

[S. B. 66.]

AUTHORIZING CITIES OF THE FIRST CLASS TO PROVIDE FOR THE FILLING OF CESS-POOLS AND FOR THE REMOVAL OF GARBAGE.

AN ACT authorizing cities of the first class to provide for the filling and closing of cess-pools and for the removing of garbage, debris, grass, weeds and brush on property in such cities, and the levying and collecting of taxes or assessments on such property for the payment of the cost thereof.

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

Removal
of garbage,
etc.

SECTION 1. Any city of the first class is hereby empowered to provide for the filling and closing of cess-pools and for the removing of garbage, debris, grass, weeds and brush on property in such city.

Tax on
property.

SEC. 2. That such city may prescribe by general ordinance the mode and manner of assessing, levying and collecting the tax or assessment upon such property for any such filling and closing of cess-pools and the removing of garbage, debris, grass, weeds and brush, and provide that such charge shall be a lien on the property upon which such work is done and that the same shall be collected in such manner as shall be prescribed by such ordinance.

Passed the Senate February 18th, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 9th, 1907.

CHAPTER 90.

[S. B. 182.]

AMENDING ACT PROVIDING FOR THE ESTABLISHMENT
OF THE STATE REFORM SCHOOL.

AN ACT to amend section one (1) of an act entitled "An act providing for the establishment and location of a State Reform School and to declare an emergency," approved March 28th, 1890.

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

SECTION 1. That section one (1) of the act entitled "An Act providing for the establishment and location of a State Reform School and to declare an emergency," approved March 28th, 1890, be amended by striking from said section the words "Washington State Reform School" and inserting in lieu thereof the words "Washington State Training School," so that said section when so amended shall read as follows: Section 1. That a reform school be and is hereby established to be known as the Washington State Training School.

Washington
State Train-
ing School.

Passed the Senate February 15th, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 9th, 1907.

CHAPTER 91.

[S. B. 177.]

ASSESSMENT OF STATE SCHOOL, GRANTED AND OTHER
LANDS FOR DRAINAGE PURPOSES.

AN ACT relating to the assessment of state school, granted and other lands for drainage purposes, amending section 1 and repealing section 2 of chapter 127 of the Laws of 1905, and declaring an emergency.

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

SECTION 1. That section 1 of chapter 127 of the Laws of 1905 be amended to read as follows: Section 1. That section 25 of chapter 66 of the Laws of 1901 be amended to read as follows: Sec. 25. All state, school, granted

Lands
included.

or other lands shall be included within the provisions of this act, and whenever any such land will be benefited by such improvement they shall be included in the apportionment of the costs of the improvement. When an assessment has heretofore been made or is hereafter made against any such land for such improvement it shall be assessed according to the subdivision thereof and such land thereby placed upon the tax rolls the same as other lands.

Repeal. SEC. 2. That section 2 of said act be and the same is hereby repealed.

Emergency. SEC. 3. An emergency exists and this act shall take effect immediately.

Passed the Senate February 19, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 9th, 1907.

CHAPTER 92.

[S. B. 216.]

JOINDER OF CAUSES OF ACTION.

AN ACT relating to the joinder of causes of action and amending section 4942 of Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. Section 4942 of Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows: Section 4942. The plaintiff may unite several causes of action in the same complaint, when they all arise out of,—

1. Contract, express or implied; or
2. Injuries, with or without force, to the person; or
3. Injuries, with or without force, to property; or
4. Injuries, to character; or
5. Claims to recover real property, with or without damages for the withholding thereof; or
6. Claims to recover personal property, with or without damages for the withholding thereof; or

Several causes of action may be united.

7. Claims against a trustee, by virtue of a contract or by operation of law.

8. The same transaction.

But the causes of action so united must affect all the parties to the action, and not require different places of trial, and must be separately stated.

Passed the Senate February 20th, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 9th, 1907.

CHAPTER 93.

[S. B. 141.]

EMPLOYMENT OF CONVICTS ON STATE ROADS.

AN ACT providing for the employment of convicts on state roads, and declaring an emergency.

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

SECTION 1. All convicts confined and not otherwise employed shall be employed under authority of the State Board of Control in charge of the Superintendent of the Penitentiary or of such other persons in the employ of the State as the State Board of Control shall direct, in the building of state roads in this state. All expenses of whatsoever nature incurred through such employment shall be paid from the fund appropriated by the State Legislature for the construction of the particular road or roads upon which such convicts may be employed. The places where and the manner in which work shall be performed upon state roads by such convicts shall be designated by the State Highway Board.

Persons in charge.

Expenses paid from road fund.

SEC. 2. An emergency exists and this act shall take effect immediately.

Emergency.

Passed the Senate February 14th, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 9th, 1907.

CHAPTER 94.

[S. B. 181.]

SALARIES OF STATE OFFICERS.

AN ACT fixing the salaries of the Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction and Commissioner of Public Lands, and providing for the manner of payment.

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

Salaries.

SECTION 1. That the annual salaries of the following named officers are hereby fixed as follows: Governor, six thousand dollars; Lieutenant Governor, twelve hundred dollars; Secretary of State, three thousand dollars; Treasurer, three thousand dollars; Auditor, three thousand dollars; Attorney General, three thousand dollars; Superintendent of Public Instruction, three thousand dollars; and Commissioner of Public Lands, three thousand dollars.

Payment.

SEC. 2. The salaries herein provided for shall be paid at the times and in the manner now provided by law.

Salaries not affected during present term.

SEC. 3. In all cases mentioned in section 1 where the salary of the officer was prescribed by law at the time of his election and qualification, the salary so prescribed shall remain during the present term the same as at the time of such election and qualification.

Passed the Senate February 15th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 9th, 1907.

CHAPTER 95.

[S. B. 233.]

AMENDING ACT PROVIDING FOR THE ESTABLISHMENT
AND CREATION OF DIKING DISTRICTS, ETC.

AN ACT to amend section 7 of an act entitled "An act to provide for the establishment and creation of diking districts and the construction and maintenance of a system of dikes, and to provide for the means of payment thereof, and declaring an emergency," approved March 20th, 1895, and relating to diking districts, their formation and organization, the construction and maintenance of a system of dikes including the straightening, deepening and widening of rivers, water courses, and streams, and protecting the banks thereof, enlarging the rights, powers and duties of the commissioners thereof, disposing of the interests of the state in the beds and shores of navigable waters, streams or water courses, and declaring an emergency.

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

SECTION 1. That section 7 of an act entitled "An Act to provide for the establishment and creation of diking districts and the construction and maintenance of a system of dikes and to provide a means of payment thereof, and declaring an emergency," approved March 20th, 1895, be and the same is hereby amended to read as follows:

Section 7. All diking districts organized under the provisions of this act shall have the right of eminent domain with the power by and through its board of commissioners to cause to be condemned and appropriated private property for the use of said organization, in the construction and maintenance of a system of dikes and make just compensation therefor; that the property of private corporations may be subjected to the same rights of eminent domain as private individuals, and said board of commissioners shall have the power to acquire by purchase all the real property necessary to make the improvements provided for by this act. All diking districts and the commissioners thereof now organized and existing, and all diking districts hereafter to be organized, and the commissioners thereof shall have in addition to the rights, powers and authority now conferred by any law of this state:

Powers of
districts.

(1st). The right, power and authority to straighten, widen, deepen and improve any and all rivers, water courses or streams, whether navigable or otherwise, flowing through or located within the boundaries of such diking district.

(2nd). To construct all needed and auxiliary ditches, canals, flumes, locks and all other necessary artificial appliances in the construction of a diking system and which may be necessary or advisable to protect the land in any diking district from overflow or to assist and become necessary in the preservation and maintenance of such diking system.

(3rd). In the accomplishment of the foregoing objects, the commissioners of such diking districts are hereby given, in addition to the right and power of eminent domain now conferred by law upon the commissioners of any diking district, the right, power and authority by purchase, or the exercise of the power and authority of eminent domain, or otherwise, to acquire all necessary or needed rights of way in the straightening, deepening or widening of such rivers, water courses or streams, and such auxiliary ditches or canals hereinabove mentioned, and when so acquired shall have and are hereby given the right, power and authority, by and with the consent and approval of the United States government, in cases where such consent is necessary, to divert, alter or change the bed or course of any such river, water course or stream aforesaid, or to deepen or widen the same.

Rights
of way.

SEC. 2. The right, power and authority to acquire the necessary and needed rights of way for any and all purposes now existing by law or created by this act, may be acquired by the commissioners of any diking district over, across and upon any land, or interest therein, of the State of Washington or any county of this state, and streets, avenues, alleys or public places of any city, town or municipal corporation of this state: *Provided, however,* That the construction of such dike or dikes shall not have the effect of impairing any right, power or authority now existing on the part of any city or town to construct in, upon, underneath, above or across such dike or dikes,

sewers, water pipes, mains, or the granting of any franchise thereon, or the improvement by way of planking, replanking, paving, re-paving or any other power, right or authority which but for this act such city or town would have in or to such street, avenue, alley or public place; except, however, that such right, power or authority on behalf of such city or town shall not be exercised either by such city or town or by any person, persons, firms or corporations to whom it might grant any right or franchise, which will materially impair the efficiency of such dike or dikes. The provisions of this section as regards said system of dikes to be located within the boundaries of any incorporated city or town shall apply to the extension or enlargement of any dike or dikes already existing upon, over and across any street, avenue, alley or public place of any city or town, as well as the original construction thereof.

SEC. 3. In all proceedings hereafter had to organize diking districts, all notices, petitions or proceedings shall contain and set forth all matters and things required by existing law, and in addition thereto shall contain and set forth, so far as is necessary or applicable, all matters and things required by the provisions of this act, and all diking districts now existing, which may exercise any of the rights, powers or authority conferred by the provisions of this act, the proceedings to obtain the benefits hereof, must contain such allegations, and such steps and proceedings must be taken, as is rendered necessary by the provisions of this act; and the commissioners of existing diking districts are hereby given the right, power and authority to institute all proceedings and to take all necessary steps to secure the benefits of the provisions of this act, and all proceedings to secure the benefits thereof and all judgments to be rendered in such proceedings, including the filing of transcripts and the making of levies, and all other proceedings, shall be in addition to proceedings, assessments or levies, theretofore made in any prior proceedings.

Organiza-
tion of
districts.

Grant of
overflowed
State lands.

SEC. 4. All the right, title and interest of the State of Washington in and to so much of the beds and shores of any navigable river, stream, waterway or water course located within the boundaries of any diking district up to and including the line of ordinary high tide in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes, to the extent that the same under any proceedings to be had under this act shall cease to become a part of such river, stream, waterway or water course by reason of the diversion of such river, stream, waterway or water course, under any proceedings had under this act, are hereby given, granted and vested in the respective diking districts now existing or hereafter to be formed; and the commissioners of such respective diking districts are hereby given the right, power and authority to sell such beds and shores in such manner and upon such notices and proceedings as govern, under existing laws of this state, the board of county commissioners in the sale and disposition of any real estate belonging to counties of this state. The proceeds of such sales are to be used for the benefits of such diking district in the payment of any expenses connected with the construction of such dikes or maintenance thereof: *Provided, however,* That the commissioners of such diking district may, in their discretion, exchange such abandoned beds and shores for other property needed in the straightening, deepening or widening of such rivers, water courses or streams; and which exchange may be made upon such terms, conditions and in such areas as in the discretion of such commissioners they may deem advisable and for the best interests of such diking district, without any notice or other formality of proceedings whatever.

Sale.

County
commis-
sioners may
sign peti-
tion.

SEC. 5. Whenever the county owns any land situated within the boundaries of a proposed diking district, the county auditor, when so directed by the board of county commissioners of the county in which such lands are situated, is hereby authorized to sign the petition praying for the formation of such diking district for and on be-

half and as the act and deed of such county, and when so signed the same shall be considered in determining the question of a majority signature in acreage to the petition for the formation of such district.

SEC. 6. An emergency exists and this act shall take Emergency. effect immediately.

Passed the Senate February 19th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 96.

[H. B. 166.]

PAYMENT OF MONEYS INTO THE STATE TREASURY.

AN ACT relative to the finances of the State of Washington and providing the time when and manner in which moneys shall be paid into the state treasury, and declaring an emergency.

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

SECTION 1. That it shall be the duty of each state officer or other person, (other than county treasurers) who is authorized by law to collect or receive moneys belonging to the state or to any department or institution thereof, to transmit to the Treasurer of the state each day, all moneys collected by him on the preceding day, together with a statement of the source from which each item of said money was derived, and to transmit to the State Auditor a duplicate of said statement: *Provided*, That the provisions of this section shall apply to the office of Commissioner of Public Lands in so far only as to require said officer to transmit all moneys received in payment in principal and interest under outstanding contracts and leases where no question is raised as to the right of the state to receive payment; and as to all cases where the right of the state to receive such moneys is in doubt the Commissioner shall transmit the same to the Treasurer within five days after the determination of the Commissioner or the Board of State Land Commimssioners that

Moneys to be transmitted daily.

the money is due to the State: *Provided, further,* That money shall not be deemed to have been paid to the State of Washington upon any sale or lease of land until the money shall have been paid to the State Treasurer.

Treasurer to notify Governor of failure to comply.

SEC. 2. It shall be the duty of the State Treasurer to inform the Governor of any failure on the part of any officer to comply with the provisions of this act.

Liability of officers.

SEC. 3. If any officer shall fail to comply with the provisions of this act he shall be liable to the State of Washington upon his official bond in a sum equal to ten per centum annual interest for such time as such officer shall have retained such funds.

Emergency.

SEC. 4. An emergency exists and this act shall take effect immediately.

Passed the House February 7th, 1907.

Passed the Senate February 27th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 97.

[S. B. 140]

RELATING TO THE MODEL TRAINING SCHOOL DEPARTMENT OF NORMAL SCHOOLS.

AN ACT relating to the model training school departments of Normal schools, authorized by section 2550 of Ballinger's Annotated Codes and Statutes of Washington, and providing for the apportionment of funds therefor.

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

Trustees to estimate number of pupils required.

SECTION 1. The board of trustees of any normal school having a model school or training department in connection therewith, as authorized by section 2550 of Ballinger's Annotated Codes and Statutes of Washington, shall be authorized, and it shall be their duty on or before the first Monday of September of each year, to file with the board of the school district in which such normal school is situated, a certified statement showing an estimate of the number of public school pupils who will be required to make up such model school, specifying the number

required for each grade for which training for students is required.

SEC. 2. It shall thereupon be the duty of the board of the school district with which such statement has been filed, to apportion for attendance to the said training school, a sufficient number of pupils from the public schools under the supervision of said board as will furnish to such normal school the number of pupils required in order to maintain such training school: *Provided*, That the principal of said normal school may refuse to accept such pupil as in his judgment by reason of incorrigibility, or mental defects would tend to reduce the efficiency of said training department.

Pupils
from public
schools.

SEC. 3. That annually, on or before the date for reporting the school attendance of the school district in which said normal school is situated, for the purpose of taxation for the support of the common schools, the board of trustees in each such normal school shall file with the board of the school district in which such normal school is situated, a report showing the number of common school pupils in attendance at each such normal school, during the school year last past, and the period of their attendance in the same form that reports of public schools are made. That the clerk of such school district shall, in reporting the attendance in said school district, segregate the attendance at said model school, from the attendance in the other schools of said district.

Report of
attendance.

SEC. 4. That it shall be the duty of the Superintendent of Public Instruction to apportion to the support of such normal training school out of the funds available for the support of the common schools of the district in which each normal school is situated, such proportion of the funds to which such school district shall be entitled as the number of pupils in attendance upon each such model training school, bears to the whole number of pupils upon which the apportionment was made for the common schools in the school district in which such normal school is situated, and the funds so apportioned shall be distributed by

State
funds.

the board of trustees for the maintenance of such model training school.

Passed the Senate February 14th, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 98.

[S. B. 144.]

METROPOLITAN PARK DISTRICTS.

AN ACT authorizing the formation of metropolitan park districts, providing for park officials, fixing their powers and duties, and declaring an emergency.

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

Organiza-
tion
authorized.

SECTION 1. That the cities of the first class in the State of Washington, and such contiguous property the residents of which may decide in favor thereof in the manner hereinafter set out, are hereby authorized and empowered to create a metropolitan park district for the management, control, improvement, maintenance, and acquisition of parks, park ways, and boulevards, now or hereafter located within such park district.

Submission
to vote of
electors.

SEC. 2. At any general election, or at any city election held in such city in each of the various voting precincts of such city, the city council may, or on petition of fifteen per cent of the qualified electors of such city shall, by ordinance, submit to the voters of such city the proposition of creating a metropolitan park district, the limits of which park district shall be coextensive with the limits of such city as now or hereafter established. In submitting the said question to the voters for their approval or rejection, such city council shall pass an ordinance declaring its intention to submit the proposition of creating a metropolitan park district to the qualified voters of such city, which said ordinance shall be published for at least five days in a daily newspaper published in said city, and said city council shall cause to be placed upon

the ballot for such election, at the proper place, the proposition, which shall be expressed on said ballot in the following terms:

“For the formation of a metropolitan park district.”

“Against the formation of a metropolitan park district.”

SEC. 3. If at such election a majority of the voters voting upon such proposition at such election shall vote in favor of the formation of such park district, the city council shall so declare in its canvass of the returns of such election, and such park district shall then be and become a municipal corporation of the State of Washington, and the name of such metropolitan park district shall be “Metropolitan Park District of” (inserting the name of the city constituting the park district). At the same election at which the proposition is submitted to the people as to whether a metropolitan park district shall be formed, five park commissioners shall be elected to hold office respectively for the term of one, two, three, four and five years and until his successor is elected, the term of each nominee for park commissioner to be expressed on the ballot. And thereafter, and at least thirty (30) days prior to the first Tuesday of June in each year, such park commissioners, who shall constitute a board of park commissioners, shall give notice by publication in at least five issues of a daily newspaper published within said metropolitan park district that an election will be held on the first Tuesday of June thereafter, for the election of a park commissioner to hold office for five years: *Provided, however,* That there shall be no election held on the first Tuesday of June immediately following the creation of the park district. All park commissioners elected by virtue of this act shall perform their duties without compensation. Said board of park commissioners shall designate in their notice of election the time of opening and closing the polls, and the places of voting, but in no event shall there be less than one voting place in each of the various wards of such city, and at least one voting place in any out-

Name.

Park commissioners.

Election.

Notice.

lying district annexed to such park district and not within the city. The polls shall be kept open at such election at least from one o'clock p. m. to seven o'clock p. m. but said park commissioners may keep the polls open for a longer period if they shall so order, but the time of opening and closing of the polls must be stated in the notice of election, and the polls shall be opened and closed in accordance with such notice. Any person residing in said park district who is, at the time of holding such election, a qualified voter under the laws of the State of Washington, shall be entitled to vote at such election, and the public officials, either city or county, having charge of the registration books, shall deliver the same to the board of park commissioners for the use of the election officers at such park elections.

Powers of
district.

SEC. 4. When the said metropolitan park district shall be created as hereinbefore provided for, it shall at once be and become a separate and distinct corporation, the officers of which shall be a board of park commissioners consisting of five members, and said board of park commissioners shall annually elect one of their number as president and another of their number as clerk of said board. Such corporation is hereby given the right of eminent domain, and may purchase, acquire, and condemn lands for public parks, park ways, and boulevards, and may condemn lands to widen, alter, and extend streets, avenues, boulevards, and park ways, to enlarge and extend existing parks, and to acquire lands for the establishment of new parks, boulevards, and park ways. Said park commissioners shall have authority to pass orders, providing for all condemnations which they may desire to institute for the purpose of this act, and to bring actions in the proper courts for the condemnation of lands, to employ counsel, and to regulate, manage, and control the parks, park ways, boulevards, streets, and avenues under its control, and to provide for park policemen, for a secretary of the board of park commissioners, and for all necessary employes, and to fix their salaries and duties: *Provided, however,* That all employes of such metropolitan park district, except the attor-

ney for such park district, shall be under civil service, and the said park commissioners shall constitute a civil service board to pass upon the qualifications of applicants for positions. Said board of park commissioners, as such civil service commission, shall adopt rules for the employment of necessary employes, shall provide for examinations at such times, and upon such subjects, as they may deem necessary, and the employment of such park employes shall be wholly upon the merit system. No park employe shall be discharged except for incompetency, inability to perform their duties, offensive partisanship, or such other reasons as may be deemed sufficient by such board, and then only after a full and fair hearing upon written charges filed with such board: *Provided, however,* That when the necessity for further continuing any park employe shall cease, such park commissioners shall have power to discharge such employe; it being the true intent and meaning of this act to place the sole acquisition, management, improvement and control of all parks, boulevards, and park ways, in such board of park commissioners; and the control, management, and improvement of any such parks, park ways, and boulevards as shall be within or without the limits of any city and under its control, creating a metropolitan park district pursuant to this act, shall immediately vest in such board of park commissioners: *Provided, however,* That all such parks, boulevards and park ways shall be subject to the police regulations of any city within which they may lie.

SEC. 5. Said board of park commissioners are hereby Tax levy. authorized to levy, or cause to be levied, a general tax on all the property located in said park district each year, not to exceed one and one-half mills on the assessed valuation of the property in such park district. Said taxes when so levied shall be certified to the proper county officials for collection the same as other general taxes. When such money is collected it shall be placed in a separate fund, to be known as the "Metropolitan Park District Fund," and paid out on warrants issued on the board of park commissioners for the purposes specified in this act.

May incur
indebted-
ness.

SEC. 6. That each and every metropolitan park district that may hereafter be organized pursuant to this act is hereby authorized and empowered, by and through its board of commissioners, to contract indebtedness for park, boulevard and park way purposes, and the extension and maintenance thereof, not exceeding one quarter of one ($\frac{1}{4}$) per cent of the taxable property in such metropolitan park district, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness.

Additional
indebted-
ness—
election.

SEC. 7. That each and every metropolitan park district hereafter to be organized, pursuant to this act, may contract indebtedness in excess of the amount named in the preceding section, but not exceeding in amount, together with existing indebtedness, five (5) per centum of the taxable property in said district, to be ascertained as provided in the preceding section, whenever three-fifths ($\frac{3}{5}$) of the voters voting at said election in such metropolitan park district assent thereto, at an election to be held in said metropolitan park district, in the manner provided by this act, which election may be either a special or a general election, and the park commissioners of such metropolitan park district are hereby authorized and empowered to submit the question of incurring such indebtedness, and issuing negotiable bonds of such metropolitan park district, to the qualified voters of such park district at any time they may so order.

Bonds.

SEC. 8. In case the question of incurring indebtedness and issuing bonds as set forth and described in section 7 of this act shall be submitted to the voters of such metropolitan park district and carried as hereinabove provided for, the commissioners of such metropolitan park district may issue the negotiable bonds of such district for the amount of such indebtedness and may dispose of said bonds either in payment of such indebtedness, or may advertise and sell said bonds in the open market for cash, but in no event shall said bonds be disposed of or negotiated at less than par.

SEC. 9. Said bonds shall be in denominations of not less than \$100.00 nor more than \$1,000.00. They shall bear the date of issue, shall be made payable to the bearer, in not more than twenty (20) years from date of issue, and bear interest at a rate not exceeding five (5) per cent. per annum, payable annually, with coupons attached, for each interest payment. The bonds and each coupon shall be signed by the presiding officer of the board of park commissioners and shall be attested by the clerk of said board, who shall be a member thereof. Said bonds shall be printed, engraved, or lithographed on good bond paper, and the bond shall state on its face that it is issued in accordance, and in strict compliance, with an act of the Legislature of the State of Washington, entitled: "An Act authorizing the formation of metropolitan park districts, providing for park officials, fixing their powers and duties, and declaring an emergency," approved on the day of, 1907, (inserting the date of the approval of this act). Said bonds shall be payable in any city containing a bank of the United States.

Form of
bonds.

SEC. 10. Said commissioners shall include in their general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds. Said bonds shall be numbered from one up consecutively, and shall be payable in the order of their number, beginning with bond numbered one.

Tax levy
to include
interest.

SEC. 11. Whenever there is money in the funds of such metropolitan park district and the commissioners shall deem it advisable to apply the same or any part thereof upon the payment of bonded indebtedness, they shall advertise in a daily newspaper published within said park district for the presentation to them for payment of as many bonds issued under the provisions of this act as they may desire to pay with the funds on hand, said bonds to be paid in numerical order, beginning with bond numbered one, until all of said bonds are paid: *Provided*, That thirty (30) days after the first publication of said notice by the board of such park district, calling in any of said bonds by their number, said bonds shall

Payment
of indebted-
ness.

cease to bear interest, which shall be stated in the notice calling for such bonds.

Payment of interest.

SEC. 12. The coupons hereinbefore mentioned for the payment of interest on said bonds shall be considered in all purposes as warrants drawn upon the general fund of the said metropolitan park district issuing such bonds, and when presented to the treasurer of the county having custody of the funds of such park district at maturity, or thereafter, and when so presented, if there are no funds in the treasury to pay the said coupons, it shall be the duty of the county treasurer to endorse said coupons as presented for payment, in the same manner as county warrants are endorsed, and thereafter said coupons shall bear interest at the same rate as the bond to which it was attached.

Registration of bonds.

SEC. 13. Before the bonds are delivered to the purchaser, they shall be presented to the county treasurer who shall register them in a book kept for that purpose and known as the "Metropolitan Park Bond Register," in which register shall be entered the number of each bond, date of issue and maturity, amount, rate of interest, to whom and when payable. Such county treasurer shall receive no compensation other than his regular salary for receiving and disbursing the funds of such metropolitan park district. The board of park commissioners shall keep a register of such bonds similar to that provided for the county treasurer.

Powers of commissioners.

SEC. 14. Said park commissioners shall have power to improve, acquire, extend, and maintain, open and lay out parks, park ways, boulevards, and avenues within said park district, and may pay out moneys for the purchase of lands, improvements, maintenance, and all expenses incidental to their office and duties.

Work may be done on local assessment plan.

SEC. 15. If at any time any proposed improvement of any park way, avenue, or boulevard will be a special benefit to the lands adjoining, contiguous, and proximate to such proposed improvement, if such lands be within the corporate limits of any city of the first class, the said board of park commissioners may petition the city council of

such city to cause such improvement as said commissioners may direct to be done and made on the local assessment plan, and the cost of such improvement assessed in whole or in part against the property benefited, in the same manner and under the same statute and procedure as is now, or may hereafter be, enacted for local improvements by cities of the first class. Said board of park commissioners shall designate the kind, manner, and style of the improvement.

SEC. 16. Any city of the first class within or comprising any such metropolitan park district is hereby given authority to turn over to said park commissioners any lands which it may own, or any street, avenue, or public place within said city for park or park way purposes, and thereafter the control and management of the same shall vest exclusively in the said board of park commissioners: *Provided, however,* That the police regulations of such city shall apply to all such premises.

Lands of city may be transferred to district.

SEC. 17. Any person, firm or corporation, feeling aggrieved by the assessment against his or its property, may file objections with the city council, and may appeal from the order confirming said assessment roll, in the same manner as objections and appeals are made in regard to local improvements in cities of the first class in the State of Washington.

Objections to assessments.

SEC. 18. The assessment for local improvements authorized by this act shall become a lien in the same manner, and be governed by the same law, as is provided for local assessments in cities of the first class, and such assessment shall be collected as local improvements in said cities of the first class.

Lien and collection of assessment.

SEC. 19. Said park commissioners shall have power to accept public streets of the city and grounds for public purposes when the same shall be donated for park, boulevard, and park way purposes.

Donations.

SEC. 20. The territory adjoining and in the same county with any park district organized under this act may be annexed to and become a part of such metropolitan park district, in the manner following: Any twenty-five

Annexation of territory.

Petition.

(25) legal voters, residents within the territory proposed to be annexed, may petition the board of park commissioners of such district to cause the question to be submitted to the legal voters of the territory proposed to be annexed, whether they will be annexed and become a part of such adjoining park district: *Provided, however,* That where such territory proposed to be annexed shall be within the limits of an incorporated city or town other than the first class, such petition shall be signed by at least twenty (20) per cent of the qualified electors residing within such territory. The petition shall define the limits of the territory proposed to be annexed to such park district. Upon the filing of such petition with the board of park commissioners, if said commissioners shall concur in said petition, they shall provide for a hearing to be held for the discussion of such proposed annexation at the office of said board of park commissioners, and shall give due notice of such hearing by publication in a daily newspaper published in said park district for at least five (5) days prior to said hearing. If said park commissioners shall concur in said petition, it shall be their duty to submit the proposal to the electors of such territory proposed to be annexed, at an election to be held in such territory. The said commissioners shall, by order of such board duly adopted, fix a time and place or places within the limits of the territory proposed to be annexed, for the holding of such election to determine the question of annexation, and said commissioners shall name the persons to act as judges at such election, and shall give notice thereof by causing notice to be published for five (5) days in five (5) consecutive issues of a daily newspaper published in said park district, and by posting notices in five (5) public places within the territory proposed to be annexed to said district.

Election.

The ballot to be used at such election shall be in the following form:

Ballots.

“For annexation to metropolitan park district.”

“Against annexation to metropolitan park district.”

The judge or judges at such election shall make return thereof to the board of park commissioners, who shall canvass such return and cause a statement of the result of such election to be entered on the record of such commissioners. If the majority of the votes cast upon that question at such election shall be for annexation, then such territory shall immediately be and become annexed to such park district, and the same shall thenceforth be a part of said park district, the same as though originally included in such district.

SEC. 21. All election officers for any election held pursuant to this act shall be named by the board of park commissioners, and the expense of all such elections shall be paid out of the funds of such metropolitan park district.

Election officers.

SEC. 22. When any metropolitan park district shall be formed pursuant to this act, and shall assume control of the parks, park ways, boulevards, and park property of the city in which said park district is created, such park district shall assume all existing indebtedness, bonded or otherwise, against such park property, and shall arrange by taxation or issuing bonds, as herein provided, for the payment of such indebtedness, and shall relieve such city from such payment. Said park district is hereby given authority to issue refunding bonds when necessary in order to enable it to comply with this section.

Park district shall assume indebtedness against property.

SEC. 23. An emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Emergency.

Passed the Senate February 13th, 1907.

Passed the House February 28th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 99.

[H. B. 327.]

AMENDING ACT RELATIVE TO STREET AND ELECTRIC RAILWAYS, ETC.

AN ACT to amend section 1 of an act entitled "An act relating to electric railroads, street and other electric railways and corporations incorporated for the construction, ownership or operation thereof, the right of eminent domain therefor, the use of streets and roads thereby and leases and sales thereof heretofore or hereafter made," and declaring an emergency.

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

SECTION 1. That section 1 of an act entitled, "An Act relating to electric roads, street and other electric railways and corporations incorporated for the construction, ownership or operation thereof, the right of eminent domain therefor, the use of streets and roads thereby and leases and sales thereof, heretofore or hereafter made," passed by the Senate of the State of Washington on the 18th day of February, 1903, and passed by the House of Representatives of the State of Washington on March 10, 1903, and which became a law on the 17th day of March, 1903, without the approval or disapproval of the Governor of the State of Washington; be, and the same is hereby amended to read as follows: Section 1. The Legislative authority of the city or town having control of any public street or road, or where such street or road is not within the limits of any incorporated city or town, then the board of county commissioners wherein such road or street is situated, may grant authority for the construction, maintenance and operation of electric railroads or railways, motor railroads or railways and railroads and railways of which the motive power is any power other than steam, together with such poles, wires and other appurtenances upon, over, along and across any such public street or road and in granting such authority the legislative authority of such city or town or the board of county commissioners, as the case may be, may prescribe the terms and conditions on which such railroads or railways and their appurtenances shall be constructed, maintained and operated

Authority
to cons-
truct—how
and by
whom
granted.

upon, over, along and across such road or street, and the grade or elevation at which the same shall be maintained and operated: *Provided*, That hereafter, on application being made to the board of county commissioners for such authority, the board shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting written or printed notices in three public places in the county seat of the county, and in at least one conspicuous place on the road or street or part thereof, for which application is made, at least thirty days before the day fixed for such hearing, and by publishing a like notice three times in some daily newspaper published in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing, the last publication to be at least five days before the day fixed for such hearing, which notice shall state the name or names of the applicant or applicants, a description of the roads or streets or parts thereof for which the application is made, and the time and place fixed for the hearing. Such hearing may be adjourned from time to time by order of the board. If, after such hearing, the board shall deem it to be for the public interest to grant such authority in whole or in part, the board may make and enter the proper order granting the authority applied for or such part thereof as the board deems to be for the public interest, and shall require such railroad or railway and its appurtenances to be placed in such location on or along the road or street as the board finds will cause the least interference with other uses of the road or street. In case any such railroad or railway, is or shall be located in part on private right-of-way, the owner thereof shall have the right to construct and operate the same across any county road or county street which intersects such private right-of-way, if such crossing is so constructed and maintained as to do no unnecessary damage: *Provided*, That any person or corporation constructing such crossing or operating such railroad or railway on or along such county road or public street

Application.

Notice of hearing.

Liability to county.

shall be liable to the county for all necessary expense incurred in restoring such county road or public street to a suitable condition for travel.

Emergency. SEC. 2. An emergency exists and this act shall take effect immediately.

Passed the House February 21st, 1907.

Passed the Senate March 7th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 100.

[H. B. 217.]

DEFINING THE WEIGHT OF A TON OF COAL.

AN ACT defining the weight of a ton of coal and making it a misdemeanor to sell less for a ton, and providing a penalty for the violation thereof.

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

Ton defined. SECTION 1. That 2,240 pounds shall constitute a gross ton of coal, and 2,000 pounds shall constitute a net ton of coal.

Penalty for selling less. SEC. 2. Any person selling less than 2,000 pounds for a ton shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or imprisoned in the county jail not less than ten days nor more than six months, or fined and imprisoned both, in the discretion of the court.

Passed the House February 26th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 101.

[H. B. 119.]

RELATING TO THE ISSUANCE OF BONDS BY SCHOOL DISTRICTS.

AN ACT relating to the issuance of bonds by school districts and amending sections 117, 119, 121 of chapter CXVIII of the session laws of 1897.

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

SECTION 1. That section 117 of chapter CXVIII of the Session Laws of 1897 be amended to read as follows: Sec. 117. The board of directors of any school district or joint school district in this state may borrow money and issue negotiable coupon bonds therefor to an amount not to exceed five (5) per cent. of the taxable property in such district, as shown by the last assessment roll for county and state purposes: *Provided*, That in incorporated cities the assessment shall be taken from the last assessment for city purposes, for the purpose of funding outstanding indebtedness, or bonds heretofore issued, or issued under the provisions of this act, or for the purchase of school house site or sites, building one or more school houses and providing the same with all necessary furniture and apparatus, or for any or all of these purposes, when authorized by a vote of the district so to do, as provided in section 118 of this act: *Provided further*, That the bonds so issued shall bear a rate of interest not to exceed six per cent per annum, interest payable annually or semi-annually, payable and redeemable at such time as may be designated in the bonds, but not to exceed twenty (20) years from date of issue: *Provided further*, When the indebtedness of such district exceeds five per cent. of its taxable property, warrants issued for those necessary expenses made mandatory in the constitution and provided for by the Legislature of the state, which expenses are hereby declared to include teachers,' janitors' and officers' salaries, expenses of construction, maintenance and rent of school buildings, including sites, may be funded under the provisions of this act: *And provided further*, That for the purposes of this chapter (chapter 7 of the Code of Public Instruction)

Limit of bonded indebtedness.

Rate of interest.

Necessary expenses defined.

Joint districts.

a joint school district, that is, a school district embracing parts of two or more counties, the district shall be deemed as belonging to the county in which the school house is located, if there be a school house, and if there be no school house, then it shall be deemed as belonging to the county in which the district owns a school house site that has been lawfully selected by the legal school electors of the district.

Directors shall certify result of election to county treasurer.

SEC. 2. That section 119 of chapter CXVIII of the Session Laws of 1897 be amended to read as follows:

Sec. 119. When authorized and empowered to issue bonds, as provided in sections one hundred seventeen and one hundred eighteen of this act, the board of directors shall, within thirty days after the date of election, certify the result to the county treasurer to which said school district belongs, who shall immediately publish notice of the sale of such bonds, in at least one weekly newspaper published at the county seat, if there be one, for four consecutive issues, and publish such other notices as the board of directors may require. Said notices must give the amounts of bonds to be sold, the time to run, where payable, the option if any, of the district to redeem, also naming the hour and day for considering bids, and asking bidders to name price and rates of interest at which they will purchase such bonds or any of them. Such bonds shall be issued in denominations of not less than one hundred nor more than one thousand dollars (\$1,000) and shall contain upon their face the date of issue, the series of issue, rate of interest, where payable, time to run, option, if any, of district to redeem, and the printed or lithographed statement that said bond is issued under the provisions of this act, and that the whole indebtedness of said district does not exceed the constitutional limit. Each bond so issued

Advertisement of sale.

Form of bonds.

Bonds registered by county treasurer.

must be registered by the county treasurer in a book to be kept for that purpose, which must show the number and such data as is necessary to secure a complete record of such bond; the series and amount of each bond, the person to whom the same is issued, the number of the district issuing, together with the names of directors signing the same; and

the said bond shall be endorsed by the treasurer, with his name and a full statement of the name of the person to whom sold, and when issued, together with the number and series of said bond: *Provided*, That in the case of joint school districts the bond or bonds shall be registered by the treasurer of each county in which any part of such joint school district shall lie.

SEC. 3. That section 121 of chapter CXVIII of the Session Laws of 1897 be amended to read as follows:

Sec. 121. The county commissioners must ascertain and levy annually the tax necessary to pay the interest upon such bonds as it becomes due, and at the expiration of one-half of the time for which said bonds are to run, and annually thereafter, until full payment of said bonds is made, they may, if deemed advisable, levy, in addition to the tax required to pay the interest, such amount for sinking fund to meet the payment of said bonds at maturity, to be determined by dividing the amount of bonds outstanding by the remaining number of years to run, and the fund arising from such levy shall be kept as the bond redemption fund of said district; and each of said tax levies shall be a lien upon the property in said district, and must be collected in the same manner as taxes for other school purposes: *Provided*, That the county treasurer, when authorized to do so by the board of directors of any school district, may invest any accumulated sinking fund of said district in school, county, or state warrants of the State of Washington, and all profits accruing from such investment and the funds so invested shall revert to the sinking fund of said district; and the county treasurer shall be custodian of all warrants purchased by and with the said sinking fund until the same are redeemed: *Provided further*, That in the case of a joint school district, the county commissioners of each and every county in which any part of such joint district shall lie, shall levy a tax as hereinbefore provided in this section, and the treasurer of each county in which the school house or school house site is not situated shall at least five days before the time at which such bonds or the interest thereon must be

Bond interest levy.

Sinking fund levy.

Redemption fund.

Investment of sinking fund.

Levy in joint districts embracing parts of two or more counties.

paid, according to the conditions of the issuance and sale thereof, transmit to the treasurer of the county in which the school house or school house site is situated (and to which county the joint school district is construed to belong), all moneys in his possession derived from the tax provided for in this section; and the county treasurer receiving such money shall receipt in duplicate to the treasurer or treasurers remitting such funds for such money; and he shall also place the amount or amounts so received to the credit of the special bond fund or funds of the joint school district to which it properly belongs.

Passed the House February 6th, 1907.

Passed the Senate March 1st, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 102.

[H. B. 243.]

LEVY OF TAXES FOR SCHOOL PURPOSES.

AN ACT relating to the levying of taxes for school purposes and amending section 111, chapter 118, of the Session Laws of 1897.

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

SECTION 1. That section 111 of chapter 118 of the Session Laws of 1897 is amended to read as follows: Sec. 111. In addition to the provisions for the support of common schools hereinbefore provided, it shall be the duty of the State Board of Equalization, annually, at the time of levying tax for State purposes, to levy a tax that shall be sufficient to produce a sum which, when added to the estimated amount of money to be derived from the interest on the State permanent school fund for the current fiscal year, shall equal ten dollars for each child of school age residing in the State as shown by the last report of the several county superintendents to the Superintendent of Public Instruction: *Provided*, That said tax shall not exceed five mills on the dollar. Said tax levy shall be cer-

Annual
State tax.

Limit of
tax-levy.

tified to the several county auditors in the same manner as other State taxes are required to be certified, and shall be collected and retained as other public funds, by the county treasurer, until paid out in the usual manner prescribed by law. The county treasurer shall certify to the State Auditor the amount of money so held. It shall be the duty of the State Auditor within thirty days after the date at which county treasurers are required to transmit State funds to the State Treasurer, to certify to the Superintendent of Public Instruction the amount of all State annual school funds in the hands of the State Treasurer and county treasurer subject to apportionment. In the event that there shall be an excess over the amount apportioned in the hands of any county treasurer, the same shall be transmitted to the State Treasurer. In the event that there shall not be in the hands of any county treasurer sufficient to pay the amount apportioned to his county, the deficiency shall be paid by the State Treasurer.

Certification to Superintendent of Public Instruction.

Passed the House February 15th, 1907.

Passed the Senate March 1st, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 103.

[H. B. 223.]

PREVENTION OF FAMILY DESERTION AND NON-SUPPORT.

AN ACT to prevent and punish family desertion or non-support and to provide for support bonds and for suspension of trial and sentence.

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

SECTION 1. Any person who shall, without lawful excuse, desert or wilfully neglect or refuse to provide for the support and maintenance of his wife who is in destitute or necessitous circumstances, or any person who shall, without lawful excuse, desert or wilfully neglect or refuse to provide for the support and maintenance of his or her minor children under the age of sixteen years who are in destitute or necessitous circumstances, shall, on conviction

Desertion or failure to provide for family—penalty.

thereof, be punished by a fine of not more than five hundred dollars, or by imprisonment in the penitentiary at hard labor for not more than three years, or in the county jail for not more than twelve months, or by both such fine and imprisonment; and should a fine be imposed it may be directed by the court to be paid in whole or in part to the wife or to the guardian or custodian of the minor child or children: *Provided*, That before the trial, with the consent of the defendant, or after conviction, instead of imposing the punishment hereinbefore provided, or in addition thereto, the court in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly during such time as the court may direct to the wife or to the guardian or custodian of the minor child or children or to an organization or individual approved by the court as trustee, and to release the defendant from custody or probation during such time as the court may direct upon his or her entering into a recognizance, with or without sureties, in such sum as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise of full force and effect.

Court may order payment of allowance to family.

Recognizance.

Procedure on failure to comply with order.

SEC. 2. If the court be satisfied by information or complaint and due proof, under oath, that at any time the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original indictment or information, or sentence him under the original conviction, or enforce the original sentence, as the case may be. In case of forfeiture of a recognizance and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the wife or to the guardian or custodian of the minor child or children.

Forfeiture of recognizance.

SEC. 3. No other evidence shall be required to prove marriage of such husband and wife, or that such person is the lawful father or mother of such child or children, than is or shall be required to prove such facts in a civil action. In all prosecutions under this act any existing provisions of law prohibiting the disclosure of confidential communications between husband and wife shall not apply, and both husband and wife shall be competent witnesses to testify for or against each other to any and all relevant matters, including the fact of such marriage and the parentage of such child or children. Proof of the desertion of such wife, child or children in destitute or necessitous circumstances or of neglect to furnish such wife, child or children necessary and proper food, clothing or shelter is *prima facie* evidence that such desertion or neglect is wilful. Evidence.

Passed the House February 26th, 1907.

Passed the Senate March 1st, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 104.

[H. B. 229.]

AMENDING ACT GRANTING RIGHTS-OF-WAY TO RAILROAD COMPANIES OVER STATE LANDS.

AN ACT amending an act entitled "An act granting rights-of-way to railroad companies over the lands of the State of Washington, and providing for the appraisalment and disposition of the lands included within and used for such rights-of-way, and declaring an emergency," approved March 18th, 1901.

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

SECTION 1. That said section one of an act entitled "An Act granting rights of way to railroad companies over the lands of the State of Washington, and providing for the appraisalment of the lands included within and used for such rights of way, and declaring an emergency," approved March 18th, 1901, is hereby amended to read as follows: Section 1. That a right of way through, over and across the public lands of the State of Washington,

Tide lands
excepted.

Extent of
lands
granted.

Lands of
public in-
stitutions
excepted.

Manner of
obtaining
benefits of
grant.

except tide lands, harbor areas and shore lands, is hereby granted to any railroad company duly organized under the laws of any state or by the Congress of the United States to any extent not exceeding fifty feet on each side of the center line of said railroad now constructed or hereafter to be constructed unless a greater width is required for excavations, embankments, depot, station grounds, passing tracks or barrow pits, which extra width shall not in any case exceed two hundred feet on either side of said center way: *Provided*, That this act shall not apply to any lands acquired or used by any of the public institutions of this State. In order to obtain the benefits of this grant as to any railroad hereafter to be constructed, the company constructing or proposing to construct such road shall file with the Board of State Land Commissioners a copy of its articles of incorporation, due proofs of organization thereunder, a map or maps accompanied by the field notes of the survey and location of the line of said railroad, and shall pay to the State as hereinafter provided the amount of the appraised value of said lands affected by, used for or included within said right of way and extra widths if any are required. In order to obtain the benefits of this grant as to any railroad now constructed, the company owning such road shall file with the Board of State Land Commissioners a list of the lands affected by, used or included within such right of way, and shall pay to the State as hereinafter provided the amount of the appraised value of said lands affected by, used for or included within said right of way and extra widths.

Passed the House February 13th, 1907.

Passed the Senate March 7th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 105.

[H. B. 306.]

AMENDING ACT RELATING TO THE VENTILATION AND SAFETY OF COAL MINES.

AN ACT to amend sections 4 and 16 of an act entitled "An act relating to the proper ventilation and safety of coal mines, and prescribing the manner of appointment of inspectors," approved March 5, 1891, and adding a new section to said act to be numbered section 23, and providing for reports relative to the transferring of coal mines, and prescribing a penalty for the violation of the provisions thereof.

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

SECTION 1. That section 4 of an act entitled "An Act relating to the proper ventilation and safety of coal mines, and prescribing the manner of appointment of inspectors," approved March 5, 1891, be, and the same is hereby amended to read as follows: Section 4. All escapement shafts shall be equipped with stairways or ladders having landing places or platforms at reasonable distances apart, as in the judgment of the mine inspector they should be constructed for easy traveling, or, in lieu thereof, such hoisting apparatus as will enable the employees in the mine to make safe and speedy exit in case of danger. The escapement shaft, ropes and machinery used for hoisting or lowering employees out of or into said mine shall be kept in a safe condition and inspected at least once in each twenty-four (24) hours by a competent person employed in whole or in part for that purpose; and a record of such examination shall be entered by the person making the same in a book to be kept at the mine for that purpose and said book must always be produced for examination at the request of the inspector.

SEC. 2. That section 16 of said act be, and the same is hereby amended to read as follows: Sec. 16. The owner, agent or operator of every coal mine operated by shaft or slope shall provide suitable means of signalling between the bottom and top thereof, subject to the approval of the mine inspector, and shall also provide in all shafts safe means of hoisting and lowering persons in a cage

Escapement shafts.

Inspection.

Equipment of mine with safe means of signalling and hoisting.

covered with boiler iron, so as to keep safe as far as possible persons descending into or ascending out of such shaft, and such cage shall be furnished with guides to conduct it through such shaft with a sufficient brake on every drum to prevent accident in case of the giving out or breaking of the machinery, and such cage shall be furnished with safety catches (to be approved by the mine inspector), intended and provided as far as possible to prevent the consequences of cable breaking or the loosening or disconnecting of the machinery, and no props or rails shall be lowered in a cage while men are descending into or ascending out of said mine, and such owner, agent or operator shall also provide in all slopes, safe means for raising and lowering persons therein: *Provided*, That in shafts less than one hundred feet in depth the owner, agent or operator shall provide such means for raising or lowering persons as may be approved by the mine inspector.

SEC. 3. That said act be and the same hereby is amended by the addition of a new section to be numbered section 23 and to read as follows: Sec. 23. Any mine owner transferring any coal mine shall immediately report such sale to the inspector of mines, giving the name or names of the purchaser or purchasers and the address or addresses of the same. The purchaser or purchasers of any such coal mine shall also immediately report to the inspector of mines giving the officers and superintendent of such coal mine with their addresses. Failure to make such report shall constitute a misdemeanor and upon conviction thereof, the said seller or purchaser shall be subject to a fine of not to exceed one hundred dollars, and not less than ten dollars, or by imprisonment not to exceed thirty days in the county jail, or by both such fine and imprisonment.

Sales of
mines to be
reported to
inspector.

Penalty.

Passed the House February 25th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 106.

[H. B. 426.]

ADDITIONAL JUDGE OF THE SUPERIOR COURT FOR
PIERCE COUNTY.

AN ACT providing for the appointment of one additional judge of the superior court of the State of Washington for the county of Pierce to hold his office until the first Tuesday after the first Monday in November, 1908, and declaring an emergency.

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

SECTION 1. The Governor shall upon the taking effect Governor to appoint. of this act, appoint one additional judge for the superior court of the State of Washington for the county of Pierce who shall hold his office from the time of appointment until the first Tuesday after the first Monday in November, 1908, but no successor to such judge shall be elected.

SEC. 2. An emergency exists and this act shall take Emergency. effect immediately.

Passed the House February 26th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 107.

[H. B. 253.]

MEETINGS OF STOCKHOLDERS AND TRUSTEES OF COR-
PORATIONS.

AN ACT relating to the place of holding meetings of stockholders and trustees of corporations of this state.

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

SECTION 1. Meetings of the stockholders of a corporation shall be held at its principal place of business within this State. Meetings of the board of trustees or directors of corporations, organized and existing under the laws of this State, may be held at such place or places within or without the State as may be designated in the articles of incorporation or by-laws. In case the meetings of the Meetings of stockholders and directors.

board of directors or trustees of a corporation shall be held outside of the State of Washington, either the original or full and complete copies or duplicate of all proceedings had at such meeting or meetings certified by the secretary under the corporate seal shall be sent to and kept at the principal office or place of business of the corporation in this State and shall be part of the records of the corporation in this State.

Passed the House February 15th, 1907.

Passed the Senate March 1st, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 108.

[H. B. 208.]

RELATIVE TO THE ASSESSMENT AND TAXATION OF PROPERTY.

AN ACT relating to the assessment and taxation of property.

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

SECTION 1. For the purposes of assessment and taxation all leases of real property and leasehold interests therein for a term less than the life of the holder, shall be and the same are hereby declared to be personal property.

Leases
taxed as
personal
property.

SEC. 2. Standing timber owned separately from the ownership of the land upon which the same may stand or be growing, for the purposes of assessment and taxation shall be considered and is hereby declared to be personal property.

Standing
timber—
personalty.

SEC. 3. Lumber and saw logs shall be assessed and taxed in the county and assessment district where the same may be situated on the first day of March of the assessment year.

Lumber
and saw
logs—where
taxed.

Passed the House February 26th, 1907.

Passed the Senate March 1st, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 109.

[H. B. 201.]

STATE INSURANCE COMMISSIONER.

AN ACT creating the office of State Insurance Commissioner, authorizing the appointment of a Deputy Insurance Commissioner, prescribing his duties and fixing salaries.

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

SECTION 1. The office of State Insurance Commissioner is hereby created. The first officer under the provisions of this act shall be elected at the same time and in the same manner as other elective State officials in 1908, and thereafter such officer shall be elected as other State officers are elected. The first officer under the provisions of this act shall assume the duties of said office on Wednesday after second Monday in January, 1909, and until said Wednesday after the second Monday in January, 1909, the laws now in force with reference to the *ex-officio* insurance commissioner and his duties shall remain operative. Office created.

SEC. 2. The term of office of the State Insurance Commissioner shall begin on Wednesday after the second Monday in January next after his election and shall continue for four years and until his successor is elected and qualified, and said officer shall receive a salary of three thousand dollars per year. Term.
Salary.

SEC. 3. The State Insurance Commissioner shall perform all of the duties that now are or that may be required by law to be performed by the *ex-officio* Insurance Commissioner of this State. Duties.

SEC. 4. The State Insurance Commissioner shall keep his office at the State Capitol, and before entering upon his duties shall execute a bond to the State in the sum of twenty-five thousand dollars to be approved by the Governor, conditioned for the faithful performance of all the duties required or that may be required of him by law, and shall take and subscribe an oath of office, which bond, upon its approval, together with his oath of office, Bond.
Oath.

shall be filed and recorded in the office of the Secretary of State.

Deputy. SEC. 5. The State Insurance Commissioner may appoint a deputy, who shall take and subscribe an oath of office, which oath shall be endorsed upon a certificate of appointment, and filed in the office of the Secretary of State. Said appointment may be revoked at the will of the State Insurance Commissioner, and he shall be held responsible for all official acts of his said deputy. The said deputy shall receive a salary of eighteen hundred dollars per year. The said State Insurance Commissioner may employ a clerk at a salary not to exceed twelve hundred dollars per year and a stenographer at a salary not to exceed seventy-five dollars per month.

Clerk.

Governor
to fill
vacancies.

SEC. 6. Whenever a vacancy shall occur in the office of State Insurance Commissioner it shall be filled by appointment by the Governor, and such appointee shall hold office until the next succeeding general election and until his successor is regularly elected and qualified.

Passed the House March 1st, 1907.

Passed the Senate March 7th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 110.

[H. B. 65.]

AMENDING ACT RELATING TO THE APPREHENSION, TRIAL, TREATMENT AND CONTROL OF DELINQUENT CHILDREN.

AN ACT relating to the apprehension, trial, treatment and control of delinquent children under the age of seventeen years, and amending chapter XVIII of Session Laws of 1905.

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

SECTION 1. That chapter XVIII of Session Laws of 1905, be amended by the addition of a new section, to be numbered section 14 and to read as follows: Section 14. In counties containing cities of the first class, when it shall appear to the court that there is a necessity for such of-

Probation
officers.

ficers, the court shall appoint a chief probation officer, in addition to the officers provided for in section 6 of this act, who shall be paid a sum not to exceed \$125.00 per month, and also a woman probation officer, who shall be paid a sum not to exceed \$83.33 per month as compensation for their services in the same manner as other county officers are paid, and such officers shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests for the violation of any State law or city ordinance.

SEC. 2. That chapter XVIII of Session Laws of 1905, be amended by the addition of a new section to be numbered section 15, and to read as follows: Section 15. In any case in which the court shall find a child neglected, dependent or delinquent, it may in the same or in a subsequent proceeding, upon the parent or parents, guardian or other person having the custody of said child being duly summoned or voluntarily appearing, proceed to inquire into the ability of such person or persons to support the child or contribute to its support, and if the court shall find such person or persons able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its decrees.

Procedure
against
parents.

Passed the House February 5th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 111.

[H. B. 234.]

SALE OF STILLAGUAMISH SALMON HATCHERY SITE.

AN ACT to authorize the State Board of Fish Commissioners to sell the old Stillaguamish salmon hatchery site in Snohomish county.

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

Sale au-
thorized.

SECTION 1. The State Board of Fish Commissioners are hereby authorized to sell and convey all the lands embraced in the old Stillaguamish salmon hatchery site in the county of Snohomish, for the best price obtainable.

Proceeds
paid into
fish hatch-
ery fund.

SEC. 2. That the money derived from said sale be paid into the State Fishery Hatchery fund.

Passed the House March 4th, 1907.

Passed the Senate March 7th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 112.

[H. B. 297.]

RELATING TO THE OFFICE OF SHEEP INSPECTOR.

AN ACT relating to the office of sheep inspector and amending section 1 of chapter LXXVI of the Session Laws of 1901.

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

SECTION 1. That section 1 of chapter LXXVI of the Session Laws of 1901 is amended to read as follows: Section 1. The county commissioners of each county in this State may, immediately upon this act going into effect, appoint a qualified person as sheep inspector for and within the boundaries of their counties, who shall hold office until noon on the second Monday in January, 1903, and until his successor is appointed and has qualified as herein provided; any vacancies by resignation, or otherwise, in said office shall be immediately filled by said county commissioners: *Provided, however,* That the county commis-

County
commis-
sioners to
appoint.

sioners of any county may at any time remove said sheep inspector from office, and declare the said office vacant, without a hearing or without assigning any cause therefor, for such reasons alone as may cause them to deem it expedient to act in the premises; *Provided, further,* That all of the powers in this act conferred upon the board of county commissioners are also hereby conferred upon the State Veterinarian; and in the event that the board of county commissioners of any county shall fail or neglect to appoint a sheep inspector as herein provided, it shall thereupon become the duty of the State Veterinarian to make such appointment, and the person so appointed shall hold office for the time designated herein, and be clothed with all the powers in this act provided. And *provided, further,* That the inspector so appointed shall serve without compensation.

May declare office vacant.

State Veterinarian may appoint—when.

Passed the House February 15th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 113.

[H. B. 338.]

FISH HATCHERY ON OUTLET OF TROUT LAKE.

AN ACT to establish and maintain a state fish hatchery on the outlet of Trout lake in Island county, Washington.

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

SECTION 1. That the State Fish Commissioner is hereby authorized and empowered, and it is hereby made his duty, to establish and maintain a state fish hatchery on the outlet of Trout Lake in section 21, in township 29 north, of range 3 east, Willamette Meridian, in Island county, Washington: *Provided,* That said outlet is suitable for the hatching of salmon.

Fish Commissioner may establish.

Passed the House February 26th, 1907.

Passed the Senate March 7th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 114.

[H. B. 499.]

RELATING TO THE BOARD OF STATE LAND COMMISSIONERS.

AN ACT relating to the board of state land commissioners.

*Be it enacted by the Legislature of the State of Washington:*Report to
Legislature.

SECTION 1. That it shall be the duty of the Board of State Land Commissioners to fully investigate the management of the public lands of the State of Washington, and the laws relating thereto, and to report to each session of the Legislature any changes in the methods of handling the public lands and any changes in the laws relating thereto that may seem to said board wise and proper.

Passed the House March 7th, 1907.

Passed the Senate March 8th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 115.

[H. B. 498.]

APPRAISAL OF IMPROVEMENTS ON STATE LANDS.

AN ACT relating to improvements made on state lands, defining the duty of the board of state land commissioners in appraising the same and declaring an emergency.

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

How made.

SECTION 1. It shall be the duty of the Board of State Land Commissioners, when appraising the value of improvements on State lands, to appraise such improvements at such sum as the improvements add to the value of the lands, for the purpose of selling the land in the manner provided by law.

Emergency.

SEC. 2. An emergency exists and this act shall take effect immediately.

Passed the House March 7th, 1907.

Passed the Senate March 8th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 116.

[H. B. 468.

SURVEY OF PROPOSED STATE ROADS.

AN ACT providing for the survey of certain proposed state roads, by the State Highway Commissioner, and a report on the feasibility of the same.

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

SECTION 1. That the State Highway Commissioner is hereby authorized and it is made his duty to cause an examination, and if necessary a survey to be made to determine the feasibility and utility of the following described proposed State roads, and to make a report of all facts concerning the same to the Legislature of the State of Washington at its next biennial session.

1st. A road and bridge connecting the county roads of Island and Skagit counties.

2d. A road beginning at Hoodsport in Mason county; and running thence by the most practicable route to Duckabush in Jefferson county.

3d. A road beginning at Woodland in Cowlitz county; thence up the north bank of the Lewis river, following as nearly as practicable the county road, and continuing on up the north bank of said river to the mouth of the Big Muddy, a tributary of Lewis river in Skamania county.

4th. A road beginning at a convenient point at or near the limits of Leavenworth, in Chelan county, to connect with a highway entering said city; running thence by the most feasible route along or near the course of Icicle creek to or near the headwaters of said creek; thence by the most practicable route over the divide of the mountains by Icicle Pass; thence southerly by a feasible course to or along the waters of the North Fork of the Clealum river in Kittitas county, to connect with the wagon road running up and along said Clealum river.

5th. A State wagon road in the counties of Garfield and Asotin, beginning at the point where the present county road intersects the north line of the northeast quarter of section four, in township nine, north of range

forty-two, east of the Willamette Meridian in Garfield county, the State of Washington, running thence in a southerly course by the most feasible route along the divide between the watershed of the Tucannon river and the watershed of Pataha creek and the divide between the watershed of Tucannon river and the watershed of Asotin creek, to the summit of the Blue mountains, near what is known as Summit springs; thence by the most feasible route southerly, to the divide between the watersheds of Wenatchee creek and Grouse creek, thence following this divide southwesterly to intersect the Asotin county road near the upper crossing of Grouse creek at or near the line between sections five and six in township six, north of range forty-three, east of the Willamette Meridian in Asotin county, State of Washington.

Passed the House March 1st, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 117.

[H. B. 213.]

GRANTING CERTAIN TIDE LANDS TO THE CITY OF PORT TOWNSEND FOR PARK PURPOSES.

AN ACT authorizing and directing the commissioner of public lands to certify certain tide lands to the governor for deed and authorizing and directing the governor to execute and the secretary of state to attest a deed conveying to the City of Port Townsend certain tide lands for use as, and in connection with its public park, and for no other purposes.

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

SECTION 1. That the Commissioner of Public Lands of the State of Washington be and he is hereby authorized and directed to certify in manner now provided by law in other cases, to the Governor for deed to the city of Port Townsend in the State of Washington, all of the tide and shore lands lying in front of, and abutting upon a part of lot 1 (1) of section one (1) township thirty (30)

Commis-
sioner of
Public
Lands to
certify to
Governor.

north, range one (1) west of the Willamette Meridian, in Jefferson county, State of Washington, and particularly described as follows, to wit:

Commencing at the meander corner between sections one (1) and two (2) of said township and range, running thence south thirty-seven degrees (37°) east along the meander line two hundred and sixty-two and five-tenths (262.5) feet to a point which is the initial point for this description; running thence north fifty-five degrees (55°) east two hundred and sixty-nine (269) feet to the westerly side of East Front street; thence southeasterly along the west side of East Front street seven hundred thirty (730) feet to a point; thence south fifty-seven degrees fifty-eight minutes ($57^{\circ} 58'$) west two hundred and five (205) feet to meander line; thence north thirty-seven degrees (37°) west along said west line seven hundred twenty-one and five-tenths (721.5) feet to the place of beginning, containing three and ninety-seven hundredths (3.97) acres. Also commencing at the meander corner between sections one (1) and two (2) township thirty (30) north range one (1) west, running thence south thirty-seven degrees (37°) east two hundred sixty-two and five-tenths (262.5) feet; thence north fifty-five degrees (55°) east three hundred and ninety (390) feet to the intersection with the easterly side of East Front street which is the initial point for this description, running thence north fifty-five degrees (55°) east two hundred and sixty-five (265) feet to the Inner Harbor line; thence south fifty degrees and thirty-six minutes ($50^{\circ} 36'$) east two hundred and eighty (280) feet; thence south thirty-three degrees five minutes ($33^{\circ} 5'$) east four hundred seventy-eight (478) feet; thence south fifty-seven degrees fifty-eight minutes ($57^{\circ} 58'$) west three hundred and sixty-five (365) feet to the easterly side of East Front street; thence northwesterly along the east side of East Front street seven hundred thirty-five and five-tenths (735.5) feet to the place of beginning, containing five and seventy-nine hundredths (5.79) acres. And the Governor is hereby authorized and directed to execute and the Secretary of

Description.

Deed.

State to attest, with his signature and seal in manner provided by the law now governing the execution of deeds, a deed conveying to the city of Port Townsend all of said tide and shore lands.

Grant for
park pur-
poses.

SEC. 2. That all of the tide and shore lands described in section 1 of this act be and the same are hereby granted to the city of Port Townsend in the county of Jefferson, and State of Washington, to be used by said city as a part of and in connection with its public park and for no other purpose. In case the city of Port Townsend should attempt to use, or permit the use of said land or any portion thereof, for any other purpose, the same shall forthwith revert to the State of Washington, without suit, action or any proceeding whatsoever, or the judgment of any court forfeiting the same.

Reversion.

Passed the House March 1st, 1907.

Passed the Senate March 7th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 118.

[H. B. 273.]

REGISTRATION OF VOTERS.

AN ACT relating to the registration of voters and amending sections 1 and 2 of an act entitled "An act amending sections 1451 and 1453 of Ballinger's Codes and Statutes of Washington, relating to the registration of voters," approved March 12, 1902.

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

SECTION 1. That section 1 of said act be amended to read as follows: Section 1. Such poll books shall at all times, except as herein otherwise provided, be kept at the office of such city or town clerk or officer of registration of such city, town or precinct; and the city or town clerk, and the person designated by the board of county commissioners as herein provided, shall be the officer of registration of such city, town or precinct, and it shall be his duty to register all citizens of such city, town or voting precinct, on such poll books, as hereinafter provided: *Pro-*

Poll books—
where kept.

Officer of
registra-
tion.

vided, that in all cities of the first class, the city council may, by ordinance or resolution, direct that in all or certain of the precincts of such city, designated in such ordinance or resolution, the poll books of such precincts shall be kept open in such precincts for the registration of the voters thereof, and it shall be the duty of the city clerk in cities of the first class to designate by the notice required by section 2 of the act of which this act is amendatory, a time and place where, not less than two, nor more than six consecutive week days as the council may determine, prior to March 1st, of each year, the registration poll books for each precinct so designated by ordinance or resolution, will be open in such precinct for the registration of the voters of such precinct, and the city clerk shall provide for the precinct book in charge of an officer of registration, to be at the place and kept open for the registration of voters qualified to register, between the hours of 9 A. M. and 9:30 P. M. on the days designated in said published notice.

Council may direct poll books to be opened in precincts.

SEC. 2. That section 2 of said act be amended to read as follows: Sec. 2. It shall be the duty of the city or town clerk, or officer of registration, upon receipt of the poll books in this chapter provided for, to cause to be published a notice in a newspaper of general circulation in such city, town or precinct, for ten days, notifying the citizens of said city, town or precinct, that they can register at his office, and if in a city of the first class, in each precinct, which has been designated by the city council, at the place and during the time designated in such notice, as provided in section 1 of the act of which this act is amendatory, according to the provisions of this chapter, and a like notice shall be published each year, within twenty days after the first Monday in January of each year.

Publication of notice.

SEC. 3. This act shall not affect any registration required to be made in the year 1907.

Act not effective in 1907.

Passed the House February 21st, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor, March 11th, 1907.

CHAPTER 119.

[H. B. 497.]

FIXING THE OFFICIAL BOND OF THE COMMISSIONER OF
PUBLIC LANDS, ETC.

AN ACT fixing the official bond of the commissioner of public lands and the auditor and cashier in the office of the commissioner of public lands, and declaring an emergency.

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

Bond of
Commis-
sioner
\$50,000.

SECTION 1. The Commissioner of Public Lands shall enter into a good and sufficient surety company bond, to be approved by, and deposited with the Secretary of State, in the sum of fifty thousand dollars, for the faithful discharge of the duties of said offices. The premium on said bond shall be paid by the State from the incidental fund provided for the Commissioner of Public Lands.

Bond of
Auditor and
cashier
\$20,000.

SEC. 2. The auditor and cashier of the office of the Commissioner of Public Lands shall enter into a good and sufficient surety company bond, to be approved by, and deposited with the Secretary of State, in the sum of twenty thousand dollars, for the faithful discharge of the duties of said office. The premium on said bond shall also be paid by the State from the incidental fund provided for the Commissioner of Public Lands.

Emergency. SEC. 3. An emergency exists and this act shall take effect immediately.

Passed the House March 7th, 1907.

Passed the Senate March 8th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 120.

[H. B. 59.]

AMENDING ACT PROVIDING FOR THE ESTABLISHMENT
AND CREATION OF DRAINAGE DISTRICTS, ETC.

AN ACT amending section 3 of an act entitled "An act to amend sections 3, 9 and 24 of an act entitled 'An act to provide for the establishment and creation of drainage districts and the construction and maintenance of a system of drainage, and to provide for the payment thereof and declaring an emergency' approved March 20, 1895, the same being sections 3717, 3723 and 3738 of Volume 1 of Ballinger's Annotated Codes and Statutes of Washington and declaring an emergency," approved March 13, 1905.

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

SECTION 1. That section 3 of an act entitled "An Act to amend sections 3, 9 and 24 of an act entitled 'An Act to provide for the establishment and creation of drainage districts and the construction and maintenance of a system of drainage and to provide for the means of payment thereof and declaring an emergency,' approved March 20, 1895, the same being sections 3717, 3723 and 3738 of volume 1 of Ballinger's Annotated Codes and Statutes of Washington and declaring an emergency," approved March 13, 1905, be and the same is hereby amended to read as follows: Sec. 3. The board of commissioners of any drainage district organized under the provisions of this act shall on or before the first day of November of each year, make an estimate of the cost of maintenance of the drainage system, constructed in such district which estimate shall include the cost of making any necessary repairs that it might become necessary to make in the maintenance of such system. Such estimate shall be made for the succeeding year and the amount so estimated shall be certified by the board of commissioners to the auditor of the county in which such district is located, on or before said date and the amount thereof shall be levied against and apportioned to the lands in such district benefited by said improvement in proportion to the maximum benefits originally assessed by the judgment of the court, and said

Cost of maintenance to be levied against property.

amount shall be added to the general taxes against said lands and collected therewith.

Passed the House February 26th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 121.

[H. B. 70.]

FEES OF JUSTICES OF THE PEACE.

AN ACT to amend section 1 of an act entitled "An act fixing the fees and compensation of Justices of Peace and declaring an emergency," approved March 9, 1893."

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

SECTION 1. That section 1 of an act entitled "An Act fixing the fees and compensation of justices of the peace, and declaring an emergency," approved March 9th, 1893, be and the same is hereby amended to read as follows:

Schedule

The fees and compensation of justices of the peace shall be as follows, to wit:

For docketing each cause, issuing notice, filings and judgment, to be paid when case is filed	\$1.00
For docketing, filings and order in garnishment . . .	1.00
For trial of each cause	1.00
For issuing subpœna, any number of names25
For approving bond, including justification50
For order and filings for publication of summons . .	.50
For order and filings for commission to take depositions50
For each continuance or adjournment by consent or on motion of either party, except first continuance	.25
For order, transcript and filings on change of venue	1.00
For transcript of judgment75
For issuing writ of venire50
For solemnization of marriage and making return thereof	2.50

For taking affidavits and acknowledgments, each...	.25
For attending with clerk of county commissioners at the opening of polls, per diem.....	3.00
For taking depositions, each folio.....	.10
For issuing warrant in criminal cases.....	.50
For taking recognizance of bail, including justifica- tion75
For committing to jail.....	.50
Passed the House February 26th, 1907.	
Passed the Senate March 1st, 1907.	
Approved by the Governor March 11th, 1907.	

CHAPTER 122.

[H. B. 293.]

RELATIVE TO THE NATIONAL GUARD OF WASHINGTON.

AN ACT relating to the enrollment of the militia, the organization, maintenance and discipline of the National Guard of the state of Washington, providing for the public defense, amending sections 31, 42, 45, 87, 89 and 176 of chapter CVIII of the Session Laws of 1895, repealing section 16 of chapter 155 of the Session Laws of 1903, and declaring an emergency.

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

SECTION 1. That section 31 of chapter CVIII of the Session Laws of 1895, be amended to read as follows:

Sec. 31. The hospital and ambulance corps shall be organized and maintained to conform to regulations now or hereafter to be prescribed for like organizations in the regular army of the United States.

Hospital
corps.

SEC. 2. That section 42 of chapter CVIII of the Session Laws of 1895, be amended to read as follows: Sec. 42.

The military officers of the State shall be chosen as follows: The Adjutant General shall be appointed by the Commander-in-Chief with the advice and consent of the Senate. No person shall be eligible as Adjutant General who has not served as an officer for at least three years in the aggregate in either the National Guard of this State

Adjutant
General—
appoint-
ment and
qualifica-
tions.

or the regular army of the United States, and who is not at the time of his appointment a field, line or regimental staff officer not below the rank of captain in the National Guard of this State: *Provided*, That any Adjutant General may be reappointed from time to time at the expiration of his term in the discretion of the Commander-in-Chief. Any vacancy in said office from any cause may be filled by the Commander-in-Chief in accordance with the preceding provisions, subject to confirmation or rejection by the Senate at the next meeting of the Legislature thereafter. Whenever in this act, service in the volunteer or regular army of the United States or the National Guard of this or any other State is named as a qualification for any commissioned office, service with the First Washington Volunteer Infantry until muster-out of that organization shall be considered to equal three years service in the National Guard of this State. Whenever a vacancy occurs in a commissioned office in any regiment in the National Guard of Washington, above the grade of second lieutenant, the senior officer of the grade next below shall be ordered before an examining board for promotion to such vacancy, and, upon passing proper and satisfactory examination therefor, shall be appointed and commissioned to fill such vacancy: *Provided*, That whenever a vacancy shall occur in a commissioned office of a company, troop or battery, the senior officer next in line in such company, troop or battery shall be ordered before an examining board for examination for promotion to such vacancy, and, upon passing proper and satisfactory examination therefor, shall be appointed and commissioned to fill such vacancy. Vacancies in the grade of second lieutenant of regimental staff shall be filled by appointment and commission from such regimental non-commissioned staff upon proper and satisfactory examination therefor. Vacancies in the office of a second lieutenant of a company shall be filled in the following manner: All the sergeants of the company shall be eligible for appointment and the examining board shall order them to appear before it for a competitive examination for the office: *Provided*, That any sergeant of said

Vacancies
in commis-
sioned
offices—
how filled.

company who may have been appointed a non-commissioned staff officer shall also be eligible for examination and appointment to fill a vacancy in the company of which he was originally a sergeant. The sergeant whom the board considers to be the best qualified for the position after the examination shall be appointed to fill the vacancy. This examination shall be both practical and written. The warrant of any sergeant competing in said examination shall not be affected by his failure to secure promotion. No commissioned officer shall be recommended for promotion who fails to make a record of at least seventy-five per cent on examination, and where said failure has occurred, the officer failing shall be recommended for honorable discharge by the examining board, and the officer next in rank shall be ordered before a board for examination for promotion. No person shall be eligible as captain of a company unless he shall have served at least one year as an officer, and three years in the aggregate in the National Guard of this State, or some other State of the Union, or in the volunteer or regular army of the United States, or is a graduate of a military college requiring at least three years of military service. Service in two or more of these branches may be added together to secure this qualification. For the purpose of this act, the word company, or companies, shall apply to and include cavalry, infantry and artillery forces. Company commanders shall give bond in the sum of \$2,000.00, in form to be prescribed by the Adjutant General, conditioned for the faithful discharge of the duties of their respective offices and the proper care and preservation of the State funds and property in their charge. The Commander-in-Chief shall appoint his staff, and with the exception of the Adjutant General, they shall hold office at his pleasure and their commissions shall expire with the term of the Governor appointing them. The Adjutant General shall be appointed as hereinbefore provided, and shall hold office for four years, and until his successor is appointed and qualified. In the absence of specific orders of the Commander-in-Chief to the contrary, the Adjutant General shall perform all departmental duties

Bond of
company
command-
ers.

Appoint-
ment
of staff
officers.

Duties of
Adjutant
General.

designated for members of the Governor's staff. No person shall be appointed a member of the Governor's staff except as judge advocate or military secretary, unless he shall have served three years in the National Guard of this or some other State, or in the army of the United States.

Term of
officers.

SEC. 3. That section 45 of chapter CVIII of the Session Laws of 1895, be amended to read as follows: Sec. 45. The terms of all officers, not otherwise provided for, shall be continuous: *Provided*, Whenever an officer shall reach the age of sixty-four years, he shall be withdrawn from active service and command for age and placed upon the roll of retired officers with the rank held by him at the time of such retirement.

Retirement.

Allowance
to com-
panies.

SEC. 4. That section 87 of chapter CVIII of the Session Laws of 1895, be amended to read as follows: Sec. 87. There must be audited and allowed by the board of military auditors, to be paid quarterly out of the special military fund to the commanding officer of each infantry, cavalry, artillery and signal corps company, performing the duty required by law, for armory rent and other incidental expenses, the sum of sixty dollars per month, or so much thereof as may be necessary, and to each band twenty-five dollars per month, or so much thereof as may be necessary: *Provided*, That in cities where are located armories owned by the State, such allowances shall be paid to the officer or officers selected by the Commander-in-Chief to have charge of such armories, under such regulations for the government of the same as may be hereafter adopted. The officers to whom such allowances are paid shall render to the Adjutant General quarterly reports showing expenditures for preceding quarter before said allowance is paid.

State to
pay trans-
portation,
etc.

SEC. 5. That section 89 of chapter CVIII of the Session Laws of 1895, be amended to read as follows: Sec. 89. There shall be provided by the State transportation for all officers, and transportation and subsistence for all enlisted men, who shall be ordered out for encampment and field duty, or stated parades, or assembled for duty in case of riot, tumult or breach of the peace, war, insurrection,

invasion or imminent danger thereof, and in addition thereto officers and men upon such duty shall receive pay from the State according to the following schedule: To all commissioned officers, the same pay and allowances as for commissioned officers of the regular army of corresponding grade, branch and term of service. Chief musicians, each \$5 per day. Regimental and battalion non-commissioned staff officers, hospital stewards, first class sergeants of the signal corps, first sergeants, company quartermaster sergeants, musicians who are members of enlisted bands, and company cooks, each \$3 per day; sergeants of infantry, cavalry and artillery, second class sergeants of the signal corps, each \$2 per day; corporals of infantry, cavalry and artillery, acting hospital stewards and first class privates of the signal corps, each \$1.75 per day; musicians and privates of infantry, cavalry, artillery, hospital corps and signal corps, each \$1.50 per day. For each re-enlistment after serving a full term of three years there shall be added ten per cent and service for a full term of enlistment with the regular or volunteer army of the United States, or with the First Washington Volunteer infantry, shall be considered equivalent to a full term of enlistment in the National Guard, and recruits proving such service shall be allowed ten per cent additional on their pay: *Provided*, That this schedule of pay shall apply only to the first thirty days of any particular tour of duty, and after the thirtieth day of such tour, officers and men alike shall receive the pay allowed officers and men in the regular army of corresponding grade and term of service. Necessary transportation, quartermaster's stores and subsistence for troops when ordered on duty shall be contracted for by proper officers and paid for as other military bills. Enlisted men mounted and equipped shall be allowed \$1.50 per day, or as much thereof as may be necessary for each horse actually used by them. Commissioned officers will provide their own subsistence and horses. Extra duty pay to men detailed as clerks and on similar duty may be allowed by the commanding officer of troops on duty, but in no case shall such pay

Pay and allowances.

and extra duty pay exceed \$3 per day, and such extra pay shall not be allowed after thirty days of continuous service. Stated parades shall be February 22nd, May 30th and the 4th of July.

Repeal. SEC. 6. That section 16 of chapter 155 of the Session Laws of 1903 is hereby repealed.

Tax levy. SEC. 7. That section 176 of chapter CVIII of the Session Laws of 1895, be amended to read as follows: Sec. 176. For the purpose of raising revenue for the National Guard there is hereby levied, and the proper officers shall collect, a tax of not to exceed one-fifth of one mill, or so much thereof as may be necessary, upon all the property of the State subject to taxation, for the present fiscal year and for each fiscal year hereafter.

Emergency. SEC. 8. An emergency exists, and this act shall take effect immediately.

Passed the House February 14th, 1907.

Passed the Senate March 1st, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 123.

[H. B. 291.]

DEDICATION TO THE CITY OF TACOMA CERTAIN STATE LANDS FOR STREET, PARK AND BOULEVARD PURPOSES.

AN ACT dedicating to the City of Tacoma all the right, title and interest of the State of Washington in and to certain lands in the city of Tacoma, lying within section 36, township 21 north, range 2 east, W. M., for street, park and boulevard purposes.

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

Description of lands granted. SECTION 1. That the following described lands, as shown in the amended map of second school land addition to the city of Tacoma, to-wit: Blocks 15, 30, 45, 60, 75, 90, 105, 120, 135, 150, 165, 180, 195, 210, 225, 240, 255, 254, 253, 252, 251, 250, 249, 248, 247, 246, 245, 244, 243, 242, 241, 272, 271, 270, 269, 268, 267, 266, 265, 264, 263, 262, 261, 260, 259, 258, 257 and 256, being

a part of school section 36, township 21 north, range 2 east, W. M., Pierce county, Washington, be and the same are hereby dedicated to the city of Tacoma, a municipal corporation of the State of Washington, to be used for street, park and boulevard purposes: *Provided, however,* That if the said city of Tacoma shall ever use or permit the use of said lands for any purpose other than in this act provided, the same shall at once revert to the State of Washington without any suit or action in any court and without any action on the part of the State whatsoever. Reversion.

SEC. 2. That the following described lands, as shown in the amended map of second school land addition to the city of Tacoma, to-wit: Blocks 280, 279, 278, 277, 276, 275, 274 and 273, being a part of school section 36, township 21 north, range 2 east, W. M., Pierce county, Washington, be and the same are hereby dedicated to the city of Tacoma, a municipal corporation of the State of Washington, to be used for street, park and boulevard purposes: *Provided, however,* That if the said city of Tacoma shall ever use or permit the use of said lands for any purpose other than in this act provided, the same shall at once revert to the State of Washington without any suit or action in any court and without any action on the part of the State whatsoever; and *Provided, further,* That as one of the conditions of this grant, it is expressly provided, that if the streets, or any portion of the streets, bordering on said blocks described in this section be vacated by said city, said blocks in this section dedicated shall at once revert to the State of Washington without the act of any court or courts whatsoever and without any act on the part of the State of Washington. Description.

SEC. 3. Nothing in this act contained shall be deemed to in any wise interfere with any existing rights of individuals in and to said lands by reason of lease, contract or other lawfully acquired rights, and the said city of Tacoma shall in no wise interfere with the rights of any parties entitled to the possession of any of said tracts of land: *Provided, however,* That the said city of Tacoma may at any time by purchase, or condemnation under the Rights of individuals saved.

eminent domain acts of the State of Washington, acquire all the rights of any individuals in and to any of said lands upon the payment of just compensation.

Purpose of
act to effect
replat.

SEC. 4. It is the purpose of this act to effect a replat of certain streets and lands in said school land addition to Tacoma and to make the streets within and bordering said school section conform to the established streets of said city of Tacoma outside of said school section.

Passed the House February 25th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 124.

[H. B. 245.]

PRACTICE OF VETERINARY MEDICINE, SURGERY AND DENTISTRY.

AN ACT to define the practice of veterinary medicine, surgery and dentistry in the state of Washington; to regulate the same and to provide penalties for a violation thereof.

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

Practice
defined.

SECTION 1. Any person who shall be regarded as practicing veterinary medicine, surgery and dentistry within the meaning of this act who shall, within this State, (a) by advertisement, or by any notice, sign, or other indication, or, by a statement written, printed or oral, in public or private, made, done, or procured, by himself or herself, or any other, at his or her request, for his or her, claim, announce, make known or pretend his or her ability or willingness to diagnose or prognose diseases, deformities, defects, wounds, or injuries of animals; (b) or who shall so advertise or make known or claim his or her ability and willingness to prescribe or administer any drug, medicine, treatment, method or practice, or to perform any operation, manipulation, or apply any apparatus or appliance for cure, amelioration, correction or reduction or modification of any animal disease, deformity, defect, wound.

or injury, for hire, fee, compensation, or reward, promised, offered, expected, received or accepted, directly or indirectly; (c) or who shall within this State diagnose or prognose any animal diseases, deformities, defects, wounds, or injuries, for hire, fee, reward, or compensation promised, offered, expected, received, or accepted directly or indirectly; (d) or who shall within this State prescribe or administer any drug, medicine, treatment, method or practice, or perform any operation, or manipulation, or apply any apparatus or appliance for the cure, amelioration, alleviation, correction, or modification of any animal disease, deformity, defect, wound, or injury, for hire, fee, compensation, or reward, promised, offered, expected, received or accepted directly or indirectly.

SEC. 2. That it shall be unlawful for any person to practice the profession of veterinary medicine, surgery, or dentistry in this State, who shall not have complied with the provisions of this act.

Practice
unlawful—
when.

SEC. 3. Any person who has practiced the profession of veterinary medicine, surgery and dentistry as herein defined in this State for a period of two years immediately preceding the passage of this act may be deemed eligible to registration as an existing practitioner, and upon presentation to the secretary of the board of veterinary medical examiners, which shall be hereinafter constituted, his sworn affidavit and letters of recommendation from ten responsible freeholders and stock owners in his locality, all such applications to be made on or before July 1st, 1907.

Practitioners
entitled to
registra-
tion.

SEC. 4. Any person who is a graduate of a legally chartered and authorized veterinary college or veterinary department of any university or agricultural college, at the time of the passage of this act, or who shall hold a diploma from such institution prior to 1908, shall be entitled to registration as an existing practitioner upon the presentation of his diploma, duly verified: *Provided*, That this shall apply also to any member of the medical profession who can certify that he is a graduate of any reputable medical college in the United States, Canada or Great Britain.

Graduates
of veteri-
nary college
entitled to
registra-
tion.

Board of
examiners—
Governor
to appoint.

SEC. 5. The Governor of this State shall appoint a board of examiners within sixty days after the passage of this act; said board to be known as the State Board of Veterinary Medical Examiners. This Board shall consist of three veterinarians, resident of this State, each of whom shall be a graduate of a legally chartered and authorized veterinary college or veterinary department of any university or agricultural college, and who shall be of good standing in the profession: *Provided*, That the State Veterinarian shall, *ex-officio*, be a member of said Board, and when there is a State Veterinarian, the Governor shall appoint the remaining two members. One of the members shall be appointed for one year; one for two years; and each succeeding appointment shall be for three years. Each shall hold office until his successor is duly appointed and qualified, unless sooner removed by the Governor. The Governor shall fill any vacancy which shall occur on the Board, and may remove any member of said Board. The Board shall organize by the election of one of the members thereof as president, another of said members as Secretary and a third as Treasurer. The officers are to perform such duties as are usually performed by like officers of similar bodies.

Terms.

Organiza-
tion.

Powers of
board.

SEC. 6. This Board shall have power to make all needed regulations for its government and proper discharge of its duties in accordance with this act, and shall have power to administer oaths, and take testimony concerning all matters within its jurisdiction.

Sessions.

SEC. 7. The meetings of the Examining Board shall be held at least once a year, or at such times and places as it may elect. At any meeting of the Board a majority shall constitute a quorum to transact business, or to conduct examinations.

Certificates
to existing
practition-
ers.

SEC. 8. Said Board shall receive applications for registration, according to sections 3 and 4 of this act, and shall issue a certificate of qualification to all applicants who conform to the requirements for such registration, signed by the members of the Board: *Provided*, That the certificate thus granted specifically and plainly states whether or not

the one to whom it is granted is a graduate in veterinary medicine. Such certificate shall be conclusive as to the rights of the lawful holder of the same to practice veterinary medicine, surgery, or dentistry in this State.

SEC. 9. The fee of registration shall be five dollars Fee. payable in advance to the secretary of the Board.

SEC. 10. From and after July 1, 1907, any person not Examina-
tion. authorized to practice veterinary medicine, surgery, or dentistry in this State, and desiring to enter upon such practice, shall pass the examination required by said Board of Veterinary Medical Examiners. Any person passing License. the required examination shall be eligible to and shall receive a license to practice veterinary medicine, surgery, or dentistry within this State which license shall be signed by the members of the Board. This license shall be recorded in the office of the recorder of the county in which said person resides, the recording fee to be paid by holder of certificate. The fee for such examination shall be Fee. fifteen dollars payable in advance to the Secretary of the Board.

SEC. 11. Any person who is a graduate of a duly Temporary
certificate. chartered recognized veterinary college or veterinary department of a university or agricultural college, who shall make application for examination under this act shall be given a temporary certificate to practice veterinary medicine, surgery and dentistry until the first meeting thereafter called and held by the Board, and no longer. Such temporary certificate must be surrendered at time of such meeting. Failure to surrender such certificate upon receipt of notice from the Secretary of said Board shall constitute a misdemeanor and shall subject the offender to the penalties provided in section 14 of this act.

SEC. 12. The Board shall keep a register of all regis- Register of
practition-
ers. tered practitioners in the State, setting forth such facts as the Board shall see fit. All fees accruing under this act shall be held by the Treasurer of the Board, who shall execute a good and sufficient bond to the State to faithfully discharge his duties, and who shall pay out such Disposition
of fees. funds, only on vouchers, certified by a majority of said

Board. Any funds remaining in his hands at the expiration of his term of office shall be turned over to his qualified successor.

Compensation of Board.

SEC. 13. Each member of said Board shall be entitled to receive five dollars per diem, also actual and necessary traveling expenses, incurred while actually engaged in the discharge of his official duties: *Provided*, Such compensation and expenses do not exceed said income of fees accruing under this act.

Penalty.

SEC. 14. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not more than thirty days for each and every such offense. It shall be the duty of the county attorney of the county in which such violation occurs to conduct all proceedings against violators of this act.

Persons excepted from operation of act.

SEC. 15. Nothing in this act shall be construed to apply to commissioned veterinarians in the United States army or to persons who only dehorn or vaccinate cattle, or castrate or spay domestic animals, or to persons who gratuitously treat diseased animals.

Unlawfully advertising as veterinarian—penalty

SEC. 16. Any person who shall, without having been authorized so to do legally, append any veterinary title to his name, or shall assume or advertise any veterinary title in such a manner as to convey the impression that he is a lawful practitioner of veterinary medicine or any of its branches, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished according to the provisions of section fourteen of this act.

Re-examination.

SEC. 17. In case the examination of any person shall prove unsatisfactory and his name be not registered he shall be permitted to present himself for re-examination within any period not exceeding twelve months next thereafter, and no charges shall be made for re-examination.

Board to render account.

SEC. 18. The Board shall render under oath annually on or before January 1st to the Governor an account of

all fees collected and per diem expenses paid, and pay over the balance into the hands of their successors in office.

Passed the House February 18th, 1907.

Passed the Senate February 27th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 125.

[H. B. 286.]

GRANTING THE RIGHT TO OVERFLOW STATE LANDS FOR CERTAIN PURPOSES.

AN ACT providing for and giving and granting the right, privilege and authority to perpetually back water upon, overflow and inundate with water, lands belonging to the state of Washington, in the erection, construction, maintenance or operation of water power plants, reservoirs, or works for impounding water, for power purposes, irrigation, mining, or other public use.

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

SECTION 1. That there be, and is hereby, granted by the State of Washington the right, privilege, power and authority, to any person or corporation, to perpetually back and hold water upon and over any land belonging to the State of Washington, and to overflow any such land and inundate the same, if it be necessary in the erection construction, maintenance or operation of any water power plant, reservoir or works for impounding water for power purposes, irrigation, mining or other public use. Privilege granted.

SEC. 2. The right, privilege, power and authority herein given and granted shall not be exercised or enjoyed until application shall first be made to the Board of State Land Commissioners to have the amount of damages appraised and fixed, which shall be done within sixty days after such application is made. Application.

SEC. 3. When and as soon as said damages are so fixed and assessed by the Board of State Land Commissioners, the same shall be paid to said officer. Damages.

Passed the House February 26th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 126.

[H. B. 169.]

AMENDING ACT RELATING TO THE INCORPORATION,
POWERS AND DUTIES OF TRUST COMPANIES.

AN ACT relating to the incorporation of trust companies, defining their powers and duties, and amending chapter 176 of the Session Laws of 1903.

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

SECTION 1. Section 4 of chapter 176 of the Session Laws of 1903 is hereby amended so that it will read as follows:

Persons enumerated. SEC. 4. As soon as the certificate of authority is issued by the Secretary of State as provided in the preceding section, the persons named in the articles of incorporation and their successors shall thereupon and thereby become a corporation and shall have power,

(1) To act as the fiscal or transfer agent of any state, municipality, body politic or corporation, and in such capacity to receive and disburse money.

(2) To transfer, register and countersign certificates of stock, bonds, or other evidence of indebtedness, and to act as agent of any corporation, foreign or domestic, for any purpose now or hereafter required by statute or otherwise.

(3) To receive deposits of trust moneys, securities and other personal property from any person or corporation, and to loan money on real or personal securities, and to discount and negotiate promissory notes, drafts, bills of exchange and other evidences of debt; and to buy, sell and exchange coin and bullion.

(4) To lease, hold, purchase and convey any and all real property necessary for and convenient in the transaction of its business, or which the purposes of the corporation may require, or which it shall acquire in satisfaction or partial satisfaction of debts due the corporation under sales, judgments or mortgages, or in settlement or partial settlement of debts due the corporation from any of its debtors.

(5) To act as trustee under any mortgage or bond issued by any municipality, body politic or corporation, and to accept and execute any other municipality or corporate trust not inconsistent with the laws of this State.

(6) To accept trusts from, and execute trusts for, married women, in respect to their separate property, and to be their agent in the management of such property, or to transact any business in relation thereto.

(7) To act, under the order or appointment of any court of record, as guardian, receiver or trustee of the estate of any minor, and as depository of any moneys paid into court, whether for the benefit of any such minor or other person, corporation or party.

(8) To take, accept and execute any and all such legal trusts, duties and powers in regard to the holding, management and disposition of any estate, real or personal, and the rents and profits thereof, or the sale thereof, as may be granted or confided to it by any court of record, or by any person, corporation, municipal or other authority, and it shall be accountable to all parties in interest for the faithful discharge of every such trust, duty or power which it may so accept.

(9) To take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon or intrusted or committed to it by any person or persons, or by any body politic, corporation or other authority, by grant, assignment, transfer, devise, bequest or otherwise, or which may be intrusted or committed or transferred to it or vested in it by order of any court of record, and to receive and take and hold any property or estate, real or personal, which may be the subject of any such trust.

(10) To purchase, invest in and sell stocks, promissory notes, bills of exchange, bonds, debentures and mortgages and other securities; and when moneys or securities for moneys are borrowed or received on deposit, or for investment, the bonds or obligations of the company may be given therefor, but it shall have no right to issue bills to circulate as money.

(11) To be appointed and accept the appointment of assignee or trustee, under any assignment for the benefit of creditors of any debtor, made pursuant to any statute or otherwise.

(12) To act under the order or appointment of any court of record or otherwise as receiver or trustee of the estate or property of any person, firm, association or corporation.

(13) To be appointed and to accept the appointment of executor of, or trustee under, the last will and testament, or administrator with or without the will annexed, of the estate of any deceased person, and to be appointed and to act as the guardian of the estate of lunatics, idiots, persons of unsound mind and habitual drunkards: *Provided, however,* The power hereby granted to trust companies to act as guardian or administrator with or without the will annexed, shall not be construed to deprive parties of the prior right to have issued to them letters of guardianship, or of administration as such right now exists under the laws of this State.

(14) To exercise the powers conferred on and to carry on the business of a safe deposit company.

(15) To collect coupons on, or interest upon, all manner of securities when authorized so to do by the parties depositing the same.

(16) To receive and manage any sinking fund of any corporation, upon such terms as may be agreed upon between such corporation and those dealing with it.

(17) Generally to execute trusts of every description not inconsistent with the laws of this State or of the United States.

(18) To receive money on deposit to be subject to check or to be repaid in such manner and on such terms, and with or without interest, as may be agreed upon by the depositor and the said trust company.

(19) To make and certify abstracts of title to real property and to insure any person or corporation claiming to own or to have any interest in any real property or encumbrance thereon by mortgage, lease, lien, contract or

otherwise against loss by reason of liens, encumbrances or imperfection of title, or any adverse claim of title: *Provided, however*, That no company organized under this act shall be subject to any other insurance law of the State of Washington; *Provided, further*, That no trust company engaged in the business of banking shall be permitted to do any of the acts mentioned in this subdivision.

Passed the House March 4th, 1907.

Passed the Senate March 7th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 127.

[H. B. 254.]

RELIEF OF P. C. HANSON.

AN ACT for the relief of P. C. Hanson, Spokane county, state of Washington, and making an appropriation therefor.

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

SECTION 1. That the sum of two hundred sixteen and fifty one-hundredths (\$216.50) dollars be, and the same is hereby appropriated out of the State treasury from any funds not otherwise appropriated, for the relief of P. C. Hanson. Appropriation \$216.50.

Passed the House March 4th, 1907.

Passed the Senate March 7th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 128.

[H. B. 162.

REGULATING THE EMPLOYMENT OF CHILD LABOR.

AN ACT to regulate the employment of child labor, and to prohibit the employment of persons under the age of nineteen years as public messengers, and fixing a penalty for the violation thereof, and repealing an act entitled "An act to regulate the employment of child labor and to prohibit the employment of females under the age of eighteen years as public messengers and fixing a penalty for the violation thereof," approved March 16, 1903.

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

Unlawful to employ persons under 19 as messengers.

Unlawful to hire any child under 14.

Superior judges may issue permits—when.

Penalty.

SECTION 1. That no person under the age of nineteen years shall be employed as a public messenger by any person, telegraph company, telephone company, or messenger company in any city of the first class in this State, nor shall any child of either sex under the age of fourteen years be hired out to labor in any factory, mill, workshop or store at any time: *Provided*, That any superior court judge may issue a permit for the employment of any child between the ages of twelve and fourteen years at any occupation, not in his judgment, dangerous or injurious to the health or morals of such child, upon evidence satisfactory to him, that the labor of such child is necessary for its support or for the assistance of any parent: And, *provided, further*, That the judge of the juvenile court may issue permits for the employment of any male child over fourteen years of age, as messenger by telegraph, telephone and messenger companies subject to such limitations and conditions as may be imposed by said court. All permits herein provided for shall be issued for a definite time and shall be revocable at the discretion of the judge by whom issued.

SEC. 2. Any employer, or any overseer, superintendent, or agent of such person, telegraph company, telephone company or messenger company who shall violate any of the provisions of this act shall, upon conviction thereof, be fined for each offense not less than ten dollars nor more

than five hundred dollars, or be imprisoned in the county jail not to exceed six months, or by both such fine and imprisonment.

SEC. 3. That chapter one hundred thirty-six of Session Repeal. Laws of 1903, entitled "An Act to regulate the employment of child labor and to prohibit the employment of females under the age of eighteen years as public messengers and fixing a penalty for the violation thereof," approved March 16, 1903, be repealed.

Passed the House February 2d, 1907.

Passed the Senate March 1st, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 129.

[H. B. 190.]

AMENDING ACT PROVIDING FOR THE ASSESSMENT AND COLLECTION OF TAXES.

AN ACT to amend section 58 of an act entitled, "An act to provide for the assessment and collection of taxes in the state of Washington," approved March 15, 1897, being section 1714 of Ballinger's Annotated Codes and Statutes of Washington, and section 8650 of Pierce's Code of the Laws of the State of Washington.

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

SECTION 1. That section 58 of an act entitled "An Act to provide for the assessment and collection of taxes in the State of Washington," approved March 15, 1897, the same being section 1714 of Ballinger's Annotated Codes and Statutes of Washington and section 8650 of Pierce's Code of the Laws of the State of Washington, be amended as follows:

SEC. 58. The county commissioners, the county assessor and the county treasurer, or a majority of them, shall form a board for the equalization of the assessment of the property of the county. They shall meet for this purpose annually, on the first Monday in August, at the office of the auditor, who shall act as clerk of said board, and, having

County
board of
equaliza-
tion.

Sessions.

- Oaths. each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county, and proceed to equalize the same so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, subject to the following rules:
- Duties.
- Valuations raised. *First.* They shall raise the valuation of each tract or lot of real property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, after at least five days' notice shall have been given in writing to the owner or agent.
- Valuations lowered. *Second.* They shall reduce the valuation of each tract or lot which in their opinion is returned above its true and fair value to such price or sum as they believe to be the true and fair value thereof.
- May raise by item or total. *Third.* They shall raise the valuation of each class of personal property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever they believe that such aggregate value is less than the true valuation of the taxable personal property possessed by such individual to such sum or amount as they believe to be the true value thereof, after at least five days' notice shall have been given in writing to the owner or agent thereof.
- May lower non-residents' valuation. *Fourth.* They shall, upon complaint in writing of any party aggrieved, being a non-resident of the county in which his property is assessed, reduce the valuation of each class of personal property enumerated in section 16 aforesaid, which in their opinion is returned above its true and fair value, to such price or sum as they believe to be the true and fair value thereof; and, upon like complaint, they shall reduce the aggregate valuation of the personal property of such individuals who, in their opinion, have been assessed at too large a sum, to such sum or amount as they believe was the true and fair value of his personal property.
- May lower valuation in aggregate.

The county auditor shall keep an accurate journal or record of the proceedings and orders of said board in a book kept for that purpose, showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county commissioners, and a copy of such published proceedings shall be transmitted to the auditor of the state, with the abstract of assessment hereinafter required.

Records of board.

Copy sent to State Auditor.

The county board of equalization may continue in session and adjourn from time to time during three weeks, and shall remain in session not less than three days, commencing on the said first Monday in August, but after final adjournment of the board of equalization the county commissioners shall not have the power to change the assessed valuation of the property of any person, or to reduce the aggregate amount of the assessed valuation of the taxable property of the county, but may correct errors in description or double assessments: *Provided*, That no taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the State Board of Equalization for the purpose of raising the State revenue.

Length of session.

Power after adjournment.

Extension of taxes made after valuations are equalized.

Passed the House February 11th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 130.

[H. B. 175.]

AMENDING ACT PROVIDING FOR PRINTING AND DISTRIBUTING BALLOTS AND REGULATING VOTING AT ELECTIONS.

AN ACT relating to elections and amending sections 7 and 21 of an act entitled "An act providing for printing and distributing ballots at public expense, and to regulate voting at state and other elections," approved March 19, 1890.

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

SECTION 1. That section 7 of said act be amended to read as follows: The Secretary of State and the clerks

Certificates of nomination to be preserved.

of boards of county commissioners of the several counties, and of the several municipal corporations, shall cause to be preserved in their respective offices for six months all certificates of nomination filed in their respective offices under the provisions of this act. All such certificates shall be open to public inspection under proper regulations; to be made by the officers with whom the same are filed. The board of county commissioners of each county in the state shall, at their first session after the taking effect of this act, divide their respective counties into election precincts, and establish the boundaries of the same. Such board of commissioners shall designate one voting place in each precinct and each precinct shall contain two hundred and fifty electors or less, based on the number of votes cast at the last general election; but no precinct shall contain more than three hundred electors. If at any election hereafter three hundred or more votes shall be cast at any voting place, it shall be the duty of the inspector in such precinct to report the same to the board of county commissioners, who shall, at their next regular meeting, divide such precinct as nearly as possible so that the new precincts formed thereof shall each contain two hundred and fifty electors, as nearly as practicable: *Provided*, That in cities of the first class, the duties herein conferred upon the county commissioners shall be performed by the city council of such city; and reports of inspectors herein provided for shall be made to such city council.

Election
precincts—
how estab-
lished.

Voting
booths.

SEC. 2. That section 21 of said act be amended to read as follows: The inspectors of election shall provide in their respective polling places a sufficient number of places, booths or compartments, which shall be furnished with such supplies and conveniences as shall enable the voter conveniently to prepare his ballot for voting, and in which electors may mark their ballots, screened from observation, and a guard rail so constructed that only persons within such rail can approach within fifty feet of the ballot boxes, or the places, booths or compartments herein provided for. The number of such places, booths or compartments shall not be less than one for every fifty electors or fraction

thereof registered in the precinct, or voting at the last preceding election where there is no registration. In precincts containing less than twenty-five voters, the election may be conducted under the provisions of this act without the preparation of such booths or compartments as required in this section. No person other than electors engaged in receiving, preparing or depositing their ballots, or a person present for the purpose of challenging the vote of an elector about to cast his ballot, shall be permitted to be within said rail, and in case of small precincts where places, booths or compartments are not required, no person engaged in preparing their ballots shall in any way be interfered with by any person, unless it be someone authorized by the provisions of this act to assist him or them in preparing his or their ballot. The expense of providing such places or compartments and guard rails shall be a public charge, and shall be provided for in the same manner as the other election expenses. Subsequent to the first Tuesday after the first Monday in November and prior to the first day of December thereafter, the officers charged by law with the division or alteration of election precincts shall, as far as necessary, alter or divide the existing election precincts in such manner that each election precinct shall not contain more than three hundred voters.

Persons permitted in polling place.

Expense of providing polling place.

Division of election precincts.

Passed the House February 21st, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 131.

[H. B. 256.]

ASSESSMENT OF PROPERTY OF TELEGRAPH COMPANIES.

AN ACT to provide for the assessment of the property of telegraph companies.

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

SECTION 1. The State Board of Tax Commissioners shall make an annual assessment of the property of all

Tax Commission to make assessment.

telegraph companies within this State for the purpose of levying taxes thereon for state, county and other purposes.

Defini-
tions.

SEC. 2. For the purposes of this act the following provisions and definitions are made:

(1) The term "board" in this act, without other designation, means the State Board of Tax Commissioners.

(2) Any person, co-partnership, association, company or corporation owning or operating any telegraph or cable line in this State with appliances for the transmission of messages and engaged in the business of furnishing telegraph service for compensation as owner, lessee or otherwise shall be deemed, held and known as a telegraph company.

(3) The word "company" in this act without other designation or qualification shall mean and include any telegraph company as herein defined. The words "property of a company" without other designation or qualification shall mean and include the property of any telegraph company.

(4) The term "property of a company" or "property of the company" as used in this act shall include all franchises, right-of-way, poles, wires, cables, devices, appliances, instruments, equipment and all other real and personal property of such company used or employed in the operation of the company or in conducting its business and shall include all title and interest in such property as owner, lessee or otherwise.

(5) The company operating a line or lines in this State with all property and appliances connected and used therewith in the service, shall be the representative of every title and interest in the property of the company as owner, lessee or otherwise, and notice to the operating company shall be notice to all interests in the property for the purpose of taxation. The assessment and taxation of the property of a company in the name of the owner, lessee or operating company shall be deemed and held an assessment and taxation of all the title and interest in such property of every kind or nature.

(6) The term "general property of the state" shall be

deemed to include all real and personal property appearing upon the assessment rolls and tax rolls throughout the State upon which State, county and local taxes are levied and collected with such changes and corrections made by the board as hereinafter provided.

SEC. 3. The board shall have access to all books, papers, documents, statements or accounts on file, or of record in any of the departments of the State. It shall have like access to all books, papers, documents, statements and accounts on file or of record in counties, towns, cities, villages and assessment districts, and the officers thereof shall in form prescribed by said board make returns to it of all information which may be called for. Said board shall have the power, by a summons signed by a member of said board and served in like manner as a subpoena issued from courts of record, to compel witnesses to attend, give evidence and to produce books and papers. Any member of the board, or the secretary thereof, is authorized to administer the oath to witnesses. The attendance of any witness may be compelled by attachment issued by any superior court upon a proper showing that such witness has been duly served with the summons, and has refused to appear before said board. In case of the refusal of a witness to produce books, papers, documents or accounts, or to give evidence on matters material to the hearing, said board, or any member thereof, may institute proceedings in a proper superior court, to compel such witness to testify, or to produce such books or papers, and to punish him for the refusal. All summons and process issued by such board shall be served by the sheriff of the proper county and such service certified by him to said board, without any compensation therefor. Persons appearing before said board in obedience to a summons, shall, in the discretion of the board, receive the same compensation as witnesses in the superior court, to be audited by the State Auditor, on the certificate of said board. The records, books, accounts and papers of any person, association or corporation, owning or operating telegraph property to be assessed, shall be subject to visitation, investiga-

Powers of
Commis-
sion.

Attendance
of wit-
nesses.

tion, and examination by said board, or by such person as it may designate.

Board may cause depositions to be taken.

SEC. 4. The board, in any matter material to the valuation, assessment or taxation of the property of a company, may cause the depositions of witnesses residing without the State or absent therefrom to be taken, upon notice to the company interested, in like mode as the depositions of witnesses are taken in civil actions pending in the superior court.

Report of company—contents.

SEC. 5. Every company operating a telegraph line or lines, in this State, shall annually between the first day of January and the first day of April in each year, under the oath of the president or other chief officer and the secretary, treasurer, auditor or superintendent of such company, make and file with the board in such form as said board may prescribe, reports containing the following facts:

- (1) The name of the company.
- (2) The nature of the company, whether a person, association, company or corporation, and under the laws of what State or country organized, the date of original organization, date of re-organization, consolidation or merger, with specific reference to laws authorizing the same.
- (3) The location of its principal office.
- (4) The name of the place where its books, papers and accounts are kept.
- (5) The name and postoffice address of the president, secretary, treasurer, auditor, superintendent, general manager, counsel, directors and all other general officers.
- (6) The name and postoffice address of the chief officer or managing agent of the company in Washington and of all other general officers residing in the State.
- (7) The total number of shares of capital stock.
- (8) The par value of the shares of the capital stock for the whole system showing separately: (1) Amount authorized. (2) Amount issued. (3) Amount outstanding. (4) Also the dividends paid thereon.
- (9) The market value of the shares of capital stock

for the whole system, on the dates and for the periods the board may request or specify, but the average market value as near as may be of said shares shall be given at least for one year ending the 31st day of December preceding.

(10) If such capital stock has no market value, the actual value on the dates and for the periods designated by said board.

(11) The funded debt of the company for the whole system, and a detailed statement of all series of bonds, debentures or other securities, forming a part of the funded debt at par value, with date of issue, maturity, rate of interest and interest paid.

(12) The market value of each series of funded debt for the whole system on the dates and for the periods designated by said board, and if the whole or a part of such funded debt has no market value, then the actual value thereof for such dates and periods as said board may specify, but the average market value as near as may be of each series of funded debt shall be given at least for one year ending the 31st day of December preceding.

(13) Such general description of the real estate of the company owned or operated in Washington as would be sufficient in a conveyance thereof, under a judicial decree, directing a sale for taxes to vest in the grantee all title and interest in and to the said property.

(14) A like description of the personal property, including moneys and credits held by the company as a whole system and the part thereof apportioned to the line in Washington.

(15) A statement in detail of all capital stock, bonds or other securities of such company owned by, or held in trust, for the company and the capital stock, bonds, or other securities, of other persons, companies or corporations owned by, or held in trust for it and the par value and the market or actual value of the same.

(16) The description and true value and assessed value of real estate within and without the state and the gross and net income therefrom if the company claims any deduction in the value of its property on account thereof.

(17) A detailed description of all capital stock, bonds, mortgages, securities, credits and other personal property, if any, with the value thereof, owned by the company which is not used or employed in the business and is claimed to be exempt in the valuation of its property for taxation under this act.

(18) Every such company shall also report:

(a) The whole length of the lines of poles, single wire of the entire system and separately in this State.

(b) The length of wire underground and on buildings of the entire system and in this State.

(c) The length of wire and cable submarine for the entire system and in this State.

(d) The number of miles of all wires and cables of the entire system and the miles of all wires and cables in this State.

(e) The number of offices for the entire system and the number of offices in this State.

(f) The number of messages received and transmitted for the entire system and the number received and transmitted in this State.

(19) The entire gross earnings of the company from operation, expenses of operation, net earnings from operation and the income from other sources for the whole system and in Washington and the disposition made of such net earnings and income.

(20) The annual report of the board of directors or other officers to the stockholders of the company.

(21) Such other facts or information as the company may deem material upon the question of the taxation of its property in this State.

(22) Such other facts and information as said board may reasonably require in form or returns prescribed by it.

(23) Any company, association or corporation owning all or a majority of the capital stock of the company operating in this State or having practical control of any such company may be required to make report of such facts and information specified in this section as may be

deemed necessary by the board to a correct valuation and assessment of the property of such operating company.

Blanks.
 Failure to report, effect of.

Blanks for making the above reports shall be furnished to such companies by said board except for the copies of reports required under the provisions of subdivision 20 of this section. In case any company refuses or neglects to make the reports required by this act, or refuses or neglects to furnish any information requested, the board shall inform itself the best it may on the matters necessary to be known in order to discharge its duties with respect to the valuation and assessment of the property of such company.

Property taxed as personalty.

SEC. 6. The property of a company as defined in section 2, subject to taxation under the provisions of this act, is declared to be personal property and the place of assessment and taxation of such property is fixed at the capital of the state.

Company failing to report bound by action of board.

SEC. 7. If any company or its officers or agents shall refuse or neglect to make any reports required by this act or said board, or shall refuse or neglect to permit an inspection and examination of its records, books, accounts, or papers, when requested by said board, or shall refuse or neglect to appear before the board in obedience to a summons, such company shall be estopped to question or impeach the action or determination of the board, except upon satisfactory proof of fraud or mistake injurious to the company. No company shall be allowed in any action or proceeding to question the amount or valuation of its property as assessed by the board unless such company shall have made and filed with such board a full and complete report of the facts and information prescribed by section 5 of this act and called for by the board thereunder, provided the refusal or neglect of such company to file the report in time may on application of the company and for good cause shown be excused by the board on condition that such company shall make a full and complete report of all facts and information mentioned in said section 5 within fifteen days after notice by mail of the amount of the preliminary valuation of the property of

such company and shall appear before the board before the time of the final hearing and make a full disclosure of all property liable to assessment and taxation under this act and show the value of such property to the satisfaction of the board.

Commission
to ascertain
value of
property.

SEC. 8. The board on or between the first day of April and the first day of July in each year, according to their best knowledge and judgment shall ascertain and determine the true cash value of the property of each company within the state. Every such company shall be entitled on its own motion to a preliminary hearing and to present evidence before such board at any time on or between the first and fifteenth days of June relating to the value of the property of such company, or to the value of the general property of the state. On request in writing for such hearing or presentation, the board shall appoint a time and place therefor within the period aforesaid; the same to be conducted in such manner as the board shall direct. Such preliminary hearing shall not impair or affect the right to the further hearing provided for in section 11. The value of the property of a company for assessment shall be made on the same basis and for the same period of time as near as may be as the value of the general property of the state is ascertained and determined. The board shall

Hearings.

Assessment
roll.

prepare an assessment roll and place thereon after the name of each company assessed, the following general description of the property of such company, to-wit: "Real estate, right-of-way, poles, wires, cables, devices, appliances, instruments, franchises and all other real and personal property of said company," which shall be deemed and held to include the entire property and franchises of such company within the State, and all title and interest therein. For the purpose of determining the true cash value of the property of each company, appearing on the assessment roll, the board may, if deemed necessary, view and inspect the property of such company and shall consider the reports filed in compliance with this act, and the reports and returns of the company filed in the office of any officer of this State, and such other evidence or information

Commission
may inspect
property.

as may have been taken or obtained bearing upon the true cash value of the property of the company assessed. In case the companies which own or operate lines lying partly within or partly without the State, the said board shall only value and assess the property within this State. In determining the value of the portion within the State the board may take into consideration the value of the entire system, the mileage of the whole system and of the part within this State, together with such other information, facts and circumstances as will enable the board to make a substantially just and correct determination. When the true cash value of the property of a company within this State shall have been ascertained and determined the amount thereof shall be entered upon the assessment roll opposite the name of the company and shall be, and constitute, the assessment of the entire property of such company within this State for the levy of taxes thereon, subject to review and correction, as hereinafter provided. The board shall thereupon give notice by mail to each company assessed of the amount of its assessment as entered upon such roll.

Assessment
of lines
partly
within and
partly with-
out State.

Amount to
be entered
on assess-
ment roll.

SEC. 9. In making the investigations and holding the hearings provided for in this act, the board may hold its sessions at such times and in such places throughout the State as it may deem proper, or necessary for the convenient performance of their duties, and may adjourn from time to time and from place to place.

Sessions.

SEC. 10. The assessment rolls of telegraph companies shall, by said State Board of Tax Commissioners, be submitted to the State Board of Equalization at its annual meeting held for the purpose of equalizing the assessment valuation of the taxable property of the State; and any telegraph company interested shall have the right to appear and be heard as to the assessment of the property of such company, and as to the value and assessment of the general property of the State, and the said Board of Equalization may, on application or of its own motion, correct the valuation or assessment of the property of such company, in such manner as may in its judgment make

Equaliza-
tion of as-
sessment.

the valuation thereof just and relatively equal with the valuation of the general property of the State. The assessed valuation of the property of any telegraph company as it appears on such rolls, shall not be increased without notice to the company by registered letter, that such increase is contemplated, and fixing a time for a hearing in relation thereto.

Apportionment of values to counties, cities, etc.

SEC. 11. Upon the completion of the equalization of the property of the telegraph companies and other property in the State by the State Board of Equalization, it shall be the duty of the State Board of Tax Commissioners to apportion the value of the properties of such telegraph companies to the county or counties through or into which the lines thereof may extend according to the value thereof in such proportion to the entire value as the length of the line in each county may bear to the entire length of line within the State computed on a wire mileage basis, which valuation, together with a description of the property assessed, giving the name of the company, the length of line and wire mileage in said county, shall be certified by said board to the county auditor of the proper county. The county auditor shall in like manner distribute the value so certified by him to the several cities, towns, road districts, school districts, and other taxing districts in his county entitled to a proportionate value thereof, and each assessment so apportioned shall be placed upon the tax rolls of said county, and the taxes extended against the same as against other property in said county, cities, towns, school, road and other taxing districts.

Passed the House February 26th, 1907.

Passed the Senate March 1st, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 132.

[H. B. 347.]

RELIEF OF SKAMANIA COUNTY.

AN ACT for the relief of Skamania county.

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

SECTION 1. That there is due to Skamania county, Washington, the sum of six hundred fifty and 17-100 dollars (\$650.17), on account of moneys erroneously charged against said county for State taxes on lieu land selections incorrectly assessed by the county assessor of said Skamania county in the year 1904. Appropriation \$650.17.

SEC. 2. The State Auditor is hereby directed to credit said Skamania county, Washington, for said sum of six hundred fifty and 17-100 dollars (\$650.17) for said year 1904 as follows: General fund, \$216.72; school fund, \$423.60; and military fund, \$9.85.

Passed the House March 5th, 1907.

Passed the Senate March 9th, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 133.

[S. B. 159.]

ESCHEATS.

AN ACT relating to escheats.

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

SECTION 1. Whenever any person possessed of any property within this state shall die intestate leaving no heirs, such property shall escheat to, and the title thereto immediately vest in the State of Washington, subject, however, to existing liens thereon, the payments of decedent's debts, and the expenses of administration. When property escheats to State.

SEC. 2. Such estates shall be administered and settled in the same manner as other estates. If at the expiration Administration of estate.

Decree
escheating
property.

of eighteen months after the issuance of letters of administration no heirs shall have appeared and established their claim thereto, the court having jurisdiction of such estate shall render a decree escheating all the property and effects of such decedent to the State of Washington.

Personal
property to
be sold.

SEC. 3. After any estate shall have been escheated as aforesaid, it shall be the duty of the administrator thereof, under the supervision and direction of the court, to sell all the personal property, such sales to be made in such manner and upon such terms and conditions as the court may deem to the best advantage to the estate. The proceeds of such personal property shall be first exhausted before any real property shall be subjected to the debts of decedent, expenses of administration, or the satisfaction of liens thereon.

Tax Com-
mission—
powers in
relation to
escheats.

SEC. 4. The State Board of Tax Commissioners shall have supervision of all matters relating to escheats. Whenever the said Board shall have information that any person possessed of property within this State has died intestate and without known heirs, said Board, or any member thereof, may apply to the court for the appointment of an administrator, or take such other steps as it may deem proper. No sale of any property of such estate, except perishable goods or settlement of any final account, shall be made or be valid until after fifteen days notice thereof in writing and shall have been first served upon the said Board of Tax Commissioners. Said Board, or any member thereof, may demand of any administrator, other officer or person having charge of or being in possession of such estate or property, or any portion thereof, and it shall be the duty of such officer or person to furnish said Board, or any member thereof, any information or copies of any papers, vouchers, claims or reports in his possession, relating thereto, and failure or refusal so to do shall be cause for his removal by the court.

Account of
administra-
tor.

SEC. 5. Upon the settlement of any escheated estate, and before the discharge of the administrator, officer or person in charge thereof, all moneys in his hands shall be paid to the State Treasurer who shall issue his receipt there-

for in duplicate, one of which shall be filed with the State Board of Tax Commissioners, and he shall prepare a duplicate list accurately describing all real property so escheated, one of which shall be filed with the said State Board of Tax Commissioners and one in the office of the Commissioner of Public Lands.

SEC. 6. The State Board of Tax Commissioners shall keep a record in which shall be entered memoranda of all matters and proceedings in relation to escheats, and in which shall be entered a description of all real property escheated, and they shall also keep an account of all moneys collected and paid into the State Treasury under the provisions of this act.

Record of
Tax Com-
mission.

SEC. 7. All escheats shall inure to and become a part of the permanent common school fund of the State, and all escheated real property shall be managed, sold and handled in the manner provided by law for the management, disposition and sale of the State common school lands.

Escheats
belong to
permanent
school
fund.

SEC. 8. It shall be the duty of the Attorney General and of the several county attorneys of the State to advise and assist the said State Board of Tax Commissioners in any and all of the matters and proceedings that may be had under the provisions of this act.

Attorney
General—
duty of.

Passed the Senate February 25th, 1907.

Passed the House March 8th, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 134.

[S. B. 194.]

CORPORATIONS OTHER THAN THOSE FORMED FOR THE PURPOSE OF PROFIT.

AN ACT relating to the organization and powers of corporations other than those formed for the purpose of profit.

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

SECTION 1. Corporations may be formed under the provisions of this act for any lawful purpose except the carry-

Formation—
purposes.

ing on of a business, trade, avocation or profession for profit.

Members—
shares to be
equal.

SEC. 2. The incorporators and members of a corporation formed under the provisions of this act may be individuals, copartnerships or corporations. It shall have no capital stock, and shares therein shall not be issued. The interest of each incorporator or member shall be equal to that of any other, and no incorporator or member can acquire any interest which will entitle him to any greater voice, vote, authority or interest in the corporation than any other member.

Membership
assignable.

SEC. 3. The corporation may issue membership certificates, which certificates shall be assignable under such provisions, rules and regulations as may be prescribed by the by-laws of the company.

Termination
of member-
ship.

SEC. 4. A membership in a corporation formed hereunder may be terminated by voluntary withdrawal, by expulsion and by death. Losses of membership through any such causes and the incidents thereof shall be governed by the by-laws of the company.

Organiza-
tion—
articles.

SEC. 5. Not less than five individuals, co-partnerships, or corporations shall be required to form a corporation hereunder. Articles of incorporation shall be prepared, executed and acknowledged in triplicate; one copy shall be filed in the office of the Secretary of State, another in the office of the county auditor of the county in which the principal place of business of the corporation is located, and the third retained in the possession of the corporation. Such articles shall state the name of the corporation, the purposes for which it is formed, the place where its principal place of business will be, the term for which it is to exist, not exceeding fifty years, the number of the trustees thereof, and the names of the trustees who shall manage the affairs of the corporation for such length of time, not less than two months, nor more than six months, as may be designated in such articles, until the trustees shall be elected by the members. The formation of the corporation shall be complete upon the filing of the articles as herein provided.

SEC. 6. Before transacting any business or acquiring ^{By-laws.} any property the members of the corporation must meet and adopt by-laws. The vote of a majority of all the members of the corporation shall be necessary to the adoption of such by-laws and when adopted the same must be written in a book to be kept by the corporation. The corporation may by its by-laws provide for the time, place and manner of calling and conducting its meetings, the number of trustees, the time of their election, their term of office, the mode and manner of their removal, the mode and manner of filling vacancies on the board caused by death, resignation, removal or otherwise, the power and authority of the trustees, the compensation of the trustees or of any officer, the mode and manner of conducting business, the mode and manner of conducting elections, the qualifications for membership, on what conditions there may be a succession of membership, the manner in which membership shall cease, the mode and manner of expulsion of a member, the termination of a member's interest in the corporate property upon the cessation of his membership, and whether he shall be remunerated therefor, and if so in what manner, the amount of membership fee, and the dues, installments or labor which each member may be required to pay or perform, if any, the charges which may be made for services rendered or supplies furnished the members of the corporation by it, the manner of collection or enforcement of membership fees, dues or charges, and the method of forfeiting the membership interest for nonpayment or nonperformance, the method, time and manner of permitting the withdrawal of a member, if at all, and how his interest may be ascertained and payment made therefor, if the company decide that he should be reimbursed therefor, the formation of a surplus fund and the manner and proportions in which such surplus fund shall be distributed, either upon the order of the corporation or upon its dissolution, and generally, all such other matters as may be proper to carry out the purpose for which the corporation was formed.

Powers of
corporation.

SEC. 7. Corporations formed under this act shall have power of succession by their corporate name for fifty years, in such name may sue and be sued in any court, may make and use a common seal and alter the same at pleasure, may receive gifts and devises, may purchase, hold and convey real and personal property, as the purposes of the corporation may require, may appoint such subordinate agents or officers as the business may require, may demand assessments of members and sell or forfeit their interests in the corporation for default with respect to any lawful provision of the by-laws, may enter into any lawful contracts and incur obligations essential to the transaction of its affairs for the purpose for which it was formed, may borrow money and issue notes, bills or evidence of indebtedness, and may mortgage its property to secure the same as its by-laws may provide, and, generally, may do all things necessary or proper to carry out the purpose of its creation.

Change of
purposes.

SEC. 8. The purpose or purposes for which a corporation is created hereunder may be altered, modified, enlarged, or diminished by the vote of two-thirds of all the members at a special meeting called for such purpose, notice of which meeting shall be given in the manner provided by the by-laws for the giving of notice for the election of trustees.

Amendment
of by-laws.

SEC. 9. The by-laws of the corporation shall prescribe the manner in which they may be amended.

Dissolution.

SEC. 10. Any corporation formed under this act may be dissolved and its affairs wound up voluntarily by the written request of two-thirds of the members. Such request must be addressed to the trustees and specify reasons why the winding up of the affairs of the corporation is deemed advisable, and name three persons, members of the corporation, to act in liquidation. Upon the filing of such request with the trustees, and a copy thereof in the office of the Secretary of State, and of the county auditor of the county where the principal place of business of the corporation is located, the power of the trustee shall cease and the persons appointed shall proceed to wind up the corporation, realize upon its assets, pay its debts and divide

the residue of the money among the members in the proportion to which each member is entitled under the by-laws. This shall be done within the time designated in such request or such further time as may be granted by writing signed by two-thirds of the members and filed in the office of the Secretary of State and of the county auditor of the county where the principal place of business of the corporation is located. No receiver of such a corporation or of its property, or of any right therein, can be appointed by any court upon the application of any member save after judgment of dissolution in an action brought by the State to forfeit its franchise.

SEC. 11. Any corporation formed under the provisions of this act that shall engage in any business, trade, avocation or profession for gain or which shall enter into any agreement or combination in restraint of trade, or to fix or establish the price of any commodity, or to limit or regulate the production or distribution of any commodity, or which shall attempt to restrain trade, or fix or establish the price of any commodity, or limit or regulate the production or distribution of any commodity shall forfeit its right to exist as a corporation and judgment of dissolution may be entered in an action brought by the State to have such forfeiture declared. Nothing herein contained shall be construed to forbid such a corporation accumulating a surplus fund through membership fees and dues, or from charges made its members for services rendered or supplies furnished them by it, and the distribution of such fund among the members in the manner provided by the by-laws.

Not to engage in business for gain, etc.

SEC. 12. Any corporation heretofore formed under any law of this State, the purpose or purposes for the creation of which is such that it might have been formed and carry on business hereunder, may avail itself of the privileges and incur the liabilities prescribed by this act upon a majority vote of all the members to the effect that it desires to reorganize hereunder, the result of such vote to be evidenced by a certificate executed by the president and secretary under the seal of the corporation and filed in the

Existing corporations may reorganize under act.

office of the Secretary of State and of the county auditor of the county where the principal place of business of the corporation is located. Upon the filing of such certificate it shall be endowed with all the privileges and affected by all the liabilities prescribed hereunder, but the time of its existence fixed by its articles shall not be enlarged by such action.

License
fee.

SEC. 13. All corporations formed under the provisions of this act shall pay to the Secretary of State, for the use of the State, the same fee for filing its articles of incorporation and the same annual license fee, as is prescribed by law for other corporations having a capital stock:

Passed the Senate February 18th, 1907.

Passed the House March 8th, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 135.

[S. B. 92.]

SALE AND DISTRIBUTION OF GRAIN SACKS MANUFACTURED AT THE STATE PENITENTIARY.

AN ACT providing for the manner of sale and distribution of all grain sacks manufactured at the State Penitentiary, and declaring an emergency.

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

Grain sacks
to be sold
directly to
farmers.

SECTION 1. All grain sacks manufactured at the State Penitentiary shall be sold directly to the farmers of the State of Washington who are actually engaged in growing grain, and no sacks shall be sold outside the State of Washington nor to any person not engaged in grain growing: *Provided*, That if, during the time hereinafter specified for making application therefor, application shall not be made by actual consumers for all the sacks so manufactured, then the State Board of Control may sell to other persons and elsewhere all sacks in excess of those applied for by actual consumers.

May be
sold to
others,
when.

SEC. 2. The price at which all grain sacks so manufactured shall be offered for sale to actual consumers of the State of Washington shall be fixed by the Board of Control each year.

Board of Control shall fix price.

SEC. 3. At the same time that the Board of Control shall fix the price of said sacks the Board of Control shall apportion all sacks so manufactured among the grain growing counties of the State of Washington, *pro rata*, according to the quantity of grain produced in each of said counties during the preceding year, as determined by the State Grain Inspector, and it shall be the duty of the State Grain Inspector to ascertain and determine, approximately, the yield of grain in each of said counties, for said purpose. Such estimate shall be furnished to the Board of Control on or before April 1st of each year.

Apportionment of sacks among grain growing counties.

SEC. 4. It shall be the duty of the State Board of Control, immediately following such apportionment, to cause notice to be published in at least one newspaper in each of said counties, in which notice the quantity of grain sacks apportioned to such county, and the price fixed for the sale of same shall be stated, and the manner and time of application shall be set forth.

Publication of notice.

SEC. 5. Any resident of the State of Washington actually engaged in growing grain within this State may apply for so many of said sacks as he shall require for his individual use, which application shall be made upon blanks prescribed and furnished by the State Board of Control. In making said application he shall state, under oath, the acreage of grain sown by him for that season, the probable aggregate yield therefrom, that the sacks applied for are intended for his individual use, and such other facts as the Board of Control may require. All such applications for grain sacks must be made and filed with the superintendent of the State Penitentiary prior to the 1st day of July of each year. In the event that all the sacks assigned to any one county shall not be applied for, the sacks not applied for may be ratably apportioned to the other grain growing counties of the State.

Application for purchase.

Payment.

SEC. 6. Upon receiving notice of the acceptance of his application, wholly or in part, the applicant shall forthwith transmit to the superintendent of the State Penitentiary the purchase price of the sacks allotted him, and shall direct the manner and place of delivery of such sacks. Failure to transmit the said purchase price within ten days from receipt of said notice shall cancel his application and forfeit his right to said sacks at the option of the Board of Control. All cost of delivery of said sacks shall be at the expense of the purchaser.

Board of Control to make rules.

SEC. 7. The State Board of Control shall make all rules and regulations consistent with this act and necessary to carry into effect the purposes hereof, and shall provide a uniform and complete form of application for sacks and furnish the same free of cost to all applicants therefor.

Emergency.

SEC. 8. An emergency exists and this act shall take effect immediately.

Passed the Senate February 4th, 1907.

Passed the House March 7th, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 136.

[S. B. 221.]

FILING, PUBLICATION AND CITATION OF SESSION LAWS.

AN ACT relating to the filing, publication and citation of the laws of the state and declaring an emergency.

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

Enrolled bill to be filed with Secretary of State.

SECTION 1. Whenever any bill shall have passed both houses, the house transmitting the enrolled bill to the Governor shall also file with the Secretary of State the engrossed bill, together with the history of such bill up to the time of transmission to the Governor.

Chapter numbers.

SEC. 2. Whenever any bill shall become a law the Secretary of State shall number such bill in the order in which it became a law, commencing with each session of the

Legislature. Such number shall be in Arabic numerals, and shall be the chapter number of the act when published. A citation to the chapter number and year of the Session Laws heretofore or hereafter published shall be a sufficient reference to the act so designated.

Laws may
be cited by.

SEC. 3. The Secretary of State shall cause to be printed for temporary use one thousand copies of each act filed in his office within ten days after the filing thereof, and in the order of its chapter number. The style and size of type, line and number of lines to the page shall be the same as shall be used in the permanent volume of the Session Laws of such session.

Temporary
publication.

SEC. 4. The Secretary of State shall furnish one copy of each act as published to each member of the Legislature at which such law was enacted, to each state officer, and to each state institution; five copies to each of the state educational institutions; and to each county auditor for the use of his county; twenty-five copies to the State Law Library, and such further distribution as may be necessary.

Distribution
of copies.

SEC. 5. When all of the acts of any session have been published in temporary form the Secretary of State shall employ some person who shall be an attorney-at-law to make the proper headings, side annotations and index of such acts or laws and shall, after such work has been completed, have published and bound in good law sheep at least twenty-five hundred copies of such acts, with such headings, annotations and indexes and such other matter as may be deemed essential, including a title page showing the session at which such acts were passed, the date of convening and adjourning of such session, and any other matter deemed proper. When published as above provided the Secretary of State shall deliver the same to the person authorized by law to have the custody and distribution of the same, who shall distribute the same as provided by law, the surplus copies to be sold at ten per cent above the cost thereof; and in determining such cost no account shall be made of the material and press work of the advance sheets or temporary publication of the Session Laws.

Headings,
side annotations
and
index.

Publication.

Distribution
and sale.

Unlawful
to publish,
when.

SEC. 6. It shall be unlawful for any person to print and publish for sale the Session Laws of any session in book form within one year after the adjournment of such session, other than those ordered printed by the Secretary of State, or to deliver to any one other than such officer or upon his order any of the Session Laws so ordered printed by him: *Provided*, This section shall not apply to any general compilation of the laws of this State or to a compilation of any special laws or laws on any special subject.

Emergency.

SEC. 7. An emergency exists and this act shall take effect immediately.

Passed the Senate February 26th, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 137.

[S. B. 186.]

NOTARIES PUBLIC.

AN ACT to amend an act entitled "An act to provide for the appointment, qualification and duties of Notaries Public, certifying their official acts and declaring an emergency to exist," approved December 21st, 1889.

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

SECTION 1. That section 1 of said act be amended to read as follows: Section 1. The act to provide for the appointment, qualification and duties of notaries public, certifying their official acts and declaring an emergency to exist, approved December 21st, 1890, is hereby amended by adding to section one (1) of said act a proviso so that when so amended said section shall read as follows: Section 1. That the Governor may appoint and commission as notaries public as many persons having the qualifications of electors as he shall deem necessary: *Provided*, That no person shall be appointed a notary public except upon the petition of at least twenty free-holders of the county in

Governor
may
appoint.

Petition.

which such person resides: *Provided further*, That women over the age of twenty-one years resident within this State and of good moral character may be appointed. Women may be appointed.

Passed the Senate February 19th, 1907.

Passed the House March 7th, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 138.

[S. B. 198.]

RAILROADS—FROGS AND SWITCHES.

AN ACT relating to railroads and the regulation of railroads, and amending section 1 of chapter XXXV of Session Laws 1899.

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

SECTION 1. That section 1 of an act entitled "An act requiring persons, railroad companies or corporations to so adjust, fill, block and securely guard the frogs, switches and guard rails on their roads as to protect and prevent injury to employes and other persons, and providing a penalty for the violation thereof," approved March 6th, 1899, be, and the same is hereby amended to read as follows: Section 1. Any person or persons, railroad companies or corporations, owning or operating a railroad or railroads in this state, shall be and are hereby required on or before the first day of October, 1899, to so adjust, fill, block and securely guard the frogs, switches and guard rails on their roads as to protect and prevent the feet of employes and other persons from being caught therein. That any railroad operating within this state, shall not employ or use as flagman any person or persons who cannot read, write and speak the English language.

Railroads to guard frogs, switches, and guard rails.

Passed the Senate February 21st, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 139.

[S. B. 116.]

COMMISSION MERCHANTS.

AN ACT regulating commission merchants or persons selling farm, dairy, orchard or garden produce on commission, and providing a penalty for the violation thereof, and repealing an act entitled "An act to regulate the sale of farm, dairy, orchard or garden produce on commission," approved March 21, 1895.

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

Unlawful
to engage
in business
without
license.

SECTION 1. It shall be unlawful for any person, firm or corporation to engage in the business of selling farm, dairy, orchard or garden produce on commission, or to receive or solicit consignments of such produce on commission in the State of Washington without first obtaining a license from the Commissioner of Horticulture to conduct and carry on the business of such commission merchant and giving a bond to the State of Washington, executed by a surety company authorized to do business in this State, the form of said bond to be approved by the Attorney General, for the benefit of persons entrusting such commission merchant with consignments of produce to be sold on commission, in the sum of \$3,000, said bond to be conditioned for the faithful performance of his duties as such commission merchant.

Bond.

Application
for license—
contents.

SEC. 2. Any person, firm or corporation desiring to carry on the business of such commission merchant in this State shall make application in writing under oath to the Commissioner of Horticulture, giving his full name, if an individual, the full name of all the partners if a partnership, and the date of incorporation, the names of the officers, directors and stockholders, and the state where incorporated, and the amount of capital stock actually paid in, if a corporation, stating the name of the city or town where he intends to carry on such business, giving the street and number of building if practicable, and the character of produce for which a license to sell on commission is wanted. The applicant shall also deliver to the Commis-

sioner of Horticulture the State Treasurer's receipt for the sum of ten dollars, together with the bond mentioned in section I of this act. Upon approval of said bond by Commissioner of Horticulture, it shall be the duty of the Commissioner of Horticulture to deliver to such applicant a license to carry on the business of a commission merchant until the 31st day of December of the year in which such license is issued. All bonds given under the provisions of this act, after their approval, shall be filed in the office of the Secretary of State: *Provided*, That all statements made under the provisions of this act shall be for the exclusive information of the Commissioner of Horticulture, and no other person or persons shall be permitted to see or examine the same unless the same shall be required for use in court, and in such case the Commissioner shall provide the same.

Commissioner of Horticulture to issue license.

SEC. 3. Every person, firm or corporation carrying on the business of a commission merchant under the provisions of this act shall keep an accurate and complete set of books, in which shall be truly recorded the amount and character of every consignment received by said person, firm or corporation, from any resident of the State of Washington, with the date of receipt, the name of the consignor and the condition of the shipment, when received; and when the same or any part thereof shall be sold. The name of the person, firm or corporation to whom sold, together with the amount and date of sale, shall be entered. The books of any such commission merchant shall at all times be open and subject to the inspection of the Commissioner or the county fruit inspector or any of his deputies or to any consignor as to any entry concerning shipments made by him.

Commission merchant to keep books.

SEC. 4. Any commission merchant who shall receive from any person, farm, dairy, orchard or garden products to sell on commission, shall immediately send to the consignor or consignors, a statement in writing, showing what property has been received, and the condition thereof. If any such produce is received in a damaged condition and is unfit for sale, or if the markets are overstocked, it shall

Shall notify consignor of receipt of produce.

be the duty of such commission merchant to notify the State Horticultural Commissioner, or county fruit inspector, and take from him a certificate that said produce is not saleable and that it is necessary to destroy the same. Said certificate shall be made in duplicate and one copy thereof shall be transmitted to the consignor.

Shall render statement.

SEC. 5. Whenever any commission merchant sells all or a portion of any produce consigned to him to be sold on commission, he shall, within two days thereafter, render a true statement to the consignor, showing what portion of such consignment has been sold, the price received therefor, the date of sale, the name and address of the purchaser, if requested to do so in writing, and also all charges and expenses paid or incurred on account of such consignment. If any produce be sold for less than the market price that fact shall be noted on such statement, and the reason therefor shall be stated.

Payment for produce within ten days.

SEC. 6. It shall also be the duty of every person, firm or corporation carrying on the business of selling farm, dairy, orchard or garden produce on commission to pay to the consignor within ten days after said sale, the full amount of money due upon the sale of any consignment of produce, after deducting therefrom the amount paid for transportation and drayage, if any, and the commission, which in no event shall exceed ten per cent of the selling price, unless otherwise specified in writing.

Complaints to Commissioner of Horticulture.

SEC. 7. Whenever any consignor, who has consigned farm, dairy, orchard or garden produce, to any commission merchant, shall have, after demand received no remittance for the same or report of the sale thereof, or if in any case after report is made he is dissatisfied with the sale or the report thereof, he may make a verified complaint in writing to the Commissioner of Horticulture, who shall upon receipt of the same investigate the sale or sales complained of, and if upon such investigation it appears that the said commission merchant has failed or neglected to account for such consignment or any part thereof, or has failed or neglected to make a true and complete report thereof, it shall be the duty of the Commissioner of Horti-

Revocation of license.

culture to revoke the license of such commission merchant. Such investigation may be made by the county fruit inspector if the Commissioner shall so direct.

SEC. 8. If any commission merchant shall make any sale of the produce mentioned upon commission and shall fail or neglect to pay the amount received upon such sale as hereinbefore provided the owner or consignor of such produce may bring an action on the bond given by such commission merchant under the provisions of this act and recovery may be had against said commission merchant and the sureties on said bond for the amount due such owner or consignor; and in such action the court may allow a reasonable attorney's fee: *Provided*, If such commission merchant has failed or neglected to account for consignments of produce made to him by two or more consignors and the amount of said bond is not sufficient to pay the amount due all the consignors, they shall be entitled to receive from the proceeds of such bond a *pro rata* share in proportion to the amount due each of such consignors.

Action
on bond.

SEC. 9. It shall be unlawful for any persons engaged in the business of commission merchants to enter into any combination, conspiracy or pool for the purpose of artificially raising or depressing the market price of any farm, dairy, orchard or garden produce, or of excluding from the market the produce of any particular locality grown or manufactured by any person within the State of Washington.

Unlawful
to enter
combina-
tion.

SEC. 10. For the purpose of this act a commission merchant is defined and declared to be any person, firm or corporation whose principal business is the sale of farm, dairy, orchard or garden produce on account of the shipper or consignor.

Commis-
sion mer-
chant
defined.

SEC. 11. Any person, persons, or corporation engaged in selling any property as herein specified who fails or neglects to comply with any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars.

Penalty.

Commissioner of Horticulture to revoke licenses.

SEC. 12. The Commissioner of Horticulture shall revoke any license issued under the provisions of this act whenever the person, firm or corporation holding the same shall be convicted of any violation of this act.

Repeal.

SEC. 13. That an act entitled "An Act to regulate the sale of farm, dairy, orchard or garden produce on commission," approved March 21st, 1895, be and the same is hereby repealed.

Passed the Senate February 11th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 140.

[H. B. 102.]

FEES OF CORPORATIONS.

AN ACT fixing the fees to be paid to the secretary of state by corporations doing business in this state, and providing penalties for failure to pay the same.

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

Filing articles of incorporation.

SECTION 1. Every corporation incorporated under the laws of this State, or of any state or territory in the United States or of any foreign state or country, required by law to file articles of incorporation in the office of the Secretary of State, shall pay to the Secretary of State a filing fee of twenty-five dollars.

Filing amendatory articles.

SEC. 2. Every corporation, foreign or domestic, desiring to file in the office of the Secretary of State articles amendatory or supplemental, or certificates of increase or decrease of capital stock, shall pay to the Secretary of State a fee of ten dollars.

Appointment of agent.

SEC. 3. Every foreign corporation filing in the office of the Secretary of State a certificate of the appointment of an agent residing in this State, or a certificate of the

revocation of such appointment of the resident agent, shall pay to the Secretary of State a fee of five dollars.

SEC. 4. The fee for furnishing a certified copy of Articles of Incorporation, or Articles amendatory or supplemental, or certificates of increase or decrease of capital stock, or certificate of appointment of resident agent, or certificate of revocation of appointment of resident agent, shall be five dollars. Certified copies.

SEC. 5. There shall be no charge for recording any of the documents mentioned in this act or for making or certifying to copies of same other than the fees in this act prescribed, unless the document to be recorded or the copy to be certified shall exceed twenty folios, in which case there shall be a further charge of fifteen cents per folio for all such excess. Recording fees.

SEC. 6. Every corporation incorporated under the laws of this State, and every foreign corporation having its articles of incorporation on file in the office of the Secretary of State shall, on or before the first day of July of each and every year, pay to the Secretary of State, for the use of the State, the following license fees: Every corporation having a capital stock, fifteen dollars. Every corporation failing to pay the said annual license fee, on or before the first day of July of each and every year, and desiring to pay the same thereafter, and before the first day of January next following, shall pay to the Secretary of State, for the use of the State, in addition to the said license fee, the following further fee, as a penalty for such failure: The sum of two dollars and fifty cents: *Provided, however,* That building and loan companies paying special fees provided for in this act under which same are incorporated shall not be required to pay the regular fee provided herein. License fee.
Penalty for failure to pay.

SEC. 7. No corporation shall be permitted to commence or maintain any suit, action or proceeding in any court of this State, without alleging and proving that it has paid its annual license fee last due. A certificate of the payment of such annual license fee, or any duplicate of such certificate under the seal of the Secretary of State, shall be Corporation failing to pay license may not maintain suit.

Tax Commission to sue for license fees.

Names to be stricken.

prima facie evidence of such payment; and the Secretary of State is hereby required to issue such duplicate certificates, upon request, at a charge of 25 cents for each thereof. The State Board of Tax Commissioners may institute suits to enforce the payment of any license fee, due from any corporation, under this or any other law. Failure upon the part of any corporation to pay its annual license fee for a period of one year, from and after the date when such payment first became due, shall be *prima facie* evidence of the insolvency of such corporation, and the fact of such insolvency may be shown by the State or by any private person or corporation: *Provided*, That as to corporations now delinquent in the payment of their annual license fees for a period of one or more years, such presumption of insolvency shall not exist until after one year from the date of the passage of this act and the continuation of such delinquency. It shall be the duty of the Secretary of State to strike from the records of his office the names of all incorporations which have neglected for a period of two years to pay their annual license fees; and any corporation thereafter organized may take and shall have the exclusive right to use the corporate name of any corporation so stricken from the records: *Provided*, That no corporate name shall be so stricken from the records for a period of one year from the date of the passage of this act.

Fee for certifying to corporation laws.

SEC. 8. The fee for furnishing and certifying to a printed compilation of the corporation laws of this State shall be five dollars.

Act not applicable to certain corporations.

SEC. 9. This act shall not apply to domestic corporations organized for religious, social, charitable or educational purposes, or to foreign corporations organized for like purposes, when not engaged in this State in the loaning of money or the conducting of any other business pursuits for profit.

Fees shall be paid in advance.

SEC. 10. All fees provided for in this act are due in advance and shall be paid to the Secretary of State before the services desired are performed.

SEC. 11. All fees received by the Secretary of State under the provisions of this act shall be by him paid into the State treasury as provided by law. Payment into treasury.

Passed the House February 18th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 12, 1907.

CHAPTER 141.

[H. B. 131.]

COMMISSION TO REVISE AND RECODIFY THE CODE OF PUBLIC INSTRUCTION.

AN ACT creating a commission to revise and recodify the Code of Public Instruction of the State of Washington, defining its powers and duties, and making an appropriation for the payment of its actual and necessary expenses.

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

SECTION 1. There is hereby created a State Board of Commissioners whose duty it shall be to recodify, re-arrange and bring into harmony all laws and parts of laws pertaining to the public school system of the State of Washington, the State educational institutions of said State, the making of reports by the executive heads of private institutions of learning, and suggesting such amendments to existing laws as it may deem proper and for the best interests of the educational system or systems of this State. Commission created.

SEC. 2. The Superintendent of Public Instruction shall be *ex-officio* chairman of said Commission, and the Attorney General shall be a member thereof *ex-officio*; and the Governor shall appoint, on or before the first day of August, 1907, three members to serve for a period of eighteen months, one of whom shall be a county superintendent of common schools at the time of his appointment, one a member of a city board of education of a school district containing a city of 10,000 or more inhabitants, and one shall at the time of his appointment be a principal of Personnel of Commission.

a State normal school, the president of the University of Washington, or the president of the State college. The Deputy State Superintendent of Public Instruction shall be *ex-officio* Secretary of said Commission and shall keep a correct record of all its transactions, but shall not be entitled to a vote in its proceedings. All appointive members of said Commission shall qualify within twenty days after receiving notice of their appointment, by subscribing to an oath or affirmation to faithfully perform the duties of their offices in accordance with the spirit and letter of this act.

Sessions.

SEC. 3. Said Commission shall hold its first meeting at the Capital of the State, beginning on the first Tuesday in October, 1907. It shall have power to adjourn from time to time, as occasion may require, and it shall hold such special meetings as may be called by its chairman. It shall complete its work, as contemplated in this act, on or before the first day of November, 1908, and shall submit its report, through its Chairman, to the next succeeding legislature, together with such data concerning the educational systems of other states, and the conditions demanding changes in the educational laws of this State, as it shall deem necessary for the information of the Legislature.

Report.

Compensation.

SEC. 4. No *ex-officio* member of this Commission shall be entitled to any compensation for his services as a member of this Commission, nor shall any member receive compensation for such services who is a paid employee of any state institution of learning in this State, or who is a county superintendent of common schools; but the actual expenses of the appointive members of the Commission shall be paid by the State of Washington, upon the presentation to the State Auditor of vouchers properly certified; and any necessary expense incurred in the collection and collation of such data and information as the Commission may need in the proper prosecution of its work shall be paid by the State of Washington, out of any funds not otherwise appropriated. The State Auditor shall draw warrants on the State Treasurer for all expenses herein provided for, upon the presentation of vouchers certified to by the Su-

perintendent of Public Instruction: *Provided*, That the entire expense of said Commission shall not exceed the sum of five hundred dollars (\$500). No appointive member shall be paid a per diem of more than three dollars per day for the time actually and necessarily spent in attending the meetings of the Commission.

SEC. 5. The completed code proposed by said Commission shall be printed in the form of a Legislative bill and distributed to the members-elect of the Legislature of 1909, on or before December 1st, 1908. All amendments shall be underscored in such draft of the proposed code.

Proposed Code to be distributed to members of Legislature.

SEC. 6. For the purpose of paying the necessary expenses of the Commission in this act provided for, the sum of five hundred dollars (\$500), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated.

Appropriation \$500.

Passed the House February 6th, 1907.

Passed the Senate March 5th, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 142.

[H. B. 285.]

PROVIDING FOR THE FURNISHING OF CARS TO SHIPPERS AND PRESCRIBING THE TIME OF LOADING, TRANSPORTING AND UNLOADING THE SAME.

AN ACT providing for the furnishing of cars to shippers and prescribing the time of loading, transporting and unloading the same, with storage and charges incidental thereto and providing charges and penalties for delay and for the violation of this act and authorizing the Railroad Commission of Washington to prescribe additional rules and to enforce the same and the provisions of this act.

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

SECTION 1. When a shipper makes written application to a railroad company for a car or cars not exceeding ten (10) cars in number during any one day, to be loaded with any kind of freight embraced in the tariff of said company,

Railroad shall furnish cars on application.

stating in said application the character of the freight, and its destination, the railroad company shall furnish same within six (6) days from seven o'clock A. M. the day following such application. Or when the shipper making such application specifies a future day on which he desires to make a shipment, giving not less than six (6) days' notice thereof, computing from seven o'clock A. M. the day following such application, the railroad company shall furnish such car or cars on the day specified in the application. For failure to comply with this section, the company so offending shall forfeit and pay to the shipper applying, the sum of one dollar (\$1.00) per car per day or fraction of a day's delay after expiration of free time, upon demand in writing, made within thirty (30) days thereafter by the shipper.

Penalty.

Freight must be received for shipment.

SEC. 2. Whenever freight of any character, proper for transportation, whether in carload lots or less than carload lots is tendered to a railroad company at its customary place for receiving shipments, and correct shipping instructions given, the railroad company's agent must immediately receive the same for shipment, and issue bills of lading or shipping receipt therefor, and whenever such shipments have been so received by any railroad company, they must be carried forward at the rate of not less than fifty (50) miles per day of twenty-four hours, computing time from seven o'clock A. M. the day following receipt of shipment, and for failure to receive or transport such shipments, within the time prescribed, the railroad company so offending shall forfeit and pay to the shipper the sum of one dollar (\$1.00) per day, per car, or fraction thereof, on all carload freight and one cent per hundred pounds per day or fraction thereof, on freight in less than carloads, with minimum charge of five cents (5 cts.) for any one package, upon demand in writing by the shipper, or some other party whose interest is affected by such delay: *Provided*, That in computing the time of freight in transit there shall be allowed twenty-four hours at such point where transferring from one railroad to another, or re-handling of freight, is necessary.

Freight must be moved fifty miles per day.

Penalty.

SEC. 3. The period during which the movement of cars or freight is suspended or delayed on account of accident, sudden congestion of traffic, unavoidable detention in other states or in other places within this State or any other cause not within the power of the railroad company to prevent, shall be added to the free time allowed in this act, and counted as additional free time.

Unavoidable
delays in
transport-
ing freight.

SEC. 4. Railroad companies shall, within twenty-four hours after the arrival of shipments, give notice, by mail or otherwise, to consignee of the arrival of shipments, together with the weight and amount of freight charges due thereon, and where goods or freight in carload quantities arrive, such notice shall contain, also identifying numbers, letters and initials of the car or cars, and, if transferred in transit the number and initials of the car in which originally shipped. Any railroad failing to give such notice shall forfeit and pay to the shipper, or other party whose interest is affected, the sum of one dollar (\$1.00) per car per day, or fraction thereof, of a day's delay, on all carload shipments, and one cent per hundred pounds per day or fraction thereof, on freight in less than carloads, with minimum charge of five cents (5c) for any one package, after the expiration of the said twenty-four hours: *Provided*, That not more than one dollar (\$1.00) per day be charged for any one consignment not in excess of a carload.

Company
shall give
notice of
arrival.

Penalty.

SEC. 5. Railroad companies shall deliver freight at their depots or warehouses, or, in case of shipment for track delivery, shall place loaded cars at an accessible place for unloading within twenty-four hours after arrival, computing time from seven o'clock A. M. the day following the arrival of freight. Except that carload shipments for track delivery at local stations having not more than one team track, shall be placed at an accessible point for unloading by the conductor of trains on which the car arrives. The shipper or consignee shall be paid one dollar (\$1.00) per car per day for each day, or fraction of a day, such delivery is so delayed.

Delivery
of freight.

Penalty
for delay.

Freight
subject to
demurrage.

SEC. 6. All carload freight or freight carried at carload rates and all freight in cars, whether full carload or not, taking track delivery shall be subject to the demurrage or car service charges prescribed in this act.

Time for
loading
cars.

SEC. 7. A shipper, on whose order a car or cars have been placed, for loading, shall be allowed forty-eight hours (48) for the loading of such car or cars, computing the time from seven o'clock A. M. the day after such car or cars have been placed, subject to the order of the shipper, and thereafter a demurrage of not more than one dollar (\$1.00) per car per day, or fraction of a day, may be assessed and collected on all such cars as have not been tendered to the railroad company with shipping instructions within the said forty-eight (48) hours. Railroad companies shall not be compelled to furnish cars for future shipments to parties in default as to the payment of the demurrage charges herein last provided for, until such demurrage charges have been paid, provided the same has been demanded prior to the commencement of the transportation of the car. If, after placing the car or cars required by this section, the railroad company shall, during or after free time, temporarily remove all or any of them, or in any way prevent, obstruct or delay the loading of same, the shipper shall not be chargeable with the delay caused thereby. When by reason of delay or irregularity on the part of the railroad in filling orders, cars are bunched in excess of the ability of the shipper to load in the order indicated in his applications, the shipper shall be allowed separate and distinct periods of free time within which to load the car or cars specified in each separate application.

Cars
delayed
through
neglect of
shipper—
demurrage
charge.

SEC. 8. A car or cars detained or held at point of shipment for want of proper shipping instructions, or by reason of imperfect or excessive loading, where loading is done by shipper, shall be subject to a demurrage charge of one dollar (\$1.00) per car per day, or fraction of a day, the said car or cars are so detained or held. In case of imperfect or excessive loading by shipper, the shipper shall be notified thereof as early as practicable after said

car or cars have been received from him, in which case car demurrage charges at above rate shall begin from time of notification.

SEC. 9. Legal notice, as referred to in this act, may be either actual or constructive. Where the consignee or his agent is personally served with notice of the arrival of freight at or before six o'clock P. M. of any day, free time begins at seven o'clock A. M. on the day after such notice has been given. Constructive notice referred to shall consist of posting notice by mail to consignee; where this mode of giving notice is adopted there shall be 24 hours additional free time: *Provided, however,* That when, in any case where notice of arrival is given by mail, the consignee shall make oath that neither he, his agents, nor employes, have received such notice, then he will be held not to have received legal notice by reason of posting of said notice by mail. Notice.

SEC. 10. All packages unloaded by railroad companies in their depots or warehouses, and freight which, in order to release cars, is unloaded in the yard space of a railroad company, which is not removed by the owners thereof from the custody of the railroad company within forty-eight hours computing time from seven o'clock A. M. of the day following legal notice of arrival, may be subject to a charge of storage for each day, or fraction of a day, it may remain in the custody of the railroad company: *Provided,* Such company shall allow means of ingress and egress for such removal. Said charges shall be as follows: In less than carloads, not more than one cent per hundred pounds per day or fraction thereof; in carload quantities not more than ten cents per ton of 2,000 pounds per day or fraction thereof, but not exceeding one dollar (\$1.00) per car per day, or fraction of a day: *Provided,* That in no case shall the amount so collected for storage of a less than carload shipment exceed the amount authorized to be charged as storage or demurrage on a carload of similar freight for the same length of time when not unloaded from car, as provided by the demurrage rates of this act. Storage charges.

Delay in unloading cars—demurrage charges.

SEC. 11. Loaded cars containing hay, coal, coke, brick, lumber and shingles in covered cars, and the following articles in bulk: Meat, potatoes, grain and grain products, taking track delivery, which are to be unloaded by consignee, but are not unloaded within forty-eight (48) hours computing time from seven (7) o'clock A. M. the day following the day legal notice of arrival is given, having been placed at an accessible point for unloading, shall be subject thereafter to a charge for demurrage of one dollar (\$1.00) per car for each day, or fraction of a day, that they may remain loaded in possession of the railroad company. All loaded cars, taking track delivery, to be unloaded by consignee, shall be limited to forty-eight (48) hours of free time: *Provided, however,* That if after placing a car or cars, as required in this section, the railroad company shall, during or after free time, temporarily remove all or any of them, or in any way obstruct the unloading of same, the consignee shall not be chargeable with the delay caused thereby: *Provided,* That when on account of delay or irregularity in transportation, cars are bunched in transit and delivered to the consignee in numbers beyond ascertained ability to unload within the free time prescribed in this act, he shall be allowed by the carrier such additional time as may be necessary to unload cars so in excess by the exercise of due and usual diligence on the part of consignee, who shall also increase his unloading facilities co-extensively with the increase of his business.

Unavoidable delay in-unloading freight.

SEC. 12. Whenever the weather, during the period of free time, is so severe, inclement or rainy that it is impossible or impracticable to secure means of loading or unloading freight, or when, from the nature of the goods or freight, loading or unloading would cause injury or damage thereto, such time shall be added to the free period, and no demurrage charges shall be allowed for such additional free time. This section applies to the state of the weather during business hours.

Carload freight, when may be stored in depots.

SEC. 13. Incoming carload freight, coming under the provisions of section 11 of this act, may be stored by rail-

road companies in depots or warehouses at the expense of the owner, if same is not removed before demurrage charges attach: *Provided*, That daily storage charge on such freight shall not exceed the demurrage allowed under this act.

SEC. 14. If the consignee shall refuse to accept freight tendered in pursuance of the bill of lading, the carrier charged with the duty of delivery shall give legal notice to the consignor of such refusal; and if he shall not, within three days thereafter, give directions for the re-shipment or unloading, or other disposition of such goods, he shall thenceforth become liable to such carrier for storage on such goods, or demurrage upon the car or cars in which they are stored, to the same extent, and at the same rate as such charges are under like circumstances, by the provisions of this act imposed upon consignees who neglect or refuse, after notice of arrival, to remove freight of like character from the depots or cars of a carrier. A consignee who has once refused to accept a consignment of goods shall not thereafter be entitled to receive the same, except upon payment of all charges for storage or demurrage which have accrued; and if the consignee of freight in carloads, or less than carloads, shall fail or neglect to remove such freight within three (3) days after the expiration of free time, then the carrier shall, through the agent at point of shipment, so notify the shipper, unless the consignee has signified his acceptance of the property. Said notice may either be served personally or given by mail.

Refusal to accept freight.

Liability of consignor.

SEC. 15. When consignors ship goods consigned to order, but express in their bills of lading or shipping instructions, the name of a person at destination to notify, it shall be the duty of the railroad or other transportation company, to give legal notice to such party in the same way, and under the same rules, as if the shipment had been made direct to him. But when consignors do not comply with this condition, the railroad or other transportation company, shall give notice only to such consignors; except that in shipments of grain or hay, notice shall also

Goods consigned to order—duty of company to give notice.

be given to the local exchanges: *Provided*, That at the expiration of free time the carrier shall give notice thereof to the consignor.

Discrimination prohibited.

SEC. 16. Railroad companies shall not discriminate between persons, places, or commodities, in storage or demurrage charges. No rebate, refund, drawback, average plan or other similar device shall be lawful: *Provided*, That this section shall not apply to package freight received in less than carload lots and unloaded in depots or warehouses, and upon proof of the violation of this section, either and each party to such discrimination, rebate, refund, drawback, average plan or other similar device shall be fined in any sum not less than one hundred and not exceeding one thousand dollars for each offense to be found by the jury in an action brought therefor.

Penalty.

Private cars and tracks.

SEC. 17. No demurrage shall be charged on private cars standing on private tracks, when both cars and tracks are owned by the same person or persons.

Cars for perishable freight.

SEC. 18. Nothing in this act shall be held to relieve any railroad company from furnishing cars for transportation of live stock and perishable freight within a reasonable time after demand therefor even if such time is less than the free time prescribed in this act.

Computation of time

SEC. 19. In all computation of time under this act, Sundays and legal holidays shall be excluded.

Venue of actions.

SEC. 20. Actions to enforce the provisions of this act may be brought in any court of competent jurisdiction in the county in which the cause of action arose or in which the shipment was tendered to or received or delivered by the railroad company and in case plaintiff recovers judgment, in such action a reasonable attorney's fee shall be allowed as a part thereof.

Attorney's fee.

Payment of penalty satisfies claim.

SEC. 21. If any complainant rightly entitled thereto received payment of the charges or penalties imposed in this act for failure to comply therewith, such payment shall be in full of any and all claims for damages growing out of such failure: *Provided, however*, That such complainant may at his election, waive said charges and penal-

Damages.

ties, and claim such actual damage as he may have sustained.

SEC. 22. Full power and authority is hereby given The Railroad Commission of Washington to enforce the provisions of this act either upon or without complaint made, and to prescribe and enforce, when not in conflict with this act, all such additional reasonable rules, regulations and orders as may be necessary, and charges or penalties for the violation thereof, and to modify or suspend the same, in order to compel and require the several railroad companies in this State promptly to receive, receipt for, and forward and deliver to destination all lawful freight, and to make prompt delivery thereof at destination to the consignee; and to require and compel railroad companies doing business in this State to provide and supply cars and other railroad equipment sufficient to transport within a reasonable time after demand therefor all lawful freight properly tendered thereto for shipment within or without this State, and to proceed against any railroad company for failure or refusal to provide and supply such sufficient cars and other equipment; and in case of conviction, such railroad company shall be fined for each such failure or refusal in any sum not less than one hundred dollars and not exceeding five thousand dollars to be found by the jury in an action brought therefor: *Provided*, That upon proof of public calamity, accident, unprecedented increase of business or any other cause of delay not within the power of the railroad company to prevent, no conviction shall be found.

Powers of
Railroad
Commis-
sion.

SEC. 23. In case any railroad company shall fail to furnish a car or cars to transport and deliver freight as herein provided, by reason whereof demurrage charges and penalties become due and payable to shipper or consignee as herein provided, such railroad company shall pay to such shipper or consignee such charges within thirty days from and after demand therefor, and in case of the refusal or neglect of such railroad company to pay such charges and penalties so accrued without good and sufficient cause therefor, it shall be subject to a penalty of two hundred

Penalty for
failure of
company
to pay
charges.

and fifty dollars for each failure or refusal to make such payment, which, together with the costs of suit, shall be recoverable by the Railroad Commission of Washington in the superior court of the State of Washington in any county in this State in or through which said railroad runs or does business.

Actions.

SEC. 24. When any action against any railroad is brought under the provisions of this act for failure to furnish cars, it shall be shown on the trial by competent testimony that the person applying therefor had on hand at the time it became the duty of the railroad under any application so made to furnish the car or cars required, the kind of freight specified in the application ready for shipment in the said car or cars, to the point of destination in the said application stated.

Act may be enforced by injunction.

SEC. 25. The provisions of this act may also be enforced by mandamus or mandatory injunction on the relation or suit of any party affected by the violation thereof or at the instance of said Commission.

Unconstitutionality of part of act not to affect remainder.

SEC. 26. If any section, subdivision, sentence, clause or purpose of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the act.

Passed the House February 25th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 143.

[H. B. 108.]

SALE OF SCHOOL PROPERTY IN CITIES HAVING A POPULATION OF TEN THOUSAND OR OVER.

AN ACT relating to the sale of school property in cities having a population of ten thousand or over, and amending section 95 of chapter CXVIII of the Laws of 1897.

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

SECTION 1. That section 95 of the Code of Public Instruction of the State of Washington, being chapter

CXVIII of the Laws of 1897, be amended so as to read as follows: Section 95. The Board of Directors shall have power to sell any of the property of the district which is no longer required for school purposes at public or private sale upon such terms as they may direct if the value thereof be less than two thousand dollars. The question of the sale of school property which may be found by the Board of Directors to be unsuitable for school purposes, and to be of greater value than two thousand dollars, shall be submitted to a vote of the electors of the district, either at a general election or at a special election called to be held for that purpose, as may be directed by the Board of Directors, and if the majority of the voters of the district voting thereon shall be for the sale of the property the Directors may make the sale at public auction. The sale must be for cash and good title will be conveyed by deed of the Board of Directors, executed by the President or the Vice President and Secretary of the Board.

Directors may sell property not required for school purposes.

Vote of electors necessary, when.

Passed the House February 26th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 144.

[H. B. 222.]

CONTROL, REGULATION, DISTRIBUTION AND MEASUREMENT OF STORED WATERS.

AN ACT providing for the control, regulation, distribution and measurement of stored waters and flowing waters; providing for the appointment of a commissioner and assistants for said purposes; fixing their compensation and tenure of office, and providing a penalty for violation of this act.

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

SECTION 1. That whenever the owner, manager or lessee of a reservoir, constructed for the storage of water to be used for beneficial purposes, shall desire to use the bed of any stream, or other natural water course, for the purpose of carrying stored, or impounded water, from the

Use of natural water course.

reservoir to the user thereof, he shall, in writing, notify the superior court of any county within which said water is stored, carried or used, giving the date when it is proposed to discharge water from such reservoir, and the names of all persons and ditches entitled to its use. The court may then upon a proper showing as to the necessity therefor, appoint a commissioner with qualifications as hereinafter stated, whose duty it shall be to so close, regulate or adjust the head gates of the several ditches taking water from such stream or natural water course, that no more water will flow into said ditch than it is entitled to receive from the water stored in the reservoir or from the unregulated flow of the stream or from both, as determined by decrees of court or as shown by evidences of right properly recorded or by agreement between the parties in interest made with due regard to the legal rights of all, and any person who may be injured by the action of said commissioner, or by his failure to act as herein provided, may resort to any court of competent jurisdiction for such relief as he may be entitled to.

Commissioner, appointment of.

Qualifications of commissioner.

SEC. 2. Such commissioner shall possess such theoretical and practical knowledge of the science of hydraulics as will enable him to supervise the construction and operation of such measuring devices as may be necessary to place in any ditch, canal or stream for the purpose of measurement of water. Said commissioner shall hold said office and discharge the duties thereof from the date of his qualification until the first day of the October following, but said commissioner may be removed or discharged at the pleasure of the superior court appointing him. Said commissioner shall be paid for his said services at the rate of not to exceed seven dollars per day for each day he shall be actually employed in the duties of his office, to be paid by the county in which the work is performed. Said commissioner shall keep a true and just account of the time spent by him in the duties of his office and the time spent by him in the performance of his duties in each county, respectively, and shall present a true copy thereof, together with his bill for his said services, both verified by

Term.

Compensation.

oath, to the board of county commissioners of the county in which the work may have been done. He shall render on the first day of each and every month to the superior court appointing him, a report, verified by oath, detailing the duties performed by him as such commissioner during the preceding month. The said board of county commissioners shall, upon approval thereof by the superior court appointing said commissioner, allow the same and order a warrant drawn for the amount of said approved bill.

SEC. 3. Within ten days after his appointment, and before entering upon the duties of his office, said commissioner shall take and subscribe the oath of office prescribed by the constitution of the State, and shall file a bond to the State of Washington with good and sufficient surety or sureties, to be approved by the superior court appointing said commissioner, in the sum of \$1,000, for the faithful and impartial discharge of his duties.

SEC. 4. Said commissioner may, with the consent of the superior court appointing him, have power to employ and appoint assistants to aid him in the discharge of his duties whenever necessary. Such assistants shall take the same oath as the commissioner, and shall obey his instructions, and shall receive not to exceed five dollars per day for every day such assistant is so employed, to be paid in the manner provided for in section 2 hereof for the payment of the said commissioner.

SEC. 5. It shall be the duty of every appropriator entitled to the use of water of any stream or other natural water course along which stored and impounded waters are being carried, to place and keep in repair in the ditch or canal through which the waters are diverted, a substantial head gate which shall be of such construction that it can be locked and kept closed by the commissioner; and such appropriator shall construct and maintain, when required by the commissioner, a flume or measuring device as near the head of such ditch as is practicable for the purpose of assisting the commissioner in determining the amount of water that may be diverted into said ditch from the stream. Neglect or refusal on the part of any person

Oath.

Bond.

Assistants.

Head gates
to be provided.

Penalty. to place and keep in repair such head gate or measuring box, or, when locked by the commissioner or his authorized assistant for the measurement or apportionment of water, any interference with or disturbance of same, shall be a misdemeanor and shall be punishable by a fine not exceeding \$100, nor less than \$20, or by imprisonment, not to exceed six months, or by both such fine and imprisonment, and the use of water through such device after having been interfered with, disturbed or changed shall be *prima facie* evidence of the guilt of the person benefited by such interference, disturbance or change.

Federal government may avail itself of act.

SEC. 6. The Federal government is hereby authorized to avail itself of all the provisions of this act.

Passed the House February 28th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 145.

[H. B. 64.]

PROVIDING FOR FILING OF NAMES WHEN BUSINESS IS CONDUCTED UNDER AN ASSUMED NAME.

AN ACT providing that when any business, other than a corporation or a limited partnership, is conducted under an assumed name, a certificate showing the real parties in interest shall be filed with the county clerk, and fixing a penalty.

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

Carrying on business under assumed name, true names to be filed.

SECTION 1. That no person or persons shall hereafter carry on, conduct or transact business in this State under any assumed name or under any designation, name or style, corporate or otherwise, other than the true and real name or names of the person or persons conducting such business or having an interest therein, unless such person, or all of such persons, conducting said business, or having an interest therein, shall file a certificate in the office of the county clerk of the county or counties in which said business is to be conducted, which certificate shall set forth

the designation, name or style under which said business is to be conducted, and the true and real name or names of the party or parties conducting, or intending to conduct, the same, or having an interest therein, together with the postoffice address or addresses of said person or persons. Such certificate shall be executed and acknowledged by the party or parties conducting, or intending to conduct, said business, or having an interest therein, before an officer authorized to take acknowledgment of deeds.

SEC. 2. Any person or persons now conducting any business under such assumed name, or under any designation, name or style other than the true and real name or names of all of the parties having an interest therein, shall file a certificate as provided for in section one hereof within thirty days after this act shall take effect, and persons hereafter conducting, or intending to conduct, any business, as set forth in section one above, shall, before commencing business, file such certificate in the manner hereinbefore prescribed.

Certificate to be filed, when.

SEC. 3. Whenever any business is being conducted under any assumed name, or under any designation, name or style other [than] the true and real name or names of all of the parties having an interest therein, and there shall be any change in the ownership or interest therein, then the party or parties who are to conduct such business, or have an interest therein after such change in interest, shall file a certificate as provided in section one hereof, before conducting or transacting any business whatsoever.

Change in ownership.

SEC. 4. This act shall in no way affect or apply to any corporation duly organized under the laws of this State, or to any corporation organized under the laws of another state and lawfully doing business in this State; nor shall this act be deemed or construed to prevent the lawful use of a partnership designation, name or style: *Provided*, That such partnership designation, name or style shall include the true and real name or names of all of the parties conducting such business or having an interest therein;

Act not to affect use of corporate or full partnership names.

nor shall this act affect or apply to any limited partnership now legally organized or to be organized within this State.

Effect of failure to file certificate.

SEC. 5. No person or persons carrying on, conducting or transacting business as aforesaid, or having an interest therein, shall hereafter be entitled to maintain any suit in any of the courts of this State without alleging and proving that such person or persons have filed a certificate as provided for in section one hereof, and failure to file such certificate shall be *prima facie* evidence of fraud in securing credit.

Passed the House February 25th, 1907.

Passed the Senate March 8th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 146.

[H. B. 492.]

BOARD OF STATE LAND COMMISSIONERS.

AN ACT relating to board of state land commissioners and amending section 2130 of Ballinger's Annotated Codes and Statutes of Washington, relating to the creation of a board of appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners, and defining its duties.

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

SECTION 1. That section 2130 of Ballinger's Annotated Codes and Statutes of Washington, be, and the same is, hereby amended to read as follows: Section 2130. The Commissioner of Public Lands, the State Fire Warden and Forester, and the State Board of Tax Commissioners shall constitute the Board of Appraisers, Harbor Line Commission, and for the purpose of selection, appraisalment, sale or lease of school, granted and other lands, the establishment of harbor lines, lease of harbor area and selection and which have been granted, or may hereafter be granted to the State of Washington by the United States, and who,

Personnel of Board.

for the purposes of this act, shall be generally known and designated as the Board of State Land Commissioners.

Passed the House March 7th, 1907.

Passed the Senate March 8th, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 147.

[H. B. 242.]

REGULATING PILOTS AND PILOTAGE ON PUGET SOUND.

AN ACT governing and regulating pilots and pilotage on the waters of Puget Sound, its inlets, bays and harbors, and prescribing punishments for the violations thereof, prohibiting piloting by unlicensed persons and the employment of unlicensed persons as pilots, defining offenses under this act and prescribing penalties for the same, and repealing sections 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242 and 3243 of First Ballinger's Annotated Codes and Statutes.

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

SECTION 1. That no person shall pilot on Puget Sound waters unless he shall hold a pilot's license from the United States Government for Puget Sound waters and that he shall not pilot a vessel of any greater tonnage than his license provides and must have had at least one year's experience as pilot of over-sea or coasting vessels of at least fifteen hundred gross tons. License required.

SEC. 2. Each vessel, its tackle, apparel and furniture, and the master and the owner thereof, are jointly and severally liable for the compensation of any pilot employed for such vessel; and such pilot shall have a lien upon such vessel, her tackle, apparel and furniture, for such compensation. Compensation.

SEC. 3. Nothing in this act shall be construed to compel any vessel to employ a pilot; but no pilot shall be employed by any such vessel for the waters aforesaid ex-

Penalty for employing other than licensed pilot.

cept one licensed under the provisions of this act. The master of any vessel subject to the provisions of this act who knowingly employs any person to act as pilot in such waters who is not so licensed shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars and not more than five hundred dollars, and shall be imprisoned in the county jail of the county wherein he is so convicted until said fine, and the costs of prosecution, are paid.

Penalty for acting as pilot without license.

SEC. 4. Any person who has not been licensed as provided in this act, or whose license is then suspended or has been revoked, who shall offer or undertake to pilot, or shall pilot, any vessel subject to the provisions of this act, upon any of the waters of Puget Sound, its bays, harbors or inlets, shall be guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than two hundred dollars, and not more than five hundred dollars, and shall be imprisoned in the county jail of the county wherein he is so convicted until said fine, and the costs of his prosecution, are paid.

Certain vessels exempt from provisions of act.

SEC. 5. That vessels regularly in the coasting trade between ports of the United States or between such ports and ports in Alaska, whether such vessels touch at a British Columbia port or not, and vessels regularly in the carrying trade between United States ports and British Columbia ports, and pilots of such vessels while engaged thereon, are exempt from the provisions of this act.

Repeal.

SEC. 6. That sections 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, and 3243 of First Ballinger's Annotated Codes and Statutes, and all other acts and parts of acts relating to pilotage on Puget Sound and the Straits of Fuca, be, and the same hereby are, repealed.

Passed the House March 1st, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 148.

[H. B. 309.]

CIGARETTES.

AN ACT to regulate and in certain cases to prohibit the manufacture, sale, keeping, keeping for sale, owning, or giving away of cigarettes, cigarette paper, cigarette wrappers, and other substitutes for the same, and providing penalties for the violation thereof.

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

SECTION 1. That it shall be unlawful for any person, by himself, clerk, servant, employe or agent, directly or indirectly, upon any pretense or by any device, to manufacture, sell, exchange, barter, dispose of or give away, or keep for sale, any cigarettes, cigarette paper or cigarette wrappers, or any paper made or prepared for the purpose of being filled with tobacco for smoking; and any person, for violation of the same, shall be guilty of a misdemeanor, and upon conviction shall, for the first offense, pay a fine of not less than ten dollars (\$10) nor more than fifty dollars (\$50) and cost of prosecution, and stand committed to the county jail until such costs are paid; and for the second and each subsequent offense, shall pay, upon conviction thereof, a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and the cost of prosecution, or be imprisoned in the county jail not to exceed six months: *Provided*, That the provisions hereof shall not apply to the sales of jobbers doing an interstate business with customers outside the State.

SEC. 2. This act shall take effect September 1, 1907.

Passed the House February 20th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 13th, 1907.

Manufacture, sale, etc., unlawful.

Penalty.

Act effective September 1, 1907.

CHAPTER 149.

[S. B. 139.]

STATE HIGHWAYS.

AN ACT creating a state highway board and the office of state highway commissioner, fixing his compensation, prescribing their duties and providing for the survey, establishment, construction, maintenance and repair of state highways, and providing for the expenditure of moneys appropriated by the state or counties for the survey, establishment, construction, building, maintenance and repair of state highways, and making an appropriation therefor, and repealing sections 1, 2, 3, 4, 5, 6, 7 and 8 of chapter 174, Session Laws 1905, approved March 13, 1905, and declaring an emergency.

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

SECTION 1. There is hereby created the office of State Highway Commissioner and a State Highway Board. The said State Highway Commissioner shall be appointed by the Governor and shall hold his office for four years unless sooner removed for cause; said Commissioner shall be a capable and experienced civil engineer and surveyor and shall receive an annual compensation of \$2,500 a year, and shall be allowed his actual traveling expenses while officially employed, not to exceed \$1,000 in any one year, and shall be allowed his office expenses not to exceed \$1,200 in any one year. He shall take oath of office and shall give a bond in the sum of \$5,000 conditioned for the faithful performance of his duties; the said Highway Board shall be composed of the State Auditor, the State Treasurer and the State Highway Commissioner. The State Auditor and State Treasurer shall each be allowed his actual traveling expenses while engaged in official duties as members of such State Highway Board.

Governor
to appoint
Highway
Commis-
sioner.

Compensa-
tion.

Bond.

Office.

Records.

SEC. 2. The Commissioner shall be furnished with a suitable office in the capitol building where his records shall be preserved, and said office shall be kept open at such times as the business of the Commissioner shall require. He shall keep a record of all proceedings and orders pertaining to the matters under his direction and copies of all plans, specifications and estimates submitted to him. The

Commissioner shall prepare and submit, ninety days before the session of each Legislature of the State of Washington, a report of the work constructed or under construction and shall make recommendation as to the needed state highways together with the estimated cost of such needed highways.

SEC. 3. It shall be the duty of the State Highway Board to decide what portion of the amount appropriated for any state road shall be expended within the boundaries of the several counties through which it is proposed to pass and shall so notify the county commissioners of the several counties.

Highway Board to apportion appropriation to counties.

SEC. 4. Whenever any money is appropriated for the construction of a state road, the State Highway Commissioner shall, unless such road has been theretofore surveyed, cause survey to be made of the entire length of such highway, and cause the same to be mapped both in outline and profile, and shall also cause plans and specifications for the construction of such highway to be prepared. Such maps, plans and specifications shall be thereupon submitted to the State Highway Board, and no portion of any appropriation shall be expended upon such road until the State Highway Board shall have declared such road feasible and shall have approved said outline and profile maps and said plans and specifications.

Surveys, maps and plans.

SEC. 5. The State Highway Commissioner shall have authority to employ such civil engineers and assistants as may be necessary to carry out the provisions of section four, and to provide for superintendence of construction work on state roads, and the expense so incurred shall be considered a part of the cost of the road in connection with which such expense is incurred and shall be a charge against the fund appropriated for the construction of such road. He shall also have authority to employ an expert draughtsman at a salary of \$1,800 per year, such salary to be paid out of the public highway fund.

Commissioner may employ engineers.

SEC. 6. The State Highway Board is hereby authorized through the Attorney General or under his supervision, to condemn lands for the construction of state roads in the manner prescribed by law for the condemnation of

Eminent domain.

lands for county roads: *Provided*, That the cost of such right-of-way shall be borne by the county in which it is situated.

Bids for
construc-
tion.

SEC. 7. Upon the approval of the maps, plans and specifications as provided for in section four, it shall be the duty of the State Highway Commissioner to advertise for bids for the construction of such highway, or such sections thereof as the State Highway Board shall designate, according to such maps, plans and specifications. Advertisements for such bids shall be made by publication in the official county paper, and also in some daily paper of general circulation in the state to be designated by the Public Highway Commissioner, for not less than three consecutive weeks prior to the time set for the opening of said bids. All bids received shall be opened by the State Highway Board at its office at the capitol. Said State Highway Board shall have the right to reject any and all bids if in its opinion good cause exists therefor, but otherwise shall award the contract to the lowest and best bidder. The State Highway Board shall require a surety bond from the successful bidder in the full amount of the contract, conditioned for the faithful performance thereof according to law. Each bidder shall deposit with his bid, a certified check in an amount equal to five per centum of the amount of his bid. Should the bidder to whom the contract is awarded fail to enter into a contract and furnish the bond hereinbefore provided within ten days after the notice of such award, the amount of such check shall be forfeited to the public highway fund. The checks of all unsuccessful bidders shall be returned after the contract is awarded and a bond given. Nothing in this section shall be construed to prevent the employment of convict labor when otherwise authorized by law.

Bond of
bidder.

Highway
Board to
audit
bills.

SEC. 8. The State Highway Board shall examine and allow or disallow all bills for work done or materials furnished, and certify all claims allowed to the State Auditor. In the event that counties appropriate money to aid in the construction of any state road, such sum so appropriated shall be expended upon vouchers approved by the

State Highway Board, and the county auditor is authorized to draw his warrant upon such vouchers.

SEC. 9. After the completion of any road constructed or repaired by the state under this act it shall become the duty of the board of county commissioners of the respective counties in which said road or any portion thereof extends, to keep the same within the boundaries of their respective counties in repair at the cost of said county, and under the supervision of the State Highway Board. The word "road" in this act shall be deemed to include all tunnels, culverts and bridges built by, or with aid from the state used for highway purposes.

Counties
to repair
roads.

SEC. 10. All expenses of the State Highway Commissioner's office, including salary, office expenses, traveling expenses, and all expenses of the Highway Board shall be paid out of the public highway fund.

Expenses
paid out of
highway
fund.

SEC. 11. In addition to his other powers and duties, the State Highway Commissioner shall compile statistics relative to the public highways throughout the state, and shall collect all information in regard thereto deemed expedient. He shall investigate and determine upon various methods of road construction adapted to different sections of the state, and as to the best methods of construction and maintenance of roads and bridges, and such other information relating thereto as he shall deem appropriate. He may be consulted at all reasonable times by county officers having care and authority over highways and bridges, and shall advise such officers relative to the construction, repair, altering or maintenance of the same; and shall furnish such other information and advice as may be requested by persons interested in the construction and maintenance of public highways, and shall at all times, lend his aid in promoting highway improvement throughout the state. He shall co-operate with all highway officers and shall assist county authorities, and, when requested by them, furnish them with plans and directions for the improvement of the public highways and bridges.

Duties of
Commis-
sioner.

SEC. 12. The road supervisors and the county commissioners of any county, and all other officers who now have or may hereafter have by law the care and supervision of

County
officers to
furnish in-
formation.

the public highways and bridges shall, from time to time, upon the written request of the State Highway Commissioner furnish him with all available information in connection with the building and maintenance of the public highways and bridges in their respective localities.

Repeal. SEC. 13. Sections 1, 2, 3, 4, 5, 6, 7 and 8 of chapter 174, Session Laws 1905, are hereby repealed.

Emergency. SEC. 14. An emergency exists and this act shall take effect immediately.

Passed the Senate February 28th, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 150.

[H. B. 469.]

PUBLIC HIGHWAYS.

AN ACT to provide for the improvement of the public highways, providing for the payment of cost thereof in part out of the Public Highway Fund of this state, and in part out of the General Road and Bridge Fund, District Road Fund and property benefitted, and making an appropriation therefor.

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

County
commis-
sioners to
pass reso-
lution—
when.

SECTION 1. The board of county commissioners in any county of the state may, and upon the presentation of a petition as provided in section two hereof, must pass a resolution that public interest demands the improvement of any public highway, or section thereof, situated within such county, and described in such resolution, but such description shall not include any portion of a highway within the boundaries of any city or incorporated town, and within ten days after the passage of such resolution, shall transmit a certified copy thereof to the State Highway Board.

Petition
of abutting
property
owners.

SEC. 2. The owners of two-thirds of the lineal feet fronting on any such public highway or section thereof in any county of the state may present to the board of county

commissioners of such county a petition setting forth that the petitioners are such owners and that they desire that such highway or section thereof be improved under the provisions of this act.

SEC. 3. Such State Highway Board upon receipt of such resolution shall investigate and determine whether the highway or section thereof sought to be improved is of sufficient public importance to come within the purposes of this act, taking into consideration the use, location and value of such highway or section thereof for the purpose of common traffic and travel, and after such investigation shall certify their approval or disapproval of such resolution. If they shall disapprove such resolution, they shall certify their reason therefor to such board of county commissioners.

SEC. 4. If they shall approve such resolution, the State Highway Commissioner shall cause the highway or section thereof therein described to be surveyed and mapped both in outline and profile. When in the judgment of the State Highway Board the public interest will be subserved, they may employ the county surveyor or engineer of the county in which such highway or section is located, to make the necessary surveys and superintend the construction of such highway or section thereof. The State Highway Commissioner shall indicate how much of such highway or section thereof may be improved by deviation from the existing lines whenever it shall be deemed of advantage to obtain a shorter or more direct road without lessening its usefulness, or wherever such deviation is of advantage by reason of lessened gradients. He shall also cause plans and specifications and an estimate of the cost of construction of said highway or section thereof to be thus improved to be made for telford, macadam or gravel roadway or other suitable construction, taking into consideration climate, soil and materials to be had in the vicinity thereof and the extent and nature of the traffic likely to be upon such highway, specifying in his judgment the kind of road a wise economy demands. The improved or permanent roadway of all highways so improved shall not be less than eight feet nor more than sixteen feet in width with

Highway Board to investigate.

Surveys and maps.

Estimate of cost.

shoulders of not less than two feet nor more than four feet in width, unless for special reasons to be stated by such Highway Commissioner it is required that it shall be of greater width.

Maps, plans, etc., to be transmitted to county commissioners.

SEC. 5. Upon the completion and approval by the State Highway Board of such maps, plans, specifications and estimate such Highway Commissioner shall transmit to the board of county commissioners of such county a certified copy of the same and the certificate of the State Highway Board of the approval of the highway or section thereof so designated as aforesaid.

County commissioners may adopt plans.

SEC. 6. After the receipt thereof, upon a majority vote of such board of county commissioners, it may adopt a resolution that such maps, plans, specifications and estimate are by them approved and that such highway or section thereof so approved shall be constructed under the provisions of this act, and directing the raising of the county's share of the expense, and thereupon shall transmit a certified copy of such resolution to the State Highway Board, and the State Highway Commissioner is hereby authorized, empowered and directed to proceed with the construction of said highway in the order provided in section eleven. When a board of county commissioners has once adopted the resolution approving the plans and specifications of the State Highway Commissioner and directing the raising of the county's share of the expense, no resolution thereafter adopted by such board shall have the effect of rescinding or annulling such prior resolution. In case of any highway which lies upon the line which divides two or more counties, such resolution must be adopted separately by each county within which a portion of such highway lies; and the date of the receipt by the State Highway Commissioner of a certified copy of the resolution passed by the board of county commissioners last approving such plans, shall determine its place upon the list of roads to be taken up for construction as provided by section eleven of this act.

Right-of-way.

SEC. 7. In case the boundaries of such proposed highway shall deviate from the existing highway, the board of county commissioners must make provision for securing

the requisite right-of-way prior to the execution of the contract or contracts for the improvement. The county commissioners are hereby authorized to acquire such right-of-way by purchase or condemnation, in the manner now provided by law for acquiring right-of-way for the county roads. The cost of such right-of-way shall be deemed a part of the cost of such highway.

SEC. 8. Upon receipt of the certified copy of the resolution provided in section six, the State Highway Board shall advertise for bids for three successive weeks in a newspaper published at the county seat of such county and in such other newspapers as shall be deemed of advantage for the construction of such highway or section thereof, according to such plans and specifications, and award such contract to the lowest responsible bidder, except that no contract shall be awarded at a greater sum than the estimate provided in section four. The board of county commissioners of a county in which any portion of such highway lies may offer bids and be awarded such contracts for and on behalf of their respective counties. But if no bid otherwise acceptable be made within such estimate, such State Highway Commissioner may amend his estimate, certifying the same to the board of commissioners, and upon the adoption by it of a resolution as provided in section six, based on such amended estimate, proceed anew to obtain bids and award the contract as herein provided. The Highway Board may reject any or all bids, and before entering into any contract for such construction, they shall require a corporate surety bond, conditioned that if the proposal shall be accepted the party thereto will perform the work upon the terms proposed and within the time prescribed and in accordance with the plans and specifications; and as a bond of indemnity against any direct or indirect damages that shall be suffered or claimed for injuries to persons or property during the construction of such road and until the same is accepted. The State of Washington shall in no case be liable for any damages suffered. Partial payments may be provided for in the contract, and paid in the manner herein provided when certified to by such State

Advertisement for bids.

Contract.

Board may reject bids.

Bond of contractor.

Highway Commissioner to an amount not to exceed eighty per centum of the value of the work done; twenty per centum of the contract price shall be retained until the entire work has been accepted.

Payment.

SEC. 9. One-half of the expense of the construction thereof shall be paid by the State Treasurer upon the warrant of the State Auditor, issued upon the voucher of such Highway Commissioner out of the state highway fund. And one-half of the expense thereof shall be paid by the county treasurer of the county in which such highway or section thereof is, upon the warrant of the county auditor issued upon the voucher of such Highway Commissioner, but the amount so paid shall be apportioned by the board of county commissioners, so that if the same has been built upon a resolution of said board without petition, thirty-five per centum of the cost of construction shall be a general county charge to be paid from the general road and bridge fund of the county, and fifteen per centum shall be a charge upon the district road fund of the road district or districts in which the improved highway or section thereof is located, and if the same has been built upon a resolution of said board after petition as provided in section two, thirty-five per centum shall be a general county charge and fifteen per centum shall be assessed upon and paid by the owners of the lands benefited in the proportion of the benefits accruing to said owners as provided by the next section hereof.

Assessment
of property
benefited.

SEC. 10. The county assessor of any county in which any highway or section thereof has been improved or constructed pursuant to petition as provided in section two of this act, shall have the power and it shall be his duty upon receiving notice from the board of commissioners of the county in which said highway is located, of the cost of construction or improvement of such highway or section thereof, to assess, upon lands benefited thereby, and situated within the boundaries of an improvement district to be established, fifteen per cent of said total cost. Such improvement district shall be constituted, and the boundaries thereof fixed, as follows: The highway coterminous with the improvement shall be the central line through the

Fifteen
per cent. of
total cost.

Assessment.

district, and the bordering lands on each side, and within a distance of half a mile from the margin of said highway and coterminous with the construction work or improvement shall be included in and constitute the body of the improvement district, and shall be subject to assessment to the extent above provided. For the purpose of making an equitable apportionment of the assessment, such improvement district shall be divided longitudinally into three parts as follows: All the land on both sides of the highway, and within a distance of eight hundred and eighty feet from the margins thereof shall constitute the first sub-division; all the land outside of said first division, and within eight hundred and eighty feet from the exterior margins thereof, shall constitute the second subdivision; and all the land outside of said second sub-division and within eight hundred and eighty feet from the exterior margins thereof shall constitute the third sub-division. Each separate tract or parcel of land in said first sub-division shall be assessed and be subject to a charge for a proportional part of seven per cent of the whole cost of the construction work, or improvement of said highway, and it shall be subject to a lien therefor until it shall be paid; each separate tract or parcel of land in said second sub-division shall be assessed and subject to a charge for a proportional part of five per cent of the whole cost of such construction work, or improvement, and be subject to a lien therefor until it shall be paid; each separate tract or parcel of land in said third subdivision shall be assessed and subject to a charge for a proportional part of three per cent of the whole cost of such construction work, or improvement, and be subject to a lien therefor until it shall be paid. The charge upon the several separate tracts or parcels of land in each sub-division shall be assessed ratably according to the front foot plan; that is to say, one foot of longitude measured along the highway constituting the center of such improvement district, and extending latitudinally across the sub-division shall be taken as the unit by which to determine the proportion of the assessment, so that a unit in each sub-division will be seventeen hundred and sixty square feet of superficial area. A list of

Manner of
assessment.

Board of
equalization
to correct
assessment.

Collection.

the several tracts or parcels of land in such improvement district shall be made and verified by the assessor in the same form as the general list of real estate is required to be made for state and county taxation, and the same shall be filed with the auditor of the county at least thirty days prior to the date prescribed by law for the first annual meeting of the county board of equalization after such list shall have been completed, and at said meeting, or an adjourned meeting, said board shall hear all objections to the assessments and determine the same, and correct all errors which may be found in such list; and after the same shall have been examined, compared and corrected by the county board of equalization, the assessments shall be by the county auditor extended upon the tax roll for the then current year, and shall be collected in the same manner as the general taxes of such county are collected, and shall become delinquent at the same time as general taxes, and after becoming delinquent shall be increased by the same percentage of penalty as other delinquent state and county taxes. A notice, directed to all owners of property affected by such assessment, whether known or unknown, to appear before said county board of equalization on a day to be therein specified to make their objections, if they have any, to such assessments, shall be published by the county auditor in a newspaper of general circulation in the county in at least three issues on different days of said newspaper, the first of which shall be at least twenty days prior to the specified date for appearances, and said notice shall contain a description of the highway, for the construction or improvement of which the assessment is made, and enumerate the several sections of land, according to the United States surveys, which shall be wholly or partially included within the special improvement district. If any such assessment shall be deemed invalid by the county board of equalization or adjudged to be invalid by any court of competent jurisdiction, a re-assessment of the land within an improvement district with proper boundaries shall be made and collected in the manner herein prescribed. The county boards of equalization may hold adjourned or special ses-

sions whenever it may be necessary to do so for the purpose of hearing objections to, and completing assessment lists required by this act.

SEC. 11. The construction and improvement of highways and sections thereof, under the provisions of this act, shall be taken up and carried forward in the order in which they are finally designated, as determined by the date of the receipt in each case of the certified copy of the resolution provided in section six by the highway board as hereinbefore provided. But no highway shall be placed upon the list of highways to be constructed nor receive a consecutive number on such list unless the resolution provided by section six shall also appropriate and make immediately available for the State Highway Board, for the construction of such highways, as provided by section nine, the county's half of the cost of the improvement of such highway. There is hereby appropriated out of the public highway fund of this State, the sum of one hundred and thirty-five thousand dollars, or so much thereof as may be necessary, for the purposes of this act, to be expended upon vouchers approved by the State Highway Commissioner: *Provided, however,* That each county shall be entitled to the full benefit under the provisions of this act of one-half of the public highway fund of this State and any other amount thereof not specifically appropriated to any State road or roads or bridges, if any, to the extent of taxes payable each year by each county into the said public highway fund, if the resolutions and approval provided in sections one, three and six are passed and made prior to the first day of September of each year; otherwise the amount available in said highway fund to be expended under the provisions of this act shall be applied in the construction of highways wheresoever situated in the order in which they are finally designated.

Order of
improve-
ments.

Appropriation \$135,000.

SEC. 12. Whenever a contract has been let for the construction of any such highway in accordance with the provisions of this act, the contractors may and are hereby authorized to, whenever the engineer in charge of the work on behalf of the State Highway Commissioner shall cer-

Contractor
may close
highway,
when.

tify to the necessity therefor in writing, close any such highway or section thereof to the public by putting up a sufficient obstruction and notice to the effect that such highway is so closed. When such highway shall have been so closed to the public any person disregarding such obstruction and driving, riding or walking over any portion of such highways so enclosed shall be deemed guilty of a misdemeanor and shall upon conviction thereof be subject to a fine of five dollars. Nothing herein contained, however, shall relieve the contractors of the burden of keeping highways under construction at all times open to the public until the engineer in charge of the work under the State Highway Commissioner shall have certified to the necessity for closing such highway and shall have filed such certificate in the office of the county auditor of the county within which such highway or section thereof is located.

Acceptance
of work.

SEC. 13. Upon completion of such highways or sections thereof so constructed by such Highway Commissioner, and his acceptance of the same, and after payment has been made as herein provided, such Highway Commissioner shall inform the board of commissioners of such county that the highways or sections thereof designated have been constructed as herein provided; and he may serve notice on said board to accept such highway thus constructed which notice shall be filed in the office of the auditor of said county; and twenty days after the serving and filing of said notice, such highway or section thereof shall be deemed accepted by said board of commissioners of such county; and thereafter they shall maintain the same as a county road, and may apportion the expense thereof upon the road district or districts benefited thereby; and the road supervisors of the district or districts respectively, wherein such improved highway lies, shall care for and keep the same in repair, under the direction and supervision of the State Highway Commissioner and such rules and regulations as he may prescribe.

Road shall
be main-
tained by
county.

Drainage of
highways.

SEC. 14. Whenever during the construction of any such highway, or after its completion, it may be necessary for the proper construction or maintenance thereof to open

or maintain ditches or drains for the purpose of properly draining such highway, the county commissioners of the county within which such highway or section thereof is situated, shall have the right to enter upon the lands adjacent thereto and to open any existing ditch or drain or dig a new ditch or drain for the free passage of water for the purpose of draining such highway. Said county commissioners shall also be empowered to agree with the owner of any such lands upon the amount of damages, if any, sustained by him in consequence of such entry upon his lands and performance of the work hereby authorized, and the amount of damages so agreed upon shall be the road district charge and shall be audited and paid the same as other road district charges. If the county commissioners are unable to agree with such owner upon the amount of damages thus sustained, the amount thereof shall be ascertained and determined and paid in the same manner as damages are so ascertained, determined and paid where new highways are laid out and opened and the county commissioners and land owners are unable to agree upon the amount thereof. If, however, the county commissioners fail to properly drain or ditch any such highway or to exercise any of the powers herein conferred upon them then the State Highway Commissioner may, upon giving to said county commissioners at least ten days' notice of his intentions so to do, begin any proceedings hereby authorized to be begun by such county commissioners, and is hereby vested with full powers to do all that the county commissioners might have done under this section, after the time named in the notice above prescribed shall have elapsed.

SEC. 15. All persons owning property abutting on such road so improved, or residing thereon shall thereafter pay all highway taxes assessed against them in money, and in the manner now provided by law.

Payment of
highway
taxes.

SEC. 16. Whenever any county has had aid in building any such highway and it seems advantageous to such Highway Commissioner that a section or sections of highway, not exceeding one mile in length should be constructed under this act to connect these roads together, and would

Connecting
highways.

be of great public utility and general convenience, he may serve notice on the board of county commissioners of such county, and shall file one in the county auditor's office, designating the highways already constructed and the existing termini and the section or sections, in his opinion, necessary to be constructed and his reasons therefor, and it shall be the duty of the board of county commissioners to provide for the construction of such connecting highway or section thereof, within one year after the service and filing of such notice under this act.

Construction of
railroads
upon roads.

SEC. 17. No street surface railroad shall be constructed upon a portion of a highway, which portion has or may be hereafter improved under the provisions of this act and the acts amendatory thereof and supplemental thereto, except upon the consent of, and under such conditions and regulations as may be prescribed by the State Highway Commissioner, and by and with the consent of the board of county commissioners of the county wherein such road may be located.

Passed the House March 1st, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 151.

[H. B. 467.]

PROVIDING FOR THE ESTABLISHMENT, CONSTRUCTION AND MAINTENANCE OF STATE ROADS AND MAKING APPROPRIATIONS FOR CERTAIN STATE ROADS.

AN ACT providing for the establishment, construction and maintenance of state roads and making appropriations for state roads heretofore established.

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

Terms
defined.

SECTION 1. The term State Aid Roads shall be construed to mean improved roads constructed along the main lines of travel, the cost of which is distributed between the state and any county. The term State Roads shall be construed to mean roads constructed in the sparsely settled and

mountainous regions of the state, the entire expense of engineering and construction being borne by the state and paid for out of the highway fund.

SEC. 2. No road shall hereafter be established as a state road until the same shall have been surveyed and found to be feasible, and of public utility, and all the facts concerning its feasibility and utility have been reported to the State Legislature by the State Highway Board.

Survey and report on State roads.

SEC. 3. The following described roads are hereby declared to be state roads and shall be known and described as hereinafter set forth.

State roads enumerated.

SEC. 4. State Road No. 1, or the White River-Natches road: This road shall begin at a point on the west side of section 9 in township 19, north of range 7, east W. M., in King county, Washington, and shall run thence by the most practicable route to the summit of the Cascade mountains near the head of American river; thence down the valley of the American river in Yakima county, as nearly as practicable as now surveyed, to the point where it will intersect State Road No. 5, otherwise known as the Cowlitz Pass road.

No. 1—
White
River-
Natches.

State Road No. 2, or the Newport-Orient Road: This road shall begin at the town of Newport in Stevens county, Washington, and shall run thence down the west bank of the Pend d'Orielle river to Tiger, or a point in that vicinity; thence by the most practicable route to Colville; thence to Marcus; thence by the most practicable route to Orient in Ferry county, Washington.

No. 2—
Northport-
Orient.

State Road No. 3, or the Chelan-Skagit Road: This road shall begin at a point where the present wagon road running north from Leavenworth to Lake Wenatchee in Chelan county crosses the north boundary line of the northwest quarter of section 5, township 26, north range 18, east W. M., and shall run thence along the present constructed state road and surveyed state road line to the mouth of Phelps creek; thence by the most practicable route to the summit of the Cascade mountains; thence from said Summit to the headwaters of Suiattle creek in Snohomish county; thence over and along the most practicable

No. 3—
Chelan-
Skagit.

route to connect with the Sauk-Darrington county road in Skagit county.

No. 4—Sans
Poil-Loomis.

State Road No. 4, or the Sans Poil-Loomis road: This road shall begin at the mouth of the Sans Poil creek on the Columbia river, and run thence as nearly as practicable over the present road to the city of Republic in Ferry county, Washington, and thence from said city of Republic over the present traveled road as nearly as may be practicable to the town of Loomis, in Okanogan county, Washington.

No. 5—
Cowlitz-
Natches.

State Road No. 5, or the Cowlitz-Natches road: This road shall begin at a point in the center of the public highway running from the town of Napavine to Klickitat prairie in Lewis county, Washington, at the point nearest to the southeast corner of section 10, in township 12, north of range 1 east W. M., and shall run thence over the present surveyed line on such state road, by the way of Klicitat prairie and Riffe postoffice up the Cowlitz river and its tributaries, and over the summit of the Cascade mountains at the Carlton pass; thence over such surveyed line for said road down Bumping river and the Natches river to a point which bears south 73 degrees and 24 minutes east and is 2,356 feet distant from the corner of sections 27, 28, 33 and 34, in township 15, north range 16, east W. M., in Yakima county, Washington.

No. 6—
Waterfront.

State Road No. 6, or the Waterfront road: This road shall begin on the public road at a point one mile north of that point where the same intersects the north line of Skagit county in section 6, township 36, north range 3, east W. M., and shall run thence southerly by the most practicable route to connect with the public road at the Blanchard slough in Skagit county, Washington.

No. 7—
Snoqualmie
Pass.

State Road No. 7, or the Snoqualmie Pass road: This road shall begin at North Bend, in King county, Washington, and run thence by the most practicable route to the summit of the Cascade mountains at the Snoqualmie pass; thence over the line as surveyed for the said road as nearly as practicable to Easton, in Kittitas county.

No. 8—
Columbia
River.

State Road No. 8, or the Columbia River road: This road shall begin at the town of Washougal in Clarke

county, Washington, and run thence over the line as surveyed for such state road through Clarke and Skamania counties, and thence over the most practicable route to the town of Goldendale, in Klickitat county.

State Road No. 9, or the Montesano-Port Angeles road: This road shall begin at the city of Montesano in Chehalis county, Washington, and shall run westerly to Aberdeen; thence to Hoquiam; thence over the county road to Hump-tulips; thence northerly to Quinault postoffice; thence northerly to Bogachiel in Jefferson county, following as nearly as practicable the line as now surveyed for said state road; thence northerly to Forks, in Clallam county; thence northeasterly over the county road as nearly as practicable to Beaver; thence by the most practicable route to Port Angeles, in Clallam county, Washington.

No. 9—
Montesano-
Port
Angeles.

State Road No. 10, or the Wenatchee-Oroville road: This road shall begin at the lower bridge on the Wenatchee river in Chelan county, Washington, and shall run thence over the present constructed state road to the forty-eight mile post; thence by the most practicable route to the town of Pateros, in Okanogan county; thence over the present constructed county road as nearly as practicable through the towns of Brewster and Alma, and thence by the most practicable route to the north line of Okanogan county, Washington.

No. 10—
Wenatchee-
Oroville.

State Road No. 11, or the Skagit River road: This road shall begin at Marblemount in Skagit county, Washington, and shall run thence in a northerly direction up the Skagit river by the most practicable route to make connection with the present wagon road near the mouth of Mill creek; thence by the most practicable route to Barron, in Whatcom county, Washington.

No. 11—
Skagit
River.

State Road No. 12, or the Methow-Barron road: This road shall begin in the county road on the south side of and near the mouth of the Methow river and shall follow as nearly as practicable the present surveyed line for such road, to a point opposite the town of Twisp; thence by the most practicable route to the town of Winthrop; thence up the south fork of the Methow river valley and over the summit of the Cascade mountains, by the most

No. 12—
Methow-
Barron.

practicable route, to Barron, in Whatcom county, Washington.

No. 13—
Cascade.

State Road No. 13, or the Cascade Wagon road: The following changes shall be made in the old location of certain portions of said road, viz.: Beginning at the town of Twisp in Okanogan county and running thence by the most practicable route to the county seat at Conconully; also beginning at the city of Republic and running thence by the most practicable route to the Columbia river in the vicinity of the mouth of Sherman creek.

The old locations of these sections of said road between such points having proved impracticable.

Appropriation \$225,000.

SEC. 5. For the purpose of constructing the state roads described in section four of this act and making the necessary surveys for the proposed new state roads, there is hereby appropriated out of the state highway fund, the sum of two hundred and twenty-five thousand dollars (\$225,000), to be apportioned as hereinafter provided, to-wit:

For State Road No. 1, the sum of . . .	\$15,000
For State Road No. 2, the sum of . . .	10,000
For State Road No. 3, the sum of . . .	6,000
For State Road No. 4, the sum of . . .	6,000
For State Road No. 5, the sum of . . .	40,000
For State Road No. 7, the sum of . . .	30,000
For State Road No. 8, the sum of . . .	25,000
For State Road No. 9, the sum of . . .	30,000
For State Road No. 10, the sum of . . .	12,000
For State Road No. 11, the sum of . . .	25,000
For State Road No. 12, the sum of . . .	15,000
For State Road No. 13, the sum of . . .	5,000
For surveys to determine the feasibility of proposed state roads, the sum of . .	6,000

Passed the House March 1st, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 152.

[H. B. 366.]

SALE OR LEASE OF STATE LANDS AND MATERIALS
THEREON.

AN ACT relating to the sale or lease of state lands and materials thereon and amending section 14, chapter 89 Session Laws of 1897.

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

SECTION 1. That section 14, chapter 89, Session Laws 1897 be, and the same is, hereby amended to read as follows: Section 14. That whenever the said Board of Appraisers shall have decided to sell any tract or tracts of granted lands, it shall, through the Chairman, notify the auditor of the county in which said lands are situated of that fact, specifying which of said lands are for sale, and order the sale thereof, and thereupon the said county auditor shall, under the direction of the said Board, forthwith fix the date of sale, and give notice thereof by advertisement published once a week for five weeks next before the time he shall name in said notice, in at least one newspaper of general circulation published in said county, which notices shall specify the place, time and terms of sale, describing with particularity each parcel of land to be sold and the appraiser's value thereof, and by conspicuously posting such notice in the office of the county auditor wherein such lands are situated, and the Commissioner of Public Lands shall cause all such lands or materials thereon to be sold, and to arrange such date of sale so that it will fall on the first Saturday of the month; excepting where such date would fall on a legal holiday, in which case no sales are to be made until the following month. The Commissioner of Public Lands shall cause to be printed in pamphlet form a list of school, granted or other public lands or materials thereon, or all tide and shore lands of the first or second class, or all oyster lands or detached tide lands, or harbor areas, or mineral lands, and appraised value thereof, where the law provides for appraisalment, that are to be sold in the several counties of the State, said list to be issued each month, at least six weeks prior

Appraisers
to notify
county
auditor of
intended
sale.

Publication
of notice..

Commis-
sioner shall
issue
printed
list.

to the date of sale of such lands or materials thereon, enumerated thereon, such lands and materials thereon to be listed under name of county wherein located, such counties to appear in alphabetical arrangement, giving appraised values, character of same, and such other information as may be of interest to prospective buyers. Said Commissioner of Public Lands shall cause to be distributed to the auditors of each county in the State one hundred copies thereof and said county auditors to keep the lists in a conspicuous place or receptacle on the counter of the public office of their respective departments, and when requested so to do, to mail a copy of such list to residents of said county. Said Board of State Land Commissioners shall retain for free distribution in the office of the Commissioner of Public Lands five hundred copies of said lists as above set forth, such list to be kept in a conspicuous place or receptacle on the counter of the general office of the Commissioner of Public Lands, and when requested so to do, the Commissioner of Public Lands shall mail copies of said list each month as issued to any applicant therefor. Proof of publication shall be made by affidavit of the publisher, or person in charge of the said paper, and by the affidavit of the person posting such notice as aforesaid, and by certificate from the auditor showing receipt of lists as aforesaid, which shall be at once sent to and filed in the office of the Commissioner of Public Lands, and the said Board is hereby authorized to expend any sum of money not exceeding fifteen dollars in additional advertising of such sale, as the said Board shall determine to be for the best interests of the State. Such sales shall take place on the day advertised, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, in front of the courthouse, or of a building in which the superior court is held in counties in which there is no courthouse, and shall be sold at public auction to the highest bidder, and on the terms specified in the notice hereinbefore prescribed, and no land shall be sold for less than its appraised value; such sale shall be conducted under the direction of the Board of Appraisers, by the county

Distribution
of lists.

Proof of
publication.

Additional
advertising.

Sales—
how con-
ducted.

auditor of the county in which the lands sold are situate, and such auditor shall at once deliver to the purchaser, under his hand and seal, a memorandum of his purchase, containing a description of the land purchased, the price bid and the terms of sale, upon the delivery to such auditor, by the purchaser, of a certified check upon some bank, or in cash for an amount equal to one-tenth of the price of the land by him purchased, payable to the order of the Commissioner of Public Lands, and such auditor shall at once send to the Commissioner of Public Lands such certified check and a copy of the memorandum delivered to the purchaser. That if any land offered for sale pursuant to the order of the Board of Appraisers be not bid off at the sale held thereunder, the same may again be advertised for sale as provided in this act whenever, in the opinion of the Board, it shall be expedient to do so; and such land shall be again advertised for sale, as provided in this act, whenever any person shall apply to said Board in writing, to have such land sold, and shall agree to bid at least the appraised price therefor, and shall deposit with the State Treasurer at the time of making said application, a sufficient sum of money to pay the cost of advertising for such sale, as provided for in making original application.

Memorandum of purchase.

Re-advertisement.

SEC. 2. All leases of State tide lands, and the sales of all tide and shore lands of whatever class, except when sold to persons having the preference right of purchase, and timber and materials of State, school, and granted lands, and harbor areas or mineral lands where, under existing law, the same can be sold, shall be made in the same manner, under the same notice, and at the same time and place, as provided in section 1, of this act.

Leases shall be made in same manner as sales.

Passed the House March 4th, 1907.

Passed the Senate March 9th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 153.

[S. B. 102.]

ENABLING CITIES TO EXERCISE THE RIGHT OF EMINENT DOMAIN.

AN ACT to enable cities of the first, second, and third class and having a population of over fifteen hundred inhabitants to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method for making compensation therefor, and providing for special assessments in certain cases upon property benefited.

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

SECTION 1. Every city of the first, second and third classes and other cities having a population of over fifteen hundred inhabitants within the State of Washington, is hereby authorized and empowered to condemn land and property, including State, county and school lands and property for streets, avenues, alleys, highways, bridges, approaches, culverts, drains, ditches, public squares, public markets, city and town halls, jails and other public buildings, and for the opening and widening, widening and extending, altering and straightening of any street, avenue, alley or highway, and to damage any land or other property for any such purpose or for the purpose of making changes in the grade of any street, avenue, alley or highway, or for the construction of slopes or retaining walls for cuts and fills upon real property abutting on any street, avenue, alley or highway now ordered to be, or such as shall hereafter be ordered to be opened, extended, altered, straightened or graded, or for the purpose of draining swamps, marshes, tide lands, tide flats or ponds, or filling the same, within the limits of such city, and to condemn land or property, or to damage the same, either within or without the limits of such city for public parks, drives and boulevards, hospitals, pest houses, drains and sewers, garbage crematories and destructors and dumping grounds for the destruction, deposit or burial of dead animals, manure, dung, rubbish, and other offal, and for aqueducts, reservoirs, pumping stations and other structures for conveying into and through such city a supply of

Cities may
condemn—
for what
purposes.

fresh water, and for the purpose of protecting such supply of fresh water from pollution, and to condemn land and other property and damage the same for any other public use after just compensation having been first made or paid into court for the owner in the manner prescribed by this act.

SEC. 2. When the corporate authorities of any such city shall desire to condemn land or other property, or damage the same, for any purpose authorized by this act, such city shall provide therefor by ordinance, and unless such ordinance shall provide that such improvement shall be paid for wholly or in part by special assessment upon property benefited, compensation therefor shall be made from any general funds of such city applicable thereto. If such ordinance shall provide that such improvement shall be paid for wholly or in part by special assessment upon property benefited, the proceedings for the making of such special assessment shall be as hereinafter prescribed, in this act: *Provided*, That no special assessment shall be levied under authority of this act except when made for the purpose of streets, avenues, alleys, or highways or alterations thereof or changes of the grade therein or other improvements in or adjoining the same, or for bridges, approaches, culverts, sewers, drains, ditches, public squares, drives or boulevards or for the purpose of draining swamps, marshes, tide flats, tide lands or ponds or for filling the same; and it is *further provided*, That when a street, avenue, highway or boulevard is established or widened to a width greater than one hundred and fifty feet the excess over and above the one hundred and fifty feet shall be paid out of the general fund of such city without any deduction for benefits of such excess.

SEC. 3. Whenever any such ordinance shall be passed by the legislative authority of any such city for the making of any improvement authorized by this act or any other improvement that such city is authorized to make, the making of which will require that property be taken or damaged for public use, such city shall file a petition in the superior court of the county in which such city is

Compensation, how made.

Assessment of property benefited.

Petition to superior court.

situated, in the name of the city, praying that just compensation, to be made for the property to be taken or damaged for the improvement or purpose specified in such ordinance, be ascertained by a jury or by the court in case a jury be waived.

Contents of
petition.

SEC. 4. Such petition shall contain a copy of said ordinance, certified by the clerk under the corporate seal, a reasonably accurate description of the lots, parcels of land and property which will be taken or damaged, and the names of the owners and occupants thereof and of persons having any interest therein, so far as known, to the officer filing the petition or appearing from the records in the office of the county auditor.

Summons.

SEC. 5. Upon the filing of the petition aforesaid a summons, returnable as summons in other civil actions, shall be issued and served upon the person made parties defendant, together with a copy of the petition, as in other civil actions. And in case any of them are unknown or reside out of the State, a summons for publication shall issue and publication be made and return and proof thereof be made in the same manner as is or shall be provided by the laws of the State for service upon absent defendants in other civil actions. Notice so given by publication shall be sufficient to authorize the court to hear and determine the suit as though all parties had been sued by their proper names and had been personally served.

State,
school or
county
land.

SEC. 6. In case the land, real estate, premises or other property sought to be appropriated or damaged is State, school or county land, the summons and copy of petition shall be served on the auditor of the county in which such land, real estate, premises or other property is situated. Service upon other parties defendant shall be made in the same manner as is or shall be provided by law for service of summons in other civil actions.

Hearing.

SEC. 7. Upon the return of said summons, or as soon thereafter as the business of court will permit, the said court shall proceed to the hearing of such petition and shall impanel a jury to ascertain the just compensation to be paid for the property taken or damaged, but if

Jury trial.

any defendant or party in interest shall demand, and the court shall deem it proper, separate juries may be impaneled as to the compensation or damages to be paid to any one or more of such defendants or parties in interest.

SEC. 8. Such jury shall also ascertain the just compensation to be paid to any person claiming an interest in any lot, parcel of land or property which may be taken or damaged by such improvement, whether or not such person's name or such lot, parcel of land or other property is mentioned or described in such petition: *Provided*, Such person shall first be admitted as a party defendant to said suit by such court and shall file a statement of his interest in and description of the lot, parcel of land or other property in respect to which he claims compensation.

Jury to determine compensation.

SEC. 9. The court may upon the motion of such city or of any defendant direct that said jury (under the charge of any officer of the court and accompanied by such person or persons as may be appointed by the court to point out the property sought to be taken or damaged) shall view the lands and property affected by said improvement.

View by jury.

SEC. 10. If there be any building standing, in whole or in part, upon any land to be taken, the jury shall add to their finding of the value of the land taken the damages to said building. If the entire building is taken, or if the building is damaged, so that it cannot be readjusted to the premises, then the measure of damages shall be the fair market value of the building. If part of the building is taken or damaged and the building can be readjusted or replaced on the part of the land remaining, then the measure of damages shall be the cost of readjusting or moving the building, or the part thereof left, together with the depreciation in the market value of said building by reason of said readjustment or moving.

Damage to buildings.

SEC. 11. If the land and buildings belong to different parties, or if the title to the property be divided into different interests by lease or otherwise, the damages done to each of such interests may be separately found by the jury on the request of any party. In making such find-

Separate findings.

ings, the jury shall first find and set forth in their verdict the total amount of the damage to said land and buildings and all premises therein, estimating the same as an entire estate and as if the same were the sole property of one owner in fee simple; and they shall then apportion the damages so found among the several parties entitled to the same, in proportion to their several interests and claims and the damages sustained by them respectively, and set forth such apportionment in their verdict. No delay in ascertaining the amount of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property, or any part thereof, or as to the extent of the interest of any defendant in the property to be taken or damaged, but in such case, the jury shall ascertain the entire compensation or damage that should be paid for the property and the entire interests of all the parties therein, and the court may thereafter require adverse claimants to interplead, so as to fully determine their rights and interests in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of such compensation.

Return of
verdict.

SEC. 12. Upon the return of the verdict the proceedings of the court regarding new trial and the entry of judgment thereon shall be the same as in other civil actions, and the judgment shall be such as the nature of the case shall require. The court shall continue or adjourn the case from time to time as to all occupants and owners named in such petition who shall not have been served with process or brought in by publication, and new summons may issue or new publication may be made at any time; and upon such occupants or owners being brought in, the court may impanel a jury to ascertain the compensation so to be made to such defendant or defendants for private property taken or damaged, and like proceedings shall be had for such purpose as herein provided.

New
parties.

Procedure
if cases not
all tried.

SEC. 13. The court shall have power at any time, upon proof that any such owner or owners named in such petition who has not been served with process has ceased to

be such owner or owners since the filing of such petition, to impanel a jury and ascertain the just compensation to be made for the property (or the damage thereto) which has been owned by the person or persons so ceasing to own the same, and the court may upon any finding or findings of any jury or juries, or at any time during the course of such proceedings enter such order, rule, judgment or decree as the nature of the case may require.

SEC. 14. When it shall appear from said petition or otherwise, at any time during the proceedings upon such petition, that any infant or insane or distracted person is interested in any property that is to be taken or damaged, the court shall appoint a guardian *ad litem* for such infant or insane or distracted person to appear and defend for him, her or them, and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant or insane or distracted person in such property or the compensation which shall be awarded therefor.

Infants
or insane
persons—
guardian
for.

SEC. 15. When the ordinance providing for any such improvement provides that compensation therefor shall be paid, in whole or in part, by special assessment upon property benefited, the compensation found by the jury for any land or property taken shall be irrespective of any benefit from the improvement proposed. When such ordinance does not provide for any assessment, in whole or in part, upon property benefited, the compensation found for land or property taken and in all cases the damages found in respect to lands or property not taken, shall be ascertained over and above any local and special benefit arising from such proposed improvement, except as provided in section two of this act as to streets, avenues and boulevards established or widened to a width greater than one hundred and fifty feet; in which class of cases no benefits shall be deducted as to such excess.

Compensa-
tion irre-
spective of
benefit.

SEC. 16. Any final judgment or judgments rendered by said court upon any finding or findings of any jury or juries, or upon any finding or findings of the court in case a jury be waived, shall be lawful and sufficient con-

Final
judgments.

demnation of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs which shall be taxed as in other civil cases, provided that in case any defendant recovers no damages, no costs shall be taxed. Such judgment or judgments shall be final and conclusive as to the damages caused by such improvement unless appealed from, and no appeal from the same shall delay proceedings under said ordinance, if such city shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs, and such city, after making such payment into court, shall be liable to such owner or owners or parties interested for the payment of any further compensation which may at any time be finally awarded to such parties so appealing in said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor, and abide any rule or order of the court in relation to the matter in controversy. In case of an appeal to the Supreme Court of the State by any party to the proceedings the money so paid into the superior court by such city, as aforesaid, shall remain in the custody of said superior court until the final determination of the proceedings. If the owner of the land, real estate, premises, or other property accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively an appeal to the Supreme Court and final judgment may be rendered in the superior court as in other cases.

Liability
of city.

Appeal to
Supreme
court.

Acceptance
of award.

Title vests
upon pay-
ment into
court.

SEC. 17. The court, upon proof that just compensation so found by the jury, or by the court in case the jury is waived, together with costs, has been paid to the person entitled thereto, or has been paid into court as directed by the court, shall enter an order that the city or town shall have the right at any time thereafter to take possession of or damage the property in respect to which such compensation shall have been so paid or paid into court as aforesaid, and thereupon, the title to any property so taken shall be vested in fee simple in such city or town.

SEC. 18. When the ordinance under which said improvement is ordered to be made shall not provide that such improvement shall be made wholly by special assessment upon property benefited, the whole amount of such damage and costs, or such part thereof as shall not be assessed upon property benefited shall be paid from the general fund of such city or town, and if sufficient funds therefor are not already provided, such city or town shall levy and collect a sufficient sum therefor as part of the general taxes of such city or town, or may contract indebtedness by the issuance of bonds or warrants therefor as in other cases of internal improvements.

Payment
from gen-
eral fund.

SEC. 19. When such ordinance under which said improvement shall be ordered, shall provide that such improvement shall be paid for, in whole or in part, by special assessment of property benefited thereby, the damages and costs awarded, or such part thereof as is to be paid by special assessment, shall be levied, assessed and collected in the manner hereinafter provided.

Payment
by special
assessment.

SEC. 20. Such city may file in the same proceeding a supplementary petition, praying the court that an assessment be made for the purpose of raising an amount necessary to pay the compensation and damages which may or shall have been awarded for the property taken or damaged, with costs of the proceedings, or for such part thereof as the ordinance shall provide. The said court shall thereupon appoint three competent persons as commissioners to make such assessment, or if there be a board of eminent domain commissioners of such city, appointed under the provisions of this act, said proceeding for assessment shall be referred to said board. Said commissioners shall include in such assessment the compensation and damages which may or shall have been awarded for the property taken or damaged, with all costs and expenses of the proceedings incurred to the time of their appointment, or to the time when said proceeding was referred to them, together with the probable further costs and expenses of the proceedings, including therein the estimated costs of making and collecting such assessment.

Supple-
mentary
petition.

Court shall
appoint
commis-
sioners.

SEC. 21. At any time after the taking effect of this act, any such city may petition the superior court of the county in which said city is situated, that a board of eminent domain commissioners be appointed to make assessments in all condemnation proceedings instituted by such city. Said superior court shall thereupon, by order duly entered in its records, appoint three competent persons as commissioners who shall be known as and who shall constitute the "board of eminent domain commissioners of the city of," and who shall thereafter make assessments in all condemnation proceedings instituted by such city. The order of the court shall provide that one of the members of such board shall serve for one year, one for two years and one for three years, from the date of their appointment and until their successors are appointed and qualified. . Annually thereafter, said superior court shall appoint one such person as such commissioner, whose term shall begin on the same day of the month on which the first order of appointment was made and continue for three years thereafter and until his successor is appointed and qualified. If any commissioner shall be disqualified in any proceeding by reason of interest, or for any other reason, said superior court shall appoint some other competent person to act in his place in such proceeding.

Eminent Domain Commissioners, appointment.

Terms.

Oath.

Compensation.

SEC. 22. All commissioners, before entering upon their duties shall take and subscribe an oath that they will faithfully perform the duties of the office to which they are appointed, and will to the best of their abilities make true and impartial assessments according to the law. Every commissioner shall receive compensation at the rate of five dollars per day for each day actually spent in making the assessment herein provided for. Each commissioner shall file in the proceeding in which he has made such assessment his account, stating the number of days he has actually spent in said proceeding, and upon the approval of said account by the judge before whom the proceeding is pending, the comptroller or city clerk of such city shall issue a warrant in the amount approved by the judge upon the special fund created to pay the awards and costs of

said proceeding, and the fees of such commissioners so paid shall be included in the cost and expenses of such proceedings. In case such commissioners are, during the same period, or parts thereof, engaged in making assessment in different proceedings, in rendering their accounts they shall apportion them to the different proceedings in proportion to the amount of time actually spent by them on the assessment in each proceeding.

SEC. 23. It shall be the duty of such commissioners to Procedure. examine the locality where the improvement is proposed to be made and the property which will be especially benefited thereby; and to estimate what proportion, if any, of the total cost of such improvement will be a benefit to the public, and what proportion thereof will be a benefit to the property to be benefited, and apportion the same between the city and such property so that each shall bear its relative equitable proportion, and having found said amounts, to apportion and assess the amount so found to be a benefit to the property upon the several lots, blocks, tracts and parcels of land, or other property in the proportion in which they will be severally benefited by such improvement: *Provided*, That no property shall be assessed a greater amount than it will be actually benefited.

SEC. 24. Such commissioners in each proceeding shall Assessment roll. also make or cause to be made an assessment roll in which shall appear the names of the owners, so far as known, the description of each lot, block, tract or parcel of land or other property and the amounts assessed as special benefits thereto, and in which they shall set down as against the city the amount they shall have found as public benefit, if any, and certify such assessment roll to the court before which said proceeding is pending, within sixty days after their appointment or after the date of the order referring said proceeding to them, or within such extension of said period as shall be allowed by the court.

SEC. 25. After the return of such assessment roll, the Hearing on assessment. court shall make an order setting a time for the hearing thereof before the court, which day shall be at least twenty days after return of such roll. It shall be the duty of

Notice. such commissioners to give notice of such assessment and of the day fixed by the court for the hearing thereof in the following manner:

1. They shall at least twenty days prior to the date fixed for the hearing on said roll, mail to each owner of the property assessed, whose name and address is known to them, a notice substantially in the following form:

Form. "Title of Cause. To.....: Pursuant to an order of the superior court of the State of Washington, in and for the county of, there will be a hearing in the above entitled cause on..... at upon the assessment roll prepared by the commissioners heretofore appointed by said court to assess the property specially benefited by the (here describe nature of improvement); and you are hereby required if you desire to make any objections to said assessment roll, to file your objections to the same before the date herein fixed for the hearing upon said roll, a description of your property and the amount assessed against it for the afore-said improvement is as follows: (Description of property and amount assessed against it.)

.....
.....
.....

Commissioners."

Posting notice.

2. They shall cause at least twenty days' notice to be given by posting notice of the hearing on such assessment roll in at least three public places in such city, one of which shall be in the neighborhood of such proposed improvement, and when a daily newspaper is published in such city, by publishing the same in at least five successive issues of said paper, or if no daily newspaper is published in such city and a weekly newspaper is published therein, then in at least each issue of such weekly newspaper for two successive weeks or if no daily or weekly newspaper is published in such city, then in a newspaper published in the county in which such city is situated. Such notice so required to be posted and published, may be substantially as follows:

“Title of Cause. Special assessment notice. Notice is hereby given to all persons interested, that an assessment roll has been filed in the above entitled cause providing for the assessment upon the property benefited of the cost of (here insert brief description of improvement) and that said roll has been set down for hearing on the day of at The boundaries of said assessment district are substantially as follows: (here insert an approximate description of the assessment district). All persons desiring to object to said assessment roll are required to file their objections before said date fixed for the hearing upon said roll, and appear on the day fixed for hearing before said court.

Form.

.....

Commissioners.”

SEC. 26. On or before the final hearing, the affidavit of one or more of the commissioners shall be filed in said court, stating that they have sent, or caused to be sent, by mail, to the owners whose property has been assessed and whose names and addresses are known to them, the notice hereinbefore required to be sent by mail to the owners of the property assessed. They shall also cause to be filed the affidavit of the person who shall have posted the notice required by this act to be posted, setting forth when and in what manner the same was posted. Such affidavits shall be received as *prima facie* evidence of a compliance with this act in regard to giving such notices. They shall also file an affidavit of publication of such notice in like manner as is required in other cases of affidavits of publication of notice of summons.

Proof of service.

SEC. 27. If twenty days shall not have elapsed between the first publication or the posting of such notices and the day set for hearing, the hearing shall be continued until such time as the court shall order. The court shall retain full jurisdiction of the matter, until final judgment on the assessments; and if the notice given shall prove invalid or insufficient the court shall order new notice to be given.

Continuance of hearing.

Objections
to report.

SEC. 28. Any person interested in any property assessed may file objections to such report at any time before the day set for hearing said roll. As to all property to the assessment of which objections are not filed as herein provided, default may be entered and the assessment confirmed by the court. On the hearing, the report of such commissioners shall be competent evidence and either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law, tried by the court without a jury, and if it shall appear that the property of the objector is assessed more or less than it will be benefited, or more or less than its proportionate share of the costs of the improvement, the court shall so find, and also find, the amount in which said property ought to be assessed, and the judgment shall be entered accordingly.

Evidence.

Modification
of assess-
ment.

SEC. 29. The court before which any such proceedings may be pending shall have authority at any time before final judgment to modify, alter, change, annul or confirm any assessment returned as aforesaid; or cause any such assessment to be recast by the same commissioners, whenever it shall be necessary for the obtainment of justice, or may appoint other commissioners in the place of all or any of the commissioners first appointed for the purpose of making such assessment or modifying, altering, changing or recasting the same, and may take all such proceedings and make all such orders as may be necessary to make a true and just assessment of the cost of such improvement according to the principles of this act, and may from time to time, as may be necessary, continue the application for that purpose as to the whole or any part of the premises.

Effect of
judgment.

SEC. 30. The judgment of the court shall have the effect of a separate judgment as to each tract or parcel of land or other property assessed, and any appeal from such judgment shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. Such judgment shall be a lien upon the property assessed from the date thereof until payment shall be made.

Lien.

SEC. 31. The clerk of the court in which such judgment is rendered shall certify a copy of the assessment roll and judgment to the treasurer of the city, or if there has been an appeal taken from any part of such judgment, then he shall certify such part of the roll and judgment as is not included in such appeal, and the remainder when final judgment is rendered: *Provided*, That if upon such appeal, the judgment of the superior court shall be affirmed, the assessments on such property as to which appeal has been taken shall bear interest at the same rate and from the same date which other assessments not paid within the time hereafter provided shall bear. Such copy of the assessment roll shall describe the lots, blocks, tracts, parcels of land or other property assessed, and the respective amounts assessed on each, and shall be sufficient warrant to the city treasurer to collect the assessment therein specified.

Assessment roll to be certified.

Description of property.

SEC. 32. The treasurer receiving such certified copy of the assessment roll shall immediately give notice thereof by publishing such notice at least once in the official newspaper or newspapers of such city or town, if such newspaper or newspapers there be; and if there be no such newspaper, then by posting four notices thereof in public places along the line of the proposed improvement; such notice may be substantially in the following form:

Treasurer to give notice.

"SPECIAL ASSESSMENT NOTICE."

"Public notice is hereby given that the superior court of county, State of Washington, has rendered judgment for a special assessment upon property benefited by the following improvement (here insert the character and location of the improvement in general terms) as will more fully appear from the certified copy of the assessment roll on file in my office, and that the undersigned is authorized to collect such assessments. All persons interested are hereby notified to call and pay the amounts assessed at my office (here insert location of office) within sixty days from the date hereof.

Form.

"Dated this.....day of.....A. D. 190...

"City (or town) Treasurer of....."

Notice
by mail.

SEC. 33. It shall be the duty of the city treasurer into whose hands such judgment and assessment roll shall come, to mail notices of such assessment to the persons whose names appear on the assessment roll, so far as the addresses of such persons are known to him. Any such treasurer omitting so to do, shall be liable to a penalty of five dollars for every such omission; but the validity of the special assessment shall not be affected by such omission. When any assessment or assessments are paid, it shall be the duty of the treasurer to write the word "paid" opposite the same together with the name and postoffice address of the person making the payment and the date of payment. The owner may annually notify the treasurer of his address and it shall be the duty of the treasurer to mail the notice above provided for to such address.

Return
of assess-
ment roll.

SEC. 34. Within fifteen days from the expiration of the time limited for the payment of any such assessments, the treasurer shall return the assessment roll to the comptroller, if there be such officer of the city or town; otherwise, to the city or town clerk, designating thereon the assessments paid and those unpaid. The comptroller or clerk, as the case may be, shall, upon receipt of said roll, credit the treasurer with the amount of the assessments collected thereon, and thereupon issue and annex to said roll a warrant directing the treasurer to sell all the property described in said roll upon which assessments are levied, whether in the name of a designated owner or in the name of an unknown owner, to satisfy all delinquent and unpaid assessments upon said roll, with costs, interest and charges. All assessments unpaid at the expiration of the time fixed herein for the payment of the same, shall bear interest at the rate of ten per cent per annum from said date until paid.

Penalty
for delin-
quency.

SEC. 35. Such warrant issued for the purpose of making sale of said delinquent property shall be deemed and taken as an execution against said property for the amount of said assessments, with interest and costs, and the treasurer shall, within sixty days from the receipt thereof by him, commence the sale of said property and continue

Sale of
property.

such sale from day to day thereafter, except on Sundays and legal holidays, until all the property described in said assessment roll on which any such assessment is delinquent and unpaid is sold. Such sale shall take place at the front door of the building in which the city council holds its sessions. The treasurer shall give notice of such sales by publishing a notice thereof once each week for three consecutive weeks in the official newspaper of the city, or if there be no such newspaper, then by publishing the same for said period in some newspaper published in the same county in which the city is situated, or if no such newspaper is published in such county, then in some newspaper published in the State of daily circulation in such county. Such notice shall contain a list of all property upon which such assessments are delinquent with the amount of the assessment, interest and costs to date of sale, including the cost of advertising such sale, together with the names of the owners of such property, or the words "unknown owners" as the same may appear upon said assessment roll, and shall specify the time and place of sale, and that the property therein described will be sold to satisfy the assessment, interest and costs due upon the same. All of such sales shall be made between the hours of ten o'clock A. M. and four o'clock P. M. Each lot or parcel of land or other property shall be sold separately and in the order in which the same appears on the assessment roll, commencing at the head thereof. If there be no bidder for any lot or parcel of land or other property for a sum sufficient to pay the delinquent assessment thereon, with interest and costs, the treasurer shall strike the same off to the city for the whole amount which he is required to collect by such sale.

Notice
of sale.

Each lot
sold separately.

SEC. 36. All lots and parcels of land sold for delinquent improvement assessments, shall be sold to the person at such sale offering to pay the amount due on each tract or lot for the least quantity thereof to be taken from the east side of such tract or lot, and the remainder thereof shall be discharged from the lien. After receiving the amount of the assessment, penalty, cost and charges, the

Part sold
from east
side of lot.

Certificate
of purchase.

treasurer shall make out a certificate, dated on the day of sale, stating (when known) the name of the owner as given on the assessment roll, a description of the land sold, the amount paid therefor, the name of the purchaser, that it was sold for the assessment, giving the name of the street or other brief designation of the improvement for which the assessment was made, and specifying that the purchaser will be entitled to a deed in two years from the date of sale unless redemption thereof be made. Such certificate shall be signed by the treasurer, and shall be delivered to the purchaser, and shall be by such purchaser recorded in the office of the county auditor of the county in which the lands are situated within three months from the date thereof. If not recorded within said time, the lien thereof shall be postponed to claims of subsequent purchasers and incumbrances for value and in good faith who become such while the same is unrecorded.

Bidders
not taking—
sale to city.

SEC. 37. If any bidder to whom any property is stricken off at such sale does not pay the assessment, interest and costs before ten o'clock A. M. of the day following the day of such sale, such property must then be resold, or if the assessment sale is closed, be deemed to have been sold to the city or town, and a certificate of purchase shall be issued to the city therefor.

Custodian
of certifi-
cate.

SEC. 38. The city comptroller, if there be such officer, and if not then the city or town clerk, shall be the custodian of all certificates for property sold to the city, and shall at any time within two years from the date of such certificate, and before redemption of the property therein described, sell and transfer any such certificate to any person who will pay to him the amount for which the property therein described was stricken off to the city with interest subsequently accrued, thereon, and the treasurer may, if so authorized by the council, sell and transfer any such certificate in like manner after the expiration of such two years from the date of the certificate.

Return
of sale.

SEC. 39. Within ten days after the completion of the sale of all property described in such assessment rolls, and authorized to be sold as aforesaid, the treasurer must

make return to the comptroller; or other officer by whom the warrant was issued, of said assessment roll, with a statement of his doings thereon, showing all property sold by him, to whom sold and the sum paid therefor. The city treasurer shall also within ten days after the completion of the sale of all property described in such assessment rolls transmit to the treasurer of the county in which said city is located, a statement showing all property sold by him, when sold, to whom sold and the sums paid therefor and the description of the improvement under which said sale was made. The county treasurer shall thereupon note upon the general tax rolls of said county the date of said sale, and the improvement for which the same was sold, and thereafter whenever the county treasurer shall furnish a statement of taxes to any property owner, he shall include therein a statement of such sale and the improvement for which the same was sold.

SEC. 40. The purchaser at such sale acquires a lien on the property so bid in by him for the amount paid by him at such sale as well as for all taxes and special assessments and all interest, penalties, costs and charges thereon, whether levied previously or subsequently to such sale, and whether for State, county, city or town purposes subsequently paid by him on such property, and shall be entitled to interest at the rate of fifteen per cent per annum on the original amount paid by him from the date of said sale and on such subsequent payments from the date of the respective payments.

Purchaser
acquires
lien.

SEC. 41. Every piece of property sold for an assessment shall be subject to redemption by the former owner, or his grantee, mortgagee, heir or other representative at any time within two years from the date of the sale upon payment to the treasurer for the purchaser of the amount for which the same was sold, with interest at the rate of fifteen per cent per annum, together with all taxes and special assessments, interest, penalties and charges thereon paid by the purchaser of such piece of property since such sale, with like interest thereon. Unless written notice of taxes and assessments subsequently paid, and the amount thereof shall be deposited with the treasurer, redemption

Redemption.

may be made without including the same. On any such redemption being made, the treasurer shall give to the redemptioner a certificate of redemption therefor, and pay over the amount received from such redemption to the purchaser or his assigns. Should no redemption be made within said period of two years, the treasurer shall, on demand of the purchaser or his assigns, and the surrender to him of the certificate of purchase, execute to such purchaser or his assigns, a deed for the piece of property therein described: *Provided*, That no such deed shall be executed until the holder of such certificate of purchase shall have notified the owner of such piece of property that he holds such certificate, and that he will demand a deed therefor; and if, notwithstanding such notice, no redemption is made within sixty days from the date of the service or first publication of such notice, said holder shall be entitled to said deed. Said notice shall be given by personal service upon said persons: *Provided*, That in case said parties are nonresidents of the State or they cannot be found therein after diligent search, then such notice may be given by publication in a weekly newspaper published in said city once each week for three successive weeks or if no newspaper be published in said city, then publication shall be made as provided in section 25 of this act. Such notice and return thereto, with the affidavit of the person claiming such deed showing that such service was made, shall be filed with the treasurer. Such deed shall be executed only for the piece of property described in the certificate, and after payment of all subsequent taxes and special assessments thereon. The deed shall be executed in the name of the city by which the improvement is made; shall recite in substance the matters contained in the certificate, the notice to the owner, and that no redemption has been made of the property within the time allowed by law. Such deed shall be signed and acknowledged by the city treasurer as such. The deed shall be *prima facie* evidence that the property was assessed as required by law; that the assessment was not paid; that the property was sold as required by law; that it was not

Deed.

Notice to owner.

Effect of deed.

redeemed; that notice had been given, and that the person executing the deed was the proper officer; and the deed shall be conclusive evidence of the regularity of all other proceedings from the assessment, inclusive, up to the execution of the deed.

SEC. 42. All moneys collected by the treasurer upon assessments under this act shall be kept as a separate fund and shall be used for no other purpose than the redemption of warrants or bonds drawn or issued against the fund. Redemption fund.

SEC. 43. Whenever before the sale of any property the amount of any assessment thereon, with interest and costs accrued thereon, shall be paid to the treasurer, he shall thereupon mark the same paid, with the date of payment thereof on the assessment roll, and whenever after sale of any property for any assessments, the same shall be redeemed, he shall thereupon enter the same redeemed with the date of such redemption on such record. Such entry shall be made on the margin of the record opposite the description of such property. Records shall be satisfied.

SEC. 44. If the treasurer shall receive any moneys for assessments, giving a receipt therefor, for any property and afterwards return the same as unpaid, or shall receive the same after making such return, and the same be sold for assessment which has been so paid and receipted for by himself or his clerk or assistant, he and his bond shall be liable to the holder of the certificate given to the purchaser at the sale for the amount of the face of the certificate, and a penalty of fifteen per centum additional thereto besides legal interest, to be demanded within two years from the date of the sale and recovered in any court having jurisdiction of the amount, and the city shall in no case be liable to the holder of such certificate. Liability of treasurer.

SEC. 45. If any assessment be annulled or set aside by any court, or be invalid for any cause, a new assessment may be made, and return and like notice given and proceedings had as herein required in relation to the first; and all parties in interest shall have the like rights, and the city council or other legislative body, and the superior court, shall perform the like duties and have like power Reassessment.

in relation to any subsequent assessment as are hereby given in relation to the first assessment.

Lien of
assessment.

SEC. 46. All the assessments levied by any city under this act shall, from the date of the judgment confirming the assessment be a lien upon the real estate upon which the same may be imposed, and such lien shall continue until such assessments are paid; if any proceedings taken for the enforcement thereof, shall be held void or invalid, such city shall provide by ordinance for new proceedings and a new sale for the enforcement thereof in like manner as hereinbefore provided; and in addition to the remedy hereinbefore provided, any city may enforce such lien by civil action in any court of competent jurisdiction in like manner and with like effect as actions for the foreclosure of mortgage.

Bonds.

SEC. 47. Such city may, in its discretion by general or special ordinance, or both, instead of requiring immediate payment for the said assessment to be made by the owners of property included in said assessment roll, authorize the issuance of interest bearing bonds or warrants of such assessment district which shall include the property liable to assessment for such improvement, the said bonds or warrants to be payable on or before a date not to exceed ten (10) years from and after their date and may be issued subject to call, the amount of the said assessment to be payable in installments or otherwise, and the bonds to be of such terms as shall be provided in such ordinance or ordinances and to bear interest at such rate as may be prescribed in such ordinance or ordinances, but not to exceed eight (8) per cent per annum. Such bonds or warrants shall be payable only from the funds created by the special assessment hereinbefore authorized upon the property in the said assessment district, and the holder of any such bond or warrant shall look only to such fund for the payment of the principal and interest thereof and shall have no claim or lien therefor against the city by which the same was issued except from such fund.

SEC. 48. If any street, avenue, or alley, or the right to use and control the same for purposes of public travel,

shall belong to any city and such city shall establish a grade therefor, which grade requires any cut or fill, damaging abutting property, the damages to arise from the making of such grade may be ascertained in the manner provided in this act, but such city may provide that the compensation to be made for such damage, together with the accruing costs, shall be added to the cost of the labor and material necessary for the grading thereof, and shall be paid by assessment upon the property within the local assessment district defined by law or the charter or ordinances of such city in the same manner and to the same extent as other expenses of such improvement are assessed and collected. In such cases it shall not be necessary to procure the appointment of commissioners to take the other proceedings herein provided for making such assessments, but all the proceedings for the assessment and collection of such damages and costs, shall, if so ordained by such city, be governed by the charter provisions, law or ordinances in force in such city for the assessment and collection of the cost of such improvements upon property locally benefited thereby: *Provided, however,* That this section shall apply only to the original grading of such street, avenue or alley.

Damage to abutting property.

SEC. 49. At any time within two months from the date of rendition of the last judgment awarding compensation for any such improvement in the superior court, or if any appeal be taken, then within two months after the final determination of the appeal in the Supreme Court, any such city may discontinue the proceedings by ordinance passed for that purpose before making payment or proceeding with the improvement by paying or depositing in court all taxable costs incurred by any parties to the proceedings up to the time of such discontinuance. If any such improvement be discontinued, no new proceedings shall be undertaken therefor until the expiration of one year from the date of such discontinuance.

Proceeding may be discontinued.

SEC. 50. If any city or town shall desire to take possession of any property or do any damage or proceed

City may advance assessments and take possession.

with any improvement, the compensation for which is to be paid for in whole or in part by the proceeds of special assessment under this act, it may advance from its general funds, or any moneys available for the purpose, the amount of the assessments aforesaid, and pay the same to the owner or into court, as herein provided, reimbursing itself for moneys so advanced from the special assessments aforesaid. If there be no funds available for the purpose, such city may contract indebtedness for the purpose of raising funds therefor, which indebtedness shall be contracted and such proceedings taken therefor as is provided by law for indebtedness contracted for other internal improvements.

Waiver of jury.

SEC. 51. In any proceedings under this act wherein a trial by jury is provided for, the jury may be waived as in other civil cases in courts of record in the manner prescribed by law, and the matter may be heard and determined without the intervention of a jury. Whenever an attempt is made to take private property, for a use alleged to be public under authority of this act, the question whether the contemplated use be really public shall be a judicial question and shall be determined as such by the court before inquiry is had into the question of compensation to be made. When a jury is required for the determination of any matter under this act, such jury may be the same jury summoned for the trial of ordinary civil actions before the court, or the court may, in its discretion, issue a venire to the sheriff to summon as jurors such number of qualified persons as the court shall deem sufficient. Except as herein otherwise provided, the practice and procedure under this act in the superior court and in relation to the taking of appeals and prosecution thereof, shall be the same as in other civil actions, but all appeals must be taken within thirty days from the date of rendition of the judgment appealed from. Proceedings under this act shall have precedence of all cases in court except criminal cases.

Procedure as in civil actions.

Words defined.

SEC. 52. Whenever the word "person" is used in this act the same shall be construed to include any company,

corporation or association the State or any county therein and the words "city" or "town" wherever used shall be construed to be either.

SEC. 53. If any city has heretofore taken or shall hereafter take possession of any land or other property, or has damaged or shall hereafter damage the same for any of the public purposes mentioned in this act, or for any other purpose within the authority of such city or town, without having made just compensation therefor, such city or town may cause such compensation to be ascertained and paid to the persons entitled thereto by proceedings taken in accordance with the provisions of this act, and the payment of such compensation and costs as shall be adjudged in favor of the persons entitled thereto in such proceedings shall be a defense to any other action for the taking or damaging of such property.

Compensation for property taken or damaged.

SEC. 54. That an act entitled "An Act to enable cities of the first, second and third classes, and other cities and towns working under special charters, having sufficient population to authorize them to re-incorporate under the laws of the State of Washington, as cities of the first, second or third class to exercise the right of eminent domain for the taking and damaging of said land and property for public purposes, providing a method for making compensation therefor, and providing for special assessments in certain cases upon property benefited, and declaring an emergency," approved March 3, 1905, be and the same is hereby repealed.

Repeal.

SEC. 55. All actions which may now be pending in any court under existing laws, which this act in any manner supersedes or repeals, if the same, at the time of the taking effect of this act, shall not have been tried, shall proceed under the provisions of this act. In all actions in which the supplementary petition of the city shall not have been filed at the time of the taking effect of this act, all proceedings for the levying and collection of assessments shall proceed under the provisions of this act. All other actions and proceedings which may now be pending in court under existing laws which this act in any manner

Saving clause.

supersedes or repeals, shall proceed without being in any manner affected by the passage of this act.

Cities
of second
class.

SEC. 56. In so far as this act relates to cities of the second class, this act shall not be deemed to be exclusive or as repealing or superseding any existing law relative to such cities, covering any subject covered by this act, but as to such cities, this act shall be construed as conferring additional powers and additional remedies, to those now provided by law.

Passed the Senate February 26th, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 154.

[H. B. 183.]

PROTECTION OF CLAMS.

AN ACT to amend section 1 of "An act relating to the protection of clams; providing penalties for its violation and declaring an emergency," approved March 11, 1905.

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

SECTION 1. That "An Act relating to the protection of clams; providing penalties for its violation and declaring an emergency," approved March 11th, 1905, being section 6811 of Pierce's Washington Code, 1905, be and is hereby amended to read as follows: Section 1. It shall not be lawful for any person or persons, firm or corporation, or any person whatsoever, to take, or dig clams from the sands on the ocean beach of the Pacific Ocean, in the State of Washington, or to have in their possession after the same have been taken, for the purpose of canning or for the purpose of sale, between the 1st day of June, and the 31st day of August, of each year.

Unlawful
to dig on
ocean beach
—when.

Passed the House March 1st, 1907.

Passed the Senate March 7th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 155.

[H. B. 192.]

PROVIDING FOR THE INDETERMINATE SENTENCE OF PERSONS CONVICTED OF CERTAIN FELONIES.

AN ACT to provide for the indeterminate sentence of persons convicted of certain felonies, for the termination of such sentence and the release of such persons, and defining the duties of the state board of control and warden of the penitentiary in relation thereto.

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

SECTION 1. Every person convicted of a felony or other crime punishable by imprisonment in the Penitentiary, except treason and murder, if judgment be not suspended or new trial granted, shall be sentenced to the Penitentiary, except in the cases where the law provides for the sending of such convicted persons to the reform school, and in cases where the court is empowered to suspend sentence; but the court imposing such sentence shall not fix the limit or duration of the sentence, but the term of imprisonment of any person so convicted shall not exceed the maximum nor be less than the minimum term provided by law for the crime for which the person was convicted and sentenced: *Provided*, That in all cases when the maximum sentence, in the discretion of the court, may be for life or any number of years, the court imposing the sentence shall fix the maximum sentence: *Provided further*, That in all cases when no minimum sentence is fixed by law, the court imposing sentence shall fix such minimum, which minimum shall not be less than six months, nor more than five years, the release of such person to be determined as hereinafter provided.

Persons convicted shall be sentenced to penitentiary.

Court shall not fix limit.

SEC. 2. The State Board of Control and Warden of the State Penitentiary of this State shall constitute a prison board for the purposes hereinafter specified.

Prison board.

SEC. 3. It shall be the duty of the judge before whom the prisoner is tried and convicted, also of the county attorney, to furnish such prison board, together with the warrant of commitment, all information that they can give in regard to the career of the prisoner before the

Judge shall furnish information.

committal of the crime for which he was sentenced, stating to the best of their knowledge whether the prisoner was industrious or not, of good character or not, what his associates were, what his disposition was, and all the other facts and circumstances that may tend to throw any light upon the question as to whether such prisoner is capable of again becoming a good citizen; and the said prison board shall also have the power to call upon any other official or person for similar information, and where practicable shall procure such information from the people who have known the prisoner.

Prison
board to
adopt rules.

Records.

SEC. 4. It shall be the duty of said prison board to adopt such rules concerning all prisoners committed to their custody as shall prevent them from returning to their criminal courses, best secure their self-support and accomplish their reformation. When any prisoner shall be received into said Penitentiary, the Warden shall cause to be entered into a register the date of such admission, the name, age, nativity, nationality, with such other facts as can be ascertained of parentage, education, occupation and early social influences as seem to indicate the constitutional and acquired defects and tendencies of the prisoner, and, based upon these, an estimate of the present condition of the prisoner, and the best probable plan of treatment. And the physician of said Penitentiary shall carefully examine each prisoner when received, and shall enter in a register to be kept by him the name, nationality or race, the weight, stature and family history of each prisoner; also a statement of the condition of the heart, lungs, and other leading organs, the rate of the pulse and respiration, the measurement of the chest and abdomen, and any existing disease or deformity, or other disability, acquired or inherited. Upon the Warden's register shall be entered from time to time minutes of observed improvement or deterioration of character, and notes as to the method and treatment employed; also all alterations affecting the standing or situation of such prisoner, or any subsequent facts or personal history which may be brought officially to his

knowledge bearing upon the question of the parole or final release of the prisoner.

SEC. 5. The said prison board shall have power to establish rules and regulations under which prisoners within the Penitentiary may be allowed to go upon parole outside the Penitentiary building and enclosure, but to remain while on parole in the legal custody and under the control of the prison board, and subject at any time to be taken back within the enclosure of said Penitentiary: *Parole of prisoners. Provided,* That no parole shall be granted in any case until the minimum term fixed by law for the offense has expired; and full power to enforce such rules and regulations and to retake and reimprison any inmate so upon parole is hereby conferred upon the Warden, whose order, certified by the clerk of the prison, shall be a sufficient warrant for the officer named in it to authorize such officer to apprehend and return to actual custody any conditionally released or paroled prisoner, and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process: *Provided,* That no prisoner shall be released on parole until the said prison board shall have made arrangements, or shall have satisfactory evidence that arrangements have been made, for his honorable and useful employment while upon parole in some suitable occupation, and at a proper or suitable place, free from criminal influence.

SEC. 6. It shall be the duty of the Warden to keep *Discharge.* in communication, as far as possible, with all prisoners who are on parole, and also with their employers, and when, in his opinion, any prisoner who has served not less than six months of his parole acceptably has given such evidence as is deemed reliable and trustworthy that he will remain at liberty without violating the law, and that his final release is not incompatible with the welfare of society, the Warden shall make certificate to that effect to the prison board, and the board shall at the next meeting thereafter consider the case of the prisoner so presented; and when said board shall decide that said prisoner is entitled to his final discharge, said board shall cause a record of the case of said prisoner to be made, showing the date of

his commitment to the Penitentiary, his record while detained therein, the date of his parole, his record while on parole, and their reasons for recommending his final discharge. Said record shall be signed by the board and attested by the secretary. On being approved by the Governor, he shall receive a full discharge from further liability under his sentence. But no petition or other form of application for either the parole or final release of any prisoner shall be entertained by the warden or prison board. Nothing in this act shall be construed as impairing the power of the Governor to grant a pardon or commutation in any case.

Violation of parole—re-commitment.

SEC. 7. If any prisoner shall violate the conditions of his parole as fixed by the prison board, he shall be declared a delinquent, and shall thereafter be treated as an escaped prisoner owing service to the State, and shall be liable, when arrested, to serve out the unexpired term of his maximum possible imprisonment, and the time from the date of his declared delinquency and the date of his arrest, shall not be counted as any portion or part of time served. If any prisoner while at large upon parole shall commit the crime of treason or murder in the first degree he shall be punished as provided by law and conviction thereof shall terminate his former sentence. Any prisoner who while at large upon parole shall commit any other felony shall upon conviction thereof be sentenced to the Penitentiary as provided herein. Such sentence shall not be cumulative but shall be added to his former sentence and commence to be served at the expiration of his former sentence.

Act applicable to persons now confined.

SEC. 8. The provision of this act that relates to the power of the prison board to parole and release prisoners shall apply to all persons now confined in the State Penitentiary for felonies other than treason or murder, whenever such person shall have served the minimum time fixed by law for the crime for which he was convicted. Persons convicted of a felony committed prior to the taking effect of this act, and sentenced after this act is in force, shall be sentenced under the law in force at the time such felony was committed; but the provisions of this act relating to

the power of the prison board to parole and release prisoners shall apply to such persons. All paroles herein provided for shall be approved by the Governor before the same shall be valid and no person who has served a previous term in any Penitentiary shall be eligible for parole under this act.

Governor
to approve
paroles.

Passed the House February 18th, 1907.

Passed the Senate February 27th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 156.

[H. B. 9].

ESTABLISHMENT AND MAINTENANCE OF A BRANCH OF THE STATE SOLDIERS' HOME.

AN ACT to provide for the establishment and maintenance of a branch of the state soldiers' home for honorably discharged soldiers, sailors and marines who have served the United States government in any of its wars, members of the state militia disabled while in the line of duty, and who are *bona fide* citizens of this state, and also the wives of such soldiers, sailors and marines.

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

SECTION 1. That there shall be established and maintained in this State a branch of the State Soldiers' Home, under the name of the "Washington Veterans' Home," which branch shall be a home for honorably discharged soldiers, sailors and marines who have served the United States government in any of its wars, members of the State militia disabled while in the line of duty, and who are *bona fide* citizens of the State, and also the wives of such soldiers, sailors and marines.

Washington
Veterans'
Home.

SEC. 2. All honorably discharged soldiers, sailors and marines who have served the United States government in any of its wars, members of the State militia disabled while in the line of duty, and also the wives of such soldiers, sailors and marines, may be admitted to the home provided in section 1 of this act, under such rules and regulations

Admission

as may be adopted by the State Board of Control: *Provided*, That such applicants are *bona fide* citizens of this State.

Appropriation
\$50,000.

SEC. 3. To carry out the provisions of this act there shall be and hereby is appropriated out of any moneys in the State treasury, not otherwise appropriated, the sum of fifty thousand dollars, which may be drawn as required by the State Board of Control.

Governor to appoint
Board.

SEC. 4. The selection and purchase of the site shall be vested in a board to be appointed by the Governor, composed of two members of the Senate and three members of the House of Representatives acting in conjunction with the State Board of Control; and the construction of the buildings for the said home, and the general supervision and government thereof, shall be vested in the State Board of Control, in the same manner as provided by law for other State institutions under control of said board.

Selection
of site.

SEC. 5. The State Board of control is authorized and instructed to select and purchase a site for the said home, consisting of not less than twenty acres of land, at an expense not exceeding ten thousand dollars, and may receive donations of land or other things of value for the said home: *Provided*, That the site of said branch home shall be located upon land overlooking the waters of Puget Sound.

Passed the House March 7th, 1907.

Passed the Senate March 12th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 157.

[S. B. 105.]

RELIEF OF ANDREW ESKKOLA.

AN ACT for the relief of Andrew Eskkola, and authorizing the commissioner of public lands of the state of Washington to relinquish on behalf of the state of Washington, for the benefit of Andrew Eskkola, the southwest quarter of section six, in township eleven, north of range eight, west of the Willamette Meridian.

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

SECTION 1. The Commissioner of Public Lands of the State of Washington be and he is hereby authorized and empowered by the Legislature of the State of Washington, to execute in the name of and on behalf of the State of Washington, and to file in the proper United States land office, a relinquishment to the United States of the claims of the State of Washington to the southwest quarter of section six, in township eleven north of range eight, west of the Willamette Meridian, the said relinquishment to take effect concurrently with the acceptance by the register and receiver of the proper United States land office of the homestead entry of Andrew Eskkola to the end that said Andrew Eskkola may make homestead entry of said lands, and the said Commissioner of Public Lands make selection of other lands in lieu thereof.

Relinquish-
ment of
claim of
State in
certain
lands.

Passed the Senate February 28th, 1907.

Passed the House March 11th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 158.

[S. B. 235.]

POWER OF COUNTIES OF THE FIRST CLASS TO CONSTRUCT OR AID IN THE CONSTRUCTION OF CANALS.

AN ACT relating to the power of counties of the first class to construct or aid in the construction of canals, and declaring an emergency.

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

County may construct or aid in construction.

SECTION 1. That whenever the board of county commissioners of any county of the first class in this State shall deem it for the interest of the county to construct or to aid the United States in constructing a canal to connect any bodies of water within the county, such county, is hereby authorized to construct such canal or to aid the United States in constructing the same and to incur indebtedness for such purpose to an amount not exceeding five hundred thousand (\$500,000.00) dollars and to issue the negotiable bonds of the county therefor in the manner and form provided in sections 1846 to 1851, inclusive, of Ballinger's Annotated Codes and Statutes of Washington.

Limit of indebtedness.

Public purpose.

SEC. 2. That such purpose is hereby declared to be a county purpose.

Prior indebtedness validated.

SEC. 3. That in all cases where within one year next prior to the passage of this act any county has undertaken or attempted, or is undertaking or attempting to construct or to aid the United States in constructing any such canal or within said time has been or is incurring or attempting to incur indebtedness or to issue its bonds in manner and form above mentioned for any such purpose to an amount not exceeding five hundred thousand (\$500,000.00) dollars, all such action by such county and all such indebtedness and bonds are hereby validated and confirmed and such county is authorized to proceed with the matter under the provisions of this act.

Emergency.

SEC. 4. An emergency exists and this act shall take effect immediately.

Passed the Senate March 7th, 1907.

Passed the House March 12th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 159.

[S. B. 107.]

EXERCISE OF POWER OF EMINENT DOMAIN BY CORPORATIONS GENERATING AND TRANSMITTING ELECTRICITY.

AN ACT relating to the exercise of the power of eminent domain by corporations generating and transmitting electricity and using and selling the same for light and power.

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

SECTION 1. Any corporation authorized to do business in this State, which, under the present laws of the State, is authorized to condemn property for the purpose of generating and transmitting electrical power for the operation of railroads or railways, or for municipal lighting, and which by its charter or articles of incorporation, assumes the additional right to sell electric power and electric light to private consumers outside the limits of a municipality and to sell electric power to private consumers within the limits of a municipality, which shall provide in its articles that in respect of the purposes mentioned in this section it will assume and undertake to the State and to the inhabitants thereof the duties and obligations of a public service corporation, shall be deemed to be in respect of such purposes a public service corporation, and shall be held to all the duties, obligations and control, which by law are or may be imposed upon public service corporations. Any such corporation shall have the right to sell electric light outside the limits of a municipality and electric power both inside and outside such limits to private consumers from the electricity generated and transmitted by it for public purposes and not needed by it therefor: *Provided*, That such corporation shall furnish such excess power at equal rates, quantity and conditions considered, to all consumers alike, and shall supply it to the first applicants therefor until the amount available shall be exhausted: *Provided further*, That no such corporation shall be obliged to furnish such excess power to any one consumer to an amount exceeding twenty-five per cent of the total amount of such excess power generated or transmitted by it. In exercising the power of eminent domain for public pur-

Corporations may sell electric power and light—when.

Deemed public service corporation.

Exercise of eminent domain.

poses it shall not be an objection thereto that a portion of the electric current generated will be applied to private purposes, provided the principal uses intended are public: *Provided*, That all public service or quasi-public service corporations shall at no time sell, deliver and dispose of electrical power in bulk to manufacturing concerns at the expense of its public service functions, and any person, firm or corporation that is a patron of such corporation as to such public function, shall have the right to apply to any court of competent jurisdiction to correct any violation of the provisions of this act.

Power must be applied to public use.

SEC. 2. Whenever any corporation has acquired any property by decree of appropriation based on proceedings in court under the provisions of this act, no portion of the electricity generated or transmitted by it by means of the property appropriated under the provisions of this act shall be used or applied by such corporation for or to a business or trade not under the present laws deemed public or quasi-public conducted by itself.

Suit for violation of act.

SEC. 3. In the event of the violation of any of the requirements of this act by any corporation availing itself of its provisions, an appropriate suit may be maintained in the name of State upon the relation of the Attorney General, or, if he shall refuse or neglect to act, upon the relation of any individual aggrieved by the violation, or violations, complained of, to compel such corporation to comply with the requirements of this act. A violation of this act shall cause the forfeiture of the corporate franchise if the corporation refuses or neglects to comply with the orders with respect thereto made in the suit herein provided for.

Saving clause.

SEC. 4. Nothing in this act contained shall affect any action or proceeding pending in any court at the time of its passage.

Passed the Senate February 14th, 1907.

Passed the House March 9th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 160.

[S. B. 126.]

COUNTY ENGINEER.

AN ACT changing the title of county surveyor to county engineer, relating to the election, powers, and duties of such officer and repealing sections 490 and 491 of Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. The county surveyor shall hereafter be designated as county engineer. He shall be a qualified elector of his county, and a competent civil engineer and surveyor. The county engineer of each organized county shall be elected at the general election for the term of two years, and shall give a bond to the people of this State in the penal sum of two thousand five hundred dollars, to be approved by the county commissioners, conditioned for the faithful and impartial discharge of the duties of his office.

County engineer.

Term.

Bonds.

SEC. 2. He shall keep in his office a highway plat book in which he shall have accurately platted all public roads and highways established by the board of county commissioners.

Shall keep highway plat book.

SEC. 3. The county engineer shall prepare profiles of all roads hereafter established and of all roads which are ordered to be improved, and shall recommend to the board of county commissioners what improvements shall be made to the roads and bridges in the county, together with an estimated cost of such improvement. He shall at least annually inspect or cause to be inspected, all bridges of the county, and make a report in writing to the board of county commissioners with such recommendations for the repair and maintenance as he finds necessary.

Duties in respect to roads.

SEC. 4. The office of county engineer shall be one of record and there shall be recorded and filed in his office, all matters concerning the public roads, highways, bridges, ditches or other surveys of his county, with the original papers, documents, petitions, surveys, repairs and other papers, in order to have the complete history of any such

Records.

road, highway, bridge, ditch or other survey: *Provided*, That in any county where there is no qualified engineer, the records of said office shall be kept in the office of the county auditor.

Compensa-
tion.

SEC. 5. The salary of the county engineer shall be as follows: When according to the last census taken by the county, the State, or the United States, preceding the election, at which the engineer was elected, the population of the county is less than 10,000, the engineer shall receive a salary of five dollars per day, for each day actually and necessarily employed in the discharge of his duties, and he shall keep his office open for the inspection of his records by the public during the official hours of his business, as hereinafter provided. In counties of 5,000 or less population he shall keep his office open at least one day in each week. In counties of more than 5,000, and less than 10,000 he shall keep his office open at least two days each week, and a notice of such days must be posted on his office door. In all counties of 10,000 and more population, he shall receive the same salary as the county auditor of his county, and his office shall be kept open at all times as other county offices of record are kept open.

Traveling
expenses.

SEC. 6. The county engineer, or his deputy, and his assistants, shall be allowed actual traveling expenses while officially employed.

Repeal.

SEC. 7. Sections 490 and 491 of Ballinger's Annotated Codes and Statutes of Washington, are hereby repealed.

Passed the Senate February 15th, 1907. .

Passed the House March 8th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 161.

[S. B. 162]

RIGHTS OF WAY FOR IRRIGATION DITCHES OVER STATE LANDS.

AN ACT granting rights-of-way to irrigation districts, irrigation companies, associations and individuals over the lands of the State of Washington, and providing for the appraisal and disposition of the lands included within and used for such rights-of-way.

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

SECTION 1. A right of way through, over and across the public lands of the State of Washington is hereby granted to any irrigation district, or irrigation company, duly organized under the laws of this State, and to any association or individual, constructing or proposing to construct an irrigation ditch or pipe line for irrigation.

Rights-of-way granted.

SEC. 2. In order to obtain the benefits of this grant, the irrigation district, irrigation company, association or individual constructing or proposing to construct such irrigation ditch or pipe line for irrigation shall file with the Board of State Land Commissioners a map accompanied by the field notes of the survey and location of the proposed irrigation ditch, and shall pay to the State as hereinafter provided the amount of the appraised value of the said lands used for or included within said right-of-way. The land within said right-of-way shall be limited to an amount necessary for the construction of a ditch sufficient for the purpose required, together with sufficient land on either side thereof for ingress and egress to maintain and repair the same.

Benefits of grant—how obtained.

SEC. 3. Upon the filing of the plat and field notes as herein provided, said board of State Land Commissioners are hereby authorized and directed to ascertain the value of the land to be used for or included within said right-of-way, which price shall be the full market value thereof, but not to be less than ten dollars per acre.

State Land Commissioners to ascertain value.

SEC. 4. Upon full payment of the value of such easement ascertained as aforesaid, any future grant or lease by

Sale or lease subject to easement.

the State of the lands affected by such right of way shall be subject to the easement obtained under the provisions of this act.

Construction of act.

SEC. 5. Nothing contained in this act shall be deemed to in any way conflict with any existing law of this State relating to the method of acquiring rights-of-way for irrigation ditches.

Passed the Senate February 28th, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 162.

[S. B. 297.]

HORTICULTURE.

AN ACT creating the office of state commissioner of horticulture, providing for the promotion and protection of the fruit growing and horticultural interests of the state of Washington, and providing penalties for the violation of certain provisions of this act.

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

Governor shall appoint—When.

SECTION 1. That there is hereby created the office of Commissioner of Horticulture. The said Commissioner of Horticulture shall be appointed by the Governor: *Provided*, That any person before being appointed to said office must furnish a certificate from the State College of Washington, certifying that he is a skilled horticulturist.

Oath.

SEC. 2. Before entering upon the discharge of his duties the said Commissioner of Horticulture shall take and subscribe an oath that he will support the constitution of the United States, and the constitution and laws of the State of Washington, and that he will faithfully discharge the duties of his office, which said oath, together with the aforesaid certificate, shall be filed with the Secretary of State. He shall also furnish a bond in the sum of five thousand (\$5,000) dollars conditioned upon the faithful performance of his duties as said Commissioner of Horticulture.

Bond.

He shall also furnish a bond in the sum of five thousand (\$5,000) dollars conditioned upon the faithful performance of his duties as said Commissioner of Horticulture.

SEC. 3. The office of the Commissioner of Horticulture shall be at the city of Tacoma, which office shall be opened to the public at least between the hours of 9 a. m. and 12 m., and between the hours of 1 p. m. and 5 p. m. every day except on Saturdays when it may close at 4 p. m. and excepting legal holidays, and days when he may be necessarily absent attending to official duties in other parts of the State.

Office at Tacoma.

SEC. 4. The official term of said Commissioner of Horticulture shall begin on the first day of the first April following the election of the Governor of the State, and continue for four years, and until his successor is appointed and qualified. The term of the present Commissioner of Horticulture shall expire March 31, 1909.

Term.

SEC. 5. That said Commissioner of Horticulture shall receive an annual salary of two thousand (\$2,000) dollars, payable monthly in the same manner as the salaries of other State officers; also his incidental expenses such as his actual traveling expenses, not to exceed seven hundred and fifty dollars per year. In addition to the foregoing provisions said Commissioner may expend such amount for stationery and postage, clerk hire, publishing bulletins, printing, stationery, office exhibits, and office room rent as the Legislature may provide. Said sums shall be paid on warrants drawn by the State Auditor on the presentation of proper vouchers therefor. When from illness or other cause the said Commissioner is temporarily unable to perform his duties, he may designate one of the deputy commissioners to discharge the duties of such office until such disability is removed. The appointment of such deputy may be revoked by the Commissioner of Horticulture at will. The Commissioner of Horticulture shall be responsible for the acts of such deputy: *Provided*, That no charge or claim shall be made against the State or any of its funds for any extra compensation to such deputy, on account of so temporarily acting as Commissioner of Horticulture.

Salary.

Expenses.

Deputy to act—when.

SEC. 6. Said Commissioner may be removed from office by the Governor, at any time, for cause, such as inefficiency, neglect of duty or immoral conduct, but in no case for

Removal from office.

political reasons. Vacancies occurring in the office of Commissioner of Horticulture during a term shall be filled by the Governor making an appointment for the unexpired term, in the same manner as prescribed in section 1 of this act for full term appointments.

Duties.

SEC. 7. It shall be the duty of the Commissioner of Horticulture to supervise the horticultural industries of the State, and to cause the enforcement of the laws of this State relative to the growing and marketing of fruits, the production of and traffic in nursery stock, the destruction and control of insect pests, fungous and bacterial diseases, the enforcement of the provisions relating to the licensing of firms, persons or corporations engaging in the business of selling or importing fruit trees, plants or nursery stock into this State, the collection and publication of statistics pertaining to horticulture, the supervision and direction of the horticultural inspection service, and the dissemination of horticultural knowledge, and the performance of such other duties as may be prescribed by law. He shall have printed and distributed to the county horticultural inspectors in each county, forms for the statements and reports required of county horticultural inspectors and deputy inspectors in section 18 of this act.

Plant
diseases
and in-
sect pests.

SEC. 8. For the purpose of preventing the introduction and spread of plant diseases and insect pests among fruit trees, plants and nursery stock, and for the treatment and disinfection of plants, parts of plants, storage places, packing materials and packages, the Commissioner of Horticulture shall prescribe such remedies as he shall deem best, describe and formulate such remedies with their proper mode of application, with such additional instruction as he may consider necessary into a circular or bulletin, which he shall have printed and distributed free of cost to the applicants for such information within the State; he shall include also in said bulletin the rules and regulations under which a person, firm or corporation may lawfully sell, import into this State, and sell or authorize to be sold fruit trees, plants or nursery stock, and the penalty to be incurred for the violation of these rules.

SEC. 9. The Commissioner of Horticulture shall hear and promptly decide all appeals from the county and special inspectors, and his decision shall have full force and effect until set aside by the courts of the State. In all cases of appeal he shall disregard technicalities, and decide each and every case on its merits. All appeals from the inspectors to the Commissioner of Horticulture shall be under forms and regulations prescribed by the said Commissioner.

Appeals
from county
inspectors.

SEC. 10. The Commissioner of Horticulture shall approve or reject all bonds required by law to be submitted to him, and he shall file and safely keep all bonds and other papers by law required to be filed with him, and shall upon the expiration of his term of office, turn over the same to his successor. He shall examine all fruit, specimens of trees, shrubbery or plants submitted to him for examination and report his findings to the person seeking such information. He shall from time to time as may deem best for the best interests of the horticultural industries of the State, publish bulletins which shall be sent free to citizens of the State; such bulletins to contain a brief resume of the discoveries of science, of interest to horticulture, or any other matter which the Commissioner shall deem of importance to such interests. And unless there be urgent or special need thereof, no bulletins shall contain any matter that has appeared in any previous bulletin.

Commis-
sioner shall
approve
bonds.

Publication
of bulletin.

SEC. 11. There shall be kept and maintained in the office of the said Commissioner of Horticulture in the city of Tacoma an exhibit of the fruits of the State of Washington.

Exhibit
of fruits.

SEC. 12. The Commissioner of Horticulture may employ one office clerk at a monthly salary of not to exceed seventy-five dollars, who shall be continually in the office of the said Commissioner during office hours.

Clerk-
Salary.

SEC. 13. Three deputy commissioners shall be appointed by the Commissioner of horticulture to serve during his term of office, one in each of the counties of King, Pierce and Spokane, which deputies, prior to their ap-

Deputies.

pointment shall furnish to the Commissioner of Horticulture such a certificate as is required of the Commissioner of Horticulture by section 1 of this act, and each deputy commissioner shall file his bond with the Secretary of State in the sum of \$2,000, conditioned on the faithful performance of the duties of his office. In compensation for services rendered, each of such deputy commissioners shall receive a salary of one hundred dollars per month, and no extra allowance shall be made for personal expenses in his county. It shall be the duty of deputy commissioners to inspect, regulate, and supervise the traffic of fruits. They shall also perform inspection service in regulating nursery traffic, and in the inspection of orchards, trees and ornamental plantings, and such other duties as may be prescribed by law. Such deputy commissioners shall, in the absence of the Horticultural Commissioner, have the full powers of said Horticultural Commissioner within the respective counties within which they reside. The Commissioner of Horticulture may detail to a deputy commissioner the power to follow diverted shipments or supposed infected material to whatever points it may be consigned to, within the State, and also to serve in other localities when it appears of urgent necessity. All deputy commissioners shall keep a daily record of their services in each county where employed, and report the same daily to the Commissioner of Horticulture. The deputy commissioners shall be paid in the same manner in which the Commissioner of Horticulture is paid.

Special
inspectors.

SEC. 14. The Horticultural Commissioner may appoint from time to time, as necessary, special inspectors, not more than four in number, whose duty it shall be, under direction of the State Horticultural Commissioner, to perform the duties of county horticultural inspectors in counties where no county horticultural inspectors have been appointed. Such special inspectors, prior to their appointment shall furnish to the Commissioner of Horticulture such a certificate as is required of the Commissioner of Horticulture, by section 1 of this act. Such special inspectors shall make monthly reports to the State Horti-

cultural Commissioner in the same form as required to be made by county horticultural inspectors to county commissioners, and in addition shall specify in detail in said report as to the time spent by them in each county. Said special inspectors shall receive a per diem of five dollars per day and in addition shall be paid their actual necessary traveling expenses. Said salary and expenses shall be paid in the same manner in which the Commissioner of Horticulture is paid. It shall be the duty of the Commissioner of Horticulture, each month, to furnish under oath to the State Auditor a statement, showing the amount of the per diem and expenses of each inspector, properly chargeable against each county, and upon notification from the State Auditor, each such county by its board of county commissioners shall at once remit the amount thereof to the State Treasurer who shall turn the same into the general fund.

Compensation.

SEC. 15. An annual "Inspectors Institute" shall be held during the month of January at the State College of Washington, at Pullman. The Commissioner of Horticulture and the president of the State College, jointly, shall fix the date of such institute and prepare the program therefor. The State Horticultural Commissioner by written notice shall direct the attendance of all county inspectors. The State Horticultural Commissioner shall preside over the proceedings of the said institute, which shall continue four days. The purpose of these institutes is improvement and conference, the study of subjects of experimentation, by the scientists of the college along entomological and horticultural lines, and it shall be the duty of all county inspectors, State and deputy State commissioners to attend such institute meetings unless prevented by illness. Failure to attend on the part of an inspector or deputy commissioner shall work a forfeiture of his office. Inspectors and deputy State commissioners attending such institutes shall be allowed their actual traveling expenses to be paid by the respective counties, in the case of county inspectors and by the State in the case of deputy State commissioners.

Inspectors' Institute.

SEC. 16. The board of county commissioners of each county may appoint a horticultural inspector for such

County inspectors.

Bond.

Compensation.

county, subject to an examination as to his qualifications as hereinafter provided. Each county inspector, before entering upon the discharge of his duties, shall take and subscribe the oath required in section two of this act, and shall also furnish a bond in the sum of one thousand (\$1,000) dollars conditioned upon the faithful performance of his duties as such county inspector. Said horticultural inspector shall receive such salary as the board of county commissioners of the county in which the service is performed may direct.

SEC. 17. Deputy county horticultural inspectors may, upon the request of the county horticultural inspector, be appointed by the board of county commissioners, which said deputy horticultural inspectors shall, before appointment, pass an examination as hereinafter provided for county horticultural inspectors: *Provided*, That in case of emergency the board of county commissioners may appoint temporary deputy horticultural inspectors without examination, which said temporary deputy horticultural inspectors shall not serve to exceed thirty days without passing an examination. Deputy horticultural inspectors shall receive such compensation as the board of county commissioners shall fix in each case, but in no case to exceed four dollars per day for each day actually spent in the duties of his office. In addition thereto each deputy horticultural inspector shall be allowed his actual necessary traveling expenses, upon itemized vouchers, when engaged away from his home neighborhood.

Inspectors shall report to Commissioner.

SEC. 18. Each county horticultural inspector and deputy horticultural inspector shall make a monthly report upon forms prepared by the State Horticultural Commissioner, to the county commissioners of their county, setting forth the number of days' work performed and the character thereof, and a summary of his expense vouchers, which shall be transmitted therewith, and shall make oath to the correctness of said report and of said vouchers, and no salary or expenses shall be paid for any month until such report shall have been filed and approved. All reports of deputy horticultural inspectors shall first be approved by

the county horticultural inspector before being considered by the board of county commissioners. Each county horticultural inspector shall once each month, make report to the State Horticultural Commissioner of the condition of the orchards of his county, and giving such other reasonable information as shall be required, upon forms furnished by said State Horticultural Commissioner. A notification to the board of county commissioners from the State Horticultural Commissioner that any county inspector has neglected or refused to make such report shall *ipso facto* suspend said county horticultural inspector from office until such report is made.

SEC. 19. Before appointment, each candidate for appointment as county horticultural inspector or deputy horticultural inspector, shall pass an examination, which examination shall be as follows: A committee, not less than two nor more than five, as fixed by the board of county commissioners, shall be appointed by the county horticultural society or association. In case there is more than one general county horticultural society or association, each of such county horticultural societies or associations, shall appoint one member of said committee. In case there is no county horticultural society or association then the county commissioners shall appoint said committee who shall be practical horticulturists. Said examination shall be divided into two parts, technical and practical, and shall be conducted by said committee, at the county seat, after 20 days' published notice. The questions for the technical portion of said examination shall be prepared by the president of the State College at Pullman, or under his direction, and the sufficiency of the answers thereto shall be passed upon by him or by some member or members of the faculty of the State College under his direction. The questions for the practical portion of said examination shall be prepared by the committee and shall require a statement as to the experience of the applicant in horticultural work; his physical and mental ability to perform the duties of his office, and references as to his character, ability, practical knowledge of horticulture and efficiency. All ques-

Examina-
tion of in-
spectors.

tions shall be answered by the candidate in writing except the references which shall be furnished by him, in authentic form, from the persons or corporations to whom he shall refer, and shall not be less than five in number, and the committee may require such additional references as they deem advisable. The said committee shall pass upon the sufficiency of the answers and information given in the practical part of said examination. The grading of said examination shall be upon the basis of 100 credits, of which the technical portion shall count 50, and the practical portion 50, and no candidate shall be appointed to the office of county horticultural inspector or deputy inspector who shall not receive a total of seventy-five or more credits at such examination. The said committee shall certify in writing, under oath that the questions were answered by the candidate in writing in their presence, without aid or assistance from any person or persons whatsoever, and the candidate shall certify in writing under oath that the answers written by him were written in the presence of the committee without aid or assistance from any person or persons whatsoever, and said certificate shall be attached to the questions and answers, and after said answers have been properly passed upon, shall be filed with the State Horticultural Commissioner.

Inspectors
to cooperate
with hor-
ticultural
societies.

SEC. 20. It shall be the duty of county horticultural inspectors to co-operate with and assist all horticultural societies and associations and their officers and committees in the performance of their duties; to promote and assist in the organization of such horticultural societies and their auxiliary sub-organizations; to foster and promote impartially the horticultural interests throughout the county; to gather data, information and statistics which may be of value to horticultural interests and to report the same to the State Horticultural Commissioner, and to the county horticultural societies and associations; to co-operate with the commercial bodies of his county in the interest of advertising, immigrating and information; to furnish to the county press matter of information to the

horticultural interests, and to perform such other duties as may be required of him by law.

SEC. 21. County horticultural inspectors and deputies who shall be appointed under and by authority of this act, are hereby authorized, directed and empowered to enforce the provisions of this act to prevent the introduction and spread of plant diseases and insect pests to any locality within or outside his jurisdiction.

County inspectors shall enforce act.

SEC. 22. If from his personal observation, or upon the complaint of any person, the county horticultural inspector has reason to suspect that any person, company or corporation has an orchard, tree, or nursery of trees, vines or garden, fruit packing house, storeroom, or that any other place or material in his district, is infected with fungous or bacterial diseases or insect pests in any state or condition of development, which may be or may become injurious to fruit or plants, or that any trees, fruits or plants are in transit to his district from outside the State, or about to be disseminated or distributed within his district, which are known to be, or are suspected to be from localities that are infected with any disease or pest, or that may become injurious to the fruit interests of his district or state, he shall without delay inspect the premises, property or materials so suspected, and if the same is found to be infected as aforesaid, he shall notify the owner, his agent, or the person in charge of the same, not to remove or allow the removal of any part of such property until the same has been disinfected, prescribing the manner of disinfection, and he shall direct the owner, agent or person having such property in his charge to treat and disinfect the said premises and property within forty-eight hours.

Inspection.

May require disinfection.

SEC. 23. If any person so notified as provided in section 22 of this act shall permit the removal of, or fails to disinfect in the manner and in the time prescribed, any orchard, tree, nursery of trees, vines or garden, fruit packing house, storeroom or material so infected with fungous or bacterial diseases or insect pests in any state or condition of development as set forth in said section,

Failure to disinfect—Penalty.

he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars, and costs.

Inspector
may disin-
fect, when.

SEC. 24. If after the expiration of forty-eight hours from receipt of notice provided in section 22 of this act, the owner or person in charge of such infected orchard, tree, nursery of trees, vines or garden, fruit packing house, storeroom, or other place shall have failed and neglected to disinfect the said premises or property as in said section provided, it shall be the duty of the county inspector to enter on such premises or property and disinfect the same. Each county inspector shall keep an accurate account of the expenses incurred by him in carrying out the provisions of this section, with respect to each parcel of land or property entered upon therefor, and shall offer or send by mail a statement of such expenses, including a description of the premises, verified by oath, to the owner, possessor or occupier of such land or property, requiring him to pay the amount. In case such owner, possessor or occupier shall fail to pay the same within thirty days after such application, said claim shall be presented to the board of county commissioners of the county in which said expenses were incurred, and the same, if found correct, shall be paid in the same manner as other claims and expenses of such county inspectors. The board of county commissioners to which said claim is presented shall order the said claim to be a tax upon the premises described therein, and the same shall be levied as a tax upon said premises or property and entered upon the tax rolls for the current year and collected together with penalty and interest as other taxes are collected, and when so collected paid into the fund from which the said expense and claim was paid to such county inspector.

Payment
of expenses.

Shipment
of infected
stock.

SEC. 25. Any nursery trees, shrubs or plants which have been shipped from and to any place within the State or from without the State to any point in the State, for distribution or for planting, and which are infected with any injurious insect, larva or fungus growth or other disease, shall be disinfected under the direction of the in-

spector of the county where such trees and plants are taken, and the cost of such disinfection shall be charged to the owner of said articles, and shall be a lien on such trees, shrubs or plants until paid, and the person in possession of such articles being held subject to such lien shall have a legal claim against the person or persons from whom he purchased or received such trees, shrubs, or plants, for reimbursement of the costs thereof including costs of collection, and shall have recourse against the bondsmen of the person, firm or corporation furnishing such trees, plants or shrubs.

SEC. 26. The county horticultural inspector shall, in the performance of his duties as such inspector, have on any day except Sunday, free access to orchards, nurseries, gardens, hop fields, packing houses, and storerooms where fruit may be kept, fruit boxes full or empty, or any other material or place suspected of being infected with insect pests or diseases injurious to the fruit interests of the State. If he finds any nursery, orchard, garden, or other place or material infected with any insect pest or plant disease, he shall forthwith notify the owners, occupants, or persons in possession thereof in writing, that the same is infected, prohibit their removal, and direct the manner in which the same shall be disinfected. If the owner, occupant, or person in possession of said orchard, garden, storeroom, fruit stand, or other place or infected material shall not within three days or within the time limited in such notice, for so doing, disinfect the same in the manner by the inspector provided, or shall not have appealed from the said decision of the inspector to the Commissioner of Horticulture, the inspector shall then enter on and disinfect part of or all of said premises so neglected, and the expenses of such disinfection shall be presented and collected in the manner provided in section 24 of this act.

SEC. 27. If the infected property referred to in section 26 of this act be transportable material the inspector shall notify the person in charge thereof not to remove the same and to disinfect same within twenty-four hours, and prescribe the manner of disinfection. If the person in charge

Access to
orchards,
etc.

Appeal.

Destruction
of infected
stock.

of said infected material shall neglect or refuse to disinfect the same as notified, or shall fail to appeal from the said decision of the county inspector, then the inspector shall destroy such infected material or fruits, fruit boxes, baskets, wrappings, or portable fruit stands, by burning the same. If any appeal shall have been taken, the inspector shall after twenty-four hours' notice, take immediate possession of such movable property, and keep the same until the said appeal is decided. If the decision of the Commissioner be in favor of the appellant, the property shall be returned to him; on an adverse decision the property must be destroyed by the inspector as in this section provided. All appeals from the action or demand of the inspector shall be taken to the Commissioner of Horticulture.

Inspectors
not to solicit
sales of
trees, etc.

SEC. 28. No inspector or deputy shall act as solicitor or agent for the sale or distribution of any nursery stock, supplies, or machinery for use in orchards, nor engage in the purchasing or marketing of fruit from any orchard save his own. When satisfactory evidence is given that any inspector or deputy has violated the provisions of this section the board of county commissioners shall remove such inspector or deputy.

License
to dealers.

SEC. 29. No person, firm or corporation shall engage or continue in the business or selling as agent, solicitor, or otherwise within the State or importing fruit trees, plants or nursery stock into the State without first having obtained a license to carry on such business in this State, as in this act provided.

Applica-
tion.

SEC. 30. Any person, firm or corporation may obtain a license to engage or continue in the business of selling or importing fruit trees, plants, or nursery stock into this State, by submitting his application therefor, to the Commissioner of Horticulture, together with a satisfactory bond of one thousand dollars made in conformity with the laws of the State of Washington. All bonds submitted shall be renewed every second year. Such bonds shall be approved by and filed with the said Commissioner, conditioned that the principal and his or their agents will faith-

Bond.

fully obey the provisions of this act, the laws of the State of Washington, and that said principal will pay the costs of disinfection or destruction of all infected nursery stock or other material or goods imported into and sold within such district of this State by said principal, his or their agents. Any person or persons in any way injured or damaged by reason of the sale of or delivery of infected nursery stock, or any other violation of the provisions of this act, shall have recourse against the bondsmen of such person, firm or corporation for such damages. All licenses issued by the Commissioner of Horticulture shall bear the name of the solicitor, agent or salesman and shall not be assignable, except upon written approval of the Commissioner of Horticulture. Any solicitor or agent falsely representing nursery stock to the detriment of the purchaser shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not less than fifty nor more than one hundred dollars, and such conviction shall *ipso facto* work a forfeiture of his license.

Actions on
bond.

SEC. 31. Any license granted to any person, firm or corporation may be suspended in its operation by the Commissioner of Horticulture upon the report of any inspector that said person, firm or corporation has introduced infected stock into the State of Washington, upon satisfactory proof being furnished to that effect. The license fee for nurserymen and tree dealers shall be five dollars, and for their agents or salesmen, two dollars and fifty cents. Said license fees shall be collected by the Commissioner of Horticulture and paid into the State treasury. All licenses shall expire after two years from date of issue unless renewed upon the same terms originally provided for in this section. The expiration of a bond shall cancel a license issued thereon. Licenses issued between December 1, 1906, and April 1, 1907, may be extended in their operation to December 1, 1907, without additional fees.

Suspension
of licenses.

Fees.

SEC. 32. It shall be the duty of every person, firm or corporation licensed to do business under this act to notify the Commissioner of Horticulture of his intention to ship an invoice of fruit trees, plants or nursery stock from

Notice of
shipments.

one point to another within the State, or to transport an invoice of similar goods from without to any point within the State, whether for the purpose of sale or for personal use, and if for sale, he shall furnish to the Commissioner of Horticulture, in writing, the name and addresses of the persons, firms or corporations to whom the same are sold. Such notice shall contain the name and address of both consignor and consignee and a descriptive invoice of the goods to be shipped, the freight or express office at which the goods are to be delivered, and the name or title of the transportation company from which the consignees are to receive the goods. A copy of such notice shall also be mailed to the county horticultural inspector in the county in which the point of destination is located. Such notice shall be mailed not later than the date of such shipment. Upon receipt at destination of any invoice of fruit trees, plants or nursery stock, it shall be the duty of the freight agent, express agent or other transportation company's employe having such shipment of fruit trees, plants or nursery stock in charge to notify the inspector within whose jurisdiction said invoice is received of the receipt of said shipment, naming consignor and consignee, and that said nursery stock is ready for inspection, notification to be by mail, telegraph or telephone, and to hold said shipment for inspection by the said inspector before delivering said plants or nursery stock to the consignee: *Provided*, That said invoice need not be held more than seventy-two hours after notification as herein provided is made, to the inspector.

Inspection.

Stock shall
be labeled.

SEC. 33.. Any scions, fruit trees, plants or nursery stock sold within this State shall be labeled with the true name of the variety and the actual location of the place where grown. All boxes, crates, baskets or packages containing fruit offered or transported for sale within this State shall be marked with the name of the variety (or if the variety is unknown the said box, crate, basket or package shall be marked "variety unknown"), and with the name of the actual locality or district where grown, and no such box, crate, basket or package shall

bear the name of any other locality, place or district other than that in which said fruit was actually grown.

SEC. 34. Any person, firm or corporation who shall sell within this State, or import into this State, any scions, fruit trees, plants or nursery stock in violation of the provisions of this act, or who shall violate the provisions of section 33 of this act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined for each offense in any sum not more than one hundred dollars. Penalty.

SEC. 35. Any person who shall offer for sale or solicit persons within this State to purchase from him, any fruit trees, plants or nursery stock belonging to any person or firm not licensed under the provisions of this act, or who is not an authorized licensed agent of the firm he represents, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined for each offense in any sum not exceeding one hundred dollars. All fines imposed for the violation of the provisions of this act shall be paid to the treasurer of the county wherein the violation was committed, and be placed to the credit of the general fund of such county. Soliciting without license.

SEC. 36. Any agent, tree dealer or salesman who shall solicit orders for fruit trees or nursery stock shall leave with the person giving such order, a duplicate of the same, and attach thereto a certificate to be signed by such salesman or agent, naming the nursery from which such nursery stock will be supplied and its location. Duplicate orders.

SEC. 37. Any person who shall make any false statement in any statement or certificate required by this act under oath shall be deemed guilty of perjury and upon conviction thereof shall be liable to the penalty of law therefor. False statement perjury.

SEC. 38. Any person who shall in any manner delay or prevent the carrying out of this act by knowingly and wilfully delaying, preventing or hindering any inspection as herein provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any Hindering inspection—Penalty.

sum not more than two hundred dollars, together with the costs of such action.

Passed the Senate March 5th, 1907.

Passed the House March 7th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 163.

[S. B. 87.]

AMENDING THE CODE OF PUBLIC INSTRUCTION.

AN ACT to amend the Code of Public Instruction of the state of Washington, the same being chapter CXVIII; approved by the governor March 19, 1897, by adding two new sections to said Code, to be known as section 33½ and section 47½, and to amend sections 49, 100 and 112 of said Code of Public Instruction, and repealing all acts and parts of acts in conflict therewith.

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

SECTION 1. That the Code of Public Instruction of the State of Washington, as approved by the Governor March 19, 1897, be amended by adding thereto a new section to be known as section 33½, which section shall read as follows: Section 33½. The county superintendent shall, each year, hold one or more directors' meetings, the expense of which shall be audited and paid by the county commissioners: *Provided*, That such expense shall not exceed the sum of one hundred dollars in any one year.

Directors'
meetings.

SEC. 2. That the Code of Public Instruction be amended by adding thereto a new section to be known as section 47½ which shall read as follows: Section 47½. Whenever any board of directors shall be authorized, by the electors of their district, to erect a school building, it shall be the duty of such board, before entering into any contract for the erection of any building, to obtain the approval of the county superintendent, of the county in which the building is to be erected, of the plans and speci-

County su-
perintendent
to approve
plans of
school
buildings.

fications for the building to be erected: *Provided*, That the provisions of this section shall not apply to districts having a population of ten thousand or more inhabitants.

SEC. 3. That section 49 of the Code of Public Instruction of the State of Washington, be amended to read as follows: Sec. 49. The duties of the district clerk shall be as follows:

Duties of clerk.

First. To attend all meetings of the boards of directors; but if he shall not be present the board of directors shall select one of their number to act as clerk, who shall certify the proceedings of the meeting to the clerk of the district, to be recorded by him. He shall keep his records in a book to be furnished by the board of directors, and he shall preserve copies of all reports made to the county superintendent, and safely preserve and keep all books and documents belonging to his office, and shall turn the same over to his successor.

To keep record of meetings.

Second. To keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school meeting the district clerk must present his record book for public inspection, and shall make a statement of the financial condition of the district and of the action of the directors, and such record must always be open for public inspection.

To keep account of finances of districts.

Third. To take annually in May of each year, an exact census of all children and youth between the ages of five and twenty-one years who were *bona fide* residents of the district on the first day of May of that year; and he shall designate the number of weeks each child between the ages of six and twenty-one years has attended school during the school year; the names and sex of all children subject to enumeration, together with the names of their parents or guardians: *Provided*, That Indian children not living under the guardianship of white persons, or who have not severed their tribal relations, or Mongolian children not native born, shall not be included in said census. He shall note all defective youth between the ages of five and twenty-one years; and he shall, on or before the fifteenth day of July, make to the county super-

To take census.

Indian and Mongolian children not to be included.

To make annual report

intendent a full and complete report of all children enumerated, together with a complete statistical report of the affairs of his district, which report shall be verified by affidavit. Said report shall be made upon blanks to be furnished by the Superintendent of Public Instruction, and shall contain such items of information as said superintendent shall require, including the following: The names of all persons, male and female, between the ages of five and twenty-one years, residing in the district on the first day of May last past, date of birth of each child, together with the number of weeks each has attended school during the last school year; the residences of the parents or guardians of all such children; which statement must be signed by the parent or guardian, the number of schools or departments taught during the year, and the branches taught; the number of children, male and female, enrolled in the school, and the average daily attendance; the number of teachers employed, and their compensation per month; the number of days school was taught during the past school year, and by whom; the text-books used, and the number of volumes, if any, in the school district library; the aggregate amount paid teachers during the year; the number of school houses in the district, and the value of them; the aggregate value of all school furniture and apparatus belonging to the district; the amount raised by special tax during the year for the support of schools, and for buildings, sites and furniture; the amount raised by subscription, or by other means than taxation; the amount of bonded indebtedness of the district, and the rate of interest paid; the amount of all other indebtedness, and such other items as the Superintendent of Public Instruction may deem of importance, and as may be provided for in the blanks furnished for said report, and the clerk shall keep on file a duplicate copy of said report.

Must enumerate all persons between the ages of 5 and 21.

Number of teachers and compensation.

Amount of bonded and other indebtedness.

To care for buildings.

Fourth. To keep an accurate account of all expenses incurred by him in his district in keeping the school house in repair, in providing for necessary janitor work, and in providing school supplies, and for other expenses incurred by him on account of the school, which accounts

must be audited by the board of directors, and paid out of the district school fund.

Fifth. To give the required notice of all annual or special elections; also, to give notice of the regular and special meetings of the board of directors as herein authorized.

To give notice of meetings.

Sixth. To report to the county superintendent at the beginning of each term of school the name of the teacher and the proposed length of the term, and to supply the teacher with the school register furnished by the Superintendent of Public Instruction.

To report contracts of teachers.

Seventh. To issue and countersign all warrants ordered to be issued by the board of directors, and to report to the county treasurer on or before the first Monday of each calendar month all the warrants drawn by the directors of his district, giving date, number and fund on which each warrant is drawn.

To issue warrants and report same.

Eighth. To report to the county superintendent on or before the first day of December of each year the name and residence of every child that failed to attend school as required by law, and shall submit, at their next regular meeting, a duplicate of said report to the school board of his district.

To report to county superintendent.

SEC. 4. That section 100 of the Code of Public Instruction of the State of Washington be amended to read as follows: Section 100. In any county where there are less than twenty-five school districts the county superintendent may, in his discretion, hold an institute; and *provided*, That in districts employing more than one hundred teachers, the city superintendent may, in his discretion hold a teachers' institute in such district, said institute when so held by the city superintendent to be in all respects governed by the provisions of this code relating to teachers institutes held by county superintendents.

Institutes may be held.

SEC. 5. That section 112 of the Code of Public Instruction of the State of Washington be amended to read as follows: Section 112. The board of directors, when in their judgment it is necessary for the purpose of furnishing additional school facilities for their district, or

Tax levy.

for the payment of teachers' wages, or for the building of one or more school houses, or for the repairing of one or more school houses, or for the building of additions thereto, or for the purchase of fuel, supplies, globes, maps, charts, books of reference or other appliances or apparatus for teaching, or for any or all of these purposes, may levy a special tax on the taxable property of the district, not to exceed ten mills on the dollar: *Provided*, That boards of directors of union schools may levy a special tax on the taxable property of the union district not to exceed five mills on the dollar, and the levying of such tax by such union school district board shall not prevent the electors of any district within such union district from levying a tax of ten mills, as hereinbefore provided. School district elections for the purpose of voting special tax, shall be called and conducted in the manner provided for calling and conducting annual school elections. At such elections the ballots shall contain the words, "Tax, yes," or "Tax, no." The officers of the election shall certify the result of the election to the clerk of the district, who shall file said certificate as a part of his records. Whenever a special tax is ordered to be levied, the clerk of the district shall on or before the first day of September, of the year in which such special tax is ordered to be levied, make to the county auditor a certified statement of the number of mills of such special tax which has been ordered to be levied in such district. The county auditor shall extend the same against all the taxable property within such district upon the general assessment roll of the county, showing the amount and kind of property so assessed, and to certify the same to the county treasurer. The county treasurer shall proceed to collect the tax in the same manner and at the same time and with the same power and authority to enforce payment of the same, as in the case of county and State taxes. The county treasurer shall place any tax so collected to the credit of the district to which it belongs.

Union
schools
levy.

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

Passed the Senate February 15th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 164.

[S. B. 254]

CONTROL AND MANAGEMENT OF THE TRAVELING LIBRARY.

AN ACT to place the control and management of the traveling library in the hands of a superintendent to be appointed by the State Library Commission.

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

SECTION 1. The State traveling library, together with all books, property, and appurtenances thereunto belonging, shall be under the control and management of a superintendent, to be appointed by, and hold office at the pleasure of, the State Library Commission, which shall have supervision over said superintendent and the books, property, and affairs of said traveling library.

Superintendent.

SEC. 2. The superintendent shall be charged with all the duties now resting upon the State Librarian with reference to said traveling library. The superintendent shall be allowed a salary of twelve hundred dollars (\$1,200) per annum, and necessary traveling expenses.

Duties.
Compensation.

Passed the Senate March 7th, 1907.

Passed the House March 12th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 165.

[S. B. 142.]

DISSOLUTION OF DRAINAGE DISTRICTS.

AN ACT relating to the dissolution of drainage districts, and declaring an emergency.

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

Petition. SECTION 1. That any drainage district in the State of Washington may be dissolved by the order of the superior court of the county wherein the same is organized, upon a hearing had upon a verified petition praying for such dissolution, signed by not less than two-thirds of the adult land owners of such district, who own in the aggregate not less than three-fourths in area of the land contained in said drainage district, when it shall be determined by the court, that not less than four weeks' notice of such hearing has been given by posting notices in five of the most public places of the district sought to be dissolved, and by the insertion in a weekly newspaper of such county for four successive weeks next prior to such hearing, and the costs of dissolution have been advanced and that it is for the best interest of the land owners in said district that the same be dissolved: *Provided*, The ditches, drains, dikes and other improvements of dissolved districts, shall be and remain for the common use of the land owners in said district so dissolved.

Notice.

Sale of property.

SEC. 2. If said dissolved district owns any property, either real or personal, other than such ditches, drains, dikes or other improvements, it may be sold by an order of the superior court, directed to the sheriff of said county, whose duty it shall be to advertise and sell such property in manner otherwise provided by law for the sale of real and personal property, and the proceeds of such sale, after the costs are paid, shall be used to pay any indebtedness of such dissolved district. If the indebtedness of any such district exceeds the amount received from the sale of such property the amount of such excess shall be certified to

Payment of indebtedness.

the auditor of the county in which such district is located and the amount thereof shall be levied against and apportioned to the lands in such district in proportion to and upon the basis of the value of such lands as fixed by the last preceding equalized assessment roll of said county and said amount shall be added to the general taxes against said lands and collected therewith. If the amount received from the sale of any property in such district exceeds the indebtedness of such district the excess shall be distributed to the land owners of such district in proportion to the value of their respective holdings therein.

SEC. 3. An emergency exists, and this act shall go into Emergency. effect immediately.

Passed the Senate March 1st, 1907.

Passed the House March 11th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 166.

[H. B. 186.]

GOVERNMENT, MANAGEMENT AND CONTROL OF THE PUBLIC INSTITUTIONS, EDUCATIONAL INSTITUTIONS AND CAPITOL BUILDING OF THE STATE.

AN ACT relating to the government, management and control of the state's public institutions and educational institutions and its capitol building and grounds, and amending sections 1, 3, 4, 5, 6, 7, 9, 11, 13, of an act entitled "An act to create a State Board of Control, and to provide for the government, control and maintenance of the Western Washington Hospital for the Insane, the Eastern Washington Hospital for the Insane, the State Penitentiary, the State Reform School, the State Soldiers' Home and the State School for Defective Youth; repealing all laws in conflict with this act, and declaring an emergency," approved March 16, 1901.

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

SECTION 1. That section (1) of said act be amended to read as follows: Section 1. The Governor of the State shall, by and with the advice and consent of the Senate, appoint a bi-partisan board consisting of three citizens of the State, not more than two of whom shall belong to the

Governor shall appoint State Board of Control.

dominant political party, as members of a board to be known as the "State Board of Control." The members of said Board shall hold office, as designated by the Governor, for two, four and six years respectively, and be removable by the Governor in his discretion. Subsequent appointments shall be made as provided and, except to fill a vacancy, shall be for the period of six years. The chairman of the Board for each year shall be the member whose term of office first expires; all vacancies that may occur on said board while the Legislature is not in session shall be filled by appointment by the Governor and shall be submitted to the Senate for consideration at the next session following the appointment. Each member of the said Board shall receive a salary of three thousand (\$3,000) dollars per annum, and in addition shall be paid for all actual and necessary expenses incurred in discharge of his duties.

Term.

Compensation.

Board shall manage institutions.

Examination of educational institutions.

SEC. 2. That section three (3) of said act be amended to read as follows: Sec. 3. The State Board of Control shall have full power to manage and govern the following public institutions: The Western Washington Hospital for the Insane, the Eastern Washington Hospital for the Insane, the State Penitentiary, the State Reform School, the State Soldier's Home, the State Institution for Feeble Minded, the State School of the Deaf and the Blind, subject only to the limitations contained in this act and other acts relating to the management of said institutions; and shall have the care, custody and control of the State Capitol building and grounds, with power to designate the rooms therein to be occupied by the various State officials; shall have the authority, and it shall be its duty to visit, at least once each year each of the following named educational institutions: The University of Washington, the State College of Washington, the State Normal School at Cheney, the State Normal School at Ellensburg and the State Normal School at Bellingham; and examine into their system of accounts, and their sources of income and expenditures and their financial management generally, and from time [to time] make suggestions in writing to the board of regents of the respective institutions examined, of such changes in

its financial management as to said Board of Control shall seem to be necessary for the better preservation of the several maintenance funds belonging to the institution; and should the said Board of Control deem it advisable, they shall have power to make such changes in the system of bookkeeping followed at any of the above named institutions as to the said Board shall seem better suited to the correct keeping of the accounts of such institution; and said Board of Control shall have power to provide for a uniform system of keeping the accounts of all such institutions, and to provide a uniform system of vouchers and means by which moneys provided for the maintenance of the several institutions shall be drawn from the lawful custodian of such moneys. It shall be the further duty of the Board of Control to examine into the conditions and needs of the aforesaid several institutions, and on or before the first day of December of the year preceding the session of the Legislature report in writing to the Governor the condition of each of said institutions, and what sum of money it deems advisable to appropriate for its maintenance and betterment, having reference to the probable growth of such institution, its general welfare and the object and purpose of its creation.

Report.

SEC. 3. That section four (4) of said act be amended to read as follows: Sec. 4. The State Board of Control shall maintain its offices at the State capitol, and shall employ a competent bookkeeper and accountant, who shall act as secretary of the board; also such additional help as may be required for the conduct of the work of the Board. The salaries of the employes of the Board shall be fixed by the Board, but shall not in any one year exceed the sum of three thousand five hundred (\$3,500.00) dollars. The Board shall cause to be kept at its office a proper and complete system of books and accounts with each public institution under its control, which shall clearly show every expenditure authorized and made thereat; the said books shall exhibit an account of all appropriations made by the Legislature for such institutions, and of all other funds thereof. It shall prescribe the form of vouchers, records

Office at
Capitol.

Employes.

Books and
accounts.

and the methods of keeping accounts at and by each of the institutions under its control; said vouchers, records and methods of accounts of each of the said institutions to be as nearly uniform as possible. The Board, or any member of the Board, shall have the power to examine and check the records of the institutions at any time. The Board shall also have the power to authorize its bookkeeper and accountant, or any other employee, to proceed to any of the institutions at any time for the purpose of examining and checking the records, taking inventory of the property of the institutions, or any department thereof, or for any other purpose that in the opinion of the Board might be deemed necessary. The said employee shall, while engaged in said work, receive, in addition to his salary, pay for actual and necessary expenses incurred in the discharge of the special duty, said expenses to be paid from the fund for the maintenance of the institution. Upon the completion of any special work provided for in this section the Board shall cause the employee doing the said special work to make a full and complete report of the said work to the Board within ten (10) days after the completion of the same.

Employees may visit institutions, When.

SEC. 4. That section five (5) of said act shall be amended to read as follows: Sec. 5. It shall be the duty of the Board to visit, at least once each three months, each of the public institutions under its control at which times meetings of the Board shall be regularly held at the said institutions. During such visitations the Board shall thoroughly inspect all of the departments of, and investigate the financial condition and management of said institutions. For the purpose of aiding in any investigation, the Board shall have the power to summon and compel the attendance of witnesses, to examine them under oath, which any member of the Board shall have the power to administer. Said Board shall also have access to all books, papers and property material to any investigation, and may order the production of any books, papers or property material thereto. Witnesses, other than employes of the State, shall be entitled to the same fees as in civil cases in a superior court.

Board to visit once in three months.

Inspection.

Access to books.

It shall be the duty of the Board to cause the testimony so taken to be transcribed and filed in the office of the Board within ten days after the same is taken, or as soon thereafter as practicable. Any person refusing or failing to obey the orders of the Board issued under the provisions of this section, or to give or produce evidence when required, shall be reported by the Board to the superior court or any judge thereof, and shall be dealt with by court or judge as for contempt of court.

SEC. 5. That section six (6) of said act shall be amended to read as follows: Sec. 6. It shall be the duty of the Board to appoint a chief executive officer for each of the public institutions under its control, who shall devote his entire time to the duties of his office and whose title shall be "Superintendent." Said appointment shall be for a term of four years: *Provided, however,* That at any time the superintendent of such an institution may be removed by the Board in its discretion. The salaries to be paid to the superintendents shall be fixed by the Board, and shall not exceed the amounts herein indicated. Superintendents of Hospitals for the Insane, not to exceed four thousand (\$4,000.00) dollars per annum; superintendent of the State Penitentiary, not to exceed eighteen hundred (\$1,800.00) dollars per annum; superintendent of the State Reform School, not to exceed eighteen hundred (\$1,800.00) dollars per annum; superintendent of the State Soldiers' Home, not to exceed the sum of twelve hundred and fifty (\$1,250.00) dollars per annum; superintendent of the State School for the Deaf and the Blind, not to exceed eighteen hundred (\$1,800.00) dollars per annum; superintendent of the State Institution for Feeble Minded, not to exceed twelve hundred (\$1,200.00) dollars per annum. The superintendent of each such institution shall have the power to appoint all assistants and employes required for the management of the institution placed in his charge, the number of said assistants and employes to be determined and fixed by the Board. The superintendent of any such institution may, at his pleasure, discharge any person therein employed. It shall be the duty of the Board to in-

Board shall
appoint
superintendents of institutions.

Salaries.

Assistants.

Removal of
executive
officers.

investigate any and all complaints made against the chief executive officer of any such institution and also against any other officer or employe of such an institution if the same has not been investigated and reported upon by the superintendent to the Board. The Board shall have the power to remove any chief executive officer of such institution in accordance with the provisions of this section and may after investigation, for good and sufficient reasons, order the discharge of any other officer or employe thereof. The Board shall fix salaries of the officers and employes of the public institutions under its control, on or before the first day of April of each year, to be paid during the year commencing April 1st, and no change shall be made in the salaries to be paid, excepting at the time prescribed in this section: *Provided*, That no person shall be eligible to serve as superintendent of either Hospital for the Insane who has had less than three years experience as a practicing physician after receiving his diploma or license.

Employes at
institutions.

SEC. 6. That section seven (7) of said act shall be amended to read as follows: Sec. 7. The superintendent of each of the public institutions under the control of the Board, the assistant physicians, the steward and accountant and the chief engineer of the Hospitals for the Insane shall be furnished with quarters, household furniture, board, fuel and lights for themselves and their families: *Provided*, That the Board of Control may, by unanimous vote of the full Board, when in their opinion any public institution would be benefited by so doing, extend this privilege to an officer at any of the public institutions under the control of the Board. The word "family" or "families" used in this section shall be construed to mean only the wife and minor children of an officer. Employes shall be furnished with quarters and board for themselves.

Rules.

SEC. 7. That section nine (9) of said act shall be amended to read as follows: Sec. 9. The Board is authorized to make its own rules for the proper execution of its powers. It shall also have the power to adopt rules and regulations for the government of the public institutions placed under its control, and shall therein pre-

scribe, in a manner consistent with the provisions of this act, the duties of the persons connected with the management of such public institutions.

SEC. 8. That section eleven (11) of said act shall be amended to read as follows: Sec. 11. It shall be the duty of the superintendents of the several public institutions to cause to be prepared estimates of the supplies required for the proper conduct and maintenance of the institutions under their charge, covering periods to be fixed by the Board of Control, and to forward the same to the Board in accordance with its directions. The Board shall have the power to revise the estimates made, either as to quantity or quality, and shall make the call for supplies in accordance with the revised list, a copy of which shall be forwarded to the superintendent of the institution for which the call is made. The Board shall purchase the supplies at such times and for such periods as in its judgment may be for the best interests of the institution, in accordance with the provisions of this act.

Purchase of
supplies.

No superintendent or other officer or employe of a public institution shall have the authority to purchase any article for the use of the institution of which they have charge or in which they are employed, except in case of extreme necessity, and when the superintendent shall consider such articles absolutely necessary; that all supplies shall be purchased by the Board of Control in accordance with the provisions of this act. It shall be the duty of the superintendent in each institution to furnish to the Board on or before the fifth day of each month a full and complete statement showing the supplies or articles purchased by him, upon his authority, without the authority of the Board, and to state therein the reasons for the purchase being made. No member of the Board of Control, employe in the office of the Board, or officer or employe of any institution under the control of the Board, shall be directly or indirectly interested in the purchase of supplies; or any other contracts entered into by and for any of the institutions under the control of the Board, and if so interested he shall forfeit his office, such con-

tracts shall be void and such person shall be liable to the State upon his official bond for all damages sustained.

Records.

SEC. 9. That section thirteen (13) of said act shall be amended to read as follows: Sec. 13. The Board shall keep at its office, accessible only to members of the Board, the secretary and proper clerks, except by the consent of the Board, a record showing the residence, sex, age, nativity, occupation, civil condition and date of entrance, or commitment of every person, patient, inmate or convict, in the several public institutions governed by the Board, the date of discharge of every person from the institution, and whether such discharge is final: *Provided*, That in addition to this information the superintendents for the hospitals for the insane shall also state the condition of the person at the time of leaving the institution. The record shall also state if the person is transferred from one institution to another and to what institution; and if dead the date and cause of death. This information shall be furnished to the Board by the several institutions, and also such other obtainable facts as the Board may from time to time require, not later than the fifth day of each month for the month preceding, by the chief executive officer of each public institution, upon blank forms which the Board may prescribe.

Words defined.

SEC. 10. That a section shall be added to said act, which shall be numbered (18), and which shall read as follows: Sec. 18. The term "public institutions" when used in this act shall be construed to refer to all the institutions enumerated in this act excepting the State Capitol building, and excepting also the State's educational institutions. Where the word "institutions" appears it may be construed to refer to all of the institutions mentioned in this act.

Passed the House February 18th, 1907.

Passed the Senate February 28th, 1907.

Approved by the Governor March 14th, 1907.

CHAPTER 167.

[H. B. 176.]

STATE REFORMATORY.

AN ACT creating the Washington State Reformatory, providing for the erection and management thereof and making an appropriation therefor.

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

SECTION 1. There is hereby established the Washington State Reformatory, the same to be located, constructed, equipped and managed in the manner and for the purpose in this act hereinafter provided.

State Reformatory established.

SEC. 2. Immediately after the passage of this act the Governor shall appoint four electors of the State of Washington, who together with the members of the State Board of Control shall select the site for said reformatory, the said site to consist of not less than one-half section of fertile land and located in Snohomish county in the State of Washington. As soon as said site is selected the State Board of Control shall at once proceed to the erection and equipment of such buildings as may be necessary for present use, making due allowance for reasonable increased demands, using therefor as far as practicable the prisoners confined in the Washington penitentiary at Walla Walla. The number, kind and character of said buildings and equipment shall be determined by the said Board of Control, and the Board of Managers hereinafter mentioned. As soon as said buildings are completed and equipped the same shall be turned over to the said Board of Managers of the Washington State Reformatory and thereafter said Board of Managers shall have power to construct such additional buildings as may be necessary and equip the same, make such improvements as may be required from time to time and shall perform such other duties as shall be required of them by law and shall have general charge and supervision of said Washington State Reformatory and shall conduct the same strictly upon nonpartisan principles.

Selection of site.

Board of Control shall erect and equip buildings.

Buildings shall be turned over to Board of Managers.

SEC. 3. The government and control of said Washington State Reformatory and of the prisoners sentenced thereto shall be vested in a Board of Managers to consist of five members, and not more than three members of said Board at any time shall belong to the same political party, to be appointed by the Governor; one to serve one year, one two years, one three years, one four years, and one five years, as may be designated by the Governor at the time of the appointment; and to be removable by the Governor in his discretion; and at the expiration of the term of office of each member of the Board his successor shall be appointed in the same manner and by the authority as hereinbefore provided for the term of five years. Whenever a vacancy occurs in the Board of Managers otherwise than by the expiration of the term of office of the manager, such vacancy shall be filled by appointment by the Governor for the unexpired term, by and with the consent of the Senate. The members of said Board shall receive no salary compensation for their services but said Board shall be allowed reasonable traveling and other official expenses.

Governor shall appoint Board of Managers.

Terms.

Compensation.

Board of Managers to convene at Olympia.

Annual report.

Rules.

SEC. 4. Immediately after their appointment as herein provided the Board of Managers shall convene in the city of Olympia. Three members of the Board shall constitute a quorum for the organization of the Board and for the transaction of all business. The managers shall give so much of their time and attention to the affairs of the reformatory as shall insure the wise, efficient and faithful management thereof, and shall make an annual report thereon to the Governor on or before the 1st day of October of each year. And in said annual report the Board shall give the classification of all prisoners, showing their ages, term of sentence, offense committed, cause of crime, habits, education and industrial training and pursuits, and such other information and recommendations as they may deem best for the information of the Legislature. The Board shall prepare rules for its own government and for the government of the Washington State Reformatory in accordance with the provisions of this act.

SEC. 5. The Board of Managers as soon as they may deem it necessary shall appoint as superintendent a person who possesses the ability and qualifications to successfully carry on the industries of the reformatory and who possesses the executive ability essential for the proper management of the officers and other employes under his jurisdiction and to enforce and maintain proper discipline in every department; said superintendent shall hold his office during the pleasure of the Board. Any vacancy shall be filled by appointment by such Board as hereinbefore provided. They shall also appoint a physician and surgeon in chief, and the necessary medical assistants, including a druggist and assign to them the necessary office room, and fix the salaries and duties of such officers who shall serve during the pleasure of the Board.

Appoint-
ment of Su-
perin-
tendent.

Physician
and
assistants.

SEC. 6. It shall be the duty of the superintendent by and with the advice and consent of the Board of Managers to appoint such subordinate officers, guards and employes as the number of prisoners or the needs of the institution may from time to time require; said officers, guards and employes shall receive as compensation salaries fixed by the Board of Managers not to exceed those now provided by law for similar services by officers, guards and employes performing like duties in the Washington penitentiary, and all salaries shall be fixed on or before the 1st day of April each year and no changes shall be made in the salaries to be paid excepting at the time prescribed in this section.

Employees.

SEC. 7. The superintendent shall receive an annual salary to be fixed by the Board of Managers. He shall give bond, with good and sufficient sureties, approved by the Governor, in the sum of Ten Thousand (\$10,000.00) Dollars, conditioned upon the faithful performance of duty. The said Board of Managers shall also appoint a chaplain for said Washington State Reformatory, who shall perform such duties as may be prescribed by the Board of Managers. He shall receive as compensation for his services a sum to be fixed by the Board of Managers, and shall be assigned suitable office room quarters

Salary of
Superin-
tendent.

Bond.

Chaplain.

in said reformatory, by the Board of Managers. He shall devote his entire time to the duties of his office.

Officers shall be furnished quarters, etc.

SEC. 8. The superintendent, the chaplain, the physician and the chief engineer of the reformatory shall be furnished with quarters, household furniture, board, fuel and lights for themselves and their families; and the Board of Managers may by unanimous vote, when in their opinion the institution would be benefited by so doing, extend this privilege to any other officer. The word "family" or "families" used in this section shall be construed to mean only the wife and minor children of an officer. Employes shall be furnished with quarters and board for themselves.

Labor may be performed by inmates.

SEC. 9. The labor necessary for the construction of buildings and shops and the manufacture of materials therefor, and the enclosure of the grounds of said reformatory as well as such other improvements as in the judgment of the Board of Managers may be required shall be performed by the inmates as far as practicable; and it shall be the duty of the warden of the Washington Penitentiary at Walla Walla and the Board of Control to select from the number of inmates of said penitentiary, such convicts as shall, as nearly as may be, come within the requirements of section ten of this act, as to age and crime, and transfer the same to the Washington State Reformatory when requested by the Board of Managers thereof.

Transfer of inmates of Penitentiary to Reformatory.

Criminals to be sentenced to confinement in Reformatory, when.

SEC. 10. The said Board of Managers shall receive all male criminals between the ages of sixteen and thirty, and who shall be legally sentenced to said Washington State Reformatory on conviction of any criminal offenses, in any court having jurisdiction thereof; and it shall be incumbent upon any such court to sentence to the Washington State Reformatory any such male person between the ages of sixteen and twenty-one convicted of a crime punishable by imprisonment in the Washington State Reformatory, and any court, in its discretion may sentence to the Washington State Reformatory any such male person between the ages of twenty-one and thirty, so convicted, whom said court may deem amenable to reformatory methods: *Provided*, That no person convicted of murder in the first

or second degree and no person who shall have been convicted and sentenced more than three times either to fine or imprisonment shall be sentenced or transferred to said Washington State Reformatory.

SEC. 11. The discipline to be observed in said Wash- Discipline.
 ington State Reformatory shall be reformatory, and the managers shall have power to employ such means of reformation for the improvement of the inmates as they may deem expedient. The labor imposed upon inmates, or industrial pursuits prescribed for the employment of their time, shall also be at the discretion of the Board of Managers, except that what is known as the contract system of prison labor shall not be employed. The superintendent is hereby authorized to place to the credit of each prisoner, such amount of his earnings as the board of managers may deem equitable and just, taking into consideration the character of the prisoner, the nature of the crime for which he is imprisoned, and his general deportment: *Provided*, That such credit shall in no case exceed twenty per cent of his earnings, and the funds thus accruing to the credit of any prisoner shall be paid to him or his family, at such times and in such manner as the board of managers may deem best: *Provided*, That at least twenty-five per cent of such earnings shall be left for and paid to such prisoner at the time of his restoration to citizenship: *And provided*, *further*, That the superintendent may, with the approval of the managers, by way of punishment for violation of rules, and of propriety, or any other misconduct, cancel such portion of such credit as may be deemed best by him. Prisoner may be credited with part of earnings.
Not exceeding twenty per cent.
Forfeiture of earnings.

SEC. 12. All provisions of existing laws requiring the courts of this state to sentence male criminals between the ages of sixteen and thirty, convicted of any criminal offense, to the Washington Penitentiary shall, from and after the turning over of the buildings of the Washington State Reformatory to the Board of Managers as provided for in section 18 of this act, apply to said Washington State Reformatory, so far as to enable courts to sentence the class of prisoners mentioned in the tenth section of this act to the Washington State Reformatory. Criminals may be sentenced to Reformatory under existing laws.

Court shall not fix duration of sentence.

Board of Managers may terminate sentence, when.

Conveyance of prisoners to Reformatory.

Transfer of prisoners to Penitentiary.

Governor may parole prisoners.

SEC. 13. Every sentence to the Washington State Reformatory of a person hereinafter convicted of a felony, shall be a general sentence to imprisonment in the Washington State Reformatory, giving the location thereof, and the courts of this State imposing such sentence shall not fix or limit the duration thereof. The term of such imprisonment of any prisoner so convicted and sentenced shall be terminated by the Board of Managers of the Washington State Reformatory as authorized by this act, but such imprisonment shall not exceed the maximum provided by law for the crime for which the person was convicted, nor be less than the minimum term provided by law for a felony; and a person sentenced to the Washington State Reformatory shall, within thirty days after his sentence, unless the execution thereof be suspended, be conveyed to the Washington State Reformatory by the State Board of Control in the manner prescribed in chapter 121 of the Laws of 1905 and delivered into the custody of the superintendent of the Washington State Reformatory, together with a certified copy of the sentence of the court, and there be safely kept until released by the Board of Managers of the Washington State Reformatory, or until said prisoner be pardoned by the Governor, and if the execution of the sentence be suspended, and the judgment be afterward affirmed, the defendant shall be conveyed to the Washington State Reformatory within thirty days after the court directs the execution of the sentence.

SEC. 14. The Board of Managers shall have power to transfer, with the written consent of the Governor of the State, to the Washington Penitentiary, any prisoner, who subsequent to his committal, shall be shown to have been at the time of his conviction more than thirty years of age, and may also so transfer any apparently incorrigible prisoner whose presence in the Washington State Reformatory appears to be seriously detrimental to the well being of the institution.

SEC. 15. The Governor shall have the authority to establish rules and regulations under which prisoners within said Washington State Reformatory may be allowed to

go upon parole, in legal custody, and under the control of the Governor, and subject at any time to be returned to said reformatory; but no prisoner shall be considered eligible to parole, and no application for parole shall be considered by the Governor until such prisoner shall have been recommended as worthy of such consideration by the superintendent, and chaplain of said Washington State Reformatory, and in no case shall any prisoner be released on parole unless there is in the opinion and judgment of the Governor reasonable ground to believe that he will if released be and remain at liberty without violating the law, and that his release on parole is not incompatible with the welfare of society, and such judgment shall be based upon the record and character of the prisoner as established in the reformatory, considering also his previous record, nature and character of the crime committed, and all such other facts as the Governor may be able to obtain bearing upon the advisability of parole or refusal of the same.

SEC. 16. The Governor shall have full power to retake and to reimprison any convict so upon parole and his written order shall be sufficient warrant for all officers named in it to authorize such officers to arrest and return to actual custody any conditionally released or paroled prisoner and should such paroled prisoner be in the custody of an officer of the law, either under an order of arrest or by virtue of a conviction and sentence for any crime other than manslaughter or murder, then in such case said written order shall be a sufficient warrant under which said paroled prisoner may be taken into the custody of such officer of said Washington State Reformatory; and it is hereby made the duty of all officers named in such order to arrest and return to actual custody any conditionally released or paroled prisoner.

Governor
may order
reimprison-
ment of
convicts.

SEC. 17. The Board of Managers shall have the power to make all rules and regulations necessary and proper for the employment, discipline, instruction, education and removal of all prisoners of said Washington State Reformatory.

Board of
Managers
may adopt
rules.

Buildings shall be turned over to Board of Managers when completed.

SEC. 18. Whenever the Board of Control shall have completed the construction of the buildings herein provided of the Washington State Reformatory, same shall then be turned over to the Board of Managers who shall have authority to make requisitions upon the managers of the Washington Penitentiary, who shall select the number required from the youthful, well-behaved and most trusty class of convicts, whose record shall be subject to the approval of said Board making such requisition, and transfer them to said reformatory for the purpose of labor, education and treatment, under the rules and regulations thereof; and the Board of Managers are hereby authorized to receive and detain during the term of their sentence to the Washington Penitentiary, such prisoners so transferred; and the laws applicable to the convicts in the Washington Penitentiary so far as they relate to the commutation of imprisonment for good conduct, shall be applicable to said convicts.

Transfer of convicts from Penitentiary.

Business management vested in Board of Control.

SEC. 19. The business management and the purchase of supplies and the sale of products and manufactures, together with the auditing and keeping of all accounts pertaining thereto shall be vested in the State Board of Control.

Register of prisoners.

SEC. 20. It shall be the duty of said Board of Managers to maintain such control over all prisoners committed to their custody, as shall prevent them from committing crime, best secure their self support and accomplish their reformation. When any prisoner shall be received into the Washington State Reformatory upon direct sentence thereto, they shall cause to be entered in a register the date of said admission, the name, age, nativity and nationality, with such facts as can be ascertained of parentage, or early education and social influences as seem to indicate the constitutional defects and tendencies of the prisoner, and the best probable plan of treatment. Upon such register shall be entered quarterly, or oftener, minutes of observed improvement or deterioration of character, affecting the standing or situation of such prisoner, the circumstances of the final release and any subsequent facts of the personal history which may be brought to their knowledge.

SEC. 21. The Board of Managers shall under a system of marks, or otherwise fix upon a uniform plan under which they shall determine what number of marks or what credit shall be earned by each prisoner sentenced under the provisions of this act as to the conditions (of increased privileges, or of release from their control) which system shall be subject to revision from time to time. Each prisoner so sentenced shall be credited for good personal demeanor, diligence in labor or study, and for the results accomplished, and recharge for derelictions, negligence or offenses. The Board of Managers shall establish rules and regulations by which the standing of each prisoner's account of marks shall be made known to him as often as once a month. When it appears to the Governor that there is a strong or reasonable probability that any prisoner on parole may live and remain at liberty without violating the law, and his release is not incompatible with the welfare of society he may thereupon in his discretion grant an absolute release to such prisoner, and in his discretion restore such prisoner to citizenship. Nothing herein contained shall be construed to impair the power of the Governor to grant a pardon or commutation in any case.

Board of Managers shall establish system of credits.

Governor may grant discharge.

SEC. 22. If through oversight, or otherwise, any person be sentenced to imprisonment in said Washington State Reformatory for a definite period of time, said sentence shall not for that reason be void; but the person so sentenced shall be entitled to the benefit and subject to the liabilities of this act, in the same manner and to the same extent, as if sentence had been in the terms required by section thirteen of this act, and in such case said managers shall deliver to such offender a copy of this act and written information of his relation to said managers.

Sentences for definite time not void.

SEC. 23. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of Thirty Thousand (30,000.00) Dollars, or so much thereof as may be necessary to carry out the provisions of this act.

Appropriation \$50,000.

Passed the House March 1st, 1907.

Passed the Senate March 9th, 1907.

Approved by the Governor March 14th, 1907.

CHAPTER 168.

[H. B. 418.]

STATE UNIVERSITY FUNDS.

AN ACT creating a State University Permanent Fund, a State University Current Fund, and repealing section 16 of an act approved March 27, 1890, entitled "An act in relation to the establishment and government of the University of the State of Washington," and repealing section 11 of an act approved March 14, 1893, entitled "An act providing for the location, construction and maintenance of the University of Washington, and making appropriation therefor, and declaring an emergency," and repealing section 1 of an act approved March 13, 1895, and entitled "An act providing for the bonding of the lands of the University of Washington, and declaring an emergency."

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

SECTION 1. There is hereby created in the State treasury a permanent and irreducible fund to be known as the "State University Permanent Fund," into which fund shall be paid all moneys now in the State treasury in either the "University of Washington Fund," the "University Fund," or the "State University Fund," and into which shall also be paid all moneys derived from the sales of lands granted, held or devoted to State University purposes.

State Uni-
versity
Permanent
Fund.

SEC. 2. There is hereby created in the State treasury a fund to be known as the "State University Current Fund," into which shall be paid all the interest and earnings of the State University Permanent Fund, and the rentals of all lands granted, held or devoted to State University purposes, and which shall be subjected to appropriation for State University purposes.

State Uni-
versity
Current
Fund.

SEC. 3. Section 16 of an act approved March 27, 1890, entitled "An Act in relation to the establishment and government of the University of the State of Washington," and section 11 of an act approved March 14, 1893, entitled "An Act providing for the location, construction and maintenance of the University of Washington, and making an appropriation therefor, and declaring an emergency;" and section 1 of an act approved March 13, 1895,

Repeal.

entitled "An Act providing for the bonding of the lands of the University of Washington, and declaring an emergency," are hereby repealed.

Passed the House March 4th, 1907.

Passed the Senate March 11th, 1907.

Approved by the Governor March 14th, 1907.

CHAPTER 169.

[S. B. 195.]

BADGES OF FRATERNAL ORDERS, ETC.

AN ACT to prevent unauthorized persons from using or wearing any emblem, badge, button, token or insignia of any fraternal, secret or beneficiary society or order of the Grand Army of the Republic or Spanish American War Veterans and amending section 7440 of Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 7440 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Sec. 7440. Any person who shall wilfully wear the badge or button of the Grand Army of the Republic, or Spanish-American war veterans, or who shall use or wear the same within this State, unless he shall be entitled to use or wear the same under the rules and regulations of the Department of Washington and Alaska Grand Army of the Republic, or Spanish-American War veterans, or who shall wilfully wear any emblem, badge, button, token or insignia of any secret, beneficiary or fraternal society or order organized or existing under the laws of this State, or shall use or wear the same to obtain or attempt to obtain aid or assistance within this State, unless such person shall be a member in good standing in said society or order and entitled to use or wear the same, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for a term not to exceed thirty days in the county jail or a fine not exceeding twenty dollars, or by both such fine and imprisonment:

Unlawful to use or wear.

Penalty.

Provided, That this section shall not apply to the sisters, daughters, wives or mothers of any member of such secret, beneficiary or fraternal society or order, or wives and daughters of the order of the Grand Army of the Republic or Spanish-American War veterans.

Passed the Senate February 28th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 170.

[H. B. 274.]

CORROBORATION OF WITNESSES IN ACTIONS FOR RAPE AND SEDUCTION.

AN ACT providing that female complaining witnesses giving testimony in actions for rape and seduction shall be corroborated.

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

No conviction unless complaining witness be corroborated.

SECTION 1. No conviction shall be had for the offense of rape, or seduction, in this State upon the testimony of the female raped, or seduced, unless it is corroborated by such other evidence as tends to convict the defendant of the commission of the offense.

Passed the House March 8th, 1907.

Passed the Senate March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 171.

[S. B. 118.]

RELIEF OF THE TOWN OF KALAMA.

AN ACT making an appropriation for the relief of the town of Kalama for money advanced to defray the cost of surveying, platting and appraising the tide and shore lands and establishing harbor lines in front of said town.

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

Appropriation \$500.

SECTION 1. That there is hereby appropriated out of the General fund, not otherwise appropriated the sum of

Five Hundred Dollars, or so much thereof as may be necessary to reimburse the town of Kalama for all sums expended in completing the establishment of harbor lines and the plats and appraisements of the tide and shore lands in front of said town, to an amount not to exceed Five Hundred Dollars, the same to be paid from time to time to the treasurer of said town, upon the presentation of vouchers as now required by law, duly certified by the Commissioner of Public Lands.

Passed the Senate February 14th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 172.

[S. B. 48.]

COUNTY EXHIBITS AT ALASKA-YUKON-PACIFIC EXPOSITION.

AN ACT empowering Boards of County Commissioners to make exhibits of the products of their respective counties at the Alaska-Yukon-Pacific Exposition, in the year 1909, and to appropriate money from the county current expense fund to meet the expenses thereof.

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

SECTION 1. That the boards of county commissioners of the several counties in this State are hereby empowered to make exhibits of the products of their respective counties at the Alaska-Yukon-Pacific Exposition, and to appropriate money from the county current expense fund to meet the necessary expenses to be incurred in making such exhibits: *Provided*, That the total amount thus appropriated shall in no case exceed an amount equal to one-half of one mill on the dollar of the taxable property of the county as shown by the assessment roll for the year 1906.

County
com-
mis-
sioners may
make ex-
hibits.

SEC. 2. That the exhibits of each county collected and paid for, pursuant to this act, shall be deemed the property of the respective counties which shall provide for the ex-

pense thereof, and shall be disposed of as the respective boards of county commissioners may determine.

Passed the Senate February 11th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 173.

[S. B. 243.]

LIMITATION OF ACTIONS TO SET ASIDE OR CANCEL TAX DEEDS.

AN ACT to provide a limitation for the bringing of actions to set aside or cancel tax deeds, or for the recovery of lands sold for delinquent taxes.

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

Actions
must be
brought
within
three years.

SECTION 1. Actions to set aside or cancel the deed of any county treasurer issued after and upon the sale of lands for general, state, county or municipal taxes, or for the recovery of lands sold for delinquent taxes, must be brought within three years from and after the date of the issuance of such treasurer's deed: *Provided*, This act shall not apply to actions not otherwise barred on deeds heretofore issued if the same be commenced within one year after the passage of this act.

Passed the Senate March 5th, 1907.

Passed the House March 14th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 174.

[S. B. 300.]

AMENDING ACT RELATING TO THE PUBLIC PRINTING.

AN ACT relating to the public printing and the compensation therefor and amending chapter 168 of the Laws of 1905 by adding section 6½.

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

SECTION 1. That chapter 168 of the Laws of 1905 be amended by adding a new section to be known as section

6½ as follows: Sec. 6½. Whenever required by law or by the Legislature or either branch thereof, the public printer shall keep the type used in printing any matter forming a part of classes one, two and four standing for use in reprinting such matter and in case a reprint is had shall charge not to exceed twenty cents per one thousand ems for the use of the type so kept standing.

Type to be kept standing, when.

Passed the Senate March 14th, 1907.

Passed the House March 14th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 175.

[S. B. 284.]

REPEALING ACT FOR THE PROTECTION OF KNOT SAWYERS IN SHINGLE MILLS, ETC.

AN ACT to repeal an act entitled "An act for the purpose of protecting knot sawyers in shingle mills, and requiring owners and operators of shingle mills to protect knot saws with metallic saw guards imposing penalties for failure so to do, and declaring the law of negligence in cases where any person is injured by any knot saw not protected by metallic saw guard."

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

SECTION 1. That an act entitled "An Act for the purpose of protecting knot sawyers in shingle mills, and requiring owners and operators of shingle mills to protect knot saws with metallic saw guards, imposing penalties for failure so to do, and declaring the law of negligence in cases where any person is injured by any knot saw not protected by metallic saw guard," approved March 1st, 1895, be and the same is hereby repealed.

Passed the Senate March 5th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 176.

[S. B. 11.]

APPROPRIATION FOR EXPENSES OF WASHINGTON AND OREGON BOUNDARY LINE LITIGATION.

AN ACT appropriating two thousand five hundred dollars for expenses of litigation involving the boundary line between the states of Washington and Oregon and affecting the title of islands and lands in the Columbia river.

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

Appropriation \$2500.

SECTION 1. That the sum of two thousand five hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the general fund for the purpose of defraying court costs, witness fees, engineers' services, traveling and any other necessary expenses in litigation involving the boundary line between the states of Washington and Oregon, and any litigation concerning the title of the state of Washington to islands and lands in the Columbia river; which sum shall be expended upon vouchers approved by the Attorney General.

Passed the Senate March 11th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 177.

[S. B. 309.]

RELIEF OF STANDARD FURNITURE COMPANY.

AN ACT appropriating funds for the relief of the Standard Furniture Company, of Seattle, Washington.

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

Appropriation \$2336.

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated, twenty-three hundred and thirty-six dollars (\$2,336.00) for the payment of the Standard Furniture Company for

desks furnished in the senate and house chambers in the Capitol building.

Passed the Senate March 11th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 178.

[S. B. 69.]

SUPERIOR JUDGES FOR THE COUNTIES OF STEVENS, FERRY, OKANOGAN, DOUGLAS AND CHELAN.

AN ACT relating to the superior courts of the counties of Stevens, Ferry, Okanogan, Douglas and Chelan, the election of judges therein, and declaring an emergency.

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

SECTION 1. At the general election to be held in nineteen hundred and eight there shall be elected in the county of Stevens one superior judge; in the counties of Ferry and Okanogan jointly, one superior judge; in the county of Douglas one superior judge; and in the county of Chelan one superior judge.

Judges
elected in
1908.

SEC. 2. Upon the taking effect of this act the superior judge elected at the November election, 1906, for the county of Stevens, shall, during the remainder of his term of office, be the superior judge for the counties of Stevens and Ferry jointly; and the superior judge elected at the November election, 1904, for the counties of Ferry, Okanogan, Douglas and Chelan shall, during the remainder of his term of office, remain the superior judge for the counties of Okanogan, Douglas and Chelan jointly.

Present
judges to
serve—
Where.

SEC. 3. An emergency exists and this act shall take effect immediately.

Emergency.

Passed the Senate March 8th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 179.

[S. B. 292.]

AUTHORIZING CITIES OF THE FIRST CLASS TO LAY SALT WATER MAINS.

AN ACT authorizing cities of the first class to lay salt water mains and to assess property benefitted thereby.

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

Salt water mains.

SECTION 1. That any city of the first class within the State of Washington shall have the power to lay salt water mains within the limits of such city for the purpose of protecting property within such city against fire.

May assess property benefitted.

SEC. 2. Any such city may provide for the levying and collecting special assessments on property benefitted by such salt water mains, and for paying for the same, or any portion thereof, in the manner provided by law for the levy and collection of other local improvements.

Passed the Senate March 7th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 180.

[S. B. 248.]

USE OF BRICK MANUFACTURED AT THE STATE PENITENTIARY FOR THE CONSTRUCTION OF BUILDINGS.

AN ACT authorizing the State Board of Control to use brick manufactured at the state penitentiary for the construction of buildings at the state penitentiary.

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

Board of Control may use brick for construction of buildings.

SECTION 1. The State Board of Control is hereby authorized in its discretion, to use brick manufactured at the State Penitentiary for the enlargement, or the construction of any buildings used in connection with the State Penitentiary.

Passed the Senate February 28th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 181.

[S. B. 129.]

CONGRESSIONAL DISTRICTS.

AN ACT to apportion the State of Washington into three congressional districts.

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

SECTION 1. That the counties of Island, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom shall constitute the first congressional district, and shall be entitled to one representative in the congress of the United States.

First district.

SEC. 2. That the counties of Chehalis, Clallam, Clarke, Cowlitz, Jefferson, Klickitat, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum shall constitute the second congressional district and shall be entitled to one representative in the congress of the United States.

Second district.

SEC. 3. That the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Kittitas, Lincoln, Okanogan, Spokane, Stevens, Walla Walla, Whitman, and Yakima shall constitute the third congressional district, and shall be entitled to one representative in the congress of the United States.

Third district.

SEC. 4. At the next general election to be held on the first Tuesday after the first Monday in November, 1908, one representative in the congress of the United States shall be elected in each of said congressional districts by the qualified electors therein, and the votes for said representatives shall be given, received, returned and canvassed as the same are now given, received, returned and canvassed for electors for president and vice president of the United States.

One representative to be elected in each district.

Passed the Senate February 15th, 1907.

Passed the House March 12th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 182.

[S. B. 212.]

LIMITATION OF ACTIONS FOR THE COLLECTION OF SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

AN ACT prescribing the time within which actions shall be brought for the collection of special assessments for local improvements.

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

Action must be brought within ten years.

SECTION 1. An action to collect any special assessment for local improvements of any kind against any person, corporation or property whatsoever, or to enforce any lien for any special assessment for local improvements of any kind, whether said action be brought by a municipal corporation or by the holder of any delinquency certificate, or by any other person having the right to bring such an action, shall be commenced within ten years after such assessment shall have become delinquent, or due, or within ten years after the last installment of any such special assessment shall have become delinquent or due when said special assessment is payable in installments.

Passed the Senate March 1st, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 183.

[S. B. 67.]

RELIEF OF JAMES O'LOUGHLIN.

AN ACT for the relief of James O'Loughlin, for services rendered as a licensed auctioneer in the matter of the sale of certain school lands in Skagit county, for the year 1891, and making an appropriation therefor.

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

Appropriation \$500.

SECTION 1. That the sum of five hundred (\$500.00) dollars be and the same is hereby appropriated out of the State treasury from any funds not otherwise appropriated,

to pay James O'Loughlin, a licensed auctioneer, for services rendered as such auctioneer, in selling certain school lands in Skagit county, State of Washington, at the special instance and request of the county commissioners of said county in the year 1891.

SEC. 2. That the State Auditor is hereby authorized to draw a warrant on the State Treasurer for the said sum of five hundred (\$500.00) dollars in favor of the said James O'Loughlin, and said Treasurer is hereby directed to pay said warrant out of any funds in the State treasury not otherwise appropriated. Payment.

Passed the Senate March 4th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 184.

[S. B. 206.]

RELIEF OF GEORGE W. ROWAN.

AN ACT for the relief of George W. Rowan and making an appropriation therefor.

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

SECTION 1. There is hereby appropriated out of the general fund the sum of forty dollars and fifty-five cents, for the relief of and to be paid to George W. Rowan, of Castlerock, Washington, to reimburse him for traveling and incidental expenses while acting as a member and secretary of the Lewis and Clark Exposition Commission of the State of Washington, created in pursuance of chapter 188 of the Laws of Washington of 1903. Appropriation \$40.55.

SEC. 2. The State Auditor is hereby authorized and directed to draw a warrant on the State Treasurer, in favor of the said George W. Rowan, for said amount, and the State Treasurer is directed to pay said warrant out of Payment.

any money in the State treasury not otherwise appropriated.

Passed the Senate February 25th, 1907.

Passed the House March 11th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 185.

[S. B. 266.]

DISTRIBUTION AND EXPENDITURE OF MONEYS RECEIVED FROM FOREST RESERVES.

AN ACT providing for the distribution and expenditure of moneys received from forest reserves.

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

Distribu-
tion to
counties.

SECTION 1. That the State Treasurer is hereby directed to turn over to the treasurers of the respective counties within the forest reserves, the amount of money belonging to such county, received from the Federal Government from such forest reserves, in accordance with an act of Congress, approved February 1, 1905. Where the reserve is situated in more than one county the money shall be distributed in proportion to the area of the respective counties interested, and to that end the State Treasurer is hereby authorized and required to obtain the necessary information to enable him to make the distribution on such basis.

Expendi-
ture.

SEC. 2. County commissioners of the respective counties to which the money is distributed are hereby authorized and directed to expend said money for the benefit of the public schools and public roads thereof, and not otherwise.

Passed the Senate February 28th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 186.

[S. B. 271.]

RELATING TO ADMISSION TO THE BAR.

AN ACT relating to admission to the bar, and amending section 3 of chapter 185 of the Session Laws of 1903.

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

SECTION 1. Section three (3) of chapter 185, of the Session Laws of 1903, is hereby amended to read as follows: Sec. 3. All persons making application for admission to the bar as herein provided, shall file a notice of such application with the clerk of the supreme court at least one week before the date of such examination, as shall be fixed by rule of the Supreme Court, and shall pay to said clerk the sum of \$20, in full for all fees, for filing his application, entering his admission and the issuing of a certificate therefor, and the fee so paid to the clerk shall be accounted for by him as other fees.

Passed the Senate March 5th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 187.

[S. B. 288.]

OVERCHARGES ON PRICES, RATES OR TARIFFS WHICH BY LAW ARE REQUIRED TO BE PUBLISHED.

AN ACT relating to overcharges on prices, rates or tariffs which by law are required to be published, and providing for interest thereon.

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

SECTION 1. Any corporation, partnership or individual who furnishes the public any goods, wares, merchandise, pledge, security, insurance or transportation of which the price, rate or tariff is by law required to be published, shall, when any price, rate or tariff is charged in excess of the existing and established price, rate or tariff, refund

to the person, partnership or corporation so overcharged, or to the assignee of such claim, the amount of such overcharge, and on failure so to do, the claim for such overcharge shall bear interest at the rate of eight per cent. per annum until paid.

Passed the Senate March 8th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 188.

[H. B. 276.]

FISH HATCHERY ON THE BIG QUILCENE RIVER.

AN ACT to establish a fish hatchery on the Big Quilcene river in Jefferson county.

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

Fish Com-
missioner
may
establish.

SECTION 1. That the Fish Commissioner is hereby authorized and empowered to establish and maintain a fish hatchery on the Big Quilcene river in Jefferson county, provided that said stream is suitable for the hatching of salmon.

Passed the House March 8th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 189.

[H. B. 403.]

AMENDING ACT PROVIDING FOR THE APPOINTMENT OF A FISH COMMISSION, ETC.

AN ACT to amend section 5 of "An act for the appointment of a fish commission, and defining its duties and declaring an emergency to exist," approved February 20th, 1890.

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

SECTION 1. That section 5 of an act entitled "An Act for the appointment of a Fish Commission and defining its

duties and declaring an emergency to exist," approved February 20th, 1890, be amended to read as follows:

Sec. 5. That said Fish Commissioner shall annually on March 31st report to the Governor of this State a full account of his actions under this act; also of the operations and results of the laws pertaining to the fish and oyster industries, the methods of taking fish, the number of young fish hatched, and where distributed, amount of expenses incurred, and make suggestions as to needs of future legislation, if any, and full statistics of the fishing and oyster business.

Fish Commissioner shall report to Governor.

Passed the House March 9th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 190.

[H. B. 494.]

APPROPRIATIONS FOR CERTAIN DEFICIENCIES, THE PAYMENT OF CERTAIN JUDGMENTS, AND THE RELIEF OF CERTAIN PERSONS.

AN ACT making appropriations for certain deficiencies, the payment of certain judgments, the relief of certain persons, and other purposes.

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

SECTION 1. The following sums or so much thereof as may be necessary, are hereby appropriated out of the general fund for the purposes hereinafter designated, in payment of deficiencies of the present and past fiscal periods, the payment of certain judgments, the relief of certain persons, and for other purposes, and the State Auditor is directed to draw his warrants in payment of the same, on presentation to him of properly certified vouchers, and the State Treasurer is hereby directed to pay the same, to-wit:

Auditor to draw warrants.

DEFICIENCY APPROPRIATIONS.

Traveling expenses of superior judges whose jurisdiction contains more than one county . . .	\$1,500.00
Cost bills on conviction of felonies	5,000.00

JUDGMENTS.

James Pearson.....	80.24
Charles A. Lee.....	101.20
Joseph Merchant.....	1,253.49
Frank Rutledge.....	120.20
Harvey F. Newton.....	82.57
E. K. Pendergast.....	85.90

RELIEF BILLS.

Cowlitz county, account cost bill.....	157.65
Geo. E. Blankenship, account printing report of State Mine Inspector and State Dairy and Food Inspector, 1903 and 1904.....	352.80
D. B. Garrison, balance salary due as secretary of Capitol Commission.....	29.99
Ed. Cudihee, account transportation of insane..	36.30
R. A. Grant, account transportation of insane..	287.15
A. F. Kirby, account transportation of insane and incorrigibles.....	22.40
J. A. Graham, account transportation of convicts	26.86
W. J. Hall, account transportation of convicts	208.20
E. S. Biesecker, account transportation of con- victs	32.50
Julius Macomber, account transportation of con- victs	86.50
H. B. Doak, account transportation of insane..	66.50
C. R. Claghorn, expense to examine candidates for appointment as State Mine Inspector....	23.20
Joseph Reynolds, expense to examine candidates for appointment as State Mine Inspector....	29.40
Jas. Andersen, expense to examine candidates for appointment as State Mine Inspector.....	27.50
Passed the House March 11th, 1907.	
Passed the Senate March 13th, 1907.	
Approved by the Governor March 15th, 1907.	

CHAPTER 191.

[H. B. 409.]

RAILROAD RIGHT OF WAY OVER STATE LANDS AT
AMERICAN LAKE.

AN ACT relating to the acquisition of rights-of-way for railroads through lands owned by the state of Washington, held for military purposes at American lake, Pierce county, Washington, and declaring an emergency.

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

SECTION 1. Authority is hereby conferred upon the Governor of the State of Washington to sell and convey a right-of-way for an electric railroad or electric rail-ways over and across the lands belonging to the State of Washington in Pierce county, Washington, in the S. W. $\frac{1}{4}$ of section 20, and the S. E. $\frac{1}{4}$ of section 20, township 19 north, range 2 east, Willamette Meridian: *Provided*, That sufficient assurance be given the Governor that such electric road be constructed and in operation between Murray station, situated on said described lands, and Tacoma within four months of date of conveying such right-of-way.

Governor
may sell
right-of-
way.

SEC. 2. Before the Governor shall have any authority to sell the right-of-way provided in the first section of this act, the Adjutant General of the State of Washington shall approve, in writing, the location and extent thereof, and the Board of State Land Commissioners shall appraise the value of the same; and no sale of right-of-way for said purpose shall be made at less than the appraised value. The applicant for such right-of-way shall furnish to the Board of State Land Commissioners a plat showing the location desired, and if the Adjutant General shall in any respect modify said plat, the applicant shall pay all the expense attendant upon and incidental to said modifica-tion.

Adjutant-
General to
approve
location.

Appraise-
ment.

Plat.

SEC. 3. After approval of the application for such right-of-way by the Adjutant General, and appraisal by the Board of State Land Commissioners, the Governor, upon payment of said appraised value to the State Treas-urer, to be placed in the military fund, shall execute a

Deed.

patent for the said right-of-way. The title to said right-of-way shall convey the right only to use the land embraced within said right-of-way for railroad purposes, and subject to such use the title shall remain in the State.

Emergency. SEC. 4. An emergency exists and this act shall take effect immediately.

Passed the House March 8th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 192.

[H B. 345.]

INSPECTION OF OILS.

AN ACT creating the office of State Oil Inspector, defining his powers and duties, providing for the inspection of illuminating oils, gasoline, benzine, distillate and volatile products of petroleum, providing a penalty for the violation thereof, and repealing chapter 161 of the Session Laws of 1905, entitled; "An act creating the office of State Oil Inspector providing for his compensation, and providing for the inspection of petroleum and its products used for illuminating purposes, and providing a penalty for the violation thereof."

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

Governor shall appoint oil inspector.

SECTION 1. The Governor shall appoint, by and with the consent of the Senate, a qualified elector of this State who shall not be interested in the manufacture or sale of any illuminating oils, gasoline, benzine, distillate, or any volatile product of petroleum, to be known as State Oil Inspector, who shall hold office for four years from the date of appointment or until his successor is appointed and has qualified. Such person, so appointed, shall, before he enters upon the discharge of his duties, take an oath or affirmation of office as prescribed by the Constitution of this State, and shall execute a bond in the sum of Five Thousand (\$5,000) Dollars to the State of Washington,

Term.

Oath.

Bond.

conditioned for the faithful performance of the duties of his office, to be approved by the Governor, which bond and oath of office shall be filed in the office of the Secretary of State. Such bond shall be for the use of all persons injured by the act or neglect of said Oil Inspector or his deputies. The State Oil Inspector shall receive a salary of Two Thousand (\$2,000) Dollars per annum, and necessary office and traveling expenses, to be paid monthly out of the general fund, upon vouchers to be audited by the State Auditor.

Compen-
sation.

The State Oil Inspector shall appoint, by and with the consent of the Governor, a deputy State Oil Inspector who shall receive a salary of one hundred and twenty-five (\$125) dollars per month, and necessary traveling expenses, to be paid in the same manner as the expenses and salary of State Oil Inspector.

Deputies.

He may also appoint such additional deputies as may be necessary, who shall receive one hundred dollars per month while in the actual service of the State, and necessary expenses, to be paid in the same manner as the State Oil Inspector.

The Deputy State Oil Inspector shall, before he enters upon the duties of his office, take and subscribe an oath of office and shall execute a bond in the sum of Two Thousand (\$2,000) Dollars, to be approved by the State Oil Inspector, which bond and oath of office, together with the certificate of appointment, shall be filed in the office of the Secretary of State.

Oaths.

Bond.

SEC. 2. The State Oil Inspector shall obtain the necessary instruments and apparatus for testing the quality of such illuminating oils, gasoline, benzine, distillate or volatile product of petroleum, and it shall be the duty of said State Oil Inspector, or his deputies, to examine and test the quality of all illuminating oils, gasoline, benzine, distillate or volatile product of petroleum intended for sale for consumption within this State for illuminating, manufacturing, domestic or power purposes, and in the discharge of such duty it shall be lawful for said State Oil Inspector and his deputies, and they shall have the right

Instru-
ments and
apparatus
for testing.

Duty to
examine
and test.

to enter into or upon the premises of any manufacturer, vendor or dealer in any such oil, gasoline, benzine, distillate or other petroleum product for the inspection of the same as provided in this act.

Must be inspected before sale.

SEC. 3. All gasoline, benzine, distillate or other volatile product of petroleum intended for use or consumption in this State for illuminating, manufacturing, domestic or power purposes, before being sold or offered for sale by any firm, corporation, manufacturer, dealer, vendor, or other person, shall first be inspected and tested for its specific gravity, and, after having been so inspected and tested, the State Oil Inspector, or his deputies, shall issue a certificate of inspection thereof and shall cause every package, barrel, cask or other receptacle thereof to be labeled or branded with its exact specific gravity over his official signature.

Brands on barrels and casks.

It shall also be the duty of said State Oil Inspector, or his deputies, to examine and test the quality of all illuminating oils offered for sale for consumption within this State, and to reject for illuminating purposes all oils which will take fire and burn at a temperature less than 120 degrees Fahr. thermometer. The quantity of oil used in making such test shall not be less than one-half pint, and the oil tester adopted and used shall be the open-cup Taglibue electric spark, or one similar in construction and result. If the oil so inspected shall meet such requirement he shall brand or label each and every package, barrel, cask or other receptacle containing the same with the word "approved," and the date of such inspection, over his official signature. Should oil so tested or examined be contained in tank cars, upon finding the oil so contained to meet the requirements hereinbefore specified, he shall furnish the owner or person in charge of such oil with a certificate stating the number and letters or other marks of designation of the tank car inspected, the number of gallons of oil contained in it, the date of inspection, the name of the owner, the city or town in which such tank was inspected, the temperature at which such oil took fire and burned and that such oil is approved. Upon each barrel,

Inspection of illuminating oils.

Approval.

cask or other receptacle, drawn from such tank car and offered for sale, shall be fixed the same brand or device as is required for oil inspected in barrels or casks.

If the oil or other petroleum product so tested shall not meet said requirements the State Oil Inspector, or his deputies, shall mark in plain letters on the package, barrel or cask, the word "rejected" over his official signature, and if any oil or other petroleum product contained in tank car shall fail to meet said requirements it shall be rejected by the State Oil Inspector or his deputy, and a written notice, stating the number and letters or other marks of designation of the tank car so rejected, the date and place of inspection, and that the oil or other petroleum product has been rejected, which notice, signed by the State Oil Inspector, or his deputy, shall be placed in the hands of the person owning or in charge of such oil or other petroleum product.

Rejection
of oils.

All illuminating oils, gasoline, benzine, distillate or any volatile product of petroleum, manufactured or refined in this State shall be inspected before being removed from the manufactory or refinery.

Whenever complaint is made to the Oil Inspector in regard to the illuminating qualities of illuminating oil that may have been so inspected, it shall be his duty to secure a sample of such oils complained of which shall be turned over to the chemist of the State University who shall thoroughly analyze and test said oils for their illuminating qualities. If upon such analysis and test the chemist of the State University shall decide that although the oil be of the required test it is of inferior illuminating quality then the Oil Inspector, upon receipt of the chemist's report, shall brand such oil: "State of Washington. Rejected. Quality inferior," with the date of inspection over his official signature. Such report of the State Chemist shall be *prima facie* evidence of the character and quality of the oil or other petroleum product so analyzed and tested.

Complaints.

Chemist at
University
to test,
When.

SEC. 4. The State Oil Inspector, or his deputies, shall charge and collect a fee of forty (40c) cents per barrel for the first two (2) barrels; thirty (30c) cents per barrel

Fees to be
collected.

for the next three (3) barrels; twenty (20c) cents per barrel for the next five (5) barrels; and fifteen (15c) cents per barrel for the next fifteen (15) barrels of not less than fifty (50) gallons each, and one-fifth of one cent for each and every gallon thereafter inspected at any one time of any oil, gasoline, benzine, distillate or volatile petroleum product so inspected: *Provided*, That where the same is offered for inspection in carload lots or over, then the fee shall be one-fifth of one cent for each and every gallon contained in such carload lot or over so inspected. Such inspection fee shall be paid by the owner, agent or other person in charge or possession of such oil at the time of the inspection thereof, and shall be a lien upon the oil, gasoline, benzine, distillate or other petroleum product so inspected, to be immediately collected and enforced by said State Oil Inspector.

Records kept.—Reports of inspection.

SEC. 5. It shall be the duty of the State Oil Inspector, or his deputies, to keep true and accurate records of all oil, gasoline, benzine, distillate or other petroleum product inspected and branded by them, which record shall state the date of inspection, the number of gallons rejected, the number of gallons approved, the number of gallons inspected, the number and kind of tanks, barrels, casks or packages with the names of the persons for whom inspected, and the moneys received for such inspection, which record shall be open to the inspection of all persons interested.

To remit fees collected.

The Deputy Oil Inspector, and all deputy inspectors, shall, on the first Monday in each month forward to the State Oil Inspector true duplicate copies of such record for the preceding month, and shall pay over to the State Oil Inspector all moneys received for such inspection; and, on the fifteenth day of each month the State Oil Inspector shall pay to the State Treasurer all moneys received by him or by his deputies during the preceding calendar month, which shall be credited to the general fund of the State. In the month of January of each year the State Oil Inspector shall make and deliver to the Governor of the State duplicate reports of all inspections made by himself or his deputies during the preceding calendar year,

Report to Governor.

showing the amount, kind and character of the oil, gasoline, benzine, distillate or other petroleum product inspected; the amount inspected for each individual, firm or corporation; the amount, kind and character of all such petroleum products rejected; the amount of fees collected, in detail, together with such other information as he may deem proper or the Governor may request.

SEC. 6. If any person or persons, whether manufacturer, vendor or dealer, or as agent or representative of any manufacturer, vendor or dealer, shall sell or attempt to sell to any person, firm or corporation in this State, any illuminating oil, gasoline, benzine, distillate or any volatile product of petroleum, intended for use or consumption within this State for illuminating, manufacturing, domestic or power purposes, that has not been inspected and branded according to the provisions of this act; or shall sell or offer for sale any rejected oil or other product of petroleum for consumption within this State; or shall use any package, cask, barrel or other receptacle having the brand of the State Oil Inspector thereon, without the oils, gasoline, benzine, distillate or other petroleum products therein having been so inspected; or shall sell or dispose of any empty barrel, cask, package or other receptacle before thoroughly canceling, removing or effacing the inspection brand on the same; or shall alter or change or counterfeit any certificate, inspection brand or label, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding three hundred (\$300) dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

Penalty for
selling
without
inspection.

SEC. 7. If the State Oil Inspector, or any deputy State Oil Inspector, shall know or be informed of the violation of any of the provisions of this act, it shall be his duty to enter a complaint in a court of competent jurisdiction against the person so offending. If said State Oil Inspector, or any deputy State Oil Inspector, having knowledge of the violation of the provisions of this act shall fail or neglect to enter such complaint, or shall issue any false certificate, or shall falsely brand any oil, gasoline, benzine,

Violation of
act—duty
of oil
inspector.

distillate or volatile product of petroleum, or shall while in office traffic, directly or indirectly, in any article or substance which it is his duty to inspect, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding one thousand (\$1,000) dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

Repeal.

SEC. 8. Chapter 161 of the Session Laws of 1905 entitled "An Act creating the office of State Oil Inspector, providing for his compensation, and providing for the inspection of petroleum and its products used for illuminating purposes, and providing a penalty for the violation thereof," is hereby repealed.

Passed the House March 13th, 1907.

Passed the Senate March 9th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 193.

[H. B. 465.]

RELIEF OF CLARKE COUNTY.

AN ACT for the relief of Clarke County, Washington.

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

Amount
due \$2,705.30.

SECTION 1. That there is due to Clarke county, Washington, the sum of \$2,705.30 on account of moneys erroneously charged against said county for State taxes on land incorrectly assessed by the county assessor of said Clarke county in the year 1904.

Duty of
auditor.

SEC. 2. The State Auditor is hereby directed to credit said Clarke county, Washington, for the said sum of \$2,705.30 for the said year of 1904 as follows: General fund, \$884.90; school fund, \$1,799.80; military fund, \$35.60.

Passed the House March 8th, 1907.

Passed the Senate March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 194.

[H. B. 388.]

SALE OF INTOXICATING LIQUORS.

AN ACT relating to the sale of intoxicating liquors, fixing a state license fee, and providing a punishment for the violation thereof.

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

SECTION 1. Every person, firm, or corporation selling any spirituous, fermented, malt or other intoxicating liquor, at any place within this State or upon any steamboat, steamship or other vessel plying upon the waters of the State or between places within the State or upon any dining car, buffet car, or other public conveyance in the State, shall pay for the privilege of so doing an annual State license fee of twenty-five (\$25) dollars, in addition to the license fee fixed by any city, town, or county where such liquor is sold which sum shall be in addition to the amount now required to be paid to the State on account of any license for such purpose.

SEC. 2. For the purposes of this act every person, firm, association or corporation having a government liquor license or a special tax stamp issued by the national government for the sale of any spirituous, fermented, malt or other intoxicating liquors at wholesale, retail or otherwise, shall be deemed a seller thereof and shall be required to pay the annual license fee provided for in this act, and the license therefor issued under the provisions hereof shall be posted by the owner in a conspicuous place and at the side of the said government license or special tax stamp.

SEC. 3. Any person, firm or corporation desiring to sell any spirituous, fermented, malt or other intoxicating liquor, at any place in this State or upon any steamboat, steamship or other vessel plying upon any waters in this State or between any places therein, or upon any railroad train, dining car, buffet car, or other public conveyance, shall apply to the State Treasurer, describing the premises upon which or giving the name of such steamboat, steam-

Treasurer shall issue license.

ship or other vessel, or a description of the railway cars or other public conveyance, upon which such liquor is to be sold, and upon the payment of such license fee of twenty-five (\$25) dollars, the State Treasurer shall issue a license therefor, which shall describe such premises or steamboat, vessel or other public conveyance. Any railroad or other transportation company operating any dining cars, buffet cars, or other public conveyance, upon which such intoxicating liquor is sold, shall be required to take out a license fee for each of such cars kept constantly in the State: *Provided*, That where any such cars are run or operated through or into the State and are not kept constantly therein, such person, firm or corporation shall take out such number of licenses as is equal to the average number of such cars kept continuously within the State.

Penalty for selling without license.

SEC. 4. It shall be unlawful for any person, firm or corporation to sell any spirituous, fermented, malt or other intoxicating liquor, in this State without first paying the annual license fee provided for in this act, in addition to any license provided by ordinance or law, and any person violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred (\$100) nor more than five hundred (\$500) dollars, or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Construction of act.

SEC. 5. Nothing in this act shall be construed as limiting or abridging the power of any city, town or county within this State, to regulate, license, or prohibit the sale of intoxicating liquors within such city, town or county; but all powers now possessed or enjoyed by cities, towns and counties, under existing law, shall be reserved to them.

Passed the House March 9th, 1907.

Passed the Senate March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 195.

[H. B. 374.]

RELIEF OF R. STEVENSON.

AN ACT for the relief of R. Stevenson, of Spokane county, state of Washington, and making an appropriation therefor.

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

SECTION 1. That the sum of ninety and 45-100 (\$90.45) dollars, be, and the same is hereby appropriated out of the State treasury from any funds not otherwise appropriated, for the relief of R. Stevenson. Appropriation \$90.45.

Passed the House March 4th, 1907.

Passed the Senate March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 196.

[H. B. 257.]

RELIEF OF GUNDER B. J. ORDAL.

AN ACT providin for the relief of Gunder B. J. Ordal, and making an appropriation.

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

SECTION 1. That there is hereby appropriated out of any moneys in the State treasury not otherwise appropriated the sum of \$40.00 for the relief of Gunder B. J. Ordal, for the sum of \$40.00 paid into the State treasury of the State of Washington under application No. 3225 for the purchase of tide lands of the second class in front of lot 5, section 10, township 19 north, range 3 west, no contract having been entered into by the State under such application, and the sum of \$40.00 having been paid into the State treasury by said applicant and never refunded. Appropriation \$40.00.

SEC. 2. The State Auditor is hereby authorized and directed to draw his warrant for the said sum of \$40.00 in favor of the said Ordal, and the State Treasurer is

hereby authorized and directed to pay such warrant out of any money in the State treasury not otherwise appropriated upon the presentation thereof.

Passed the House March 4th, 1907.

Passed the Senate March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 197.

[H. B. 410.]

EXCHANGE OF CERTAIN STATE LANDS FOR LANDS OWNED BY COMMERCIAL TRUST COMPANY.

AN ACT authorizing the exchange of certain state lands for other lands now owned by the Commercial Trust Company.

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

Governor and Secretary of State to execute deed.

SECTION 1. That the Governor and Secretary of State are hereby authorized and directed to execute on behalf of the State a deed to the Commercial Trust Company, a corporation, for the following described property now owned by the State, to-wit:

Description.

Beginning at the southeast corner of lot 3, of section 21, township 19 north, range 2 east W. M.; thence north along the east line of said lot 3, 1,320 feet more or less to the northeast corner thereof; thence west on the north line of said lot 3, a distance of 891.98 feet to the shore line of American Lake; thence along said shore line south 60° west 4.035 feet; thence south 27° 45' west 176.28 feet; thence leaving said shore line south 40° 4' 35" east 1582.2 feet to the place of beginning, containing 16.433 acres.

Delivery to be made, when.

SEC. 2. The deed provided for in the preceding section shall not be delivered to the grantee until there shall be delivered to the Governor a deed to the State and abstract, to be approved by the Attorney General, of the following described premises, to-wit: Beginning on the west line of section 21, township 19 north, range 2 east W. M., at its intersection with the northerly line of the right-of-way of

the Northern Pacific Railway Company; thence north on said west line 1153.58 feet to the northwest corner of the south half of the southwest quarter of said section 21; thence south $89^{\circ} 4'$ east along the north line of said south $\frac{1}{2}$ of S. W. $\frac{1}{4}$ 1267.08 feet to an intersection with said northerly line of the right-of-way; thence south $48^{\circ} 50'$ west along said line of right-of-way 1161.51 feet; thence south $41^{\circ} 10'$ east 50.00 feet; thence south $48^{\circ} 50'$ west 565.16 feet to the place of beginning; containing 16.433 acres. Being the part of the said south half of southwest quarter of section 21, lying west of the right-of-way of the Northern Pacific Railroad Company.

Passed the House March 8th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 198.

[H. B. 191.]

ENDOWMENT AND MAINTENANCE OF AGRICULTURAL EXPERIMENT STATION.

AN ACT assenting to the terms, conditions and purposes of the grant of money for the more complete endowment and maintenance of agricultural experiment stations provided for under an act of congress approved March 16, 1906, and declaring an emergency.

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

SECTION 1. The State of Washington hereby assents Assent of State. to the purposes, terms, provisions and conditions of the grant of money provided in an act of Congress approved March 16, 1906, said act being entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," and having for its purpose the more complete endowment and maintenance of agricultural experiment stations theretofore or thereafter established under an act of Congress approved March 2, 1887.

Disposition
of appro-
priation.

SEC. 2. Said annual sum appropriated and granted to the State of Washington in pursuance of said act of Congress approved March 16, 1906, shall be paid as therein provided to the Treasurer or other officer duly appointed by the board of regents of the State Agricultural Experiment Station at Pullman, Washington; and the board of regents of such experiment station are hereby required to report to the Secretary of Agriculture on or before the first day of September of each year a detailed statement of the amount so received and of its disbursements on schedules prescribed by the Secretary of Agriculture.

Certified
copies of
act.

SEC. 3. The Secretary of State of the State of Washington is hereby required to send certified copies of this act to the Secretary of Agriculture and Secretary of the Treasury at Washington, D. C.

Emergency.

SEC. 4. An emergency exists and this act shall take effect immediately.

Passed the House March 11, 1907.

Passed the Senate March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 199.

[H. B. 288.]

APPROPRIATION TO PURCHASE GIFT FOR CRUISER "WASHINGTON."

AN ACT appropriating the sum of \$5,500.00 to purchase a gift to be presented to the armored cruiser "Washington" and to pay the incidental expenses in connection with the purchase and presentation of the same.

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

Appropriation
\$5,500.

SECTION 1. There is hereby appropriated out of the general fund, the sum of \$5,500.00, or so much thereof as may be necessary to purchase a suitable gift for presentation by the State to the United States armored cruiser "Washington" and to pay the necessary expenses of any committee or commission appointed by the Legislature to present such gift, and to pay the expenses already incurred

by the committee constituted by Senate Concurrent Resolution No. 14, of the Ninth Legislature of the State of Washington.

SEC. 2. The money hereby appropriated shall be expended on vouchers approved by the Governor, and disbursed in the manner provided by law.

Vouchers
to be
approved
by Govern-
nor.

Passed the House February 21st, 1907.

Passed the Senate March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 200.

[S. B. 180.]

REGULATION OF STEAM VESSELS, ETC.

AN ACT regulating steam vessels, and vessels or boats operated by machinery, navigating the waters within the jurisdiction of this state, excepting vessels which are subject to inspection under the laws of the United States, and providing penalties for the violation thereof.

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

SECTION 1. The Commissioner of Labor shall be charged with the administration of the provisions of this act, shall employ the necessary inspectors to enable him to carry said provisions into effect, and shall exercise supervision over them in the performance of their duties.

Commis-
sioner of
Labor to
administer
act.

SEC. 2. The Commissioner of Labor shall annually, or oftener if he has good cause to believe it reasonable, inspect, or cause to be inspected, every steam vessel or other vessel operated by machinery engaged in carrying passengers for hire or towing for hire, excepting vessels which are subject to inspection under the laws of the United States, examine carefully her hull, boats and other equipment, examine her engine and boilers, ascertain how long it will be safe to use the same, determine the pressure of steam to be allowed and so regulate the fusible plugs, safety valves and steam cocks as to insure safety, and he may require such changes, repairs and improvements to

Inspection
of vessels.

be adopted and used as he may deem expedient for the contemplated route. He shall also fix the number of passengers that may be transported. He shall also, whenever he deems it expedient, visit any vessel licensed under this act and examine into her condition for the purpose of ascertaining whether or not any party thereon having a certificate from him has conformed to and obeyed the conditions of such certificate and the provisions of this act. The owner, master, pilot, captain or engineer of such vessel shall answer all reasonable questions, and shall give all the information in his or their power, in regard to said vessel, her machinery and the manner of managing the same. In case of damage by fire or by explosion or by means of an electrical apparatus, he may investigate the cause thereof, and if found by him to have been occasioned by a violation of any of the provisions of this act, or of the orders, regulations and requirements issued by him, he shall so certify to the prosecuting attorney of the county where such violation occurred, together with the names of the persons guilty thereof and of the witnesses.

Owner or officers shall give information.

Investigation of accidents.

Commissioner shall test boilers.

SEC. 3. The Commissioner shall also test the boilers of all steam vessels, before the same shall be used, and at least once in every year thereafter. In subjecting to the hydrostatic test, boilers called and usually known under the designation of high pressure boilers, the hydrostatic pressure applied must be in proportion of one hundred and fifty pounds to the square inch to one hundred pounds to the square inch of the steam pressure allowed. And in subjecting to the hydrostatic test, that class of boilers usually designated and known as low pressure boilers, the Commissioner shall allow as the working power of each new boiler, a pressure of only three-fourths the number of pounds to the square inch, to which it shall have been subjected by the hydrostatic test, and found to be sufficient therefor; but should said Commissioner be of the opinion that such boiler, by reason of its construction or material will not safely allow so high a working pressure he may, for reasons specifically stated in his certificate, fix the working pressure of such boiler at less than three-fourths

of said test pressure; and no boiler or pipe, or any of the connections therewith, shall be approved, which is made in whole or in part, of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use or other cause. In addition to the hydrostatic test as herein provided, the Commissioner may cause a hammer test to be made and an internal examination of such boiler or boilers so tested, whenever deemed necessary. Any boiler having been in use ten years or more may be drilled at the bottom of shell or boiler, and also at such other points as the inspectors may direct, to determine the thickness of such material at those points, and the general condition of such boiler or boilers at the time of inspection and the steam pressure allowed shall be determined by such ascertained thickness and general condition of the boiler. He shall also see that all connections to the said boiler or engines are of suitable material, size and construction; and that the boiler, machinery and appurtenances are such as may be employed with safety in the service to be performed. He shall also satisfy himself that the safety valves are of suitable dimensions and that the weights of the same are properly adjusted, so as to allow no greater pressure than the maximum amount prescribed by him; and that there is a sufficient number of gauge cocks, properly attached to the boiler, so as to indicate the quantity of water therein; and suitable steam gauges to correctly show the amount of steam carried; and as to any other matter connected with such steam vessel or the machinery thereof, that to said Commissioner shall seem necessary to the safety of her passengers and crew. And he shall make such inspection, examination and test of naphtha launches and electric launches and their apparatus and machinery, as will enable him to determine whether they can be safely used in navigation.

May make hammer test.

Boiler may be drilled, when.

Connections.

Safety valves.

Inspection of launches.

SEC. 4. The Commissioner, if satisfied that such vessel is in all respects safe and conforms to the requirements of this act, shall make and subscribe duplicate certificates, setting forth the age of the vessel, the date of inspection, the name of the vessel, the name of the owner, the master,

Certificate of inspection.

the number of licensed officers and crew which he deems necessary to manage the vessel with safety, the number of boats and life preservers required, and the number of passengers that she can safely carry, and if a steam vessel, the age of the boiler, and the pressure of steam she is authorized to carry. One of such certificates shall be kept posted in some conspicuous place on the vessel to be designated by the Commissioner in the certificate and the other copy shall be kept by the Commissioner and by him recorded in a book to be kept for that purpose. If the Commissioner refuses to grant a certificate of approval, he shall make a statement in writing, giving his reasons for such refusal, and deliver the same to the owner or master of the vessel.

Number of
passengers.

SEC. 5. No greater number of passengers shall be transported upon any licensed steam vessel or other vessel included within the provisions of this act, than the number allowed in the certificate of such vessel, under a penalty of ten dollars, to be paid by the master for each passenger in excess of the allowed number, unless special permission is first obtained from the Commissioner under such precautions as he deems expedient.

Wood work
about
boiler, etc.,
shall be
protected.

SEC. 6. All steamboats and other vessels to which this act is applicable, shall hereafter be so constructed that the wood work about the boilers, chimneys, fire-boxes, cook-houses, stove and steam pipes, or any machinery or apparatus involving danger of fire, where such wood-work is exposed to ignition, shall be so shielded by some incombustible material, that the air may circulate freely between such material and wood-work or other ignitable substances, and before granting a certificate of inspection, the Commissioner shall require that all other necessary provisions be made throughout such vessel, as he may judge expedient to guard against loss or damage by fire.

Stairways
and gang-
ways.

SEC. 7. Every vessel engaged in carrying passengers, shall be provided with permanent stairways and other sufficient means convenient for passing from one deck to the other, with gangways large enough to allow persons freely to pass, which shall be open fore and aft of the length of the vessel, and to and along the guards; and whoever ob-

structs such gangways by freight or otherwise shall forfeit fifty dollars to the State of Washington for every such violation.

SEC. 8. From and after the passage of this act, the following rules shall be observed in navigating all steam vessels when under steam, and all boats propelled by machinery on the waters within the jurisdiction of the State, excepting the waters which are under the jurisdiction of the United States:

Rules for
navigation
of vessels.

(1) When two steamboats are meeting, end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

(2) When two steam vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

(3) When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel.

(4) When, by any of these rules, one of two vessels is to keep out of the way, the other shall keep her course and speed.

(5) Every vessel under steam, when approaching another steamboat or small boat or vessel of any kind, so as to involve the risk of collision, shall slacken her speed, or if necessary, shall stop and reverse her engine, and every vessel under steam shall, when in a fog, go at a moderate speed.

(6) Any steam vessel overtaking another steam vessel shall keep out of the way of the last mentioned steam vessel.

(7) When two steam vessels are going in the same direction the stern steam vessel wishing to pass the other shall signal the forward steam vessel of her intention to pass on the port side by two distinct whistles, and to pass on her starboard side, by one distinct whistle, which shall be answered by the forward steam vessel with the same number

of whistles, and the forward steam vessel shall keep on her course as though no signal had been given.

(8) Steamboats approaching each other shall, at not less than three hundred yards distance between each other, give a signal with one loud distinct whistle.

(9) When two steamboats are approaching each other, and if the course of such steamboats is so far on the starboard side of each as not to be considered by the pilots as meeting end on, or nearly so, or if the steamboats are approaching each other, in such manner that passing to the right as in rule one is deemed unsafe by the pilot of either steamboat, the pilot so first deciding shall give two short and distinct blasts on his steam whistle, which the pilot of the other steamboat shall answer promptly by two blasts of his steam whistle, and they shall pass to the left (on the starboard) side of each other.

(10) When two steamboats are approaching each other and the pilot of either steamboat fails to understand the course or intention of the other, whether from the signals being given or answered erroneously or from other cause, the pilot so in doubt shall immediately signify the same by giving several short and rapid blasts of the steam whistle, and if the boats shall have approached within five hundred yards of each other, both shall be immediately slowed to a speed barely sufficient for steerageway until the proper signals are given, answered and understood, or until the boats have passed each other.

(11) When a steamboat is running in a fog or thick weather it shall be the duty of the pilot to cause a long blast of the steam whistle to be sounded at intervals not exceeding one minute.

(12) Signals of distress shall be four distinct blasts of the whistle, and shall be recognized by the master of any steamboat hearing the same, and he shall render such assistance as is in his power.

(13) In construing these provisions, due regard must be had to all the dangers of navigation, and to any special circumstances which may exist, rendering a departure therefrom necessary in order to avoid immediate danger.

(14) Every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and every vessel under steam or otherwise propelled by machinery, whether under sail or not, is to be considered a steam vessel.

(15) Nothing in this act shall be construed to extend to any boat or lighter not being masted, or if masted and not decked, employed in the harbor of any town or city.

(16) All steamboats licensed under the provisions of this act shall conform to and obey such other rules and regulations as the Commissioner may prescribe, not inconsistent herewith.

(17) The Commissioner and the inspectors provided for in this act are authorized to make further rules and regulations applying generally to all steamboats, or especially to one or more of them; and on framing rules for the government of managers and employes of boats, the Commissioner shall, as far as practicable, be governed by the general rules and regulations prescribed by the United States board of supervising inspectors of steam vessels.

(18) Every steam vessel or other vessel propelled by machinery, carrying passengers for hire on the waters within the jurisdiction of this State, shall have two copies of this section framed, one to be placed in the pilot house for the government of the pilot, and the other to be hung in a conspicuous place on the boat, for the inspection of the passengers.

SEC. 9. The master of every steamboat or vessel propelled by machinery when navigating between sunset and sunrise, shall cause the same to carry the following lights:

Vessels
shall carry
lights.

(1) At the foremast head, a bright white light of such a character as to be visible on a dark night, with a clear atmosphere at a distance of at least two miles; and be so constructed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass, and to be so fixed as to throw the light ten points on each side of the vessel from right ahead to two points abaft the beam on either side.

(2) On the starboard side a green light of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles; and be so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side.

(3) On the port side a red light of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The green and red lights shall be fitted with inboard screens, projecting at least three feet forward from the lights, so far as to prevent them from being seen across the bow.

(4) The master of every vessel other than a steamboat anchored in the night time shall cause her peak to be lowered and a good and sufficient light to be thrown from her taffrail in some part of her rigging and at least twenty feet above her deck. In the case of small vessels, the Commissioner may make specific rules for lights different from the foregoing.

Fire apparatus.

SEC. 10. Every steam vessel permitted by her certificate to carry one hundred passengers or upwards, shall be provided with a good double acting steam fire pump or other equivalent apparatus for throwing water, the same to be at all times during the navigation of such vessel, kept ready for immediate use, having at least one hundred feet of hose of suitable size and of sufficient strength to stand a pressure of at least seventy-five pounds to the square inch.

Vessels small carry boats.

SEC. 11. Every ferry boat propelled by steam or electricity shall be provided with at least one substantial boat, fifteen feet or more in length, and properly supplied with oars, and kept tight and in good condition at all times, and so attached to such ferry boat that it may in case of need be launched into the water for immediate use. Every

steamboat or vessel propelled by machinery and carrying passengers shall be provided, if of the measurement of two hundred and fifty and less than five hundred tons burden, with at least two substantial row boats, with life lines attached and properly supplied with oars, and kept tight and in good condition at all times, and so attached as to be capable of being launched into the water for immediate use in case of need; and if of the measurement of five hundred tons or more, with at least one first class life boat and one row boat twenty-five feet long by seven wide, capable of carrying or supporting fifty persons each, and at least one row boat of the usual size and construction, all to be properly supplied with oars, and kept tight and in good condition at all times, and so attached as to be capable of being launched into the water for immediate use in case of need. Every such vessel may also be required to carry such other boats as the Commissioner, on account of the route, or the number of passengers, shall deem requisite, and the master of such vessel shall exercise and discipline his crew in the launching, use and management of the boat until they become skillful boatmen.

SEC. 12. Every steam vessel or vessel propelled by machinery used in the transportation of passengers for hire, shall have a life preserver or life float for each passenger she is allowed to carry and for each member of her crew. At least one-half thereof shall be life-preservers of the sort prescribed by the supervising inspector appointed under this act, and the other half or part thereof may be life floats, to be constructed of dry pine plank, four feet long, two inches thick and twelve inches wide, with lines properly attached in such manner as to be convenient for use; and it shall be the duty of the Commissioner to satisfactorily ascertain that every life preserver and such life floats are as herein required. Such life preservers and life floats shall be kept in convenient accessible places in such vessel in readiness for immediate use in case of accident, and the places where the same are to be kept shall be designated in the Commissioner's certificate, and also pointed out by printed notices posted in such places as the Com-

Life-preservers.

Shall be kept in accessible places.

missioner directs. Every such vessel shall carry in convenient places, at least ten buckets filled with water, with dip lines attached, and three axes in good condition, but the inspectors may, if they deem it necessary or proper, require a larger, or in case of very small vessels, permit a smaller number of buckets and axes.

Obstruction
of safety
valves.

SEC. 13. Whoever intentionally loads or obstructs, or causes to be loaded or obstructed, in any way, the safety valve of the boiler, or employs any other means or device whereby the boiler may be subjected to a greater pressure than the amount allowed by the Commissioner's certificate, or intentionally deranges or hinders the operation of any machinery or device employed to denote the stage of the water or steam in any boiler, or to give warning of any approaching danger, or intentionally permits the water to fall below the prescribed low water limit of the boiler, shall forfeit to the State of Washington the sum of five hundred dollars for each violation.

Penalty.

Examina-
tion of
officers.

SEC. 14. Every person employed as master, pilot or engineer on board of a steam vessel or a vessel propelled by machinery, carrying passengers for hire or towing for hire, shall be examined by the Commissioner as to his qualifications, and if satisfied therewith he shall grant him a license for the term of one year for such boat, boats or class of boats as said Commissioner may specify in such license. In a proper case, the license may permit and specify that the master may act as pilot, and in case of small vessels also as engineer and pilot. The license shall be framed under glass, and posted in some conspicuous place on the vessel on which he may act. Whoever acts as master, pilot or engineer, without having first received such license, or upon a boat or class of boats not specified in his license, shall be liable to a penalty of fifty dollars for each day that he so acts, except as in this act otherwise specified, and such license may be revoked by the Commissioner for intemperance, incompetency or willful violation of duty.

License.

OIL.

SEC 15. No licensed vessel carrying passengers for hire shall be allowed to use in lamps, lanterns or other lights

on such vessels, any oil which will not stand a fire test of at least three hundred degrees Fahrenheit.

SEC. 16. Every vessel subject to the provisions of this act, shall have her name and the port to which she belongs painted on her stern on a black background in white, yellow or gilt letters, or on a white background in black, yellow or gilt letters of not less than three inches in length. If any vessel, which is subject to the provisions of this act, shall be found without having her name, and the name of the port to which she belongs so painted, the owner or owners shall be liable to a penalty of fifty dollars to the State of Washington. The Commissioner may, however, in the case of small vessels, permit such name to be placed elsewhere and in letters of less length, the permission, the place of the name and length of letters to be stated in a certificate to be given to the master, who shall exhibit the same whenever requested.

SEC. 17. Small boats containing passengers may be landed from or drawn to a steamboat by means of a line hauled in by hand, but in no case shall the line be attached to or hauled in by the machinery of any vessel. No passenger shall be put or suffered to go into any such small boat for the purpose of being landed until such small boat shall be completely afloat and wholly disengaged from the vessel, except held by a painter. A good and sufficient pair of oars suitable for the purpose shall be kept in such small boat. In landing or receiving any passenger in the night time, there shall be a signal from the small boat at the shore by means of a horn or trumpet, to enable those having charge on board the vessel to determine when the small boat, having landed or received her passengers, is ready to leave the shore.

SEC. 18. While landing or receiving passengers the engine of the vessel shall not be put in motion except:

(1) To give sufficient force to carry the small boat to the shore, or,

(2) To keep the vessel in proper direction and to prevent her from drifting or being driven on shore; but in no case shall it be put in motion while passengers are

Name.

Landing passengers in small boats.

Engine shall be stopped, when.

being transferred from such vessel into a small boat for the purpose of being landed.

Combustibles shall not be carried.

SEC. 19. No loose hay, loose cotton or loose hemp, camphene, nitro-glycerine, naphtha, benzine, benzole, coal oil, crude petroleum or other like explosive burning fluids or dangerous articles, shall be carried as freight or used in stoves on any steamer or vessel licensed to carry passengers under this act; except that refined petroleum which will not ignite at a temperature of less than one hundred and twenty degrees Fahrenheit may be carried on the main deck of any vessel, provided the barrels or cases containing such oil are fully provided with a tarpaulin. But nothing in this section provided shall be construed to prevent any vessel of twenty tons burden or under which uses petroleum for fuel from carrying sufficient petroleum with which to replenish the fires and properly equip such vessel for use; said petroleum to be carried in metal cans or tanks, which shall be properly protected by a covering of wood or other substance which would equally protect from accident, and be approved by said commissioner, and to be conveyed from said cans or tanks to said fires through metal pipes.

Petroleum may be carried on deck.

Steam pressure.

SEC. 20. No master, engineer or other person having charge of the boiler or apparatus for the generation of steam, of any steamboat or vessel shall create, or allow to be created any undue or unsafe quantity of steam in order to increase the speed of such boat or to excel another boat in speed. Any person violating the provisions of this section shall forfeit to the State of Washington the sum of five dollars for every such violation.

Penalty.

SEC. 21. Every master of a steamboat or vessel who shall violate any of the preceding sections of this act shall, for every such violation, forfeit to the State of Washington the sum of two hundred and fifty dollars, unless a different penalty is prescribed.

Liability of owner.

SEC. 22. The owner of every steamboat or vessel shall be responsible for the good conduct of the master employed by him, and if any penalty incurred by such master is not

paid by him and cannot be collected from him by due course of law, it may be recovered of the owner or owners, jointly or severally, of the steamboat or vessel in whose employ he was at the time of the incurring of such penalty, in the same manner as if such owner or owners were sureties of such master.

SEC. 23. The master of every vessel shall keep a copy of the preceding sections of this act posted in a conspicuous place on such vessel for the inspection of all persons on board thereof. Every master violating the provisions of this section shall forfeit to the State of Washington, twenty-five dollars, and the additional sum of twenty-five dollars for each month while such violation continues.

Act shall be posted.

Penalty.

SEC. 24. The Commissioner shall on or before the first day of January in each year, make a verified report to the Governor, containing a detailed statement of the names and number of vessels examined and licensed, the names and number of vessels to which licenses were refused and stating the reasons for the refusal, the names and number of persons examined and licensed, the names and number to whom licenses were refused and stating the reasons therefor, and may include in such report any other information he may deem desirable.

Commissioner shall report to Governor.

SEC. 25. All steam vessels, naphtha, gasoline and electric launches, or any craft propelled by machinery, carrying passengers for hire, or towing for hire must comply with all the terms and provisions of this act, and with all orders, regulations and requirements of the Commissioner except that any such vessel not propelled by steam, or when not under steam, is exempt from the provisions in regard to the blowing of whistles. If any such vessel is navigated without complying therewith, except as herein stated, or without the requisite certificates of the Commissioner, the owners and masters shall forfeit to the State of Washington the penalties prescribed in this act, and the vessel so navigated shall also be liable therefor, and may be attached and proceeded against in any court having jurisdiction. But if any such vessel is deprived of

Vessels must comply with act, etc.

Penalty.

the services of any licensed officer, without the consent, fault or collusion of the master, owner or any person interested in the vessel, the deficiency may be temporarily supplied, until a licensed officer can be obtained. If the owner or master of any vessel shall at least twenty days before the expiration of his certificate notify the Commissioner of such expiration and request a new inspection and certificate, the certificate then expiring shall continue in force until an inspection is made and such owners and masters are not liable for any of the penalties provided in this act on account of navigating said vessel, without such new certificate. No launch under ten tons carrying passengers shall navigate the waters of the straits of Juan de Fuca, unless provided with a boat of sufficient size to accommodate said passengers and be under the management of a person holding a United States license for steam vessels.

Fees.

SEC. 26. For each inspection provided for in sections two and three of this act the owner or master of each vessel shall pay the Commissioner of Labor an inspection fee, which shall not be less than five dollars, nor more than twenty dollars, to be fixed by the Commissioner of Labor with reference to the size of the vessel inspected. For each license issued under section eighteen of this act the person so licensed shall pay to the Commissioner of Labor the sum of five dollars. All of the fees received from this source shall be accounted for by the Commissioner of Labor to the State Treasurer, and credited to the general fund.

Compensation of inspectors.

SEC. 27. The inspectors provided for in this act shall receive seven dollars per diem for the time actually engaged in making the inspections and examinations provided for herein, and shall be paid necessary traveling expenses when making such inspections and conducting such examinations at other than the domicile of said inspectors.

Inspectors deemed deputies of Commissioner.

SEC. 28. Any inspector duly employed by the Commissioner of Labor for the execution of any of the provisions of this act, shall be deemed to be a deputy of said Commissioner for the purposes hereof, and may perform any act

and exercise any authority herein prescribed for the Commissioner of Labor.

Passed the Senate February 28th, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 201.

[S. B. 316.]

AMENDING ACT PROVIDING FOR PRESERVATION OF FORESTS.

AN ACT to amend section 3 of an act entitled "An act to provide for the preservation of the forests of this state, for the prevention, control and suppression of forest fires, to create a state board of forest commissioners, providing for a state fire warden and forester, deputy fire wardens, forest rangers, defining their duties and powers, making an appropriation therefor, and providing punishments for the violation thereof, and repealing an act entitled 'An act to protect from fire forests and other property within the State of Washington, and creating forest fire wardens, deputies, patrolmen and defining the duties and providing penalties, and declaring an emergency,' approved March 16, 1903," approved March 11, 1905.

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

SECTION 1. That section 3 of an act entitled "An Act to provide for the preservation of the forests of this State, for the prevention, control and suppression of forest fires, to create a State Board of Forest Commissioners, providing for a State Fire Warden and Forester, deputy fire wardens, forest rangers, defining their duties and powers, making an appropriation therefor, and providing punishments for the violation thereof, and repealing an act entitled 'An Act to protect from fire, forests and other property within the State of Washington, and creating forest fire wardens, deputies, patrolmen and defining the duties and providing penalties, and declaring an emergency,' approved March 16, 1903," approved March 11, 1905, be,

and the same is hereby amended to read as follows: Sec. 3. The State Board of Forest Commissioners shall appoint

State Fire
Warden
and For-
ester.

Salary. a State Fire Warden and Forester at an annual salary of two thousand dollars (\$2,000.00) payable monthly out of the State Treasury in the same manner as the salary of other State officials are paid; he shall also be entitled to

Expenses. all office, traveling and other necessary expenses incurred by him under the authority of the State Board of Forest Commissioners, while in the actual performance of his duties. All expenses so incurred shall be submitted in full detail to the State Board of Forest Commissioners for examination, and if approved and allowed by said Board shall be presented to the State Auditor, who shall, if found correct, draw his warrant upon the State Treasurer for the amount so allowed, and the State Treasurer is hereby authorized to pay said amount due out of any moneys in the treasury appropriated for this purpose.

Passed the Senate March 8th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 202.

[S. B. 276.]

BONDING AND SURETY COMPANIES.

AN ACT to provide for the organization of bonding and surety companies and to regulate their management.

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

Corpora-
tions may
execute
bonds.

SECTION 1. Whenever any bond, undertaking, recognizance, or other obligation is by law or the charter, ordinance, rules or regulations of any municipality, board, body, organization, court, judge, or public officer required or permitted to be made, given, tendered, or filed with surety or sureties, and whenever the performance of any act, duty, or obligation, or the refraining from any act is required or permitted to be guaranteed, such bond, undertaking, obligation, recognizance or guaranty may be executed by a surety company qualified as hereinafter pro-

vided; and such execution by such company of such bond, undertaking, obligation, recognizance or guaranty, shall be in all respects a full and complete compliance with every requirement of every law, charter, ordinance, rule or regulation that such bond, undertaking, obligation, recognizance or guaranty shall be executed by one surety or by one or more sureties, or that such sureties shall be residents, or house holders, or freeholders, or either or both, or possess any other qualifications; and all courts, judges, heads of departments, boards, bodies, municipalities and public officers of every character shall accept and treat such bond, undertaking, obligation, recognizance or guaranty when so executed by such company as conforming to and fully and completely complying with every such requirement of every such law, charter, ordinance, rule or regulation.

SEC. 2. Corporations formed for the purpose of becoming sureties under the provisions of this act shall be formed as are other corporations organized for profit: *Provided, however,* That no corporation shall become a surety under the provisions of this act unless it be organized for that purpose alone. How
formed.

SEC. 3. No corporation formed hereunder shall have a capital stock of less than Two Hundred and Fifty Thousand (\$250,000) Dollars, and it shall not transact any business until the whole of its capital stock has been subscribed for, and at least twenty (20) per centum of its capital stock paid in. The subscribers to the capital stock of such a corporation shall execute a subscription agreement by which they shall undertake to pay to the corporation on demand of its board of trustees the full amount of the subscription which they make to its capital stock. A certificate showing the amount of stock to which each subscriber is entitled shall be issued to him, and such subscription and the certificate thereof shall not be transferable except with the consent of the holders of two-thirds of the capital stock of the corporation until such subscription is fully paid. Capital
stock.

Liability of subscribers.

SEC. 4. The board of trustees of the company may call for the amount of unpaid subscriptions from time to time as in their discretion seems best until the full amount of the subscription shall have been paid in. If a subscriber fails to pay any call made upon his subscription within thirty (30) days after the receipt by him of notice of the call, his subscription may be sold by the corporation in such manner as the by-laws of the company shall provide. The purchaser of the subscription at such sale shall be entitled to a certificate showing his purchase and the amount of capital stock to which he has become entitled thereby and shall thereupon be subrogated to all the rights and liabilities of the original subscribers, including the liability for any further calls which may be made upon the subscriptions. Such sale, however, shall not operate to release the original subscriber from his liability for any unpaid portion of his subscription, and no sale made by him of his certificate or shares in the corporation shall release him from liability for any portion of his unpaid subscription.

Subscription may be sold on failure to pay.

Sale not to release original subscriber.

Reserve fund.

SEC. 5. Before transacting any business the company must create a reserve fund equal to at least twenty (20) per centum of its capital stock. Such reserve fund may be created from the sums paid in on account of the capital stock or from any other source the corporation may desire. Said reserve fund shall be invested in United States bonds or in the bonds or warrants of this State or of any county, municipality or school district created under the laws of this State. Said reserve fund shall never be depleted for any purpose, and the securities in which it is invested shall be deposited with some trust company organized and doing business under the laws of this State, in trust for the benefit of any creditors of the corporation. When the corporation has incurred liabilities to the amount of one million (\$1,000,000) dollars gross the reserve fund must be increased to an amount not less than ten (10) per centum of the capital stock of the corporation, and for each additional million dollars gross liability an additional ten (10)

per centum must be added to the reserve fund, until such time as the entire capital stock shall have been paid in.

SEC. 6. The corporation may from time to time, from the accumulated premiums and profits of its business, or from any other source that the corporation may desire, create a surplus fund which shall be invested in approved securities and held available for the necessary and actual expenses of the corporation, and the payment of its liabilities and such dividends as shall from time to time be legally declared: *Provided*, That until the full amount of the capital stock is fully paid there shall be no dividends declared, except such as may be applied upon the payment of the several subscriptions to its capital stock.

Surplus
fund.

SEC. 7. Corporations formed hereunder shall be under the supervision of the Secretary of State until such time as the Legislature of the State may create the office of an Examiner of Banks and upon the creation of such office they shall come under the supervision of such officer. Before transacting business the subscription list of the corporation, the articles of incorporation and its by-laws shall be submitted to the examining officer. He shall inquire into the solvency of the subscribers to the capital stock, and if he believes them or any of them to be insolvent and unable to meet the subscription to such capital stock, he shall refuse to permit the corporation to transact business until it shall have secured solvent subscribers for the whole of its capital stock. He shall also examine and approve the articles of incorporation and by-laws, and may require such changes therein as he deems necessary for the protection of the stockholders of the company or of those to whom it may incur liability. When satisfied that the corporation is properly qualified to transact business he shall issue to it a certificate authorizing it to enter upon the transaction of the business for which it was created.

Supervision
by Secre-
tary of
State.

Articles of
incorpora-
tion and
by-laws.

SEC. 8. Any corporation formed hereunder shall annually, on December 31st, and as often during the year, as the examining officer may require, submit to him a statement, verified under the oath of the president or vice-president and secretary, showing the amount that has been

Annual
statement.

paid in upon its capital stock; the amount of its liability upon existing bonds, undertakings, recognizances and obligations of like character, upon which it is surety; the amount of its reserve fund and the securities in which it is invested; the amount of its surplus fund and the securities in which it is invested; and such other facts as may be required by the examining officer. Such surety company shall pay to such Bank Examiner a fee of \$50.00 which shall be paid into the general fund, for each such examination: *Provided*, Such surety company shall not be required to pay for more than one examination in any year.

Fee for examination.

Examination.

SEC. 9. Any corporation formed hereunder shall be liable to examination by the examining officer at any time. For such examination he shall receive the fee required to be paid for the examination of banks, such fee to be paid by the corporation at the time of examination. At least once in each year, the examining officer shall examine the securities in which the reserve fund of the corporation is invested. If at any time he shall find that the reserve fund has fallen below the sum required by law, or is invested in securities not permitted by the provisions of this act he shall immediately order the corporation to cease the transaction of business until it shall have complied with this act; and, if it shall fail or refuse to comply with his demand within twenty (20) days, he shall bring suit in the name of the State upon his relation to forfeit the right of such corporation to exist. The Attorney General shall prosecute all suits brought hereunder.

Certificate.

SEC. 10. The certificate of the examining officer that any corporation formed hereunder has complied with the provisions of this act and is authorized to do business as a surety company, shall be conclusive evidence of such qualification and of its authorization to become and be accepted as sole surety on all bonds, undertakings, or obligations required or permitted by law or by the charter, ordinance, rules, or regulations of any municipality, board, body, organization or public officer: *Provided, however*, That whenever the examining officer shall have required any such corporation to cease the transaction of business,

such fact may be shown by any proper evidence, and there-upon such company shall not be accepted as surety upon any bond.

Passed the Senate March 5th, 1907.

Passed the House March 12th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 203.

[S. B. 184.]

AMENDING ACT CREATING BUREAU OF LABOR.

AN ACT to amend section 8 of an act entitled, "An act creating a Bureau of Labor, defining its duties, abolishing the office of Assistant Labor and Factory, Mill and Railway Inspector, repealing chapter XXIX of the Laws of 1897; making an appropriation and declaring an emergency;" Approved March 16, 1901.

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

SECTION 1. That section 8 of an act entitled "An Act creating a Bureau of Labor, defining its duties, abolishing the office of Assistant Labor and Factory, Mill and Railway Inspector, repealing chapter XXIX of the Laws of 1897; making an appropriation and declaring an emergency;" approved March 16, 1901, be and the same is hereby amended to read as follows:

SEC. 8. The salary of the Commissioner of Labor, provided for in this act shall be twenty-four hundred (2,400) dollars per annum, and he shall be allowed his actual and necessary traveling expenses; and any assistant of said Commissioner of Labor shall be paid for each full day service rendered by him, such compensation as the Commissioner of Labor may deem proper, but no such assistant shall be paid to exceed four (\$4.00) dollars per day, and his actual and necessary traveling expenses.

Compensation of Commissioner and assistants.

Passed the Senate February 18th, 1907.

Passed the House March 8th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 204.

[S. B. 119.]

SALARIES OF OFFICERS OF CERTAIN COUNTIES.

AN ACT amending sections 4, 5, 6 and 7 of an act entitled "An act classifying the counties according to population, enumerating the county officers, fixing the salaries thereof, providing for deputies, collection of fees and payment of salaries," received by the Governor March 26, 1890.

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

SECTION 1. That section 4 of an act entitled "An Act classifying the counties according to population, enumerating the county officers, fixing the salaries thereof, providing for deputies, collection of fees and payment of salaries," received by the Governor March 26, 1890, be amended to read as follows: Sec. 4. County auditor, twenty-four hundred dollars; county clerk, twenty-two hundred dollars; county treasurer, twenty-five hundred dollars; county sheriff, twenty-four hundred dollars; county attorney, twenty-two hundred dollars; county superintendent of common schools, two thousand dollars; county commissioners, fifteen hundred dollars per annum and expenses; county assessor, eighteen hundred dollars; county coroner, one thousand dollars per annum; county surveyor twenty-four hundred dollars per annum.

Second
class.

SEC. 2. That section 5 of said act be amended to read as follows: Sec. 5. County auditor, nineteen hundred dollars; county clerk, nineteen hundred dollars; county treasurer, two thousand dollars; county sheriff, nineteen hundred dollars; county attorney, nineteen hundred dollars; county superintendent of common schools, eighteen hundred dollars; county commissioners, eighteen hundred dollars per annum, and necessary expenses; county assessor, fifteen hundred dollars; county coroner, one thousand dollars per annum; county surveyor, nineteen hundred dollars per annum.

Third
class.

SEC. 3. That section 6 of said act be amended to read as follows: Sec. 6. County auditor, nineteen hundred dollars; county clerk, nineteen hundred dollars; county treas-

Fourth
class.

urer, two thousand dollars; county sheriff, nineteen hundred dollars; county attorney, nineteen hundred dollars; county superintendent of common schools, eighteen hundred dollars; county commissioners, eighteen hundred dollars per annum and necessary expenses; county assessor, fifteen hundred dollars; county coroner, one thousand dollars per annum; county surveyor, nineteen hundred dollars per annum.

SEC. 4. That section 7 of said act be amended to read as follows: Sec. 7. County auditor, nineteen hundred dollars; county clerk, nineteen hundred dollars; county treasurer, two thousand dollars; county sheriff, nineteen hundred dollars; county attorney, nineteen hundred dollars; county superintendent of common schools, eighteen hundred dollars; county commissioners, eighteen hundred dollars per annum and necessary expenses; county assessor, fifteen hundred dollars; county coroner, one thousand dollars per annum; county surveyor, nineteen hundred dollars per annum. Fifth class.

Passed the Senate February 18th, 1907.

Passed the House March 12th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 205.

[S. B. 294.]

AMENDING ACT PROVIDING FOR PROTECTION AND HEALTH OF EMPLOYEES IN FACTORIES, MILLS, ETC.

AN ACT to amend sections 1, 4, 5, 7 and 11, of an act entitled "An act providing for the protection and health of employes in factories, mills or workshops where machinery is used, and providing for suits to recover damages sustained by the violation thereof, and providing a punishment for the violation thereof, and repealing an act entitled 'An act providing for the protection of employes in factories, mills or workshops where machinery is used, and providing for the punishment of the violation thereof,' approved March 6, 1903, and repealing all other acts or parts of acts in conflict herewith," approved March 6, 1905.

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

SECTION 1. That section 1 of an act entitled "An Act providing for the protection and health of employes in factories, mills or workshops, where machinery is used, and providing for suits to recover damages sustained by the violation thereof, and prescribing a punishment for the violation thereof, and repealing an act entitled 'An Act providing for the protection of employes in factories, mills or workshops where machinery is used, and providing for the punishment of the violation thereof,' approved March 6, 1903, and repealing all other acts or parts of acts in conflict herewith," approved March 6, 1905, be and the same is hereby amended to read as follows: Sec. 1. That any person, firm, corporation or association operating a factory, mill or workshop where machinery is used shall provide and maintain in use, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys while running, where the same are practicable with due regard to the nature and purpose of said belts and the dangers to employes therefrom; also reasonable safeguards for all vats, pans, trimmers, cut-off, gang edger, and other saws, planers, cogs, gearings, belting, shafting, coupling, set screws, live rollers, conveyors, mangles in laundries and machinery of other or similar description, which it is practicable to guard, and which

Belt
shifters.

Guards for
machinery.

can be effectively guarded with due regard to the ordinary use of such machinery and appliances, and the dangers to employes therefrom, and with which the employes of any such factory, mill or workshop are liable to come in contact while in the performance of their duties; and if any machine or any part thereof, is in a defective condition, and its operation would be extra hazardous because of such defect, or if any machine is not safeguarded as provided in this act, the use thereof is prohibited, and a notice to that effect shall be attached thereto by the employer or inspector immediately on receiving notice of such defect or lack of safeguard, and such notice shall not be removed until said defect has been remedied or the machine safeguarded as herein provided.

Use of defective or unguarded machinery prohibited.

SEC. 2. That section 4 of said act be amended to read as follows: Sec. 4. It shall be the duty of the Commissioner of Labor, by himself or his duly appointed deputy, to examine as soon as may be after the passage of this act, and thereafter annually and from time to time, all factories, mills, workshops, storehouses, warerooms, stores and buildings and the machinery and appliances therein contained to which the provisions of this act are applicable for the purpose of determining whether they do conform to such provisions, and of granting or refusing certificates of approval, whether requested to do so or not.

Examination of factories, mills, etc.

SEC. 3. That section 5 of said act be amended to read as follows: Sec. 5. Any person, firm, corporation or association carrying on business to which the provisions of this act are applicable, shall have the right to make written request to said Commissioner of Labor to inspect any factory, mill or workshop, and the machinery therein used, and any storehouse, wareroom or store, which said applicant is operating, occupying or using, and to issue his certificate of approval thereof; and said Commissioner of Labor by himself, or his deputy, shall forthwith make said inspection. Upon receiving such application, the Commissioner of Labor shall issue to the person making the same, an acknowledgment that such certificate has been applied for, and thirty days after such acknowledgment, by

Requests for inspection.

said Commissioner of Labor, and pending the granting of such certificate, such acknowledgment shall have the same effect as such certificate, till the granting of such certificate by said Commissioner of Labor: *Provided*,. Said applicant has not been notified by an inspector what alterations or repairs are necessary; *Provided*, The Commissioner of Labor by himself or deputy shall make such examination annually whether requested to do so or not.

SEC. 4. That section 7 of said act be amended to read as follows: Sec. 7. Whenever upon examination or re-examination of any factory, mill or workshop, store or building, or the machinery or appliances therein to which the provisions of this act are applicable, the property so examined and the machinery and appliances therein conform in the judgment of said Commissioner of Labor to the requirements of this act, he shall thereupon issue to the owner, lessee or operator of such factory, mill or workshop or to the owner, lessee or occupant of any such storehouse, wareroom or store, a certificate to that effect, and such certificate shall be *prima facie* evidence as long as it continues in force of compliance on the part of the person, firm, corporation or association to whom it is issued, with the provisions of this act. Such certificate may be revoked by said Commissioner of Labor at any time upon written notice to the person, firm, corporation or association holding the same, whenever in his opinion after re-examination, conditions and circumstances have so changed as to justify the revocation thereof. A copy of said certificate shall be kept posted in a conspicuous place on every floor of all factories, mills, workshops, storehouses, ware-rooms or store to which the provisions of this act are applicable. If, in the judgment of said Commissioner of Labor, such factory, mill or workshop, or the machinery and appliances therein contained, or such storehouse, ware-room or store does not conform to the requirements of this act, he shall forthwith, personally or by mail, serve on the person, firm, corporation or association operating or using such machinery or appliances, or occupying such premises, a written statement of the requirements of said Commis-

Certificate
of inspec-
tion.

Effect of
certificate.

Certificate
shall be
posted.

Service of
statement
of require-
ments.

sioner of Labor, before he will issue a certificate as hereinbefore provided for; said requirements shall be complied with, within a period of thirty days after said requirements have been served as aforesaid and thereupon the said Commissioner of Labor shall forthwith issue such certificate; but if the person, firm or corporation operating or using said machinery and appliances or occupying such premises shall consider the requirements of said Commissioner of Labor unreasonable and impracticable or unnecessarily expensive, he may within ten days after the requirements of said Commissioner of Labor have been served upon him appeal therefrom or from any part thereof, to three arbitrators to whom shall be submitted the matter and things in dispute, and their findings shall be binding upon said applicant and upon the Commissioner of Labor. Such appeal shall be in writing, addressed to the Commissioner of Labor and shall set forth the objections to his requirements, or any part thereof, and shall mention the name of one person who will serve as the representative of said applicant calling for arbitration. Immediately upon the receipt of such notice of appeal, it shall be the duty of the Commissioner of Labor to appoint a competent person as arbitrator resident in the county from which such appeal comes, and to notify such person so selected, and also the party appealing stating the cause of the arbitration, and the place, date and time of meeting. These two arbitrators shall select the third, and as soon thereafter as practicable, give a hearing on the matters of said appeal, and the findings of these arbitrators by a majority vote, shall be reported to the Commissioner of Labor, and to the applicant, and shall be binding upon each. The expense of such arbitration shall be borne by the party calling for the arbitration; and if said arbitrators sustain the requirements of said Commissioner of Labor or any part thereof, said applicant shall within thirty days, comply with the findings of said arbitrators, and thereupon said Commissioner of Labor shall issue his certificate as hereinbefore provided (in section four of this act), but if said arbitrators shall sustain such appeal or

Appeal.

Duty of
Commis-
sioner on
appeal.

Arbitration.

Expense of.

any part thereof, the same shall be binding upon said Commissioner of Labor; and any such person, firm, corporation or association shall within thirty days, after the finding of the board of arbitrators, comply with the requirements of the Commissioner of Labor, as amended by said arbitrators, if so amended as herein provided for, and thereupon said Commissioner of Labor shall forthwith issue to any such person, firm, corporation or association, his certificate as provided for in section four of this act: *Provided, however,* That before any certificate shall be issued by said Commissioner of Labor as provided for in this act, the person, firm, corporation or association which has complied with the provisions of this act, shall pay to the Commissioner of Labor of the State of Washington, an annual fee of ten dollars (provided that any person, firm, corporation or association, employing not to exceed five persons in said factory, mill or workshop shall pay a fee of five dollars), and take his receipt therefor; *It is further provided,* That the withholding of such certificate shall not excuse such person, firm, corporation or association from obtaining the same and paying the required inspection fee, and the person, firm, corporation or association inspected shall likewise be civilly liable for such inspection fee.

Annual fee
for certifi-
cate.

Upon presentation of said receipt to said Commissioner of Labor, or his deputy, he shall forthwith issue said certificate as in this act provided. Said fee shall entitle the person, firm, corporation or association paying the same, to any and every inspection of any factory, mill, workshop, storehouse, wareroom or store, and the machinery and appliances contained therein, owned and operated by the party paying said fee, that may be necessary, for a period of one year subsequent to its payment; and all moneys collected for licenses and fines, under the provisions of this act, shall be paid into the State treasury and be converted into a special factory inspection fund, from which special fund shall be paid the deputy factory inspectors required to enforce the provisions of this act. Said deputy factory inspectors shall be paid from the special factory inspec-

Salary of
deputies—
how paid.

tion fund, upon the presentation of vouchers properly signed by the Labor Commissioner in the same manner in which other employes of the State are paid.

SEC. 5. That section 11 of said act be amended to read as follows. Sec. 11. Any person, firm, corporation or association who violates or fails to comply with any of the provisions of this act or to pay for and obtain the certificate of inspection shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars. Penalty.

Passed the Senate March 5th, 1907.

Passed the House March 12th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 206.

[S. B. 187.]

AMENDING ACT PROVIDING FOR ASSESSMENT AND COLLECTION OF TAXES.

AN ACT amending an act to provide for the assessment and collection of taxes in the state of Washington, approved March 15, 1897, by amending section 94 of chapter LXXI, Session Laws of 1897, and declaring an emergency.

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

SECTION 1. That section 94 of an act entitled "An Act to provide for the assessment and collection of taxes in the State of Washington," is hereby amended to read as follows: Sec. 94. Any day, after the expiration of twelve months after the taxes charged against real property are delinquent, the treasurer shall have the right, and it shall be his duty, upon demand and payment of the taxes and interest, to make out and issue a certificate or certificates of delinquency against such property, and such certificate or certificates shall be numbered and have a stub, which shall be a summary of the certificate and shall contain a statement: 1. Description of the property assessed. 2. Contents. Certificates of delinquency.

Year or years for which assessed. 3. Amount of tax and interest due. 4. Name of owner, or reputed owner, if known. 5. The rate of interest the certificate shall bear. 6. The time when a deed may be had, if not sooner redeemed. 7. When a certificate of any preceding year is outstanding and unredeemed, it shall be stated in subsequent certificates issued, and the principal sum due, with date of issue. 8. A guaranty of the county or municipality to which the tax is due that if for any irregularity of the taxing officers this certificate be void, then such county or municipality will repay the holder the sum paid thereon with interest at the rate of six per cent. per annum from the date of its issuance: *Provided*, That nothing herein contained shall prevent the running of interest during the said period of twelve months from the date of delinquency, at the rate of interest provided by law on delinquent taxes.

Emergency. SEC. 2. An emergency exists, and this act shall take effect immediately.

Passed the Senate March 5th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 207.

[H. B. 485.]

APPROPRIATION FOR IMPROVEMENT OF COLUMBIA AND SNAKE RIVERS.

AN ACT relating to the improvement of the Columbia and Snake rivers and making an appropriation.

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

Appropriation \$125,000.

SECTION 1. That there is hereby appropriated out of the general fund, not otherwise appropriated, the sum of \$125,000, \$25,000 thereof to be used for the improvement of the Columbia river above Celilo Falls and \$100,000 thereof to be used for the improvement of the Snake river below Riparia.

SEC. 2. The appropriation made in section 1 of this act is hereby placed at the disposal of and the same shall be used and expended by and under the direction of the Secretary of War of the United States, and the State Auditor is authorized to draw his warrant or warrants upon the State Treasurer upon requisition of the Secretary of War, and the State Treasurer shall pay the same.

Expenditure of appropriation—how made.

Passed the House March 7th, 1907.

Passed the Senate March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 208.

[H. B. 404.]

SALE OF CERTAIN TIDE LANDS IN JEFFERSON COUNTY.

AN ACT to provide for the sale of certain state tide lands situate in Jefferson county, and to provide for the survey, appraisal, classification, price and manner of sale thereof, and making an appropriation therefor, and providing for the disposition of the proceeds of said sale.

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

SECTION 1. The State Oyster Commission is hereby authorized and directed to cause a resurvey and appraisal of the State oyster land reserves of Jefferson county, and to file plats thereof in the manner now provided by law, and to indicate thereupon all such portions thereof as are natural oyster beds, which shall be classified as first class.

Resurvey and appraisal.

SEC. 2. That after the survey, appraisal and filing of the plat as hereinbefore provided for, and upon application of any person or persons, for purchase of any portion of the said land, other than first class, the said State Oyster Commission shall cause notice thereof to be given in the manner now provided by law, for the sale of other tide lands, and at the time and place designated in said notice, shall proceed to sell the same at public auction, to the highest bidder, the same not to be sold at less than

Application to purchase.

Sold at public auction.

the appraised value: *Provided*, That not more than fifty acres shall be sold to any one individual or corporation: And *provided, further*, That payment may be made for said land in cash, or upon the following terms, to-wit: One-tenth cash to be paid at time of sale, and the balance of the purchase price in deferred payments of nine equal annual payments, with interest on all deferred payments, at the rate of six per cent. per annum.

Payment.

Construction of act.

SEC. 3. Nothing in this act contained shall change, modify or repeal any existing provisions of the general law relating to the sale and use of tide lands for the culture of oysters or other shell fish, but shall be additional thereto and concurrent therewith, and all sales of tide lands made hereunder for the purpose of the culture of oysters or other shell fish shall be subject to like conditions and reversions prescribed by existing laws for similar lands sold for like purposes.

Appropriation \$2,000.

SEC. 4. For the purpose of carrying out the provisions of this act, the sum of \$2,000.00, or so much thereof as may be necessary is hereby appropriated from the general fund of the State: *Provided, however*, That from the proceeds of the sale of any such lands, the amount appropriated or so much thereof as may be used, for the purposes hereinbefore provided, shall be reimbursed to the State general fund, and thereafter fifty per cent. of the amount received from the sales of any such lands shall be paid into the State general fund and fifty per cent. shall be paid into a fund to be used for the improvement, protection and supervision of the State oyster reserves.

Reimbursement of general fund.

Passed the House March 13th, 1907.

Passed the Senate March 12th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 209.

[S. B. 322.]

NOMINATION OF CANDIDATES FOR PUBLIC OFFICE.

AN ACT relating to, regulating and providing for the nomination of candidates for public office in the state of Washington and providing penalties for the violation thereof, and declaring an emergency.

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

SECTION 1. The words and phrases in this act shall, unless the same be inconsistent with the context, be construed as follows: Construction of terms.

(a) The word "primary" the primary election provided for by this act.

(b) The words "September primary" the primary election held in September to nominate candidates to be voted for at the ensuing election.

(c) The word "election" a general or city election as distinguished from a primary election.

SEC. 2. Hereafter, all candidates for elective offices in this State, either State, county, municipal, precinct or congressional, shall be nominated at a direct primary election held in pursuance of this act: *Provided*, That this act shall not be held to refer to special elections for filling the vacancies for unexpired terms, or to election to offices of any city or town of the fourth class or for any school, dike or irrigation district or other local improvement district election, or for presidential electors. Candidates, how nominated.

SEC. 3. A primary election held to nominate candidates to be voted for at the general election in November, 1908, shall be held at the regular polling places in each precinct on the second Tuesday of September, 1908, and biennially thereafter, for the nomination of all candidates to be voted for at the succeeding general election. Except as hereinafter provided, any primary other than the September primary shall be held four weeks before the election for which candidates are to be nominated at such primary: *Provided*, That primaries for the nomination of candidates to be voted upon at municipal elections held during Primaries, when and where held.

1907 shall be held two weeks prior to the date of said elections.

Declara-
tion of
candidacy.

SEC. 4. The name of no candidate shall be printed upon an official ballot used at any primary election unless at least thirty (30) and not more than sixty (60) days prior to such primary a declaration of candidacy shall have been filed by him, as provided in this act, in the following form:

I,....., declare upon honor that I reside at No..... street,(city or town) of....., county of....., State of Washington, and am a qualified voter therein, and a member of..... party, that I hereby declare myself a candidate for nomination to the office of....., to be made at the primary election to be held on theday of....., and hereby request that my name be printed upon the official primary ballot as provided by law as a candidate of the party, and I accompany herewith the sum of dollars, the fee required by law of me for becoming such candidate.

Subscribed this.....day of190....

Provided, That no person who desires to become a candidate for the office of Supreme or superior court judge shall certify his party affiliations.

Fees of
candidates.

SEC. 5. At least thirty (30) days before the primary election day any person who shall be eligible, who shall desire to become a candidate for nomination for any office, subject to this act, shall file in the proper office a declaration of candidacy accompanied by the fee provided in this act, which fee shall be as follows:

For any office with a salary or compensation attached, of one thousand dollars or less per annum, ten (\$10) dollars; when such salary or compensation exceeds one thousand dollars per annum, an additional sum, equal to 1 per cent. on such excess.

Said fees shall be paid to the following officers: When the candidacy is for a state, congressional, or district office embracing more than one county, the fee shall be paid to

the Secretary of State, to be paid by him to the State Treasurer, and when for district offices for more than one county, the same shall be divided equally between the counties composing such district and paid to the respective treasurers thereof, and the Secretary of State shall issue all necessary warrants for such payments on the State Treasurer. When such fees are for county offices and offices for districts within counties, such fee shall be paid to the county auditors and by them to the respective county treasurers, and when for city or municipal offices, shall be paid to the respective clerks of such cities or municipalities and by them to the respective treasurers of the same.

SEC. 6. Any political organization which at the general or city election last preceding the primary was represented on the official ballot by either regular party candidates or by individual nominees only, may, upon complying with the provisions of this act, have a separate primary election ticket as a political party, if any of its candidates or individual nominees received 10 per cent. of the total vote cast at such last preceding general or city election in this State, or subdivision thereof, in which the candidate seeks the nomination.

Political parties, when entitled to ticket.

SEC. 7. All declarations of candidacy shall be filed as follows:

Declarations, how filed.

First. For State officers, United States senators, representatives in Congress and those members of the State Legislature and judges of the superior court whose districts comprise more than one county, in the office of the Secretary of State.

Second.—For officers to be voted for wholly in one county, in the office of the county auditor of such county.

Third.—For city officers, in the office of the city clerk.

SEC. 8. First.—At least 20 days before any September primary the Secretary of State shall transmit to each county auditor a certified list containing the name, post-office address and party designation of each person entitled to be voted for at such primary, and the office for which he is a candidate, as appears by the nomination papers filed in his office.

Notice of primaries, how given.

Second.—Each county auditor shall, at least fifteen days before the September primary, publish once, under the proper party designation and title of each office, the names and addresses of all persons for whom nomination papers have been filed in so far as the same shall affect the electors of his county, giving the date of the primary, the hours during which the polls will be open, and that the primary will be held in the regular polling place in each precinct, and shall cause to be posted copies of such notice in at least three public places in each precinct in his county: *Provided*, That the names of all candidates for the offices of Supreme and superior court judge shall be published and posted in a separate list without party designation.

Publica-
tion of
notices.

SEC. 9. Any publication required in this act shall be made in two newspapers in each county, or city, of general circulation, representing the two political parties that cast the largest vote in such county or city at the last preceding general election.

In any case where the publication of a notice cannot be made as hereinbefore required, it may be made in any newspaper having a general circulation in the county or city in which the notice is required to be published.

SEC. 10. The method of voting at such primary election shall be by ballot, and all ballots voted shall be printed as herein provided.

Sample
ballot
shall be
posted.

On the 15th day before the primary election the county auditor shall group all the candidates for each party by themselves, and shall prepare at once in writing, a separate sample ballot for each party for public inspection, which he shall post in a conspicuous place in his office. He shall proceed to have printed a separate primary election ballot for each political party which has qualified as hereinbefore provided. These ballots to be prepared in the following manner:

Form of
ballot.

Every ticket shall be absolutely uniform in color and size, shall be white and printed in black ink. Across the head of each ballot shall be printed in plain, black type, first, the name of the political party, on each ticket, following the words, "Primary Election Ballot." On the next

line shall be printed the name of the political party, and below that the precinct, ward, city, and county in which the ballot is to be used. Then shall follow the words "To vote for a person mark a cross in the first square at the right of the name of the person for whom you desire to vote." Beginning at the top of the left hand column, at the left of the line, in black type, shall appear the position for which the names following are candidates, and to the extreme right of the same line the words "Vote for," then the words "One," "Two," or a spelled number designating how many persons under that head are to be voted for.

Following this shall come the name of each candidate for that position, inclosed in a light faced rule, with a square to the right of said name, said square being separated by heavy black face rule, the parallel rules containing the names and the squares to be one-sixth of an inch apart. Each position, with the names running for that office, shall be separated from the following one by a black-face rule to separate each position clearly. The position shall be arranged as follows, provided nominees for such positions are to be selected in said county under the provisions of this act hereinafter provided: First, congressional; next, state; next, preference for United States senators; next, Legislative; next, county officers; next, precinct officers; in all cases following under each heading here given, the rotation used in the make-up of the various ballots at the general election. At the bottom of each ballot shall be printed under the caption "non-partisan judiciary," the names of all candidates for Supreme and superior court judges. In city elections it shall be the duty of the city clerk to prepare the ballots and arrange the position of the candidates on such ballots commencing with the office of mayor and following with the other offices for which candidates are to be selected, using his reasonable discretion as to such arrangement. The duties provided for in this act to be performed by the county auditor with reference to candidates for county and district offices or either of them shall in like manner be performed by the city clerk in each city

with reference to the preparation of ballots and primary elections for candidates for city offices.

When there shall be four or more candidates for any State or congressional office, there shall be printed, immediately under the designation of office, the following: "Vote for both first and second choice for this office." On the next line shall be printed the words "To vote for a person for first choice mark a cross (X) in the first square at the right of the name of the person for whom you desire to vote." "To vote for a person for second choice, mark a cross (X) in the second square after the name of the person for whom you desire to vote." The form of ballot shall be substantially as follows:

[FORM OF BALLOT]
PRIMARY ELECTION BALLOT

Designation of Party, _____ PARTY
Precinct, _____ Ward, City of _____ County
To vote for a person, make a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote.

CONGRESSIONAL	First Choice	Second Choice	Vote for one choice only	
Representative in Congress Vote for both first and second choice for this office.	Vote for	Vote for	United States Senator	Vote for One
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
STATE	First Choice	Second Choice	LEGISLATIVE	
Governor Vote for both first and second choice for this office.	Vote for One	Vote for One	State Senator, District	Vote for One
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			Member of House of Representatives, District	Vote for One
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
Lieutenant Governor Vote for both first and second choice for this office.	Vote for One	Vote for One	COUNTY	
JOHN DOE			County Clerk	Vote for One
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
Secretary of State Vote for both first and second choice for this office.	Vote for One	Vote for One	Treasurer	Vote for One
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
State Auditor Vote for both first and second choice for this office.	Vote for One	Vote for One	Sheriff	Vote for One
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
State Treasurer Vote for both first and second choice for this office.	Vote for One	Vote for One	Coroner	Vote for One
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
Attorney General Vote for both first and second choice for this office.	Vote for One	Vote for One	Prosecuting Attorney	Vote for One
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
Commissioner of Public Lands Vote for both first and second choice for this office.	Vote for One	Vote for One	County Auditor	Vote for One
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
State Superintendent of Public Instruction Vote for both first and second choice for this office.	Vote for One	Vote for One	Surveyor	Vote for One
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
JOHN DOE			JOHN DOE	
			Superintendent of Schools	Vote for One
			JOHN DOE	
			JOHN DOE	
			JOHN DOE	
			County Commissioners	Vote for One
			JOHN DOE	
			JOHN DOE	
			JOHN DOE	
			Justice of the Peace	Vote for One
			JOHN DOE	
			JOHN DOE	
			JOHN DOE	
			Constable	Vote for One
			JOHN DOE	
			JOHN DOE	
			JOHN DOE	
			Precinct committeeman	(write one name)

NON-PARTISAN JUDICIARY TICKET

To vote for a person make a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote.

Judges Supreme Court	Vote for	Judges Superior Court	Vote for
JOHN DOE		JOHN DOE	
JOHN DOE		JOHN DOE	
JOHN DOE		JOHN DOE	

Separate
party
ballots.

SEC. 11. The primary election ballots for the several political parties shall be separate ballots, and the primary election of all parties shall be held at the same time and place and under the same officers and in all respects as a general election, under the laws of the State of Washington, except as otherwise changed by this act.

Qualifica-
tion of
voters.

SEC. 12. Every qualified person, properly registered as a voter in the election precinct enabling him to vote at the ensuing election where registration is required, and every qualified person in precincts where registration is not required, shall be entitled to participate in the primary election. When he desires to vote at said primary each elector shall have the right to receive the ballot and only the ballot of the party for which he asks: *Provided*, That if he is challenged he shall be required to make oath or affirmation that he intends to affiliate with said party at the ensuing election and whose candidates generally he intends to support, whereupon he shall retire to one of the booths and without undue delay mark the ballot received by him and fold it so that its face will be concealed. He shall immediately thereafter deliver said ballot received by him to the election officers. In the event said voter shall soil or deface the ballot he desires to vote he shall at once return the ballot received by him and get a new ballot and the election officers shall destroy or render unfit for use the ballot so returned. The elector shall designate his choice on his ballot by marking a cross in each of the small squares nearest the names of the candidates for whom he desires to vote and shall not vote for more candidates for an office than are to be elected thereto at the election to follow the primary election as indicated on the ballot at the right of each office for which candidates are to be selected.

Manner of
voting.

Where under the provisions of this act a voter is required to designate his first and second choice the voter shall designate his first choice by marking a cross (X) in each of the small squares nearest to the names of the candidates for whom he desires to vote for first choice and shall designate his second choice by marking a cross (X) in the second square opposite to and parallel to the names of the candidates for whom he desires to vote as a second choice.

SEC. 13. The names of candidates for each office upon the ballot and under the heading designating each official position upon the ballots to be used in voting shall be arranged in the order in which their declarations of candidacy shall have been filed. There shall be no printing upon the back of the ballots, or any marks to distinguish them. Said ballots shall be consecutively numbered, said numbering perforated, and torn off by the election officers on the voting of the ballot. Sample ballots shall be in the same form as the official ballot, but upon colored paper.

Order of printing names on ballots.

SEC. 14. Except as herein otherwise provided, all primary elections shall be conducted as required for general elections under the general election laws of the State of Washington, as far as the provisions thereof are applicable, and the election officers for such primary elections shall have the same powers as those for general elections.

General election laws to govern.

SEC. 15. Inspectors and judges of election shall be appointed and designated in the manner provided by said general election law at least ten (10) days prior to the primary election day: *Provided*, That one of the judges may act and perform the duties of the clerk of election; *And provided, further*, That the members of each political party, in any precinct entitled to participate in any primary election, may in any appointed meeting held at least fifteen (15) days before such primary election, select three (3) members of that party who are duly qualified electors and certify the names of the persons so selected, to the board of county commissioners or the city council, whose duty it is to appoint the election officers, and one of said persons shall be appointed and designated as a judge or inspector for that precinct. The same fees shall be allowed and paid from the public funds for the services of any one so serving as a judge, inspector or clerk as for general elections.

Inspectors and judges of election.

SEC. 16. The Secretary of State shall provide copies of this law in conjunction with the general election law of the State, and transmit the same to the county auditor of each county, at least twenty (20) days before any such primary election, and the same shall be in lieu of any such

Secretary of State to provide copies of law.

copies of said general election law required to be transmitted to county auditors by the Secretary of State for use in such counties.

Poles to be open, when.

SEC. 17. The polls in the several election precincts on the primary election day shall be kept open from 11 o'clock in the morning until 8 o'clock in the evening of said day. If at the hour of closing there are any electors in the polling place desiring to vote, and who are qualified to participate therein, and who have not been able to do so since appearing at the polling place, said polls shall be kept open reasonably long enough after the hour of closing to allow those so present at that hour to vote. No one not present at the hour of closing shall be entitled to vote because the polls may not be actually closed when he arrives. No adjournment or intermission whatever shall take place until the polls shall be closed, and until all the votes cast at such poll have been counted and the result publicly announced.

Voters shall designate second choice.

SEC. 18. In all cases where there are four or more candidates of any political party for one state or congressional position, every elector voting at a primary election held under the terms of this act shall be required to designate one first choice and one second choice for each such position. No voter shall vote for the same person for first choice and second choice, and no voter shall, where there are four or more candidates for such nomination, vote for one person only, either as first or second choice, and no ballot so voted for one person only, for either first or second choice, or for the same person for both first and second choice, shall be considered a complete ballot, but any ballot under said conditions, failing to show both first and second choice of different persons, shall not be considered or counted, for that office.

Counting votes.

SEC. 19. As soon as the polls are finally closed, the inspector and judges of election shall immediately open the ballot boxes at each polling place and proceed to take therefrom the ballots. Said officers shall count the number of ballots cast by each party, at the same time bunching the tickets cast for each party together in separate piles,

and shall then fasten each pile together. As soon as the inspectors and judges shall have assorted and fastened together the ballots of each separate party, they shall take the tally sheets provided by the county auditor or city clerk, and shall count all the ballots for each party separately, until the count is completed, and shall certify to the number of votes cast for each candidate, and as to candidates where first and second choice votes are cast shall certify to the number of votes cast for each candidate as first choice and for each candidate as second choice and the total votes cast for each candidate for each office. The tally sheets shall be so kept that such sheets shall show the number of votes received, and shall also show the number of first and second choice votes received and the total number of votes received by each candidate. They shall then place the counted ballots in the box, but in no case shall they intermingle party votes. After all have been counted and certified to by the clerks and judges, they shall seal the returns for all parties in one envelope, to be returned to the county auditor or city clerk.

SEC. 20. Two sets of tally sheets for each political party having candidates to be voted for at said primary election shall be furnished for each election precinct by the county auditor or city clerk, at the same time and in the same manner that the ballots are furnished, and shall be as follows: Tally sheets.

Each tally sheet, or the first sheet of each tally book to be furnished, shall be headed, "Tally sheet for (name of political party) (name of city or village) (county) (ward) (election precinct), for a primary election held (date)."

The names of candidates shall be placed on the tally sheets in the order in which they appear on the official ballots, and in each case have the proper party designation at the head thereof.

SEC. 21. In making out the returns of the primary election in the several election precincts, the same shall be done and all matter pertaining thereto conducted in Returns of primary elections.

accordance with the provisions of the general election laws for the returns of general elections, except that the first-choice votes, second-choice votes and total votes received by each candidate for each office shall be shown.

Selection
of party
committees.

SEC. 22. At the September primary each voter may write in the space left on the ticket for that purpose the name of one qualified elector to the precinct for member of the party county committee. The one having the highest number of votes shall be such committeeman of such party for such precinct. The party committee of each county shall consist of the precinct committeemen from the several precincts of such county. The present party organization both state and county of the several parties shall continue until their successors are elected under the provisions of this act. Each political party organization shall have the power to make its own rules and regulations, call conventions, elect delegates to conventions, state and national, fill vacancies on the ticket, provide for the nomination of presidential electors, and perform all other functions inherent to such organizations, the same as though this act had not been passed: *Provided*, That in no instance shall any convention have the power to nominate any candidate to be voted for at any primary election. City committeemen may be elected at municipal elections in the manner provided in this section, as near as may be.

Nomina-
tion—num-
ber of votes
required.

SEC. 23. Candidates for party offices who receive a plurality of the votes cast for such candidates shall be the party nominees of such party, except as to offices where first and second choice votes are cast, and as to such offices, if no candidate shall have received more than 40 per cent. of the first choice votes cast, then, and in that event a canvass shall be made of the second choice votes received by candidates for said office at said primary election, and said second choice votes shall be counted with and added to the first choice votes received by each and every candidate for such office at the primary election; and the candidate receiving the highest number of first and second choice votes shall be the nominee for such office of the political party represented by him.

In the event that any candidate for an office shall have received 40 per cent. or more of the first choice votes of his political party cast at said primary election, the candidate receiving the highest number of first choice votes shall be declared the nominee of his party to such position, without reference to the second choice votes.

In the event that there are more than one position of the same kind to be filled and more candidates of any political party receive majorities of the votes of such party cast at such election than there are positions to be filled, then in that event the number of candidates equal to the number of positions to be filled receiving the highest number of votes shall be the nominees of such political party for such positions.

SEC. 24. The canvassing of the vote and the returns of reports of the primary elections, as to candidates for State offices, United States Senators and Representatives in Congress, and any other candidate whose district extends beyond the limits of a single county, shall be done by a canvassing board consisting of the Secretary of State, State Treasurer and State Auditor. Said State canvassing board shall meet at the office of the Secretary of State on the 3rd Tuesday at ten o'clock a. m. next after the September primary. As soon as said board has canvassed said vote it shall file a certificate with the Secretary of State which certificate shall show the vote of each candidate of each political party for each office. A copy of such certificate shall be published once in some newspaper published at the State capital, which publication shall be made by the Secretary of State immediately after the same is filed in his office. The vote for all county, city and municipal officers shall be canvassed and the returns made by the same officers and in the same manner as returns of the votes cast at general elections are by law now required to be made. Such canvassing board and other officers canvassing votes cast at such primary elections shall file with the proper officer a statement and report of such canvass which statement and report of said primary election shall contain:

Canvassing
returns.

First.—A statement duly certified to containing the names of all candidates voted for at the primary election with the number of votes received, and also the number of first-choice votes received by each and the number of second-choice votes received by each and the total number of votes received by each and for what office, said statement to be made as to each political party separately.

Second.—A statement of the names of the persons or candidates, of each political party who are nominated as hereinbefore provided. Where there is more than one person to be elected to a given office at the ensuing election, there shall be included in said statement of nominations the names of so many candidates for said office, nominated under the provisions of this act, as there are persons to be elected to said office at the ensuing election. Said statement shall, in like manner, be made separately as to each political party.

Third.—A statement of the whole number of electors registered and the number of ballots cast at said primary election. If two or more of the candidates of the same political party are "tied" for the same office, the "tie" shall be determined by a lot to be cast then and there by and as the canvassing board may determine. It shall be the duty of the county auditor upon the completion of its canvass by the canvassing board to immediately mail, or deliver, in person to each candidate so nominated, a notice of such fact and that his name will be placed upon the official ballot at the ensuing election. The persons whose names are so placed in said statement of nomination shall be and constitute the nominees of the said political parties of which they are candidates, and such names shall be printed upon the official ballot prepared for the ensuing election. No names of candidates of any political party which is required to make nominations under this act shall be placed upon the official election ballot, unless such candidate shall have been chosen in accordance with this act, except in cases of a vacancy occasioned by the death, removal or resignation of any candidate so chosen, or arising otherwise, and in such a case the campaign or party com-

mittee of the political party on whose ticket the same occurs, or if there be no such committee, then a convention of such party may fill such vacancy. The name of such new candidate shall be certified under oath to the county auditor, or the city clerk, as the case may be, by the chairman and secretary of said committee or convention.

SEC. 25. Whenever it shall appear by affidavit to any judge of the Supreme Court or superior court of the county that any error or omission has occurred or is about to occur in the printing in the name of any candidate on official ballots, or that any error has been or is about to be committed in printing the ballots, or that the name of any person has been or is about to be wrongfully placed upon such ballots, or that any wrongful act has been performed or is about to be performed by any judge or clerk of the primary election, the county auditor, canvassing board or member thereof, or by any person charged with a duty under this act, or that any neglect of duty by any of the persons aforesaid has occurred, or is about to occur, such judge shall, by order, require the officer or person or persons charged with the error, wrongful act or neglect, to forthwith correct the error, desist from the wrongful act, or perform the duty, and to do as the court shall order, or to show cause forthwith why such error should not be corrected, wrongful act desisted from, or such duty or order not performed. Failing to obey the order of such court shall be contempt. Any candidate at such primary election who may desire to contest the nomination of any candidate for the same office at said primary election may proceed by such affidavit so presented: *Provided*, That such affidavit may be presented within five days after the completion of the canvass by said canvassing board, and not later, and the candidate whose nomination is so contested shall, by order of such judge, duly served, be required to appear and abide by the orders of the court to be made therein.

Errors in printing ballots, how prevented.

SEC. 26. Any political party which at the last preceding election cast less than 10 per cent. of the votes, may nominate candidates in the manner provided by existing

Nominations by minority parties.

laws for conventions: *Provided, however,* That all such conventions must be held upon the same day as the primary elections are held: *And provided further,* That no candidate's name shall be printed upon the election ballot until he shall have paid the fee provided by law to be paid by candidates to be nominated at primary elections for like offices. Persons nominated as provided in this section shall be subject to the provisions and penalties of sections 28, 29, 30 and 31 of this act.

Forms to
be pre-
pared.

SEC. 27. It shall be the duty of the Secretary of State and Attorney General, on or before July 1, 1907, to prepare all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primaries held in pursuance hereof. Such forms shall be printed with copies of this act for public use and distribution.

Expenses
of candi-
dates.

SEC. 28. No person shall, in order to aid or promote his own nomination to a public office under the provisions of this act, or any amendment thereto, directly or indirectly, himself or through another person, give, pay, expend or contribute, or promise to give, pay, expend or contribute any money or other valuable thing, except for personal expenses. The words "personal expenses," as used in this act, shall include only expenses directly incurred and paid by a candidate for traveling and for purposes properly incidental to traveling, and for writing, printing and preparing for transmission any letter, circular or other publication not issued at regular intervals, whereby he states his position or views upon public or other questions; for stationery and postage, for telegraph, telephone and public messenger service, and for other similar expenses, and for the necessary expense of hiring halls or other rooms for the purpose of holding meetings to address the voters and others upon public questions and matters relating to his candidacy.

No person shall be competent to qualify for any public office, who shall have, prior to the holding of any primary election, paid, or promised or agreed to pay, either directly or through another or in any manner whatsoever, to the

owner, publisher, manager or representative of any newspaper, any sum of money or other thing of value, for any article or published statement in a newspaper, wherein the electors are advised or counseled to vote for such candidate, or his fitness or qualifications for office are set forth, or his photograph or biography is published.

SEC. 29. It shall be unlawful for any owner, proprietor, editor, manager, officer, clerk, agent, reporter, or employe of any newspaper, magazine or periodical printed or published in this State, to take, accept or receive, or agree to take, accept or receive, for himself or any other person or persons, firm or corporation either by himself or any other person, persons, firm or corporation, any money, gratuity or other valuable consideration or article of value for or on account of or as a consideration for such newspaper, magazine or other periodical supporting or advocating the election or defeat of any candidate or candidates at any primary election. Any such owner, proprietor, editor, manager, officer, clerk, agent, reporter or employe of any newspaper, magazine or other periodical violating the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than \$25.00 and not more than \$500.00 or confined in the county jail not less than 10 days or more than six months or be punished by both such fine and imprisonment: *Provided, however,* Nothing herein shall prevent any person or persons, firm or corporation engaged in the publication of any newspaper, magazine or periodical from receiving for publication and publishing any matter, article or articles advocating the election or defeat of any candidate or candidates and receiving a consideration therefor, if such articles so published or printed have placed at the beginning thereof in plain type of black-faced Roman capitals in a conspicuous place, the statement "PAID ADVERTISEMENT." But this section shall not be construed as permitting the payment for any publication prohibited by section twenty-eight of this act.

Unlawful for newspapers to accept money from candidates.

Advertisements.

SEC. 30. Every candidate for nomination under the terms of this act, or any amendment thereto shall, not less

Statement of expenses to be filed.

than ten days after the day of holding the primary election at which he is a candidate, file an itemized statement in writing, duly sworn to as to its correctness, with the officer with whom his declaration of candidacy or other nomination paper is filed, setting forth each sum of money and thing of value, or any consideration whatever, contributed, paid or promised by him, or any one for him, with his knowledge or acquiescence, for the purpose of securing or influencing, or in any way affecting, his nomination to said office. Said statement to set forth the sums paid as personal expenses and stating fully the nature, kind and character of the expense for which the sums were expended separately, and the party, or parties, to whom the sums were paid and the purposes for which such payments were made; and in this statement all sums or other considerations promised and not paid shall be included. Such statement, when so filed, shall immediately be subject to the inspection and examination of any elector and shall be and become a part of the public records.

Penalty
for failure
to file
statement.

SEC. 31. Any candidate for nomination for any office under the terms of this act who shall fail, neglect or refuse to file with the proper officer the statement provided for in section 30 within the time provided therein, or who shall fail to fully set out and detail any and all sums of money or other thing of value or consideration expended, paid, contributed or promised, as in section 28 provided, shall be guilty of a misdemeanor, and on conviction fined not less than twenty-five (\$25) dollars and not more than five hundred (\$500) dollars or be imprisoned in the county jail not less than ten (10) days and not more than six (6) months.

Corrupt
solicitation
prohibited.

SEC. 32. Any person who shall solicit, request or demand, directly or indirectly, any money, intoxicating liquor, or any thing of value, or promise thereof, either to influence his vote or to be used, or under the pretense of being used to procure the vote of any other person or persons, or to be used at any poll or other place prior to or on the day of any election under this act, for or against any candidate for office or for or against any measure or

question to be voted upon at such election, shall be guilty of a misdemeanor, and upon trial and conviction thereof, be punished by a fine of not less than \$10 nor more than \$500, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

SEC. 33. The provisions of the statutes in relation to the holding of elections, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making returns thereof, and all other kindred subjects, shall apply to all primaries in so far as they are consistent with this act.

General election laws applicable.

SEC. 34. If any person whose vote is challenged under the provisions of this act shall knowingly, wilfully and corruptly swear or affirm falsely, he shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly.

Perjury defined.

SEC. 35. Any person who shall forge any name of a person as a signer or witness to a nomination paper shall be deemed guilty of forgery, and on conviction thereof punished accordingly.

Forgery defined.

SEC. 36. It shall be the duty of the Secretary of State to certify to both houses of the Legislature, the names of the persons of each political party for whom the highest number of votes were cast at any primary election under the provisions of this law at which any persons were candidates for the nomination for United States Senators, said certificates to be made and filed upon the first day of the session of such Legislature convening next after said primary election.

Vote for United States Senator to be certified.

SEC. 37. Any candidate under this act for office of State Senator, or member of the House of Representatives, if he desires to do so, may sign and file with his declaration of candidacy or nomination paper, a declaration as follows:

Pledge to vote for party choice for United States Senator.

I hereby declare to the people of the State of Washington, and particularly of my legislative district, that during my term of office I will always vote for the candidate for United States Senator who has received the highest num-

ber of votes upon my party ticket for the position at the primary election next preceding the election of United States Senator; and in such case there shall be printed on the official primary ballot, opposite or just below said candidate's name, the following: "Pledged to vote for party choice for United States Senator."

Nomination
of candi-
dates for
supreme
and superior
court
judges.

SEC. 38. Judges of the Supreme and superior courts, State Senators and Representatives shall not be considered State officers within the meaning of the provisions of this act relating to first choice and second choice voting. When there are to be elected at any general election, two or more judges of the Supreme Court or superior court of any county, the candidates for each respective office whose names are to be placed upon the general election ticket, shall be determined as follows: The number of candidates, equalling the number of judicial positions to be filled, who receive the highest number of votes at the primary election, shall be candidates for such respective offices, and their names shall appear on the general election ticket under the designation of such respective offices. Where a vacancy or other cause shall necessitate the election of a judge for a short term and at the same election one or more judges are to be elected for the full term, candidates may announce themselves for either the short or full term and the ballots shall be arranged accordingly.

Emergency.

SEC. 39. An emergency exists and this act shall take effect immediately.

Passed the Senate March 11th, 1907.

Passed the House March 12th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 210.

[S. B. 111.]

AMENDING ACT RELATING TO EXEMPTIONS.

AN ACT relating to exemptions and amending section 5412 of Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5412 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Sec. 5412. Current wages or salary to the amount of one hundred dollars (\$100.00) for personal services rendered by any person having a family dependent upon him for support, shall be exempt from garnishment, and where it appears upon the trial, or by answer of the garnishee, when not controverted as hereinafter provided, that the garnishee is indebted to the defendant for such current wages or salary for an amount not exceeding one hundred dollars (\$100.00), the garnishee shall be discharged as to such indebtedness: *Provided*, That if the garnishment be founded upon a debt for actual necessities furnished to the defendant or his family or his dependents, no exemption shall be allowed in excess of ten dollars (\$10.00) out of each week's wages or salary, whether said wages or salary are paid, or to be paid, weekly, bi-weekly, monthly or at other intervals, and whether there be due the defendant wages for one week or a longer period: *Provided, however*, That said exemption shall in no event be allowed out of wages or salary for a longer period than four (4) consecutive weeks: *And provided further*, That no money due or earned as wages or salary shall be exempt from garnishment in lieu of any other property. The provisions of this section shall apply to actions in the superior court or before justice of the peace, and shall govern exemptions of wages or salary to the exclusion of all other statutes or parts of statutes.

Current wages amounting to \$100 exempt.

Debt for necessities.

Wages not exempt in lieu of other property.

Passed the Senate February 28th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 211.

[H. B. 270.]

ADULTERATION OF FOODS, DRINKS AND DRUGS
PROHIBITED.

AN ACT to provide against the adulteration of foods, drinks and drugs, and fraud in the sale thereof; creating a State Board of Food Commission, defining their duties and providing for the appointment of an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for the violation thereof; making an appropriation and repealing chapter XCIV of the Laws of 1901 as amended by chapter 51 of Laws of 1905, being an act entitled, "An act to provide against the adulteration of food and fraud in the sale thereof; creating a State Board of Food Commission, defining their duties and providing for the appointment of an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for the violation thereof; making an appropriation, declaring an emergency, and repealing 'An act to provide against the adulteration of food,' approved March 13, 1899," approved March 16, 1901.

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

Sale of
adulterated
articles
prohibited.

SECTION 1. No person, firm or corporation shall, within this State, sell, offer for sale, have in his possession with intent to sell, or manufacture for sale, any article of food or drug which is adulterated or misbranded within the meaning of this act.

Definition
of terms.

SEC. 2. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound.

Articles
deemed
adulterated.

SEC. 3. That for the purposes of this act an article shall be deemed to be adulterated:

In the case of drugs:

Drugs.

First.—If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National

Formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

Second.—If its strength or purity fall below the professed standard or quality under which it is sold:

In case of confectionery:

Confectionery.

If it contains terra alba, barytes, talc, chrome yellow or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spiritous liquor or compound or narcotic drug.

In case of food:

Food.

First.—If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second.—If any substance has been substituted wholly or in part for the article.

Third.—If any valuable constituent of the article has been wholly or in part abstracted.

Fourth.—If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Fifth.—If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water, or otherwise, and directions for the removal of said preservatives shall be printed on the covering or the package, the provisions of this act shall be

construed as applying only when said products are ready for consumption.

Sixth.—If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is in the product of a diseased animal, or one that has died otherwise than by slaughter.

Misbranded
articles.

SEC. 4. That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced.

That for the purposes of this act an article shall also be deemed to be misbranded:

Drugs.

In the case of drugs:

First.—If it be an imitation of or offered for sale under the name of another article.

Second.—If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta encaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any such substances contained therein.

Food.

In the case of food:

First.—If it be an imitation of or offered for sale under the distinctive name of another article.

Second.—If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin,

alpha, or beta encaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any substances contained therein.

Third.—If the net weight or net measure of such package, bottle or container be given, and it shall not be the true net weight or net measure.

Fourth.—If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

Articles not deemed adulterated or misbranded, when.

First.—In the cases of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second.—In the case of articles labeled, branded or tagged so as plainly to indicate that they are compounds, imitations or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring and flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 5. No dealer shall be prosecuted under the provisions of this act if he shall prove a written guaranty of purity in a form approved by the Dairy and Food Com-

Guaranty of purity.

missioner: *Provided*, That the guarantor is a resident of the State of Washington. The guaranty referred to herein shall contain the full name and address of the person, firm or corporation making the sale to the dealer, and such person, firm or corporation shall be held liable to all prosecutions, fines and other penalties which would attach to the dealer under the provisions of this act.

Possession
prima facie
evidence.

Seizure of
articles.

SEC. 6. Possession by any person, firm or corporation of any article of food or drug, the sale of which prohibited by this act, or being the consignee thereof, shall be *prima facie* evidence that the same is kept or shipped to the said person, firm or corporation in violation of the provisions of this act, and the Dairy and Food Commissioner is hereby authorized to seize upon and take into his possession such articles of food and thereupon apply to the superior court of the county in which such food is seized for an order directing him to dispose of or sell the same and apply the proceeds of the same to the general fund, less the amount required to reimburse the purchaser for actual loss as shown by the bill, provided he or they have a guaranty as required in section 5: *Provided, however*, That the Dairy and Food Commissioner shall first give notice to the person, firm or corporation in whose possession such goods are found, if in the possession of a common carrier, then the consignee of such food or drug, notifying such person, firm or corporation that he has seized such foods or drugs, and the reasons therefor, and that he has made an application to the superior court for an order to sell or dispose of the same, and that he will call up said application for hearing on a day certain, which shall not be less than ten days from the service of such notice, and that at the hearing of said application the said person, firm or corporation shall show cause, if any they have, why the prayer of the petition should not be granted. Upon the hearing of said petition the affidavits or oral testimony may be introduced to establish the contention of the respective parties. Hearing, however, may be had at an earlier date by mutual consent of the parties to said application.

SEC. 7. Every person selling, exhibiting or offering for sale, manufacturing or having in his possession with intent to sell or serve, or delivering to a purchaser, any article of food or drug included in the provisions of this act, shall furnish to the Dairy and Food Commissioner or any of his deputies or any person authorized by him and demanding the same, who shall apply to him for the purpose and shall tender him the price at which the article of food is sold, a sample sufficient for the analysis of any such article of food which is in his possession.

Samples to be furnished for analysis.

SEC. 8. The State Dairy Commissioner shall also be the State Food Commissioner and shall be known as the Dairy and Food Commissioner, and he shall receive in addition to his salary as State Dairy Commissioner \$600 per year as extra compensation for enforcing the provisions of this act. He shall also have power to appoint such deputies as may be necessary, and pay therefor not to exceed three dollars per day. He shall appoint one of his deputies to be known as Deputy State Drug Inspector; such Deputy State Drug Inspector shall be a graduate and registered pharmacist under the laws of this State and shall receive as compensation one hundred dollars per month and necessary traveling expenses.

State Dairy Commissioner—compensation.

Deputies.

SEC. 9. It shall be the duty of the chemist of the State Agricultural Experiment Station to analyze any and all substances that the Dairy and Food Commissioner may send to him, and report to the Commissioner, without unnecessary delay, the result of any analysis so made, and when called upon by the said Commissioner, the chemist shall assist in the prosecution of violations of the law by giving testimony as an expert or otherwise.

Chemist at Agricultural Experiment Station to make analysis.

SEC. 10. It shall be the duty of the Attorney General and the prosecuting attorneys in the counties of this State to prosecute all cases arising under the provisions of this act.

Attorney General, duty of.

SEC. 11. The Dairy and Food Commissioner, or his deputies, shall have power in the performance of their official duties to enter any restaurant, eating house, hotel, public conveyance, public or private hospital, asylum,

Commissioner may enter restaurants, hotels, etc.

school, eleemosynary or penal institution, where foods or drugs are served or used, and take for analysis any article of food or drug, or ingredients which enter into the composition of food or drugs, there used. Any article of food, drugs or ingredients which enter into the composition of foods or drugs therein used and so taken, if found to be adulterated, shall be *prima facie* evidence that the same is kept to be used or served to patrons, guests, boarders, patients or inmates of such institution, and the person, firm or corporation owning and operating said restaurant, eating house, hotel, public conveyance, public or private hospital, asylum, school, eleemosynary or penal institution, and having in his or its possession adulterated foods or drugs shall be deemed to have such adulterated food or drugs contrary to the provisions of this act.

Penalties.

SEC. 12. Every person, firm or corporation violating the provisions of this act or refusing to comply upon demand with any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25) and not to exceed five hundred dollars (\$500), or, in case of second offense, to be imprisoned not less than thirty days and not to exceed ninety days, or both such fine and imprisonment. Any person found guilty of selling, offering for sale, having in his possession with intent to sell or serve, or manufacturing for sale any adulterated article of food or drug under the provisions of this act, shall pay, in addition to the penalties herein provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of food or drugs, in addition to the costs of such action: *Provided*, That all penalties and costs for the violation of the provisions of this act shall be paid to the Board of State Dairy and Food Commission, or to their agent, and by them paid into the State treasury and applied to the general fund: *And provided further*, That the dealers having goods in stock on the passage of this act, which do not comply with its provisions relating to branding or labeling, may inventory the same and stamp them with a mark for identification, and shall have the

right thereafter to sell the goods so inventoried and marked, in ordinary course of business until disposed of: *And provided further*, That this act shall go into effect on the first day of October, 1907.

SEC. 13. The State Board of Dairy and Food Commission *ex-officio* shall be the State Board of Dairy and Food Commission, and said Board shall hereafter be known and described as the "State Board of Dairy and Food Commission."

State
Board of
Dairy and
Food Com-
mission.

SEC. 14. All expenses incurred under the provisions of this act shall be paid out of the general fund, and shall be audited by the State Auditor upon bills being presented, appropriately certified by the Board of Dairy and Food Commission, and the State Auditor shall from time to time draw warrants upon the State Treasury [Treasurer] for the amounts thus audited.

Expenses—
how paid.

SEC. 15. The Dairy and Food Commissioner shall publish each month a report of the work of his office, including the brand, name and address of manufacturer, analysis and fines of foods and drugs found to be adulterated, and the necessary expense, if any, of said publication, shall be defrayed as provided in section 14 of this act.

Report of
Commis-
sioner.

SEC. 16. An act entitled "An Act to provide against the adulteration of food and fraud in the sale thereof; creating a State Board of Food Commission, defining their duties and providing for the appointment of an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for violation thereof; making an appropriation, declaring an emergency, and repealing 'An Act to provide against the adulteration of food,' approved March 13, 1899," being chapter XCIV of the Laws of 1901, as amended by chapter 51 of the Laws of 1905, is hereby repealed.

Repeal.

Passed the House March 13th, 1907.

Passed the Senate March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 212.

[H. B. 462.]

GENERAL APPROPRIATION FOR VARIOUS STATE INSTITUTIONS, SCHOOLS AND STATE OFFICERS.

AN ACT making appropriations for the maintenance of and sundry expenses at the various state institutions, schools and state offices, and for the sundry civil expenses of the state government for the fiscal term beginning April 1, 1907, and ending March 31, 1909.

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

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any moneys in the several funds of the State treasury hereinafter named in payment of the salaries of certain officers and employes of the State, and for the maintenance and construction of buildings at, and other expenses for, the various State institutions and officers hereinafter designated and mentioned, and for other and divers purposes hereinafter expressed, for the fiscal term beginning April 1, 1907, and ending March 31, 1909, and as hereinafter or otherwise particularly specified, the amount appropriated for all buildings for State institutions whether penal, charitable, educational or reformatory to be expended under the direction of the State Board of Control:

FROM THE GENERAL FUND.

FOR THE GOVERNOR'S OFFICE.

Salary of Governor at \$4,000 per year.....	\$8,000
Salary of Governor's private secretary at \$2,000 per year.....	4,000
Salary of stenographer at \$1,200 per year.....	2,400
Postage, traveling expenses and incidentals.....	3,000
Extradition expenses.....	3,500
Rewards authorized by Governor.....	2,500
Examinations into alleged infractions of the law.....	1,000
Traveling expenses attending National Irrigation Congress, Trans-Mississippi Commercial Congress, and other National assemblies.....	500
Survey of public lands reserved on application by Governor.....	5,000
To pay for oil paintings of the four former State Governors, to complete collection of portraits of former officials of State and Territory, and to assist in the preservation of sources of the State's history.....	2,000
Total	<u>\$31,900</u>

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FOR LIEUTENANT GOVERNOR'S OFFICE.

Salary of Lieutenant Governor at \$1,000 per year.....	\$2,000
Traveling and incidental expenses.....	500
Total	<u>\$2,500</u>

FOR THE SUPREME COURT.

Salaries of seven judges at \$4,000 per year each.....	\$56,000
Salary of clerk at \$2,000 per year.....	4,000
Salary of reporter at \$2,000 per year.....	4,000
Proof reader for reporter, clerk hire and incidentals..	4,800
For board of examiners for examining applicants for admission to practice law.....	620
Incidental expenses	11,000
Total	<u>\$80,420</u>

FOR SECRETARY OF STATE'S OFFICE.

Salary of Secretary at \$2,500 per year.....	\$5,000
Salary of Assistant Secretary at \$1,800.....	3,600
Salary of auditor and cashier at \$1,800 per year.....	3,600
Salary of index clerk at \$1,000 per year.....	2,000
Salary of three recording clerks at \$900 per year each..	5,400
Salary of two stenographers at \$720 per year each....	2,880
Postage and incidentals.....	3,000
Salary of Deputy Insurance Commissioner at \$1,800 per year	3,600
Salary of stenographer and clerk in insurance department at \$900 per year.....	1,800
Postage, incidentals and traveling expenses in connection with the insurance department.....	1,500
Salary of deputy commissioner of statistics for one year	1,000
Postage, traveling expenses and incidentals in department of statistics.....	1,200
Set of new indexes and transcribing the same.....	1,500
Total	<u>\$36,080</u>

FOR ATTORNEY GENERAL'S OFFICE.

Salary of Attorney General at \$2,000 per year.....	\$4,000
Salary of three Assistant Attorney Generals at \$1,800 per year each.....	10,800
Salary of law clerk and stenographer at \$1,200 per year	2,400
Stationery, postage, telephone, telegraph and incidentals	1,000
Traveling expenses in county, State and United States Supreme Courts	3,000
Court expenses, witness fees in general cases, and traveling expenses in connection with escheat cases....	3,000
Total	<u>\$24,200</u>

FOR STATE AUDITOR'S OFFICE.

Salary of Auditor at \$2,000 per year.....	\$4,000
Salary of Deputy Auditor at \$1,800 per year.....	3,600
Salary of bookkeeper at \$1,600 per year.....	3,200
Salary of warrant clerk at \$960 per year.....	1,920
Traveling expenses	250
Extra clerk hire, postage and incidentals.....	3,000
Total	<u>\$15,970</u>

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FOR STATE TREASURER'S OFFICE.

Salary of Treasurer at \$2,000 per year.....	\$4,000
Salary of deputy at \$1,800 per year.....	3,600
Extra clerk hire.....	1,000
Stenographer at \$720 per year.....	1,440
Postage and incidentals.....	600
Premium on Treasurer's bond.....	2,000
Total	\$12,640

FOR OFFICE OF STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Salary of Superintendent at \$2,500 per year.....	\$5,000
Salary of Assistant Superintendent at \$1,800 per year..	3,600
Salary of Deputy Superintendent at \$1,800 per year...	3,600
Incidentals and clerk hire.....	2,800
Examination of teachers' manuscripts.....	3,400
Traveling expenses of Superintendent and deputy.....	1,600
Postage, expressage, telegraphing, telephoning, etc....	1,000
Expenses of State Board of Education.....	1,500
Total	\$22,500

FOR STATE LAND COMMISSIONER'S OFFICE.

Salary of Commissioner at \$3,000 per year.....	\$6,000
Salary of assistant and chief clerk at \$1,800 per year..	3,600
Salary of auditor and cashier at \$1,800 per year.....	3,600
Salary of secretary of State Board of Land Commis- sioners at \$1,500 per year.....	3,000
Salary of assistant secretary of the Board at \$1,200 per year	2,400
Salary of chief stenographer at \$1,400 per year.....	2,800
Salaries of two assistant stenographers at \$1,000 per year each	4,000
Salary of leasing clerk at \$1,200 per year.....	2,400
Salary of selection clerk at \$1,400 per year.....	2,800
Salary of bookkeeper at \$1,000 per year.....	2,000
Salary of recording clerk at \$1,200 per year.....	2,400
Salary of additional clerk, when Commissioner may find necessary, at not to exceed \$1,000 per year.....	2,000
Salary of chief engineer at \$2,000 per year.....	4,000
Salary of chief draughtsman at \$1,500 per year.....	3,000
Salary of additional draughtsman, when Commis- sioner may find necessary, at a rate not to exceed \$1,000 per year.....	1,000
Salaries of examiners at not to exceed \$7 per day and actual expenses, salaries and expenses of assist- ants, expenses of the Commissioner and the Board, and United States land office fees in selecting and perfecting titles of State lands.....	8,000
Expenses of appraisalment, sale and lease of State lands, including compensation of inspectors, at not to ex- ceed \$7.00 per day and actual expenses.....	25,000
Expenses of advertising sale and lease of State lands.	8,000
Expenses of defending State's title to State's lands and selecting lands before the courts, the United States land offices and the Department of the Inter- ior and prosecuting trespass on State lands, includ- ing traveling expenses, (not including attorney's fees	4,000
Postage, incidental and traveling expenses of the Com- missioner and the Board.....	5,500
Emergency clerk hire, premiums on official bonds of Commissioner and auditor and cashier.....	5,400

For surveys, completion of survey maps and appraisal of harbor lines and tide lands in front of the following cities and places:

Bremerton and Charleston....	\$2,000
Everett	3,500
Lakes Washington, Union and Chelan	5,000
Extension of Puyallup waterway through Indian addition	1,000
(So much thereof as may be necessary, but in no event to exceed the amount derived from the leasing of harbor area reserves).....	11,500
Total	\$112,400

FOR SUPERIOR COURTS.

Salaries of judges.....	\$98,250
Traveling expenses	5,000
Judges pro tem.....	1,000
For salaries of five judges appointed by the Governor, for the month of March, 1907, or so much thereof as may be necessary.....	500
Total	\$104,750

FOR OFFICE OF THE STATE BOARD OF CONTROL.

Salary of Board.....	\$18,000
Traveling expenses	4,500
Incidental expenses	1,200
Salary of secretary and clerks.....	7,000
Total	\$30,700

FOR THE STATE BOARD OF TAX COMMISSIONERS.

Salaries of Commissioners.....	\$18,000
Salary of secretary and clerks.....	9,000
Incidental expenses, postage, supplies, traveling expenses, costs of suits, witness fees, expert assistance	15,000
Total	\$42,000

FOR THE OFFICE OF STATE LAW LIBRARIAN.

Salary of Librarian at \$1,800 per year.....	\$3,600
Salary of assistant at \$1,000 per year.....	2,000
Purchase of law books.....	8,000
Shelving	500
Incidentals	1,000
Total	\$15,100

FOR THE STATE BOARD OF RAILROAD COMMISSIONERS.

Salary of Commissioners	\$24,000
Salary of secretary	4,000
Salary of rate expert statistician.....	4,000
Salary of civil engineer.....	4,000
Office expenses, extra clerk hire and stenographer, stationery, incidentals, traveling expenses of Commissioners and employes, including inspector of tracks and safety appliances, and expenses of hearings before Commissioners.....	\$42,000
Total	\$78,000

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FOR THE OFFICE OF STATE LIBRARIAN.

Salary of Librarian at \$1,500 per year.....	\$3,000
Salary of assistant at \$1,000 per year.....	2,000
Purchase of books, general reference department.....	1,500
Salary of superintendent of traveling library.....	2,400
Expenses connected with traveling library.....	2,200
Incidentals, exchange and distribution.....	3,000
Total	\$14,100

FOR THE OFFICE OF STATE GRAIN INSPECTOR.

Salary of inspector at \$1,800 per year.....	\$3,600
Salary of Inspector's clerk at \$1,000 per year.....	2,000
Postage, expenses, salaries and incidentals connected with the office of Grain Inspector (so much thereof as may be necessary, but in no event to exceed the amount collected by the office).....	35,000
Total	\$40,600

FOR THE STATE LABOR COMMISSIONER'S OFFICE.

Salary of Commissioner at \$2,400 per year.....	\$4,800
Clerk hire	2,000
Expenses of arbitration.....	1,000
For factory inspector, deputies, traveling expenses and incidentals in connection with his office, (so much thereof as may be necessary, but in no event to exceed the collections of the office).....	20,000
For steamboat inspectors, deputies, traveling expenses, (so much thereof as may be necessary, but in no event to exceed the collections for this purpose)..	10,000
Total	\$37,800

FOR THE STATE DAIRY AND FOOD COMMISSIONER'S OFFICE.

Salary of Commissioner at \$1,800 per year.....	\$3,600
Expenses of Commissioner.....	3,000
Salary of deputy dairy instructor at \$1,200 per year....	2,400
Expenses of deputy dairy instructor.....	2,000
Salary of dairy and food inspector at \$1,200 per year..	2,400
Salary of dairy, food and drug inspector at \$1,200 per year	2,400
Expenses of dairy, food and drug inspector at \$1,000 per year	2,000
Expenses of dairy and food inspector.....	2,000
Salary of office clerk at \$900 per year.....	1,800
Total	\$21,600

FOR THE OFFICE OF STATE OIL INSPECTOR.

Salary of Inspector at \$2,000 per year.....	\$4,000
Salary of chief deputy at \$1,500 per year.....	3,000
Salary of extra deputies at \$100 per month.....	7,200
Office and traveling expenses (so much thereof as may be necessary, but in no event to exceed the collections for this purpose).....	6,000
Total	\$20,200

FOR THE OFFICE OF STATE VETERINARIAN.

For traveling expenses of State Veterinarian and salaries and expenses of assistants and incidentals....	\$7,500
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FOR THE OFFICE OF STATE HORTICULTURAL COMMISSIONER.

Salary of Commissioner at \$2,000 per year.....	\$4,000
Per diem and expenses of Horticultural Commissioner..	4,000
Clerk hire at \$900 per year.....	1,800
Traveling expenses	2,000
Office exhibits	600
Postage and incidentals.....	450
Office rent	800
Total	\$13,650

FOR THE OFFICE OF STATE MINE INSPECTOR.

Salary of Inspector at \$2,400 per yer.....	\$4,800
Transportation	425
Board and lodging while on inspection trips.....	400
Telegrams and long distance telephones.....	40
Office supplies and work on records and reports.....	500
Plats, maps, etc., for biennial reports.....	75
Postage	60
Total	\$6,300

FOR THE OFFICE OF STATE FISH COMMISSIONER.

Salary of Commissioner at \$2,400 per year.....	\$4,800
Traveling expenses of Commissioner.....	2,000
Salaries of three deputies at \$1,500 per year each....	9,000
Traveling expenses of deputies.....	3,600
Stenographer and bookkeeper at \$1,000 per year.....	2,000
Office rent of Commissioner.....	1,800
Incidentals	1,000
For purchase, improvement and maintenance of trout hatchery on Little Spokane river.....	6,000
Lake Chelan trout hatchery.....	4,000
Maintenance and construction of fish hatcheries and patrol service on Puget Sound and Columbia river. (So much thereof as may be necessary, but not to exceed the amount collected).....	115,000
For the supervision, protection and improvement of the State oyster reserves. (So much thereof as may be necessary, but not to exceed the amount collected).....	6,000
Salary of deputy State game wardens.....	\$3,000
Expenses	1,500
(So much thereof as may be necessary, but in no event to exceed the amount collected for game protection).....	4,500
Total	\$160,700

FOR THE STATE BOARD OF HEALTH.

Maintenance of Board and vital statistics.....	\$6,500
Establishment and maintenance of bacteriological laboratory	3,000
Salary of secretary.....	2,000
Total	\$11,500

FOR STATE BOARD OF EQUALIZATION.

Expenses of the Board.....	\$400
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FOR MISCELLANEOUS PURPOSES.

Cost bills on conviction of felonies.....	\$38,000
Transportation of convicts to Penitentiary.....	25,000
Transportation of insane to hospitals.....	20,000

SESSION LAWS, 1907

Transportation of incorrigibles.....	6,000
Publishing of Washington Reports.....	5,500
Indexing House Journals.....	300
Indexing Senate Journals.....	300
Indexing Session Laws.....	200
Maintenance of capitol building and grounds.....	24,000
Bounties on wild animals.....	25,000
Interest on permanent school bonds.....	100,000
Public printing.....	65,000
Interest on capitol fund warrants.....	46,665
Florence Crittenton Home at Spokane.....	2,000
Florence Crittenton Home at Seattle.....	2,000
White Shield Home at Tacoma.....	2,000
Salary of chaplain at Penitentiary.....	2,400
For clerical assistance in Governor's office, account of printing.....	1,200
Total	\$365,565

FOR STATE FIRE WARDEN.

Salary of Fire Warden at \$2,000 per year.....	\$4,000
Office expenses.....	600
Office assistant for three months each year.....	600
Traveling expenses of Fire Warden.....	1,200
Per diem and expenses of deputy fire wardens at not to exceed \$3 per day each.....	4,600
Payment of men employed by deputy fire wardens in controlling and extinguishing timber fires.....	15,000
Total	\$26,000

FOR THE WESTERN WASHINGTON HOSPITAL FOR THE INSANE.

Maintenance at 45 cents per day per capita.....	\$336,912.50
Repairs and improvements, repairs to toilets, furniture and carpets, library and rewiring buildings.....	20,000.00
Power plant and equipment.....	25,500.00
Barns and outbuildings.....	8,000.00
Increasing laundry.....	2,500.00
Total	\$392,912.50

FOR THE EASTERN WASHINGTON HOSPITAL FOR THE INSANE.

Maintenance at 45 cents per day per capita.....	\$188,887.50
Repairs and improvements, library, furniture and carpets and rewiring buildings.....	11,700.00
Extending heating system and laundry.....	7,500.00
Farm buildings.....	3,500.00
Total	\$211,587.50

FOR WASHINGTON STATE REFORM SCHOOL.

Maintenance at 45 cents per day per capita.....	\$82,125
Manual training.....	7,000
Buildings and alterations.....	75,000
Repairs and improvements, furniture and carpets, and library.....	10,200
Increasing heating system.....	7,500
Total	\$181,825

FOR THE STATE SCHOOL FOR THE DEAF AND BLIND.

Maintenance, including expense of sending indigent students to Guadalet college	\$76,650
Manual training	2,000
Repairs and improvements, furniture and carpets, library and repairs to heating system.....	8,700
Dormitory	25,000
Total	\$112,350

FOR THE STATE INSTITUTION FOR FEEBLE MINDED.

Maintenance (from charitable, educational, penal and reform current fund until same is exhausted, balance from general fund).....	\$65,700
Repairs and improvements.....	2,000
Total	\$67,700

FOR THE STATE PENITENTIARY.

Maintenance at 32 cents per day per capita.....	\$221,920
Hospital building	17,000
Dormitory	26,000
Power house, generator and electrical machinery.....	20,000
Woman's ward	1,000
Jute mill and stockade.....	28,000
Jute mill machinery.....	75,000
Repairs and improvements, furniture and carpets and library	6,500
For operation of jute mill and brick yard.....	200,000
Total	\$595,420

FOR THE STATE SOLDIER'S HOME.

Maintenance	\$75,000
Maintenance of Soldiers' Home Colony.....	10,000
Building fund	20,000
Removing cemetery, river improvements and purchase of cemetery site.....	10,000
Repairs and improvements, furniture and carpets and library	6,700
Increasing heating system.....	3,000
Total	\$124,700

FOR UNIVERSITY OF WASHINGTON.

Maintenance (from University current fund until exhausted, balance from general fund).....	\$404,000
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FOR THE STATE COLLEGE OF WASHINGTON.

Maintenance (from Agricultural college current fund until exhausted, balance from general fund).....	\$217,254
Library and assembly hall and equipments.....	130,000
Recitation building and equipments.....	125,000
Domestic economy building and equipments.....	25,000
Farm buildings and equipments.....	7,000
Veterinary hospital and equipments.....	11,000
Hydraulic, mechanical and electrical laboratories.....	12,000
Farm lands	12,000
Co-operative experiments with farmers in semi-arid and irrigation regions.....	2,500

SESSION LAWS, 1907

For cereal investigations.....	4,000
For farmer's institutes.....	10,000
Total	\$555,754

FOR STATE NORMAL SCHOOL AT ELLENSBURG.

Maintenance (from current normal school fund until exhausted, balance from general fund).....	\$55,000
Training school and equipment.....	65,000
Heating plant	10,000
Library and laboratory.....	3,500
Repairs and improvements.....	4,500
Water system	2,000
Total	\$140,000

FOR THE STATE NORMAL SCHOOL AT BELLINGHAM.

Maintenance	\$88,070
Repairs and improvements.....	4,400
Furniture	1,800
Science building, heating and furnishing.....	51,000
Addition to dining hall	7,000
Museum	750
Total	\$153,020

FOR THE STATE NORMAL SCHOOL AT CHENEY.

Maintenance	\$85,000
Training school and equipment.....	65,000
Heating plant	10,000
Total	\$160,000

FOR THE WASHINGTON STATE FAIR.

Maintenance	\$15,000
Buildings and improvements.....	15,000
Total	\$30,000

FOR WESTERN WASHINGTON EXPERIMENTAL STATION.

Maintenance (under direction of the State College)....	\$20,000
For Washington Historical Society.....	3,000

FROM THE PUBLIC HIGHWAY FUND.

FOR THE OFFICE OF THE HIGHWAY COMMISSIONER.

Salary of Commissioner at \$2,500 per year.....	\$5,000
Traveling expenses of Commissioner.....	2,000
Office expenses	2,400
Traveling expenses of State Auditor and Treasurer as members of the Highway Board.....	1,000
Engineering instruments, tools and outfits.....	1,500
Salary of one expert draughtsman and engineer.....	3,600
Total	\$15,500

FROM THE MILITARY FUND.

FOR THE OFFICE OF THE ADJUTANT GENERAL.

All expenses except salaries of Adjutant General and assistants	\$86,000
Salary of Adjutant General at \$2,000 per year.....	4,000
Salary of chief clerk at \$1,200 per year.....	2,400
Salary of armorer at \$1,000 per year.....	2,000
Salary of inspector of rifle practice at \$1,500 per year..	3,000
Total	\$98,000

WASHINGTON STATE REFORMATORY.

Maintenance from general fund during two years.....	\$20,000
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Passed the House March 11th, 1907.

Passed the Senate March 12th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 213.

[S. B. 321.]

EXPENSES OF TENTH LEGISLATURE.

AN ACT making an appropriation for expenses of the Tenth Legislature.

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

SECTION 1. There is hereby appropriated out of any funds in the State treasury not otherwise appropriated the sum of five thousand (\$5,000.00) dollars, or so much thereof as may be necessary, to defray the expenses of the Tenth Legislature of the State of Washington.

Appropriation \$5,000.

Passed the Senate March 13th, 1907.

Passed the House March 14th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 214.

[H. B. 501.]

APPROPRIATION FOR LEGISLATIVE PRINTING.

AN ACT appropriating the sum of three thousand five hundred dollars, or so much thereof as may be necessary to pay for printing ordered, or which may be ordered by the Tenth Legislature or either branch thereof.

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

Appropriation \$3,500.

SECTION 1. That there be and there is hereby appropriated out of the funds of the State of Washington not otherwise appropriated the sum of three thousand five hundred dollars to pay for printing ordered, or which may be ordered by the Tenth Legislature, or either branch thereof, such printing to be done under the provisions of the act of the Legislature approved March 11, 1905.

Passed the House March 9th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 215.

[S. B. 207.]

STATE BOARD OF EQUALIZATION.

AN ACT to amend sections 1716 of Ballinger's Annotated Codes and Statutes of Washington, relating to the board of equalization and defining its duties.

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

Personnel of Board.

SECTION 1. That section 1716 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Section 1716. The State Auditor, Commissioner of Public Lands, and the State Board of Tax Commissioners shall constitute the State Board of Equalization. The State Auditor shall be president of the Board, and they shall remain in session not to exceed twenty (20) days; may adjourn from

day to day, and employ such clerical assistance as may be deemed necessary to facilitate its labors: *Provided*, That the expense of such Board shall not exceed the sum of five hundred dollars (\$500) in any one year. The said Board shall meet annually, on the first Monday in September, at the office of the State Board of Tax Commissioners, and shall examine and compare the returns of the assessment of the property in the several counties of the State, and proceed to equalize the same, so that each county in the State shall pay its due and just proportion of the taxes for State purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the State.

Expenses.

Sessions.

First.—They shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value, and shall be equal and uniform, so far as possible, in every part of the State, for the purpose of ascertaining the just amount of tax due from each county for State purposes.

Classification of property.

Second.—The secretary shall keep a full record of the proceedings of the Board, and the same shall be published annually by said State Board of Tax Commissioners and also be published in the biennial report of the said State Board of Tax Commissioners.

Record of proceedings.

Third.—They shall have authority to adopt rules and regulations for the government of the Board, and to enforce obedience to its orders in all matters in relation to the returns of county assessments, and the equalization of values by said Board. The said Board of equalization shall apportion the amount of tax for State purposes as required by law, to be raised in the State among the several counties therein, in proportion to the valuation of the taxable property therein for the year as equalized by the Board, and shall also ascertain the gross amounts justly due from each county for military, State bond interest, and State bond sinking fund taxes, at rates and limitations fixed by law. It shall be the duty of the county auditor in each county when he shall have received the report of

Rules.

Apportionment of tax among counties.

the State Auditor, as provided in section 61 of this act, to determine the rates per cent. necessary to raise the taxes required for State purposes as determined by the State Board of Equalization, and place the same on the tax rolls of the county as provided by law.

Passed the Senate February 26th, 1907.

Passed the House March 9th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 216.

[S. B. 228.]

GRANTING RIGHT-OF-WAY FOR LAKE WASHINGTON CANAL.

AN ACT granting to the United States of America a right of way for Lake Washington Canal in King county through lands and shore lands belonging to the state of Washington or the University of Washington and declaring an emergency.

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

SECTION 1. That a right-of-way of not exceeding five hundred (500) feet in width is hereby granted to the United States of America through any lands or shore lands belonging to the State of Washington, or to the University of Washington, and lying in King county between Lakes Union and Washington, or in or adjoining either of them, the southern boundary of such right-of-way on the upland to be coincident with the southern boundary of the lands now occupied by the University of Washington adjacent to the present right-of-way of said canal; the width and definite location of such right-of-way before the same is taken possession of by said United States shall be plainly and completely platted and a plat thereof approved by the Secretary of War of the United States filed in the office of the State Land Commissioner: *Provided*, That nothing in this act contained shall be construed to repeal or impair any right, interest, privilege or grant expressed or intended in the act of the Legislature of the State of Washington approved February 8, 1901, entitled,

Grant to
United
States of
State lands.

Plat.

"An Act relative to and in aid of the construction, maintenance and operation by the United States of America of a ship canal with proper locks and appurtenances to connect the waters of Lakes Union and Washington in King county with Puget Sound and declaring an emergency."

SEC. 2. An emergency exists and this act shall take effect immediately. Emergency.

Passed the Senate February 28th, 1907.

Passed the House March 12th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 217.

[S. B. 122.]

AMENDING ACT RELATING TO THE TAXATION OF INHERITANCES.

AN ACT relating to the taxation of inheritances and amending sections 1, 2, 4, 7, 9, 10, 12, 14, 17 and 18, and repealing section 5 of an act entitled "An act relating to the taxation of inheritances and providing for the disposition of the same" (approved March 6, 1901) and amending sections one (1) and two (2) of an act amending sections 13 and 15 thereof (approved March 9, 1905.)

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

SECTION 1. That section one (1) of said act be and the same is hereby amended to read as follows: Section 1. All property within the jurisdiction of this State, and any interest therein, whether belonging to the inhabitants of this State or not, and whether tangible or intangible, which shall pass by will or by the statutes of inheritance of this or any other State, or by deed, grant, sale or gift made in contemplation of the death of the grantor or donor, or by deed, grant, sale or gift made or intended to take effect in possession or in enjoyment after the death of the grantor or donor to any person in trust or otherwise, shall, for the use of the State, be subject to a tax as provided for in section two of this act, after the payment of all debts owing by the decedent at the time of his death, the local and State taxes due from the estate prior to his

Property
subject
to tax.

Payment
of debts,
attorneys'
fees, etc.

death, and a reasonable sum for funeral expenses, court costs, including cost of appraisement made for the purpose of assessing the inheritance tax, the statutory fees of executors, administrators or trustees, and no other sum, but said debts shall not be deducted unless the same are allowed or established within the time provided by law, unless otherwise ordered by the judge or court of the proper county, and all administrators, executors and trustees, and any such grantee under a conveyance, and any such donee under a gift, made during the grantor's or donor's life, shall be respectively liable for all such taxes to be paid by them, with lawful interest until the same shall have been paid. The inheritance tax shall be and remain a lien on such estate from the death of the decedent until paid.

Liability
of parties.

Lien on
estate.

Proportion
of levy—1
per cent.

3 per cent.

6 per cent.

4 1-2 per
cent.

9 per cent.

Excess—6
and 12 per
cent.

SEC. 2. That section two (2) of said act be and the same is hereby amended to read as follows: Sec. 2. The inheritance tax shall be and is to be levied on all estates subject to the operation of this act on all sums above the first \$10,000.00, where the same shall pass to or for the use of the father, mother, husband, wife, lineal descendant, adopted child, or the lineal descendant of an adopted child, one (1) per centum. On all sums not exceeding the first fifty thousand dollars, of three per centum, where such estate passes to collateral heirs to and including the third degree of relationship, and to six per cent. where such estates pass to collateral heirs beyond the third degree, or to strangers to the blood. On all sums above the first fifty thousand dollars and not exceeding the first one hundred thousand dollars, four and one-half per centum to collateral heirs, to and including the third degree, and nine per centum to collateral heirs, beyond the third degree, or to strangers to the blood. And on all sums in excess of the first one hundred thousand dollars, the tax shall be six per centum to collateral heirs to and including the third degree, and twelve per centum to collateral heirs beyond the third degree or to strangers to the blood: *Provided*, That on all sums passing to or for the benefit of collateral relatives or strangers of the blood,

who are aliens not residing in the United States, a tax of twenty-five per centum shall be levied and collected. Twenty-five per cent.

SEC. 3. That section four (4) of said act be and the same is hereby amended to read as follows: Sec. 4. In case of any property belonging to a foreign estate, which estate, in whole or in part, is liable to pay a collateral inheritance tax in this State, the said tax shall be assessed upon the market value of said property remaining after the payment of such debts and expenses as are chargeable to the property under the laws of this State. In the event that the executor, administrator or trustee of such foreign estate files with the clerk of the court having ancillary jurisdiction and with the State Board of Tax Commissioners duly certified statements exhibiting the true market value of the entire estate of the decedent owner, and the indebtedness for which the said estate has been adjudged liable, which statements shall be duly attested by the judge of the court having original jurisdiction, the beneficiaries of said estate shall then be entitled to have deducted such proportion of the said indebtedness of the decedent from the value of the property, as the value of the property within this State bears to the value of the entire estate. Foreign estate.

SEC. 4. That section seven (7) of said act be and the same is hereby amended to read as follows: Sec. 7. When any person shall devise any real property to or for the use of the father, mother, husband, wife, lineal descendant, adopted child, or lineal descendent of such child, during life or for a term of years, and the remainder to a collateral heir or to a stranger to the blood, the court, upon the determination of such estate for life or years, shall upon its own motion or upon the application of the State Board of Tax Commissioners, cause such estate to be appraised at its then actual market value from which shall be deducted the value of any improvements thereon or betterments thereto, made by the remainder man during the time of the prior estate, to be ascertained and determined by the appraiser and the tax on the remainder shall be paid by such remainder man within six months from the approval of the court of the report of the ap- Beneficiaries may deduct proportion of debt.

Estates for life or years.

Remainders.

Appraisement.

Sale of
property
to pay tax.

praisers. If such tax is not paid within said time, the court may then order said real estate, or so much thereof as may be necessary to pay said tax, to be sold.

Compensa-
tion of
executors—
excess
liable.

SEC. 5. That section nine (9) of said act be and the same is hereby amended to read as follows: Sec. 9. Whenever a decedent appoints one or more executors or trustees and in lieu of their allowance or commission, makes a bequest or devise of property to them which would otherwise be liable to said tax, or appoints them his residuary legatees, and said bequests, devises, or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to such tax, and the court having jurisdiction of their accounts, upon its own motion, or on the application of the State Board of Tax Commissioners, shall fix such compensation.

Legacies—
devisee to
deduct tax.

SEC. 6. That section ten (10) of said act be and the same is hereby amended so as to read as follows: Sec. 10. Whenever any legacies subject to said tax are charged upon or payable out of any real estate, the heir or devisee, before paying the legacies, shall deduct said tax therefrom and pay it to the executor, administrator, trustee or State Treasurer, and the same shall remain a charge and be a lien upon said real estate until it is paid; and payment thereof shall be enforced by the executor, administrator, trustee or State Board of Tax Commissioners, in the same manner as the payment of the legacy itself could be enforced.

Lien until
paid.

Taxes
payable
to State
Treasurer.

SEC. 7. That section twelve (12) of said act be and the same is hereby amended so as to read as follows: Sec. 12. All taxes imposed by this act shall be payable to the State Treasurer, who shall issue his receipt therefor in duplicate, one of which shall be filed with the State Board of Tax Commissioners, and those taxes which are made payable by executors, administrators or trustees, shall be paid within fifteen months from the death of the testator or intestate, or within fifteen months from assuming the trust by such trustee, unless a longer period is fixed by the court. All taxes not paid within the time prescribed in this section shall draw interest at the legal rate until paid.

Interest.

SEC. 8. That section fourteen (14) of said act be and the same is hereby amended so as to read as follows: Sec. 14. If a foreign executor, administrator or trustee shall assign any corporate stock, or obligations in this State standing in the name of a decedent, or in trust for a decedent, liable to such tax, the tax shall be paid to the State Treasurer on or before the transfer thereof, otherwise, the corporation permitting its stock to be so transferred on its books shall be liable to pay such tax. No safe deposit company, bank or other institution, person or persons, holding any securities, property or assets of any non-resident decedent, shall deliver or transfer the same to any non-resident executor, administrator or representative of such decedent, until after a notice in writing of the time and place of such transfer shall have been duly given the State Board of Tax Commissioners at least ten (10) days prior thereto, and the tax imposed by this act paid thereon, and every such safe deposit company, bank or other institution, person or persons, shall be liable for the payment of such tax.

Assign-
ment of
assets.

SEC. 9. That section seventeen (17) of said act be and the same is hereby amended so as to read as follows: Section 17. Whenever an estate charged, or sought to be charged with the inheritance tax, is of such a nature, or is so disposed, that the liability of the estate is doubtful, or the value thereof can not, with reasonable certainty, be ascertained under the provisions of law, the State Board of Tax Commissioners may compromise with the beneficiaries or representatives of such estates, and compound the tax thereon; but said settlement must be approved by the superior court having jurisdiction of the estate, and after such approval, the payment of the amount of the taxes so agreed upon shall discharge the lien against the property of the estate.

Compromise
with bene-
ficiaries.

SEC. 10. That section eighteen (18) of said act be and the same is hereby amended so as to read as follows: Section 18. Administrators, executors and trustees of the estates subject to the inheritance tax shall, when demanded by the State Board of Tax Commissioners, send such Board

Copies of
reports.

certified copies of such parts of their reports as may be demanded by it or any member thereof, and upon refusal of said parties to comply with such demand, it is the duty of the clerk of the court to furnish such copies, and the expense of making the same shall be charged against the estate as are other costs in probate. And it shall be the duty of the State Board of Tax Commissioners to exercise general supervision of the collection of the inheritance taxes provided in this act, and in the discharge of such duty the State Board of Tax Commissioners, or any member thereof, may institute and prosecute such suits or proceedings in the courts of the State as may be necessary and proper, appearing therein for such purpose; and it shall be the duty of the several county attorneys to render assistance therein when called upon by such Board so to do. The said Board shall keep a record in which shall be entered a memoranda of all the proceedings had in each case, and shall also keep an itemized account showing the amount of such taxes collected, in detail, charging the State Treasurer therewith.

Tax Commission to supervise collection of taxes.

Record of Board.

Repeal.

SEC. 11. That section five (5) of said act shall be and the same is hereby repealed.

SEC. 12. That section one (1) of an act amending sections thirteen (13) and fifteen (15) of an act entitled, "An Act relating to the taxation of inheritances and providing for disposition of same," approved March 9, 1905, is hereby amended to read as follows: Section 1. Section thirteen of said act is hereby amended so as to read as follows: Section 13. The superior court, having jurisdiction, shall appoint three suitable, disinterested persons to appraise the estate and effects of deceased persons for inheritance tax purposes, and unless otherwise provided by order of the court, the appraisers appointed under the probate law to appraise the estate and effects of deceased persons, shall be and constitute the appraisers under the provisions of this act. It shall be the duty of all such appraisers to forthwith give notice to the State Board of Tax Commissioners, of the time and place at which they will appraise such property, which time shall not be less than

Appraisers—
appointment.

Duty of appraisers.

twenty days from the date of such notice. The notice shall be served in the same manner as is prescribed for the commencement of civil actions, unless a different one is ordered by the court or judge, and the notice, with the proof of the service thereof, shall be returned to the court with the appraisal. The State Board of Tax Commissioners or any person interested in the estate appraised, may file exceptions to the appraisal, which shall be heard and determined by the court having jurisdiction in probate of the estate involved. If, upon the hearing, the court finds the amount at which the property is appraised is its market value and the appraisal was fairly and in good faith made, it shall approve such appraisal; but if it finds that the appraisal was made at a greater or less sum than the market value of the property, or that the same was not fairly or in good faith made, it shall set aside the appraisal and determine such value. The State Board of Tax Commissioners, or any one interested in the property appraised, may appeal to the Supreme Court from the order of the superior court in the premises.

SEC. 13. That section two (2) of an act amending sections thirteen (13) and fifteen (15) of an act entitled, "An Act relating to the taxation of inheritances and providing for disposition of same," approved March 9, 1905; is hereby amended to read as follows: Section 2. Section fifteen of said act is hereby amended so as to read as follows: Sec. 15. Upon the filing of any petition for letters of administration or for the probate of any will, it shall be the duty of the petitioner to furnish the clerk of the court with a list of the heirs, legatees or devisees of the estate, and the relationship which each bears to the decedent, together with a statement of the location, nature and probable value of the entire estate, and an estimate of the amount or value of each distributive share. The clerk of the court shall immediately forward a true copy of such list to the State Board of Tax Commissioners, also notifying said Board of the date of such filing, together with the name, and, if known, the place of residence of the deceased, the name, and, if known, the place of residence of the petitioner, and, if known, the name and place of

Notice of appraisal.

Exceptions.

Approval of appraisal.

Appeal.

List of heirs.

Copy of list to be forwarded to Tax Commission.

residence of the attorney for petitioner, such list and notice to be in such form as the State Board of Tax Commissioners may prescribe.

Passed the Senate February 15th, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 218.

[S. B. 293.]

EQUIPMENT OF FLAT CARS WITH STAKES, STANDARDS, ETC.

AN ACT requiring railroad companies and other common carriers to equip flat cars with stakes, standards, supports, strips, railings, chains, and other appliances necessary to the safe carriage of goods, commodities and products, that the weight of such appliances shall be made part and parcel of weight of car, and providing reimbursement to shipper or loader, when the shipper or loader furnishes the necessary requisite stakes, standards, supports, strips, railings and other appliances.

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

Equipment
of cars.

SECTION 1. The stakes, standards, supports, stays, railings and other equipments, appliances and contrivances necessary to effectually and suitably equip and supply every and all flat cars, and cars belonging to any and every railroad company, or person engaged in the business of carrying for hire in this State shall constitute and be held considered part and parcel of said cars, and the weight of same shall be added to the weight of the cars, and shall be deducted from the weight of the cargo, commodity, or product shipped on any and all such flat car or cars so that the freight charges shall be charged by the carrier only on the cargo, commodity or product carried.

Weight to
be deducted.

Shipper
may fur-
nish—when.

SEC. 2. Whenever any railroad company or any person engaged in the business of carrying for hire in this State shall set in or furnish any person or persons any flat car or cars that is, or are not, provided with stakes, standards, supports, stays, railings and other equipments, appliances and contrivances necessary to effectually and suitably

equip and supply every and all such flat car or cars for the purpose of loading and transporting goods, commodities or products, and it shall be necessary and requisite that the shipper or loader of any goods, commodities or products shall furnish any stakes, standards, supports, stays, railings and other equipments, appliances and contrivances necessary to effectually and suitably equip and supply such flat car or cars for the purpose of transporting any goods, commodities or products, the carrier or railroad company, or person engaged in the business of carrying for hire, shall pay to the shipper or loader of any such flat car or cars the cost and expense of placing on any and all of such flat car or cars stakes, standards, supports, stays, railings or other equipments, appliances, and contrivances necessary to effectually and suitably equip or supply every and all such flat car or cars.

Payment
for stakes.

Passed the Senate March 4th, 1907.

Passed the House March 12th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 219.

[S. B. 89.]

PROCEDURE IN CONDEMNATION OF STATE LANDS.

AN ACT relating to procedure in condemnation proceedings to appropriate lands owned by the state, or in which it has an interest.

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

SECTION 1. That in all condemnation proceedings brought for the purpose of appropriating any land owned by the State or in which it has an interest, service of process shall be made upon the Commissioner of Public Lands.

Process
shall be
served on
Commissioner of
Public
Lands.

SEC. 2. When a decree is entered appropriating lands owned by the State, or in which it has an interest, it shall be the duty of the plaintiff to cause a certified copy of

Copy of
decree.

Payment
to Treasurer.

such decree to be transmitted to the State Treasurer, accompanied by the amount of money fixed in said decree to be paid. The State Treasurer shall issue his receipt therefore in triplicate, one to be transmitted to the plaintiff, one to the clerk of the superior court, and one to the Commissioner of Public Lands. When the Commissioner of Public Lands shall certify to the clerk of the superior court that the State Treasurer's receipt has been received by him and that a certified copy of the decree, accompanied by a plat showing in detail the lands appropriated, such decree shall become effective, and plaintiff authorized to enter upon said lands.

Plat.

Passed the Senate February 28th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 220.

[S. B. 232.]

AMENDING ACT CREATING A STATE BOARD OF TAX COMMISSIONERS.

AN ACT to amend sections two (2) and six (6) of an act entitled "An act creating a State Board of Tax Commissioners, defining its powers and duties," approved March 9th, 1905, adding a section and declaring an emergency.

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

SECTION 1. That section two (2) of an act entitled "An Act creating a State Board of Tax Commissioners, defining its powers and duties," approved March 9th, 1905, is hereby amended to read as follows: Section 2. The Commissioners shall have the power, and it shall be their duty:

Powers
of Commis-
sioners.

Supervision
of taxation.

First.—To have and exercise general supervision of the system of taxation throughout the State.

Supervision
of assessors,
etc.

Second.—To exercise general supervision over assessors and county boards of equalization and the determination and assessment of the taxable property in the several coun-

ties, cities and towns of the State, to the end that all taxable property in this State shall be placed upon the assessment rolls and equalized between persons, corporations and companies in the several counties of this State, and between the different municipalities and counties therein, so that equality of taxation shall be secured according to the provisions of law.

Third.—To take charge of and superintend the enforcement of the direct and collateral inheritance law, and the collection of taxes provided for therein.

Inheritance taxes.

Fourth.—To confer with, advise and direct assessors, boards of equalization and county boards of commissioners as to their duties under the law and statutes of the State, and to direct what proceedings, actions or prosecutions shall be instituted to support the law relating to the penalties, liabilities and punishment of public officers, persons, and officers or agents of corporations for failure or neglect to comply with the provisions of the statutes governing the return, assessment and taxation of property, and cause complaint to be made against assessors in the proper county for their removal from office for official misconduct or neglect of duty. In the execution of these powers and duties the said board or any member thereof may call upon county attorneys or the Attorney General, who shall assist in the commencement and prosecution for penalties and forfeiture, liabilities and punishments for violations of the laws of the State in respect to the assessment and taxation of property.

Advising officers.

Action.

Fifth.—To prescribe all forms of books and blanks to be used in the assessment and collection of taxes, and to change such forms when prescribed by law, and to recommend to the Legislature such changes as may be deemed most economical to the State and counties, and such recommendation shall be accompanied by carefully prepared bill or bills for this end.

Forms of books and blanks.

Sixth.—The Board shall have power to require county, city and town officers to report information as to assessments of property, equalization of taxes, the expenditure of the public fund for all purposes, and other information which said Commission may request.

May require officers to report.

May obtain information.

Seventh.—To require individuals, partnerships, companies, associations and corporations to furnish information as to their capital, funded debts, value of property, earnings, taxes and all other facts called for on these subjects, so that the Commission may ascertain the relative burdens borne by all kinds and classes of property within the State.

Witnesses.

Eighth.—To summon witnesses to appear and testify on the subject of property earnings, taxes, or upon any matter deemed material to the investigation of the system of taxation, and the expenditure of public funds for State, county, district and municipal purposes. Such summons to be served in like manner as a subpoena issued out of the superior court and to be served by the sheriff of the proper county, and such service certified by him to said Board without compensation therefor. Persons appearing before said Board in obedience to a summons shall in the discretion of the Board receive the same compensation as witnesses in the superior court, to be audited by the State Auditor on the certificate of said Board.

To examine methods of counties.

Ninth.—To visit the counties in the State, unless prevented by the necessary official duties, for the investigation of the methods adopted by the county assessors and county boards of commissioners in the assessment and equalization of taxation of real and personal property; to carefully examine into all cases where evasion of property taxation is alleged, and ascertain where existing laws are defective, or improperly or negligently administered.

May administer oaths.

Tenth.—Any member of the Board may administer oaths to witnesses. In case any witness shall fail to obey the summons to appear, or refuse to testify, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars, nor more than one thousand dollars. Any person who shall testify falsely shall be guilty of and punished for perjury.

Perjury.

Investigation of complaints.

Eleventh.—The Board shall thoroughly investigate all complaints which may be made to it of illegal, unjust or excessive taxation, and shall endeavor to ascertain to what extent and in what manner, if at all, the present system is unequal or oppressive.

Twelfth.—It shall be the duty of the county assessor, Assessor shall furnish list. on the completion of his assessment rolls each year, to furnish the Tax Commission a list of corporations, companies, associations, banks and individuals doing business of a public character whose assessed valuation is three thousand dollars or more, together with the class of property and the valuation placed on same for assessment purposes.

SEC. 2. That section six (6) of said act be amended to read as follows: Section 6. The Commissioners shall meet Organization of Board. at the State capitol, organize and elect one of their number president. They shall be known collectively as the "State Board of Tax Commissioners," and shall adopt and use an official seal. A majority of said Board shall constitute Quorum. a quorum to transact business. Said Board may appoint and remove at pleasure a secretary, who shall draw a Secretary. salary not to exceed eighteen hundred dollars per annum, and may appoint such other clerks as may be necessary, not exceeding three in number, the aggregate salary of said clerks, not to exceed twenty-seven hundred dollars per annum. The secretary shall keep full and correct Minutes. minutes of all of the transactions and proceedings of said Board, and perform such duties as may be required by the Board. The Commissioners shall be entitled to receive their Traveling expenses. necessary traveling expenses while traveling on the business of the Board. The said Board may hold sessions at any place in this State, when deemed necessary to facilitate the discharge of its duties. The Board shall be furnished Office. with an office and supplies at the State capitol, in the same manner as other State officers. Each of said Commissioners shall receive an annual salary of three thousand dollars, payable in the same manner as the salaries of other State officers are paid. Salary of Commissioners.

SEC. 3. That the following be added to said act to be known as section 7: Section 7. The State Board of Tax Board shall compile tax laws. Commissioners shall compile the laws of this State relating to assessment and collection of taxes, with such annotations, instructions and references to the decisions of the courts concerning the same as they may deem proper. And they shall cause the same to be printed and distributed to the several county assessors, deputy county assessors,

county attorneys, county commissioners, in the State, and to such other officers and persons as may request the same, such printing to be borne by the public printing fund.

Emergency. SEC. 4. An emergency exists and this act shall take effect April 1, 1907.

Passed the Senate March 7th, 1907.

Passed the House March 9th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 221.

[S. B. 240]

VALIDATION OF MUNICIPAL INDEBTEDNESS.

AN ACT to enable counties, cities and towns to validate certain warrants and other obligations and evidences of indebtedness on the part of such counties, cities and towns, issued by the corporate authorities thereof in excess of their legal authority and declaring an emergency.

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

May ratify. SECTION 1. Any county, city or town in this State may ratify in the manner prescribed by this act, the attempted incurring of any indebtedness of such county, city or town, by the issuing of warrants, making of contracts, or creations of other evidences of indebtedness on the part of such county, city or town, by the corporate authorities thereof at any time prior to the passage of this act, when the only ground of the invalidity of such indebtedness so to be ratified is that, at the time of such attempted incurring thereof, the same, together with all other then existing indebtedness of such county, city or town, exceeding one and one-half per centum of the taxable property in such county, city or town, ascertained by the last assessment for State and county purposes previous to the attempted incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes, and that such indebtedness was so attempted to be incurred without the

Ground of invalidity.

assent of three-fifths of the voters therein voting at an election held for that purpose.

SEC. 2. Whenever the corporate authorities of any such county, city or town shall deem it advisable that the ratification authorized by this act shall be obtained, they shall provide therefor by ordinance or resolution, which shall specify separately the amount of each distinct class of such indebtedness so to be ratified, the date or period of the attempted incurring by the corporate authorities of each separate class thereof, and the general nature of the indebtedness composed in each distinct class and shall provide for the holding of an election for that purpose, at which the attempted incurring of such indebtedness shall be submitted to the voters in such county, city or town for ratification or approval, of which election notice, to be provided for in such ordinance or resolution, shall be given by publishing the same in a newspaper published in such county, city or town once a week for at least four successive weeks, and if no newspaper is published in such city or town, then by publishing such notice for the same period in a newspaper published in the county wherein such city or town is situate and of general circulation therein. Each distinct class of such indebtedness so specified shall be the subject of a distinct vote in favor of or against the ratification thereof, and such vote shall designate the class of indebtedness referred to by the description thereof used and the amount specified in the ordinance or resolution.

Provision
by ordi-
nance.

Submission
to voters.

Publication
of notice.

Classifica-
tion.

SEC. 3. If at an election held as provided for in section two of this act, three-fifths of the voters of such county, city or town, voting at such election, shall vote in favor of the ratification of any distinct class of such indebtedness, specified in the ordinance or resolution providing for such election, then such indebtedness shall thereby become and is hereby declared to be validated and a binding obligation upon such county, city or town, when the only ground of the previous invalidity of such indebtedness is that at the time of the incurring thereof so ratified, the same, together with all other then existing indebtedness of such county, city or town, exceeded one and

Election—
3-5 vote.

Obligation
binding.

one-half per centum of the taxable property in such county, city or town ascertained by the last previous assessment for state and county purposes (except that in incorporated cities the assessment shall be taken from the last assessment for city purposes): *Provided*, That neither anything in this act contained nor the vote cast at any such election shall be deemed to validate or authorize any indebtedness, which, together with all other indebtedness of such county, city or town existing at the time of the attempted incurring of the same exceeded any constitutional limitation of indebtedness which might be incurred with the assent of three-fifths of the voters in such county, city or town voting at an election to be held for that purpose: *And provided further*, That this act shall apply only to indebtedness attempted to be incurred prior to the passage hereof.

Debt shall not exceed constitutional limit.

Definition. SEC. 4. The words "corporate authorities," used in this act, shall be held to mean the legislative or managing body of any county, city or town.

Emergency. SEC. 5. An emergency exists and this act shall take effect immediately.

Passed the Senate March 1st, 1907

Passed the House March 13th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 222.

[S. B. 264.]

PROTECTION OF CHINESE OR MONGOLIAN PHEASANTS.

AN ACT for the protection of Chinese or Mongolian pheasants defining the closed season and fixing penalties for the violation thereof and permitting the killing of deer on the islands, and prohibiting the killing of Chinese or Mongolian pheasants or bob-white quail in Okanogan county, and declaring an emergency.

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

Unlawful to hunt Mongolian pheasant.

SECTION 1. Every person who shall within the State of Washington hunt for, pursue, take, kill, injure, or

destroy, or possess after same has been killed, any Chinese or Mongolian pheasant or other imported pheasant between the 31st day of December and the 30th day of September of the following year shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the county jail for not less than 30 days nor more than six months or by both such fine and imprisonment and each bird so killed or possessed shall count as a separate offense under this act. Penalty.

SEC. 2. It shall be lawful during the month of October of each year to hunt for, take and kill deer on any island of the State of Washington: *Provided*, It shall be unlawful to hunt for or kill any deer on said islands with dog or dogs, and any person knowingly permitting any dog or dogs owned by him to pursue deer on said islands shall be guilty of a misdemeanor and punished by fine of not less than twenty-five dollars or more than one hundred dollars; *Provided, further*, That this section shall not apply to any islands where game preserves have been established. Hunting deer on islands.

SEC. 3. Every person who shall within the county of Okanogan, State of Washington, hunt for, pursue, take, kill, injure, destroy or possess any Chinese or Mongolian pheasant or Bob-White quail before the 30th day of September, 1912, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than 30 days nor more than 6 months, or by both such fine and imprisonment, and each bird so killed or possessed shall count as a separate offense under this act. Okanogan county—
hunting prohibited in.

Penalty.

SEC. 4. An emergency exists and this act shall take effect immediately. Emergency.

Passed the Senate March 11th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 223.

[H. B. 263.]

CONSTRUCTION AND MAINTENANCE OF PUBLIC SPUR
TRACKS BY RAILWAY COMPANIES.

AN ACT to authorize railway companies to construct, maintain and operate public spur tracks and to acquire rights of way therefor.

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

SECTION 1. Any railroad corporation organized under the laws of this State or of any other state, and authorized to do business in this State and owning or operating a railway in this State, may construct, maintain and operate public spur tracks, from its railroad or any branch thereof, to and upon the grounds of any mill, elevator, storehouse, warehouse, dock, wharf, pier, manufacturing establishment, lumber yard, coal dock or other industry or enterprise, with all side tracks, storage tracks, wyes, turnouts, and connections necessary or convenient to the use of the same; and such company may acquire by purchase or condemnation, in the manner provided by the laws of this State for the acquisition of real estate for railway purposes, all necessary rights of way for such spur tracks, side tracks, storage tracks, wyes, turnouts and connections; said spur when constructed to be a public spur for the use of all industries located or thereafter located thereon: *Provided*, That the right to acquire by condemnation herein granted shall not be exercised over unimproved lands for a greater distance than five miles, or over improved lands for a greater distance than one mile, or over lands within the limits of a municipal corporation for a greater distance than one-fourth of a mile: *Provided further*, That this act shall not be construed as limiting the rights granted under the operation of the act of March 28, 1890, relating to the construction of branch lines (Ballinger's Annotated Codes and Statutes, Sec. 4303).

Passed the House March 2d, 1907.

Passed the Senate March 13th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 224.

[H. B. 416.]

UNIFORMS OF RAILWAY EMPLOYEES.

AN ACT making it unlawful for any railroad and other transportation companies doing business in the state of Washington and any agent, officer or servant of any railroad or other transportation companies, to require any employee of such railroad or transportation companies to purchase of any such company or of any particular person, firm or corporation, or at any particular place or places, the uniforms or other clothing or apparel required by any such railroad or other transportation companies to be used by such employes in the performance of their duties as such, and fixing a penalty therefor.

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

SECTION 1. It shall be unlawful for any railroad or other transportation company doing business in the State of Washington, or of any officer, agent or servant of such railroad or other transportation company, to require any conductor, engineer, brakeman, fireman, purser, or other employee, as a condition of his continued employment, or otherwise to require or compel, or attempt to require or compel, any such employees to purchase of any such railroad or other transportation company or of any particular person, firm or corporation or at any particular place or places, any uniform or other clothing or apparel, required by any such railroad or other transportation company to be used by any such employee in the performance of his duties as such; and any such railroad or transportation company or any officer, agent or servant thereof, who shall order or require any conductor, engineer, brakeman, fireman, purser, or other person in its employ, to purchase any uniform or other clothing or apparel as aforesaid, shall be deemed to have required such purchase as a condition of such employee's continued employment.

Unlawful
to require
employes
to purchase
uniforms of
company.

SEC. 2. Any railroad or other transportation company doing business in the State of Washington, or any officer, agent or servant thereof, violating any of the provisions of this act shall be deemed guilty of a misdemeanor and

Penalty.

upon conviction thereof shall be punished by a fine in any sum not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500), or by imprisonment in the county jail of the county where the misdemeanor is committed, not exceeding six months.

Passed the House March 9th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 225.

[H. B. 13.]

FORMATION OF BANKING CORPORATIONS AND REGULATION OF THE BUSINESS OF BANKING.

AN ACT to provide for the formation of banking corporations, and to regulate the business of banking and securing state supervision thereof; for the appointment of a state examiner, defining his duties, fixing his compensation and making an appropriation therefor; and prohibiting the use of the words "bank," "trust," and "savings," in advertising business by persons, firms and associations not hereby brought under state supervision, and fixing a penalty for its violation.

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

Examiner—
Governor
shall ap-
point.

SECTION 1. The Governor shall appoint, by and with the advice of the Senate, a State Examiner for the State of Washington, whose term of office shall be four years, unless sooner removed, and until his successor is appointed and qualified. No person shall be appointed to such office who shall not be at the time of his appointment, and for at least two years previous thereto, a citizen of the State of Washington. Nor shall any person be eligible for such office who shall be interested in any bank as owner, officer or stockholder.

Qualifica-
tions.

Governor
to fill
vacancies.

SEC. 2. If a vacancy shall occur in the office of State Examiner, by death, resignation or otherwise, the same shall be filled by appointment of the Governor, and such appointee shall hold office until the next ensuing session of the Legislature.

SEC. 3. The State Examiner may appoint a deputy, and revoke such appointment at pleasure, who shall have the qualifications, and possess the powers, and perform the duties, attached by law to the office of the Examiner. He may also employ from time to time such clerical assistance as shall be necessary to the proper conduct of his office. But in no case shall the expense incident to the conduct of the office exceed the appropriation provided by Legislative action.

Deputy
examiner.Clerical
assistance.

SEC. 4. The State Examiner and his deputies shall, each before entering upon his office, take and subscribe an oath to faithfully discharge the duties of his office, and shall each execute to the State of Washington a bond in the sum of twenty-five thousand dollars, with some surety company authorized to do business in this State, to be approved by the Governor, as surety, conditioned that he will faithfully and impartially discharge the duties of his office and pay over to the person entitled by law to receive it, all moneys coming into his hands by virtue of his office. The cost of such bonds to be paid by the State.

Oath.

Bond.

SEC. 5. The State Examiner shall maintain an office at the State Capitol, and there shall be assigned to him suitable rooms in the State Capitol building for conducting the business of his office.

Office.

SEC. 6. The term "banking," within the meaning of this act, shall be deemed and taken to mean the negotiation for, the discounting of, promissory notes, drafts, bills of exchange and other evidences of indebtedness, receiving deposits, selling and buying exchange, coin and bullion, and loaning money on personal, real and other securities, and other kindred financial operations. The term "bank," used in this act, shall be taken to mean and include every corporation, domestic or foreign (except national banks and foreign banks not authorized to receive deposits), transacting banking business in this State. The term "branch bank," used in this act, shall be taken to mean a branch established in a town or city other than that in which its principal office is located.

Definitions.

SEC. 7. Any corporation, branch bank or foreign bank, who shall receive money on deposit, whether on certificate

Banking
business—
what con-
sidered.

Banks sub-
ject to act.

or subject to check, shall be considered as doing a banking business. And promissory notes, or receipts issued for money received on deposit shall be held to be certificates of deposit for the purposes of this act. And every such corporation, branch bank, or foreign bank receiving deposits, shall be subject to all the provisions of this act, and shall be subject to the same regulations, visitation and control. No bank excepting banks established prior to the passage of this act, shall carry on a banking business, except upon compliance with the provisions of this act: *Provided*, That the provisions of this act, so far as applicable, shall govern and apply to existing banks, branch banks, and foreign banks receiving deposits.

Incorporation of
banks.

SEC. 8. Any number of persons not less than three may become incorporated for the purpose of conducting and carrying on a general banking business, and also to establish banks to be known as savings banks, or to establish banks having departments for both classes of business, upon the terms and conditions of, and subject to the liabilities, prescribed in this act. It shall be unlawful for any corporation, to transact a banking business unless at the time of organization and commencement of such banking business, such corporation, has property of cash value as follows: In cities, villages and communities having a population of less than one thousand (1,000), ten thousand dollars (\$10,000); in cities, villages and communities having a population of one thousand (1,000) and less than two thousand (2,000) inhabitants, fifteen thousand dollars (\$15,000); in cities having a population of two thousand (2,000) and less than three thousand (3,000) inhabitants, twenty thousand dollars (\$20,000); in cities having a population of three thousand (3,000) and less than five thousand (5,000) inhabitants, twenty-five thousand dollars (\$25,000); in cities having a population of five thousand (5,000) and less than ten thousand (10,000) inhabitants, thirty thousand dollars (\$30,000); in cities having a population of ten thousand (10,000) and less than twenty-five thousand (25,000) inhabitants, fifty thousand dollars (\$50,000); in cities having a population of twenty-five thousand (25,000) and less than fifty thousand (50,000)

inhabitants, seventy-five thousand dollars (\$75,000); and in cities having a population of more than fifty thousand (50,000) inhabitants, one hundred thousand dollars (\$100,000). Such property shall be in lawful money as provided in section 12 of this act: *Provided*, That the provisions of this section as to the amount of capital shall not apply to any bank or trust company organized and doing business at the time of the passage of this act.

SEC. 9. The persons incorporating shall execute articles of incorporation, which shall specify:

Articles of incorporation—contents.

1. The name assumed by such bank.
2. The county and city or village where such bank is to be located and conduct its business.
3. The nature of its business, whether that of a commercial bank, savings bank or both.
4. The amount of its capital stock, which shall be divided into shares of one hundred dollars each.
5. The period for which such bank is organized, which shall not exceed fifty years.

Such articles shall be acknowledged before any officer authorized by the laws of this State to take acknowledgments.

SEC. 10. Such articles of incorporation shall be executed in quadruplicate, one copy of which shall be recorded in the office of the county auditor, in the county in which such bank is located; one filed with the State Examiner, one in the office of the Secretary of State, and one retained by the corporation. Such articles, or duly authenticated copies thereof, may be used as evidence in all courts of this State, for or against such bank.

Articles of incorporation—where filed.

SEC. 11. Upon making and filing the articles of incorporation as hereinbefore prescribed, such bank shall become a body corporate, and as such shall have power:

Powers of banks.

1. To adopt and use a corporate seal.
2. To have succession for the term of years mentioned in its articles of incorporation.
3. To make contracts.
4. To sue and be sued, the same as a natural person.

5. To elect directors, who shall have power to appoint such officers as may be necessary or convenient; to define their powers and duties, and to dismiss them at pleasure, and shall also have general superintendence and control of the affairs of such corporation.

6. To prescribe by its stockholders by-laws not inconsistent with law regulating the manner in which its stock shall be transferred, its directors and officers elected or appointed, its stockholders convened, for general or special meetings, its property transferred, its general business conducted, and the privileges granted to it by law, exercised and enjoyed.

7. To exercise by its board of directors or duly authorized officers or agents, subject to law, all such powers as shall be necessary to carry on the business of banking, as defined and regulated by this act: *Provided*, That no such bank shall transact any business except such as is necessarily preliminary to its organization until it has been authorized by the State Examiner to commence the business of banking.

Capital
stock—
payment.

SEC. 12. At least fifty per cent of the capital stock of every incorporated bank shall be paid in before it shall be authorized to commence business, and the remainder of the capital of such bank shall be paid in in lawful money, in monthly installments of at least ten per cent. on the whole of the capital, payable at the end of each succeeding month from the time it shall be authorized to commence business, and the payment of each installment shall be certified to the State Examiner under oath by the president, cashier, or treasurer of such bank.

Sale of
stock for
non-pay-
ment.

SEC. 13. When any stockholder, or his assignee, shall fail to pay any installment on his stock when the same is required by the preceding section to be paid, the directors of such bank may sell the stock of such delinquent stockholder at public sale, having first given the delinquent stockholder twenty days' notice, personally or by mail, at his last known address. If no bidder can be found who will pay for such stock the amount due thereon, with costs incurred, the amount previously paid shall be for-

feited to the bank, and such bank stock shall be sold as the directors may order, within six months from the time of such forfeiture, and if not sold, it shall be cancelled and deducted from the capital of the bank. If sold before cancellation, any surplus over the amount due on such stock to said bank, less all costs incurred thereon, with interest for the time delinquent, shall be returned to the original stockholder, his heirs or assigns. If such cancellation shall reduce the capital of the bank below the minimum required by this act, the said capital shall, within thirty days thereafter, be increased to the required amount by original subscription, in default of which, a receiver may be applied for by the State Examiner, to close up the business of the bank.

SEC. 14. When articles of incorporation are filed with the State Examiner as provided by this act, and the bank transmitting the same notifies the State Examiner that at least fifty per cent of its capital stock has been paid in, and that such bank has complied with the conditions of this act, as required before the bank shall be authorized to commence business, the examiner shall examine into the condition of such bank, and if upon such examination, it appears that such bank is lawfully entitled to commence business, he shall within thirty days after receiving such notice, give to such bank a certificate under his hand and official seal, that it has complied with all the provisions of the law, and is duly authorized to transact business: *Provided, however,* That no foreign bank, or branch bank, except foreign banks now doing business in the State of Washington, shall do a banking business in the State until he or they shall have furnished to the State Examiner evidence satisfactory to him that such foreign bank, or branch bank, has invested in such foreign banks or branch banks an amount of capital equal to that required of corporations engaged in similar business, and shall have received from such Examiner a certificate authorizing him or them to do business as required in sections 8 and 12 of this act for corporations.

Bank may commence business, when.

Foreign banks.

Transfer
of shares.

SEC. 15. The shares of stock of such incorporated bank shall be deemed personal property, and shall be transferred on the books of the bank in such manner as the by-laws thereof shall direct. No bank shall be the purchaser of its own capital stock, or accept its capital stock, or any part of it, as security for loans.

Stock book.

SEC. 16. A book shall be provided and kept by every bank in which shall be entered the name and residence of the stockholders thereof, the number of shares held by each, the time when such person became a stockholder, and also all transfers of stock, stating the time when made, the number of shares, and by whom transferred. In all actions, suits and proceedings, said book shall be presumptive evidence of the facts therein stated.

Amendment
of articles of
incorporation.

SEC. 17. Any bank may amend its articles of incorporation, in any manner not inconsistent with the provisions of this act, by a vote of its stockholders representing two-thirds of the capital, at a regular meeting, or a special meeting duly called for that purpose. A certificate of the fact and terms of the amendment shall be executed by a majority of the directors, and filed as required for articles of incorporation, but no increase of capital stock shall be valid, until the amount thereof shall have been subscribed and actually paid in, and no reduction of the capital stock shall be made to an amount less than is required in section 8, for capital, nor be valid, nor warrant the cancellation of stock certificates, nor diminish the personal liability of the stockholders, until such reduction has been approved by the State Examiner.

Liability
of stock-
holders.

SEC. 18. The stockholders of every bank shall be individually liable, equally and ratably, and not one for another, for the benefit of the creditors of such bank, to the amount of their stock at par value thereof, in addition to the stock held by them; but persons holding stock as executors, administrators, guardians or trustees if such relation of trust shall appear in the stock certificate and on the books of the bank, or as collateral security or in pledge, shall not be personally liable as stockholders, but the assets and funds in the hands of such trustee constituting

the trust, shall be liable to the same extent as the testator, intestate, ward or person interested in such funds would be if living or competent to act, and the person pledging such stock shall be deemed a stockholder, and liable under this section. Such liability may be enforced by an action at law or suit in equity by any such bank in process of liquidation, or by any receiver or other person succeeding to the legal rights of such bank.

SEC. 19. The affairs of every such bank shall be managed by not less than three directors, who shall be elected by the stockholders, and hold office for one year, and until their successors are elected and have qualified. A majority of the board of directors shall constitute a quorum for the transaction of business. In the first instance the directors shall be elected at a meeting held before the bank is authorized to do business by the State Examiner, and afterwards at the annual meeting of the stockholders to be held on the second Tuesday in January in each year. If for any cause no election is held at that time, it may be held at an adjourned meeting, or at a subsequent meeting called for that purpose, of which due notice shall be given, as may be provided in the by-laws of such bank. At all the meetings of the stockholders, each share shall be entitled to one vote, and any stockholder may vote by proxy in writing signed by him. Every director must be the owner in his own right of at least five shares of stock. He shall take and subscribe an oath that he will faithfully and diligently perform the duties of such office, and will not knowingly violate or permit to be violated, any provisions of this act. Such oath shall be transmitted to the State Examiner, and filed in his office. Vacancies in the board of directors shall be filled by the board, and directors so appointed shall hold office until the next election, and until their successors shall have been elected and qualified.

Directors.

Oath.

Vacancies
in board—
how filled.

SEC. 20. The directors of any bank transacting business in this State may declare a dividend of so much of the net profits of the bank, after providing for all expenses, interest and taxes accrued, or due from such bank, as they shall judge expedient, but before any such dividend is

Dividends.

declared, not less than one-tenth of the net profits of the bank for the preceding half year, or for such period as is covered by the dividend, shall be carried to a surplus, until such surplus shall amount to twenty per cent. of its capital stock.

Banks may hold real estate, when.

SEC. 21. Any bank transacting business in this State, so far as not prohibited by the constitution of this State, may purchase, hold and convey real estate for the following purposes and no other:

1. Such as shall be necessary for the convenient transaction of its business, including with its banking offices, other apartments in the same building to rent as a source of income.

2. Such as shall be purchased by or conveyed to it in satisfaction, or on account of, debts previously contracted in the course of its business.

3. Such as it shall purchase at sale under judgments, decrees, liens, or mortgage foreclosures, against securities held by it: *Providing*, That no such real estate, except that used in the transaction of its business, shall be carried as an asset on the books of the bank for a longer period than three years from the date of its purchase.

Receiving deposits when insolvent.

SEC. 22. The owners or officers of any bank who shall fraudulently receive any deposit, knowing that such bank is insolvent, shall be deemed guilty of a felony, and punished upon conviction thereof, by a fine not exceeding one thousand dollars, or imprisoned in the State Penitentiary not exceeding ten years, or both such fine and imprisonment, at the discretion of the court.

Penalty.

Re-organization as national bank—liabilities.

SEC. 23. Any state bank re-organized under the laws of the United States as a national bank, as soon as it shall have obtained a certificate from the Comptroller of the Currency authorizing it to commence business, under the United States banking laws, shall retain and hold all the assets, real and personal, which it acquired during its existence under this act, and shall hold the same subject to all existing liabilities against said bank at the time of its re-organization.

SEC. 24. Whenever any bank existing under the laws of the United States is authorized to dissolve, and shall have taken the necessary steps to effect dissolution, it shall be lawful for a majority of the directors of such bank, upon the authority, in writing, of the owners of three-fourths of its capital stock, with the approval of the State Examiner, to execute articles of incorporation, as provided in this act, which articles, in addition to the requirements above, shall set forth the authority derived from the stockholders of such dissolved national bank, and upon filing the same as hereinbefore provided for the organization of banks, the same shall become a bank under the laws of this State, and thereupon all assets of such dissolved national bank shall by act of law be vested and become the property of such State bank subject to all liabilities of such national bank not liquidated under the laws of the United States before such re-organization.

Reorgani-
zation of
national
banks
under act.

SEC. 25. Every transfer of its property or assets made by any bank in this State, after it shall have become insolvent, within the spirit of this act, with a view to the preference of one creditor over another, or to prevent the equal distribution of its property and assets among its creditors, shall be void.

Fraudulent
conveyances
void.

SEC. 26. No owner, officer, agent, clerk or employe of any bank shall certify a check unless the amount thereof actually stands to the credit of the drawer on the books of the bank, and any person who shall wilfully violate this provision, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding one thousand dollars. Any such check so certified by a duly authorized person shall be a good and valid obligation of the bank in the hands of an innocent holder.

Checks
shall not
be certified
unless
drawer has
funds.

SEC. 27. Any bank which shall designate its business as that of a savings bank shall have power to carry on the business of banking as prescribed and limited in this act, and may receive money on savings deposits, and such deposits shall be repaid to the depositor or his lawful representative, when required, at such time or times, and with such interest, as the regulations of the bank from time

Savings
banks.

to time prescribe. A pass-book shall be issued to each savings depositor, containing the rules and regulations prescribed by the bank governing such deposits, in which shall be entered each deposit made by and each payment to such depositor. And no payment made to such depositor, and no payment or check against any such savings account, shall be made, unless accompanied by and entered in the pass-book issued therefor, except for good cause and assurance, satisfactory, to the bank officers; but nothing in this section shall prevent savings banks from issuing time certificates of deposit or certificates of deposit specifically issued subject to the rules and regulations governing savings deposits.

Separate books to be kept, when.

SEC. 28. Any bank combining the business of a commercial bank and a savings bank shall keep with the respective depositors separate books of account for each kind of business.

Deposits by persons under disabilities—payment.

SEC. 29. Where any deposit is made in any bank in his or her own name by any minor, married woman, or other person under disability such bank may pay such money on a check or order of such person, the same as in other cases, and such payments shall be in all respects valid in law.

Use of names prohibited.

SEC. 30. No person or persons, association or body corporate, except banks, or trust companies incorporated under the laws of the United States, or the laws of the State of Washington, and existing foreign banks now doing business in the State of Washington, shall advertise or put forth a sign having thereon any of the following words: "Bank," "banking company," "trust" or "savings," or any other artificial or corporate name, or other words indicating that such person, persons, association or body corporate is a bank trust company, or savings bank, or shall in any way solicit or receive deposits as an incorporated bank. Every person, association, or body corporate, violating the provisions of this act, shall be fined not more than one thousand dollars (\$1,000). This act shall not prohibit firms or individuals doing business as private bankers or brokers under their own name or names, nor

Penalty.

prohibit them from soliciting or receiving deposits as such; providing that such private banks shall use the words "private bank" on all signs and stationery.

Private banks.

SEC. 31. Nothing in this act shall be construed to affect the legality of investments heretofore made, or of transactions heretofore had, pursuant to any provisions in force when such investments were made or transactions had.

Act shall not affect past transactions.

SEC. 32. No officer or employe of any corporation transacting a banking business in this State shall be permitted to loan to himself any of the funds of the bank upon his own note or obligation, without first having obtained the approval of a majority of the board of directors of the bank, and the approval, if obtained, shall be made a part of its records. And if the directors of any bank shall knowingly permit any of its officers, directors, or employes of such bank to borrow its funds in an excessive and dishonest manner, every director who participated in and assented to the same, shall be held liable in his personal and individual capacity for all damages which the corporation, its shareholders, or any other person shall have sustained in consequence of such violation.

Loans to officers—directors must approve.

Liability of directors.

SEC. 33. Every bank doing business under this act shall have on hand at all times, in available funds, not less than twenty per cent. of its demand liabilities; such sums may consist of balances due it from good, solvent banks located at commercial centers, and at such other points as the State Examiner may approve; and actual cash or checks on solvent banks located in the same city.

Banks shall keep funds on hand.

STATE EXAMINER.

SEC. 34. The State Examiner shall receive a salary of thirty-six hundred dollars a year, and the deputy State Examiner shall receive a salary of two thousand four hundred dollars a year; and the State Examiner shall be allowed an additional sum of three thousand six hundred dollars a year, or so much thereof as may be necessary, for clerical assistance in his office and traveling expenses; detailed vouchers for all of which shall be filed with his report.

Compensation and expenses.

Seal of
examiner.

SEC. 35. The State Examiner, with the approval of the Governor, shall devise a seal with a suitable inscription, for his office, a description of which, with a certificate of approval by the Governor, shall be filed in the office of the Secretary of State, with an impression thereof, which shall thereupon be and become the seal of office of the State Examiner. Every certificate, assignment and conveyance, executed by the said State Examiner in pursuance of the authority conferred upon him by law, and sealed with the seal of his office, shall be received as evidence and recorded in the proper recording offices, in the same manner and with like effect as a deed regularly acknowledged as required by law, and all copies of papers in the office of said Examiner, certified by him and authenticated by his seal, shall be received in evidence equally and in like manner as the originals.

Instruments
shall bear
seal.

Banks
shall report
to examiner.

SEC. 36. Every bank shall make at least three reports each year to the State Examiner on days designated by the Comptroller of the Currency, on which national banks shall make reports, according to forms to be prescribed by him, verified by the president, manager or cashier, and by two directors, which shall exhibit in detail, and under appropriate heads, the resources and liabilities of the bank, and shall be transmitted to the State Examiner within ten days of the receipt of a request therefor from him. And such report in condensed form shall be published once in a newspaper of general circulation published in the place where the bank is located, or if there be no newspaper published in such place, then in some newspaper published in the same county. Proof of publication shall be transmitted to the State Examiner, within twenty days from the day fixed for such report. The State Examiner shall also have power to call for special reports from any bank whenever in his judgment the same is necessary, in order to obtain a full knowledge of its conditions.

Publication
of report.

Penalty for
failure to
report.

SEC. 37. Every bank which fails to make, transmit and publish any report required under the preceding section shall be subject to a penalty of ten dollars (\$10.00) per

day for each day's delay after the period specified in said section.

SEC. 38. The State Examiner shall receive and place on file in his office the reports required to be made by banks under this act, prepare and furnish to all such banks the blank forms for such statements or reports as may be by this act required of them; make on or before the first day of February of each year, a report for the preceding year to the Governor of this State showing:

Annual report of examiner.

1. A summary of the conditions of the banks subject to his control at the date of their last report.

2. A list of banks which have been organized or closed during the year.

3. The amount of money collected and expended by him.

It shall be his duty to publish annually at the expense of the State, in pamphlet form at least five hundred copies of such report, and he shall furnish a copy of same free to each bank doing business under the provisions of this act, and shall furnish copies to any applicant upon payment of actual cost of printing thereof.

SEC. 39. It shall be the duty of the State Examiner, or his deputy, without previous notice to visit each and every bank doing business in this State, except national banks, at least once in each year and oftener if necessary, for the purpose of making a full and careful investigation and inquiry into the condition of affairs of such bank, and for that purpose the Examiner or deputy is hereby authorized and empowered to administer oaths and to examine under oath the owners and directors and all officers and employes and agents of such bank; and any wilfull false swearing in any such examination shall be deemed perjury and punished as such.

Examination of banks.

SEC. 40. The State Examiner shall collect from each bank for each complete examination of its condition, fifteen dollars (\$15.00) for each examination, and in addition thereto, one two-hundredths per cent. (1-200 p. c.) on all deposits, including those of banks and certificates of deposit at the time of the examination of the bank, but in

Fee for examination.

no case must the charge be more than two hundred dollars. All money collected under the provisions of this section shall be paid into the State's general fund: *Provided, however,* That no bank shall be required to pay for more than one examination in any one year.

Impairment
of capital.

SEC. 41. Whenever it shall appear from any report of any bank, or whenever the examiner shall have reason to believe that the capital of such bank is reduced by impairment or otherwise below the amount required by this act, or by its certificate or articles of incorporation, it shall be the duty of the Examiner to require such bank to make good the deficiency so appearing, or to reduce its capital in accordance with the provisions of section 17 of this act; and to give effect to such requisition he shall have the power to examine or cause to be examined any such bank, to ascertain the amount of any such impairment of capital, and whether his requirements have been complied with. And if such bank shall neglect for three months to comply with such requirements, the same shall be cause for the proceedings provided for in section 42 of this act.

Violation
of act.

SEC. 42. If the State Examiner, upon examination of the affairs of any bank governed by this act, shall find that such bank has been guilty of violating its charter or the provisions of this act, or is conducting its business in an unsafe manner, he shall, by an order addressed to the bank so offending, direct discontinuance of such illegal or unsafe practices, and if such bank shall refuse or neglect to comply with such order within a period of thirty days, he may immediately apply to the superior court of the county in which such bank has its principal place of business, for the appointment of a receiver of such bank, who, if he be appointed, shall proceed to administer the assets of the bank in accordance with law.

Appoint-
ment of
receiver.

Banks
under con-
trol of ex-
aminer.

SEC. 43. Any bank doing business under this act may place its affairs and assets under the control of the State Examiner by posting a notice on its front door as follows:

"This bank is in the hands of the State Examiner."
The posting of such notice, or the taking possession of

any bank by the State Examiner, shall be sufficient to place all its assets and property of whatever nature in the possession of the State Examiner, and shall operate as a bar to any attachment proceedings.

SEC. 44. If upon examination made by the Examiner or his deputy, or from any report made to the Examiner, it shall appear that any bank is insolvent, it shall be the duty of the Examiner to immediately take charge of such bank and all the property and effects thereof. Upon taking charge of any bank, the Examiner shall as soon as possible, ascertain by a thorough examination into its affairs, its actual condition, and whenever he shall become satisfied that such bank cannot resume business, or liquidate its indebtedness to the satisfaction of all its creditors, he shall report the fact of its insolvency to the Attorney General, who shall immediately upon receipt of such notice, institute proper proceedings in the proper court for the purpose of having a receiver appointed to take charge of such bank, and to wind up the affairs and business thereof for the benefit of its depositors, creditors and stockholders. The State Examiner may appoint a special deputy State Examiner to take charge of the affairs of an insolvent bank temporarily, until a receiver is appointed; such deputy shall qualify, give bond and receive compensation the same as a regular deputy; such compensation to be paid by such bank or allowed by the court in costs in the case of appointment of a receiver: *Provided*, That in no case shall any bank continue in charge of such special deputy for a longer period than ninety days: *Provided further*, That after a bank has been taken charge of by the State Examiner or a deputy, if it be ascertained upon examination, to the satisfaction of the Examiner, that the said bank is solvent, he may permit the same to be reopened, and it shall in that event repossess the officers of such bank with all of its funds and assets, after deducting therefrom the necessary expense incident to the charge and control thereof while in the hands of the Examiner.

SEC. 45. Receivers provided for in this act shall receive such compensation as shall be allowed by the court,

Examiner to take charge of banks, when.

Receivers.

Compensation of receivers.

but in no event to exceed the fees allowed executors and administrators in the administration of estates.

Examiner
to keep
record of
fees col-
lected.

SEC. 46. It shall be the duty of the State Examiner to keep a record of all fees collected by him or his deputy, together with a record of the expense incurred in making the examinations of all banks, and pay to the State Treasurer at the times and in the manner prescribed by law, all fees collected, together with all funds received by him officially from whatsoever source, and he shall file with the State Treasurer, quarterly, an itemized statement showing from whom collected.

Examiner
shall keep
records.

SEC. 47. The State Examiner shall keep proper books of record of all acts, matters and things done by him under the provisions of this act, as records of his office. Neither he nor his clerks shall disclose any fact or information obtained in the course of the business of the department, except so far as this act makes it their duty to make public records and publish the same, and any violation of this prohibition shall subject the offender to prosecution for misdemeanor in any court of competent jurisdiction, and to punishment by fine not exceeding one thousand dollars, with imprisonment in the county jail until the same is paid; and such conviction shall subject the offender to a forfeiture of his office or employment.

Distribution
of assets.

SEC. 48. In distributing the assets of any bank for which a receiver has been appointed under the provisions of this act, the claims of depositors shall be given preference over all other claims except claims for labor: *Provided*, That this section shall not be so construed as to impair the rights of secured creditors.

Attorney
General to
conduct
suits.

SEC. 49. The Attorney General of the State shall conduct all actions, suits or proceedings begun by the State Examiner under the authority of this act.

Auditor—
duties of
devolve
upon ex-
aminer.

SEC. 50. That all duties now required to be performed by and all responsibilities now imposed upon the Auditor of this State, under the laws regulating the business of banking shall hereafter be performed by the State Examiner, and all reports and documents now on file in the State Auditor's office pertaining to banks now in existence are

hereby transferred to the custody of the Bank Examiner. That all duties now required to be performed by and all responsibilities now imposed upon the Secretary of State under chapter 176 of the Laws of 1903, relating to the inspection and supervision of trust companies, shall hereafter be performed by the State Examiner, and all reports and documents now in existence are hereby transferred to the custody of the Bank Examiner.

Examiner shall inspect trust companies.

SEC. 51. There is hereby appropriated out of any moneys in the treasury not otherwise appropriated, the sum of twenty thousand dollars (\$20,000) or so much thereof as may be necessary, for the salary of a State Examiner and deputy, and the expenses of his office for the ensuing two years.

Appropriation \$20,000.

SEC. 52. All acts and parts of acts regulating the organization and management of banks inconsistent with this act are hereby repealed; but nothing herein shall be held to repeal any law regulating trust companies, foreign banks and foreign bankers doing business in this State.

Repeal.

SEC. 53. Any person or persons who shall wilfully and knowingly subscribe to or make or cause to be made any false statement or false entry in the books of any bank or corporation transacting a banking business or shall knowingly subscribe to or exhibit false or fictitious papers or securities with the intent to deceive any person or persons authorized to examine into the affairs of said bank or corporation, or shall make, state or publish any false statement of the amount of the assets or liabilities of any such bank or corporation, shall be deemed guilty of a felony and upon conviction thereof shall be imprisoned in the State Penitentiary not less than one year nor more than ten years.

False entries—penalty for making.

Passed the House February 26th, 1907.

Passed the Senate March 11th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 226.

[H. B. 239.]

AMENDING ACT PROVIDING FOR THE REGULATION OF
RAILROADS AND EXPRESS COMPANIES.

AN ACT relating to railroads and express companies and providing for the regulation thereof, and amending sections 2, 3, 4, 6, 12, 13, 15, 20, and 22 of an act entitled "An act to establish a Railroad Commission for the State of Washington, whereby discrimination and extortion in railroad and express charges may be prevented and reasonable and just freight and passenger service and tariff may be corrected and established; to authorize the commission to make all necessary rules and regulations for its government and the carrying into effect the provisions of this act; to give to said commission the power to regulate the sale of railroad tickets, and to correct and provide charges for hauling loaded or empty cars, proper trackage, proper train service, sufficient freight and passenger rooms, and just and reasonable joint rates and demurrals charges; to prescribe penalties for the violation of this act, and to provide means and rules for its proper enforcement, and making an appropriation therefor," approved March 7, 1905, being chapter 81 of the Laws of the Legislature of the State of Washington passed in the year 1905; and to authorize the commission to provide for proper railroad connections and sidings, to provide proper and reasonable charges or penalties to be paid by shippers for failure to promptly load and unload cars; to provide proper and reasonable charges or penalties to be paid by railroads to shippers for failure to promptly furnish cars and equipment after demand therefor, or to promptly and expeditiously deliver cars and freight to the consignee, and to make all necessary rules and regulations to carry such provisions into effect; to authorize and empower said commission to ascertain the value of all railroad property used in this state for the public convenience; to authorize the commission to make findings thereon and establishing rules of evidence governing the same; to authorize said commission to designate certain books and accounts to be kept by the railroad and express companies doing business in this state; providing for safety appliances and track inspection; authorizing said commission to investigate accidents; and to provide penalties for the violation of this act, and declaring an emergency.

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

SECTION 1. That section 2 of chapter 81 Session Laws of 1905 be and the same is hereby amended to read as follows: Sec. 2. The Commission appointed shall meet at

the State Capitol and organize. A majority of said Commissioners shall constitute a quorum to transact business. Said Commission may appoint a secretary at a salary of not more than two thousand dollars per annum, an expert rate clerk and statistician at a salary not to exceed two thousand dollars per annum, a civil engineer at a salary of not to exceed two thousand dollars per annum, and a stenographer competent to report hearings at a salary of not to exceed fifteen hundred dollars per annum, and may appoint such clerks as may be necessary, not to exceed three in number, at a salary of not to exceed twelve hundred dollars per annum each, and such other persons as experts as may be necessary to perform the duties that may be required of them by this act. The secretary shall keep full and correct minutes of all transactions and proceedings of said Commission, and perform such duties as may be required by the Commission. The Commission shall have power to make all needful rules for their government and proceedings. They shall be known collectively as "The Railroad Commission of Washington," and shall adopt and use an official seal. They shall be furnished with an office at the State Capitol, and with necessary furniture, stationery and supplies, to be paid for on the order of the Governor. The Commissioners shall reside at the State Capital. The Commissioners, secretary and clerks, if any, shall be entitled to receive from the State their actual necessary traveling expenses while traveling on the business of the Commission, to be paid upon the presentation to the State Auditor of an itemized statement thereof, with vouchers attached sworn to by the party who incurred the expense and approved by the Commission. (a) Said Commission may hold sessions at any place in this State when deemed necessary to facilitate the discharge of their duties.

Quorum.

Secretary and other clerical assistance.

Minutes.

Official name and seal.

Traveling expenses.

Sessions.

SEC. 2. Section 3 of said act shall be amended to read as follows: Sec. 3. That the freight and passenger tariffs, charges for transportation of loaded or empty cars, whether said freight or cars be transported over one line of railroad or over two or more lines of railroad, charges

Rates and charges shall be reasonable.

for demurrage and reciprocal demurrage, as hereinafter defined, trackage, railroad connections, sidings, equipment, facilities, train service, waiting rooms for passengers and rooms for freight and baggage at all stations of railroads, and charges for each kind and class of property, money, papers, packages and all other things to be charged for and received by each express company, on all such property, money, papers, packages and things which by the contract to carry are to be transported by said express company, to be demanded, collected, enforced or performed by railroad or express companies shall be just, fair, reasonable and sufficient; and the said Railroad Commission of Washington is hereby vested with power and authority, upon complaint made as hereinafter provided or by enquiry upon their own motion, after a full hearing, to make any finding declaring any existing rate or absence of rate, joint or otherwise, for the transportation of persons or property, or any regulation whatsoever affecting said rate or charge for transportation of loaded or empty cars, whether the said rate charged be over one line of railroad or over two or more lines of railroad, or demurrage or reciprocal demurrage or the sufficiency of the trackage, railroad connections, siding, equipment, facilities, train service, and waiting rooms for passengers and rooms for freight and baggage to be unreasonable, or unjustly discriminatory, or insufficient, and to declare and order what shall be a just and reasonable rate, joint or otherwise, practice, rule, regulation or thing to be charged, imposed enforced or performed or followed in the future in the place of that found to be unreasonable, or unjustly discriminatory or insufficient, and to order that additional trackage or sidings be constructed, and to order that additional equipment and facilities for the movement of passengers and freight be furnished, and that railroad connections be made or to make any finding declaring any existing rate for the transportation of persons or property, or any classification which has been the subject of inquiry, after notice duly given, to be sufficiently remunerative to the railroad company, or to be reasonable, proper

Power of
commis-
sion.

and sufficient, and to order that the same be not changed, altered, abrogated or discontinued, either by changing the rate or classification, without first obtaining the consent of the Commission authorizing such change to be made, and the order of the Commission shall of its own force take effect and become operative twenty days after notice thereof has been given to the railroad or express company affected thereby; which said order shall be served on railroad and express companies by delivery of a certified copy thereof under the seal of the Commission, either to the attorney for the railroad or express company, or the said company itself. Service of said order upon any officer upon whom summons in civil actions might be served shall be a sufficient service thereof. And any railroad or express company affected by the order of the Commission and deeming it to be contrary to the law, may institute proceedings in the superior court of the State of Washington in the county in which the hearing before the Commission upon the complaint had been held, and have such order reviewed and its reasonableness and lawfulness inquired into and determined. Pending such review, if the court having jurisdiction shall be of the opinion that the order or requirement of the Commission is unreasonable, or unlawful, it may suspend the same until the further order of the court pending such litigation, in which event the court shall require a bond of good and sufficient security conditioned that the carrier or carriers petitioning for such review shall answer for all damages caused by the delay in the enforcement of the order of the Commission, and all compensation for whatever sums for transportation service any person or corporation shall be compelled to pay pending the review proceedings, in excess of the sums such person or corporation would have been compelled to pay if the order of said Commission had not been suspended. Said action of review shall be taken by the said railroad or express company within twenty days after notice of said order, and if said action of review is not taken within said time, then in all litigation thereafter arising between the State of Washington and said railroad or express company,

Service of
order.

proceedings.

Bond.

Action to be
brought,
when.

or private parties and said railroad or express company, the said order shall be deemed final and conclusive. If, however, said action in review is instituted within said time, the said railroad or express company shall have the right of appeal or to prosecute by other appropriate proceedings, from the judgment of the superior court to the Supreme Court of the State of Washington, as in civil actions. In all such proceedings, however, bonds shall be required conditioned as hereinbefore provided in addition to the usual appeal bond. The action in review of such order, whether by writ of review or appeal, or otherwise, shall be heard by the court without intervention of a jury and shall be heard and determined upon the evidence and exhibits introduced before the Commission and certified to by it. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

Amendment
of order
fixing rate.

(a) The Commission may at any time, upon notice to the railroad and after opportunity to be heard as provided in section 6 of the act creating the Railroad Commission, rescind, alter or amend any order fixing any rate or rates, fares, charges or classifications, or any other order made by the Commission; and certified copies of the same shall be served and take effect as in said act provided for original orders.

Rehearing
on order.

(b) In case any order of the Commission made as herein provided shall not be appealed from, or reviewed within the time herein provided, any railroad or other person or corporation affected or aggrieved by any order of the Commission, and being dissatisfied with any order of the Commission fixing any rate or rates, joint or otherwise, or fixing a division of any joint rate, or being dissatisfied with any fares, charges, classification, or any order fixing any regulation, practice or service, may, after the expiration of six months after the taking effect of such order, petition the Commission for a rehearing upon the matters involved in such order setting forth in such petition the grounds and reasons for such rehearing, which grounds and reasons may comprise and consist of changed conditions since the promulgation of such order, or by

showing a result from the effect of such order injuriously affecting the petitioner which was not considered or anticipated at the time of the former hearing, or for any good and sufficient cause which for any reason was not considered and determined in such former hearing. Upon the filing of such petition proceedings shall be had thereon as are provided in this act for other hearings, and appeals may be prosecuted the same as provided for other orders of the Commission: *Provided, however,* That no injunction or restraining order shall issue staying any order of the Commission based on or by reason of such petition for rehearing, and no order of the Commission made on such rehearing shall affect any right of action or penalty accruing under such original order, unless so ordered by the Commission.

SEC. 3. Section 4 of said act shall be amended to read as follows: Sec. 4. That when the rate, fare or charge substituted or established by the Commission, as hereinbefore provided, shall be a joint rate, and the railroad or express companies parties thereto, fail to agree upon the apportionment or division thereof among themselves within 10 days after notice of such order, the Commission may issue a supplemental order, declaring the portion of such joint rate to be received by each railroad or express company party thereto, which shall take effect of its own force as part of the original order, and such supplemental orders shall be subject to review by the said superior court within the time and in the manner hereinbefore provided for the review of original orders of the Commission. Joint rates.

SEC. 4. Section 6 of said act shall be amended to read as follows: Sec. 6. When complaint is made to the Commission in writing by any person, firm, corporation, chamber of commerce, board of trade, or any commercial, mercantile, agricultural, or manufacturing society, or any body politic or municipal corporation in this State that any freight or passenger tariff rate or charge, or absence of tariff rate or charge, joint or otherwise, for the transportation of passengers or loaded or empty cars, whether the same be over the line of one railroad company or over Complaints as to charges or rates.

the lines of two or more railroad companies, or trackage, railroad connections, sidings, or charge for the storing and handling of freight, rates of charge for all kinds or classes of property, money, packages, papers, or other things to be charged for and received by each railroad or express company, which by the contract of carriage are to be transported by said railroad or express company between points within this State, is unreasonable or unjustly discriminatory, or that any train service of railroads, whether freight or passenger, or the amount of trackage, or waiting rooms for passengers, or rooms for freight or baggage at any station, or that cars of same are insufficient or improper, the Commission shall thereupon give to the railroad or express company to be affected thereby, thirty days written notice of the time and place when and where such complaint will be heard, and said railroad or express company shall be entitled to be heard at such time and place, to the end that justice may be done, and the Commission shall issue process to enforce the attendance of all necessary witnesses. All process herein provided for shall be served as in civil cases; issues shall be made up without delay as nearly as practicable as in civil cases; such complaint shall be instituted in the name of the Commission, and all railroads, express companies, and carriers interested, shall be made parties to the hearing, and on such hearing all complaints made concerning any rates or absence of rates, joint or otherwise, charges, tolls, sufficiency of train service, trackage, railway connections, sidings, equipment, or facilities, rules and regulations, or other matters upon which complaints may be founded, may be joined in the one hearing, and no motion shall be entertained against such complaint for misjoinder of complaints or grievances, or misjoinder of parties; it being the intention of this act to authorize said Commission to enquire into all grievances whereof complaint may have been made, or by inquiry upon its own motion at one hearing, and by one order and judgment, decide and adjust the same, and in any review in the courts of the orders of the Commission, the same rule shall apply and pertain with regard to

Process—
how served,
etc.

Hearings.

the joinder of complaints, and parties, as herein provided: *Provided*, All grievances to be inquired into whether by complaint made to the Commission or by inquiry upon its own motion, shall be set out in the complaint, which shall be served upon the railroad, or express company, together with notice of the time and place of hearing.

(a) The Commission is hereby authorized and empowered to adopt, promulgate, and issue rules and regulations governing the bulletining of trains, showing the time of arrival and departure of all trains, and the probable time of arrival of delayed trains; the conditions and limitations to be contained in and become a part of contracts for transportation of freight and passengers and express packages; the hours which station and waiting rooms shall be kept open, rules governing demurrage and reciprocal demurrage charges, and generally such rules as pertain to the comfort and convenience of the public. Such rules and regulations shall be promulgated and issued by the Commission on its own motion, and shall be served on the railroad companies affected thereby as other orders of the Commission are served. Any railroad company affected thereby and deeming such rules and regulations improper, unjust, or contrary to law, may within twenty days from the date of such service of such order upon it file objections thereto with the Commission, specifying the particular grounds of such objection. The Commission shall, upon receipt of such objections, fix a time and place for hearing the same, and after a full hearing may make such changes or modifications thereto as the evidence may justify. The Commission shall have power to adopt rules to govern its proceedings, and to regulate the mode and manner of all investigations and hearings: *Provided*, No person desiring to be present at any such hearing shall be denied admission.

Powers
of Com-
mission.

(b) The chairman, and each of the Commissioners, for the purposes mentioned in this act, shall have power to administer oaths, certify to all official acts, and to issue subpoena for the attendance of witnesses, and the production of papers, waybills, books, accounts, documents and

Witnesses.

Compelling
attendance.

testimony. The superior court of the county in which any proceeding under this act may be instituted, shall have power to compel the attendance of witnesses, and the production of papers, way bills, books, accounts, documents and testimony as required by said subpoena. The said Commission before which the testimony is to be given or produced, in case of the refusal of any witness to attend, or testify, or produce any papers required by the subpoena, shall report to the superior court in and for the county in which the proceeding is pending by petition, that due notice has been given of the time and place of attendance of said witnesses, or the production of said papers, and that the witness has been summoned in the manner provided in this act, and that the fees and mileage of the witness has been paid or tendered to the witness for his attendance and testimony, and that the witness has failed or refused to attend or produce the papers required by the subpoena, before said Commission, in the cause or proceeding named in the notice and subpoena, and ask an order of the said court, compelling the witness to attend and testify before the said Commission. The court upon the petition of the Commission shall enter an order directing the witness to appear before the said court at a time and place to be fixed by the court in such order, and then and there show cause why he has not responded to said subpoena. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by said Commission, the court shall thereupon enter an order that said witness appear before said Commission at said time and place as fixed in said order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. In all proceedings before the Commission the Commissioners shall have the right in their discretion, to limit the number of witnesses testifying upon any subject or proceeding to be inquired of before the Commission.

Appeals.

(c) In case the decision or order of the Commission concerning any freight or passenger traiff, rate or charge

for the transportation of loaded or empty cars, whether the same be over the line of one railroad company or over the lines of two or more railroad companies, or for demurrage or reciprocal demurrage or charge for the storing or handling of freight, rates of charge for any kind or class of property, money, packages, papers or other things to be charged for or received by any railroad or express company inquired into by the Commission on the written complaint of any person or number of persons shall be unsatisfactory to any of the persons so making written complaint, upon any matter embraced in such written complaint, such dissatisfied party shall have the right to appeal from the order of the Commission to the superior court of the State of Washington in the county in which the hearing before the Commissioners had been held. Said appeal shall be taken by serving on the Commission or filing with it a notice of appeal specifying the order or portion of the order appealed from within twenty days from the rendition of such decision and the execution and filing within said time of a bond in the sum of one hundred dollars conditioned to pay the costs of such appeal, which bond shall go to the State of Washington. Upon receipt of such notice and bond the Commission shall notify all persons interested in the subject-matter of said appeal being taken. On said appeal the order or portion of order appealed from shall be tried by the superior court without the intervention of the jury and shall be heard and determined upon the evidence and exhibits introduced before the Commission and certified to by it, and the said court shall render such decision concerning the matter complained of as the justice of the case may require.

SEC. 5. Section 12 of said act shall be amended to read as follows: Sec. 12. The Commission shall ascertain as

Ascertainment of cost of construction, operation, etc.

early as practicable the original cost of construction and equipment, the amount expended in permanent improvements and the proportionate amount of such permanent improvements charged to construction, and to operating expenses respectively, the present as compared with the origi-

nal cost of construction, and the cost of reproducing in its present condition each mile of railway in the State. It shall also ascertain the amount and present market value of the capital stock and funded indebtedness of every railroad line operating in this State. It shall also ascertain the relative value of the use to which each railroad operating in this State is actually put in the carrying of intrastate and interstate business respectively. It shall also ascertain the total market value of the line, equipment and property of each railroad operating in this State used for the public convenience within the State. It shall also ascertain the time intervening between the expenditure of money in the cost of construction and the time when returns in the shape of dividends were first received by each of said railroads. It shall also ascertain the probable earning capacity of each railroad upon intrastate business under the rates now charged by such railroad and the sum required to meet fixed charges and operating expenses on intrastate business on each of said railroads. It shall also ascertain the relative proportion of intrastate and interstate business, the relative proportion of the operating expenses connected therewith, and the relative proportion of the revenue which should be derived therefrom. It shall also ascertain the density of intrastate traffic and the conditions which will tend to show whether such traffic is likely to continue, increase or diminish. It shall also ascertain the density of population along the line of each railroad within the State; it shall also ascertain the existence of grades, curvatures and other physical conditions affecting the movement of traffic; it shall also ascertain whether the expenditures already made in the construction and equipment of each railroad were such as were justified by the then existing conditions and such as might reasonably be expected in the immediate future; it shall also ascertain whether the money expended by each railroad is reasonable for the present needs of the company and for such as may reasonably be expected in the immediate future; it is however provided that it shall be discretionary with the Commission to ascertain the whole or any part or parts of the

matters and things above designated in this section at such time or times and in such order as to them may seem best. The Commission is hereby authorized to cause a hearing or Hearings. hearings to be held at such time or times and place or places as the Commission may designate for the purpose of ascertaining the matters and things provided for in this section. The Commission shall, before any hearing is had as to any railroad, notify the railroad concerned of the time and place of such hearing by giving at least 30 days Notice. written notice thereof, specifying that at the time and place designated a hearing will be held for the purpose of ascertaining the value of such railroad within this State, which shall be a sufficient complaint to authorize the Commission to inquire into the matters designated in this section as to such railroad. All railroads and express companies concerned shall be entitled to be heard and introduce evidence at such hearing. The evidence introduced at such hearing shall be reduced to writing and certified to by the Commission under its seal of office. The Commission shall Findings
of Com-
mission. make and render findings of fact in writing covering all matters in this section mentioned concerning which it is directed to inquire into, and shall make findings upon all matters concerning which evidence may have been introduced before it which shall tend to show the value of the property used by the railroads or express companies for the public convenience. Any railroad or express company affected by the findings, or any of them, and considering itself aggrieved by the findings of the Commission, or believing such findings, or any of them, to be contrary to the law or the evidence introduced, or that such findings are unfair, unwarranted or unjust, may institute proceedings in the superior court of the State of Washington in the county in which said hearing has been held, or, if held in more than one county, then in the county in which said Review. hearing was commenced, and have such findings, or any of them, reviewed, and their correctness, reasonableness, and lawfulness inquired into and determined. Such review shall be heard by the court without the intervention of a jury and shall be heard upon the evidence

and exhibits taken before the Commission and certified to by it; and the court before which such hearing is had, in case it finds any such findings so sought to be reviewed unjust, incorrect, unreasonable, unlawful or not supported by the evidence, shall make new and correct findings to take the place of such as may not be sustained, unless such findings are set aside and reversed for error on the part of the Commission in rejecting evidence properly proffered, in which case it shall remand said hearing to the Commission with instructions to receive the evidence so proffered and rejected and make findings of fact on the evidence so proffered and that already received. Said railroad or express company or the Commission shall have the right to appeal or to prosecute by other appropriate proceedings from the superior court to the Supreme Court of the State of Washington as in civil cases. In case the Supreme Court finds any findings so sought to be reviewed unjust, incorrect, unlawful or unreasonable, or not supported by the evidence, it shall either make and render proper findings or remand the same to the superior court with instructions to make proper findings on the evidence already submitted, unless the same is reversed for error in rejecting evidence properly proffered, in which case the hearing shall be remanded to the Commission with instructions to receive the evidence so proffered and make findings on the evidence so proffered and rejected and that already received. The findings of the Commission so filed, or as the same may be corrected by the courts, when properly certified under the seal of the Commission, shall be admissible in evidence in any proceeding or hearing in which the public and the railroad or express company affected thereby is interested, and such findings, when so introduced, shall be conclusive evidence of the facts stated in such finding or findings as of the date of filing under conditions then existing, and such facts can only be controverted or contradicted by showing a subsequent change in conditions bearing upon the facts therein determined. The Commission shall also ascertain the amount paid for salaries to the officers of the railroad and express companies, and the

Appeal to
Supreme
Court.

Findings,
effect of.

wages paid employes. For the purpose in this section named the Commission may employ sworn experts to inspect the books, papers, documents, contracts, reports of officers and agents, and any other documents or copies thereof, in the possession of the railroad or express companies which will tend to show the expenditure of moneys in the cost of construction and equipment or the present value of such property; said information shall be printed from time to time in the annual reports of the Commission; and all railroads now or hereafter constructed shall on demand furnish the Commission profiles of its lines in this State in such form and according to such specifications as the Commission shall direct. Any railroad hereafter constructing any line, extension or siding in this State shall file with the Commission an itemized statement showing the money expended in such construction, extension or siding in such form as the Commission may prescribe. All railroads doing business in this State shall also furnish the Commission with an itemized statement in such form as the Commission shall prescribe, showing any and all money expended by them in the purchase of equipment, and showing the cost of improvements and betterments in this State.

Commission may employ experts.

Companies shall furnish information.

SEC. 6. Section 13 shall be amended to read as follows: Sec. 13. The said Commission shall cause to be prepared suitable blanks with questions calculated to elicit all information concerning railroads and express companies, and as often as it may be necessary furnish said blanks to each railroad and express company. Any railroad or express company receiving from the Commission any such blanks shall cause said blanks to be properly filled out so as to answer fully and correctly each question therein propounded, and in case they are unable to answer any question, they shall give a satisfactory reason for their failure; and the said answers, duly sworn to by the proper officers of said company, shall be returned to said Commission at its office within thirty days from the receipt thereof. The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by the carriers subject to the provisions of this act whose

Blanks.

line or lines extend beyond the limits of this State which are operated partly within and partly without this State so that the same shall show any information required by the Commission concerning the movement of traffic, as well as the receipts and expenditures appertaining to those parts of such lines which are subject to the provisions of this act. The Commission shall at all times have access to all accounts, records, and memoranda kept by the carriers subject to this act. In case of refusal on the part of any such railroad or express company, receiver, or trustee to keep such accounts, records, and memoranda on the books and in the manner prescribed aforesaid by the Commission, or to submit such accounts, records and memoranda as are kept to the inspection of the Commission or any of its authorized agents or examiners, such railroad, express company, receiver or trustee shall forfeit to the State of Washington the sum of \$500.00 for each such offense, and for each and every day of the continuance of such offense, such penalty or forfeiture to be recoverable in the same manner as other forfeitures provided for in this act.

Failure to keep records prescribed.

Penalty.

Failure to fill out blanks.

(a) If any officer or employe of a railroad or express company shall willfully fail or refuse to fill out and return any blank as above required, or willfully refuse or fail to answer any question therein propounded, or fails to keep his books and accounts as herein provided or give a false answer to any such questions, where the fact inquired for is within his knowledge, or shall evade the answer to any such questions, such person shall be guilty of a misdemeanor and shall on conviction thereof be fined for each day he shall fail to perform such duty, after the expiration of the time a sum not to exceed five hundred dollars, and the Commission shall cause a prosecution therefor in the proper court; and a penalty of a like amount shall be recovered from the company when it appears that such person acted in obedience to its directions, permission, or request in his failure, evasion or refusal.

Penalty.

Annual report of Commission.

(b) The said Commission shall make and submit to the Governor annual reports containing a full and complete account of the transactions of their office, together with

the information gathered by such Commission as herein required, and such other facts, suggestions, and recommendations as may be by them deemed necessary, which report shall be published as the reports of the heads of departments.

(c) The said Commission shall have power, and it is hereby made its duty, to investigate all through freight rates on railroads and express companies in Washington; and when the same are, in the opinion of the Commission, excessive or levied or laid in violation of the interstate commerce law, or the rules and regulations of the interstate commission, the officials of the railroads or express companies are to be notified of the facts, and requested to reduce them or make the proper corrections as the case may be. When the rates are not changed, or the proper corrections are not made according to the request of the Commission, the latter is instructed to notify the interstate commerce commission and to apply to it for relief.

Investigation of interstate rates by Commission.

(f) The Commission may require from any railroad doing business in this State the production within this State, at such time and place as it may designate, any books, papers or accounts kept by said railroad in any office or place without the State of Washington, or certified copies in lieu thereof may be made by the Commission, or under its direction. Such demand shall be served upon the railroad in the manner that orders and complaints are served on railroads under the provisions of the act establishing the Railroad Commission. Any railroad failing or refusing to comply with any such order shall, for each day it shall without good cause so fail or refuse, forfeit and pay the State of Washington a sum of not less than one hundred dollars nor more than five hundred dollars to be recovered as other penalties are recovered under said act.

Production of books.

SEC. 7. Section 15 of said act shall be amended to read as follows: Sec. 15. If any railroad or express company subject hereto, directly or indirectly, or by any special rate, rebate, drawback or other device, shall charge, demand, collect, or receive from any person, firm or corporation, a greater or less compensation for services rendered,

Unjust discrimination.

or to be rendered by it, than it charges, demands, collects or receives from any other person, firm or corporation for doing a like and contemporaneous service, such railroad or express company shall be deemed guilty of unjust discrimination, which is hereby prohibited.

Unreasonable preference.

(a) It shall also be unjust discrimination for any such railroad or express company to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation or locality, or to subject any particular description of traffic to any undue or unreasonable prejudice, delay or disadvantage in any respect whatever.

Failure to transport passengers or freight.

(b) Every railroad or express company which shall wilfully fail or refuse under such regulations as may be prescribed by the Commission to receive and transport without delay or discrimination, the passengers, tonnage and cars, loaded or empty, of any connecting line of railroad and every railroad, which shall, under such regulations as may be prescribed by the Commission wilfully fail and refuse to transport and deliver without delay or discrimination any passengers, tonnage or cars, loaded or empty, destined to any point on or over the line of any connecting line of railroad shall be deemed guilty of unjust discrimination: *Provided*, Perishable freight of all kinds and livestock shall have precedence of shipment.

Long and short haul.

(c) It shall be unjust discrimination for any railroad or express company subject hereto to charge or receive any greater compensation in the aggregate for the transportation of like kind of property or passengers for a shorter than for a longer distance over the same line: *Provided*, That upon application to the Commission any railroad or express company may in special cases, to prevent manifest injury, be authorized by the Commission to charge less for longer than for shorter distances for transporting persons and property, and the Commission shall from time to time prescribe the extent to which such designated railroad or express company may be relieved from the operations of this provision: *Provided*, That no manifest injustice shall be imposed upon any citizen at intermediate points.

(d) Any railroad or express company violating any provisions of this section shall be deemed guilty of unjust discrimination and shall for each offense pay to the State of Washington a penalty of not less than one hundred dollars nor more than two thousand dollars.

Penalty for violation of section.

(e) Nothing herein shall prevent the carriage, storage or handling of freight free or at reduced rates for the State, or for any city, county or town government, or for charitable purposes, or to and from fairs and expositions for exhibition thereof, or the free carriage of destitute and indigent persons, or the issuance of mileage or excursion passenger tickets, nor to prevent railroads from giving free or reduced transportation to ministers of religion, or the inmates of hospitals, eleemosynary and charitable institutions, State National Guard or Militia when on official duty, and students going to and returning from institutions of learning within the State; and nothing herein shall be construed to prevent railroads from giving free transportation to any railroad officer, agents, employes, attorneys, stockholders or directors, and to employes' families, and to ex-employes in search of employment and to injured employes and their families, and the families of employes killed in railroad service: *Provided*, Such carriage may extend to employes' household goods and personal effects.

Reduced rates—State and municipalities, Charitable purposes, etc.

Employes.

(f) Upon any shipment of livestock or other property of such nature as to require the care of an attendant the railroad company may furnish to the shipper or to some person or persons designated by him free transportation for such attendant or attendants, including return passage to the point at which the shipment originated: *Provided*, There shall be no discrimination with reference thereto between such shippers, and the Commission shall have power to prescribe regulations in relation thereto.

May carry persons attending livestock.

SEC. 8. Section 20 of said act shall be amended to read as follows: Sec. 20. Upon application of any person the Commission shall furnish certified copies of any classification, rates, rules, regulations or orders established by such Commission and such printed copies, published by the authority of the Commission, with seal affixed, shall be ad-

Commission to furnish copies of rates, etc.

missible in evidence in any suit, and shall be sufficient to establish the fact that any charge, rate, rule, order or classification therein contained, and which may be in issue in the trial, is the official act of the Commission. A substantial compliance with the requirements of this act shall be sufficient to give effect to all classifications, rates, charges, rules, regulations, requirements and orders established by the Commission, and none of them shall be declared inoperative for any omission of a technical matter in the performance of such act: *Provided, however,* That when copies of any classification, rates, rules, regulations or orders not contained in the printed reports, or copies of papers, accounts or records of railroads filed with the Commission shall be demanded from the Commission for private use, the Commission is hereby authorized and directed to charge a reasonable compensation therefor from the persons to whom the same is furnished. All moneys received for such copies shall be, by the Secretary of the Commission, paid over to the State Treasurer, taking his receipt therefor.

Definitions. SEC. 9. Section 22 of said act shall be amended to read as follows: Sec. 22. The term "road," "railroad," "railroad companies," "railroad corporations," as used herein, shall be taken to mean and embrace all corporations, companies, individuals and associations of individuals, their lessees or receivers, owning or operating any railroad or part of railroad in this State: *Provided, however,* That the provisions of this act shall not apply to street railroads. "Express companies" shall mean all such corporations, companies and association of individuals, their lessees or receivers as shall do the business of express companies on any railroad in this State. "Demurrage" as used in this act shall be defined as a charge or penalty to be paid to a railroad by a shipper for delay after a reasonable time in loading a car or cars delivered to him for loading by the railroad; or to be paid by a consignee for delay on his part to unload a car or cars within a reasonable time after delivery to him. "Reciprocal demurrage," as used herein, shall be defined as a charge or penalty to

be paid the shipper by the railroad company for delay in furnishing, after a reasonable time after demand, any car or cars or facilities for shipment of freight, or for delay by the railroad company in promptly transporting and delivering to the consignee any freight received by it for delivery.

SEC. 10. There shall be added to said act to be designated as section 28 the following: Sec. 28. The Commission is hereby authorized and directed to investigate all accidents that may occur upon any railroad operating in this State resulting in loss of life to any passenger or employe. Said Commission is hereby authorized to administer oaths and examine such witnesses as it may deem necessary and proper to thoroughly ascertain the cause and for the purpose of fixing the responsibility therefor. Such examination and investigation may be made by the Commission or any one of the Commissioners, or the same may be made by its inspector of tracks and equipment, and such inspector shall have the right to administer oaths and examine witnesses in case the investigation is made by him. The Commission shall report to the Governor from time to time the result of all such investigations.

Commis-
sion to in-
vestigate
accidents.

SEC. 11. There shall be added to said act to be designated as section 29 the following: Sec. 29. Every railroad now or hereafter doing business in this State shall keep subject to the inspection of any *bona fide* shipper a book or books known as "car distributing book," which shall be kept by such officer or officers, employe or employes of such railroad, and in such manner and form as the Commission may direct, showing among other things all orders for cars received by such railroad company, the name of the person so ordering, and the time and place where such cars are required, and the time and place such cars were supplied, and such other matters and information as the Commission may prescribe. Any officer or employe designated by the Commission to keep such book or any officer or employe having control thereof who shall wilfully refuse to any *bona fide* shipper inspection of such book, when proper and reasonable demand for such inspection has been

Car distrib-
uting books.

seasonably made, shall be guilty of a misdemeanor, upon conviction thereof, and shall be fined in a sum not exceeding one hundred dollars, or imprisoned not to exceed thirty days, or shall be both fined and imprisoned, in the discretion of the court.

Appoint-
ment of
Commis-
sioners.

SEC. 12. There shall be added to said act to be designated as section 30 the following: Sec. 30. The Commissioners under this act appointed by the Governor shall be confirmed or approved by the Senate.

Unlawful
to use de-
fective roll-
ing stock,
etc.

SEC. 13. There shall be added to said act to be designated as section 31 the following: Sec. 31. It shall be unlawful for any railroad or railway corporation or company owning and operating, or operating, or that may hereafter own or operate, a railroad in whole or in part in this State to knowingly or negligently use or operate any car, tender or locomotive, that is defective, or any car or locomotive upon which the machinery or attachments thereto belonging are in any manner defective, or to knowingly operate its train over any defective or dangerous track, bridge or structure.

Automatic
couplers.

SEC. 14. There shall be added to said act to be designated as section 32 the following: Sec. 32. That every railroad corporation owning or operating a railroad or part of a railroad in this State shall on or before the first day of January, 1908, equip and furnish all cars owned or leased and used by it in its service in this State with automatic couplers, coupling automatically, which can be coupled and uncoupled without the necessity of men going between the ends of the cars, and shall equip, furnish and operate all cars in its passenger service, and not less than 80 per cent. of such cars in its freight service with perfectly acting air brakes, and also with good and sufficient hand brakes, and in such a manner as to enable the engineer under ordinary conditions to control the speed of the train without the use of hand brakes, and no freight train shall after such date be run by any such railroad corporation over any part of its road lying within this State, unless the cars composing such freight train are so furnished and equipped. All freight cars shall be equipped

Air-brakes.

and provided with proper grab-irons, ladders and stirrups, securely bolted on so as to enable the employes to climb upon and off such cars with safety: *Provided, however,* That this section shall not apply to boarding and outfit cars when moved as work trains, or to trains consisting wholly of logging trucks and a passenger car or caboose, or to freight trains consisting of not to exceed fifty per cent. of logging trucks.

Grab irons,
ladders and
stirrups.

SEC. 15. There shall be added to said act to be designated as section 33 the following: Sec. 33. An inspector of safety appliances and tracks, bridges and structures shall be appointed by the Railroad Commission of Washington, at a salary of not to exceed two thousand dollars per annum. Such inspector shall not be an officer of any railroad operating in this State, nor shall he be interested, directly or indirectly, in the stock or bonds of any railroad company, and he shall have had at least seven years actual experience in the operating department of some railroad. Before entering on his duties, the said inspector shall give a bond to the State of Washington in the sum of five thousand dollars secured by a bond and security company acceptable to the Railroad Commission conditioned for the faithful performance of his duties, and shall make and file an affidavit that he is not an officer or director of any railroad company, and is not directly or indirectly interested in the stock or bonds of any railroad company, and such other facts as are required of employes of the State.

Inspector
of safety
appliances,
etc.

Salary.

Bond.

SEC. 16. There shall be added to said act to be designated as section 34 the following: Sec. 34. It shall be the duty of the inspector to inspect the couplers, air brakes and automatic power brakes found on the cars and engines, and the grab-irons, ladders, stirrups and hand brakes on all freight cars of any railroad in Washington, and make such report of his inspection to the Railroad Commission as it may order and require, reporting all cars, tenders and engines, giving the number of the same, the road on which they are found and the road owning same if known which is found to have a defective coupler, brake

Duty of In-
spector.

or other defect rendering the operation thereof in any way dangerous, particularly describing such defects. He shall on discovering a defective coupler, brake or other defect rendering the use of such car, tender or engine dangerous immediately report the same to the superintendent of the road on which it is found and to the agent thereof at the nearest station, describing the defect. Such inspector may, on the discovery of the defective coupler, brake or other defect rendering the use of such car, tender or engine dangerous condemn such car, tender or engine, and order the same out of service until repaired and put in good working order. He shall in addition thereto inspect the tracks, bridges, and structures of all lines of railroad operating in this State, and in case he finds such track, bridge or structure defective or unsafe in any particular, he shall report such condition to the Railroad Commission and in addition thereto shall report the same to the divisional superintendent of such railroad. In case any track is found so defective as to be dangerous to the employes or traveling public for a train or trains to be operated over the same, the inspector is hereby authorized to condemn such track, bridge, or structure, and notify the Railroad Commission and the railroad divisional superintendent of such road of his action concerning the same, reporting in detail the defects complained of, and the work and improvements necessary to be done to repair such defects. He shall also report to the Railroad Commission of Washington the violation of any law governing, controlling or affecting the conduct of railroads within this State. Such inspector shall have the right and privilege of riding upon any engine either on passenger or freight trains, or on caboose of freight train for the purpose of inspecting the track of any road in this State: *Provided*, That the engineer or conductor in charge of any such engine or caboose may require such inspector to produce his authority under the seal of the Railroad Commission of Washington showing that he is such inspector. The inspector shall be an employe of the Railroad Commission of Washington, and he shall perform in addition to the duties above described

such other and further duties as the Commission may require of him.

SEC. 17. There shall be added to said act to be designated as section 35 the following: Sec. 35. Whenever the Railroad Commission of Washington has reasonable grounds to believe either on complaint made to it or otherwise that any of the tracks, bridges or other structures of any railroads in this State, or the couplers, air brakes, or automatic power brakes of any cars, tenders and engines, or the grab-irons, ladders, and stirrups of any freight car used in this State are in a condition which renders them or any of them dangerous or unfit for the transportation of passengers or the carrying of freight, it shall forthwith cause the same to be inspected and examined, and if on such examination of said Commission or its inspector or agents it is of the opinion that any such tracks, bridges, structures, cars, tenders or engines are unfit for the transportation of passengers and freight with safety, it shall immediately give to the superintendent or other executive officer of the company operating such road notice of the condition thereof and of the repairs or reconstruction necessary to place the same in a safe condition, and it may also prescribe the rate of speed for trains passing over such dangerous or defective track, bridge or other structure until the repairs or reconstruction required are made, and may also prescribe the time within which such repairs or reconstructions must be made, or if in its opinion it is needful or proper, it may forbid the running of passenger trains over such defective track, bridge or structure until such repairs are made. If any superintendent or other executive officer receiving such notice and order neglects for two days after receiving the same to direct the proper subordinate officer to run the trains over such defective track, bridge or other structure at a speed not greater than that so prescribed, or if the running of such trains is forbidden, then to stop running trains over the same, or if any engineer, conductor or other employe knowingly disobeys such order, every superintendent, officer, engineer, conductor or employe so offending shall be

Commission shall cause inspection to be made, when.

Notice to company of defects.

Penalty for failure to comply with notice.

fined in any sum not exceeding five hundred dollars, or be imprisoned for any period not exceeding one year, or both, at the discretion of the court; and the company operating such road, if it neglects or without good cause fails to make the repairs or reconstruction prescribed by the Commission in the time limited shall for each day that such repair or reconstruction is delayed beyond the time prescribed, forfeit and pay to the State the sum of one hundred dollars, to be recovered in the same manner that other penalties are recovered by the State against railroad companies by the act providing for the appointment of the Railroad Commission, and defining its duties and powers, being chapter 81 of the Session Laws of Washington for the year 1905.

Defective
appliances
shall be
repaired.

SEC. 18. There shall be added to said act to be designated as section 36 the following: Sec. 36. Any railroad whose superintendent, officer or agent shall receive such notice of a defective coupler, brake or other defect rendering the use of such car, tender or engine dangerous shall cause the same to be immediately repaired. On receiving from the inspector an order condemning any car, tender or engine, the employes of the road in charge of said car, tender or engine shall put the same out of service at the first freight divisional terminal, or, in case the inspector so orders, at the first station reached. Any railroad whose superintendent, officer or agent shall receive notice of a defect in the track, or any bridge or other structure, shall cause the same to be immediately repaired and on receiving from the Commission an order condemning the track, bridge or structure, no train excepting for the purpose of repairing shall be run over the same until the defects pointed out are remedied and repaired.

Monthly
report of
collisions,
etc.

SEC. 19. There shall be added to said act to be designated as section 37 the following: Sec. 37. It shall be the duty of the general manager, superintendent or other proper officer of every railroad operating in this State to make to the Railroad Commission of Washington at its office a monthly report under oath of all the collisions of trains, or where any train or part of a train accidentally

leaves the track, and of all accidents which may occur to its passengers or employes while in the service of such road and actually on duty, which report shall state the nature and cause thereof and the circumstances connected therewith: *Provided, however,* That neither said report nor any part thereof shall be admitted as evidence or used for any purpose against such railroad so making such report in any suit or action for damages growing out of any matter mentioned in said report; that the Railroad Commission of Washington is hereby authorized to prescribe for such railroad a method and form for making the reports in this section provided.

SEC. 20. There shall be added to said act to be designated as section 38 the following: Sec. 38. Any rail- Penalty.
road, divisional superintendent, agent, officer or employe of any railroad operating in this State who shall wilfully and knowingly violate any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding five hundred dollars.

SEC. 21. There shall be added to said act to be designated as section 39 the following: Sec. 39. An emergency Emergency.
exists and this act shall take effect immediately.

Passed the House March 8th, 1907.

Passed the Senate March 8th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 227.

[H. B. 430.]

WATER SUPPLY OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An act to preserve from pollution the water supplied to the inhabitants of cities and towns in the state of Washington; to declare what are nuisances in the vicinity of the source of such water supply; providing for the abatement thereof, and for the punishment of the violations of this act, approved March 13, 1899," and declaring an emergency.

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

SECTION 1. That section 1 of an act entitled "An Act to preserve from pollution the water supplied to the inhabitants of cities and towns in the State of Washington; to declare what are nuisances in the vicinity of the source of such water supply; providing for the abatement thereof, and for the punishment of the violations of this act, approved March 13, 1899," is hereby amended so as to read as follows: Section 1. That for the purpose of protecting the water furnished to the inhabitants of towns and cities within this State from pollution, the said towns and cities are hereby given jurisdiction over all property occupied by the works, reservoirs, systems, springs, branches and pipes, by means of which, and of all the lakes, rivers, springs, streams, creeks or tributaries constituting the sources of supply from which such cities or towns or the companies or individuals furnishing water to the inhabitants of such cities or towns obtain their supply of water, or store or conduct the same, and over all property acquired for any of the foregoing works or purposes or for the preservation and protection of the purity of the water supply, and over all property within the areas draining into the lakes, rivers, springs, streams, creeks or tributaries constituting such sources of supply whether the same, or any thereof, be within the corporate limits of such town or city or outside thereof; and authority is hereby conferred upon such towns and cities to prescribe by ordinance what acts shall constitute offenses against the purity of such water

Cities
give juris-
diction.

May define
offenses.

supply and the punishment or penalties therefor and to enforce said ordinances; and the mayor of such town or city is hereby authorized to appoint special policemen, with such compensation as the proper authorities of said town or city may fix, who shall, after taking oath, have the powers of constables under the laws of this state, and who may arrest with or without warrant any person committing, within the territory over which such town or city is given jurisdiction by this act, any offense declared by law of this State, or by any ordinance of such town or city, against the purity of such water supply, or any violation of any rule or regulation lawfully promulgated by the State Board of Health for the protection of the purity of such water supply. Such policeman shall be, and he is hereby, authorized to forthwith take any such person arrested for any such offense or violation aforesaid, before any court having jurisdiction thereof to be proceeded with according to law. Every such special policeman shall, when on duty, wear in plain view a badge or shield bearing the words "Special Police" and the name of the town or city for which he shall be appointed as aforesaid.

Appoint-
ments of
special po-
licemen.

SEC. 2. An emergency exists and this act shall take effect immediately. Emergency.

Passed the House March 5th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 228.

[H. B. 363.]

POWERS OF CITIES OF THE SECOND, THIRD AND FOURTH CLASSES.

AN ACT granting additional power to cities of the second, third and fourth classes, giving such municipalities power to exact bonds from persons or corporations obtaining franchises, and providing for the appointment and confirmation of boards of park commissioners by the mayor and council, authorizing the levy of a tax for park purposes, and giving city councils the power to annex territory for park or other municipal purposes and providing for the selection of the mayor in the case of a vacancy.

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

Cities may require bond from persons obtaining franchises.

SECTION 1. That city councils in the cities of the second, third and fourth class, shall have the right, and they are hereby authorized to require a bond in a reasonable amount from persons or corporations obtaining franchises from such cities, conditioned for the faithful performance of the conditions and terms of the franchise, and providing a recovery on such bond in case of a failure of such person or corporation, failing to perform the conditions and terms of such franchise.

Appointment of park commissioners.

SEC. 2. That city councils of cities of the second, third and fourth class, are authorized to provide by ordinances, for a board of park commissioners, not to exceed three in number, and to be appointed by the mayor, and to serve during his pleasure, provided that such board shall serve without compensation. Such board of park commissioners shall have control and supervision of all parks belonging to such city and shall have power to prescribe rules and regulations for the government and management thereof, and which rules and regulations shall be enforced by the police department of the city.

Powers of park commissioners.

Tax levy for park purposes.

SEC. 3. City councils of the cities of the second, third and fourth class are hereby authorized and empowered to levy a tax not to exceed one mill on all taxable property for the purpose of maintaining and improving any park or parks, or the purchase thereof for any such town or city. That the proceeds of such levy shall be paid into a special

fund, to be known as the Park Fund, and the disbursement of such fund shall be provided for by ordinance.

SEC. 4. City councils of the cities of the second, third and fourth class, shall and they are hereby authorized and empowered to annex new territory for park, cemetery or other municipal purpose, which may be outside of the city limits of such city, whether contiguous or noncontiguous thereto by ordinance enacted by a majority vote of such council.

Annexation
of terri-
tory.

SEC. 5. In case of a vacancy occurring in the office of the mayor in a city of the second, third or fourth class, the city council be and it is hereby empowered and authorized, and it shall be its duty to elect a mayor to serve the unexpired term.

Vacancy in
office of
mayor—how
filled.

Passed the House March 11th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 229.

[H. B. 471.]

AMENDING ACT RELATING TO PUBLIC PRINTING IN COUNTIES.

AN ACT amending section 371 of Ballinger's Annotated Codes and Statutes of Washington, relating to public printing in counties.

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

SECTION 1. That section 371 of Ballinger's Annotated Codes and Statutes of Washington, be, and the same is, hereby amended to read as follows: Sec. 371. It shall be the duty of the county auditor, at least five weeks before, and not more than eight weeks before the meeting of the county commissioners at the May term, to advertise for proposals for the public printing, for the term of one year, which advertisement shall be inserted for four (4) consecutive weeks in the official newspaper of the county, or if there be no official newspaper, then in some newspaper adjacent to said county, having a general circulation in

Advertis-
ment for
bids.

Limit of
price.

said county, as provided in section 1 of this act: *Provided*, That the county commissioners shall not be compelled in any event to accept any bid for a greater price than one dollar per square, nonpareil, for first insertion, straight matter, and fifty cents per square for each subsequent insertion: *And provided further*, That the county auditor, when calling for bids shall state how the matter shall be set, in what kind of type, solid or leaded.

Passed the House March 4th, 1907.

Passed the Senate March 13th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 230.

[H. B. 339]

PROHIBITING LIVE STOCK FROM RUNNING AT LARGE.

AN ACT to prohibit all live stock from running at large in any county and portion of the county in the state of Washington in which three-fourths of the lands therein are under fence, except in certain cases, providing a penalty for the enforcement of the act, and repealing chapter 91 of the Session Laws of 1905.

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

Unlawful
for stock
to run at
large, when.

SECTION 1. It shall be unlawful for any kind or character of live stock to run at large in any county in this State in which three-fourths of the lands, outside of the incorporated cities and towns are under fence, or any portion of such county three-fourths of which portion is under fence, when such portion is separated from the balance of said county by any natural barrier such as a river, range of hills or other sufficient barrier: *Provided*, That where more than one-fourth of any district is used for grazing of cattle or horses on the public domain or on unfenced lands, such district shall be excluded from the operation of this act, notwithstanding the fact that said county may come within its provisions, and the county commissioners shall designate

Lands ex-
cluded.

such townships or parts of townships which shall be excluded from the provisions of this act.

SEC. 2. It shall be the duty of the board of county commissioners of the respective counties of this State when ten or more freeholders shall make application for the enforcement of this act to at once determine whether or not three-fourths of the lands, outside of the incorporated cities and towns, in such county is under fence, or whether three-fourths of any portion of any county separated from the balance of said county by natural barrier, is under fence.

County commissioners to determine per centum of lands under fence.

SEC. 3. That the board of county commissioners in arriving at the per centum of lands in such county or portion of county under fence, shall be governed by the records in the office of the county assessor of such county showing the amount of lands under fence.

Determination—how made.

SEC. 4. It shall be the duty of the county assessor of each county in this State; at the time of making the assessment in each year to make a list of the lands in his county, outside of the incorporated cities and towns, under fence, and file a certified copy of such list each year at the conclusion of the assessment, with the board of county commissioners, showing the aggregate number of acres of land under fence and not under fence.

Assessor to list lands under fence.

SEC. 5. It shall be the duty of the board of county commissioners, on receipt of a certified copy of such list of the lands, outside of the incorporated cities and towns, under fence and not under fence, from the county assessor, to at once determine whether or not a sufficient per centum of the lands in such county or portion of county as provided herein, is under fence, to bring said county or portion of said county within the provisions of this act, and if it is found that three-fourths of the lands of said county or portion of said county, outside of the incorporated cities and towns, is under fence, it shall be the duty of the board of county commissioners to make such entry in the records of their office and publish notice thereof for at least four successive weeks in the official paper in such county, setting forth the fact that three-fourths of the lands in such

Publication of notice.

county or portion of county, outside of the incorporated cities and towns, is under fence, and that live stock found running at large in such county or portion of county on and after thirty days from the first publication of said notice shall be treated as estrays, and estrays in any county in which at least three-fourths of the area, outside of the cities and towns therein, shall be under enclosure or fence may be taken up at any time in the year.

Penalty.

SEC. 6. Any owner who permits his live stock to run at large contrary to the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than ten (\$10.00) dollars nor more than one hundred dollars for each offense, and it shall be the duty of the prosecuting attorney in such county, when it has been determined by the board of county commissioners under the provisions of this act that three-fourths of the lands in such county or portion of county is under fence, on complaint of any freeholder or resident of such county to forthwith prosecute the owner of such stock found running at large for such misdemeanor.

"Fence" defined.

SEC. 7. The term "Fence" in this act shall be construed to mean any fence or barrier which shall be adequate to prevent the ingress or egress of live stock upon or from lands affected by the provisions of this act.

Repeal.

SEC. 8. That chapter 91 of Session Laws of 1905 be and the same is hereby repealed.

Passed the House March 8th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 231.

[H. B. 202.]

COMPULSORY EDUCATION OF CHILDREN.

AN ACT relating to the compulsory education of children between the ages of eight and fifteen years in the state of Washington forbidding the employment of children during the session of the public schools, providing penalties for the violation of this act and repealing all laws and parts of laws in conflict with the provisions of this act.

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

SECTION 1. All parents, guardians and other persons in this State having or who may hereafter have immediate custody of any child between eight and fifteen years of age shall cause such child to attend the public schools of the district in which the child resides for the full time which such school may be in session, or shall attend a private school for the same time, unless the child is physically or mentally unable to attend school, has already attained a reasonable proficiency in the branches required by law to be taught in the first eight grades of public schools of this State as provided by the course of study of the said school, is otherwise being furnished with the same education, or has been excused from such attendance for some other sufficient reason, by the superintendent of the schools of the district in which the child resides, if there be such a superintendent, and, in all other cases, by the county superintendent of common schools. Proof of absence from public school or approved private school shall be *prima facie* evidence of a violation of this section.

Parents shall cause children to attend school, when.

Absence prima facie evidence.

SEC. 2. No child under the age of fifteen years shall be employed for any purpose by any corporation, person or association of persons in this State during the hours which the public schools of the district in which such child resides are in session, unless the said child shall present a certificate from a school superintendent, as provided for in section one of this act, excusing the said child from attendance in the public schools and setting forth the reason for such excuse, the residence and age of the child,

Employment of children under 15 years.

and the time for which such excuse is given. Every owner, superintendent, or overseer of any establishment, corporation, company or person employing any such child shall keep such certificate on file so long as such child is employed by him, her or it. The form of said certificate shall be furnished by the Superintendent of Public Instruction. Proof that any child under fifteen years of age is employed during any part of the period in which public schools of the district are in session, shall be deemed *prima facie* evidence of a violation of this section.

Penalty.

SEC. 3. Any person violating any of the provisions of either of the two preceding sections shall be fined not more than twenty-five dollars. Attendance officers shall make complaint for violation of the provisions of this act, to a justice of the peace or to a judge of the superior court.

Attendance officers.

SEC. 4. To aid in the enforcement of this act, attendance officers shall be appointed and employed as follows: In incorporated city districts the board of directors shall annually appoint one or more attendance officers. Any attendance officer may be a sheriff, deputy sheriff, constable, a city marshal, or a regularly appointed policeman. In all other districts the county superintendent shall act as attendance officer, and he shall also have authority to appoint one or more assistant attendance officers to aid him in the performance of his duties as attendance officer. The compensation of the attendance officer in such city districts shall be fixed and paid by the board appointing him. The attendance officer shall be vested with police powers, the authority to make arrests and serve all legal processes contemplated by this act, and shall have authority to enter all stores, mills, shops or other places in which children may be employed, for the purpose of making such investigations as may be necessary to the enforcement of this act. The attendance officer is authorized to take into custody the person of any child between eight and fifteen years of age, who may be a truant from school, and to conduct said child to his parents, for investigation and explanation, or to the school which he should properly at-

tend. The attendance officer shall institute proceedings against any officer, parent, guardian, person, company or corporation violating any provisions of this act, and shall otherwise discharge the duties prescribed in this act, and shall perform such other services as the superintendent of schools or the board of directors may deem necessary. The attendance officer shall keep a record of his transactions, for the inspection and information of the board of directors and the city and county superintendent, and shall make a detailed report to the superintendent of the city or of the county, as often as the same may be required.

SEC. 5. Any attendance officer, sheriff, deputy sheriff, marshal, policeman, or any other officer authorized to make arrests in the city or district, shall arrest without a warrant a child who, under the provisions of this act is required to attend school, such child being then a truant from instruction at the school which he or she is lawfully required to attend, shall forthwith deliver a child so arrested either to the custody of a person in parental relation to the child or to the teacher from whom the child is then a truant, or, in case of habitual and incorrigible truants, shall bring him or her before a justice of the peace. The justice of the peace shall, if he be convinced that the child so arrested is an habitual truant or that the child is guilty of wilful and continued disobedience to the school rules and regulations or laws, or that the conduct of the child is pernicious and injurious to the school, bind the child over to the superior court with a view to his commitment to the State Reform School or other school for incorrigibles.

Arrest of
truants.

SEC. 6. It shall be the duty of the district clerk or secretary, at the beginning of each school year, to provide the teacher with a copy of the last census of school children taken in his school district: *Provided*, That if there be a principal or city superintendent in such district, the clerk or secretary shall make such census report to him, and it shall be the duty of every teacher to report to the proper truant officer, all cases of truancy or incorrigibility in his or her school, immediately after the offense or offenses shall have been committed; *Provided*, further,

Clerk to
provide copy
of census.

Teachers
to report
truancy.

That if there be a principal the report shall be made to him and by him transmitted to the truant officer; And *provided, further,* That if there be a city superintendent, the principal shall transmit such report to said city superintendent, who shall transmit such report to the proper truant officer of his district.

Jurisdiction
of courts.

SEC. 7. In cases arising under this act all justices' courts, municipal courts and superior courts in the State of Washington shall have concurrent jurisdiction.

Duty of
county at-
torney.

SEC. 8. The county attorney shall act as attorney for the complainant in all court proceedings relating to the compulsory attendance of children as required by this act.

Report of
clerk.

SEC. 9. The county superintendent shall on or before the 15th day of August, 1907, by printed circular or otherwise, call the attention of all school district officers to the provisions of this act, and to the penalties prescribed for the violation of its provisions, and he or she shall require the clerk of every school district to make a report annually hereafter, to him or her, verified by affidavit, stating whether or not the provisions of this act have been faithfully complied with in his district. Such reports shall be made upon blanks to be furnished by the Superintendent of Public Instruction and shall be transmitted to the county superintendent at the time the district clerk is required to make his annual report to the county superintendent. Any district clerk who shall make a false report relating to the enforcement of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction shall be fined not less than twenty-five dollars nor more than one hundred dollars; and any district clerk who shall refuse or neglect to make the report required by this section, shall be personally liable to his district for any loss which it may sustain because of such neglect or refusal to report.

Failure to
comply with
act—effect.

SEC. 10. If the clerk of any school district shall fail to make the report required by the provisions of section nine (9) of this act, or if he shall report that the provisions of this act have not been faithfully complied with, or if the county superintendent shall personally know that

the provisions of this act have not been complied with in good faith in any school district, it shall be the duty of the county superintendent to withhold during the next succeeding school year and until such district shall have complied with the provisions of this act in good faith, twenty-five per cent. of all State school funds to which such district would have been entitled had it complied with the provisions of this act in good faith. He shall report the facts to the county treasurer, who shall return the money so withheld to the State Treasurer, and be by him returned to the current school fund of the State.

SEC. 11. Any superintendent, teacher, or attendance officer, who shall fail or refuse to perform any of the duties prescribed by this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than twenty or more than one hundred dollars: *Provided*, That in case of a district officer, such fine shall be paid to the county treasurer and by him placed to the credit of the school district in which said officer resides, and in case of other officers such fine shall be paid to the county treasurer and by him placed to the credit of the general school fund of the county.

Failure to perform duties—penalty.

SEC. 12. All fines except as otherwise provided in this act shall inure and be applied to the support of the public schools in the district where such offense was committed.

Disposition of fines.

SEC. 13. No officer performing any duty under any of the provisions of this act, or under the provisions of any rules that may be passed in pursuance hereof, shall in any wise become liable for any costs that may accrue in the performance of any duty prescribed by this act.

Liability for costs.

SEC. 14. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Repeal.

Passed the House March 14th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 232.

[H. B. 29.]

CLOSED SEASON FOR TROUT FISHING IN CHELAN
COUNTY.

AN ACT to amend an act entitled "An act to amend section one (1) of chapter forty-seven (47) of the laws of 1903, providing for a closed season for trout fishing in the lakes and streams of Chelan county, same being chapter fifty-four (54) (H. B. No. 110) of the Session Laws of 1905.

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

SECTION 1. That section one (1) of chapter fifty-four (54) of the Laws of 1905 be and the same is hereby amended to read as follows:

Unlawful to
fish, when.

Section 1. It shall not be lawful for any person or persons to take, capture, catch or kill from any of the lakes or streams within the county of Chelan, or to have in their possession after the same have been taken, captured, caught or killed, any trout between the first day of April and the tenth day of June in each year:

Provided, That it shall be lawful to take with hook and line only, from Lake Chelan in said county, at any time of the year, except between the first day of April and the tenth day of June, trout not exceeding in amount that which shall be actually used as food at home or in camp along the shore of said lake; and *provided, further*, That it shall be unlawful to waste, sell, salt or pack for future use, any trout taken from any of the waters of said Chelan county; And *provided, further*, That it shall be unlawful for any persons to fish with spawn, or trout eggs in said lake or in any of the streams emptying into it; and that it shall be unlawful to fish or to take fish in any way or at any time from any stream tributary to Lake Chelan on which a State hatchery is located.

Passed the House March 14th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 233.

[H. B. 405.]

LEASING OF HARBOR AREAS FOR BOOMING PURPOSES.

AN ACT providing for the leasing of any timber, and providing for the leasing of any harbor areas and lands of the State of Washington to any persons or corporations for booming purposes.

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

SECTION 1. That the Commissioner of Public Lands is hereby authorized to lease any harbor areas and lands of the State of Washington, to any persons or corporations, whether the same be reserved from lease or sale by any existing acts or not, for booming purposes; excepting lands and harbor areas within the limits of any incorporated city or town and within two miles therefrom for a period not exceeding five years: *Providing, however,* That no lease shall be granted for any oyster reserve containing oysters in merchantable quantities and further that the Commissioner of Public Lands shall have power to prescribe rules and regulations for the use of any lands so leased, and to declare a forfeiture for any violation of such rules and regulations.

Commissioner of public lands authorized to lease.

Lease of oyster reserve.

Passed the House March 14th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 234.

[H. B. 343.]

REGULATING THE SALE OF MILK AND CREAM IN CITIES.

AN ACT regulating the sale of milk and cream in cities of this state, providing for the appointment of an inspector of milk, defining his duties, providing for the issuing of permits for the sale of milk and cream, and providing penalties for the violation of the provisions of this act.

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

SECTION 1. The board of health or health officer of any city of the first class of the State of Washington

Inspectors of milk.

shall annually appoint one or more inspectors of milk for their respective cities. All inspectors hereafter appointed shall be graduates of a recognized dairy school or shall have completed a course in dairying in a college where such instruction is given. Each inspector shall be sworn before entering upon the performance of his official duty and shall publish a notice of his appointment for two weeks in a newspaper published in said city, and shall be under the direction and supervision of the board of health of such city. He shall receive such compensation as the city council of such city may determine.

Qualifica-
tions.

Compensa-
tion.

Office and
records.

Samples of
milk may
be taken.

Analysis of
samples.

Permits to
sell milk.

SEC. 2. Such inspector shall keep an office and shall record in books kept for the purpose, the names and places of business of all persons engaged in the sale of milk within the limits of said city. He may with the approval of the city council employ collectors of samples of milk who shall be sworn before entering upon their duties. The inspectors or collectors may enter all places in which milk is stored or kept for sale and all carriages used for the conveyance of milk and may take therefrom samples for analysis. They shall upon request made at the time such sample is taken, seal and deliver to the owner or person from whose possession the milk is taken, a portion of each sample, and a receipt therefor shall be given to the inspector or collector. Inspectors shall cause such samples to be analyzed or otherwise satisfactorily tested as to its quality and purity. Such sample shall be kept by such inspector under ice so that the temperature of said sample shall not be over the degree of 40 degrees Fahrenheit until such analysis is made, and shall record and preserve as evidence the result thereof, and no evidence of the result of such analysis or test shall be received if the inspector or collector upon request refuses or neglects to seal and deliver a portion of the sample taken as aforesaid, to the owner or person from whose possession it is taken.

SEC. 3. Whoever in such city in which an inspector of milk is appointed conveys milk in carriages or otherwise for the purpose of selling it in such city shall annually before the first day of June obtain a permit from the in-

spector of milk of such city to sell within the limits thereof, said permit to be furnished without cost upon the production of a license from the State Dairy and Food Commission. A permit shall be issued only in the name of the owner of the carriage or other vehicle. They shall for the purposes of this chapter be conclusive evidence of ownership and shall not be sold, assigned or transferred without the consent of the city council of such city. Each permit shall contain the number thereof, the name, residence, place of business, number of carriage or other vehicle used by the person obtaining a permit, the name of every driver or other person employed by him in carrying or selling milk. Each person obtaining a permit shall before engaging in the sale of milk cause his name, the number of his permit and his place of business to be legibly placed on each side of all carriages or vehicles used by him in the conveyance and sale of milk, and he shall report to the inspector any change of driver or other person who may be employed by him occurring during the term of his permit. And it shall be unlawful for any person under an assumed name or representing himself to be the person named in permit above mentioned to engage in the business of selling or conveying milk or cream, and upon conviction thereof shall be subject to the penalty prescribed in this section.

Number to be placed on vehicles.

Whoever without first being permitted to sell milk or dispose of it for sale from carriages or other vehicles or has in his custody or possession with intent to sell, or who ever violates any of the provisions of this section, shall for the first offense be punished by a fine of not less than \$25 nor more than \$100.00, and for a second offense by a fine of not less than \$50, nor more than \$300.00, and for a subsequent offense by a fine of \$50.00 and by imprisonment for not less than thirty days nor more than sixty days.

Penalty.

SEC. 4. Every person before selling milk or cream or offering it for sale in a booth, store, stand or market place in any such city in which an inspector of milk is appointed,

Registration of places of business.

shall register in the book of such inspector his name and proposed place of sale.

Penalty
for failure
to register.

Whoever refuses or neglects to register shall be punished by a fine of not less than \$25.00 nor more than \$100.00.

Selling
impure
milk.

SEC. 5. Whoever by himself or by his agent or servant or as the agent or servant of another person sells, exchanges or delivers, or has in his custody or possession with intent to sell, exchange or deliver or expose or offer for sale or exchange, impure, infected or adulterated milk or milk to which water or any foreign substance has been added, or milk produced from a cow which has been fed on refuse or unwholesome food, or from a sick or diseased cow, or from a cow kept in an unclean shed, barn or barnyard, or from a cow within fifteen days before or five days after parturition or in any case before fever has left said cow, as pure milk, or milk from which the cream or a part thereof has been removed, and whoever sells, exchanges or delivers or has in his custody or possession with intent to sell, exchange or deliver, skimmed milk containing less than 9.3 per cent. of milk solids, exclusive of fat, shall for the first offense be punished by a fine of not less than \$50.00 nor more than \$100.00, and for a second offense by a fine of not less than \$100.00 nor more than \$300.00, and for a subsequent offense by a fine of fifty dollars and by imprisonment for not less than sixty days nor more than ninety days.

Penalty.

Definition
of milk.

SEC. 6. In prosecutions under the provisions of sections four and five of this act, milk, normal and of standard quality, is defined as milk, pure, healthy, wholesome and uninfected, free from any foreign substance whatsoever, including coloring matter or preservatives, free from all pathogenic bacteria or germs, pus cells, or blood cells, and which does not contain more than 400,000 bacteria or germs of all kinds to the cubic centimeter, and which has not been infected by or exposed to the infections of any contagious or infectious disease and which comes from cows healthy and free from all kinds of diseases and kept in a healthy, sanitary condition and fed upon wholesome

food, and which contains not less than 12 per cent. of milk solids and not less than 8.75 per cent. of solids exclusive of fat, or not less than 3.25 per cent. of fat. Any dealer therein who shall sell milk not normal and up to said standard shall be subject to prosecution and fine as provided in section five of this act.

SEC. 7. Whoever by himself or by his servant or agent or as the servant or agent of another, sells, exchanges or delivers, or has in his custody or possession with intent to sell, exchange or deliver milk which is not of good standard quality, free from infection and from contamination, by any unwholesome substance or substances, shall for the first offense be punished by a fine of not less than \$50, and for the second offense by a fine of not less than \$100 nor more than \$200, and for a subsequent offense, by a fine of \$50 and by imprisonment for not less than sixty days nor more than ninety days.

Selling milk not of standard quality.

Penalty.

SEC. 8. No cream shall be sold, offered for sale, exchanged, delivered or shipped, transported or carried for purposes of sale, exchange or delivery, that contains less than eighteen per cent. of butter fat, or which contains any pathogenic bacteria or germs, pus cells, blood cells or more than 400,000 bacteria or germs of all kinds to the cubic centimeter, and any person who shall adulterate cream or reduce or change it in any respect by the addition of water or any foreign substance with the intention of selling or offering the same for sale or exchange, shall be punished by a fine of not less than \$50 nor more than \$100, or imprisonment for not less than thirty nor more than sixty days.

Cream.

SEC. 9. Whoever makes or causes to be made, uses or has in his possession an imitation or counterfeit of seal used by an inspector of milk, collector of samples or other person engaged in the inspection of milk, and whoever changes or tampers with the sample taken or sealed as provided in section two, shall be punished by a fine of \$100 or imprisonment for not less than three nor more than six months.

Counterfeiting seal of inspector.

Hindering
inspector
in perform-
ance of
duty.

SEC. 10. An inspector of milk or his servant or agent who wilfully connives at or assents to the violation of the provisions of this act, or whoever hinders, obstructs or interferes with an inspector of milk or his agent, in the performance of his duty, shall be punished by a fine of not less than \$50 nor more than \$100, or by imprisonment for not less than thirty nor more than sixty days.

Producers—
liability to
prosecution.

SEC. 11. A producer of milk shall not be liable to prosecution for the reason that the milk produced by him is not of good standard quality, unless such milk was taken upon his premises or while in his possession or under his control by an inspector or by a collector of samples or by an agent, and a sealed sample thereof given to him.

Results of
analysis
to be sent
to persons
responsible.

SEC. 12. An inspector of milk or a collector of samples or other State or city officer who obtains a sample of milk for analysis, shall within ten days after obtaining the result of the analysis, send said result to the person from whom the sample was taken or to the person responsible for the condition of such milk.

Inspector
shall make
complaint.

SEC. 13. An inspector shall make a complaint for a violation of any of the provisions of any of the sections of this act upon the information of any person who lays before him satisfactory evidence by which to sustain such complaint, and the cost of the prosecution for the violation of any of the provisions of this act shall be borne by the city in which said inspector is appointed.

Costs.

Chemists at
State insti-
tutions—
duty of.

SEC. 14. It shall be the duty of the chemist of any State institution to correctly analyze without extra compensation and without other charge to cities having milk inspectors any and all cream or milk that such inspector may send to them and to report to said inspector without unnecessary delay the result of any analysis so made: *Provided, however,* That analyses as to standard of quality of milk and for adulteration, contamination and unwholesomeness may be made by the bacteriologist or chemist employed by any such city, which analysis shall have the same force and effect as though made by an official of a State institution or said chemist.

SEC. 15. Whoever violates any of the provisions of the six preceding sections shall be punished by a fine of not less than \$25 for the first offense and not more than \$100 for each subsequent offense. Penalty.

Passed the House March 9th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 235.

[H. B. 170]

AMENDING ACT RELATING TO ELECTIONS.

AN ACT relating to elections and amending section 1385 of Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. At all elections where national, state, county or municipal officers are elected, the polls shall be opened at eight o'clock A. M. and closed at eight o'clock P. M.: *Provided*, That in precincts outside of incorporated towns and cities the hour of opening of said polls shall be nine o'clock A. M., the hour of closing 7 o'clock P. M. Opening and closing of polls.

Passed the House March 14th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 236.

[S. B. 227.]

RIVER, LAKE, CANAL OR HARBOR IMPROVEMENTS.

AN ACT authorizing any county or adjoining counties in this state, under certain conditions, to establish and create an assessment district and to levy an assessment for the purpose of paying the expenses of River, Lake, Canal, or Harbor Improvements; providing for the appointment of a commission in connection therewith, and for special assessments upon the properties benefited, and for the issuance of bonds in payment of such improvements, and declaring an emergency.

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

County
com-
mis-
sioners
may estab-
lish district.

SECTION 1. Every county in this State is hereby authorized and empowered, by and through its county commissioners, whenever the government of the United States is intending or proposing the construction or operation of any river, lake, canal or harbor improvement, partly or wholly within such county, and whenever said board of county commissioners shall adjudge, upon a petition therefor filed with it and signed by at least one hundred (100) freeholders of said county who each own realty of the assessed valuation of not less than \$5,000, situated within the limits of the improvement district sought to be created, that it is for the general benefit and welfare of the people of the county, that such river, lake, canal or harbor improvement be made and completed to define and establish an assessment district within such county and to levy an assessment upon so much of the taxable real estate of such county as shall be specially benefited by such improvement as hereinafter provided, for the purpose of paying the expenses of such improvement, or so much thereof as said board of county commissioners shall determine, not in any instance exceeding one per cent. of the taxable valuations of all real and personal property in the entire county as appearing on the then last assessment roll. Such improvement shall be known as river and harbor improvement.

SEC. 2. Whenever the board of county commissioners of any such county shall have adjudged as provided in

section 1 of this act, said board shall thereupon apply to the person, who, for the time being, shall be judge of the United States District Court, for the district within which the county shall be situated, to name eleven reputable citizens and freeholders of such county and file a list thereof with said board of county commissioners. The persons so named, or a majority of them, shall act as a commission, and be known as the "River and Harbor Improvement Commission of County," and shall receive no compensation, except their actual necessary expenses, including necessary clerical assistance, to be audited by the board of county commissioners; and they shall be deemed the agents of the county in the performance of the duties imposed upon them by this act. Each member of such commission shall, before entering upon his duties, take and subscribe an oath, substantially as follows:

Appoint-
ment of
Commis-
sion.

Expenses.

Oath.

"State of Washington }
County of } ss.

I, the undersigned, a member of the River and Harbor Improvement Commission of County, to define and establish the assessment district and assess the costs of the following improvement (here give the general description of the improvement), do solemnly swear (or affirm, as the case may be), that I will well and truly discharge my duties as a member of said Commission." In case the person who is United States Judge shall be unable or decline to act, the board of county commissioners shall name the eleven persons to act as such Commission.

SEC. 3. It shall be the duty of such Commission to define and establish an assessment district, within such county, comprising all the taxable real property, and also (with the limitations hereinafter expressed) the State shore lands, which shall be specially benefited by said river, lake, canal or harbor improvement, and to apportion and assess the amount of separate, special and particular benefits against each lot, block, parcel or tract of land or shore land within such district, by reason of such improvement. The Commission in making the assessment shall include in

Commis-
sion to
establish
district and
make
assessment.

the properties upon the assessment is laid, all shore lands of the State, whether unsold or under contract of sale and subject to sale by it and as against all purchasers from the State or under contract to purchase such lands, the assessment shall be a charge upon such land and the purchaser's interest therein. The county auditor shall certify to the State Commissioner of Public Lands a schedule of the State shore lands so assessed and of the assessment thereon, and the purchaser shall from time to time pay to the proper county treasurer the sums due and unpaid under such assessment, and at the time of such payment the county treasurer shall give him, in addition to a regular receipt for such payment, a certificate that such payment has been made, which certificate the purchaser shall immediately file with the Commissioner of Public Lands, and no patent from the State nor deed shall issue to such purchaser, nor shall any assignment of his contract to purchase be approved by the Commissioner of Public Lands until every matured installment of such assessment shall have first been fully paid and satisfied:

State lands
not to be
assessed.

Provided, however, That no such assessment shall create any charge against such shore land or affect the title thereof as against the State, and the State shall be as free to forfeit or annul such contract and again sell such land as if the assessment had never been made, and in case of such forfeiture or annulment the State shall be free to sell again such land entirely disembarassed and unencumbered of all right and claim of such former purchaser, and such purchaser shall have no right, interest or claim upon or against such land or the State or such new purchaser or at all, but every such sum paid by such former purchaser upon such assessment shall be utterly forfeited as against him, his personal representatives and assigns, and shall inure to the benefit of such new purchaser.

Assessment
roll.

SEC. 4. Such Commission shall also make, or cause to be made, an assessment roll, in which shall appear the names of the owners of the property assessed, so far as known, the description of each lot, block, parcel or tract of land within such assessment district, and the amount

assessed against the same, as separate, special or particular benefits, and certify such assessment roll to the board of county commissioners, of such county, within ten weeks after their appointment, or within such further time as may be allowed by the board of county commissioners of such county.

SEC. 5. After the return of the assessment roll to the board of county commissioners they shall make an order setting a day for the hearing upon any objections to the assessment roll by any parties affected thereby who shall be heard by said board of county commissioners as a board of equalization, which date shall be at least twenty (20) days after the filing of such roll. It shall be the duty of the board of county commissioners to give, or cause to be given, notice of such assessment, and of the day fixed for the hearing, as follows:

Hearing on assessment roll.

Notice.

(a) They shall send or cause to be sent, by mail, to each owner of premises assessed, whose name and place of residence is known to them, a notice, substantially in this form, to-wit:

“.....

“Your property (here describe the property) is assessed \$..... for River and Harbor Improvement to be made in this county.

“Hearing on the assessment roll will be had before the undersigned, at the office of the county commissioners, on the day of 19.....

.....
.....
.....

“Board of County Commissioners.”

But failure to send, or cause to be sent, such notice, shall not be fatal to the proceedings herein prescribed.

(b) They shall cause at least ten days' notice of the hearing to be given by posting notice in at least ten public places in such county, three of which shall be in the neighborhood of such proposed improvement, and by publishing the same at least five successive days in a daily newspaper of said county (if one is published daily).

otherwise, for two weeks in a weekly newspaper of said county; which notice shall be signed by the board of county commissioners, and shall state the day and place of the hearing of objections to the assessment roll, and the nature of the improvement, and that all interested parties will be heard as to any objections to said assessment roll.

Objections
to assess-
ment.

SEC. 6. Any person interested in any real estate affected by such assessment may appear and file objections to the assessment roll, and the board of county commissioners may make an order regarding the time of filing such objections, as to them seems proper. As to all parcels, lots or blocks as to which no objections are filed within the time so fixed, the assessment thereon shall be confirmed. On the hearing, each party may offer proof and the board shall then have authority to affirm, modify, change and determine the assessment in such sum as to them appears just and right. When the assessment is finally equalized and fixed by the board of county commissioners, the clerk thereof shall certify the same to the county treasurer for collection, or if appeal has been taken from any part thereof, then so much thereof, as has not been appealed from, shall be certified.

Clerk shall
certify to
treasurer
for col-
lection.

Appeals.

SEC. 7. Any person who feels aggrieved by the final assessment made against any lot, block or parcel of land owned by him may appeal therefrom to the superior court of such county. Such appeal shall be taken within the time, and substantially in the manner prescribed by the laws of this State for appeals from justice's courts. All notices of appeal shall be filed with the board of county commissioners, and served upon the prosecuting attorney of the county. The clerk of the board of county commissioners shall at appellant's expense certify to the superior court so much of the record, as appellant may request, and the cause shall be tried in the superior court *de novo*.

Any person desiring to appeal from any final order or judgment, made by the superior court concerning any assessment authorized by this act, may appeal therefrom

to the Supreme Court, in accordance with the laws of this State relative to such appeals, except that all such appeals shall be taken within thirty days after the entry of such judgment.

SEC. 8. The final assessment shall be a lien, paramount to all other liens, except liens for taxes and other special assessments, upon the property assessed, from the time the assessment roll shall be approved by said board of county commissioners and placed in the hands of the county treasurer, as collector. After said roll shall have been delivered to the county treasurer for collection, he shall proceed to collect the same, in the manner as other taxes are collected: *Provided*, That such treasurer shall give at least ten (10) days' notice in the official newspaper (and shall mail a copy of such notice to the owner of the property assessed, when the postoffice address of such owner is known, but failure to mail such notice shall not be fatal when publication thereof is made), that such roll has been certified to him for collection, and that unless payment be made within thirty (30) days from the date of such notice, that the sum charged against each lot or parcel of land shall be paid in not more than ten (10) equal annual payments, with interest upon the whole sum so charged at a rate not to exceed seven per cent. per annum. Said interest shall be paid semi-annually, and the county treasurer shall proceed to collect the amount due each year by the publication of notice as hereinabove provided.

SEC. 9. That all moneys paid or collected on account of any assessments made pursuant to this act, shall be kept by the county treasurer in the county depository separate and apart from the other funds of the county, in a fund to be established by the board of county commissioners and to be known as "Local Improvement Fund, District No. of County"; and said money shall at all times be subject to the order of the United States Government Engineer, having said river and harbor improvement in said county in charge, and the county treasurer shall pay said money out upon drafts, drawn upon said fund, for the cost of said improvement, by

Lien of assessment.

Collection of tax.

Payment in installments.

Interest.

Local improvement fund.

Expenditure of money.

said United States Government Engineer. If such Government Engineer is unable or unauthorized to act in the premises, then the county treasurer shall pay out said money for the costs of said improvement, upon the order of the board of county commissioners.

Bonds.

SEC. 10. In all cases, the county, as the agent of the local improvement district, shall, by resolution of its board of county commissioners, cause to be issued in the name of the county, the bonds for such local improvement district for the whole estimated cost of such improvement, less such amounts as shall have been paid within the thirty (30) days provided for redemption, as hereinabove specified. Such bonds shall be called "Local Improvement Bonds, District No., County of, State of Washington," and shall be payable not more than ten (10) years after date, and shall be subject to annual call by the county treasurer, in such manner and amounts as he may have cash on hand to pay the same in the respective local improvement fund from which such bonds are payable, interest to be paid at the office of the county treasurer. Such bonds shall be issued and delivered to the contractor for the work from month to month in such amounts as the Engineer of the Government, in charge of the improvement, shall certify to be due on account of work performed, or, if said board of county commissioners resolve so to do, such bonds may be offered for sale after thirty (30) days public notice thereof given, to be delivered to the highest bidder therefor, but in no case shall such bonds be sold for less than par, the proceeds to be applied in payment for such improvement: *Provided*, That unless the contractor for the work shall agree to take such bonds in payment for his work at par, such work shall not be begun until the bonds shall have been sold and the proceeds shall have been paid into a fund to be called "Local Improvement Fund No., County of," and the holder or holders of such bonds shall look only to such fund for the payment of either the principal or interest of such bonds.

Sale of
bonds.

Such bonds shall be issued in denominations of one hundred dollars each, and shall be substantially in the following form:

Form of
bonds.

“Local Improvement Bond, District Number
of the County of, State of Washington.
No..... N. B..... \$.....

This bond is not a general debt of the county of
..... and has not been authorized by the voters of
said county as a part of its general indebtedness. It is
issued in pursuance of an act of the Legislature of the
State of Washington, passed the day of
..... A. D. 1907, and is a charge against the fund
herein specified and its issuance and sale is authorized by
the resolution of the board of county commissioners, passed
on the day of A. D. 1907.

The County of, a municipal corporation of
the State of Washington, hereby promises to pay to
....., or bearer, one hundred (100)
dollars, lawful money of the United States of America, out
of the fund established by resolution of the board of
county commissioners on the day of
A. D. 19...., and known as local improvement fund dis-
trict number of County, and not
otherwise.

“This bond is payable ten years after date, and is
subject to annual call by the county treasurer at the
expiration of any year before maturity in such manner
and amounts as he may have cash on hand to pay the same
in the said fund from which the same is payable, and
shall bear interest at the rate of seven per cent. per annum,
payable semi-annually; both principal and interest pay-
able at the office of the county treasurer. A coupon is
hereto attached for each installment of interest to accrue
thereon, and said interest shall be paid only on presenta-
tion and surrender of such coupon to the county treas-
urer, but in case this bond is called for payment before
maturity each and every coupon representing interest not
accrued at the expiration of the call shall be void. The
board of county commissioners of said county, as the agent

of said local improvement district No., established by resolution No., has caused this bond to be issued in the name of said county, as the bond of said local improvement district, the proceeds thereof to be applied in part payment of so much of the cost of the improvement of the rivers, lakes, canals or harbors of county, under resolution No., as is to be borne by the owners of property in said local improvement district, and the said local improvement fund, district No. of county, has been established by resolution for said purpose; and the holder or holders of this bond shall look only to said fund for the payment of either the principal or interest of this bond.

“The call for the payment of this bond or any bond, issued on account of said improvement, may be made by the county treasurer by publishing the same in an official newspaper of the county for ten consecutive issues, beginning not more than twenty days before the expiration of any year from date hereof, and if such call be made, interest on this bond shall cease at the date named in such call.

“This bond is one of a series of bonds, aggregating in all the principal sum of dollars, issued for said local improvement district; all of which bonds are subject to the same terms and conditions as herein expressed.

“In witness whereof the said county of has caused these presents to be signed by its chairman of its board of county commissioners, and countersigned by its county auditor and sealed with its corporate seal, attested by its county clerk, this day of, in the year of our Lord one thousand nine hundred and

The County of
 By
 Chairman Board of County Commissioners.
 Countersigned, County Auditor.
 Attest, Clerk.”

There shall be attached to each bond such number of coupons, not exceeding twenty, as shall be required to represent the interest thereon, payable semi-annually, for the term of said bonds, which coupon shall be substantially in the following form:

Form of interest coupons.

“Number \$.....

On theday of A. D. 19...., the county of, Washington, promises to pay to the bearer at the office of its county treasurer dollars, being one-half year’s interest due that day on Bond No..... of the bonds of ‘local improvement district No.....,’ ‘the same being payable only from the fund of said district known as ‘Local Improvement Fund, District No..... of county,’ and not otherwise: *Provided*, That this coupon is subject to all the terms and conditions contained in the bond to which it is annexed, and if said bond be called for payment before maturity hereof, then this coupon shall be void.

.....
County Auditor.”

SEC. 11. Each and every bond issued for any such improvement shall be signed by the chairman of the board of county commissioners and the county auditor, sealed with the corporate seal of the county, and attested by the county clerk. Each of such coupons shall bear the signature of the county auditor. The bonds issued for each local improvement district shall be in the aggregate for such an amount as authorized by the resolution of the board of county commissioners with reference to such river, lake, canal or harbor improvement, and each issue of such bonds shall be numbered consecutively, beginning with number 1. The county auditor shall keep in his office a register of all such bonds, in which he shall enter the local improvement district, for which the same are issued, and the number and total amount of each bond, and the term of payment.

Execution of bonds.

SEC. 12. The owner of any lot or parcel of land charged with any assessment as provided for hereinabove,

Redemption.

may redeem the same from all liability by paying the entire assessment charged against such lot or parcel of land, or part thereof, without interest, within thirty (30) days after notice to him of such assessment, as herein provided, or may redeem the same at any time after the bonds above specified shall have been issued, by paying the full amount of all the principal and interest to the end of the interest year then expiring, or next to expire. The county treasurer shall pay the interest on the bonds authorized to be issued under this act out of the respective local improvement funds from which they are payable, and whenever there shall be sufficient money in any local improvement fund, against which bonds have been issued under the provision of this act, over and above the amount necessary for the payment of interest on all unpaid bonds, and sufficient to pay the principal of one or more bonds, the county treasurer shall call in and pay such bonds, provided that such bonds shall be called in and paid in their numerical order: *Provided, further,* That such call shall

Payment of interest.

Publication of notice.

SEC. 13. Two or more adjoining counties, in which are lands to be benefited by any such improvement as is

Improvements in adjoining county.

hereinbefore mentioned, and as will be partly or wholly within one or more of them, may jointly take advantage of the provisions of this act, and the procedure in such cases shall, as nearly as may be, conform to the procedure above prescribed, but with the modifications hereinafter expressed.

SEC. 14. In every case of such joint action, the preliminary procedure of section 1 having been first had in each county severally, the board of county commissioners of the several counties proposing to join shall unite in such an application as is prescribed in section 2, and the application shall be made to any person, who, for the time being, shall be a Judge of the United States District Court in any district in which such counties, or any of them, may lie, and the list mentioned in section 2 shall be made in as many counterparts as there are counties so joining, and one counterpart shall be filed with the board of county commissioners of each county, and if the person who is such United States Judge shall decline or be unable to act, then, the board of such counties shall meet in joint session, at the county seat of such one of the counties as shall be agreed upon and shall organize as a joint board by appointing a chairman and clerk, and by resolution in which a majority of all the commissioners present, and at least one commissioner from each county, shall concur, name the eleven persons for the Commission, which eleven in such case shall be citizens of the counties concerned, and as nearly as may be the same number from each county. A counterpart of such resolution shall be recorded in the minutes of the proceedings of the board of each county. The Commission shall make as many assessment rolls as there are counties joining and one counterpart roll shall be certified by such chairman and clerk of the joint board, and by such clerk filed with the board of each of such counties. Procedure.

SEC. 15. For purposes of a board of equalization, said boards shall from time to time meet as a joint board as aforesaid, and have a chairman and clerk as aforesaid, and for all purposes under sections 5 and 6 of this act, in Joint board.

case of counties joining, the word board wherever occurring in said sections shall be interpreted to mean such joint board, and the word clerk shall be deemed to mean the clerk of such joint board, and the posting of notices shall be in at least ten public places in each county, and the publication of the same shall be in a newspaper of each county, and the objections mentioned in said section 6 shall be filed with the clerk of the joint board, who shall cause a copy thereof, certified by him to be filed with the clerk of the board of county commissioners of the county where the real estate of the party objecting is situated.

Duplicate
assessment
roll.

SEC. 16. The minutes of the proceedings of the joint board and the assessment roll as finally settled by such board shall be made up in as many counterparts as there are counties joining as aforesaid, and shall be signed by the chairman and clerk of said board, and one of said counterparts so signed shall be filed by said clerk with the clerk of the board of county commissioners of each of said counties, and any appeals and subsequent proceedings under sections 7 to 12, inclusive, of this act, as far as relates to real estate in any individual county, shall be as nearly as may be the same as if the local improvement district and bond issue concerned that county only.

Expenses.

SEC. 17. The joint board shall keep careful account of its necessary expenses and shall apportion and charge the same to the counties joining, and certify to the board of county commissioners of each such county an itemized statement of the entire account and of the proportionate part of such expense charged to such county and the board of county commissioners of such county shall cause the same to be paid out of the general fund of the county.

Notification
of com-
missioners.

SEC. 18. The board of county commissioners of the county, or of the oldest county in case of counties joining, shall cause the persons named for the Commission to be notified of their appointment in a notice that shall name all such persons and shall designate the time and place of the first meeting of the Commission. The Commission, having come together pursuant to such notice, and its members having taken the oath hereinbefore prescribed,

shall have full powers to organize and proceed with its business as a deliberative body.

SEC. 19. An emergency exists and this act shall take Emergency. effect immediately.

Passed the Senate February 27th, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 18th, 1907.

CHAPTER 237.

[S. B. 125.]

CONSOLIDATION OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An act amending section 10 of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency,' approved March 27, 1890," approved March 16, 1903.

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

SECTION 1. That an act amending section 10 of an act entitled "An Act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency," approved March 16, 1903, be and the same is hereby amended to read as follows: That section 10 of an act entitled "An Act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency," approved March 27, 1890, be amended to read as follows: Sec. 10. Two or more contiguous municipal corporations may become consolidated into one corporation after proceedings had as required in this section. The council, or other legislative body, of either of such corporations, shall upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors of each of such corporations, as shown by the votes cast at the last municipal election held in each of such corporations, submit to the electors of each of such corporations the question whether such corporations shall become consolidated into one corporation. Such Legisla-

Consolida-
tion.

Petition.

Special
election.

Notice of
election.

Ballots.

Canvass of
votes.

Abstract of
votes.

tive body shall designate a day upon which a special election shall be held in each of such corporations to determine whether such consolidation shall be effected, and shall give written notice thereof to the council or other legislative body of each of the other of such corporations, which notice shall designate the name of a proposed new corporation. It shall thereupon be the duty of such legislative body of each of the corporations so proposed to be consolidated to give notice of such election by publication in a newspaper, printed and published in such corporation, for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be submitted, the names of the corporations so proposed to be consolidated, the name of the proposed new corporation, and the class to which such proposed new corporation will belong, and shall invite the electors to vote upon such proposition by placing upon their ballots the words "For consolidation," or "Against consolidation," or words equivalent thereto. The legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the legislative body of that one of the corporations having the largest population, as shown by the last State census, on the Monday next succeeding the day of such election, and proceed to canvass the votes cast thereat. The votes cast in each of such corporations shall be canvassed separately; and if it shall appear upon such canvass that a majority of the votes cast in each of such corporations shall be for consolidation, such joint convention, by an order entered upon their minutes, shall cause the clerk or other officer performing the duties of clerk, of the legislative body at whose place of meeting such joint convention was held, to make a certified abstract of such vote, which abstract shall show the whole number of electors voting at such election in each of such corporations, the number of votes cast in each for consolidation, and the number of votes cast in each against consolidation. Such abstract shall be recorded upon the minutes of the legislative body of each of such corporations, and immediately upon the record thereof, it shall be the duty of the clerk,

or other officer performing the duties of clerk, of each of such legislative bodies, to transmit to the Secretary of State a certified copy of such abstract. Immediately after such filing the legislative body of that one of such corporations having the greatest population, as shown by the last State or national census, shall call a special election, to be held in such new corporation, for the election of the officers required by law to be elected in corporations of the class to which such new corporation shall belong; which election shall be held six months thereafter. Such election shall be called and conducted in all respects in the manner prescribed, or that may hereafter be prescribed by law for municipal elections in corporations of such class, and shall be canvassed by the legislative body so calling the same, who shall immediately declare the result thereof and cause the same to be entered upon their journal. From and after the date of such entry such corporation shall be deemed to be consolidated into one corporation under the name and style of the city (or town as the case may be) of (naming it) with the powers conferred or that may hereafter be conferred by law upon municipal corporations of the class to which the same shall so belong and the officers elected at such elections shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices respectively, only until the next general municipal election to be held in such city or town, and until their successors are elected and qualified. All the provisions of sections five and six of this act shall apply to such corporations and to the officers thereof: *Provided*, That in all cases wherein cities and towns of the third and fourth class desire annexation to cities of the first class, no election shall be required to be held in such cities of the first class. When any city or town of the third or fourth class shall vote in favor of annexation to any city of the first class, the legislative body of such city or town so voting shall canvass such votes and if in favor of annexation may (if said city or town desires to be annexed as a separate ward or wards of the city of the first

Copy of abstract to be filed with Secretary of State.

Special election of officers.

When deemed consolidated.

Officers to enter upon duties.

Cities of third and fourth class.

Census. class) forthwith cause a census to be taken by one or more suitable persons of all the inhabitants of such city or town; in which census the full name of each person shall be plainly written and the names alphabetically arranged and regularly numbered in one complete series; which census shall be verified before an officer authorized to administer oaths, and upon the completion of such census the

Petition. legislative body of such city or town shall forthwith file a petition, together with an abstract of the votes so taken and canvassed and a copy of the census so taken, with the city council of such city of the first class, praying for annexation under the name of such city of the first class. At the next regular meeting of the city council of said city of the first class following the filing of such petition, abstract

Hearing on petition. and copy of census, or as soon thereafter as practicable, said city council shall proceed to hear such petition, with the abstract and census attached, for annexation and if said council so deem it wise and expedient to take or annex such city or town of the third or fourth class then the city council of said city of the first class shall pass a resolution requiring its corporation council to prepare an ordinance,

Ordinance. as required by law and the charter of said city, covering the annexation of said city or town; which ordinance, in case of the population of said city or town as shown by said census is sufficient to constitute one or more wards under the charter of said city of the first class, shall provide that said city or town be annexed as one or more wards according to its population, as shown by said census, and shall assign a number or numbers thereto; and present the same to the city council. Upon the taking effect of said ordinance of such city of the first class such city or town so desiring to be annexed shall thereupon become a part of such city of the first class under the name of such city of the first class and subject to all its laws and ordinances then and there in force: *Provided*, That if the city or town so annexed shall have sufficient population, as shown by said census, to constitute a separate ward or wards, such city or town shall thereupon become a separate and distinct ward or wards of the said city of the first class, and the

Special election of councilmen.

city council of the said city of the first class shall immediately call a special election to be held in such new ward or wards for the purpose of electing one councilman from each ward, who shall hold office until the next general election held in said city of the first class; such special election shall be held and conducted in all respects the same as provided by the charter, laws and ordinances of such city of the first class for the holding of special elections; and simultaneously the terms of office of the officers of the city or towns so annexed shall terminate. And it shall be the duty of the clerk of said city of the first class to forthwith transmit to the Secretary of State a certified copy of the proceedings so had before said city of the first class relating to said matters of annexation: *And further provided*, That no property within either of the former corporations so consolidated shall ever be taxed to pay any portion of any indebtedness of either of the other of such former corporations, contracted prior to, or existing at, the date of such consolidation: *And provided further*, That where municipalities are separated by water or by tide or shore lands upon which no *bona fide* residence is maintained by any person such municipality shall be deemed to be contiguous for all the purposes of this act and may be consolidated under the terms hereof, and upon such consolidation any such intervening water, tide or shore lands shall become part of the consolidated city.

Duty of
clerk.

Taxation of
property.

When
deemed
contiguous.

Passed the Senate February 18th, 1907.

Passed the House February 27th, 1907

Approved by the Governor March 18th, 1907.

CHAPTER 238.

[H. B. 464.]

PIPES AND CONDUITS FOR CONDUCTING WATER ALONG
PUBLIC HIGHWAYS.

AN ACT authorizing county commissioners to grant to persons, companies or corporations the right to lay down, maintain and operate in, along and upon any and all of the public highways within their respective counties in the state of Washington, pipes and conduits for the purpose of conducting water therein.

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

SECTION 1. The county commissioners of the several counties in this State may grant to persons, companies or corporations the right to lay down, maintain and operate in, along and upon any and all of the streets, alleys, public places and public highways within their respective counties, without the limits of incorporated cities and towns, pipes and conduits for the purpose of conducting water and maintaining and operating water systems for public or private purposes, under such regulations and conditions as such county commissioners may prescribe: *Provided*, That no such grant or franchise shall be made for a period exceeding twenty-five years, and in all cases shall contain a provision that in the event the territory covered by the grant shall at any time during the franchise period be included within any incorporated city or town the authorities of said city or town shall have the right, to be exercised in their discretion, to acquire by purchase or condemnation any or all of such pipes, conduits and water systems at a price to be based upon the reasonable value of same at that time without any additional value for the franchise, or any unexpired period thereof, and upon such acquirement the said grant or franchise shall immediately terminate.

County
commis-
sioners
may grant.

Limit of
grant.

City may
purchase
system,
when.

Passed the House March 14th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 18th, 1907.

CHAPTER 239.

[H. B. 397.]

CERTIFICATION OF TEACHERS IN CERTAIN CITIES.

AN ACT relating to certification of teachers in cities employing four hundred or more teachers in the public schools thereof.

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

SECTION 1. In all cities of the State in which four hundred or more teachers are employed in the city schools there shall be a board of examiners consisting of the city superintendent of schools and two other members having practical experience as teachers, residents of said city, to be designated as associate examiners. The associate examiners shall be elected by the board of directors at their regular meeting in July annually, and shall hold office for one year, but no candidate for examination as a preliminary to teaching in the public schools shall be an associate examiner. The city superintendent of schools shall be chairman of the board of examiners. The board of examiners shall meet and hold examinations for the granting of teachers' certificates on such occasions only as may be authorized by the board of directors. Such board of examiners shall have power:

1. To adopt rules and regulations, not inconsistent with the laws of the State or the rules of the board of education for its own government and for the examination of teachers and to fix standards of proficiency for the granting and renewing of certificates subject to the approval of the board of directors.

2. To prepare questions on the various subjects prescribed by law and examine by written or oral examination all candidates for the following certificates:

(a) A city high school certificate valid for one year only unless renewed and authorizing the holder to teach or serve as principal in any primary, grammar, or high school in such city.

(b) A city grammar school certificate valid for one year only unless renewed and authorizing the holder to

Examiners.

Powers of examiners.

To adopt rules.

To prepare questions and examine candidates.

teach in any primary or grammar school, or serve as principal in any primary school in such city.

(c) A city primary certificate, valid for one year only, unless renewed, and authorizing the holder to teach in any primary school in the city.

The board of examiners shall report the result of all examinations to the board of directors who, through the president and secretary thereof, shall issue to the successful candidates the certificates to which they are entitled; and said board of directors shall report a list of certificates issued to the State Superintendent of Public Instruction and to the county superintendent of the county in which the city is located.

Renewal of certificates.

3. To recommend to the board of directors renewal of the various renewable certificates, in accordance with such regulations as they may adopt, or as may be prescribed by the board of directors; whereupon said board of directors through its president and secretary, may renew such certificates from year to year.

To revoke certificates.

4. For immoral and unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, to recommend to the board of directors the revocation of any certificates previously granted by said board of directors.

To grant temporary certificates.

5. In case of necessity, to grant, by the chairman of the board of examiners, temporary certificates to teachers of experience of whose ability to pass the regular examination, there is no doubt: *Provided*, That such temporary certificate shall be valid only until the next regular examination, and under no circumstances shall be issued more than once to the same person.

Who may receive certificates.

SEC. 2. No certificate of permission to teach shall be issued to any person not eighteen years of age. No certificate shall be granted to any person whose moral character or habits are known by the board of examiners or board of directors to be bad, or who is afflicted with a serious infectious or hereditary disease. No certificate shall be granted by the board of directors or upon its authority except to successful candidates in a regular or special examination conducted by the board of examiners in accordance with the provisions of law.

SEC. 3. City primary and city grammar certificates shall be granted only to applicants who are found upon examination to have a practical knowledge of pedagogics, school management and the general school system of the State of Washington, and to be proficient in and qualified to teach the following branches: Reading, writing spelling, English grammar, geography, arithmetic, physiology and hygiene, United States history and such other English branches as the board of directors may prescribe: *Provided*, That the examination of applicants for such certificates shall be specially adapted to discover their fitness to teach all the branches named to pupils of primary or grammar grades respectively.

Primary
and gram-
mar certifi-
cates.

SEC. 4. City high school certificates shall be granted only to applicants who pass satisfactorily the examination required for grammar certificates and in addition thereto, sustain a satisfactory examination in civil government, physical geography, elementary physics, algebra, botany, and such other branches as the board of directors may prescribe.

High school
certificates.

SEC. 5. Holders of normal diplomas and holders of State diplomas or State certificates or any certificate authorized by the laws of the State of Washington shall be exempt from all further examinations during the term of validity of such certificates as provided by law. Teachers engaged in the exclusive teaching of music, foreign languages, drawing, penmanship, kindergarten, manual training, domestic science and physical culture shall be exempt from all examinations except such as pertain to the special departments over which they preside.

Who ex-
empt from
examina-
tion.

SEC. 6. Special certificates shall be granted only to applicants who pass satisfactorily an examination in a special or departmental subject (such as music, foreign language, drawing, penmanship, kindergarten, manual training, domestic science, physical culture, etc.), and such other subjects as are calculated to discover applicants' fitness to teach in public schools.

Special
certificates,
when
granted.

Passed the House March 11th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 18th, 1907.

CHAPTER 240.

[H. B. 262.]

AMENDING ACT RELATING TO THE PUBLIC SCHOOL SYSTEM.

AN ACT relating to the public school system of the state of Washington and amending sections 22, 24, 27, 28, 40, 51, 71, 75, 88, 117, 120, 121, 137, 139, 141, 144, 145 and 165 of chapter CXVIII of the Session Laws of 1897.

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

SECTION 1. That section twenty-two (22) of chapter 118 of the Session Laws of 1897 be amended to read as follows:

SEC. 22. The powers and duties of the Superintendent of Public Instruction shall be:

Powers and duties of Superintendent of Public Instruction.

Supervision,

First.—To have supervision over all matters pertaining to the public schools of the State.

reports.

Second.—To report biennially to the Governor on or before the first day of November preceding the regular session of the Legislature, of which report four thousand copies shall be printed and delivered to the Superintendent of Public Instruction, who shall furnish two copies to be deposited in the State Library, one copy to each county superintendent of schools and one copy to each district library. Said report shall contain a statement of the general condition of the public schools of the State, with full statistical tables by counties showing the number of schools and the attendance; the State and county funds apportioned, amount received from special tax and from other sources, amount expended for salaries of teachers, the salaries paid by the several counties to the county superintendent of schools and the amount paid him for incidentals and expenses; the amount paid for building and providing school houses, furniture and apparatus, the amount of bonded or other school indebtedness, with the rate of interest paid thereon, the reports of all State educational institutions, or such portions of them as he may think advisable, together with such other facts as he may deem of general interest. He shall also include in his re-

port a statement of plans for the management and improvement of the schools.

Third.—To prepare and have printed such blanks, forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of teachers, and such other blanks and books as may be necessary for the discharge of the duties of teachers and officers charged with the administration of the laws relating to the common schools, and to distribute the same to the county superintendents. To prepare blanks.

Fourth.—To travel in the different counties of the State where public schools are taught, without neglecting his other official duties as Superintendent of Public Instruction, for the purpose of visiting schools, of consulting the county superintendents, and of addressing public assemblages on subjects pertaining to public schools; also to conduct such correspondence as may enable him to obtain all necessary information relating to the system of public schools in other states. To visit schools.

Fifth.—To submit to the State Auditor a monthly statement of his expenditures for traveling expenses. Expenses.

Sixth.—To cause to be printed with an appendix of appropriate forms and instructions for carrying into execution the laws relating to public schools, and to distribute to each county superintendent a sufficient number of copies to supply each district officer, and to cause the same to be printed and distributed as often as any change in the laws shall make it of sufficient importance, in his opinion, to justify the same. To publish laws.

Seventh.—To act as *ex-officio* president of the State Board of Education and of the State Board of Higher Education. President of State boards.

Eighth.—To hold, on or before the first day of October, annually, a convention of the county superintendents of the State at such time and place as he may deem convenient, for the discussion of questions pertaining to supervision and the administration of the school laws and such other subjects affecting the welfare and interests of the common schools as may be brought before it. Said convention shall To hold convention of county superintendents.

continue in session not less than two days nor more than three days at the option of the Superintendent of Public Instruction. It shall be the duty of every county superintendent in this State to attend said convention during its entire session, and any county superintendent who attends less than the full time the convention shall be in session shall receive mileage as allowed by law, only in the ratio that the time he actually attends shall bear to the whole time the convention shall be in session. No mileage shall be paid to any county superintendent for attendance at such convention except upon a certificate of the Superintendent of Public Instruction, stating the full time the convention was in session and the actual time said county superintendent was in attendance.

To apportion school fund.

Ninth.—It shall be the duty of the State Auditor, on or before the first day of September, and quarterly thereafter, to certify to the Superintendent of Public Instruction the amount of current school fund in the hands of the State Treasurer subject to apportionment, and it shall be the duty of the Superintendent of Public Instruction to apportion such school fund among the several counties of the State, on or before the 15th day of September, December, March and June of each year, in proportion to the total days' attendance: *Provided*, That each school district shall be credited with at least two thousand days' attendance. The basis of said apportionment shall be the last annual reports of the several county superintendents on file in his office at the time of making the apportionment: *Provided further*, If a pupil attends any public school of the State, outside of his resident district, or any private school within his resident district, up to the ninth grade, during the time the resident district maintains a school of the grade in which the pupil belongs the attendance shall be credited to the district in which the pupil resides, unless mutually arranged otherwise by the directors; and the clerk of any district whose resident pupils are attending school in another district, or attending a private school within their resident district, shall notify the clerk of the district where such pupils attend or the principal, president or

Basis of apportionment.

manager of any private school within his district when the school of said pupil's resident district will be in session, and of the grades that will be maintained; and it shall be the duty of the district clerks so notified, and of the principals, presidents or managers of private schools so notified, on or before the thirtieth day of June each year, to certify to the clerk of the resident district referred to in this subdivision, the actual number of days' attendance at their respective schools of such pupils as are mentioned in this subdivision, during the time that a school of the grade to which the pupil or pupils properly belong, and without the notice herein required by the clerk of the resident district all claims to attendance will be forfeited: *Provided further*, That attendance at night schools authorized by this act shall be construed as one-half day's attendance: *And provided further*, That pupils who are excused from attendance at examinations for promotion, having completed their work in accordance with the rules of the board of directors, shall be accredited with attendance during said days of examination.

Tenth.—To require annually, on or before the 15th day of August, of the president, manager, or principal of every seminary, academy or private school, and of the president, manager or principal of every state educational institution in this State, a report of such facts arranged in such form as he may prescribe, and he shall furnish blanks for such reports; and it is hereby made the duty of every president, manager or principal, to fill up and return such blanks within such time as the Superintendent of Public Instruction shall direct.

Reports
from
educational
institutions.

Eleventh.—To keep in his office a directory of all boards of regents and trustees of State educational institutions, of the faculties of said institutions, and of all teachers receiving certificates to teach in common schools of this State.

Keep an
educational
directory.

Twelfth.—To issue common school certificates as provided by law.

Issue cer-
tificates.

Thirteenth.—To keep in his office at the capitol of the State, all books and papers pertaining to the business of his office, and to keep and preserve in his office a complete record of statistics; and all matters pertaining to the edu-

Records.

cational interests of the State, as well as a record of the meetings of the State Board of Education and the State Board of Higher Education. He shall file all papers, reports and public documents transmitted to him by the school officers of the several counties of the State, each year separately. Copies of all papers filed in his office, and his official acts, may be certified by him and attested by his official seal, and when so certified shall be evidence equally and in like manner as the original paper.

Decide
appeals.

Fourteenth.—To decide all points of law which may be submitted to him in writing by any county superintendent, or that may be submitted to him by any other person, upon appeal from the decision of any county superintendent; and he shall publish his rulings and decisions from time to time for the information of school officers and teachers; and his decision shall be final unless set aside by a court of competent jurisdiction.

To deliver
to his
successor.

Fifteenth.—To deliver over to his successor, at the expiration of his term of office, all records, books, maps, documents and papers of whatever kind belonging to his office or which may have been received by him for the use of his office.

SEC. 2. That section twenty-four of chapter 118 of the Session Laws of 1897 be amended to read as follows:

State
Board of
Education—
appoint-
ment.

SEC. 24. The Governor shall appoint, by and with the advice and consent of the State Senate four suitable persons holding life diplomas issued by authority of this State, who, together with the Superintendent of Public Instruction, shall constitute the State Board of Education: *Provided*, That at least two members of said Board shall be selected from those actually engaged in teaching in the common schools of the State. The persons appointed members of the State Board of Education shall hold their office for two years from the first Monday in March next following their appointment, and shall serve until their successors are appointed and qualified. The deputy superintendent and inspector of schools shall be *ex-officio* secretary of said Board, but shall not be entitled to a vote in its proceedings. He shall keep a correct record of all

Term of
office.

Secretary.

its proceedings, in a good and well-bound book, which shall be kept in the office of the Superintendent of Public Instruction.

SEC. 3. That section twenty-seven (27) of chapter 118, of the Session Laws of 1897 be amended to read as follows:

SEC. 27. The State Board of Education shall have Power of Board. power, and it shall be its duty:

First.—To prepare an outline course or courses of study To prepare courses of study. for the primary, grammar and high school departments of the common schools, and to prescribe such rules for the general government of the common schools as shall secure regularity of attendance, prevent truancy, secure efficiency and promote the true interests of the common schools.

Second.—To use a common seal, which shall be designed Seal. by the Board and kept in the office of the Superintendent of Public Instruction.

Third.—To grant State certificates and life diplomas To grant State certificates and life diplomas. in accordance with the provisions of this act.

Fourth.—To prepare a uniform series of questions to be used by the county superintendents in the examination of teachers, and to determine rules and regulations for conducting the same, and to prepare questions for the examination of applicants for State certificates and life diplomas. To prepare questions for examination of teachers.

Fifth.—To thoroughly investigate and ascertain the character, thoroughness and comprehensiveness of the work required to be performed as a condition of entrance to and graduation from the various courses of all schools of the character contemplated in sections one hundred and thirty-eight (138), one hundred and thirty-nine (139), and one hundred and forty-one (141), of the act of which this act is amendatory, before granting or authorizing to be granted without examination to the holder of a diploma of any institution of learning situated outside of this State, and to make a list of such institutions of learning as they shall find to be entitled to recognition according to the letter and spirit of the aforesaid sections mentioned in this subdivision. It shall also carefully investigate and ascertain the character, thoroughness and comprehensiveness To make investigations.

of the examinations required to be taken in other states in order to obtain state certificates or life diplomas of the character contemplated in section one hundred and thirty-eight (138) of the act of which this act is amendatory; and said Board shall make a list of the certificates and diplomas that are found to be equal in all respects to the state certificates and life diplomas authorized to be issued in this State. Such list shall be entitled "List of Accredited Certificates and Diplomas," and no certificate or diploma shall be granted in this State without examination, except to the holder of a certificate or diploma mentioned in the accredited lists mentioned in this subdivision.

SEC. 4. That section twenty-eight (28) of chapter 118 of the Session laws of 1897 be amended to read as follows:

Board of
Higher
Education—
personnel.

Sec. 28. The State Board of Higher Education shall consist of the State Board of Education, together with the president of the University of Washington, the president of the State College, and the principals of the State Normal Schools. The Deputy Superintendent of Public Instruction and inspector of schools shall be *ex-officio* secretary of said Board, but shall not be entitled to a vote in its proceedings. He shall keep a correct record of its proceedings in a good and well-bound book, which shall be kept in the office of the Superintendent of Public Instruction. He shall also, upon request, furnish to the executive head of any or all schools mentioned in this section, a certified copy of such proceedings. He shall also act as inspector of all high schools, academies and colleges that shall desire to be accredited by the State College and the State Normal Schools of this State, and shall, at its next meeting make a written report to the Board, containing such facts and recommendations concerning the schools inspected, as his observations may justify. The Superintendent of Public Instruction shall be *ex-officio* president of the Board, and shall furnish all necessary record books and blanks for its use. Said State Board of Higher Education shall hold an annual meeting at the capitol of the State, at the time of the annual meeting of the State Board of Education, the exact date of such meeting of the

Secretary—
duties.

Meetings.

State Board of Higher Education to be fixed by the Superintendent of Public Instruction, and it shall hold such special meetings, to be called by the Superintendent of Public Instruction, as the business of the Board may require.

SEC. 5. That section forty (40) of chapter 118, of the Session Laws of 1897, of Public Instruction be amended to read as follows:

SEC. 40. Every board of directors, unless otherwise specially provided by law, shall have power and it shall be their duty:

Powers and duties of directors.

First.—To employ, and for sufficient cause to discharge teachers, mechanics or laborers, and to fix, alter, allow and order paid their salaries and compensation. The directors shall make with each teacher employed by them a written or printed contract, which shall be in conformity with the laws of this State. Every such contract shall be made in duplicate, one copy of which shall be retained by the school district clerk and the other shall be delivered to the teacher after having been approved and registered by the county superintendent as by law required: *Provided*, That no board of directors shall employ any teacher or teachers whose term or terms of service begin after the first Monday in August, until after the directors elected at the annual school election in said year shall have entered upon the discharge of their duties: *Provided further*, That this subsection shall not apply to school districts having a population of ten thousand (10,000) or more inhabitants.

Employment of teachers, etc.

Second.—To enforce the rules and regulations prescribed by the Superintendent of Public Instruction and the State Board of Education for the government of schools, pupils and teachers and to enforce the course of study lawfully prescribed for the schools of their district.

To enforce rules.

Third.—To provide and pay for such materials, supplies and libraries, as may be necessary for the schools, and to purchase such maps, charts and other apparatus as may have the written approval of the county school superintendent.

To provide supplies and furniture.

Fourth.—To rent, repair, furnish and insure school houses.

To care for school-houses.

To act for district.

Fifth.—To build or remove school houses, purchase or sell lots or other real estate when directed by a vote of the district to do so: *Provided*, That a school house already built on a site which has been selected by a majority vote of the legal school electors of a district shall not be removed to a new site without a two-thirds vote of the school electors voting at an annual or special election; nor shall a school house site that has been selected by a majority vote of the legal school electors, but upon which no school house has been built, be changed except by a two-thirds vote of the legal school electors voting at an annual or special school election as hereinbefore provided.

To hold property.

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

To suspend or expel pupils.

Seventh.—To suspend or expel pupils from school who refuse to obey the rules thereof, and they shall exclude from school all children under six years of age.

To provide text books.

Eighth.—To provide free text books and supplies to be loaned to the pupils of the school, when in their judgment the best interest of their district will be subserved thereby, and to prescribe such rules and regulations as they shall deem necessary to preserve such books and supplies from unnecessary damage.

To require books.

Ninth.—To require all pupils to be furnished with such books as may have been adopted by lawful authority of this State, as a condition to membership in the schools.

To exclude certain books.

Tenth.—To exclude from schools and school libraries all books, tracts, papers and other publications of an immoral or pernicious tendency, or of sectarian or partisan character.

To permit use of school house.

Eleventh.—To authorize the school room to be used for summer or night schools, literary, scientific, religious, political, mechanical or agricultural societies, under such regulations as the board of directors may adopt.

To provide transportation for pupils.

Twelfth.—To provide and pay for transportation of children to and from school when in their judgment the best interests of their district will be subserved thereby.

SEC. 6. That section fifty-one (51) of chapter 118 of the Session Laws of 1897 be amended to read as follows:

SEC 51. No person shall be accounted as a qualified teacher, within the meaning of the school law, who is not the holder of a certificate issued by the Superintendent of Public Instruction; or who has not a State certificate or life diploma from the State Board of Education, a temporary certificate granted by a city superintendent of schools in a district containing a city of ten thousand or more inhabitants, or who has not a temporary certificate or a special certificate granted by a county superintendent, according to law. Who are qualified teachers.

SEC. 7. That section seventy-one (71) be amended to read as follows:

SEC. 71. All parents, guardians and other persons in this State having or who may hereafter have immediate custody of any child or children between the ages of eight and fifteen years, shall send the same to school during the entire time that the public school in the district in which he, she or they reside, unless such child or children shall be excused from attendance at school by some person lawfully qualified to grant such excuses. Compulsory attendance.

SEC. 7 $\frac{1}{2}$. That section 117 of chapter 118 of the Session Laws of 1897 be amended to read as follows:

SEC. 117. The board of directors of any school district, or of any union high school district, in this State may borrow money and issue negotiable coupon bonds therefor to any amount not to exceed five (5) per cent. of the taxable property in such district, as shown by the last assessment roll for county and State purposes: *Provided*, That in incorporated cities the assessment shall be taken from the last assessment for city purposes, for the purpose of funding outstanding indebtedness, or bonds heretofore issued, or issued under the provisions of this act, or for the purchase of school house site or sites, building one or more school houses and providing the same with all necessary furniture and apparatus, or for any or all of these purposes, when authorized by a vote of the district so to do, as provided in section 118 of this act: *Provided further*, Limit of bonded indebtedness.

Rate of interest.

That the bonds so issued shall bear a rate of interest not to exceed six per cent. per annum, interest payable annually or semi-annually, payable and redeemable at such time as may be designated in the bonds, but not to exceed twenty (20) years from date of issue: *Provided further*, When the indebtedness of such district exceeds five per cent. of its taxable property, warrants issued for those necessary expenses made mandatory in the constitution and provided for by the Legislature of the State, which expenses are hereby declared to include teachers, janitors, and officers' salaries, expenses of construction, maintenance and rent of school buildings, including sites, may be funded under the provisions of this act.

Necessary expenses.

SEC. 8. That section 88 of chapter 118 of the Session Laws of 1897, be amended to read as follows:

County treasurer shall be treasurer of district.

SEC. 88. The county treasurer shall be the *ex-officio* treasurer of the board of directors; he shall prepare and submit to the secretary in writing, on the first day of January, April, July and October of each year, a report of the state of the finances, and shall pay all school moneys placed to the credit of the district, only upon warrants signed by the president or a majority of the board of directors, and countersigned by the secretary: *Provided*, That when, in the judgment of the board of directors, the warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the president personally imposes too great a task on the president, the board of directors, after auditing all payrolls and bills as provided by section 91, may authorize the issuing of one general certificate to the county treasurer, to be signed by the president, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn. And the secretary of said board shall be authorized to draw and sign said warrants.

SEC. 9. That section 120 of the chapter 118 of the Session Laws of 1897 be amended to read as follows:

Sale of bonds.

SEC. 120. At the time named in said notice, it shall be the duty of said board of directors to meet with the county

treasurer at his office, and with him open said bids, and sell said bonds or any portion thereof to the person or persons making the most advantageous offer: *Provided*. The bonds shall never be sold below par, and the board of directors may reject any and all bids, and at any time within two years of the election at which authority was granted to issue and sell said bonds, the board of directors may proceed to re-advertise the sale of such bonds as often as may be necessary, until the whole thereof shall be sold; and such board may also require all persons bidding for such bonds, except the State of Washington, to deposit one per centum of the par value of the bonds bid for on depositing with the Treasurer their bids, and if the bidder fails to take and pay for the bonds for which he bid, in case of their sale to him, the amount so deposited shall be forfeited to the school district; otherwise to be returned to such bidder, and a re-sale of such bonds so refused to be taken may be made as if the bid for the same had been rejected. Upon the sale of the bonds, the board of directors shall, within ten days, or as soon thereafter as practicable, deliver the bonds, properly executed, to the county treasurer, taking his receipt therefor. The county treasurer shall, upon payment of the price agreed upon, deliver the same to the person or persons to whom sold, and placing the moneys arising from such sale to the credit of the special school fund of said district. Fees for advertising shall be deducted from the proceeds: *Provided*, That if the board of directors and the person or persons to whom the bonds are sold agree that the delivery of said bonds shall be in installments, the county treasurer shall hold said bonds, and deliver to purchasers only on written order of the board of directors to deliver at specified time the bonds designated by number and series.

May reject bids and readvertise.

Delivery of bonds.

SEC. 10. That section 121 of chapter 118 of the Session Laws of 1897 be amended to read as follows:

SEC. 121. The county commissioners must ascertain and levy annually the tax necessary to pay the interest upon such bonds as it becomes due, and at the expiration of one-half of the time for which said bonds are to run,

Bond interest levy.

and annually thereafter, until full payment of said bonds is made, they may, if deemed advisable, levy, in addition to the tax required, pay the interest, such amount for sinking fund to meet the payment of said bonds at maturity, to be determined by dividing the amount of bonds outstanding by the remaining number of years to run, and the fund arising from such levy shall be kept as the bond redemption fund of said district, and each of said tax levies shall be a lien upon the property in said district, and must be collected in the same manner as the taxes for other school purposes: *Provided*, That the county treasurer, when authorized to do so by the board of directors of any school district, may invest any accumulated sinking fund of said district in school, county, or State warrants of the State of Washington, and all profits accruing from such investment, and the funds so invested, shall revert to the sinking fund of said district, and the county treasurer shall be custodian of all warrants purchased by and with the said sinking fund, until the same are redeemed: *And provided further*, That the county treasurer, when authorized to do so by the board of directors of any school district, may purchase and redeem any of the outstanding bonds of said district, paying for said bonds out of the accumulated sinking fund of the district.

SEC. 11. That section one hundred and thirty-seven (137) of chapter 118 of the Session Laws of 1897 be amended to read as follows:

SEC. 137. The teachers' certificates issued by authority of the State of Washington, and entitling the holder thereof to teach in the schools of the State shall consist of—

Life diplomas.

First.—Life diplomas, valid during the life of the holder, and State certificates, valid for five years from the date of issue. Said life diplomas and State certificates shall be issued by the Superintendent of Public Instruction on the authority of the State Board of Education: *Provided*, That State certificates may, upon application and without examination, be renewed, or a life diploma be authorized in lieu thereof by the State Board of Education.

State certificates.

First, second and third grade certificates.

Second.—First grade common school certificates, valid

for a period of five years from date of issue; second grade common school certificates, valid for two years from date of issue; third grade common school certificates, valid for one year from date of issue. Said first grade certificates, second grade certificates and third grade certificates shall be issued by the Superintendent of Public Instruction, as provided by law.

Third.—Temporary certificates may be issued, as provided by law, by any city superintendent of schools in a district containing a city of ten thousand or more inhabitants, or by any county superintendent, entitling the holder thereof to teach in the common schools of the county wherein the same is issued until the close of the school year in which such temporary certificate was issued.

Temporary
Certificates.

Fourth.—Special certificates may be issued without examination by the county superintendent, to teachers of music, languages other than the English, drawing and painting, manual training and penmanship, upon application of any board of directors, which certificate shall entitle the holder thereof to teach the subject therein named in any school of the district under the control of said board of directors, until revoked for cause: *Provided*. That the county superintendent, before issuing the same, shall receive satisfactory evidence of the applicant's fitness to teach the subject named in the certificate.

Special
certificates.

SEC. 12. That section one hundred and thirty-nine of the chapter 118 of the Session Laws of 1897 be amended to read as follows:

SEC. 139. The State Board of Education shall also have power to grant State certificates without examination to all applicants who are graduates of a regular four-year collegiate course of the University of Washington, of the State College, or other reputable institutions of learning, whose requirements of graduation are equal to the requirements of the University of Washington: *Provided*, That the applicant shall file with the Board a certified copy of his diploma, and a copy of the course of study for the year in which he graduated, and he shall also file with the Board satisfactory evidence of having taught successfully

State cer-
tificates
without
examina-
tion.

for twenty-seven months, at least nine of which shall have been in the public schools of this State: *Provided further*, That the name of the institution by which it was granted shall appear upon the accredited list provided for in the fifth subdivision of section 27 of the Code of Public Instruction of this State: *And provided further*, The State Board shall also have power to grant State certificates without examination to applicants holding diplomas from any institution of learning situated within this State based on a four-year course of high school work and an additional two-year course of advanced work equal to the work of a course of two years in the State Normal Schools of this State, in theory and practice of teaching, psychology and history of education: *Provided*, That the applicant shall file with the Board a certified copy of his diploma and a copy of the course of study for the year in which he graduated and shall pass a satisfactory examination before the State Board of Education in theory and practice of teaching, psychology and history of education: *Provided, further*, That the State Board of Education shall be the judge of the standard of such institutions and shall have power to accredit the same in addition to schools otherwise accredited: *And provided further*, That holders of certificates based on the six-year course last described who thereafter furnish the State Board satisfactory evidence of having taught successfully twenty-seven months, of which at least nine months shall have been in the public schools of this State, shall receive a life diploma issued by the State Board of Education: *Provided further*, That any of the foregoing certificates or diplomas may be revoked by the State Board for incompetency, immorality or unprofessional conduct.

SEC. 13. That section one hundred and forty-one (141) of the chapter 118 of the Session Laws of 1897 be amended to read as follows:

Require-
ments for
certificates.

SEC. 141. All applicants at the examination mentioned in the preceding section shall be at least eighteen years of age, and shall be examined according to the rules and regulations of the State Board of Education, in reading,

penmanship, orthography, written and mental arithmetic, geography, English grammar, physiology and hygiene, history and constitution of the United States, school law and the constitution of the State of Washington, and the theory and art of teaching; but no person shall receive a first grade certificate who does not pass a satisfactory examination in the additional branches of physics, English literature, algebra and physical geography, and who does not present satisfactory written evidence of having taught successfully one school year of nine months: *Provided*, That the State Board of Education may adopt two subjects in lieu of algebra and physics for teachers who have taught exclusively in primary schools for not less than fifty months, and the certificates granted to such primary teachers shall be known as first grade primary certificates, and shall entitle the holder to teach only in the primary grades of the public schools of this State. The State Superintendent shall also have power to grant common school certificates without examination to all applicants who are the holders of diplomas or State certificates that have been accredited by the State Board of Education, as provided for in the fifth subdivision of section twenty-seven (27) of the Code of Public Instruction: *Provided*, That such applicant shall be required to take an examination in school law and constitution of this State and obtain such credits therein as may be prescribed by the State Board of Education.

SEC. 14. That section one hundred and forty-four (144) of the chapter 118 of the Session Laws of 1897 be amended to read as follows:

SEC. 144. The holder of a first grade certificate who shall present to the Superintendent of Public Instruction evidence of having taught successfully twenty-four school months during the time said certificate has been in force, may have his certificate renewed without further examination, upon its presentation, for a like term of five years, and such renewal and succeeding renewals shall be for like terms of five years: *Provided*, That such renewed certificate shall lapse upon the failure of its holder to teach

First grade
certificate
may be
renewed.

for a period of two consecutive school years: *Provided, further,* That a teacher holding a second grade certificate, who has taught in primary grades of public schools for not less than thirty-six months immediately preceding the expiration of said certificate, at least eighteen of which must have been in the public schools of this State, and who has taken at least one subject of the teachers' reading circle work each year, under the regulations prescribed by the State Board of Education, may have said certificate renewed for two years as a primary teacher only, but such certificate shall be entitled to but a single renewal.

SEC. 15. That section one hundred and forty-five (145) of chapter 118 of the Session Laws of 1897 be amended to read as follows:

Applicants
may pass
in part of
subjects.

SEC. 145. Any applicant for a certificate who shall attain the minimum percentage in eight of the designated subjects, but not in all, shall be credited for those subjects in which he or she shall have passed, and upon passing with the required percentages in the remaining subjects, at the next subsequent examination, shall receive a certificate in accordance with the result of both examinations: *Provided,* That any person who shall earn a second grade certificate on the results of two consecutive examinations, as herein provided, with an average of not less than ninety per cent., and shall not fall below the minimum credits required for a first grade certificate, in any branch or subject, may take the examination in the additional branches required for a first grade certificate, at the next succeeding examination; and if his or her percentages in such additional subjects are not inferior to those required for a first grade certificate, as fixed by the State Board of Education, such certificate shall be granted to such applicant by the Superintendent of Public Instruction. And any person who shall obtain credits of ninety per cent. or over at any examination for common school certificates in any subject or subjects in which applicants are required to be examined for second grade or third grade certificates, upon making application for a first grade certificate at or before the time of the expira-

tion of his or her certificate shall be exempt from examination in those subjects in which he or she has already obtained credits of ninety per cent. or over, and shall be accorded such credits of ninety per cent. or over as he or she has already earned as hereinbefore indicated.

SEC. 16. That section one hundred and sixty-five (165) of chapter 118 of the Session Laws of 1897 be amended to read as follows:

SEC. 165. Any school officer who shall refuse or fail to deliver to his qualified successor all books, papers, records and moneys pertaining to his office, or who shall wilfully mutilate or destroy any such property, or any part thereof, or shall misapply moneys entrusted to him by virtue of his office, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars; said fine, when collected to be turned over to the county treasurer and by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the State; and any director who shall aid in, or give his consent to the employment of a teacher who is not the holder of a valid certificate authorizing him or her to teach in the public schools of this State, shall be personally liable to his district for any loss which it may sustain by reason of the employment of such person not lawfully qualified to teach.

Penalty for failure to deliver property.

SEC. 17. That section seventy-five of chapter CVIII of the Session Laws of 1897 be amended to read as follows:

SEC. 75. Whenever any incorporated city in this State shall have a population of ten thousand or more inhabitants, as shown by any regular or special census, together with any adjacent or contiguous territory that now is or may be hereafter attached to said city for school purposes, it shall constitute one school district and be known by the name "..... (name of city) school district No. in county, State of Washington," and the board of directors thereof shall constitute a body corporate and possess all the usual powers of corporation for public purposes, and in that name and style may sue and be sued, purchase, hold and sell such

Cities of 10,000 inhabitants.

Title of city districts.

Powers.

personal and real estate, and enter into such obligations as are authorized by law; and the title to all school buildings or other property, real or personal, owned by any school district within the corporate limits of any city shall, upon the organization of a district under the provisions of this act, vest immediately in the new district, and the board of directors by this act provided shall have exclusive control of the same for all the purposes herein contemplated:

Annexation
of territory.

Provided, That whenever additional territory is annexed to said city, including all or a part of one or more school districts, such territory shall not be considered annexed for school purposes until the 30th day of June, next succeeding the date of annexation for municipal purposes, at which time the county superintendent shall declare the territory added to the limits of said city as a part of the school district constituting said city and shall in the same manner as provided for in the change of territory from one district to another district, make an equitable adjustment of all property, funds and debts and liabilities between such city district and the old district or districts: *Provided, further*, That when a school house is located within the territory annexed for municipal purposes, and yet remains the most accessible school for a part of the old district left outside the newly established city boundary line, the county superintendent may annex all or part of the former district to which said school house belongs, to the district constituting the city.

Repeal.

SEC. 18. All acts and parts of acts which are in conflict with the provisions of this act are hereby repealed.

Passed the House March 14th, 1907.

Passed the Senate March 13th, 1907.

Approved by the Governor March 18th, 1907.

CHAPTER 241.

[H. B. 178.]

CITIES OF THE SECOND CLASS.

AN ACT relating to cities of the second class and providing for the government of such cities, and repealing sections 24 to 91 inclusive, of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27, 1890, and declaring an emergency.

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

SECTION 1. RIGHTS, PRIVILEGES AND POWERS: Every municipal corporation of the second class shall be entitled, the City of _____ (naming it), and by such name shall have perpetual succession, may sue and be sued in all courts and places and in all proceedings whatever; and shall have and use a common seal, and alter the same at pleasure; may purchase, receive, have, take, hold, lease, use and enjoy property of every name or description, and control and dispose of the same for the common benefit. Whenever any city of the third class having the requisite population to entitle it to advancement has heretofore pursued or attempted to pursue the requisite statutory steps for the advancing of such city from the third class to the second class, such city shall be considered as a city of the second class, notwithstanding any irregularities or omissions in pursuing the statutes providing for its advancement, and all steps and proceedings so taken shall be and the same are hereby validated.

SEC. 2. OFFICERS ENUMERATED: The officers of such city shall consist of a mayor, twelve councilmen, a street commissioner, a treasurer, city clerk, police judge, city attorney, chief of police, and whenever a free public library and reading room is established therein, five trustees thereof; and the council may also create by ordinance the offices of superintendent of irrigation, city engineer, harbor master, pound keeper, city jailer, chief of the fire department, and whenever a paid fire department shall be established in such city, a chief engineer and one or more

assistant engineers, and any other offices necessary to carry out the provisions of this act, and for whose election or appointment no provision is made, and the city council may by ordinance prescribe the duties of all said officers and fix their compensation, except as hereinafter provided, subject to the limitations herein contained.

SEC. 3. ELECTION OF OFFICERS: The mayor, members of the city council, treasurer and city clerk shall be elected by the qualified voters of such city. The mayor and members of the city council shall hold office for the term of two years, except as hereinafter provided. The treasurer, city clerk, street commissioner, police judge, city attorney, chief of police and city engineer shall hold office for the term of one year, except as hereinafter provided.

SEC. 4. MUNICIPAL ELECTIONS: A general municipal election shall be held annually in such city on the first Tuesday after the first Monday of April of each year, provided that the first general municipal election to be held under this act shall be held on the first Tuesday after the first Monday of April, 1908. The officers elected at such municipal election shall take office on the first Wednesday of May following their election. Elective officers of such city at the time this act goes into effect, whose terms of office would expire in January, 1908, shall hold office until the first Wednesday of May, 1908, and elective officers of such city in office at the time this act goes into effect, whose terms of office would expire in January, 1909, shall hold office until the first Wednesday of May, 1909. Every elective officer of such city shall hold office until his successor is elected and qualified.

SEC. 5. ELECTIONS TO BE HELD UNDER GENERAL LAW: All municipal elections held under the provisions of this act shall be conducted according to the general election laws of the State, as far as practicable: *Provided*, That any qualified voter of such city, duly registered for the general county or State election next preceding any municipal election, general or special, shall be qualified to vote at such municipal election without further registration. No person shall be qualified to vote at such election

unless he shall be a qualified elector of the county and shall have resided in such city for at least thirty days next preceding such election. The council shall give such notice of each election as may be prescribed by ordinance, and shall appoint boards of election and fix their compensation, and shall establish election precincts and polling places.

SEC. 6. CANVASS OF VOTES: On the Tuesday following the election the city council shall convene and publicly canvass the result, and shall direct the issuance of certificates of election to each person elected by a plurality of votes. When two or more persons have received an equal and highest number of votes for any one of the offices voted for, the city clerk shall give notice to the several persons so having the highest and equal number of votes to attend at the next or some subsequent meeting of the council to be held within two weeks thereafter, and the city clerk shall at the time fixed proceed publicly to decide by lot which of the persons having an equal number of votes shall be declared duly elected. In case the clerk be an interested person such duty shall devolve upon the mayor. If all of the persons having the highest and equal number of votes shall be present at the meeting at which the council shall canvass the result of the election, the matter may then and there be decided by lot as herein provided, without the necessity of notice. If the city council from any cause fail to meet on the day named, then it shall be the duty of the council to canvass the election returns at the next regular or special election meeting held by the said council.

SEC. 7. CONTESTED ELECTIONS: The city council as constituted at the time of the election, or as it may be constituted between that date and the first Wednesday of May following, shall hear and determine any and all contested elections of any and all city officers. The city council shall have power by general ordinance to prescribe rules and regulations for the hearing of contested elections of city officers, but proceedings before the city council in cases of contested elections shall conform as near as

may be to the provisions of Chapter VI, Title VIII, of Balingier's Annotated Codes and Statutes of Washington, relating to contested elections.

SEC. 8. MAYOR TO APPOINT. The police judge, city attorney, street commissioner, chief of police, library trustees, as well as all other officers provided for in this act, whose election or appointment is not otherwise provided for, shall be appointed by the mayor, subject to confirmation by the city council. If the city council shall refuse to confirm any nomination of the mayor, then he shall within ten days thereafter nominate another person to fill the office and he may continue to nominate until his nominee is confirmed. If the mayor fails to make another nomination for the same office within ten days after the rejection of a nominee, then the city council shall elect a suitable person to fill the office during the term. The affirmative vote of not less than seven councilmen shall be required to confirm any nomination made by the mayor. Whenever a vacancy shall occur in an appointive office the vacancy for the unexpired term shall be filled by appointment in the same manner as at the beginning of the term, except as may be otherwise expressly provided in this act.

SEC. 9. ELIGIBILITY TO OFFICE. No person shall be eligible to hold any office in such city unless such person be a resident and elector of the city at the time of his election or appointment. No person shall be eligible to hold the office of mayor, member of the city council, street commissioner, treasurer, city clerk, city attorney, police judge or chief of police unless he be a resident and elector of such city at the time of his election or appointment and unless he shall have resided in the city for at least one year next preceding the date of his election or appointment.

SEC. 10. OATH AND BOND OF OFFICERS: Each officer of the city shall before entering upon the duties of his office, take the oath of office, and such as may be required to give bonds, shall file the same, duly approved, within ten days after receiving notice of his election or appointment; or if no notice be received, then on or before the date fixed for the assumption by him of the duties of the

office to which he may have been elected or appointed; but, if any one, either elected or appointed to office, fail for ten days to qualify as required by law, or to enter upon his duties at the time fixed by law or the orders of the city council, then such office shall become vacant; or if such officer shall absent himself from such city without the consent of the council for three consecutive weeks or shall openly neglect or refuse to discharge his duties, the said council may declare such office vacant: *Provided*, That the penalty for absence from the city shall not apply to such officers as serve without salary or without compensation. The city council shall fix the amount of all official bonds, and may designate what officers shall be required to give bonds in addition to those required to give bonds by this act.

SEC. 11. OFFICIAL BONDS: The clerk, treasurer, city attorney, chief of police, police judge and street commissioner, respectively, before entering upon the duties of their respective offices shall each execute a bond to the city in such penal sum as the city council by ordinance may determine, conditioned for the faithful performance of their duties, including in the same bond the duties of all offices of which he is made by this act *ex-officio* incumbent. All official bonds shall be approved by the city council and when so approved shall be filed with the city clerk, except the bond of the city clerk, which shall be filed with the mayor. All the provisions of any law of this State relating to official bonds of officers shall apply to such bonds, except as herein otherwise provided. No city officer shall be eligible as a surety upon any bond running to the city as obligee. The city council shall have power, whenever by it deemed expedient, to require a new or additional official bond of any officer.

SEC. 12. SALARIES: The mayor and members of the city council shall receive such salaries as may be fixed by the city council by ordinance: *Provided*, That the salary of the mayor shall not exceed the sum of five hundred dollars per annum, nor shall the salary of any member of the city council exceed the sum of three hundred dollars

per annum; *Provided*, That a deduction of five dollars for each absence shall be made from the salary of each member of the city council who shall be absent from any regular meeting of the city council. The city council shall also by ordinance fix the salaries of the city treasurer, city clerk, city attorney, police judge, street commissioner and chief of police, subject to the limitations hereinafter contained. The salary of all other officers mentioned in this act, and not herein expressly provided for, shall be fixed by the city council, except that the library trustees shall serve without salary or compensation. The salary or compensation of no officer of such city shall be increased or diminished during his term of office, nor shall any such officer be allowed any extra or additional compensation, either directly or indirectly, for the rendition of services that the city council have the power to require such officer to perform by virtue of his office. The salaries of all city officers shall be payable monthly.

SEC. 13. OFFICERS SHALL NOT BE INTERESTED IN CONTRACT: No officer of such city shall be, directly or indirectly, interested in any contract with the city or for any institution, board, officer, agent or employe thereof, for the use of the city, or become surety for the performance of any such contract, nor shall any officer of such city accept from any railroad or street railway corporation, operating in whole or in part within the city, any pass or free transportation or any transportation upon any terms, save such as are open to the public generally; this provision, however, shall not apply to police officers while on duty; nor shall any officer of such city accept or receive, directly or indirectly, free of charge or upon any other terms, except as may be open to the public generally, any commodity or thing of value from any public service corporation whatsoever owning or enjoying a franchise granted by such city. The violation of any of the provisions of this section shall work a forfeiture of the office of the officer violating the same and shall warrant his removal from office by impeachment or other proper procedure; and any such officer so violating shall forfeit to the

city all sums of money paid him by the city as salary during the term for which he shall be guilty of such misconduct up to the time of the recovery of judgment against him therefor; and a civil action for the recovery thereof may at any time be commenced in the name of the city and in any court of competent jurisdiction.

SEC. 14. CITY TO BE DIVIDED INTO WARDS: The city council, at any time not within three months previous to an annual municipal election, may divide the city into wards, not exceeding six wards in all, and change the boundaries of such wards: *Provided*, That no change in the boundaries of the wards shall affect the term of office of any councilman, but he shall serve out his term in the ward in which his residence may be at the time of his election, but if more reside in any one ward than the proportion to which it is entitled, those of the shortest unexpired term shall, by the council, be assigned for such unexpired term to a ward where there is a vacancy. The representation of each ward in the city council shall be as near as may be in proportion to its population. No person shall be eligible to the office of councilman unless he shall reside at the time of his election in the ward for which he was elected, and the removal of a councilman during his term of office from the ward for which he was elected to another ward in the city will render his office vacant.

SEC. 15. RECALL OF COUNCILMAN: Whenever three-fifths of all the qualified voters, of any ward in such city from which any councilman has been elected, as shown by the last general municipal election returns, shall petition the city council for the recall of such member of the city council, it shall be the duty of the city council to call a special election in such ward for the election of a councilman to take the place of the councilman whose recall is so petitioned for, and thereupon such special election shall be held in such ward. A councilman whose recall is petitioned for, shall be competent to be a candidate for reelection at such special election. The provisions of the law and the ordinances of such city governing general

municipal elections shall, as far as practicable, apply to such special election. Should the councilman whose recall is petitioned for be defeated in such special election he shall vacate his office for the balance of his term in favor of the successful candidate at such special election, who shall serve out the unexpired term. The petition for recall of a councilman, shall be signed by the petitioning electors, only in the office of the city clerk where said petition shall be kept on file for that purpose and all signatures must be appended thereto within an interval of ten days so that no more than ten days shall elapse between the signing of the first and last names of said petition.

SEC. 16. MAYOR, POWERS AND DUTIES: The mayor shall be the chief executive officer of the city. He shall have general supervision over the several departments of the city government and over all its interests; shall preside over the city council, when present; once in three months, submit a general statement of the condition of its various departments, and recommend to the city council such measures as he may deem expedient for the public health or improvement of the city, its finances or government. He shall sign all ordinances passed by the city council, if he approves them; if he does not approve them he shall within eight days after their submission to him return the same to the city clerk's office with his objections in writing, and at the first meeting of the city council thereafter the same shall be entered upon their journal and they shall then reconsider such ordinance and unless two-thirds of the councilmen elected vote for its passage it shall not become a law. If the mayor shall not so return any ordinance within eight days it shall become a law as if he signed it. He may call special meetings of the city council at any time; he shall do so at the written request of four councilmen by notifying each member personally, or by written notice left at his last and usual place of abode, or his place of business during business hours, stating the purpose of such meeting. He shall countersign all warrants and licenses, deeds, leases and contracts requiring his signature, and issued under and by authority of the city.

SEC. 17. PRESIDENT OF THE COUNCIL: The president of the city council shall preside at all meetings of the council when the mayor is not present; whenever there is a vacancy in the office of mayor or he is absent from the city or unable from any cause to discharge the duties of his office, the president shall act as mayor and exercise all his authorities and be subject to all his duties. The president *pro tem* of the council shall have all the powers of the president of the council during the session of the council at which the mayor *pro tem* is presiding.

SEC. 18. The chief of police, city attorney and city clerk may each, with the approval of the city council only, appoint such deputies as may be necessary, by writing to be filed with the clerk. Each deputy so appointed shall receive for his services compensation to be fixed by the city council, not exceeding one hundred dollars per month, and shall perform such duties, under the direction of his principal, as may be by said council prescribed. The principals shall each be responsible for his deputy, and may revoke the appointment at pleasure.

SEC. 19. DUTY OF TREASURER: It shall be the duty of the city treasurer to receive and safely keep all moneys belonging to such city from whatever source derived; to place the same to the credit of the different funds to which they properly belong in a book kept for that purpose; to disburse said money by direction of the city council and in accordance with the provisions made by them under the provisions of this act, and to make a report monthly to the city council of the condition of the treasury.

SEC. 20. DUTIES OF CITY CLERK: It shall be the duty of the city clerk to keep the corporate seal and all papers and documents belonging to the city; to file them in his office under appropriate heads; to attend the sittings of the city council and to keep a journal of their proceedings and records of all their resolutions and ordinances; to sign all warrants and licenses issued in pursuance of the orders and ordinances of the city council and to affix the corporate seal on such licenses; to sign all deeds, leases, contracts, bonds and other documents when authorized by the coun-

cil; to keep an accurate account in a suitable book under the appropriate heads of all expenditures, of all orders drawn upon the city treasurer and of all warrants issued in pursuance thereof; also to keep an account in an appropriate book of all licenses issued, with the names of the persons to whom issued, the date of issue, the time for which the same was granted and the sums paid therefor and to perform such other duties as he may be required to perform by the provisions of this act, or by ordinance. He shall receive for his services a salary to be fixed by the council not exceeding the sum of one hundred and fifty dollars per month.

SEC. 21. SALARY OF CHIEF OF POLICE: The chief of police shall receive a salary which shall not exceed the sum of fifteen hundred dollars per annum to be determined by the city council.

SEC. 22. SALARY OF CITY TREASURER: The city treasurer shall receive a salary which shall not exceed the sum of fifteen hundred dollars per annum to be fixed by the city council.

SEC. 23. STREET COMMISSIONER: The street commissioner by and under the direction of the mayor and city council shall have control of the streets and public places of the city and shall perform such duties as the city council may prescribe. The street commissioner shall receive such salary as may be prescribed by the city council.

SEC. 24. POLICE FORCE: The police force of such city shall consist of a chief of police and such number of policemen as shall from time to time be fixed and determined by the city council.

SEC. 25. The mayor, with the consent of the council, shall appoint the policemen and all subordinate officers of the city and may, for cause, remove the same, with the consent of the council, as hereinafter provided.

SEC. 26. CITY ATTORNEY: The city attorney shall be the legal advisor of the city council and of all the officers of the city in relation to matters pertaining to their respective offices. He shall represent the city in all litigation in all courts in which the city is a party or directly inter-

ested, and shall prosecute all violations of the city ordinances, and shall act generally as the attorney for the city and the several departments of the city government, and he shall perform such other duties as the city council may direct. He shall receive such salary as may be determined by the city council, not exceeding, however, the sum of fifteen hundred dollars per annum.

SEC. 27. CITY COUNCIL—HOW CONSTITUTED. The mayor and councilmen of the several wards shall constitute the city council and at the first meeting in May next after the city election the city council shall elect one of their own body to serve as president of the council. The mayor shall preside at all meetings of the council when present, and in his absence the president of the council shall preside and perform the duties devolving upon the mayor. In the absence of both the mayor and the president of the council the council may elect a president *pro tem*, who shall act during such absence.

SEC. 28. QUORUM—RULES—JOURNAL. A majority of the councilmen elect shall constitute a quorum for the transaction of business. A less number may adjourn from time to time and may compel the attendance of absent members. The council may punish their members for disorderly conduct, and upon written charges to be entered upon their journal for such conduct, after trial, may expel a member by a vote of two-thirds of all the members elected. The mayor shall have a vote only in case of a tie in the votes of the other members. The council shall determine their rules of proceeding. The sittings of the council shall be open to the public, except where the interests of the city shall require secrecy. A journal of all their proceedings shall be kept by the clerk under their direction. At any time, at the request of any two members, the ayes and noes on any question may be taken and entered upon the journal. The president of the council while presiding, or the president *pro tem*, when a councilman, shall have the right to vote upon all questions coming before the council. The president *pro tem* may be elected by the council from their own body, or any other elector of such city may be elected

president *pro tem*. When an elector, who is not a councilman, shall be elected president *pro tem* he shall not have the right to vote upon any question.

SEC. 29. POWERS OF COUNCIL ENUMERATED. The city council of such city shall have power and authority:

1. *Ordinances*: To make and pass all ordinances, orders and resolutions not repugnant to the Constitution of the United States or the State of Washington, or the provisions of this act, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this act.

2. *License of Shows*: To fix and collect a license tax, for the purposes of revenue and regulation, on theaters, melodeons, balls, concerts, dances, theatrical, circus or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard tables, pool tables, bowling alleys, exhibitions or amusements.

3. *Hotels, Etc., Licenses*: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, saloons, bar-rooms, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage and steamboat companies or owners, whose principal place of business is in such city, or who shall have an agency therein.

4. *Auctioneers' Licenses*: To license and regulate auctioneers for the purposes of revenue and regulation.

5. *Saloon Licenses*: To license, for the purposes of revenue and regulation, tax, prohibit, suppress and regulate all tippling houses, dram shops, saloons, bars, bar-rooms, raffles, hawkers, peddlers, pawn brokers, refreshment or coffee stands, booths or sheds.

6. *Dance Houses*: To prohibit or suppress, or to license and regulate all dance houses, fandango-houses, or any exhibition or show of any animal or animals.

7. *License Vehicles*: To license for the purposes of

revenue and regulation, and to tax hackney-coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage and property.

8. *Hotel Runners*: To license or suppress runners for steamboats, taverns or hotels.

9. *License Generally*: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: *Provided*, That on any business, trade or calling not provided by law to be licensed for State and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.

10. *Riots*: To prevent and restrain any riot or riotous assemblages, disturbance of the peace or disorderly conduct in any place, house or street in the city.

11. *Nuisances*: To declare what shall be deemed nuisances; to prevent, remove and abate nuisances at the expense of the parties creating, causing or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

12. *Stock Pound*: To establish, maintain and regulate a common pound for estrays, and to appoint a pound-keeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

13. *Control of Certain Trades*: To control and regulate slaughter houses, wash-houses, laundries, tanneries, forges and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

14. *Street Cleaning*: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards or public grounds of such city, or elsewhere therein.

15. *City Jail*: To establish, alter and repair city prisons and to provide for the regulation of the same, and for the safe keeping of persons committed thereto; to provide for the care, feeding and clothing of the city prisoners; to provide for the formation of a chain gang for persons convicted of crimes or misdemeanors, and their proper employment and compulsory working for the benefit of the city; and also to provide for the arrest and compulsory working of vagrants: *Provided*, That no prisoner shall be required to perform any labor until he shall have been duly convicted of some offense punishable by imprisonment and duly sentenced thereto.

16. *Gambling, Etc.*: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions and shows.

17. *Markets*: To establish and regulate markets and market places.

18. *Speed of Railroad Cars*: To fix and regulate the speed at which any railroad cars, street cars, automobiles or other vehicles may run within the city limits, or any portion thereof.

19. *City Commons*: To provide for and regulate the commons of the city.

20. *Fast Driving*: To regulate or prohibit fast driving or riding in any portion of the city.

21. *Combustibles*: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

22. *Property*: To have, purchase, hold, use and enjoy property of every name or kind whatsoever, and the same to sell, lease, transfer, mortgage, convey, control or improve; to build, erect or construct houses, buildings or

structures of any kind needful for the use or purposes of such city.

23. *Fire Department:* To establish, continue, regulate and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish and maintain a paid fire department for such city.

24. *Water Supply:* To adopt, enter into and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

25. *Overflow of Water:* To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.

26. *House Numbers:* To provide for the numbering of houses.

27. *Health Board:* To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.

28. *Harbors and Wharves:* To build, alter, improve, keep in repair and control the water front; to erect, regulate and repair wharves, and to fix the rate of wharfage and transit wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing and removing of steamboats, sail vessels, rafts, barges and all other water craft; to fix the rate of speed at which steamboats and other steam water craft may run along the water front of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or water courses or channels.

29. *License of Steamers:* To license steamers, boats

and vessels used in any water-course in the city, and to fix and collect a license tax thereon.

30. *Ferry Licenses*: To license ferries and toll bridges under the law regulating the granting of such license.

31. *Penalty for Violation of Ordinances*: To determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the State laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five hundred dollars or three months' imprisonment, or both; and every violation of any lawful order, regulation or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the State of Washington.

32. *Police Department*: To create and establish a city police; to prescribe their duties and their compensation and to provide for the regulation and government of the same.

33. *Elections*: To provide for conducting elections and establishing election precincts when necessary, to be as near as may be in conformity with the State law.

34. *Examine Official Accounts*: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management or disposition of moneys, property or business of the city.

35. *Contracts*: To make all appropriations, contracts or agreements for the use or benefit of the city and in the city's name.

36. *Streets and Sidewalks*: To provide by ordinance for the opening, laying out, altering, constructing, extending, repairing, grading, paving, planking, graveling, macadamizing or otherwise improving of public streets, avenues and other public ways, or any portion of either thereof; and for the construction, regulation and repair of sidewalks and other street improvements, all at the ex-

pense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks and squares, and to enforce the observance thereof.

37. *Waterways*: To clear, cleanse, alter, straighten, widen, fill up or close any waterway, drain or sewer, or any water course in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.

38. *Sewerage*: To adopt, provide for, establish and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms and place of connection with main or central lines of pipes, sewers or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for non-conformity to, or failure to comply with the provisions of such system and regulations or either.

39. *Buildings and Parks*: To provide for all public buildings, public parks or squares, necessary or proper for the use of the city.

40. *Franchises*: To permit the use of the streets for railroad and other public service purposes.

41. *Payment of Judgments*: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise or rights, or interest, shall be attached, levied upon or sold in or under any process whatsoever.

42. *Weighing of Fuel*: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office and the fees he shall

receive for his services: *Provided*, That such fees shall in all cases be paid by the parties requiring such service.

43. *Hospitals, Etc.*: To erect and establish hospitals and pest houses and to control and regulate the same.

44. *Water Works*: To provide for the erection, purchase or otherwise acquiring of water works within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

45. *City Lights*: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric or other light, and for the ownership, purchase or acquisition, construction or maintenance of such works as may be necessary or convenient therefor: *Provided, however*, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

46. *Parks*: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

47. *Bridges*: To construct and keep in repair bridges, and to regulate the use thereof.

48. *Power of Eminent Domain*: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, water works or for any other municipal purpose and to acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this act, as the interests of the city may from time to time require.

49. *To provide for the Assessment of Taxes*: To provide for the assessment, levying and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

50. *Local Improvements*: To provide for making local improvements, and to levy and collect special assessments

on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous or proximate property, and to provide for the manner of making and collecting assessments therefor.

51. *Cemeteries*: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

52. *Fire Limits*: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick and other buildings, party walls and partition fences shall be constructed and maintained.

53. *Safety and Sanitary Measures*: To require the owners of public halls, theatres, hotels and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of water courses and canals and for the draining and filling up of ponds or private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of said city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons inflicted with any contagious disease to some suitable place to be provided for that purpose.

54. *To Regulate Liquor Traffic:* To license, tax, confine within limits of time and place to be by the city council prescribed and to otherwise regulate the selling or giving away of intoxicating, spiritous, malt, vinous, mixed or fermented liquors and the collection of the license money therefrom for the use of the city: *Provided*, That no license shall be granted to any person or persons who shall not, first comply with the general laws of the State in force at the time the same is granted, and provided that no liquor license shall be granted to continue for a longer period than one year from the date thereof: *And provided further*, That no remission of any such license charge shall be made during the period for which it is granted.

55. *To Establish Streets on Tide Lands:* To project or extend or establish streets over and across any tide lands within the limits of such city.

56. To provide for the general welfare.

SEC. 30. SALOON LICENSES: The city council shall have power to revoke any liquor license for any cause by it deemed sufficient. Whenever a saloon license shall be revoked by the council on account of the licensee having carried on a disorderly house, sold liquor to minors, permitted gambling, or violated any of the ordinances of the city or laws of the State, the council shall declare the liquor bond given by such person to obtain his saloon license, forfeited, and thereupon the principal and sureties upon said bond shall be liable to the city for the full penalty of said bond, to be collected in an action brought by the city in any court of competent jurisdiction. In any such action the finding or action of the council in revoking such license on any of the grounds above specified shall be conclusive evidence in any such action of the existence of such grounds. When any saloon license shall be revoked or cancelled for any of the causes above specified, no rebate or remission shall be made to the licensee for the unexpired term of his license, but the *pro rata* part of the license fee for the unexpired term shall be credited by the city to the said licensee upon the penalty of the saloon or liquor bond of said licensee, and said licensee and his sureties shall be

liable to the city for the balance of said penalty of said bond.

SEC. 31. **FRANCHISES:** No ordinance granting a franchise or any valuable privilege in such city, shall be passed on the day of its introduction, nor for thirty days thereafter, nor until such ordinance shall have been published in at least one issue of the official newspaper of the city and after such publication such proposed ordinance shall not thereafter and before its passage, be amended in any particular where the amendment shall impose terms, conditions or privileges less favorable to the city than the proposed ordinance as published, but amendments favorable to the city may be made at any time and after publication. Such publication shall be at the expense of the applicant: *Provided*, That an ordinance granting a franchise to lay a spur, railroad track or tracks, connecting manufacturing plants, warehouses or other private property with a main line of railroad, need not be published before the same be passed by the council. No franchise or valuable privilege shall be created or granted by the city council otherwise than by ordinance, and the passage of any such ordinance shall require the affirmative vote of two-thirds of the councilmen elected. All publications of ordinances granting a franchise, both before and after passage, shall be made at the expense of the applicant or grantee. Where an ordinance granting a franchise or valuable privilege is sought to be amended after the same shall have been in force, the provisions of this section as to publication before final action upon such amendment, shall apply as in cases of proposed ordinances granting original franchises.

SEC. 32. **NO EXCLUSIVE FRANCHISE TO BE GRANTED:** No exclusive franchise or privilege shall be granted for the use of any street, alley or highway, or any other public place or any part thereof.

SEC. 33. **LEASE OR SALE OF WATER PLANT:** Whenever any such city shall own its own water plant or water system, electric lighting plant or gas works, the city council of such city may lease or sell such water plant or water system, electric light plant or gas works, but before doing

so, the question of leasing or selling of any such property shall be submitted to the qualified electors of said city at a special election to be held for the purpose, or at the general municipal election, and if a majority of the votes cast at such election vote in favor of leasing or selling such property, the city council may then lease or sell the same, but in case a majority of the votes cast at such special or municipal election shall vote against the leasing or selling of such property, the city council shall have no power to lease or sell the same.

SEC. 34. WATER AND LIGHT: Before the city council of any such city shall, in the first instance, purchase, acquire, construct or adopt a municipal water system, electric light system or gas system, the question of such purchase, acquisition or adoption of any such system shall first be submitted to vote of the electors of the city at a special or general municipal election for adoption or ratification.

SEC. 35. NO INVALID CLAIMS TO BE ALLOWED: The city council of such city shall never allow, make valid, or in any manner recognize any demand against the city which was not at the time of its creation, a valid claim against the same, nor shall it authorize to be paid any demand which without such action would be invalid, or which shall then be barred by any statute of limitation or for which the city was never liable, and any such action shall be void.

SEC. 36. CLAIMS AND DAMAGES: All claims for damages against the city must be filed with the city clerk within thirty days after the time when such claim for damages accrued. No action shall be maintained against the city for any claim for damages until the same has been presented to the city council and until sixty days have elapsed after such presentation. The allowance of any and all damage claims against the city shall be by ordinance and not otherwise.

SEC. 37. EIGHT HOURS TO CONSTITUTE A DAY'S WORK: In all public work done by or for the city, either by day's work or by contract, eight hours shall constitute a day's work; and no employee of the city on city works, or of any contractor or sub-contractor on said work, shall be required

to work longer than eight hours in any calendar day: *Provided, however,* That this section shall not be so construed as to in any manner apply to or affect any contract entered into by the city prior to the time this act goes into effect. This section shall be enforced by the city council by an appropriate ordinance.

SEC. 38. STREET IMPROVEMENTS: The city council are hereby authorized and empowered to order any work authorized by this chapter to be done upon the streets, alleys, avenues, highways and public places of such city. The expense or cost of improving and repairing streets, sidewalks, alleys, squares or other public highways and places within the city, removing obstructions therefrom, grading, planking, paving, macadamizing, graveling and curbing the same and planting, setting out and cultivating of shade trees therein, and constructing gutters, culverts and sidewalks therein, shall be assessed as follows: The city council shall, before grading, paving or other improvement of any street or alley, the cost of which is to be levied and assessed upon the property benefited, first pass a resolution or ordinance declaring its intention to make such improvement and stating in such resolution or ordinance the name of the street or alley to be improved, the points between which the said improvement is to be made, and the estimate of the cost of the same, and the cost of the same is to be assessed against the property abutting (and included in the assessment district herein provided) on such street proposed to be improved, and shall fix a time not less than ten days in which protests against such proposed improvement may be filed in the office of the city clerk. Such resolution shall further specify whether it is proposed to pay for said improvements on the "Immediate Payment Plan" or on the "Bond Installment Plan," as such plans are hereinafter defined. It shall be the duty of such clerk to cause such resolution to be published in the official newspaper of the city in at least two consecutive issues before the time fixed in such resolution for filing such protest, and affidavit of such publication shall be filed on or before the time fixed for such filing. If protest against the proposed

improvement by the owners of more than two-thirds of the front feet of lots and lands abutting on such proposed improvement and included in the assessment district therein proposed, be filed on or before the date fixed for such filing, the council shall not proceed further with such work unless eight members of said council shall vote to proceed with such work. If no such protest is filed, or if such protest is filed, and eight councilmen shall vote to proceed with such work, the council shall at its next regular meeting proceed to consider the same, and shall then or at a subsequent time proceed to enact an ordinance for such improvement. By the provisions of such ordinance a local improvement district shall be established to be called "Local Improvement District No." which shall include all the property fronting on the street to be improved between the points named in such resolution, to the distance back from such street, if platted in blocks and lots, or if platted only in blocks, to the center of each block, and if platted into lots only then by including the entire lot; and if not platted, to the distance of one hundred and twenty feet: *Provided*, That in improving suburban roads or streets or neighborhood roads, in sparsely settled districts of the city, where such improvement specially benefits a larger district than would be embraced within the improvement district hereinbefore provided for, it shall be competent for the city council in its discretion to create a larger improvement district for local assessment for such improvement than the district hereinbefore provided for, and the judgment and decision of the city council as to so doing shall be final and conclusive, unless their action be impeached for fraud. Such ordinance shall provide that such improvement shall be made, and that the cost and expense thereof shall be taxed and assessed upon all property in such local improvement district, which cost shall be assessed in proportion to the number of feet of such land and lots fronting thereon, or included in said improvement district, and in proportion to the benefits derived by said improvement: *Provided*, That the city council may expend from the general fund for such purposes such sums as in

their judgment may be fair and equitable to consideration of benefits accruing to the general public by reason of such improvements. Said improvement district, except in cases of suburban or neighborhood roads or streets as hereinbefore defined, shall, for the purpose of said assessment, be divided into four subdivisions parallel to the marginal line of the street, alley, place or square proposed to be improved, each of which subdivisions shall have a width on each side of the improvement equal to one-fourth of the distance from the marginal line of such street, alley, place or square to the back line of the assessment district, to be numbered respectively the first, second, third and fourth subdivisions beginning with the one nearest to the said marginal line of said street, alley, place or square. Each front foot or its equivalent area in the first subdivision nearest to the improvement shall be assessed forty per cent. of the total amount to be assessed against each front foot or its equivalent; each front foot or its equivalent area in the second subdivision shall be assessed twenty-five per cent. of the total amount to be assessed against each front foot or its equivalent; each front foot or its equivalent area in the third subdivision shall be assessed twenty per cent. of the total amount to be assessed against each front foot or its equivalent, and each front foot or its equivalent area in the fourth subdivision shall be assessed fifteen per cent. of the total amount to be assessed against each front foot or its equivalent. The expense of all the improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street crossing or crossings at corners or intersections of streets, shall be paid for by the city in the discretion of the council, or if the council so decide the whole or any part of such expense may be assessed to the abutting property included in the improvement district; and the expenses of establishing, building and repairing bridges in such city shall be paid by such city; and the expenses incurred in making and repairing sewers, in any street shall be paid by special assessment levied against the property benefited thereby.

In all the streets constituting the water front of such city, or bounded on the one side by the property thereof, the expenses of work done on that portion of said streets, from the center line thereof to the said water front, or to such property of the city bounded thereon, shall be paid for by such city; but no contract for any such work shall be given except to the lowest responsible bidder, and in the manner hereinafter provided. When any work or improvements mentioned in this section is done or made on one side of the center lines of such streets, avenues or public ways, the lot or portions of lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this chapter. Whenever any expenses or costs of work shall have been assessed on any lands, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, except general tax liens, which lien shall attach from the time of the equalization of the assessment roll.

SEC. 39. SEWERS: Sewers and drains in such city shall be constructed and maintained at the expense of the property benefited in accordance with the provisions of an act entitled "An Act authorizing cities and towns other than cities of the first class to construct sewers and drains within assessment districts, and to levy and collect special assessments and taxes to pay therefor, and declaring an emergency," approved March 14, 1899, and acts amendatory thereof, and the assessments therein provided for shall be a first lien on the property assessed prior to all other liens except general taxes, and the said city council shall have power to enact ordinances giving effect to said act, and acts amendatory thereto.

SEC. 40. ASSESSMENT ROLL DELINQUENCIES: The city council of such city shall prescribe by a general ordinance or ordinances the manner of making up the assessment roll for any and all local improvements authorized to be made and issued against abutting or contiguous property, and shall designate the officer or officers whose duty it shall be to prepare such roll, and shall prescribe the mode for the equalization of the same, and shall fix the time of

the delinquency thereof as well as the penalty for delinquency and the rate of interest after delinquency, except as in this act otherwise provided: *Provided*, That the city council shall act as a board of equalization of all local assessment rolls: *And provided further*, That the interest on such local assessments after delinquency shall not exceed the rate which is or may be prescribed for delinquent county and state general taxes.

SEC. 41. MODE OF PAYMENT: All local improvements for streets, alleys and sewers as contemplated in sections 38 and 39 of this act, as well as any and all other local assessments for improvement which the city is or shall be authorized to assess against abutting or contiguous property may be assessed, collected and paid for either on the "Immediate Payment Plan" or on the "Bond Installment Plan" as the city council may provide. By the immediate payment plan is meant that the entire assessment against any and all parcels of land assessed shall mature or be paid at or before delinquency in a single payment for the entire assessment for each parcel assessed. By the bond installment plan is meant the division of the entire assessment against any parcel of land into equal annual installments, not exceeding ten annual installments, one such installment with interest to mature and become payable each year, and the issuance by the city of improvement district installment bonds to be paid exclusively from funds derived from the assessments levied in the local improvement districts covered by such bonds. The failure of the council to designate in its resolution of intention to improve or in the ordinance creating the improvement district, the mode of payment of the assessment shall be construed to mean that the assessment in such improvement district shall be payable on the "Immediate Payment Plan." The city council shall have power at any time prior to the equalization of the assessment roll in any improvement district, and prior to the issuance of any improvement district fund warrants, to change the mode of payment in such district from the "Immediate Payment Plan" to the "Bond Installment Plan."

SEC. 42 LOCAL IMPROVEMENT WARRANTS: Where any local assessment is made or to be made upon the "Immediate Payment Plan" the city council may provide for the issuance of local improvement fund warrants against the local improvement district fund to be created. The denomination, number and order of payment of such local improvement fund warrants shall be as the council may direct, but no such warrants shall be issued until the equalization of the assessment roll for such local improvement district. The local assessment roll in any improvement district may be made up and the assessment levied and equalized at any time after the contract for the improvement shall have been let and a bond given for its faithful performance, and the making up of such assessment roll and the equalization thereof need not await the completion of the work. The city shall under no circumstances be held liable on any special improvement fund warrants, but the holder of such warrants shall have recourse only against the special improvement fund.

SEC. 43. INSTALLMENT BONDS: Whenever any local improvement shall be made upon the basis of the bond installment plan the city council shall either in the original resolution of intention or in the ordinance creating the improvement district or subsequently designate the number of annual installments, not exceeding, however, ten annual installments, into which it proposes to divide the assessment in such local improvement district, and the assessment roll of such local improvement district shall be made up and equalized as near as may be as in cases of local improvements on the immediate payment plan, except in this, that said assessment roll as prepared and as finally equalized shall contain appropriate columns for the division of the assessment against each parcel of land into the number of installments as may have been previously prescribed by the council. The first installment shall be due on the first day of November next following the equalization of the roll and shall become delinquent on the 20th day of January, next following the equalization of the roll, and each succeeding annual installment shall be-

come due and delinquent respectively on the first day of November and the 20th day of January of each succeeding year. All said installments, including the first, shall bear interest before delinquency from and after the date of the equalization of the assessment roll at the same rate as the special improvement fund bonds herein provided for: *Provided*, That such rate of interest before delinquency shall not exceed eight per cent. per annum, and after delinquency such installments shall bear the same rate of interest as is or may be provided by law in cases of general county and state taxes. The city council shall provide for the issuance of installment local improvement bonds to cover the entire amount of the assessment against abutting or contiguous property in such local improvement district. Said bonds to be of such denominations, numbers and for such amounts and to bear such a rate of interest per annum, not exceeding, however, eight per cent. per annum, as the council may prescribe, and the council may declare that a separate bond shall be issued for each separate parcel of land assessed corresponding in amount with the amount of the assessment against such parcel of land and corresponding in the installments with the installments maturing upon the said parcel of land, and when this mode is adopted each bond shall have endorsed thereon a brief description of the parcel of land to which it corresponds and shall be payable only out of the assessment on the parcel of land to which it relates. This mode of making the bonds correspond to the assessments on the several parcels of land shall be optional with the council to adopt. When not so adopted the bonds in any improvement district shall be payable in the numerical order of their issuance. The bonds herein provided for shall be signed by the mayor and city clerk, and shall bear the seal of the city, and each bond shall contain a coupon for each installment, and interest maturing thereon, to be surrendered and cancelled by the holder when the same is paid. Any property holder in said improvement district shall have the right any time to pay all of the installments of the entire assessment against his property with

the interest up to the date of the payment, and all installment bonds issued under this section shall be subject to this right of the owner or owners of property in such district. When sufficient funds have accumulated in any local improvement district fund referred to in this section to take up or redeem any bond or coupon next entitled to redemption, the city treasurer, who shall be the custodian of all local improvement funds, shall publish a call for such coupon or bond and from and after the date of such publication, interest on such coupon or bond shall cease. The city council shall have the power to pass any and all ordinances to put this section into effect.

SEC. 44. BONDS CONTINUED: The installment or local improvement bonds mentioned in the preceding section shall be a charge only against the local improvement fund of the local improvement district created for their payment, and the city shall in no event or under any circumstances be liable for the payment of any such bond, otherwise than out of such fund, when collected, and the holder of any such bond shall have recourse only against such fund. Said bonds may be issued to the contractor making the improvement in payment for the work, or may be negotiated by the city council at not less than par value and the proceeds applied towards making the improvement.

SEC. 45. OTHER BONDING STATUTES NOT REPEALED: The provisions contained in the preceding sections of this act shall not be construed as working a repeal of any of the statutes or laws of this State now in force relative to the issuance of bonds against local assessment funds or local improvement districts of any character, but all such other acts and laws now in force shall be continued in force with reference to cities of the second class, and the bonding provisions contained in this act shall be construed as concurrent and cumulative provisions with any and all existing provisions contained in any other acts or laws.

SEC. 46. LOCAL ASSESSMENTS. TREASURER'S DUTIES: The city treasurer of such city shall be the collector of all local improvement assessments of every nature within such city, both before and after delinquency and up to the

time such local delinquent assessments shall be certified to the county treasurer of the county in which such city is situated, as hereinafter provided.

SEC. 47. CERTIFYING DELINQUENT ASSESSMENTS: Whenever any local improvement assessment, whether for street, sewer, drainage, filling or for any other purpose whatsoever, shall remain delinquent and unpaid for a period of sixty days after the date of delinquency, it shall be the duty of the city treasurer of such city to certify and transmit to the county treasurer of the county a list of all such delinquent local assessments, with a description of the parcel or parcels of land to which the same are chargeable and the amount, with interest, chargeable to each parcel, together with the number of the improvement district and such other information as the council by ordinance may direct. Upon receiving such list it shall be the duty of the county treasurer of the county to enter said delinquent local assessments against the respective parcels of land upon the current tax rolls of the county for the general county and State tax, in a separate column in said rolls to be provided and known as the "Local Improvement column." All such delinquent local assessments so certified shall bear interest from the time of filing the list with the county auditor at the rate of fifteen per cent. per annum. It shall be the duty of the city treasurer of such city, as soon as this act takes effect, to certify to the county treasurer as herein provided, all delinquent local improvement assessments of said city which shall then have been delinquent for a period of sixty days or more. In certifying delinquent assessments to the county treasurer under this section the city treasurer shall compute and combine in one sum, against each parcel of land, the original assessment, accumulated interest and penalties, if any.

SEC. 48. COLLECTION BY COUNTY TREASURER: The treasurer of the county shall collect and receipt for any and all delinquent local assessments entered upon the tax rolls of the county as provided in the preceding section in the same manner as county taxes are collected, and shall make monthly remittances thereof to the city treasurer,

accompanied with appropriate statements showing the particular assessments paid. Certificates of delinquency may be issued by the county treasurer for any such local assessments so entered upon the county tax rolls as near as practicable in the same manner as certificates of delinquency for the general county and State taxes are issued, and when a certificate of delinquency for the general taxes is issued to any person on any parcel of land against such a local assessment is entered upon the county rolls, such local assessments shall be included in such certificate of delinquency and paid for by such person and the county treasurer shall issue a certificate of delinquency to any individual paying the amount of such local assessment so entered upon the county rolls, together with all other taxes then due upon the rolls. The purchaser of any such certificate of delinquency may foreclose the same at any time after the expiration of six months from the date that said local assessment was entered upon the county rolls, and the date when such certificate of delinquency shall be subject to foreclosure shall be specified in the certificate of delinquency so issued. Certificates of delinquency issued by the county treasurer, as herein provided, shall be in form as near as may be in accordance with the certificate of delinquency issued for the general taxes. The proceedings to foreclose any delinquent certificate issued for such local improvement tax by the county treasurer shall be in accordance with the laws providing for the foreclosure of certificates of delinquency for the general taxes, and all provisions of law relating to the issuance and foreclosure of certificates of delinquency and the issuance of tax deeds thereon for general taxes shall be applicable to the foreclosure of delinquent certificates issued by the county treasurer for such local assessments so entered upon the rolls.

SEC. 49. Whenever the county shall institute suit for the foreclosure of the general certificate of delinquency issued to the county for delinquent taxes for any year, there shall be included in such certificate of delinquency, and in such suit to foreclose the same, any and all property against which delinquent local assessments, as pro-

vided in this act, shall have been entered upon the tax rolls of the county for six months prior to the commencement of such suit, and such delinquent local assessments shall be foreclosed in such suit by the county with the delinquent general taxes, and such foreclosure proceedings with reference to said delinquent local assessments shall be had as near as may be in accordance with the foreclosure of delinquent general taxes, and the land against which such local assessment so entered on the county rolls stands, shall be sold at the same time and in the same manner as for the general county taxes embraced in said suit. In case any land covered by any such local assessment shall be sold to the county and a tax deed issued to the county, the county shall be deemed to hold the same in trust for the county and for the city, and whenever such land shall be subsequently sold by the county, the county shall deduct from the proceeds of such sale, *first*, the full amount of the general taxes chargeable against such property, with the accumulated interest, and *second*, the balance of said selling price, or so much thereof as may be necessary to pay the amount of such local assessment, and accumulated interest, shall be remitted by the county treasurer to the city treasurer of such city, and any excess remaining shall belong to the county. The right of redemption from such local improvement tax assessment shall exist up to the time of the issuance of the tax deed therefor, and not thereafter, as in cases of general county and State taxes.

SEC. 50. Where any local assessment shall be made upon the bond installment plan as hereinbefore provided, foreclosure sale and issuance of a tax deed for any one installment shall not discharge such land so foreclosed upon and deeded from the lien of any of the subsequent unpaid installments of said assesment which may thereafter become due, but any such land or parcel of land may be foreclosed upon for any subsequent installments maturing, and the holder of any tax deed upon a prior installment who permits a subsequent installment to be foreclosed and deeded shall forfeit his title to the holder of the later tax deed under the later installment.

SEC. 51. EXTENSION OF WATER MAINS: The city council of such city shall have power to provide for the extension of water mains within the said city and to assess the whole or any part of the cost of such extensions, in their discretion, to the abutting and contiguous property specially benefited thereby, and for that purpose the city council shall have power to create local improvement districts, the council to have full discretion as to the territory to be included within such district. The amount of the assessment for the extension of water mains within any such improvement district against any parcel of land shall be such proportion of the entire expense to be assessed, as the assessed value of said parcel of land, exclusive of improvements, as shown on the general tax roll for the current year, bears to the total assessed value of all of the land, exclusive of improvements, situated within said district as shown upon the general tax rolls for the current year. Any assessment levied under the provisions of this section shall be a first lien upon the property assessed from the time of the equalization of the assessment roll, and shall take precedence over all other liens, except general county and State taxes and shall be collected in the mode prescribed in this act for other assessments for local improvements.

SEC. 52. PUBLIC WORKS. HOW CONTRACTED FOR: In the erection, improvement and repair of all public buildings and works, in all street and sewer work and in all extensions of the water mains and improvements of the water system, lighting plant or gas plant, and in all work in and about streams, bays or water fronts, or in or about embankments or other works for protection against overflow and in draining and filling low lands, and in furnishing any supplies and materials for the same, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract and shall be let to the lowest responsible bidder, after due notice, under such regulations as may be prescribed by ordinance: *Provided*, That the city council may reject all bids presented and re-advertise in their discretion, or, if

in the judgment of the council, such work can be performed, or supplies or materials furnished by the city independent of contract, cheaper than under the lowest bid submitted, it may, after having so advertised and examined the bids, cause such work to be performed or supplies or materials to be furnished independent of contract. The city council shall annually at a stated time contract for doing all city printing and advertising, which contract shall be let to the lowest bidder, after due notice, as provided in this section. All advertising shall be done in a newspaper printed and published in such city, and the contract therefor shall be awarded separately from all other printing.

SEC. 53. FILLING SWAMP LANDS OR TIDE FLATS: Whenever the city council of such city shall deem it necessary or expedient on account of the public health, sanitation, the general welfare or other cause, to fill any slough, swamp lands, low lands or lands commonly known as "tide flats," situated within the limits of such city, said city council shall have power so to do, and the expense thereof shall be assessed to the property benefited, except such amount of such expense as the city council in its discretion may order paid out of the current expense fund, and the proceedings for such filling and assessment of the cost thereof shall be as follows:

Before filling any such slough, swamp lands, low lands or lands commonly known as tide lands, the expense of which is to be assessed against the property benefited, the city council of such city (having caused plans and specifications to be prepared and filed with the city clerk) shall first pass a resolution or ordinance declaring its intention to make such improvement and describing in said resolution the lands to be included within the proposed improvement district and which it is proposed to assess for the cost of said improvement, and also stating in said resolution or ordinance the estimated total cost of said improvement or filling, and also stating that the cost of the same is to be assessed against the property included in the proposed improvement

or assessment district therein provided, and fixing in said resolution or ordinance a time not less than twenty days after the date of the passage of such resolution or ordinance in which protests against such proposed filling or improvement may be filed in the office of the city clerk. It shall be the duty of the city clerk to cause such resolution or ordinance to be published in the official paper of the city in at least three consecutive issues thereof before the time fixed in such resolution for filing such protests, the first of which publication shall be at least fifteen days prior to the date fixed for the filing of protests. If protests against the proposed filling or improvement, by the owners of more than two-thirds of the entire area included within said proposed improvement or assessment district shall be filed on or before the date fixed for such filing, the council shall not proceed further with the work unless nine members of the council shall vote to proceed with the work. If no such protest is filed or if such protest is filed and nine members of the council shall vote to proceed with such work the said council shall appoint three disinterested and impartial viewers or appraisers to view and appraise any and all damage which may be done to any of the property situated within said proposed improvement district by reason of making the improvement or filling contemplated in accordance with the plans and specifications thereof theretofore made and filed in the office of the city clerk. It shall be the duty of the viewers so appointed to subscribe and place on file with the city clerk an oath that they will support the constitution and laws of the State of Washington and that they will faithfully and impartially appraise the damage which may be caused to each of the several parcels of land situated within said proposed improvement district by reason of the improvement, and the several members of said board of viewers shall thereupon meet and elect one of their members chairman and the decision of any two members of said board shall be deemed the decision of the board. It shall be the duty of the said appraisers to personally inspect the lands included within said improvement district and to assess and

determine the damage which may be caused by said improvement to any parcel of land or to any and all property situated within said improvement district. In determining or assessing such damages the said viewers shall determine the same exclusive of the benefits to any such parcels of land or property by reason of the improvement, the damage found to be independent of and without regard to the benefits accruing to the particular parcel of land or property by reason of the proposed improvement. As soon as practicable after their appointment, and at any rate within thirty days after such date said viewers shall make a report to the city council of such city of their findings in the premises, in which report all of the land included within said proposed improvement district shall be separately described and the amount of damages awarded to the owner or owners of each parcel shall be stated in a column opposite the description of such parcel, and if no damage be found in favor of any particular parcel, such report shall cause it to so appear. Upon the filing of said report the city council of such city shall by ordinance fix the time when and the place where said board of viewers shall sit to hear, determine and pass upon any and all objections to said report and to their findings therein, which hearing shall be not less than thirty days after the date of the passage of said ordinance, and said ordinance together with a notice of such hearing, shall be published in the official paper of such city once a week for three consecutive weeks before the date fixed for such hearing, the first publication of which ordinance and notice shall be not less than twenty-five days before the date fixed for such hearing. At the time and place fixed for such hearing the said viewers shall hear and determine all objections and protests to their report hereinbefore mentioned, and the said board of viewers shall have power at such hearing to modify and correct their report previously made and when said hearing shall be completed the said viewers shall re-certify said report; and said report and the findings of the viewers thereon, as so corrected and re-certified, shall be securely kept and preserved by the clerk of said city. Any person

feeling himself aggrieved by the findings of said board of viewers at such hearing may appeal at any time within twenty days after the close of said hearing, to the superior court of the county in which said city is situated. Such appeal shall be taken by serving notice thereof upon the city clerk, which notice shall describe the parcel or parcels of land in relation to which such appeal is taken, and shall briefly state the grounds of such appeal and shall further designate such of the records as the appellant wishes the city clerk to certify to the superior court. It shall be the duty of the city clerk, within ten days after service of such notice of appeal, to prepare a certified transcript of the records relating to said proceedings called for in the notice of appeal, and deliver the same, so certified, to the appellant or his attorney. The appellant or his attorney may within ten days thereafter file the same with the clerk of the superior court and the failure by the appellant or his attorney to so file the same within said period shall work an abandonment of the appeal. When the appeal papers are so filed the superior court shall acquire jurisdiction. No pleadings shall be required in the superior court, but the superior court in its discretion may require or allow pleadings to be filed by either party, and in such proceedings the appellant shall be deemed the plaintiff, and the city the defendant. As to any and all parcels of land with reference to which no appeal shall have been taken within the time hereinbefore limited for appeals, the findings of the board of viewers shall be final. The fact of an appeal having been taken with reference to any parcel or parcels of land shall not delay the improvement or filling, but the council may proceed with the same as though no appeal had been taken. In case any of the viewers appointed by the council shall fail to qualify, or, having qualified, shall refuse to act, or should any vacancy occur in the board of viewers, the city council shall by appointment fill the vacancy so created. Instead of appointing viewers to assess the damages as herein contemplated, and as a substitute mode for ascertaining such damages, such city is hereby authorized, at the discretion of the city

council, to have the damages ascertained and assessed in accordance with the provisions of Chapter 5 of the Session Laws of the year 1905, which chapter is hereby made applicable for the purpose of assessing damages in case of the filling of swamp and tide land, as herein contemplated.

SEC. 54. When the final report of the board of viewers shall be certified, the said council of said city shall provide for the immediate payment, to the parties showing themselves entitled to receive the same, of the damages which may be awarded in favor of the owners of any parcel or parcels of land or property as shown by the report, and shall in like manner provide for the payment of any judgment against the city in any appeal. And any such owner shall be entitled to receive a current expense fund warrant of the city for the amount of the damages awarded in favor of the parcel of land or property owned by him, either in said report or by such judgment. In case any owner shall demand cash instead of a warrant the city council are empowered to negotiate current expense fund warrants at par to raise the cash for such purpose. The amount so paid by the city as damages shall be included in the expense of making the improvement and shall be assessed against the lands in the improvement district at the same time and in the same manner as the other expenses of such improvement are assessed. The current expense fund shall be reimbursed out of the first moneys collected in any such assessments, or realized from sale of improvement bonds.

SEC. 55. After the final certification and correction of the report of the board of viewers as hereinbefore mentioned, or at such time thereafter as the council may determine, the council shall proceed to enact an ordinance for said improvement or filling. By the provisions of such ordinance a local improvement district shall be established to be called "Local Improvement District No.," which shall include all of the property to be included within said improvement district which it is proposed to assess for said improvement, but said improvement district so created shall not include any property with reference to

which the board of viewers did not act, except that all streets, alleys and public places within or bordering upon the district may be included therein, as the council may order, but the council may, in their discretion, exclude from said district any portion of the land embraced within the calls of the original resolution lying contiguous to any marginal line of the improvement district. Such ordinance shall provide that such improvement shall be made and that the cost and expense thereof, including the damages awarded, shall be taxed and assessed upon all the property in such local improvement district, which cost and expense shall be assessed as follows:

Each parcel of land within said improvement district exclusive of streets, alleys and public places, shall be assessed for such proportion of the entire cost and expense of the entire district as the area of such lot or parcel of land bears to the entire area of said improvement district, exclusive of streets, alleys or other public places within said district, provided that the city council may expend from the general fund for such purposes such sums as in their judgment may be fair and equitable, in consideration of the benefits accruing to the general public by reason of such improvements. Thereafter the said council of said city shall let the contract for said improvement and shall cause the same to be made and shall levy an assesment against the property in accordance with the provisions of this act, and whenever any expenses or costs of work shall have been assessed on any lands, the amount of such expenses and costs of work shall become a lien upon the lands against which the same are assessed, which lien shall take precedence of all other liens except general tax liens. All of the provisions of this act and of the laws of the State of Washington in relation to the improvement of streets at the expense of abutting property in cities of the second class, including the method of certifying to the county treasurer delinquent assessments, and the mode of collection, shall apply to the proceedings, improvements and assessments herein contemplated when not inconsistent herewith and as far as the same may be applicable.

SEC. 56. The improvements herein contemplated with reference to filling of sloughs, swamp lands, low lands and lands commonly known as tide flats may be paid for upon the immediate payment plan or upon the bond installment plan as in this act provided in cases of local improvements upon public streets.

SEC. 57. ENACTING CLAUSE OF ORDINANCES: The style of the city ordinances shall be as follows:

"Be it ordained by the mayor and city council of the city of," and all ordinances shall be published in one issue of the official paper of the city.

SEC. 58. Ordinances shall be passed by the city council and approved by the mayor, or the president of the council while acting in his stead. But before any ordinance shall take effect it shall be published in the official newspaper of the city. A certified copy of any ordinance certified to by the clerk, or a printed copy of any ordinance or compilation printed by authority of the city council and attested by the clerk shall be competent evidence in any court.

SEC. 59. All orders of the city council shall be entered upon the journal of their proceedings, which journal shall be signed by the officer who may preside at such meeting.

SEC. 60. Upon the passage of all ordinances appropriating money, imposing taxes, abolishing licenses, increasing or lessening the amount to be paid for licenses, the ayes and noes shall be entered upon the journal.

SEC. 61. A majority of all the members elected shall be necessary to pass any ordinance appropriating for any purpose the sum of five hundred dollars or upwards, or any ordinance imposing any assessment, tax or license, or in any wise increasing or diminishing the city revenue.

SEC. 62. REMOVAL OF OFFICERS: Any appointive officer may be removed by the mayor for any cause by him deemed sufficient, but such removal shall be by and with the concurrence of the vote of at least six members of the city council, except that the chief of police may be removed by the mayor without the concurrence of the council: *Provided*, That the city council by the affirmative vote of

nine councilmen may, upon their own initiative, remove any appointive officer.

SEC. 63. VACANCIES: When a vacancy occurs in the office of mayor by reason of the death, resignation or disability of the mayor, the city council shall elect a mayor to fill the vacancy, who shall serve until the next general municipal election. In case of a vacancy in the city council the remaining members of such city council shall by the election fill such vacancy. In case a vacancy shall occur in any other elective office such vacancy shall be filled by appointment made by the mayor and confirmed by the council in the same manner as other appointments are made, except as to those elective offices which are herein otherwise provided for.

SEC. 64. HEALTH OFFICER: The city council shall create the office of health officer and shall prescribe his duties and qualifications and fix his compensation.

SEC. 65. RAILWAYS TO BE ASSESSED: Whenever any improvement shall be made upon any street occupied by the railroad track of any street railway, steam railroad or other railroad enjoying a franchise from the city upon such street, it shall be competent for the city council, and it shall be their duty to assess against such railroad situated within such improvement district, its just proportion of the expense of making such improvement, which proportion shall be estimated on a basis of charging to said railway not less than the expense of improving the space between the rails of said railroad and for a distance of one foot on each side of said rails. Said assessment shall be made on the rolls of said improvement district against the railway or railroad the same as against other property and said assessment shall be a lien upon said portion of said road from the time of the equalization of the roll, but the mode of enforcing the same shall be by civil action to foreclose in the superior court, the same period of redemption from any sale made on such foreclosure being allowed as in case of sale of real estate upon execution.

SEC. 66. OTHER LOCAL ASSESSMENTS: Wherever any such city under the provisions of this act, or under the

provisions of any other act or statute of the State of Washington, shall be empowered to assess the cost of any local improvement of whatsoever nature to abutting or contiguous property benefited thereby, the city council of such city shall have power to enact any and all needful ordinances to give effect to such power in order that such power may be effectually carried out, such ordinances, however, shall not be inconsistent with this act.

SEC. 67. LEASING STREETS: The city council of any such city shall have power to lease, for manufacturing, wharf, or other business purposes, such portions of the ends of streets terminating in the water front or navigable waters of said city, as the city council may deem expedient, but no such lease shall be made without the written consent of all of the property owners whose properties abut upon the portion of the street proposed to be leased. Such lease shall not be made for a longer term than fifteen years and the rental to be paid therefor shall be fixed by the city council: *Provided*, That all such leases must contain a clause that at intervals of every five years during the term, the rental to be paid by the lessee shall be re-adjusted between himself and the city by mutual agreement, and in case the city and said lessee can not agree, then the question in dispute as to the amount of rental to be paid shall be left to arbitration, the city to select one arbitrator, the lessee to select one arbitrator and the two so selected to select a third, and the decision of the three so selected to be final. No lease of any such portion of such street shall be made in the first instance until the city council shall first cause notice to be published by the city clerk in the official newspaper at least fifteen days prior to the making of such lease, which notice shall describe the portion of the street proposed to be leased, to whom and for what purpose leased, and the proposed rental to be paid. The vote of two-thirds of all the councilmen elected shall be necessary to authorize such lease. The council shall have no power to validate any void lease heretofore made. The city council of such city shall have power to fix the rates and tolls to be charged within such city by

any public service corporation enjoying or to enjoy a franchise granted or to be granted by such city, but such power of the city council shall be reasonably exercised and their actions in this respect shall be subject to review by any court of competent jurisdiction.

SEC. 68. The city council of such city shall have power to construct and maintain dikes and tide gates and other equipment for the exclusion of the tides from any portion of such city, and may assess the cost thereof against the contiguous property specially benefited thereby, and for that purpose may create necessary improvement districts and levy local assessments, in such manner as to the council shall seem equitable and just, which shall constitute a lien upon the property assessed as in other cases of local improvements.

SEC. 69. EMINENT DOMAIN: The right of eminent domain is hereby extended to any such city for the condemnation of lands and other property, either within or without the corporate limits of such city, for any and all corporate purposes and every such city shall have the right to appropriate real estate or other property, either within or without the corporate limits of such city, for any and all municipal purposes in the same manner and under the same procedure as now is or may hereafter be provided by law in cases of other corporations authorized by the laws of the State of Washington to exercise the right of eminent domain: *Provided*, That this section shall be construed as a concurrent and cumulative power conferred on such cities, and shall not be construed as in any wise repealing or affecting any law now in force conferring the power of eminent domain and the right to appropriate property on any such city, and in particular, this act shall not be construed as in any wise repealing or affecting the powers conferred on any such city by chapter 55 of the Session Laws of Washington for the year 1905.

SEC. 70. TAX LEVIES: Any such city shall have power through its council to levy and collect annually, a property tax for the payment of outstanding warrants and also for the purpose of providing funds for the payment of interest

on, and for the creation of sinking funds for, all outstanding bonded indebtedness, and in addition thereto, such city shall have power to levy and collect annual taxes for the payment of current expenses not exceeding fifteen mills on the dollar of assessed valuation: *Provided*, That if the qualified electors of said city at a special election to be held for that purpose should vote in favor of a larger levy for the payment of current expenses, than fifteen mills on the dollar of assessed valuation, a larger levy for said purpose may accordingly be made. All of the provisions of chapter 84 of the Session Laws of 1897, so far as the same are not inconsistent herewith, shall be applicable to such cities.

SEC. 71. SPECIAL TAX LEVY—WATER WORKS: Whenever the needs of any such city may require it, a special water improvement fund may be created to be used exclusively for the building, acquisition, extension or improvements of the municipal water works and water system of any such city, said special water improvement fund to be created in the manner following, to-wit: A general plan of the proposed extension or improvement of the municipal water system, together with the estimated cost of making such improvement, shall be prepared and filed in the office of the city clerk and published in the official newspaper of the city; thereupon the city council of said city shall by ordinance submit to the qualified electors of said city at a special election to be held for that purpose, the question of levying a special water improvement tax upon all of the taxable property within said city for the purpose of raising a special water improvement fund to be used exclusively for the making of the improvements or extensions in said water system; the question so submitted may contemplate the levying of such special tax for one year or for a succession of years, not exceeding ten years in all, the amount of the levy which it is proposed to make for each year, to be distinctly stated. If a majority of the votes cast at such special election shall vote in favor of the proposition to levy such special tax, then the city council shall have power to proceed with the levy of such

special taxes during the year, or series of years, for which the same was authorized, and said council shall create a special water improvement fund and may issue special water improvement fund warrants or bonds against said fund, the proceeds of which shall be used exclusively for the improving, extension, repair, or renewal, as the case may be, of the water system of such city. Such special water improvement fund warrants or bonds shall not be deemed an indebtedness against such city and the payment of such special water improvement fund warrants or bonds shall be limited to the special water improvement taxes so authorized to be levied and the holders of such warrants or bonds shall have recourse only against the funds raised by such special taxes. The special tax so authorized must be levied each year as originally authorized to take care of all outstanding warrants or bonds against such special fund. The city council shall have power to enact all necessary ordinances to give effect to this section.

SEC. 72. MEETINGS OF CITY COUNCIL: The city council of any such city shall hold regular meetings, the time and place of meeting to be prescribed by ordinance, which regular meetings of the council shall not be oftener than once a week nor less frequent than every three weeks, but nothing herein contained shall prevent the city council from holding special meetings at any time. No ordinance shall be valid unless the same be passed at a regular meeting of the council. No claims shall be allowed against the city by the city council, nor shall the city council order any warrants drawn except at a general meeting of the council. No resolution or order for the payment of money shall be passed at any time other than at a regular meeting of the council.

SEC. 73. REPEALING CLAUSE: Sections 24 to 91 inclusive, of an act entitled, "An Act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency," approved March 27, 1890, as well as all other acts and parts of acts in conflict herewith, are hereby repealed.

SEC. 74. An emergency exists and this act shall take effect immediately.

Passed the House March 2d, 1907.

Passed the Senate March 12th, 1907.

Approved by the Governor March 18th, 1907.

CHAPTER 242.

[S. B. 296.]

AMENDING ACT RELATING TO TAXATION OF PROPERTY BENEFITED BY SYSTEMS OF DRAINAGE.

AN ACT to amend section 3730 of Ballinger's Annotated Codes and Statutes of Washington, relating to the assessment and taxation of benefitted property for the construction and maintenance of systems of drainage.

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

SECTION 1. That section 3730 of Ballinger's Annotated Codes and Statutes of Washington, be, and the same is, hereby amended to read as follows:

SEC. 3730. Upon the entry of the judgment upon the verdict of the jury, the clerk of said court shall immediately prepare a transcript, which shall contain a list of the names of all the persons and corporations benefited by said improvement and the amount of benefit derived by each, respectively, and shall duly certify the same, together with a list of the lands benefited by said improvement belonging to each person and corporation, and shall file the same with the auditor of the county, who shall immediately enter the same upon the tax rolls of his office, as provided by law for the entry of other taxes, against the land of each of the said persons named in said list, together with the amounts thereof, and the same shall be subject to the same interest and penalties in case of delinquency as in case of general taxes, and shall be collected in the same manner as other taxes and subject to the same right of redemption, and the lands sold for the collection of said taxes shall be subject to the same right of redemption as the

Transcript--
contents of.

Amount
shall be
entered on
tax rolls.

County
commiss-
sioners shall
fix time of
payment.

sale of lands for general taxes: *Provided*, That said assessments shall not become due and payable except at such time or times and in such amounts as may be designated by the board of commissioners of said drainage district, which designation shall be made to the county auditor by said board of commissioners of said drainage district, by serving written notice upon the county auditor designating the time and the amount of the assessment, said assessment to be in proportion to benefits to become due and payable, which amount shall fall due at the time of the falling due of general taxes, and the amount so designated shall be added by the auditor to the general taxes of said person, persons or corporation, according to said notice, upon the assessment rolls in his said office, and collected therewith; *Provided further*, That no one call for assessments by said commissioners shall be in an amount to exceed twenty-five per cent. of the amount estimated by the board of commissioners to be necessary to pay the costs of the proceedings, and the establishment of said district and drainage system and the cost of construction of said work; *Provided further*, That where the amount realized from the original assessment and tax shall not prove sufficient to complete the original plans and specifications of any drainage system, alterations, extensions or changes therein, for which the said original assessment was made, the board of commissioners of said district shall make such further assessment as may be necessary to complete said system according to the original plans and specifications, which assessment shall be made and collected in the manner provided in this section for the original assessment.

Limit of
assessment.

Additional
assessment.

Passed the Senate March 11th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 18th, 1907.

CHAPTER 243.

[H. B. 456.]

FILLING OF PRIVATE PROPERTY IN CERTAIN CITIES
WHERE NECESSARY AS A SANITARY MEASURE.

AN ACT to provide for the filling of private property in cities of the first and second classes where necessary as a sanitary measure.

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

SECTION 1. Whenever any city of the first or second class shall establish or shall have established the grade of any street or streets, alley or alleys, at a higher elevation than any private property abutting thereon, thereby rendering the drainage of such private property or any part thereof impracticable without the raising of the surface of such private property, or whenever the surface of any private property in any such city shall be so low as to make sanitary drainage thereof impracticable and it shall be determined by resolution of the city council of such city that a fill of such private property shall be necessary as a sanitary measure, such city shall have power to provide therefor as hereinafter set forth.

City empowered to fill private property.

SEC. 2. The city council shall, before establishing the new grade of such property or providing for such fill, first pass a resolution declaring its intention to make such improvement and giving in such resolution a description of the property proposed to be improved by such fill, the estimate of the cost of the same and stating that such cost is to be assessed against the property benefited thereby, and shall fix a time not less than thirty (30) days after the first publication of the said resolution as hereinafter specified within which protests against such proposed improvement may be filed in the office of the city clerk. Such resolution may, in the discretion of the council, include as many separate parcels of property as may seem desirable whether or not the same are contiguous, provided the same lie in the same general neighborhood and may conveniently be included in one local improvement district. It shall be the duty of the city clerk upon the passage of such resolu-

Resolution of council.

Publication of resolution.

tion to cause such resolution to be published in the official newspaper of such city in at least two (2) consecutive issues before the time fixed in such resolution for filing such protests, and proof of such publication by affidavit shall be filed as a part of the record of such proceeding.

Ordinance for improvement.

SEC. 3. If no protest is filed, or if such protest is filed and the said city council shall, notwithstanding such protest and after full hearing thereof if any protestant shall ask for such hearing, determine that it is necessary to fill such private property, or any portion or portions thereof, the city council shall then, or at a subsequent time, proceed to enact an ordinance for such improvement. By the provisions of such ordinance, a local improvement district shall be established to be called "Local Improvement District No.," which shall include all the property found by the said council as aforesaid to require such fill as a sanitary measure. Such ordinance shall provide that such improvement shall be made and shall fix and establish the grades to which the said property and the different portions thereof shall be brought by such improvement, and that the cost and expense thereof shall be taxed and assessed

Name of district.

upon all the property in such local improvement district, which cost shall be assessed in proportion to the number of cubic yards of earth and bulkheading required for the different portions of said property included in said improvement district and in proportion to the benefits derived by such improvement: *Provided*, That the city council may expend from the general fund for such purposes such sums as in their judgment may seem fair and equitable in consideration of the benefits accruing to the general public by reason of such improvement. Whenever any expense or cost of work shall have been assessed on any such land as hereinabove provided, the amount of such expense and cost shall become a lien upon said lands against

Assessment of property benefited.

Payment from general fund.

which the same are so assessed and shall take precedence of all other liens, except general tax liens and special assessment liens theretofore assessed by the said city thereon and which may be foreclosed in accordance with the code of civil procedure in the name of such city as plaintiff. And

Lien of assessment.

in any such proceeding if the court trying the same shall be satisfied that the work has been done or material furnished for the fill of such property, a recovery shall be permitted or charge enforced to the extent of the proper proportion of the value of the work or material which would be chargeable on such lot or land notwithstanding any informality, irregularity or defects in any of the proceedings of such municipal incorporation or its officers.

SEC. 4. The said city shall have power by general or special ordinance, or by general and special ordinance combined, in its discretion, to make provision for the necessary surveys, estimates, bids, contract, bond and supervision of the said work and for making and approving the assessment roll of said local improvement district and for the collection of the assessments made thereby, and for the doing of everything which in their discretion may be necessary in carrying out the purposes of this act, or may be incidental thereto: *Provided*, That before the approval of such assessment roll, notice shall be given and an opportunity offered for the owners of the property affected by such assessment roll to be heard before such city council in the same manner as in case of assessments for drainage and sewerage in any such city. Powers of council.

SEC. 5. Such city may, in its discretion, by general or special ordinance, or both, instead of requiring immediate payment for the said work to be made by the owners of property included in said assessment roll, authorize the issuance of interest bearing bonds or warrants of such local improvement district, which shall include the property liable to assessment for such improvement, the said bonds or warrants to be payable on or before a date not to exceed ten (10) years from and after their date and may be issued subject to call, the amount of the said assessment to be payable in installments or otherwise, and the bonds to be of such terms as shall be provided in such ordinance or ordinances and to bear interest at such rate as may be prescribed in such ordinance or ordinances, but not to exceed eight (8) per cent. per annum. Such bonds or Bonds of district.

Interest.

warrants shall be payable only from the funds created by the special taxes or assessments hereinbefore authorized upon the property in the said local improvement district, and the holder of any such bond or warrant shall look only to such fund for the payment of the principal and interest thereof and shall have no claim or lien therefor against the city by which the same was issued except from such fund.

Construc-
tion of act.

SEC. 6. The provisions and remedies provided by this act are and shall be cumulative of existing provisions and remedies, and nothing in this act contained shall be held to repeal any provision of the existing law or of any charter of any city upon the subject matter thereof, but such existing law or charter provision shall continue in full force and effect, and it shall be optional with the city authorities to proceed under either such existing law, charter provision or this act.

Passed the House March 8th, 1907.

Passed the Senate March 13th, 1907.

Approved by the Governor March 18th, 1907.

CHAPTER 244.

[H. B. 231.]

AMENDING ACT RELATING TO APPROPRIATION OF LANDS AND HIGHWAYS FOR CORPORATE PURPOSES.

AN ACT to amend an act entitled "An act to amend section 4334 of Ballinger's Annotated Codes and Statutes of Washington relating to the appropriation of lands and highways for corporate purposes." (Section 7089 of Pierce's Code.)

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

SECTION 1. That section 1 of an act to amend an act entitled "An Act to amend section 4334 of Ballinger's Annotated Codes and Statutes of Washington relating to the appropriation of lands and highways for corporate purposes," (section 7089 of Pierce's Code) be, and the same is hereby amended to read as follows: Sec. 1. Every corporation organized for the construction of any railway,

macadamized road, plank road, clay road, canal or bridge, is hereby authorized and empowered to appropriate, by condemnation, land and any interest in land or contract right relating thereto, including any leasehold interest therein and any rights-of-way for tunnels beneath the surface of the land, and any elevated rights-of-way above the surface thereof, including lands granted to the State for university, school or other purposes, and also tide and shore lands belonging to the State (but not including harbor areas), which may be necessary for the line of such road, railway or canal, or site of such bridge, not exceeding two hundred feet in width, besides a sufficient quantity thereof for toll houses, workshops, materials for construction, excavations and embankments and a right-of-way over adjacent lands or property, to enable such corporation to construct and prepare its road, railway, canal or bridge, and to make proper drains; and in case of a canal, whenever the court shall deem it necessary, to appropriate a sufficient quantity of land, including lands granted to the State for university, school or other purposes, in addition to that before specified in this section, for the construction and excavation of such canal and of the slopes and bermes thereof, not exceeding one thousand feet in total width; and in case of a railway to appropriate a sufficient quantity of any such land, including lands granted to the state for university, schools and other purposes and also tide and shore lands belonging to the State (but not including harbor areas), in addition to that before specified in this section, for the necessary side tracks, depots and water stations, and the right to conduct water thereto by aqueduct, and for yards, terminal, transfer and switching grounds, docks and warehouses required for receiving, delivering, storage and handling of freight, and such land, or any interest therein, as may be necessary for the security and safety of the public in the construction, maintenance and operation of its railways; compensation therefor to be made to the owner thereof irrespective of any benefit from any improvement proposed by such corporation, in the manner provided by law: *And provided further*, That if such corporation lo-

Authority
to condemn.

Rights-of-
way.

Canals.

Compensa-
tion irre-
spective of
benefits.

cate the bed of such railway or canal upon any part of the track now occupied by any established State or county road, said corporation shall be responsible to the county commissioners of said county or counties in which such State or county road so appropriated is located, for all expenses incurred by such county or counties in relocating and opening the part of such road so appropriated. The term land as herein used includes tide and shore lands but not harbor areas; it also includes any interest in land or contract right relating thereto, including any leasehold interest therein.

Passed the House March 11, 1907.

Passed the Senate March 13th, 1907.

Approved by the Governor March 18, 1907.

CHAPTER 245.

[H. B. 349.]

ANNEXATION OF UNINCORPORATED TERRITORY TO CITIES OF THE FIRST CLASS.

AN ACT providing for the annexation to cities of the first class of unincorporated territory contiguous thereto and providing a method therefor.

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

Contiguous
territory
may be an-
nexed.

SECTION 1. Any portion of a county not heretofore incorporated as a municipal corporation, lying contiguous to any city of the first class, may become annexed to such city under the provisions of this act, and when so annexed shall become a part of said city: *Provided*, That whenever any such unincorporated territory is separated from any city of the first class by water, or by tide or shore lands on which no *bona fide* residence is maintained by any person, said unincorporated territory shall be deemed contiguous for all the purposes of this act.

Petition to
county com-
missioners.

SEC. 2. A petition shall be presented to the board of county commissioners of such county, signed by at least twenty per centum of the qualified electors of such county,

residents within the limits of the territory proposed to be annexed to such city, who voted at the last previous election as shown by the official poll books, which petition shall set forth and particularly describe the boundaries of such territory, and state the number of qualified electors residing within such boundaries as nearly as may be, and shall pray that an election shall be called and held within the limits of such territory for the purpose of submitting to the qualified electors residing therein, the question of such annexation under the provisions of this act. Such petition shall be filed in the office of such board and at the next regular or special meeting of said board thereafter, said board shall fix date for the hearing of the same, which shall be had not less than two weeks, nor more than four weeks thereafter, and notice of the hearing on said petition shall be published by said petitioners for at least two weeks prior thereto in some newspaper printed and published in such city to which it is proposed to annex such territory. After the filing of said petition as aforesaid, and pending the hearing of the same and pending the election to be called thereunder, said board shall not consider any other petition involving any portion of the territory embraced therein, provided that said petition may be withdrawn or a new petition embracing other or different boundaries substituted therefor by a majority of the signers thereof, when the same proceeding shall be taken as in the case of an original petition. Upon the date fixed for the hearing of said petition as aforesaid said board of county commissioners shall hear the same, or may continue such hearing from time to time not exceeding two weeks thereafter, and upon such hearing, if said petition be regular, said board shall grant the prayer thereof.

Notice of hearing.

Hearing.

SEC. 3. Upon the granting of said petition said board shall thereupon give notice of an election to be held in such proposed territory to be annexed, not less than thirty nor more than sixty days thereafter, for the purpose of determining whether the qualified electors thereof desire the annexation of the same to such city. Such notice shall particularly describe the boundaries of said territory and

Notice of election.

Publication of notice. shall state the objects thereof as prayed in said petition, and shall be published for at least two weeks prior to the date of such election in a newspaper printed and published within the limits of the said territory to be annexed, or, if there be no such newspaper, then in a newspaper printed and published in the city to which said territory is proposed to be annexed and by posting notice of such election, for at least two weeks in four public places within such territory. Such notices shall require the voters to cast ballots which shall contain the words "For Annexation," or "Against Annexation," or words equivalent thereto, which said ballots shall be furnished by said board of county commissioners.

Ballots.

Qualifications of voters. SEC. 4. Such election shall be conducted in accordance with the general election laws of the State, and no person shall be entitled to vote thereat unless he shall be a qualified elector and shall have resided within the limits of the territory so proposed to be annexed for the period of thirty days next preceding such election. The board of county commissioners shall meet on the Monday next succeeding such election and proceed to canvass the votes cast thereat; and if upon such canvass, it appears that a majority of the votes cast are for annexation, the board shall, by an order entered upon their minutes, declare such finding, and shall forthwith transmit to and file with the city clerk of such city to which said annexation is proposed, a duly certified copy of such finding and order, together with a certified abstract of such vote, which abstract shall show the whole number of electors voting at such election, the number of votes cast for annexation and the number of votes cast against annexation.

Canvass of returns.

Abstract of vote to be filed with city clerk.

Abstract shall be transmitted to council. SEC. 5. Upon the filing of such finding and order, together with such abstract with said city clerk as prescribed in section 4 hereof, said clerk shall transmit the same to the city council of such city at its next regular meeting held thereafter, for the consideration by said council at such meeting, or as soon thereafter as may be practicable, and if said council deem it wise or expedient to take or annex such contiguous territory to said city, then said council

shall adopt a resolution requiring its corporate counsel to prepare an ordinance providing for the annexation of said territory in due form of law, and upon the adoption of such ordinance by said council and the taking effect thereof the said territory so annexed shall thereupon become a part of such city and subject to all its laws and ordinances then and thereafter in force: *Provided*, That no property within the limits such territory so annexed shall ever be taxed or assessed to pay any portion of any indebtedness of such city to which it shall so be annexed, contracted prior to, or existing at, the date of such annexation.

Ordinance.

Property shall not be taxed to pay existing indebtedness

SEC. 6. Nothing herein contained shall be deemed to supersede or repeal any existing law providing for the annexation of adjacent territory or extension of the boundaries of cities of the first class, but the same shall be considered as an alternative or concurrent proceeding herewith.

Construction of act.

Passed the House March 8th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 19th, 1907.

CHAPTER 246.

[H. B. 17.]

FORMATION AND MANAGEMENT OF ROAD DISTRICTS.

AN ACT relating to the formation and management of road districts and the appointment of supervisors therefor, amending sections 7 and 12 of chapter 119 of the Session Laws of 1903 and repealing section 1 of chapter 156 of the Session Laws of 1905 and sections 2, 3, 4, 5, and 6 of chapter 119 of the Session Laws of 1903.

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

SECTION 1. That section 1 of chapter 119 of the Session Laws of 1903 be amended to read as follows: Section 1. The board of county commissioners shall, as often as they deem it necessary, but not oftener than once each year, divide their respective counties or any part

Commissioners shall divide counties into districts.

thereof into suitable and convenient road districts, not exceeding twenty-four in number, and cause a description thereof to be entered upon the county records: *Provided*, That the size and form of each road district shall be such as to permit personal oversight and management by one road supervisor.

SEC. 2. That section 12 of chapter 119 of the Session Laws of 1903 be amended to read as follows: Sec. 12. Road super-
visors. The board of county commissioners shall appoint from among the qualified electors in each road district, for such time as they may determine, with compensation not to exceed four dollars per diem for time and labor actually performed, a road supervisor who shall enter into a bond satisfactory to the commissioners: *Providing, however*, That when any road district has a good roads association, then such road overseer shall be appointed from a list furnished by such association.

Repeal. SEC. 3. That section 1 of chapter 156 of the Session Laws of 1905, and sections 2, 3, 4, 5 and 6 of chapter 119 of the Session Laws of 1903 be and the same are hereby repealed.

Act effective, when. SEC. 4. This act shall not take effect until the first Monday in January, 1908, except that the county commissioners shall at the time of making the general tax levy in 1907, make the levy for the road and bridge tax provided for in section 8 of chapter 119 of the Session Laws of 1903.

Passed the House March 13th, 1907.

Passed the Senate March 12th, 1907.

Approved by the Governor March 19th, 1907.

CHAPTER 247.

[H. B. 232.]

AMENDING ACT RELATING TO THE TAKING OF FOOD FISHES.

AN ACT relating to the taking of food fishes, providing penalties for a violation thereof, amending section 2 of chapter 117, Session Laws 1899, also amending section 3 of chapter 170 of Session Laws of 1905, and repealing section 4 of chapter 170, Session Laws of 1905, and declaring an emergency.

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

SECTION 1. That section 2 of chapter 117, Session Laws 1899, relating to the taking of food fishes, be amended to read as follows: Sec. 2. The use of pound nets, traps, weirs, fish wheels and other fixed appliances, and purse nets, drag seines and other seines for catching salmon is hereby authorized in all the waters of this State wherein the same is not prohibited by section one, subject to the regulation and license hereinafter provided for or otherwise required by law, and the use of set nets and gill or drift nets, subject to said license and regulation for said purpose is authorized in all the waters of this State, except as otherwise provided by law: *Provided, however,* That no fishing appliances shall be constructed, operated or maintained upon any of the waters of this State or the Columbia river or its tributaries by any person whomsoever, unless such person shall have first obtained a license so to do from the Fish Commissioner of this State, who is hereby authorized to issue said licenses: *Provided further,* That the Fish Commissioner shall obtain from the State Auditor all licenses in blank, and that when he reports to the State Treasurer, the number of licenses so received shall be accounted for. The State Auditor is hereby authorized and directed to prepare in blank consecutively numbered, all licenses to be turned over as herein provided to the Fish Commissioner, keeping a receipt for the licenses so delivered. A separate license shall be required for each trap, pound net, weir, fish wheel or any other fixed appliance, and for every purse net, purse seine, drag seine, or

Use of certain appliances authorized.

License.

other seine, gill net, drift net or set net, which license shall be numbered and dated, and shall specify the number of the pound net, trap, weir, fish wheel, or other fixed appliance, seine, gill net, drift net or set net, which number shall be designated by the said Commissioner, and said license shall also contain the name of the person to whom such license shall be granted. No license shall be issued to any person who is not a citizen of the United States, unless such person has declared his intention to become such one year prior thereto, and is and has been for one year immediately prior to the time of the application for license an actual resident of the State of Washington, nor shall any license be issued to any corporation, unless such corporation shall be authorized to do business in this State: *Provided*, That nothing in this act shall be construed to prevent the issuance of licenses to women, minors of the age of eighteen years or more, or Indians, who possess the qualifications of citizenship and residence hereinbefore required, nor to prevent the renewal of any licenses by persons now holding the same: *Provided*, Licenses issued by the State of Oregon shall be deemed valid as to gill nets for use on the Columbia river as though issued by the Fish Commissioner of this State. No more than three licenses shall be issued to any one person, firm or corporation. Licenses may be assigned or transferred to any person or corporation entitled to hold licenses under the provisions of this act: *Provided*, That notice is given to the Fish Commissioner of said transfer or assignment by the transferee within twenty days from the date of said transfer or assignment: *And provided further*, If such notice of transfer is not given such license shall be void. No person or corporation shall own, operate or construct, or cause to be constructed or operated any pound net, trap, weir, fish wheel or other fixed appliance for the catching of salmon on the waters of the Columbia river, or its tributaries, or in any of the waters of the State of Washington, the meshes of which are less than three inches stretched measure.

Who may
be licensed.

Certain
Oregon li-
censes valid.

Transfer.

Size of
mesh.

SEC. 2. It shall be unlawful to take or fish for salmon, except with hook or line in any of the tributaries of Puget

Sound above tide water; and it shall further be unlawful to take or fish for salmon, except with hook and line in any of the open waters of Puget Sound between the hours of six o'clock p. m. Friday, and six o'clock a. m. Sunday, and in the tributaries of Puget Sound and that arm of the Sound known as Swinomish Slough, between the hours of six o'clock a. m. Saturday, and six o'clock p. m. Sunday, of each calendar week in each year. And it shall be unlawful to fish for sockeye salmon in the waters of Puget Sound between August 25th and September 15th of each year, and any salmon of that species taken between said last named dates in the waters of Puget Sound shall be liberated. That between six o'clock p. m. Friday and six o'clock a. m. Sunday, of each calendar week of each year, as above provided, all pound nets, or traps operated in the waters of Puget Sound shall be closed by an apron placed across the entrance to the heart of the trap or pound net, which apron shall extend from above the surface of the water to the bottom of the Sound at the place where the trap is maintained and be connected securely to the piles on either side of the entrance to the heart of such trap or pound net, fastened by rings not more than four feet apart on a taut wire stretched from top to bottom of piles so as to effectually prevent any salmon from entering the heart of such trap or pound net. Any person violating any of the provisions of this section, whether or not such a violation is otherwise specifically declared to be a misdemeanor, either by neglecting to observe the requirements of this section, or by violating any of the requirements thereof, shall be deemed guilty of a misdemeanor and shall upon conviction thereof, for each and every offense be subject to a fine of not less than two hundred and fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail not less than twenty-five days nor more than one year, or by both such fine and imprisonment.

Unlawful to take salmon on Puget Sound, when.

Traps shall be closed, when.

Penalty.

SEC. 3. It shall be unlawful to take or fish for salmon in the waters of Grays Harbor or its tributaries from the 15th day of March to the 15th day of April and from

Prohibited on Grays Harbor, when.

the 25th day of November to the 15th day of December in each year. And also it shall hereafter be unlawful to take or fish for salmon in any of the following named tributaries of Grays Harbor from the 15th day of August to the 15th day of November in each year above the points hereinafter described, to-wit: It shall be unlawful to take or fish for salmon in the Chehalis river above a point one-half mile below the mouth of the Wynooche river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Humptulips river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Elk river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Johns river. The Fish Commissioner is hereby empowered to indicate the points above which fishing may not be done as provided hereinbefore, by driving piles at the points in said streams above designated, which shall mark the points above which said fishing shall not be done. It shall be unlawful to take or fish for salmon in the waters of Willapa Harbor or its tributaries from the 15th day of March to the 15th day of April, and from the 25th day of November to the 25th day of December in each year. And, also, it shall be unlawful to take or fish for salmon in any of the following tributaries of Willapa Harbor above tidewater in said rivers: North river, Willapa river, and Nasel river. Nothing in this act shall be construed to prevent fishing with hook and line, commonly termed angling, in any of the above rivers. It shall be unlawful to take or fish for salmon in the Columbia river or its tributaries, or within three miles outside of the mouth of said Columbia river, by any means whatever in any year, between twelve m. the 15th day of March and twelve m. the 15th day of April, or between 12 m. the 25th day of August and 12 m. the 10th day of September, except Snake river; and it shall be unlawful to take or fish for salmon in said Snake river or any of its tributaries by any means whatever, in any year, between twelve m. the 1st day of March and twelve m. the 15th day of April, or between 12 m. the first day of

Willapa
Harbor.

Columbia
River.

Snake
River.

August and twelve m. the first day of September. And it shall be unlawful to take or fish for salmon by any means whatever except with hook and line, commonly termed angling, in the Kalama river, Lewis river, Wind river, Little White Salmon river, Wenatchee river, Methow river, Little Spokane river, and Colville river, and in the Columbia river within one mile of the mouth of the above named rivers: *Provided*, No traps shall be located on or within three miles below the mouth of Lewis river. It shall be unlawful at any time to take any fish with a net, trap or other device than hook and line in Chambers creek in the county of Pierce, or within two hundred and fifty yards of the mouth of said creek and the mouth of said creek shall be construed to mean the junction where the fresh and salt waters meet at low tide.

SEC. 4. It shall be unlawful for any person, firm or corporation on Puget Sound or its tributaries to fish for salmon by means of set nets of greater length than three hundred feet, and no set net shall be permitted to be constructed in the form of a pound net or with pots or hearts connected therewith or in any other means than by stakes driven in substantially a straight line. Any person violating any of the provisions of sections 3, 4 and 5 of this act shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject for each and every offense, to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail not less than five days nor more than thirty days.

Size and
shape of
set nets.

Penalty for
violation of
certain
sections.

SEC. 5. That section 3 of chapter 170, Session Laws of 1905, be amended to read as follows: Sec. 3. Every person, firm or corporation, either as principal, agent or employe engaged in the business of buying or selling, and preserving or otherwise dealing in salmon other than canneries thereof, shall pay as a license the sum of ninety cents per ton net weight of said fish bought and sold, preserved or otherwise dealt in: *Provided*, No person engaged in the business aforesaid shall pay less than two dollars and fifty cents per annum. It shall be the duty of each

License
of Dealers—
90 cents
per ton.

\$2.50 per
annum.

Detailed report to fish commissioner.

Grays Harbor license.

person, firm or corporation affected by the provisions of this section to render to the Fish Commissioner of the State of Washington, on or before the tenth day of each month, on blanks to be furnished by the Fish Commissioner, a detailed statement showing net amount of fresh fish bought and sold, preserved or otherwise dealt in during the preceeding month, and each person shall pay to the said Commissioner the amount due under the provisions therefor, on or before the tenth of each month, and a failure or neglect to do so shall constitute a misdemeanor and upon conviction thereof the offender may be punished as hereinafter provided: *Provided, however,* That every person, firm or corporation, either as principal, agent or employe (except retail dealers purchasing for their own trade) engaged in buying, selling, preserving, or otherwise dealing in salmon other than canners thereof taken in the waters of Grays Harbor or its tributaries in the State of Washington, shall before engaging in such business procure from the Fish Commissioner a license to buy, sell, preserve or otherwise deal in at least one hundred tons of salmon taken from such waters and pay therefor to said Fish Commissioner the sum of ninety dollars, which said license shall entitle such person, firm or corporation to buy, sell, handle, preserve or otherwise deal in one hundred tons of salmon taken from said waters during the season for which such license is granted. Should such person, firm or corporation during the year for which such license is issued exceed one hundred tons of salmon in his, their or its purchase, sale, preserving or dealing such person, firm or corporation shall immediately upon the completion of the purchase, sale, or preserving of one hundred tons of salmon, thereafter be governed by and comply with and make payments upon all salmon purchased, sold, preserved or otherwise dealt in in excess of one hundred tons during the said year with the provisions of this section contained and declared before this proviso and a failure or neglect upon the part of any person, firm or corporation to comply with the requirements of this section or the requirements of this proviso shall constitute a misdemeanor and upon

conviction thereof the offender shall be punished as in this act hereby amended provided.

SEC. 6. That section 1 of chapter 170 of the Session Laws of 1905 be amended to read as follows: Sec. 1. That section six (same being section 5278 of Pierce's Washington Code) of "An act providing for the protection and propagation of the food fishes in the waters of the State of Washington, regulating the catching and sale thereof, establishing licenses, fixing penalties, repealing conflicting laws, and declaring an emergency," approved March 13, 1899, be amended to read as follows: Section 6. (5278) All licenses provided in sections two and three of this act shall be issued as follows: Upon application therefor by any person, a license shall be issued by the Fish Commissioner for fixed and other appliances for catching salmon or other food fishes as herein provided, which shall entitle the holder to operate said appliances in the waters of this State, wherein such appliances are not prohibited by law. The following fees for such licenses shall be collected by the Fish Commissioner and turned over to the State Treasurer on or before the tenth of each month, and by him turned into the fish hatchery fund, to-wit:

License for appliances.

Fees.

For each drag seine not exceeding 250 feet in length	\$2.50
For each drag seine more than 250 feet in length and not more than 400 feet in length	7.50
For each drag seine more than 400 feet in length and not exceeding 500 feet	15.00
For each additional foot in length, the further sum of03
For each first class pound net, trap or weir, on the Columbia river	25.00
For each second class pound net, trap or weir, on the Columbia river	10.00
For each first class purse seine	50.00
For each second class purse seine	25.00
For each gill net or drift net	5.00
For each set net	2.50
For each pound net, trap, or weir, on Willapa Har- bor and Grays Harbor	10.00

For each pound net, trap or weir (except on the Columbia river, Willapa Harbor or Grays Harbor 50.00

For each scow fish wheel 15.00

Fish wheels.

Stationary fish wheels shall pay twenty-five dollars for first class wheels, and ten dollars for second class wheels, all classification of wheels, pound nets, and purse seines to be determined by the Fish Commissioner: *Provided*, Where any trap or pound net is so constructed as to take fish at each end of its main lead, it shall obtain and pay for a license especially permitting the taking of fish at both ends, for which it shall pay a license fee double the amount of a pound net or trap taking fish at one end only. In addition to the foregoing license charges there shall also be paid by the owner of each trap, pound net or fish wheel operated in the waters of the State, the sum of one dollar for each one thousand fish taken by such trap, pound net or fish wheel to furnish to the Fish Commissioner on or before the tenth day of each month. It shall be the duty of every person owning or operating any trap, pound net or fish wheel to furnish to the Fish Commissioner on or before the tenth day of each month a sworn statement giving the number and location of such trap or pound net and a detailed statement of the actual number of fish caught at such trap or pound net, and in addition to answer such questions as the Fish Commissioner shall propound with reference thereto, which statement shall be filed with and retained by the Fish Commissioner. Any person, firm or corporation using scows and boats or other craft in the buying of fish on the Columbia river, are hereby required to obtain from the Fish Commissioner of the State of Washington, before engaging in said trade or occupation, a license for such scow, boat or other craft: *Provided*, That this shall not apply to scows, boats and other craft regularly used in buying fish for, and transporting fish to canneries and packing plants which pay an annual license fee to the State of Washington of at least one hundred dollars each. Each person, firm or corporation obtaining such license shall pay to the Fish Commissioner of the State of Washington at the time said

Traps to pay double fee, when.

Owners of traps shall report number of fish caught.

License for boats and scows.

license is issued, the sum of fifty dollars (\$50.00). All licenses issued under the provisions of this act shall expire on the thirty-first day of March following the issuance of such license, and shall be renewed upon application and upon payment of the license fees as provided by this act: *Provided*, That licenses now issued shall be valid until their expiration, and shall likewise be renewed to expire on March thirty-first following the issuance of such license.

SEC. 7. One-half of all fines collected under the provisions of this act or the acts of which this is amendatory shall be paid to the informer, if there be one, one-quarter to the county collecting the same and the remainder shall be put into the fish hatchery fund in the State general fund. And it shall be the duty of the prosecuting attorney, or justice of the peace to cause to be endorsed upon the back of the indictment or complaint the name of any person who shall voluntarily make complaint for violation of any of the provisions of this act.

Disposition
of fines.

SEC. 8. Section 4 of chapter 170, Laws of the State of Washington, 1905, approved March 13, 1905, is hereby repealed.

Repeal.

SEC. 9. An emergency exists, and this act shall take effect immediately.

Emergency.

Passed by the House March 13th, 1907.

Passed by the Senate March 12th, 1907.

Approved by the Governor March 19th, 1907.

CHAPTER 248.

[S. B. 90.]

AMENDING ACT RELATING TO THE ORGANIZATION,
CLASSIFICATION AND GOVERNMENT OF MUNICIPAL
CORPORATIONS.

AN ACT amending section 715 of Ballinger's Annotated Codes and Statutes of Washington, relating to the organization, classification, incorporation and government of municipal corporations.

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

SECTION 1. That section 715 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Classifica-
tion of
cities.

Sec. 715. Existing corporations organized as cities of the first class shall remain such, and the classes of those which may be or may become cities of the first class shall be determined as follows: Those which on the first day of the month of January last had, and those which hereafter on the first day of the month of January in any year have, according to an official report or abstract of the then next preceding federal or State census, more than twenty thousand inhabitants shall constitute the first class, and shall be organized and governed under the laws relating to cities authorized to frame and adopt their own charters; those which on the first day of the month of January last had, and those which hereafter on the first day of the month of January in any year have, when ascertained in the same way, more than ten thousand and less than twenty thousand inhabitants shall constitute the second class; and those which on the first day of the month of January last had, and those which hereafter on the first day of the month of January in any year have, when ascertained in the same way, more than fifteen hundred and less than ten thousand inhabitants shall constitute the third class: *Provided*, That when a petition is filed in accordance with section 703 of Ballinger's Annotated Codes and Statutes of Washington, seeking reorganization of any town or city as a city of a higher class than that indicated by the last preceding federal or State census, then in such case the council or other legislative body to which such petition is presented, shall forthwith cause a census to be taken by one

Census.

or more suitable persons, of all the inhabitants of such town or city in which census the full name of each person shall be plainly written, and the names alphabetically arranged and regularly numbered in complete series; which census shall be verified before an officer authorized to administer oaths, and filed with the clerk of the corporation. And if such census shows such city or town to belong to the class named in such petition, the same proceedings shall be had as if such census were a federal or State census. But if such census shows such town or city not entitled to belong to the class named in such petition, no further proceedings shall be had: *Provided further*, That such city or town may be reorganized as a city or town of the class indicated by such census, upon a proper petition filed within six months from the filing of such census with the clerk of the corporation, without other or further census.

Passed the Senate February 7th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 19th, 1907.

CHAPTER 249.

[H. B. 337.]

AMENDING ACT ESTABLISHING A RAILROAD COMMISSION.

AN ACT to amend section 23 of an act entitled: "An act to establish a railroad commission for the State of Washington, whereby discrimination and extortion in railroad and express charges may be prevented and reasonable and just freight and passenger service and tariff may be corrected and established; to authorize the commission to make all necessary rules and regulations for its government, and the carrying into effect the provisions of this act; to give to said commission the power to regulate the sale of railroad tickets, and to correct and provide charges for hauling loaded or empty cars, proper trackage, proper train service, sufficient freight and passenger rooms, and just and reasonable joint rates and demurral charges; to prescribe penalties for the violation of this act, and to provide means and rules for its proper enforcement, and making an appropriation therefor." Approved March 7, 1905.

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

SECTION 1. That section 23 of an act entitled "An Act to establish a railroad commission for the State of Wash-

ington, whereby discrimination and extortion in railroad and express charges may be prevented and reasonable and just freight and passenger service and tariff may be corrected and established; to authorize the commission to make all necessary rules and regulations for its government, and the carrying into effect the provisions of this act; to give to said commission the power to regulate the sale of railroad tickets, and to correct and provide charges for hauling loaded or empty cars, proper trackage, proper train service, sufficient freight and passenger rooms, and just and reasonable joint rates and demurral charges; to prescribe penalties for the violation of this act, and to provide means and rules for its proper enforcement, and making an appropriation therefor," approved March 7, 1905, be and the same is hereby amended so as to read as follows:

Right of
action not
released.

Sec. 23. This act shall not have the effect to release or waive any right of action by the State or any person for any right, penalty or forfeiture which may have arisen or may hereafter arise under any law of this State; and all penalties accruing under this act shall be cumulative of each other, and a suit for the recovery of one penalty shall not be a bar to the recovery of any other: *And provided*, That no contract, receipt, rule, or regulation shall exempt any corporation engaged in transporting live stock by railway from liability of a common carrier, or carrier of live stock, which would exist had no contract, receipt, rule, or regulation been made or entered into.

Transporta-
tion of live
stock—lia-
bility of
carrier.

Passed the House March 1st, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 19th, 1907.

CHAPTER 250.

[H. B. 5.]

REGISTRATION OF LAND TITLES.

AN ACT relating to the registration and confirmation of titles to land.

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

APPLICATION TO HAVE TITLE REGISTERED.—HOW MADE.—WHEN BY AGENT.—BY CORPORATION.—PERSON UNDER DISABILITY.—NAME OF APPLICANT.

SECTION 1. The owner of any estate or interest in land, whether legal or equitable, except unpatented land, may apply as hereinafter provided to have the title of said land registered. The application may be made by the applicant personally, or by an agent thereunto lawfully authorized in writing, which authority shall be executed and acknowledged in the same manner and form as is now required as to a deed, and shall be recorded in the office of the county auditor in the county in which the land, or the major portion thereof, is situated before the making of the application by such agent. A corporation may apply by its authorized agent, and an infant or any other person under disability by his legal guardian. Joint tenants and tenants in common shall join in the application. The person in whose behalf the application is made shall be named as applicant.

LESSER ESTATES.—WHEN REGISTERED.—NOTED ON CERTIFICATE OF TITLE.

SEC. 2. It shall not be an objection to bringing land under this act, that the estate or interest of the applicant is subject to any outstanding lesser estate, mortgage, lien or charge; but no mortgage, lien, charge or lesser estate than a fee simple shall be registered unless the estate in fee simple to the same land is registered; and every such lesser estate, mortgage, lien or charge shall be noted upon the certificate of title and the duplicate thereof, and the title or interest certified shall be subject only to such

estates, mortgages, liens and charges as are so noted, except as herein provided.

TITLE NOT TO BE REGISTERED.—UNLESS ADJUDICATED BY COURT.—OR ACTUAL POSSESSION FOR SEVEN YEARS.—PAYMENT OF TAXES.—UNLESS LANDS ARE VACANT.

SEC. 3. No title derived through sale for any tax or assessment, or special assessment, shall be entitled to be registered, unless it shall be made to appear that the title of the applicant, or those through whom he claims title has been adjudicated by a court of competent jurisdiction, and a decree of such court duly made and recorded, decreeing the title of the applicant, or that the applicant or those through whom he claims title have been in the actual and undisputed possession of the land under such title at least seven years, immediately prior to the application, and shall have paid all taxes and assessments legally levied thereon during said time; unless the same is vacant and unoccupied lands or lots, in which case, where title is derived through sale for any tax or assessment or special assessment for any such vacant and unoccupied lands or lots, and the applicant, or those through whom he claims title, shall have paid all taxes and assessments legally levied thereon for eight successive years immediately prior to the application, in which case such lands and lots shall be entitled to be registered as other lands provided for by this section.

THE APPLICATION.—NAME AND PLACE OF APPLICANT OR AGENT.—WHETHER MARRIED OR NOT.—DESCRIPTION AND VALUE OF LAND.—ESTATE HELD.—NAMES OF PARTIES OF RECORD.—THE OCCUPANT.—LIENS AND INCUMBRANCES.—OTHERS CLAIMING AN ESTATE OR INTEREST.—OWNERS OF ADJOINING LANDS.—AGE OF MINOR.—RESIDENCE OF PERSONS NOT KNOWN.

SEC. 4. The application shall be in writing and shall be signed and verified by the oath of the applicant, or the person acting in his behalf. It shall set forth substantially:

A. The name and place of residence of the applicant, and if the application is by one acting in behalf of another, the name and place of residence and capacity of the person so acting.

B. Whether the applicant (except in the case of a corporation) is married or not, and, if married, the name and residence of the husband or wife, and the age of the applicant.

C. The description of the land and the assessed value thereof, exclusive of improvements, according to the last official assessment, the same to be taken as a basis for the payments required under section 83 and subdivision A. of section 96 of this act.

D. The applicant's estate or interest in the same, and whether the same is subject to homestead exemption.

E. The names of all persons or parties who appear of record to have any title, claim, estate, lien or interest in the lands described in the application for registration.

F. Whether the land is occupied or unoccupied, and if occupied by any other person than the applicant, the name and postoffice address of each occupant, and what estate he has or claims in the land.

G. Whether the land is subject to any lien or incumbrance, and if any, give the nature and amount of the same, and if recorded, the book and page of record; also give the name and postoffice address of each holder thereof.

H. Whether any other person has any estate or claims any interest in the land, in law or equity, in possession, remainder, reversion or expectancy, and if any, set forth the name and postoffice address of every such person and the nature of his estate or claim.

I. In case it is desired to settle or establish boundary lines, the names and postoffice addresses of all the owners of the adjoining lands that may be affected thereby, as far as he is able, upon diligent inquiry, to ascertain the same.

J. If the application is on behalf of a minor, the age of such minor shall be stated.

K. When the place of residence of any person whose residence is required to be given is unknown, it may be so stated if the applicant will also state that upon diligent inquiry he had been unable to ascertain the same.

WHAT LANDS APPLICATION MAY INCLUDE.

SEC. 5. Any number of contiguous pieces of land in the same county, and owned by the same person, and in the same right, or any number of pieces of property in the same county having the same chain of title and belonging to the same person, may be included in one application.

AMENDMENT OF APPLICATION.

SEC. 6. The application may be amended only by supplemental statement in writing, signed and sworn to as in the case of the original application.

FORM OF APPLICATION.—TITLE.—PRAYER.

SEC. 7. The form of application may, with appropriate changes, be substantially as follows:

FORM OF APPLICATION FOR INITIAL REGISTRATION OF TITLE TO LAND.

State of Washington, County of, ss:

In the Superior Court of the State of Washington in and for County.

In the matter of the application of }
to register the title to the land hereinafter described. } PETITION.

To the Honorable, judge of said court: I hereby make application to have registered the title to the land hereinafter described, and do solemnly swear that the answers to the questions herewith, and the statements herein contained, are true to the best of my knowledge, information and belief.

First. Name of applicant,, age, years.

Residence, (number and street, if any).
Married to (name of husband or wife).

Second. Applications made by, acting as (owner, agent or attorney). Residence, (number, street).

Third. Description of real estate is as follows:
.
.

.....
estate or interest therein is and.....
subject to homestead.

Fourth. The land is occupied by
..... (names of occupants), whose address is
..... (number street and
town or city). The estate, interest or claim of occupant
is

Fifth. Liens and incumbrances on the land
..... Name of holder or owner thereof
is Whose postoffice address is
..... Amount of claim, \$.....
Recorded, Book, page, of the
records of said county.

Sixth. Other persons, firm or corporation having or
claiming any estate, interest or claim in law or equity,
in possession, remainder, reversion or expectancy in said
land are,
whose addresses are,
respectively. Character of estate, interest or claim is
.....

Seventh. Other facts connected with said land and
appropriate to be considered in this registration proceeding
are

Eighth. Therefore, the applicant prays this Honorable
Court to find or declare the title or interest of the applicant
in said land and decree the same, and order the registrar
of titles to register the same and to grant such other and
further relief as may be proper in the premises:

.....
(Applicant's signature.)

By, agent, attorney, ad-
ministrator or guardian.

Subscribed and sworn to before me this day
of, A. D. 19....

.....
Notary Public in and for the State of Wash-
ington, residing at

TO WHAT COURT.—POWERS OF COURT.—WHEN DECREES MADE.

SEC. 8. The application for registration shall be made to the Superior Court of the State of Washington in and for the county wherein the land is situated. Said court shall have power to inquire into the condition of the title to and any interest in the land and any lien or encumbrance thereon, and to make all orders, judgments and decrees as may be necessary to determine, establish and declare the title or interest, legal or equitable, as against all persons, known, or unknown, and all liens and incumbrances existing thereon, whether by law, contract, judgment, mortgage, trust deed or otherwise, and to declare the order, priority and preference as between the same, and to remove all clouds from the title.

WHO REGISTRARS OF TITLES.—DEPUTIES.—RULES.

SEC. 9. The county auditors of the several counties of this State shall be registrars of titles in their respective counties; and their deputies shall be deputy registrars. All acts performed by registrars and deputy registrars under this law shall be performed under rules and instructions established and given by the superior court having jurisdiction of the county in which they act.

BOND.—BOND FILED.

SEC. 10. Every county auditor shall, before entering upon his duties as registrar of titles, give a bond with sufficient sureties, to be approved by a judge of the superior court of the State of Washington in and for his county, payable to the State of Washington, in such sum as shall be fixed by the said judge of the superior court, conditioned for the faithful discharge of his duties, and to deliver up all papers, books, records and other property belonging to the county or appertaining to his office as registrar of titles, whole, safe and undefaced, when lawfully required so to do; said bond shall be filed in the office of the Secretary of State, and a copy thereof shall be filed and entered upon the records of the superior court in the county wherein the county auditor shall hold office.

DUTIES OF DEPUTY.—VACANCY.—BOND.

SEC. 11. Deputy registrars shall perform any and all duties of the registrar in the name of the registrar, and the acts of such deputies shall be held to be the acts of the registrar, and in the case of the death of the registrar or his removal from office, the vacancy shall be filled in the same manner as is provided by law for filling such vacancy in the office of the county auditor. The person so appointed to fill such vacancy shall file a bond and be vested with the same powers as the registrar whose office he is appointed to fill.

REGISTRAR MAY NOT PRACTICE.—NEGLECT OF DUTY.

SEC. 12. No registrar or deputy registrar shall practice as an attorney or counselor-at-law, nor prepare any papers in any proceeding herein provided for, nor while in the office be in partnership with any attorney or counselor-at-law so practicing. The registrar shall be liable for any neglect or omission of the duties of his office when occasioned by a deputy registrar, in the same manner as for his own personal neglect or omission.

JUDGE APPOINT LEGAL ADVISER.—SALARY.

SEC. 13. The judges of the superior court in and for the State of Washington for the counties for which they were elected or appointed shall appoint a competent attorney in each county to be examiner of titles and legal adviser of the registrar. The examiner of titles in each county shall be paid in each case by the applicant such compensation as the judge of the superior court of the State of Washington in and for that county shall determine. Every examiner of titles shall, before entering upon the duties of his office, take and subscribe an oath of office to faithfully and impartially perform the duties of his office, and shall also give a bond in such amount and with such sureties as shall be approved by the judge of the said superior court, payable in like manner and with like conditions as required of the registrar. A copy of the bond shall be entered upon the records of said court and the original shall be filed with the registrar.

NON-RESIDENT APPOINT AGENT.—SERVICE.—REMOVAL OR DEATH OF AGENT.

SEC. 14. If the applicant is not a resident of the State of Washington, he shall file with his application a paper, duly acknowledged, appointing an agent residing in this State, giving his name in full and postoffice address, and shall therein agree that the service of any legal process in proceedings under or growing out of the application shall be of the same legal effect when made on said agent as if made on the applicant within this State. If the agent so appointed dies or removes from the State, the applicant shall at once make another appointment in like manner, and if he fails so to do, the court may dismiss the application.

WHERE APPLICATION FILED.—PERSONAL SERVICE.—CASES DOCKETED IN "LAND REGISTRATION DOCKET."—RECORD ENTRY.—PLAINTIFF AND DEFENDANTS.—ORDERS ENTERED.

SEC. 15. The application shall be filed in the office of the clerk of the court to which the application is made and in case of personal service a true copy thereof shall be served with the summons, and the clerk shall docket the case in a book to be kept for that purpose, which shall be known as the "Land Registration Docket." The record entry of the application shall be entitled (name of applicant), plaintiff, against (here insert the names of all persons named in the application as being in possession of the premises, or as having any lien, incumbrance, right, title or interest in the land, and the names of all persons who shall be found by the report of the examiner herein—after provided for to be in possession or to have any lien, incumbrance, right, title or interest in the land), also all other persons or parties unknown, claiming any right, title, estate, lien or interest in the real estate described in the application herein, defendants.

All orders, judgments and decrees of the court in the case shall be appropriately entered in such docket. All final orders or decrees shall be recorded, and proper reference made thereto in such docket.

FILE ABSTRACT OF TITLE, CERTIFIED TO.

SEC. 15a. The applicant shall also file with the said clerk, at the time the application is made, an abstract of title such as is now commonly used, prepared and certified to by the county auditor of the county, or a person, firm or corporation regularly engaged in the abstract business, and having satisfied the said superior court that they have a complete set of abstract books and are in existence and doing business at the time of the filing of the application under this act.

COPY OF APPLICATION FILED WITH COUNTY AUDITOR IN EFFECT A
LIS PENDENS.

SEC. 16. At the time of the filing of the application in the office of the clerk of the court, a copy thereof, certified by the clerk, shall be filed (but need not be recorded) in the office of the county auditor, and shall have the force and effect of a *lis pendens*.

APPLICATION TO BE EXAMINED.—REPORT OF EXAMINER FILED.—
NOTICE OF FILING.—OPINION ADVERSE.—APPLICANT TO ELECT.

SEC. 17. Immediately after the filing of the abstract of title, the court shall enter an order referring the application to an examiner of titles, who shall proceed to examine into the title and into the truth of the matters set forth in the application, and particularly whether the land is occupied, the nature of the occupation, if occupied, and by what right, and, also as to all judgments against the applicant or those through whom he claims title, which may be a lien upon the lands described in the application; he shall search the records and investigate all the facts brought to his notice, and file in the case a report thereon, including a certificate of his opinion upon the title. The clerk of the court shall thereupon give notice to the applicant of the filing of such report. If the opinion of the examiner is adverse to the applicant, he shall be allowed by the court a reasonable time in which to elect to proceed further, or to withdraw his application. The election shall be made in writing, and filed with the clerk of the court.

TITLE GOOD OR ELECTS TO PROCEED.—SUMMONS ISSUED.

SEC. 18. If, in the opinion of the examiner, the applicant has a title, as alleged, and proper for registration, or if the applicant, after an adverse opinion of the examiner, elects to proceed further, the clerk of the court shall, immediately upon the filing of the examiner's opinion or the applicant's election, as the case may be, issue a summons substantially in the form hereinafter provided. The summons shall be issued by the order of the court and attested by the clerk of the court.

PLAINTIFFS.—DEFENDANTS.

SEC. 19. The applicant shall be known in the summons as the plaintiff. All persons named in the application or found by the report of the examiner as being in possession of the premises or as having of record any lien, incumbrance, right, title, or interest in the land, and all other persons who shall be designated as follows, viz.: "All other persons or parties unknown claiming any right, title, estate, lien or interest in, to, or upon the real estate described in the application herein," shall be and shall be known as defendants.

WHEN TO APPEAR AND ANSWER.—MANNER OF SERVICE.—UPON NON-RESIDENTS AND OTHERS BY PUBLICATION.—PUBLICATION.—PROVISO.—IF DEFENDANT ASSENTS.

SEC. 20. The summons shall be directed to the defendants and require them to appear and answer the application within twenty days after the service of the summons, exclusive of the day of service; and said summons shall be served as is now provided for the service of summons in civil actions in the superior court in this State, except as herein otherwise provided. The summons shall be served upon non-resident defendants and upon "all such unknown persons or parties," defendant, by publishing said summons in a newspaper of general circulation printed and published in the county where the application is filed, once in each week for three consecutive weeks, and such service by publication shall be deemed complete at the end of the twenty-first day from and including the first publication,

provided that if any named defendant assents in writing to the registration as prayed for, which assent shall be endorsed upon the application or filed therewith and be duly witnessed and acknowledged, then in all such cases no service of summons upon said defendant shall be necessary.

CLERK SEND COPY.—CERTIFICATE.—OTHER NOTICE.—EXPENSE OF SERVICE.—PROOF.

SEC. 20a. The clerk of the court shall also, on or before twenty days after the first publication, send a copy thereof by mail to such defendants who are not residents of the State whose place of address is known or stated in the application, and whose appearance is not entered and who are not in person served with the summons. The certificate of the clerk that he has sent such notice, in pursuance of this section, shall be conclusive evidence thereof. Other or further notice of the application for registration may be given in such manner and to such persons as the court or any judge thereof may direct. The summons shall be served at the expense of the applicant, and proof of the service thereof shall be made as proof of service is now made in other civil actions.

FORM OF SUMMONS.

SEC. 20b. The summons provided for in section 20 hereof shall be in substance in the form following, to-wit:

SUMMONS ON APPLICATION FOR REGISTRATION OF LAND.

State of Washington, County of, ss.:

In the Superior Court of the State of Washington in and for the County of (Name of applicant), plaintiff,, versus (names of all defendants), and all other persons or parties unknown, claiming any right, title, estate, lien or interest in the real estate, described in the application herein defendants.

The State of Washington to the above-named defendants, greeting:

You are hereby summoned and required to answer the application of the applicant plaintiff in the above entitled

application for registration of the following land situate in county, Washington, to-wit: (Description of land), and to file your answer to the said application in the office of the clerk of said court, in said county, within twenty days after the service of this summons upon you, exclusive of the day of such service; and if you fail to answer the said application within the time aforesaid, the applicant plaintiff in this action will apply to the court for the relief demanded in the application herein.

Witness,, clerk of said court and the seal thereof, at, in said county and State, this day of, A. D. 19....

(Seal.) Clerk.

GUARDIAN AD LITEM FOR MINORS AND OTHERS.—COMPENSATION.

SEC. 21. The court shall appoint a disinterested person to act as guardian *ad litem* for minors and other persons under disability, and for all other persons not in being who may appear to have an interest in the land. The compensation of the said guardian shall be determined by the court, and paid as a part of the expense of the proceeding.

WHO MAY APPEAR AND ANSWER.—CONTENTS OF ANSWER.

SEC. 22. Any person claiming an interest, whether named in the summons or not, may appear and file an answer within the time named in the summons, or within such further time as may be allowed by the court. The answer shall state all objections to the application, and shall set forth the interests claimed by the party filing the same, and shall be signed and sworn to by him or by some person in his behalf.

NO ANSWER FILED.—THE WORLD CONCLUDED.—COURT NOT BOUND BY REPORT OF EXAMINER OF TITLES.

SEC. 23. If no person appears and answers within the time named in the summons, or allowed by the court, the court may at once, upon the motion of the applicant, no reason to the contrary appearing, upon satisfactory proof of the applicant's right thereto, make its order and decree

confirming the title of the applicant and ordering registration of the same. By the description in the summons, "all other persons unknown, claiming any right, title, lien, or interest in, to, or upon the real estate described in the application herein," all the world are made parties defendant, and shall be concluded by the default, order and decree. The court shall not be bound by the report of the examiners of title, but may require other or further proof.

CAUSE SET FOR TRIAL.—DEFAULT.—REFEREE AND HIS POWERS.

SEC. 24. If, in any case an appearance is entered and answer filed, the cause shall be set down for hearing on motion of either party, but a default and order shall first be entered against all persons who do not appear and answer in the manner provided in the preceding section. The court may refer the cause or any part thereof to one of the examiners of title, as referee, to hear the parties and their evidence, and make report thereon to the court. His report shall have the same force and effect as that of a referee appointed by the said superior court under the laws of this State now in force, and relating to the appointment, duties and powers of referees.

COURT ORDER FURTHER PROOF.

SEC. 25. The court may order such other or further hearing of the cause before the court or before the examiner of titles after the filing of the report of the examiner, referred to in the last preceding section, and require such other and further proof by either of the parties to the cause as to the court shall seem meet and proper.

TITLE NOT PROPER FOR REGISTRATION.—APPLICANT DISMISS.

SEC. 26. If, in any case, after hearing, the court finds that the applicant has not title proper for registration, a decree shall be entered dismissing the application, and such decree may be ordered to be without prejudice. The applicant may dismiss his application at any time, before the final decree, upon such terms as may be fixed by the court, and upon motion to dismiss duly made by the court.

IN CASE OF PROPER TITLE.—EFFECT OF DECREE.—DECREE NOT OPENED.—APPEAL.

SEC. 27. If the court, after hearing, finds that the applicant has title, whether as stated in his application or otherwise, proper for registration, a decree of confirmation of title and registration shall be entered. Every decree of registration shall bind the land, and quiet the title thereto, except as herein otherwise provided, and shall be forever binding and conclusive upon all persons, whether mentioned by name in the application, or included in "all other persons or parties unknown claiming any right, title, estate, lien or interest in, to, or upon the real estate described in the application herein," and such decree shall not be opened by reason of the absence, infancy or other disability of any person affected thereby, nor by any proceeding at law, or in equity, for reversing judgments or decrees, except as herein especially provided. An appeal may be taken to the Supreme Court of the State of Washington, within the same time, upon like notice, terms and conditions as are now provided for the taking of appeals from the superior court to the Supreme Court of the State of Washington in civil actions.

PERSON NOT SERVED.—PROVISO.—NO NOTICE.—PROVISO.—INNOCENT PURCHASER.—PERSON AGGRIEVED HAVE ACTION AT TORT.—ACTION FOR INDEMNITY.—COURT REVIEW.—APPEAL.

SEC. 28. Any person having an interest in or lien upon the land who has not been actually served with process or notified of the filing of the application or the pendency thereof, may at any time within ninety days after the entry of such decree, and not afterwards, appear and file his sworn answer to such application in like manner as hereinbefore prescribed for making answer: *Provided, however,* That such person had no actual notice or information of the filing of such application or the pendency of the proceedings during the pendency thereof, or until within three months of the time of the filing of such answer, which facts shall be made to appear before answering by the affidavit of the person answering or the affidavit of some one in his behalf having knowledge of the facts, and

provided, also, that no innocent purchaser for value has acquired an interest. If there is any such purchaser, the decree of registration shall not be opened, but shall remain in full force and effect forever, subject only to the right of appeal hereinbefore provided; but any person aggrieved by such decree in any case may pursue his remedy by suit in the nature of an action of *tort* against the applicant or any other person for fraud in procuring the decree; and may also bring his action for indemnity as hereinafter provided. Upon the filing of such answer, and not less than ten days' notice having been given to the applicant, and to such other interested parties as the court may order in such manner as shall be directed by the court, the court shall proceed to review the case, and if the court is satisfied that the order or decree ought to be opened, an order shall be entered to that effect, and the court shall proceed to review the proceedings, and shall make such order in the case as shall be equitable in the premises. An appeal may be allowed in this case, as well as from all other decrees affecting any registered title within a like time, and in a like manner, as in the case of an original decree under this act, and not otherwise.

ACTION TO RECOVER.—WHEN.—WHO MAY BRING.

SEC. 29. No person shall commence any proceeding for the recovery of lands or any interest, right, lien or demand therein or upon the same adverse to the title or interest as found, or decreed in the decree of registration, unless within ninety days after the entry of the order or decree; and this section shall be construed as giving such right of action to such person only as shall not, because of some irregularity, insufficiency, or for some other cause, be bound and concluded by such order or decree.

CERTIFICATE OF TITLE.—FREE AND CLEAR.—EXCEPT LEASE.—PUBLIC HIGHWAYS.—EASEMENTS.—TAX OR SPECIAL ASSESSMENT.—APPEAL.—CONTEST.—CLAIMS UNDER UNITED STATES CONSTITUTION.

SEC. 30. Every person receiving a certificate of title in pursuance of a decree of registration, and every subsequent purchaser of registered land who takes a certificate

of title for value and in good faith, shall hold the same free from all incumbrances except only such estates, mortgages, liens, charges and interests as may be noted in the last certificate of title in the registrar's office, and except any of the following rights or incumbrances subsisting, namely:

First—Any existing lease for a period not exceeding three years, when there is actual occupation of the premises under the lease.

Second—All public highways embraced in the description of the land included in the certificates shall be deemed to be excluded from the certificate. And any subsisting right of way or other easement, for ditches or water rights, upon, over or in respect to the land.

Third—Any tax or special assessment for which a sale of the land has not been had at the date of the certificate of title.

Fourth—Such right of appeal, or right to appear and contest the application, as is allowed by this act. And,

Fifth—Liens, claims or rights, if any, arising or existing under the Constitution or laws of the United States, and which the statutes of this State can not or do not require to appear of record in the office of the county clerk and county auditor.

CONTENTS OF DECREE.—LAND DESCRIBED.—ESTATE OF OWNER.—INCUMBRANCES.—TRANSCRIPTION.—CERTIFIED COPY FILED.

SEC. 31. Every decree of registration shall bear the date of the year, day, hour and minute of its entry, and shall be signed by the judge of the superior court of the State of Washington in and for the county in which the land is situated; it shall state whether the owner is married or unmarried, and if married, the name of the husband or wife; if the owner is under disability it shall state the nature of the disability, and if a minor, shall state his age. It shall contain a description of the land as finally determined by the court, and shall set forth the estate of the owner, and also in such manner as to show their relative priority, all particular estates, mortgages, easements, liens,

attachments, homesteads and other incumbrances, including rights of husband and wife, if any, to which the land or the owner's estate is subject, and shall contain any other matter or information properly to be determined by the court in pursuance of this act. The decree shall be stated in a convenient form for transcription upon the certificate of title, to be made as hereinafter provided by the registrar of titles. Immediately upon the filing of the decree of registration, the clerk shall file a certified copy thereof in the office of the registrar of titles.

INTEREST ACQUIRED AFTER FILING.—DEFENDANT.

SEC. 32. Any person who shall take by conveyance, attachment, judgment, lien or otherwise any right, title or interest in the land, subsequent to the filing of a copy of the application for registration in the office of the county auditor, shall at once appear and answer as a party defendant in the proceeding for registration, and the right, title or interest of such person shall be subject to the order or decree of the court.

DECREE.—AGREEMENT.—DEALINGS WITH THE LAND.

SEC. 33. The obtaining of a decree of registration and receiving of a certificate of title shall be deemed an agreement running with the land and binding upon the applicant and the successors in title, that the land shall be and forever remain registered land, and subject to the provisions of this act and of all acts amendatory thereof. All dealings with the land or any estate or interest therein after the same has been brought under this act, and all liens, incumbrances, and charges upon the same shall be made only subject to the terms of this act.

TITLE TO BE REGISTERED.—BOOKS KEPT.—BLANKS.—MEMORIALS AND NOTATIONS.—PAGE.—CERTIFICATE OF TITLE.

SEC. 34. Immediately upon the filing of the decree of registration in the office of the registrar of titles, the registrar shall proceed to register the title or interest pursuant to the terms of the decree in the manner herein provided. The registrar shall keep a book known as the "Register of Titles," wherein he shall enter all first and subsequent or-

iginal certificates of title by binding or recording them therein in the order of their numbers, consecutively, beginning with number one, with appropriate blanks for entry of memorials and notations allowed by this act. Each certificate, with such blanks, shall constitute a separate page of such book. All memorials and notations that may be entered upon the register shall be entered upon the page whereon the last certificate of title of the land to which they relate is entered. The term certificate of title used in this act shall be deemed to include all memorials and notations thereon.

CERTIFICATE OF REGISTRATION.—CONTENTS.—IN CASE OF TRUST.—
FORM.

SEC. 35. The certificate of registration shall contain the name of the owner, a description of the land and of the estate of the owner, and shall by memorial or notation contain a description of all incumbrances, liens and interests to which the estate of the owner is subject; it shall state the residence of the owner and, if a minor, give his age; if under disability, it shall state the nature of the disability; it shall state whether married or not, and, if married, the name of the husband or wife; in case of a trust, condition or limitation, it shall state the trust, condition or limitation, as the case may be; and shall contain and conform in respect to all statements to the certified copy of the decree of registration filed with the registrar of titles as hereinbefore provided; and shall be in form substantially as follows:

FIRST CERTIFICATE OF TITLE.

Pursuant to order of the Superior Court of the State of Washington, in and for County.

State of Washington, Count of, ss.

This is to certify that A. B. of, county of, State of, is now the owner of an estate (describe the estate) of, and in (describe the land), subject to the incumbrances, liens and interests noted by the memorial underwritten or indorsed thereon, subject to the exceptions and qualifications mentioned in the thirtieth section of "An Act relating to the

registration and confirmation of titles to land," in the Session Laws of Washington for the year 1907. (Here note all statements provided herein to appear upon the certificate).

In witness whereof, I have hereunto set my hand and affixed the official seal of my office this day of, A. D. 19....

(Seal),
 Registrar of Titles.

REGISTRAR MAKE DUPLICATE.—RECEIPT FOR CERTIFICATE WITNESSED.

SEC. 36. The registrar shall, at the time that he enters his original certificate of title, make an exact duplicate thereof, but putting on it the words "Owner's duplicate certificate of ownership," and deliver the same to the owner or to his attorney duly authorized. For the purpose of preserving evidence of the signature and handwriting of the owner in his office, it shall be the duty of the registrar to take from the owner, in every case where it is practicable so to do, his receipt for the certificate of title, which shall be signed by the owner in person. Such receipt, when signed and delivered in the registrar's office, shall be witnessed by the registrar or deputy registrar. If such receipt is signed elsewhere, it shall be witnessed and acknowledged in the same manner as is now provided for the acknowledgment of deeds. When so signed, such receipt shall be *prima facie* evidence of the genuineness of such signature.

TWO OR MORE OWNERS.

SEC. 37. Where two or more persons are registered owners as tenants in common or otherwise, one owner's duplicate certificate can be issued for the entirety, or a separate duplicate owner's certificate may be issued to each owner for his undivided share.

SUBSEQUENT CERTIFICATES.

SEC. 38. All certificates subsequent to the first shall be in like form, except that they shall be entitled: "Transfer from No.....," (the number of the next previous

certificate relating to the same land), and shall also contain the words "Originally registered on the day of, 19. . . ., and entered in book at page of register."

EXCHANGE OF CERTIFICATES.—PETITION AND ORDER.—PLATTING LAND.

SEC. 39. A registered owner holding one duplicate certificate for several distinct parcels of land may surrender it and take out several certificates for portions thereof. A registered owner holding several duplicate certificates for several distinct parcels of land may surrender them and take out a single duplicate certificate for all of said parcels, or several certificates for different portions thereof. Such exchange of certificates, however, shall only be made by the order of the court upon petition therefor duly made by the owner. An owner of registered land who shall subdivide such land into lots, blocks or acre tracts shall file with the registrar of titles a plat of said land so subdivided, in the same manner and subject to the same rules of law and restrictions as is provided for platting land that is not registered.

WHEN CERTIFICATE TAKES EFFECT.

SEC. 40. The certificate of title shall relate back to and take effect as of the date of the decree of registration.

THE ORIGINAL AS EVIDENCE.—VARIANCE.

SEC. 41. The original certificate in the registration book, any copy thereof duly certified under the signature of the registrar of titles or his deputy, and authenticated by his seal and also the owner's duplicate certificate shall be received as evidence in all the courts of this State, and shall be conclusive as to all matters contained therein, except so far as is otherwise provided in this act. In case of a variance between the owner's duplicate certificate and the original certificate, the original shall prevail.

INDEXES.—FORMS OF INDEX, CERTIFICATES, MEMORIALS, AND NOTATIONS.

SEC. 42. The registrar of titles, under the direction of the court, shall make and keep indexes of all duplica-

tion and of all certified copies and decrees of registration and certificates of titles, and shall also index and file in classified order all papers and instruments filed in his office relating to applications and to registered titles. The registrar shall also, under the direction of the court, prepare and keep forms of indexes and entry books. The court shall prepare and adopt convenient forms of certificates of titles, and also general forms of memorials or notations to be used by the registrars of titles in registering the common forms of conveyance and other instruments to express briefly their effect.

TRACT INDEXES.—ALPHABETICAL INDEXES.

SEC. 43. The registrar of titles shall keep tract indexes, in which shall be entered the lands registered in the numerical order of the townships, ranges, sections, and in cases of subdivisions, the blocks and lots therein, and the names of the owners, with a reference to the volume and page of the register of titles in which the lands are registered. He shall also keep alphabetical indexes, in which shall be entered, in alphabetical order, the names of all registered owners, and all other persons interested in, or holding charges upon, or any interest in, the registered land, with a reference to the volume and page of the register of titles in which the land is registered.

LAND DEALT WITH AS THOUGH NOT REGISTERED.—FORMS USED.—
VOLUNTARY INSTRUMENT OF CONVEYANCE.—ONLY A CONTRACT.—THE OPERATIVE ACT.

SEC. 44. The owner of registered land may convey, mortgage, lease, charge or otherwise incumber, dispose of or deal with the same as fully as if it had not been registered. He may use forms of deeds, trust deeds, mortgages and leases or voluntary instruments, like those now in use, and sufficient in law for the purpose intended. But no voluntary instrument of conveyance, except a will and a lease, for a term not exceeding three years, purporting to convey or affect registered land, shall take effect as a conveyance, or bind the land; but shall operate only as a contract between the parties, and as evidence of the authority to the registrar of titles to make registration. The

act of registration shall be the operative act to convey or affect the land.

INSTRUMENTS RECORDED.—EFFECT IF FILED WITH REGISTRAR.

SEC. 45. Every conveyance, lien, attachment, order, decree, judgment of a court of record, or instrument or entry which would, under existing law, if recorded, filed or entered in the office of the county clerk, and county auditor, of the county in which the real estate is situate, affect the said real estate to which it relates, if the title thereto were not registered, shall, if recorded, filed or entered in the office of the registrar of titles in the county where the real estate to which such instrument relates is situate, affect in like manner the title thereto if registered, and shall be notice to all persons from the time of such recording, filing or entering.

REGISTRAR KEEP PROPER BOOK.—CONTENTS.—DATE OF REGISTRATION.—DATE OF MEMORIAL.—INSTRUMENT NUMBERED, INDEXED AND INDORSED.—RECORDS OPEN TO INSPECTION.

SEC. 46. The registrar of titles shall number and note in a proper book to be kept for that purpose, the year, month, day, hour and minute of reception and number of all conveyances, orders or decrees, writs or other process, judgments, liens, or all other instruments, or papers or orders affecting the title of land, the title to which is registered. Every instrument so filed shall be retained in the office of the registrar of titles, and shall be regarded as registered from the time so noted, and the memorial of each instrument, when made on the certificate of title to which it refers, shall bear the same date. Every instrument so filed, whether voluntary or involuntary, shall be numbered and indexed, and indorsed with a reference to the proper certificate of title. All records and papers, relating to registered land, in the office of the register of titles shall be open to public inspection, in the same manner as are now the papers and records in the office of the county clerk and county auditor.

DUPLICATES.—CERTIFIED COPIES.—FEE.

SEC. 47. Duplicates of all instruments, voluntary or involuntary, filed and registered in the office of the registrar

of titles, may be presented with the originals, and shall be attested and sealed by the registrar of titles, and indorsed with the file number and other memoranda on the originals, and may be taken away by the person presenting the same. Certified copies of all instruments filed and registered may be obtained from the registrar of titles, on the payment of a fee of the same amount as is now allowed the county clerk and county auditor, for a like certified copy.

WHEN CERTIFICATE NOT ISSUED.—INTEREST LESS THAN FREEHOLD, HOW REGISTERED.—CANCELLATION OR EXTINGUISHMENT.—WHEN COURT DECIDES FORM OF MEMORIAL.—NOTICE, HEARING AND ORDER.

SEC. 48. No new certificate shall be entered or issued upon any transfer of registered land, which does not divest the title in fee simple of said land or some part thereof, from the owner or some one of the registered owners. All interest in the registered land, less than a freehold estate, shall be registered by filing with the registrar of titles, the instruments creating, transferring or claiming such interest, and by a brief memorandum or memorial thereof, made by a registrar of titles upon the certificate of title, and signed by him. A similar memorandum, or memorial, shall also be made on the owner's duplicate.

The cancellation or extinguishment of such interests shall be registered in the same manner. When any party in interest does not agree as to the proper memorial to be made upon the filing of any instrument, (voluntary or involuntary), presented for registration, or where the registrar of titles is in doubt as to the form of such memorial, the question shall be referred to the court for decision, either on the certificate of the registrar of titles, or upon the demand in writing of any party in interest.

The registrar of titles shall bring before the court all the papers and evidence which may be necessary for the determination of the question by the court. The court, after notice to all parties in interest and a hearing, shall enter an order prescribing the form of the memorial, and the registrar of titles shall make registration in accordance therewith.

NEW CERTIFICATES ENTERED WHEN DUPLICATES PRESENTED.—EXCEPT.—DUPLICATE AUTHORITY TO ENTER CERTIFICATE OR MEMORIAL.—UPON WHOM BINDING.

SEC. 49. No new certificates of titles shall be entered, and no memorial shall be made upon any certificate of title, in pursuance of any deed, or other voluntary instrument, unless the owner's duplicate certificate is presented with such instrument, except in cases provided for in this act, or upon the order of the court for cause shown; and whenever such order is made a memorial therefor shall be entered, or a new certificate issued, as directed by said order. The production of the owner's duplicate certificate, whenever any voluntary instrument is presented for registration, shall be conclusive authority from the registered owner to the registrar of titles, to enter a new certificate, or to make a memorial of registration in accordance with such instrument; and a new certificate or memorial shall be binding upon the registered owner and upon all persons claiming under him in favor of every purchaser for value and in good faith.

DUPLICATE LOST.—NEW DUPLICATE.

SEC. 50. In the event that an owner's duplicate certificate of title shall be lost, mislaid or destroyed, the owner may make affidavit of the fact before any officer authorized to administer oaths, stating, with particularity, the facts relating to such loss, mislaying or destruction, and shall file the same in the office of the registrar of titles.

Any party in interest may thereupon apply to the court, and the court shall, upon proofs of the facts set forth in the affidavits, enter an order directing the registrar of titles to make and issue a new owner's duplicate certificate, such new owner's duplicate certificate shall be printed or marked, "Certified copy of owner's duplicate certificate," and such certified copy shall stand in the place of and have like effect as the owner's duplicate certificate.

CONVEYANCE OF REGISTERED LAND.—ORIGINAL AND DUPLICATE CANCELLED AND NEW ONES ISSUED.—ADVERSE INTERESTS.—WHEN PORTION OF LAND CONVEYED.

SEC. 51. An owner of registered land, conveying the same, or any portion thereof, in fee, shall execute a deed

of conveyance, which the grantor shall file with the registrar of titles in the county where the land lies. The owner's duplicate certificate shall be surrendered at the same time and shall be by the registrar marked "Cancelled." The original certificate of title shall also be marked "Cancelled." The registrar of titles shall thereupon enter in the register of titles, a new certificate of title to the grantee, and shall prepare and deliver to such grantee an owner's duplicate certificate. All incumbrances, claims or interests adverse to the title of the registered owner shall be stated upon the new certificate or certificates, except in so far as they may be simultaneously released or discharged.

When only a part of the land described in a certificate is transferred, or some estate or interest in the land is to remain in the transferrer, a new certificate shall be issued to him, for the part, estate or interest remaining in him.

CERTIFICATE AS TO PAYMENT OF TAXES.

SEC. 52. Before any deed, plat or other instrument affecting registered land shall be filed or registered in the office of the registrar of titles, the owner shall present a certificate from the county treasurer showing that all taxes then due thereon have been paid.

BURDENS ON REGISTERED LAND.—RIGHTS OF HUSBAND AND WIFE.—
ATTACHMENT OR LIEN.—DESCENT, PARTITION, EMINENT DO-
MAIN.—INSOLVENCY OR BANKRUPTCY.

SEC. 53. Registered land and ownership therein shall in all respects be subject to the same burdens and incidents which attach by law to unregistered land. Nothing contained in this act shall in any way be construed to relieve registered land, or the owners thereof, from any rights incident to the relation of husband and wife, or from liability to attachment of *mesne* process, or levy on execution, or from liability from any lien of any description established by law on land or the improvements thereon, or the interest of the owner in such land or improvements, or to change the laws of descent, or the rights of partition between tenants, or the right to take the same by eminent domain,

or to relieve such land from liability to be recovered by an assignee in insolvency or trustee in bankruptcy, under the provisions of law relating thereto; or to change or affect in any way, any other rights or liabilities, created by law, applicable to unregistered land, except as otherwise expressly provided in this act, or any amendments hereof.

POWER OF ATTORNEY.—REVOKING SAME.

SEC. 54. Any person may by attorney convey or otherwise deal with registered land, but the letters or power of attorney shall be acknowledged and filed with the registrar of titles, and registered. Any instrument revoking such letters, or power of attorney, shall be acknowledged in like manner.

OWNER MAY ENCUMBER.—INSTRUMENT MAY BE ASSIGNED, EXTENDED, RELEASED, DISCHARGED.

SEC. 55. The owner of registered land may mortgage or encumber the same, by executing a trust deed or other instrument, sufficient in law for that purpose, and such instrument may be assigned, extended, discharged, released, in whole or in part, or otherwise dealt with by the mortgagee, by any form of instrument sufficient in law for the purpose; but such trust deed or other instrument, and all instruments assigning, extending, discharging, releasing or otherwise dealing with the encumbrance, shall be registered, and shall take effect upon the title only from the time of registration.

TRUST DEED DEEMED A MORTGAGE.—HOW MORTGAGE REGISTERED.—ENTRY ON DUPLICATE AND ORIGINAL.—MORTGAGEE'S DUPLICATE.

SEC. 56. A trust deed shall be deemed to be a mortgage, and be subject to the same rules as a mortgage, excepting as to the manner of the foreclosure thereof. The registration of a mortgage shall be made in the following manner, to-wit: The owner's duplicate certificate shall be presented to the registrar of titles with the mortgage deed or instrument to be registered, and the registrar shall enter upon the original certificate of title and also upon the

owner's duplicate certificate, a memorial of the purport of the instrument registered, the time of filing, and the file number of the registered instrument. He shall also note upon the instrument registered, the time of filing, and a reference to the volume and page of the register of titles, wherein the same is registered. The registrar of titles shall also, at the request of the mortgagee, make out and deliver to him a duplicate certificate of title, like the owner's duplicate, except that the words, "Mortgagee's duplicate," shall be written or printed upon such certificate in large letters, diagonally across the face. A memorandum of the issuance of the mortgagee's duplicate shall be made upon the certificate of title.

PRESENTED WHEN MORTGAGE IS ASSIGNED, ETC.—WHEN CANCELLED.
—RELEASE, DISCHARGE OR SURRENDER OF PART.—AUTHORITY
TO REGISTER.—HOW MORTGAGE DISCHARGED.

SEC. 57. Whenever a mortgage upon which a mortgagee's duplicate has been issued is assigned, extended or otherwise dealt with, the mortgagee's duplicate shall be presented with the instrument assigning, extending, or otherwise dealing with the mortgage, and a memorial of the instrument shall be made upon the mortgagee's duplicate, and upon the original certificate of title. When the mortgage is discharged, or otherwise extinguished, the mortgagee's duplicate shall be surrendered and stamped, "Cancelled." In case only a part of the charge or of the land is intended to be released, discharged, or surrendered, the entry shall be made by a memorial according in like manner as before provided for a release or discharge.

The production of the mortgagee's duplicate certificate shall be conclusive authority to register the instrument therewith presented. A mortgage on registered land may be discharged in whole or in part by the mortgagee in person on the register of titles in the same manner as a mortgage on unregistered land may be discharged by an entry on the margin of the record thereof, in the auditor's office, and such discharge shall be attested by the registrar of titles.

HOW CHARGES ON LAND ENFORCED.—FORECLOSURE.—NOTICE OF SUIT PENDING.—NOTICE TO WHOM.—NOTICE ON MORTGAGEE'S DUPLICATE.

SEC. 58. All charges upon registered land, or any estate or interest in the same, and any right thereunder, may be enforced as is now allowed by law, and all laws relating to the foreclosure of mortgages shall apply to mortgages upon registered land, or any estate or interest therein, except as herein otherwise provided, and except that a notice of the pendency of any suit or of any proceeding to enforce or foreclose the mortgage, or any charge, shall be filed in the office of the registrar of titles, and a memorial thereof entered on the register, at the time of, or prior to, the commencement of such suit, or the beginning of any such proceeding. A notice so filed and registered shall be notice to the registrar of titles and all persons dealing with the land or any part thereof. When a mortgagee's duplicate has been issued, such duplicate shall, at the time of the registering of the notice, be presented, and a memorial of such notice shall be entered upon the mortgagee's duplicate.

FINAL DECREE REGISTERED.—NEW CERTIFICATE.—PROVISO.—ORDER OF COURT THE SAME.

SEC. 59. In any action affecting registered land a judgment or final decree shall be entitled to registration on the presentation of a certified copy of the entry thereof from the clerk of the court where the action is pending to the registrar of titles. The registrar of titles shall enter a memorial thereof upon the original certificates of title, and upon the owner's duplicate, and also upon the mortgagee's and lessee's duplicate, if any there be outstanding. When the registered owner of such land is, by such judgment or decree, divested of his estate in fee to the land or any part thereof, the plaintiff or defendant shall be entitled to a new certificate of title for the land, or that part thereof, designated in the judgment or decree, and the registrar of titles shall enter such new certificate of title, and issue a new owner's duplicate, in such manner as is provided in the case of voluntary conveyance: *Provided, however,* That no such new certificate of title shall be entered,

except upon the order of the superior court of the county in which the land is situated, and upon the filing in the office of the registrar of titles, an order of the court directing the entry of such new certificate.

TITLE ACQUIRED BY ACTION REGISTERED.—PROVISO.—IF TIME TO REDEEM HAS EXPIRED.

SEC. 60. Any person who has, by any action or proceeding to enforce or foreclose any mortgage, lien or charge upon registered land, become the owner in fee of the land, or any part thereof, shall be entitled to have his title registered, and the registrar of titles shall, upon application therefor, enter a new certificate of title for the land, or that part thereof, of which the applicant is the owner, and issue an owner's duplicate, in such manner as in the case of a voluntary conveyance of registered land: *Provided, however,* No such new certificate of title shall be entered, except after the time to redeem from such foreclosure has expired, and upon the filing in the office of the registrar of titles, an order of the superior court of the county directing the entry of such new certificates.

PETITION TO COURT FOR NEW CERTIFICATE.

SEC. 61. In all cases wherein, by this act, it is provided that a new certificate of title to registered land shall be entered by order of the court a person applying for such new certificate shall apply to the court by petition; setting forth the facts; and the court shall, after notice given to all parties in interest, as the court may direct, and upon hearing, make an order or decree for the entry of a new certificate to such person as shall appear to be entitled thereto.

REGISTRATION OF LEASES FOR THREE YEARS OR MORE.—LESSEE'S DUPLICATE.

SEC. 62. Leases for registered land, for a term of three years or more, shall be registered in like manner as a mortgage, and the provisions herein relating to the registration of mortgages, shall also apply to the registration of leases. The registrar shall, at the request of the lessee;

make out and deliver to him a duplicate of the certificate of title like the owner's duplicate, except the words, "Lessee's duplicate," shall be written or printed upon it in large letters diagonally across its face.

TRANSFER OR CHARGE IN TRUST.—HOW DEED IS REGISTERED.—MEMORIAL ENTERED.—DUPLICATE.—SUBSEQUENT DEALING BY ORDER OF COURT ONLY.—REGISTRATION, EVIDENCE OF WHAT.

SEC. 63. Whenever a deed, or other instrument, is filed in the office of the registrar of titles, for the purpose of effecting a transfer of or charge upon the registered land, or any estate or interest in the same, and it shall appear that the transfer or charge is to be in trust or upon condition or limitation expressed in such deed or instrument, such deed or instrument shall be registered in the usual manner, except that the particulars of the trust, condition, limitation or other equitable interest shall not be entered upon the certificate of title by memorial, but a memorandum or memorial shall be entered by the words, "in trust," or "upon condition," or other apt words, and by reference by number to the instrument authorizing or creating the same. A similar memorial shall be made upon the owner's duplicate certificate.

No transfer of, or charge upon, or dealing with, the land, estate or interest therein, shall thereafter be registered, except upon an order of the court first filed in the office of the registrar of titles, directing such transfer, charge, or dealing, in accordance with the true intent and meaning of the trust, condition or limitation. Such registration shall be conclusive evidence in favor of the person taking such transfer, charge, or right; and those claiming under him, in good faith, and for a valuable consideration, that such transfer, charge or other dealing is in accordance with the true intent and meaning of the trust, condition, or limitation.

NEW TRUSTEE.—CERTIFICATE.

SEC. 64. When the title to registered land passes from a trustee to a new trustee, a new certificate shall be entered to him, and shall be registered in like manner as upon an original conveyance in trust.

TRUSTEE APPLY FOR REGISTRATION OF LAND IN TRUST.—UNLESS PROHIBITED.

SEC. 65. Any trustee shall have authority to file an application for the registration of any land held in trust by him, unless expressly prohibited by the instrument creating the trust.

WHERE WRITING, COPY OF WRIT, ORDER OR DECREE FILED.—REFER TO NUMBER OF CERTIFICATE AFFECTED.—DESCRIPTION OF LAND AFFECTED.

SEC. 66. In every case where writing of any description, or copy of any writ, order or decree is required by law to be filed or recorded in order to create or preserve any lien, right, or attachment upon unregistered land, such writing or copy, when intended to affect registered land, in lieu of recording, shall be filed and registered in the office of the registrar of titles, in the county in which the land lies, and, in addition to any particulars required in such papers, for the filing or recording, shall also contain a reference to the number of the certificate of title of the land to be affected, and also, if the attachment, right or lien is not claimed on all the land in any certificate of title, a description sufficiently accurate for the identification of the land intended to be affected.

HOW ATTACHMENTS, LIENS, AND OTHER RIGHTS ENFORCED.—REGISTERED IN LIEU OF FILING AND RECORDING.

SEC. 67. All attachments, liens and rights, of every description, shall be enforced, continued, reduced, discharged and dissolved, by any proceeding or method, sufficient and proper in law to enforce, continue, reduce, discharge or dissolve, like liens or unregistered land. All certificates, writing or other instruments, permitted or required by law, to be filed or recorded, to give effect to the enforcement, continuance, reduction, discharge or dissolution of attachments, liens or other rights upon registered land, or to give notice of such enforcement, continuance, reduction, discharge or dissolution, shall in the case of like attachments, liens or other rights upon registered land, be filed with the registrar of titles, and registered in the register of titles, in lieu of filing or recording.

NAME AND ADDRESS OF ATTORNEY.—ATTORNEY TILL NOTICE.

SEC. 68. The name and address of the attorney for the plaintiff in every action affecting the title to registered land, shall, in all cases, be endorsed upon the writ or other writing filed in the office of the registrar of titles, and he shall be deemed the attorney of the plaintiff until written notice that he has ceased to be such plaintiff's attorney shall be filed for registration by the plaintiff.

JUDGMENT, DECREE OR ORDER A LIEN, WHEN.—CERTIFIED COPY FILED.

SEC. 69. A judgment, decree, or order of any court shall be a lien upon, or affect registered land, or any estate or interest therein, only when a certificate under the hand and official seal of the clerk of the court in which the same is of record, stating the date and purport of the judgment, decree, or order, or a certified copy of such judgment, decree, or order, or transcript of the judgment docket, is filed in the office of the registrar, and a memorial of the same is entered upon the register of the last certificate of the title to be affected.

TITLE TO LAND REQUIRED BY EXECUTION, ETC., REGISTERED.—IF THE INTEREST BE A FEE.

SEC. 70. Any person who has acquired any right, interest or estate in registered land by virtue of any execution, judgment, order or decree of the court, shall register his title so acquired, by filing in the office of the registrar of titles all writings or instruments permitted or required to be recorded in the case of unregistered land. If the interest or estate so acquired is the fee in the registered land, or any part thereof, the person acquiring such interest shall be entitled to have a new certificate of title, registered in him, in the same manner as is provided in the case of persons acquiring title by an action or proceeding in foreclosure of mortgages.

ACTION DISPOSED OF.—JUDGMENT OR LEVY DISPOSED OF.—MEMORIAL CANCELLED.

SEC. 71. The certificate of the clerk of the court in which any action or proceeding shall be pending, or any

judgment or decree is of record, that such action or proceeding has been dismissed or otherwise disposed of, or that the judgment, decree, or order has been satisfied, released, reversed or overruled, or of any sheriff or any other officer that the levy of any execution, attachment, or other process, certified by him, has been released, discharged, or otherwise disposed of, being filed in the office of the registrar of titles and noted upon the register, shall be sufficient to authorize the registrar to cancel or otherwise treat the memorial of such action, proceeding, judgment, decree, order, or levy, according to the purport of such certificate.

NEW CERTIFICATE ISSUED AFTER TIME TO REDEEM PAST.—PETITION AND ORDER.

SEC. 72. Whenever registered land is sold, and the same is by law subject to redemption by the owner or any other person, the purchaser shall not be entitled to have a new certificate of title entered, until the time within which the land may be redeemed has expired. At any time after the time to redeem shall have expired, the purchaser may petition the court for an order directing the entry of a new certificate of title to him, and the court shall, after such notice as it may order, and hearing, grant and make an order directing the entry of such new certificate of title.

HEIRS AT LAW, AND DEVISEES APPLY FOR CERTIFICATE.—COURT ISSUE NOTICE.—CERTIFICATE BEFORE FINAL SETTLEMENT.—MEMORIAL CANCELLED.—LAND SUBJECT TO CLAIMS OF DECEASED.

SEC. 73. The heirs-at-law and devisees, upon the death of an owner of lands, and any estate or interest therein, registered pursuant to this act, on the expiration of thirty days after the entry of the decree of the superior court granting letters testamentary or of administration, or, in case of an appeal from such decree, at any time after the entry of a final decree, may file a certified copy of the final decree, of the superior court having jurisdiction, and of the will, if any, with the clerk of the superior court, in the county in which the land lies, and make application to the court for an order for the entry of a new certificate of title. The court shall issue notice to the executor or administrator and all other persons in interest, and may also

give notice by publication in such newspaper or newspapers as it may deem proper, to all whom it may concern; and after hearing, may direct the entry of a new certificate or certificates to the person or persons who appear to be entitled thereto as heirs or devisees. Any new certificate so entered before the final settlement of the estate of the deceased owner, in the superior courts, shall state expressly that it is entered by transfer from the last certificate by descent or devise, and that the estate is in process of settlement. After the final settlement of the estate in the superior court, or after the expiration of the time allowed by law for bringing an action against an executor or administrator by creditors of the deceased, the heirs-at-law or devisees may petition the court for an order to cancel the memorial upon their certificates, stating that the estate is in the course of settlement, and the court, after such notice as it may order, and a hearing, may grant the petition: *Provided, however,* That the liability of registered land to be sold for claims against the estate of the deceased, shall not in any way be diminished or changed.

POWER OF SUPERIOR COURT.—PURCHASER OR MORTGAGEE.

SEC. 74. Nothing contained in this act shall include, affect or impair the jurisdiction of the superior court to order an executor, administrator or guardian to sell or mortgage registered land for any purpose for which such order may be granted in the case of unregistered land. The purchaser or mortgagee, taking a deed or mortgage executed in pursuance of such order of the superior court, shall be entitled to register his title, and to the entry of a new certificate of title or memorial of registration, upon application to the superior court, and upon filing in the office of the registrar of titles, an order of said court, directing the entry of such certificates.

PERSONS APPOINTED BY COURT FILE INSTRUMENT.—CERTIFIED COPY SHOWING AUTHORITY.—THE ENTRY.—ACT AS THOUGH OWNER.

SEC. 75. An assignee for the benefit of creditors, receiver, trustee in bankruptcy, master in chancery, special

commissioner, or other person appointed by the court, shall file in the office of the registrar of titles, the instrument or instruments by which he is vested with title, estate, or interest in any registered land, or a certified copy of an order of the court showing that such assignee, receiver, trustee in bankruptcy, master in chancery, special commissioner, or other person, is authorized to deal with such land, estate or interest, and, if it is in the power of such person, he shall, at the same time, present to the registrar of titles, the owner's duplicate certificate of title; thereupon the registrar shall enter upon the register of titles, and the duplicate certificate, if presented, a memorial thereof, with a reference to such order or deed by its file number. Such memorial having been entered, the assignee, receiver, trustee in bankruptcy, master in chancery, special commissioner or other person may, subject to the direction of the court, deal with or transfer such land as if he were a registered owner.

EMINENT DOMAIN.—FEES.—WHERE LAND REVERTS.

SEC. 76. Whenever registered land, or any right or interest therein, is taken by eminent domain, the state or body politic, or corporate or other authority exercising such right shall pay all fees on account of any memorial or registration or entry of new certificates, or duplicate thereof, and fees for the filing of instruments required by this act to be filed. When, for any reason, by operation of law, land which has been taken for public use reverts to the owner from whom it was taken, or his heirs or assigns, the court, upon petition of the person entitled to the benefit of the reversion, after such notice as it may order, and hearing, may order the entry of a new certificate of title to him.

NEW CERTIFICATE ISSUED UPON SURRENDER OF DUPLICATE.—COURT MAY ANNUL DUPLICATE, WHEN.—MORTGAGEE'S OR LESSEE'S DUPLICATE WITHHELD.

SEC. 77. In every case where the registrar of titles enters a memorial upon a certificate of title, or enters a new certificate of title, in pursuance of any instrument executed by the registered owner, or by reason of any instru-

ment or proceeding which affects or devises the title of the registered owner against his consent, if the outstanding owner's duplicate certificate is not presented, the registrar of titles shall not enter a new certificate or make a memorial, but the person claiming to be entitled thereto may apply by petition to the court. The court may order the registered owner, or any person withholding the duplicate certificate, to present or surrender the same, and direct the entry of a memorial or new certificate upon such presentation or surrender. If, in any case, the person withholding the duplicate certificate is not amenable to the process of the court, or cannot be found, or if, for any reason, the outstanding owner's duplicate certificate cannot be presented or surrendered without delay, the court may, by decree, annul the same, and order a new certificate of title to be entered. Such new certificate, and all duplicates thereof, shall contain a memorial of the annulment of the outstanding duplicate. If in any case of an outstanding mortgagee's or lessee's duplicate certificate shall be withheld or otherwise dealt with, like proceedings may be had to obtain registration as in case of the owner's withholding or refusing to deliver the duplicate receipt.

COURT MAY REFER TO EXAMINER OF TITLES.

SEC. 78. In all cases where, under the provisions of this act, application is made to the court for an order or decree, the court may refer the matter to one of the examiners of title for hearing and report, in like manner, as is herein provided for the reference of the application for registration.

EXAMINER GIVE ADVICE.—PREPARE FORMS.—OTHER POWERS.

SEC. 79. Examiners of titles shall, upon the request of the registrar of titles, advise him upon any act or duty pertaining to the conduct of his office, and shall, upon request, prepare the form of any memorial to be made or entered by the registrar of titles. The examiner of titles shall have full power to administer oaths and examine witnesses involved in his investigation of titles.

NAME AND ADDRESS OF GRANTEE.—CHANGE OF ADDRESS.—NOTICES SERVED.—IF RESIDENT.—HOW SERVED.—NON-RESIDENT.—CERTIFICATE OF SERVICE.—COURT ORDER OTHER SERVICE.

SEC. 80. Every writing and instrument required or permitted by this act to be filed for registration, shall contain or have endorsed upon it, the full name, place of residence and postoffice address of the grantee or other person requiring or claiming any right, title or interest under such instrument. Any change in residence or postoffice address of such person shall be endorsed by the registrar of titles in the original instrument, on receiving a sworn statement of such change. All names and addresses shall also be entered on all certificates. All notices required by, or given in pursuance of the provisions of this act by the registrar of titles or by the court, after original registration, shall be served upon the person to be notified; if a resident of the State of Washington, as summons in civil actions are served; and proof of such service shall be made as on the return of a summons. All such notices shall be sent by mail, to the person to be notified, if not a resident of the State of Washington, and his residence and postoffice address, as stated in the certificate of title, or in any registered instrument under which he claims an interest. The certificate of the registrar of titles, or clerk of court, that any notice has been served, by mailing the same, as aforesaid, shall be conclusive proof of such notice: *Provided, however,* That the court may, in any case, order different or further service by publication or otherwise.

INTEREST ADVERSE TO OWNER.—THE STATEMENT REGISTERED AS ADVERSE CLAIM.—HEARING.—IF CLAIM IS INVALID.—THE COSTS AND FEES.

SEC. 81. Any person claiming any right or interest in registered land, adverse to the registered owner, arising subsequent to the date of the original registration, may, if no other provision is made in this act for registering the same, make a statement in writing, setting forth fully his alleged right or interest and how or under whom acquired, and a reference to the volume and page of the certificate of title of the registered owner, and a description of the

land to which the right or interest is claimed. The statement shall be signed and sworn to, and shall state the adverse claimant's residence, and designate a place at which all notices may be served upon him. This statement shall be entitled to registration, as an adverse claim; and the court, upon the petition of any party in interest, shall grant a speedy hearing upon the question of the validity of such adverse claim, and shall enter such decree thereon as equity and justice may require.

If the claim is adjudged to be invalid, its registration shall be cancelled. The court may, in any case, award such costs and damages, including reasonable attorneys' fees, as it may deem just in the premises.

ORIGINAL REGISTRATION.—TITLE IN HEIRS OR DEVISEES.—SUM PAID AS ASSURANCE FUND.

SEC. 82. Upon the original registration of land under this act, and also upon the entry of the certificate showing title as registered owners in heirs or devisees, there shall be paid to the registrar of titles, one-tenth of one per cent of the assessed value of the real estate on the basis of the last assessment for general taxation, as an assurance fund.

THEN PAID TO THE COUNTY TREASURER.—INVEST THE SAME UPON APPROVAL OF COURT.—HOW INVESTED.

SEC. 83. All sums of money received by the registrar as provided for in the last section, shall be forthwith paid by the registrar to the county treasurer of the county in which the land lies, for the purpose of an assurance fund, under the terms of this act; it shall be the duty of the county treasurer, whenever the amount on hand in said assurance fund is sufficient, to invest the same, principal and income, and report annually to the superior court of the same county the condition and income thereof; and no investment of the funds, or any part thereof, shall be made without the approval of said court, by order entered of record. Said fund shall be invested only in bonds or securities of the United States, or of one of the states of the United States, or of the counties or other municipalities of this State.

LOSS DUE TO MISTAKE OR MISFEASANCE.—DEPRIVED WRONGFULLY.—
OR CANNOT BRING ACTION.—ACTION FOR DAMAGES.

SEC. 84. Any person sustaining loss or damage, through any omission, mistake, or misfeasance of the registrar of titles, or of any examiner of titles, or of any deputy, or by the mistake or misfeasance of the clerk of the court, or any deputy, in the performance of their respective duties, under the provisions of this act, and any person wrongfully deprived of any land or any interest therein, through the bringing of the same, under the provisions of this act, or by the registration of any other person as the owner of such land, or by any mistake, omission, or mis-description in any certificate or entry, or memorial, in the register of titles, or by any cancellation, and who, by the provisions of this act, is barred or precluded from bringing any action for the recovery of such land, or interest therein, or claim thereon, may bring an action against the treasurer of the county in which such land is situated, for the recovery of damages to be paid out of the assurance fund.

WHEN TREASURER SOLE DEFENDANT.—WHEN OTHERS MADE DEFENDANTS.—FINAL JUDGMENT NOT ENTERED AGAINST TREASURER.—UNLESS EXECUTION RETURNED UNSATISFIED.—WHEN SATISFIED OUT OF ASSURANCE FUND.—COUNTY ATTORNEY DEFEND.—IF ALL NOT PAID.—BALANCE DRAW INTEREST.

SEC. 85. If such action be for recovery for loss or damage arising only through any omission, mistake or misfeasance of the registrar of titles or his deputies, or of any examiner of titles, or any clerk of court or his deputy, in the performance of their respective duties, under the provisions of this act, then the county treasurer shall be the sole defendant to such action; but if such action be brought for loss or damage arising only through the fraud or wrongful act of some person or persons other than the registrar or his deputies, the examiners of title, the clerk of the court or his deputies, or arising jointly through the fraud or wrongful act of such other person or persons, and the omission, mistakes or misfeasance of the registrar of

titles or his deputies, the examiners of titles, the clerk of the court or his deputies, then such action shall be brought against both the county treasurer and such persons or persons aforesaid. In all such actions, where there are defendants other than the county treasurer, and damages shall have been recovered, no final judgment shall be entered against the county treasurer, until execution against the other defendants shall be returned unsatisfied in whole or in part, and the officer returning the execution shall certify that the amount still due upon the execution cannot be collected except by application to the indemnity fund. Thereupon the court, being satisfied as to the truth of such return, shall order final judgment against the treasurer, for the amount of the execution and costs, or so much thereof as remains unpaid. The county treasurer shall, upon such order of the court and final judgment, pay the amount of such judgment out of the assurance fund. It shall be the duty of the county attorney to appear and defend all such actions. If the funds in the assurance funds at any time are insufficient to pay any judgment in full, the balance unpaid shall draw interest at the legal rate of interest, and be paid with such interest out of the first funds coming into said fund.

WHEN ASSURANCE FUND NOT LIABLE.—MAXIMUM AMOUNT RECOVERED.

SEC. 86. The assurance fund shall not be liable in any action to pay for any loss, damage or deprivation occasioned by a breach of trust, whether expressed, implied, or constructive, by any registered owner who is a trustee, or by the improper exercise of any power of sale, in a mortgage or a trust deed. Final judgment shall not be entered against the county treasurer in any action against this act to recover from the assurance fund for more than a fair market value of the real estate at the time of the last payment to the assurance fund, on account of the same real estate.

ACTION BROUGHT WITHIN SIX YEARS.—UNLESS UNDER DISABILITY OR IN SERVICE.—TWO YEARS AFTER DISABILITY REMOVED.

SEC. 87. No action or proceeding for compensation for or by reason of any deprivation, loss or damage occasioned or sustained as provided in this act, shall be made, brought or taken, except within the period of six years from the time when right to bring or take such action or proceeding first accrued; except that if, at any time, when such right of action first accrues, the person entitled to bring such action, or take such proceeding, is under the age of twenty-one years, or insane, imprisoned, or absent from the United States in the service of the United States, or of this State, then such person, or any one claiming from, by, or under him, may bring the action, or take the proceeding, at any time within two years after such disability is removed, notwithstanding the time before limited in that behalf has expired.

NO ERASURE, ALTERATION, OR AMENDMENT.—APPLY TO COURT.—INTEREST TERMINATED.—NEW INTERESTS.—ERROR, NAME CHANGED.—OWNER MARRIED.—CORPORATION DISSOLVED.—COURT ORDER A NEW CERTIFICATE OR OTHER RELIEF.—PROVISO.—ORIGINAL DECREE NOT OPENED.—TITLE OF OTHERS NOT TO BE IMPAIRED.

SEC. 88. No erasure, alteration or amendment shall be made upon the register of titles after the entry of the certificate of title, or a memorial thereon, and the attestation of the same by the registrar of titles, except by order of the court. Any registered owner, or other person in interest, may at any time apply by petition to the court, on the ground that registered interests of any description, whether vested, contingent, expectant, or inchoate, have determined and ceased; or that new interests have arisen or been created, which do not appear upon the certificate; or that an error, omission or mistake was made in entering the certificate; or any memorial thereon, or any duplicate certificate; or that the name of any person on the certificate has been changed; or that the registered owner has been married, or if registered, has married, that the marriage has been terminated, or that a corporation which owned registered land has been dissolved, and has not conveyed

the same within three years after its dissolution; or upon any other reasonable ground; and the court shall have jurisdiction to hear and determine the petition after such notice as it may order, to all parties in interest, and may order the entry of a new certificate, the entry or cancellation of a memorial upon a certificate, or grant any other relief upon such terms and conditions, requiring security if necessary, as it may deem proper: *Provided, however,* That this section shall not be construed to give the court authority to open the original decree of registration, and that nothing shall be done or ordered by the court which shall impair the title or other interest of the purchaser, holding a certificate for value and in good faith, or his heirs or assigns, without his or their written consent.

STEALING CERTIFICATES OR DUPLICATES.—GRAND LARCENY.

SEC. 89. Certificates of title or duplicate certificates entered under this act, shall be subjects of larceny, and any one unlawfully stealing or carrying away any such certificate, shall, upon conviction thereof, be deemed guilty of grand larceny, and punished accordingly.

PERJURY.

SEC. 90. Whoever knowingly swears falsely to any statement required by this act to be made under oath shall be guilty of perjury, and shall be liable to the statutory penalties therefor.

WHERE CERTIFICATES OR CHANGES ARE PROCURED FRAUDULENTLY.—
FELONY.—PENALTY.

SEC. 91. Whoever fraudulently procures, or assists fraudulently procuring, or is privy to the fraudulent procurement of any certificate of title, or other instrument, or of any entry in the register of titles, or other book kept in the registrar's office, or of any erasure or alteration in any entry in any such book, or in any instrument authorized by this act, or knowingly defrauds or is privy to defrauding any person by means of a false or fraudulent instrument, certificate, statement, or affidavit affecting registered land, shall be guilty of a felony, and upon conviction, shall be fined in any sum not exceeding five thou-

sand dollars, or imprisoned in the Penitentiary not exceeding five years, or both such fine and imprisonment, in the discretion of the court.

FORGING SEAL OR SIGNATURE.—FELONY.—PENALTY.

SEC. 92. Whoever forges or procures to be forged, or assists in forging, the seal of the registrar, or the name, signature or handwriting of any officer of the registry office, in case where such officer is expressly or impliedly authorized to affix his signature; or forges or procures to be forged, or assists in forging, the name, signature or handwriting of any person whomsoever, to any instrument which is expressly or impliedly authorized to be signed by such person; or uses any document upon which any impression or part of the impression of any seal of said registrar has been forged, knowing the same to have been forged, or any document, the signature to which has been forged, shall be guilty of a felony, and upon conviction shall be imprisoned in the Penitentiary not exceeding ten years, or fined not exceeding one thousand dollars, or both fined and imprisoned, in the discretion of the court.

PROCEEDING NOT TO AFFECT REMEDY AGAINST ONE GUILTY.

SEC. 93. No proceeding or conviction for any act hereby declared to be a felony, shall affect any remedy which any person aggrieved or injured by such act may be entitled to at law, or in equity, against the person who has committed such act, or against his estate.

COUNTIES OF MORE THAN FORTY THOUSAND.—FEES.—DEFENDANT PAY FEE.—BUT ONE FEE.—EXPENSE OF PUBLICATION.—EXPENSE OF NOTICE.—EXCEPT.

SEC. 94. On the filing of any application for registration, the applicant shall pay to the clerk of the court, in counties having more than forty thousand population, the sum of three dollars; and in all other counties, the sum of five dollars, which shall be in full of all clerk's fees and charges in such proceeding in behalf of the applicant. Any defendant, on entering his appearance, shall pay to the clerk of the court, the sum of three dollars, which shall be in full of all clerk's fees in behalf of such defendant.

When any number of defendants enter their appearance at the same time, before default, but one fee shall be paid. Every publication in a newspaper required by this act shall be paid for by the party on whose application the order of publication is made, in addition to the fees above prescribed. The party at whose request any notice is issued, shall pay for the service of the same, except when sent by mail by the clerk of court, or the registrar of titles.

FEES.—REGISTRAR OF TITLES.—ASSESSED VALUE OF \$1,000 OR LESS.—ON GRANTING CERTIFICATE.—REGISTERING TRANSFER.—LAND IN TRUST.—MEMORIALS.—DUPLICATE CERTIFICATES.—FILING COPY OF WILL.—LETTER OF ADMINISTRATION.—CANCELLATION.—CERTIFICATE OF CONDITION.—CERTIFIED COPIES.—OTHER FEES DETERMINED BY COURT.

SEC. 95. The fees to be paid to the registrar of titles shall be as follows:

A. At or before the time of filing of the certified copy of the application with the registrar, the applicant shall pay, to the registrar, on all land having an assessed value, exclusive of improvements, of \$1,000 or less, \$1.00, and twenty-five cents on each \$1,000, or major fraction thereof, of the assessed value of said land, additional.

B. For granting certificates of title, upon each applicant, and registering the same, \$2.00.

C. For registering each transfer, including the filing of all instruments connected therewith, and the issuance and registration of the instruments connected therewith, and the issuance and registration of the new certificate of title, \$3.00.

D. When the land transferred is held upon any trust, condition, or limitation, an additional fee of \$3.00.

E. For entry of each memorial on the register, including the filing of all instruments and papers connected therewith, and endorsements upon duplicate certificates, \$1.50.

F. For issuing each additional owner's duplicate certificate, mortgagee's duplicate certificate, or lessee's duplicate certificate, \$1.00.

G. For filing copy of will, with letters testamentary,

or filing copy of letters of administration, and entering memorial thereof, \$2.50.

H. For the cancellation of each memorial, or charge, \$.50.

I. For each certificate showing the condition of the register, \$1.00.

J. For any certified copy of any instrument or writing on file in his office, the same fees now allowed by law to county clerks and county auditors for like service.

K. For any other service required, or necessary to carry out this act, and not hereinbefore itemized, such fee or fees as the court shall determine and establish.

FEES UNDER SUBDIVISION A.—ONE-HALF PAID TO THE TREASURER.—
REGISTRAR RECEIVE NO SALARY.

SEC 96. One-half of all fees provided for in Subdivision A of section 95, shall be collected by the registrar, and paid to the county treasurer of the county in which the fees are paid, to be used for the current expenses of the county; and all the remaining fees provided for in said section, and all the subdivisions thereof, shall be collected by the registrar, and applied the same as the other fees of his office; but his salary as county clerk or county auditor, as now provided by law, shall not be increased on account of the additional duties, or by reason of the allowance of additional fees provided for herein; and the said registrar, as such, shall receive no salary.

ACT CONSTRUED LIBERALLY.—NOT REQUIRED TO REGISTER.

SEC. 97. This act shall be construed liberally, so far as may be necessary for the purpose of carrying out its general intent, which is, that any owner of land may register his title and bring his land under the provisions of this act, but no one is required so to do.

REPEAL.—PRESENT SYSTEM NOT INTERFERRED WITH.

SEC. 98. All acts and parts of acts, if any there be, necessarily in conflict herewith, are herewith repealed; but this act is not intended to interfere with the present system

of recording, transferring, or dealing in any real estate not brought under the provisions hereof.

Passed the House March 12th, 1907.

Passed the Senate March 11th, 1907.

Approved by the Governor March 19th, 1907.

CHAPTER 251.

[S. B. 268.]

ESTABLISHMENT OF HARBOR LINES AND HARBOR AREAS.

AN ACT relating to the tide and shore lands of the first class and harbor areas belonging to the state of Washington, and empowering the harbor line commission to establish, lengthen, extend and lease harbor areas and to file plats and appraisements of tide and shore lands of the first class in sections as said commission shall deem expedient, and to sell the same.

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

Commis-
sion may
establish.

SECTION 1. It shall be the duty of the Harbor Line Commission to establish harbor lines and harbor areas in front of incorporated cities and towns where no harbor lines and harbor areas shall have theretofore been established, and the said Commission shall have power, whenever in the opinion of said Commission it shall be necessary, to lengthen or to extend any such areas now existing or which may hereafter be existing in front of any city or town, all as is provided for in article fifteen of the Constitution of this State.

Platting and
appraise-
ment of
tide lands.

SEC. 2. Whenever any harbor lines or harbor areas shall have been established as is provided for in section one (1) of this act, it shall be the duty of said Commission to plat and appraise any unsold and unplatted tide or shore lands lying between said harbor area and the adjacent upland.

Filing
of plats.

SEC. 3. Said Commission shall have authority to file any plat of any harbor area or any plat and the appraisements thereto belonging of any tide or shore lands in sec-

tions or as rapidly as the work of platting and appraising may progress whenever said Commission shall deem it expedient so to do.

SEC. 4. The owner of any land abutting and fronting upon such tide or shore land shall have the right for sixty days following the filing of the final appraisal of the tide and shore lands with the Commissioner of Public Lands to apply for the purchase of the lands fronting and abutting the land so owned, in the manner provided by the general law of the State governing the contract and sale of tide or shore lands of the first class.

Applica-
tion to
purchase.

SEC. 5. The owner of any land shall have a preference right to lease the harbor area lying in front of his, her or its land, according to the then existing laws of this State: *Provided*, That such owner shall, within one year after said Commission shall have acted as hereinabove provided, apply in writing to said Commission, for the right to lease said harbor area: *Provided further*, That said Commission may extend the time in which said applications may be made: *And provided further*, That if within said year any other person than the said owner shall apply for said harbor area, the Commissioner of Public Lands shall notify said owner of the pendency of said application, and said owner shall be allowed sixty days from the date of the service of the said notice, within which to exercise the preference right herein granted. If said owner be an actual resident of this State, notice shall be served upon him personally; and if he be not a resident of this State, said notice shall be sent to him by mail to his last known address; and if the address of said non-resident be not known to the said Commissioner, no notice shall be required.

Preference
right to
lease harbor
area.

Passed the Senate March 8th, 1907.

Passed the House March 13th, 1907.

Approved by the Governor March 19th, 1907.

CHAPTER 252.

[H. B. 127.]

AMENDING ACT REGULATING INSURANCE COMPANIES.

AN ACT to amend section 3 of an act entitled, "An act relating to insurance companies and to regulate and control insurance companies, corporations and associations in this state, and to amend sections 1, 6, 7 of an act entitled, 'An act to regulate and control insurance companies, corporations and associations in this state, and to amend sections 11, 26, 29, 33 and 34 of "An act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency," approved March 19, 1895,' approved March 13, 1897," approved March 15, 1899.

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

Annual
statement.

SECTION 1. All insurance companies, corporations or associations now doing business in this State, or that may hereafter do business in this State, must file with the Insurance Commissioner annually, on or before the 15th day of February in each year, a statement under oath stating amount of all premiums collected or contracted for by said companies, corporations or associations in this State during the year ending December 31st, preceding, the amounts actually paid policy holders on losses, the amounts paid policy holders as returned premiums, and the amount of insurance re-insured in other companies, and the amount of premiums received for re-insurance, with the name of the policy holder so re-insured. The Insurance Commissioner shall file a copy of such verified statement or schedule with the State Treasurer, and said companies, corporations or associations shall pay to the State Treasurer a tax of $2\frac{1}{4}$ per centum on the amount collected or contracted for after deducting from the gross amount of such premiums the amount paid policy holders as returned premiums: *Provided*, That the rate of taxation on life insurance shall be two per centum of the amount of net premiums collected. No tax shall be collected on premiums received for re-insurance. The taxes herein provided for shall be due and payable on the first day of

Tax on
gross
premiums.

March succeeding the filing of statement provided for herein. Any organization failing or refusing to render such statement and to pay the required $2\frac{1}{4}$ per cent. tax as herein provided for more than thirty days after the time so specified, shall be liable for a fine of twenty-five (\$25) dollars, for each additional day of delinquency, and the tax may be collected by distraint and the fine recovered by an action to be instituted by the Insurance Commissioner in the name of the State in any court of competent jurisdiction; and the Insurance Commissioner shall revoke and annul the certificate of authority of such delinquent organization until such taxes and fine, should any be imposed, are fully paid and notice thereof given to the State Insurance Commissioner: *Provided*, That if any such insurance company, corporation or association shall have 50 per centum or more of its assets invested in any bonds or warrants of this State, or bonds or warrants of any county, city or district within this State, or in taxable property within the State, then the tax shall be but 1 per centum on the amount so collected or contracted for.

Penalty
for delin-
quency.

Passed the House February 26th, 1907.

Passed the Senate March 7th, 1907.

Note by Secretary of State.—This bill filed and allowed to become a law without the signature of the Governor.

Sam H. Nichols,

Secretary of State.

CHAPTER 253.

[S. B. 245.]

TRADING STAMPS.

AN ACT relating to premium stamps, commonly called trading stamps, cash discount stamps, ticket or rebate check, ticket, coupon or other similar device, and to provide a penalty for any violation of this act.

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

Unlawful
to issue,
when.

SECTION 1. No person shall sell or issue any stamps, trading stamp, cash discount stamp, check, ticket, coupon or other similar device, which will entitle the holder thereof, on presentation thereof, either singly or in definite number, to receive, either directly from the vendor or indirectly through any other person, money or goods, wares or merchandise, unless each of said stamps, trading stamps, cash discount stamps, checks, tickets, coupons or other similar devices shall have legibly printed or written upon the face thereof the redeemable value thereof in cents.

Value shall
be printed
on face of.

Person is-
suing shall
redeem at
face value.

SEC. 2. Any person who shall sell or issue to any person engaged in any trade, business or profession, any stamp, trading stamp, cash discount stamp, check, ticket, coupon, or other similar device which will entitle the holder thereof, on presentation thereof either singly or in definite number, to receive either directly from the vendor or indirectly through any other person, money or goods, wares or merchandise, shall, upon presentation, redeem the same either in goods, wares or merchandise, or in cash, good and lawful money of the United States, at the option of the holder thereof, and any number of such stamps, trading stamps, cash discount stamps, checks, tickets, coupons, or other similar devices shall be redeemed as hereinbefore set forth, at the value in cents printed upon the face thereof, and it shall not be necessary for the holder thereof to have any stipulated number of the same before demand for redemption may be made, but they shall be redeemed in any number, when presented, at the value in cents printed upon the face thereof, as hereinbefore provided.

SEC. 3. Any person engaged in any trade, business or profession who shall distribute, deliver or present to any person dealing with him, in consideration of any article or thing purchased, any stamp, trading stamp, cash discount stamp, check, ticket, coupon or other similar device, which will entitle the holder thereof, on presentation thereof, either singly or in definite number, to receive, either directly from the person issuing or selling the same, as set forth in section 2 thereof, or indirectly through any other person, shall, upon the refusal or failure of the said person issuing or selling same to redeem the same, as set forth in section 2 thereof, be liable to the holder thereof for the face value thereof, and shall upon presentation redeem the same, either in goods, wares or merchandise, or in cash, good and lawful money of the United States of America, at the option of the holder thereof, and in such case any number of such stamps, trading stamps, cash discount stamps, checks, tickets, coupons or other similar devices, shall be redeemed as hereinbefore set forth, at the value in cents printed upon the face thereof, and it shall not be necessary for the holder thereof to have any stipulated number of the same before demand for redemption may be made, but they shall be redeemed in any number, when presented, at the value in cents printed upon the face thereof, as hereinbefore provided.

SEC. 4. Any person, firm or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be fined not less than \$100 nor more than \$1,000 for each offense. Penalty.

Passed the Senate March 4th, 1907.

Passed the House March 9th, 1907.

Approved by the Governor March 20th, 1907.

CHAPTER 254.

[H. B. 417.]

AMENDING ACT PROVIDING FOR INCORPORATION AND
REGULATION OF MUTUAL FIRE INSURANCE COM-
PANIES.

AN ACT to amend sections 2, 3, 7 and 10 of chapter 97 of the Session Laws of 1903 of the State of Washington, approved March 14, 1903, being "An act providing for the incorporation and regulation of mutual fire insurance companies and associations," amended by chapter 71 of the Session Laws of 1905.

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

SECTION 1. Section two of an act entitled "An Act providing for the incorporation and regulation of mutual fire insurance companies," approved March 14, 1903, being chapter 97 of the Session Laws of 1903, which act was amended by an act of the Legislature of the State of Washington, approved March 6, 1905, said amendment being chapter 71 of the Session Laws of 1905, be and the same is hereby amended to read as follows: Sec. 2. No policy of insurance shall be issued by any such company or association until not less than \$200,000.00 of insurance has been subscribed and entered upon its books, and that at least twenty-five per cent. of the premiums shall have been paid for in cash: *Provided, however,* That when any ten or more persons, partnerships, corporations or associations engaged in a like class of manufacturing, mercantile or other business shall have organized a corporation or association hereunder may begin to issue policies under such conditions as may be provided by the board of trustees or managing board thereof and approved by the Insurance Commissioner of the State: *Provided further, however,* That no policies shall be so issued except as hereinafter provided and upon the property of a member of such corporation, association or organization, and further when such property so insured is used by such member in carrying on such like class of manufacturing, mercantile or other business: *And provided further,* That any company or association organized under this act may

Issuance
of policies.

issue policies of insurance outside of any incorporated city or town when fifty thousand dollars of insurance has been subscribed and entered upon its books.

SEC. 2. Section three of an act entitled "An Act providing for the incorporation and regulation of Mutual Fire Insurance Companies," approved March 14, 1903, and being chapter 97 of the Session Laws of 1903, be and the same is hereby amended to read as follows: Sec

3. No such company or corporation shall expose itself to loss on any single risk for a greater amount than \$1,000 for each \$750,000 or fraction thereof insurance in force, unless protected by re-insurance: *Provided, however,* That whenever any persons, partnerships, corporations or associations engage in a like class of manufacturing, mercantile or other business shall have organized for mutual protection as herein provided, such persons, partnerships, corporations or associations so organized may issue policies on a single risk for an amount not exceeding 25 per cent. of the annual premiums on all insurance then in force, and subject further to the approval of the Insurance Commissioner of the State.

Amount
of single
risk.

SEC. 3. Section 7 of an "Act providing for the incorporation and regulation of mutual fire insurance companies," approved March 14, 1903, being chapter 97 of the Session Laws of 1903, be and the same is hereby amended to read as follows: Sec. 7. It shall be the duty of the president and secretary of such company or association doing business under the provisions of this act, on or before the fifteenth day of January of each year, to prepare and file in the office of the Insurance Commissioner of this State a statement certified under oath of said president and secretary exhibiting the following facts and items:

Annual
statement.

First.—The amount of the property at risk on the 31st day of December next preceding the date of the report; the amount of risks added during the previous year; the amount of risks cancelled, withdrawn or terminated during

Amount
of risks.

the year, and the largest amount of insurance carried on any single risk.

Cash receipts for insurance.

Second.—The amount of cash received with applications, whether paid to agents or officers, for insurance during the year; the amount received from assessments levied; the amount received from all other sources, and the total income.

Disbursements.

Third.—The amount paid for losses during the year; the amount paid officers and trustees; the amount paid office help; the amount paid agents; the amount of all other expenditures, and the total expenditures.

Amount of assets.

Fourth.—The amount of cash on hand; the amount and nature of all other assets, and the total assets.

Amount of liabilities.

Fifth.—The amount of losses reported during the year and unpaid; the amount and nature of all liabilities, which shall include a sum equal to forty per cent. of the amount received on cash premiums on all unexpired risks and policies, which amount is hereby declared to be a re-insurance reserve, and the total liabilities.

SEC. 4. Section 10 of an act entitled "An Act providing for the incorporation and regulation of Mutual Fire Insurance Companies," approved March 14, 1903, being chapter 97 of the Session Laws of 1903, be and the same is hereby amended to read as follows: Section 10. All assessments levied shall be at the rate of fifteen per cent. of the amount of the annual premium charged by stock insurance companies, as set forth in rate book number 4 of the issue of 1900, or the special rate book used by said stock companies: *Provided, however,* Any association, persons, partnerships or corporations organized as herein provided and operating under the provisions of this act may in the discretion of its trustees accept cash premiums for the term of the policy in lieu of the assessments levied upon its members, and may further regulate the payment of premiums and assessments and create and invest reserve funds in such manner as the members of such corporation, association, organization or the board of trus-

Rate of assessments.

Cash premiums.

tees or other managing board of such corporation, association or organization may direct.

Passed the House March 12th, 1907.

Passed the Senate March 14th, 1907.

Note by Secretary of State.—This bill filed and allowed to become a law without the signature of the Governor.

Sam H. Nichols,

Secretary of State.

CHAPTER 255.

[H. B. 300.]

TERMS AND CONDITIONS OF SALE OF TIMBER ON STATE LANDS.

AN ACT prescribing the terms and conditions of sale of timber on state, school and granted land.

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

SECTION 1. In all cases where timber on State land is or has been sold in manner now provided by law, the purchaser shall be allowed a period of five years from the date of the sale within which to remove the timber: *Provided*, That the Commissioner of Public Lands shall have the same authority as now provided by law, upon a showing of good faith, to extend the time within which such timber may be removed for a further period of not to exceed two years.

Time for
removal.

Passed the House February 28th, 1907.

Passed the Senate March 7th, 1907.

Approved by the Governor March 20th, 1907.

CHAPTER 256.

[H. B. 495]

SELECTION, SURVEY, MANAGEMENT, RECLAMATION,
LEASE AND DISPOSITION OF STATE LANDS.

AN ACT amending sections 2134, 2135, 2146, 2179 of Ballinger's Annotated Codes and Statutes of Washington, and sections 2141, 2142, 2145, 2183 and 2192 of Volume three (Supplement) of Ballinger's Annotated Codes and Statutes of Washington, relating to the selection, survey, management, reclamation, lease and disposition of the State's granted, school, tide, oyster and other lands, harbor areas, and to the confirmation and completion of the several grants to the state by the United States; the creation of a Board of Appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, to be generally known as the board of state land commissioners; and the defining of their duties.

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

SECTION 1. That section 2134 of Ballinger's Annotated Codes and Statutes of Washington, be and the same is hereby amended to read as follows: Section 2134. All lands described in the last section are "public lands" and the terms "public lands" and "state lands" shall be defined and deemed to be synonymous whenever either is used in this chapter. The selection, inspection and appraisal of land as hereinafter provided for in this chapter may be made by one of the members of the said board or Commission; but when it is deemed advisable and for the best interest of the State, the Commissioner of Public Lands, with the consent and approval of the Board of State Land Commissioners may employ one or more citizens of the State, familiar with such work to personally inspect, appraise or select lands, harbor areas.

SEC. 2. That section 2135 of said code be, and the same is hereby amended to read as follows: Sec. 2135. The compensation of such inspectors so appointed by the Commissioner of Public Lands with the consent and approval of the Board of State Land Commissioners shall not exceed seven dollars per diem for the time actually employed, and necessary expenses, which shall be submitted to the Commissioner of Public Lands in an itemized and verified account,

Terms defined.

Inspection, appraisal, etc.

Compensation of inspectors.

to be approved by the Commissioner of Public Lands.

SEC. 3. That section 2146 of said codes be, and the same is hereby amended to read as follows: Sec. 2146. All State lands shall be sold on the following terms: One-tenth to be paid on the date of sale, and one-tenth annually thereafter on the first day of March in each year until the full purchase price has been paid: *Provided*, That any purchaser may make full payment at any time. All deferred payments shall draw interest at the rate of six per cent. per annum. The first installment of interest shall become due and payable on the first day of March, next after the date of sale, and thereafter all interest shall become due and payable annually on the first day of March in each year. All remittances for payment of either principal or interest must be forwarded to the Commissioner of Public Lands. When the entire purchase price of any land shall have been fully paid, such fact shall be certified by the Commissioner of Public Lands to the Governor, whereupon he shall cause a patent to be issued to the purchaser. Patents shall be signed by the Governor and attested by the Secretary of State, with the seal of the State attached thereto, and shall be recorded in the office of the Commissioner of Public Lands, and no fee shall be required for any deed or patent of land issued by the Governor, other than the fee provided for in this chapter: *Provided further*, That each and every contract for the sale of any State lands, or deeds or patents to such State lands except deeds or patents issued pursuant to contracts heretofore made shall contain the following saving clause: "The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns forever, all oils, gases, coal, ores, minerals and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oil, gases, coal, ores, minerals, and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its successors and

Terms of
sale.

Patent.

Minerals re-
served.

assigns forever, the right to enter by itself, its agents, attorneys and servants upon said lands or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof for the business of mining and to occupy as much of said land as may be necessary or convenient for the successful prosecution of such mining business hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to, and over said lands, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved": *Provided further*, That no rights shall be exercised under this reservation by the State, its successors or assigns, until provision has been made by the State, its successors or assigns to pay to the owner of the land upon which the rights herein reserved to the State, its successors or assigns or sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land.

SEC. 4. That section 2179 of said codes be, and the same is hereby amended to read as follows: Sec. 2179. Tide or shore lands of the second class which are separated from the upland by navigable waters, shall be sold at not less than five dollars per acre; the applicant, at his own expense, shall survey and cause to be filed with his application a plat of the surveys of the land applied for. Such surveys shall be connected with, and the plat shall show, two or more connections with the United States survey of the upland. The applicant shall also file the field notes of the survey of said land with his application. The Com-

Sale of detached tide lands.

Survey.

missioner of Public Lands shall examine and attest said plat and field notes of survey, and if found incorrect or indefinite, he shall cause the same to be corrected or may reject the same and cause a new survey to be made.

SEC. 5. That section 2141 of volume three (supplement) of Ballinger's Annotated Codes and Statutes of Washington be, and the same is hereby amended to read as follows: Sec. 2141. That any person or company may make written application to the Board of Appraisers for the appraisal and sale of any lands belonging to the State, and the said Board shall cause to be prepared blank applications containing such instructions as will inform and aid intending purchasers in making application for the appraisal and sale of any lands. Each application must be accompanied with certificate of deposit or certified check upon any bank of this State, made payable to the Commissioner of Public Lands and equal in amount to ten cents per acre for the land described in such application: *Provided*, That such deposit may be made in cash or by post-office money order, but in no case shall such deposit be less than ten dollars. In case the lands described in such application are sold at the time they are offered for sale, in accordance with such application, the amount of such deposit shall be returned to such applicant. If such lands be not sold, through fault of said applicant at such sale, such deposit shall be forfeited to the State, and shall be so declared by the said Board, and the State Treasurer shall thereupon place said forfeited money to the credit of the general fund of the State. That when, in the judgment of the Board of Appraisers or the Commissioner of Public Lands, a sufficient number of applications have been received for the appraisal and sale of any lands belonging to the State, said Commissioner of Public Lands shall cause any of such lands so applied for to be personally inspected and appraised as to its character, topography, agriculture, timber, coal, mineral, stone or rock quarries, or grazing, its distance from any city, town, railroad,

Application
for sale of
State lands.

Deposit.

Inspection
and ap-
praisal.

river, irrigation ditch or other waterways, when irrigation is required, and fully report the same to said Board or Commissioner of Public Lands, together with the Commissioner's or Appraiser's judgment as to its present and prospective value, which said report shall be considered and thereupon a price per acre fixed for each quarter section, and subdivision thereof, or lot or block, which shall be not less than ten dollars per acre for lands granted for educational purposes: *Provided*, That no more than one hundred and sixty acres (160) of any school or granted lands of the State shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or town or within two miles of the boundary of such incorporated city or town, where the valuation of such lands shall be found by appraisement to exceed one hundred (\$100.00) dollars per acre, shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel, and said Board is hereby authorized to plat such lands into lots and blocks, and all plats shall be filed in the office of the Commissioner of Public Lands: *Provided further*, That whenever application is made to purchase less than a section, the said Commissioner of Public Lands may order the inspection of an entire section or sections: *Provided further*, That all school and granted lands for educational purposes may thereafter be sold at not less than the appraised value, when the purchase price realized for the timber thereon added to the appraised value of the land is \$10.00 per acre or in excess thereof: *And provided further*, That in no case shall any State or public lands or timber or other materials thereon be sold more than ninety days after the appraisal thereof by the Board of State Land Commissioners.

Size of parcel.

Land to be platted, when.

To be sold at not less than \$10 per acre.

Sale of materials.

SEC. 6. That section 2142 of volume three of said codes be, and the same is hereby amended to read as follows: Sec. 2142. That when applications are made for the purchase of timber, stone, fallen timber, hay or gravel or other valuable materials situated upon public lands of the State, the same inspection shall be had as for applications

to purchase lands: *Provided*, That no standing timber or stone shall be sold for less than the appraised value thereof, and such timber, stone, hay and gravel may be sold separate from the land, when, in the judgment of the Board, it is for the best interest of the State to sell same, except when the estimated amount of timber shall exceed one million feet to the quarter section, in which case the timber shall be sold separate from the land: *Provided, however*, That whenever any public lands shall lie within the limits of any water shed from or through which is derived the water supply of any city or town of the State of Washington, in such case the said city or town desiring to purchase or condemn the same, may do so, and in case of purchase, shall have the right to buy the said land with the timber, stone, hay or gravel thereon and without a separate appraisalment: *And provided further*, That the full purchase price of such valuable materials shall be paid in cash when sold separate from the lands: *Provided*, That in all cases when the timber is sold separate from the land, said timber shall revert to the State if it has not been removed from the land within five years from the date of purchase thereof, except that in all cases when the purchasers are acting in good faith and removing the said timber, the Board of State Land Commissioners may extend the time of removal for a period not to exceed two years. When the time for removing timber is extended the person owning the timber shall pay to the State such compensation as the Board of State Land Commissioners may direct providing, that such compensation shall not be less than one dollar per acre per year, nor more than \$2.00 per acre per year. That in every appraisalment of land granted to this State the Board of Appraisers shall be and serve as the Board of Appraisers mentioned in section two of article sixteen of the State Constitution. And in every appraisalment under this chapter the said Board shall separately appraise all improvements placed upon any land of the State and found on such land at the time of the appraisalment; and shall also appraise all damages and waste done

Timber.

Time of removal.

Appraisal of improvements.

to said land by the cutting and removal of timber or the removal of stone or other materials by the person or persons claiming such improvements, or by his consent, and the damage to the land or materials thereon by reason of the use and occupancy of said land shall be considered in the appraisalment, and the balance, after deducting such damages and waste appraised as aforesaid, shall be determined as the value of the improvements upon the land so appraised and every such appraisalment shall be recorded in the proceedings of the Board of Appraisers: *Provided*, That this section shall not be considered to affect the right of the State to the value of such land: *Provided further*, That if the purchaser of such land from the State be not the owner of the improvements he shall deposit with the officer making the sale, at the time of the sale, the appraised value of such improvements; and if it be found by the said Board that the owner of said improvements was not holding adversely to the State in improving said land, or that said improvements were placed on said land in good faith by a lessee from the State or territory, or that said lessee had in all respects complied with the terms of his lease, and his leasehold interest, not forfeit or subject to a forfeiture then the board of appraisers shall direct the Commissioner of Public Lands to pay, and he shall pay to the owner of said improvements such sum so deposited; but if it be found by the said board of appraisers that the said improvements owned or made on said land by parties holding or claiming the land, adversely to the State, or by persons without license or lease from the State, or by a lessee who had not complied with the terms of his lease, then said Board shall direct the Commissioner of Public Lands to pay over such sum so deposited into the permanent school fund: *Provided further*, That if the said improvements were made by a lessee or other person with intent to defraud the State or the intending purchaser the sum so deposited shall be forfeited in the manner described above, to the State: *Provided further*, That in determining the value and nature of land and of improvements, the Board is hereby authorized to compel by subpœna the

Purchaser shall pay for improvements.

attendance of witnesses at such place as said Board may designate, and swear and examine witnesses as to the value of such land and of improvements and the damage and waste as well.

SEC. 7. That section 2145 of Volume Three of said Codes be and the same is hereby amended to read as follows: Sec. 2145. That the members of the said Board of Appraisers, or the county auditor conducting the sale, shall, upon making sale of any school land, or stone, mineral or timber thereon, report such sale to the said Board of Appraisers, as provided in this act, together with other information touching the same, as the said Board shall have prescribed, and within ten days from the date of the reception of such report by the Commissioner of Public Lands, if no affidavit showing that the interest of the State in such sale were injuriously affected by fraud or collusion shall have been filed with said Board, and it shall appear from such report that the sale was fairly conducted, and that the purchaser was the highest bidder at such sale, and that his bid was not less than the appraised value of the property sold, and if the said Board of State Land Commissioners shall be satisfied that the land sold would not, upon being readvertised and sold, sell for at least ten per cent. more than the price at which it shall have been sold, and that the payment required by law to be made at the time of making the sale has been made, and the best interests of the State may be thereby subserved, the Secretary of the Board of State Land Commissioners, by order of said Board shall enter upon his records a confirmation of said sale and thereupon the Commissioner of Public Lands shall issue to the purchaser a contract of sale, as in this act provided.

Report of
sale.

Confirma-
tion of sale.

SEC. 8. That section 2183 of Volume Three of said Codes be and the same is hereby amended to read as follows: Sec. 2183. The Board of State Land Commissioners shall have power to lease the right to build and maintain wharves, docks, and other structures upon the harbor areas laid out or which shall hereafter be laid out in pursuance of the provisions of Article XV of the Constitution of the

Lease of
right to
build
wharves,
etc.

State of Washington for such rental and under such general rules as said Board shall prescribe, except in so far as the same are or may be prescribed by law; but no such lease shall be made for any term longer than thirty years.

Rental.

The rental fixed and reserved to the State of Washington in each such lease shall be such sum as said Board shall fix. Said Board shall require of each such lessee a bond

Bond of lessee.

with sufficient surety, to be approved by the Commissioner of Public Lands, in such penalty, and not exceeding twice the amount of the annual rental, but in no case less than five hundred dollars, as may be prescribed by the Board, conditioned for the payment by the lessee of the rental reserved in his lease at or prior to the time of payment therein specified, during the term of such lease or during such part thereof as the Board in its discretion shall require to be covered by such bond; and in case only a part of the term of such lease shall be covered thereby, said Board shall require of such lessee another like bond, to be executed and delivered within three months and not less than one month prior to the expiration of the period covered by the previous bond, covering the remainder of the term of the lease, or such part thereof as the Board in its discretion shall require to be covered thereby. The Board shall have power at any time to summon sureties upon any bond and to examine into the sufficiency thereof, and if it shall find the same to be insufficient it shall require the lessee to file a new and sufficient bond within thirty days after receiving notice so to do, under penalty of cancellation of the lease; and the Board shall have power to cancel any lease for a substantial breach by the lessee of any of the conditions thereof, or for lack of a bond therewith as herein required. The application for or the making or acceptance of any lease herein authorized shall not work any estoppel against either party thereto or against those in priority with either party as to any right or claim which might otherwise be made or contested. Any holder of any lease made prior to and in full force on the 1st day of March, 1899, who has theretofore fully complied with all the requirements of law relative to such

leases, but no other person, shall be entitled upon making application therefor to said Board to have the rental reserved by his lease adjusted in conformity with the provisions of this section; but such adjustment shall not apply to any rental previously paid or accrued. If the person, association or corporation having the preference right to lease any part of such harbor area has not exercised or shall not exercise such right within such time and in such manner as may be prescribed by said Board, in its rules and regulations, then said Board whenever it shall deem it advisable that such part should be leased shall give thirty days' notice by publication that a lease of such part of such harbor area for such rental and under such general rules within the limitations of this section as said Board shall have prescribed will be sold, at a time and place to be specified in said notices, to the person, association or corporation offering at such public sale to pay to the State the highest sum as a cash bonus for such lease; and upon the giving of such notices such lease shall be sold and made and delivered, accordingly, the payment of the sum offered by the successful bidder being required at the time of such sale. All the rentals derived from the leases herein authorized shall be paid into the State treasury under such regulations as said Board may prescribe, and shall constitute a harbor fund to be used as the Legislature may direct. Notwithstanding any such lease now or hereafter existing, the State shall ever retain and does hereby reserve the right to regulate the rates of wharfage, dockage or other tolls to be imposed by the lessee or his assigns upon commerce for any of the purposes for which the leased area may be used, and the right to prevent extortion and discrimination in such use thereof.

Publication
of notice.

SEC. 9. That section 2192 of Volume Three of said Codes be and the same is hereby amended to read as follows: Sec. 2192. That the Commissioner of Public Lands for services performed by him as such may charge and collect the following fees: (1) For a copy of any record, document or paper on file in his office, fifteen cents per folio; (2) for affixing a certificate and seal, \$1.00; (3) for each

Fees of
Commis-
sioner.

original contract of sale, lease, or bill of sale, \$2.00; (4) for each deed, \$5.00; (5) issuance of harbor area lease and approval of bond, \$5.00; (6) approval of each assignment of contract, lease, or bill of sale, \$1.00; (7) for each copy of the plat of a township or any portion thereof, not less than \$2.00; (8) for subdivision and issuance of new contracts, after the original has been entered on the records, \$2.00 for each new contract.

Passed the House March 7th, 1907.

Passed the Senate March 8th, 1907.

Approved by the Governor March 20th, 1907.

MEMORIALS AND RESOLUTIONS.

HOUSE MEMORIAL NO. 1.

TO THE CONGRESS OF THE UNITED STATES:

The Legislature of the State of Washington herewith presents this memorial in respect to the improvement of the Columbia and Snake rivers, and calls the attention of Congress to the following facts in support of the petition to be made:

1. Extent, resources, productions and population of territory that will be opened by steamboat navigation to Kettle Falls on the Columbia and Lewiston on the Snake.

Inspection of the map will show that a region of approximately a hundred thousand square miles is commercially tributary to the Upper Columbia river, and its branches. According to reports of the Agricultural Department, this region contains the most productive grain fields in the United States, while it is a matter of common knowledge that the horticultural, pastoral, forestry and mineral resources of the section under consideration are surpassed by none and equaled by few in the United States.

It is estimated that one-tenth of the wheat of the United States is produced in this region. Conservative estimates of the amount of wheat and mill stuffs transported from the Inland Empire to the Seaboard for some years past indicate about forty million bushels annually. A single county (Yakima) has exported in one year, an amount of fruit and vegetables estimated at three thousand car loads.

The capacity of the country to maintain population is sufficiently indicated by the rapid increase of a few years past. The Federal census of 1890 shows a population in Eastern Washington of 120,450, while the population in 1905, is estimated by the State Bureau of Immigration at 339,079, a gain of nearly 300 per cent. Increase in Eastern Oregon and Idaho is not far from the same. It

would be safe to estimate the present population of Eastern Oregon, Eastern Washington and Northern Idaho at six hundred thousand. The estimated valuation of the State of Washington at the present time is over one billion dollars, of which over a third is in the eastern part. The valuation of the Inland Empire may be stated approximately at half a billion dollars. With this exhibit of the population and wealth of this region, it should be added that its development has but begun. Vast areas, rich in every resource, are still a wilderness. Over a million acres of fertile desert land, susceptible of irrigation and better adapted to intensive culture than any similar land, yet remaining in the United States, but now mainly uninhabited, is immediately contiguous to the Columbia river.

2. The freight rates as compared with those in regions having water competition:

A few figures will show the tremendous handicap under which this region labors in respect to freight rates:

A comparison of all rail rates with all water rates, up to January 1, 1907.

	Mls.	Classes.									
		1	2	3	4	5	A	B	C	D	E
St. Louis to St. Paul, water....	582	.63	.52½	.42	.26	.21	.26	.21	.18	.15	13½
St. Louis to Oklahoma City, rail	543	1.30	1.09	.97	.84	.67	.65	.53	.40	.37	.29
Portland to Walla Walla, rail.	245	1.14	.99	.79	.69	.59	.52	.46	.36	.26	.20

FOR SHORT HAULS UP TO JANUARY 1, 1907.

	Mls.	Classes.									
		1	2	3	4	5	A	B	C	D	E
St. Louis to Hannibal, water...	120	.28	.22	.17	.12	.09	.11	.10	.09	07½	.06.3
St. Louis to Centralia, rail.....	124	.47	.36	.26	.21	.16	.18	.15	.13	.11	.09
Walla Walla to Glenwood, rail.	122	.70	.60	.49	.42	.35	.35	.28	.21	.18	.14

The above figures show that the rates from Portland to Walla Walla were about four times as much as those by water on the Mississippi and about twice as much as those by rail in the Mississippi Valley. Much of the same difference prevails between points in the Inland Empire not

having water competition and those on the lower Columbia or Puget Sound.

For instance, we may compare rates from Portland to The Dalles under water competition, with those from Portland to Umatilla when there was no steamboat competition, as follows:

RATES PER TON IN CAR LOAD LOTS.

	Miles.	Salt.	Sugar.	Canned Goods.	Grain.
Portland to The Dalles	88	\$1 50	\$2 00	\$2 00	\$1.50
Portland to Umatilla	187	7 50	10 20	10 20	3.00

The local rates given in both the above tables were somewhat reduced by changes going into effect on January 1, 1907, as a result of the competition of the Portage Railway at Celilo, and the steamboats running in connection with it, although the service was inadequate on account of rapids above Celilo.

3. Benefits accruing by reason of what has already been done toward opening the country to water competition:

The chief work thus far done is the Federal canal at the Cascades, between Portland and The Dalles. This canal opened but a relatively small region to seaboard connection; not a twentieth part of what will be opened by the Celilo Canal and the other important improvements on the upper river. Nevertheless, it has had so marked an effect upon rates within the sphere of its operation as to constitute an overwhelming argument in favor of continued river improvement.

The following table exhibits the rates per ton in carload lots, from Portland to The Dalles, (88 miles), before and after the establishment of water competition through the Cascade Canal:

	Before.	After.
Salt.....	\$5 20	\$1 50
Sugar.....	6 20	2 00
Canned goods.....	6 20	2 00
Nails.....	6 20	2 00
Grain.....	2 70	1 50

In this connection and remembering that the country contiguous to the Cascade Canal is but a small fraction of the Inland Empire, the following statement of traffic at the Canal from Jan. 1, 1905, to Oct. 31, 1905, is of value:

Number of lockages	1,038
Tons of freight carried	30,528
Passengers carried	111,113

If such an exhibit can be made at this stage of development, what may be expected when the entire vast Inland Empire seeks a water outlet at this point?

Next in importance in the way of river improvement is the Portage Railway at Celilo, near the location of the proposed canal. This railway was built by the State of Oregon and during two seasons past, has been operated in connection with steamboats on upper and lower river. Owing to unprecedented low water, difficulty of procuring steamboats, and lack of warehouse facilities, the work of railway and steamboats was much hampered and results were not equal to what was hoped for. Yet, in spite of these difficulties, the effects of this initial work were so marked as to be an earnest of what may be expected when the river is fully opened, and they constitute an unanswerable argument for the speedy completion of the Celilo Canal.

From the report of Frank J. Smith, Superintendent of the Open River Transportation Co., dated Dec. 31, 1906, we learn that considerable reductions were made by rail to meet the rates at whatever points could be reached by steamboats.

It may be added that thousands of sacks of wheat were offered the boats, but on account of difficulties named above, could not be handled. In addition to the above figures, we may call special attention to the following comparison as one of extreme significance: The reductions to Walla Walla, on Jan. 1, 1907, are five cents, eight cents, two cents and four cents per cwt., on first, second, third, and fourth class goods respectively, while to Wallula, the cor-

responding reductions are thirteen, fourteen, seven and five cents, respectively, on the four classes.

What makes such a difference? Obviously, the fact that Wallula is on the river, while Walla Walla is thirty miles from it. As soon as the latter city has its expected trolley connections, it will receive like general reductions. The above exhibit is sufficient to demonstrate the efficacy of river improvement to compel rate reductions on railroads.

We may add that the Open River Transportation Company is expecting to place several new first-class steamboats on the river, in the near future. They, in conjunction with the Portage Railway, will still further make the demonstration called for by the Government that the river will be used and that its use will be of practical benefit to this section. Where the rivers are made safely navigable to the highest points, there will be a thousand miles of continuous navigation, but it is to be remembered that the Portage Railway is but a temporary expedient, requiring rehandling of all freights and constructed for leading to the completion of the Celilo Canal and the other lesser improvements.

4. Benefits, financial and otherwise, to accrue from the open river. We have just shown the saving in cost of transportation by the partial improvements already made. Analysis of these figures and conditions warrants the conclusion that the Inland Empire would save from four million to six million dollars every year by the complete improvements of an Open River.

There might be a saving of two million dollars a year on wheat and its products alone. Congressman Joseph E. Ransdell, in an address before the Chamber of Commerce at Spokane, on September 4th, 1906, estimated that the region tributary to Spokane would save six million dollars yearly by the Open River. Such saving would be effected not alone by steamboat traffic, but by the necessity imposed upon railroads to lower their own rates to meet water competition. The Open River will be the great arbiter of rates. We ask you to note in this connection, the important fact that electric railways, independent of the steam roads,

are in process of construction or projected in and around Spokane, Walla Walla, Yakima, Pendleton and Lewiston, which will reach river points and by co-operation with steamers will give independent connection with the seaboard. The steamboat and the trolley are complementary parts of one vast movement. But not alone is the pecuniary benefit of the Open River of moment to our section. Even more important, is the Commercial independence to be secured. The Inland Empire is at present subject to the dictation of the great transportation lines. With free rivers, we shall secure the greatest need of an American community, Commercial Freedom.

5. What the states concerned are doing:

We ask you to note this fact: The State of Oregon has already appropriated \$190,000 for the construction and maintenance of the Portage Railway, and \$100,000 for the right-of-way for the Celilo Canal. About \$40,000 has been given by individuals in Oregon and Washington for the same ends. The State of Washington stands ready to co-operate with the Government in any way possible to aid in accomplishing the great task.

We ask the Congress to rest assured that the people of this State are alive to the vast benefits of the proposed work. We believe that while primarily of benefit to the Pacific Northwest, yet in view of the prospective commerce of the Pacific Ocean and the untold magnitude of the interests resulting herefrom, the opening of the Columbia River will be of immeasurable advantage to our entire nation.

6. The method of construction:

We wish to express in conclusion, the sentiment that a single appropriation large enough to meet the estimated cost of the work, would accomplish the needs far better than small appropriations, given from time to time and measurably wasted through lack of continuity of plan. This work has already been favorably reported by the Government Engineers and by Secretary of the Treasury. Congress has already committed itself to the undertaking.

Would it not be the best policy to accept the work and estimates of the competent engineers, place at the disposal of the department in charge a sufficient sum to complete it at once, and thus remove the matter from the domain of political action, and regard it a settled matter to be pressed to the speediest possible conclusion? Is there any possible reason for spending time in considering it at each session of Congress and dragging it on from year to year, when the other policy might insure its completion within two or three years?

Moreover, the experience of the Government seems to prove conclusively that the contract system insures far more rapid and satisfactory results than any other. That method is employed on the Panama Canal. We earnestly hope that Congress will apply the same method to the improvement so fraught with advantage to the Pacific Northwest. It is safe to say that within three years at the most, the savings on freights in the Inland Empire will more than counterbalance all the expense of making our great rivers navigable at all seasons throughout the major part of their extent, and that means an amount of navigable water second only to the Mississippi, among the river systems of the United States.

Your attention is furthermore called to the confessed inability of the railways to provide transportation sufficient for the growing demands of commerce; a fact attested by the fuel famine prevailing throughout the Northwest, by failure to move wheat from the interior to the sea, or lumber from the seaboard to the interior, and the general paralysis of trade resulting. Relief must come, if it come at all, by improvement of our waterways, a fact so patent as to defy contradiction.

In view of the facts presented above, your memorialists, the members of the Legislature of Washington, do hereby petition the Congress of the United States to consider favorably the appropriation of a sufficient sum to complete, without interruption and at earliest date, by contract, the work of rendering the Columbia River to Kettle Falls, and

the Snake River to Lewiston navigable for steamboats at all seasons of the year.

Passed the House January 28th, 1907.

Passed the Senate January 30th, 1907.

HOUSE MEMORIAL NO. 2.

TO THE HONORABLE, THE HOUSE OF REPRESENTATIVES
OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Your memorialists, the members of the tenth Legislative session assembled of the State of Washington, hereby respectfully call attention to the fact that there are large, growing and prosperous settlements surrounding the Swinomish Indian reservation, in the State of Washington; that said Swinomish Indian reservation acts as a direct and absolute barrier to the future growth of the cities and towns so surrounding; all of the area included in the Swinomish Indian reservation is suitable for agricultural purposes when the timber is removed from portions now covered by the forest. That there is also a large area of bottom land particularly suited for farming purposes. It is of interest to the whole State, and particularly to the people along the shores of Puget Sound, that all of the lands suitable for agricultural purposes be available for settlement and farming.

Of a total of seven thousand one hundred acres included in the Swinomish Indian reservation, six thousand five hundred are areable. At this time, not to exceed four hundred and twenty acres are under cultivation.

Therefore, being mindful of the fact that the aforesaid Swinomish Indian reservation lands are suitable for agricultural purposes, and that under present conditions, not one out of twenty of the inhabitants thereof are dependent for a livelihood upon the tilling of the soil, your memorialists urge that the aforesaid Indians of the Swinomish Indian reservation holding patents to their lands be granted

permission to sell or lease lands held under said patents ; such sales or lease of lands to be under such supervision as the government may direct.

And your memorialists will ever pray.

Passed the House February 5th, 1907.

Passed the Senate February 14th, 1907.

HOUSE MEMORIAL NO. 3.

State of Washington, Tenth Regular Session.

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA :

Your memorialists, the members of the Legislature of the State of Washington, tenth regular session, hereby respectfully call attention to the fact that the State of Washington is being rapidly settled, and that many thousands of acres of the public lands of the United States in this State, have been recently permanently or temporarily reserved as forest reserves, and that it is imperative for the welfare of this State that the grant of the right-of-way for the construction of highways contained in Section 2477 of the Revised Statutes of the United States be made applicable to all forest reserves in this State.

The Secretary of State is hereby directed to furnish a certified copy of this memorial to the President of the United States, the President of the U. S. Senate, Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress.

Passed the House January 31st, 1907.

Passed the Senate February 14th, 1907.

HOUSE MEMORIAL NO. 4.

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA:

Your memorialists, the Legislature of the State of Washington, respectfully represent:

That the Makah Bay Indian reservation, situated in Clallam county, Washington, contains over 26,950.40 acres of land; that the actual number of Indians residing thereon does not exceed 300 persons; that the chief occupations of these Indians are and always have been fishing, sealing, and whaling off and about the shores of Cape Flattery, and that they all reside in a small village on the shore of Neah Bay; that heretofore lands were allotted in severalty to said Indians, on said reservation, but that they make little use of said lands, except of small portions abutting on said bay and are used in their fishing industries; that the balance of said reservation consists of good agricultural, grazing and timber lands, and that some portions of them are believed to contain valuable minerals; that said Indians are gradually becoming educated, and many of them are financially independent and prosperous business men, and that the opening and settlement of said reservation by actual settlers, outside of the present allotments, will greatly benefit the Indians by more quickly bringing them into the ways and needs and duties of civilization; that the opening and settlement of said reservation will add much to the taxable wealth of said Clallam county and to the State of Washington:

Wherefore your memorialists pray that proper steps be speedily taken by the Government of the United States to open the surplus lands of said reservation to settlement.

Passed the House February 11th, 1907.

Passed the Senate February 19th, 1907.

HOUSE MEMORIAL NO. 5.

TO HIS EXCELLENCY, THEODORE ROOSEVELT, *President of The United States of America*, and TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES:

We, your memorialists, the Senate and House of Representatives of the State of Washington, in Legislative Session assembled (tenth regular session), most respectfully represent and pray as follows:

Whereas, It has been the practice of the Interior Department of the United States of America to approve applications for patents and to issue patents under soldiers' additional scrip locations in what was formerly the Columbia Indian reservation in Okanogan county, State of Washington, and

Whereas, on the 24th day of August, 1905, under act of June 17, 1902 (32 Stat. 338), the Honorable Secretary of the Interior reserved certain lands in what was formerly said Columbia Indian reservation for reclamation purposes, and

Whereas, Many individuals theretofore filed in the proper United States land office their applications in good faith to make entry under and by virtue of soldiers' additional scrip for certain lands thereafter withdrawn under the reclamation law as aforesaid, and

Whereas, As is usual in such cases, as soon as such soldiers' additional scrip locations have been made, the locators thereof have erected houses and other buildings thereon, fenced the same, prepared the land for tillage, planted orchards and alfalfa thereon, and otherwise permanently improved the same, and

Whereas, Contracts have been made in relation to said lands relying upon the practice of the Interior Department in issuing patents to lands under such scrip location in what was formerly said Columbia Indian reservation, and

Whereas, The Interior Department has recently held that under the act of Congress restoring to the public domain the lands formerly in said Indian reservation (23 Stat. at Large, pp. 79 and 80), that soldiers' additional scrip could not be used in the acquiring of such lands, thereby overruling its former practice and decisions, and

Whereas, In certain cases, large amounts of money have been expended by such claimants in constructing irrigation ditches and acquiring water rights to irrigate such lands, and

Whereas, Such claimants have all, or nearly all, exhausted their homestead rights, and have no lawful way of acquiring said land, except under said applications, and

Whereas, All of such claimants will be subjected to heavy losses, unless an act of Congress is passed for their relief, and

Whereas, It is manifestly unfair and unjust to subject such land claimants to such loss, where valid soldiers' additional scrip was filed in the proper United States land office prior to said order of withdrawal, and

Whereas, In Okanogan county, where said lands are situate, and where the people are most familiar with the circumstances and conditions prevailing there, in each and both of the republican and democratic county conventions, in the year 1906, the following plank in their respective platforms was unanimously adopted, to-wit:

"It is the sense of this Convention, that Congress should pass an act confirming all soldiers' additional scrip locations, made within what was formerly the Columbia Indian reservation, and made prior to the date of withdrawal of such land from entry, on August 24, 1905, on account of the Okanogan Irrigation Project," and

Whereas, A considerable number of said scrip locations have been made outside of said Okanogan irrigation project and within what was formerly said Columbia Indian reservation, in good faith,

Therefore, We, your memorialists, most earnestly and respectfully pray that an act of Congress be passed immediately, confirming such scrip locations and authorizing

and directing the Honorable Secretary of the Interior to cause patents to be issued to said scrip locators. The Secretary of State is hereby directed to immediately send certified copies of this memorial to the President of the United States, President of the United States Senate, the Speaker of the House of Representatives and to each of the Senators and Congressmen from the State of Washington.

Passed the House February 7th, 1907.

Passed the Senate February 19th, 1907.

HOUSE MEMORIAL NO. 6.

TO HIS EXCELLENCY, THEODORE ROOSEVELT, *President of the United States of America*; TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES; and to THE HONORABLE SECRETARY OF AGRICULTURE:

We, your memorialists, the Senate and House of Representatives of the State of Washington, in Legislative Session assembled (tenth regular session), most respectfully represent and pray as follows:

Whereas, the Congress of the United States passed an act entitled "An Act to provide for the entry of agricultural land within forest reserves," approved June 11, 1906 (34 Stat. 233), and

Whereas, Said act, while beneficial to a limited extent, the same is wholly inadequate to accomplish the purposes for which it was enacted. Under said act, a prospective homesteader (who is generally a man of limited means) coming from the East to the West to make settlement upon lands within the forest reserve, is not permitted to select for himself non-mineral land, such as to him is satisfactory for a permanent home, but is subjected to long delays, lasting months or years, before he can make his settlement, during which time there is an element of uncertainty as to whether or not he will ever be able to select a homestead

desired by him; and as to whether or not a given piece of land is suitable for a homestead must be determined by some subordinate of the Agricultural Department, who, perhaps, is wholly ignorant of local needs and necessities; and

Whereas, Boards of trade, commercial bodies, "booster" clubs and railway companies have distributed millions of pages of literature to induce settlers to acquire homes of their own on the public lands of the United States under the homestead laws; and

Whereas, In response to said advertising, tens of thousands of families have deserted their homes in the East, and now find themselves in a new country among strangers, with limited means, and are confronted with the fact that hundreds of thousands of acres of public land suitable to be taken for homesteads have recently been withdrawn from settlement as forest reserves; and

Whereas, Now the serious question arises, "What shall such citizens and their families do?" and

Whereas, It is a gross injustice to make wholesale withdrawals of public lands from homestead settlement under the guise of "temporary withdrawal" with no regard as to whether or not such lands embrace timber or prairie lands, or lands necessary for forest reserve purposes; and

Whereas, Large portions of such lands so withdrawn are essentially agricultural lands; and

Whereas, The making of forest reserves out of lands less than 4500 feet in altitude above sea level retards and prevents the settlement and prosperity of the west, by reason of the fact, among other things, that home builders in the forest reserves will be isolated, without hope of near school or church privileges; without reasonable expectation of the making of suitable roads or the keeping of them in proper repair without extortionate individual expense and running the gauntlet of "red tape"; and

Whereas, For like reasons, to a large extent, there is a confiscation of the property of those who have heretofore acquired rights or titles to lands now within the forest reserve, it being a matter of common knowledge that the denser the population in a given community, the higher is

the price of land; and conversely, the more isolated, the less valuable; and anything retarding or preventing settlement correspondingly decreases the value of the land; and

Whereas, There are large numbers of settlers who, for years, have resided upon unsurveyed lands who now find themselves within the boundaries of forest reserves, who, if from sickness, or other unavoidable casualty are compelled to leave their homestead claims, will virtually lose the result of years of toil and their improvements, for the reason that when they quit their premises before making final proof, their lands will revert to the forest reserve; and in most instances no purchaser of the improvements can be found who is willing to become entangled in the meshes of forest reserve regulations; and

Whereas, Under the laws of this State, the possessor of land must surround it with a lawful fence, in order to recover damages to crops by cattle; therefore, the farmer or stock man living within or adjacent to a forest reserve, in order to protect his crops and pasturage from forest reserve cattle, must be to the expense of erecting and maintaining a lawful fence; while the forest reserve is not fenced, and is not proposed to be fenced; and the owner of outside cattle must, at his peril, fence or herd his cattle from out the forest reserve, or pay such price from year to year as shall suit the varying caprice of forest officers; and

Whereas, The making of forest reserves necessitates new and untried procedure, with consequent uncertainties and delays, in order for the settler on unsurveyed land therein to secure the survey of his land, before which he cannot acquire title; and

Whereas, In 1866, Congress passed an act, a portion of which now exists as Section 2477 of the United States Revised Statutes, which grants a free right-of-way across the public lands for the construction of highways, and which enables citizens and local State authorities to speedily construct roads as the necessities of new and quickly growing communities require. (See *Okanogan County v. Cheetam*, 37 Wash. 682); and

Whereas, Said section does not apply to forest reserves ;
and

Whereas, Communities existing on opposite sides of a forest reserve are subject to intolerable delays in attempting to satisfy the requirements of far-distant officers of the Government, across such forest reserves, thereby retarding the development and prosperity of the country thus victimized ; and

Whereas, It often happens that part of a homesteader's claim, by such indiscriminate withdrawals for forest reserves, is placed partly within and partly without the forest reserve, thereby harrassing him with two sets of land laws, a variety of "regulations," and the usual government delays ; and

Whereas, If such lands were in private ownership, they would be subjected to State and local taxation, and thereby contribute to the support of government in new states and new communities where revenues are generally inadequate to meet present needs ; and the present makeshift provided by Congress as an offset for the loss of such just revenues from taxation being wholly inadequate and uncertain for the object intended thereby ; and

Whereas, It has been the wise policy of the government for more than half a century to grant free water rights upon the public lands ; and

Whereas, Very recently it has been determined to hamper the acquisition of water rights and rights-of-way within forest reserves, to the great detriment of the general public ; and

Whereas, As great protection against the ravages of forest fires can be given outside of forest reserves as within them ; and

Whereas, The Congress of the United States, in pursuance of a wise and liberal policy, in 1875 (18 Stat. 482), passed an act granting to railroad companies generally a right-of-way across the public domain, with the right to take from adjacent land material, earth, stone and timber necessary for the construction of such railroad, etc., which act has aided materially in the upbuilding of the west ; and

Whereas, The act of Congress of March 3, 1899 (30 Stat. 1233), granting a right-of-way for railroads across forest reserves does not grant the right for such railway companies to take material, earth, stone or timber necessary for the construction of such railroad; and

Whereas, The making of a forest reserve segregates the land therein contained from the category of public lands; and therefore said act of March 3, 1875 (18 Stat. 482) does not apply thereto; and

Whereas, The needs of the people require the speedy building of electric railways; and

Whereas, The great source of water power for the operation of such railways, and the providing of electric lights and power for cities and towns, and for the operation of mines, is situated within the limits of forest reserves; and

Whereas, The present Federal restrictions tend materially to defeat the accomplishment of these benign purposes, on account of such forest reserves; and

Whereas, The stock industry is impeded and discouraged by the creation of forest reserves, among other things by the imposition of a pasturage tax and the uncertainty from year to year as to the amount of such tax, and the arbitrary and petty exactions inflicted by forest officer, high and low; and

Whereas, It is the avowed purpose of the forestry service to make the same self-supporting without an appropriation from Congress therefor, and to recruit and organize an army of forestry officers, who must be supported and maintained from the income of the reserve, which means that the communities adjacent to such forest reserves must pay the bill; and

Whereas, More than seven hundred thousand dollars were wrested from such communities for such purposes during the last year, as against \$60,000 the year before; and

Whereas, It is now proposed to increase such exactions in like ratio from year to year; and

Whereas, Many hundreds of thousands of acres of land have been placed in forest reserves in two counties in this State, namely, Okanogan county and Ferry county against

the unanimous protest of the citizens of these counties, as far as the recent temporary withdrawals are concerned; and

Whereas, The people of a local community can best be trusted to decide what is for their best interests and those of their children and their children's children:

Therefore, We most earnestly and respectfully protest against the making of said temporary withdrawal permanent, and ask that they be immediately set aside and that the lands therein described be at once restored to the public domain.

The Secretary of State is hereby directed to immediately transmit a certified copy of this memorial to His Excellency, the President of the United States of America, to the President of the Senate and Speaker of the House of Representatives of the United States, to the Honorable Secretary of Agriculture, and to each of the Senators and Representatives in Congress, from this State.

Passed the House February 27th, 1907.

Passed the Senate March 6th, 1907.

SENATE JOINT MEMORIAL NO. 2.

TO THE HONORABLE SECRETARY OF THE DEPARTMENT OF
COMMERCE AND LABOR OF THE UNITED STATES:

Whereas, A Commission was appointed by his Excellency, Governor Albert E. Mead, to investigate the recent appalling disasters to passenger steamers plying the waters of Puget Sound and other inland waters of the State, and to recommend additional safeguards for the preservation of the lives of persons traveling on such craft, whose report has been transmitted to the Legislature by the Governor for its consideration; and

Whereas, Said Commission reported that the testimony of masters and pilots appearing before them was unanimously in favor of certain additional lights, fog-horns,

etc., which are necessary for the safe navigation of the waters of Puget Sound, and the waters of the straits and channels of the San Juan archipelago, Bellingham channel, and the Gulf of Georgia, and now therefore, be it

Resolved, That the Legislature of the State of Washington hereby respectfully memorialize the Secretary of Commerce and Labor of the United States to authorize and install additional light-ships, light-houses, and fog-signals as are herein described:

Jefferson Head—Light-house (a fixed white light).

Lip Lip Point—Light-house and fog-horn.

Point Hudson—Fog-bell and buoy light.

Point Partridge (Whidby Island)—Light-ship; fog-horn. To be located on dangerous shoal where there is now a bell-buoy. This bell-buoy cannot be seen at night or in thick weather and the bell is silent except in rough seas.

San Juan Island—Light and fog-horn. To be placed on point about one mile south of lime kiln.

Vita Vita Rocks—Light and fog-horn.

Alden Bank (Gulf of Georgia)—Light-ship.

Hein Bank (Straits of San Juan)—Light-ship.

Clark Point (north entrance of Bellingham channel)—Light.

Patos Island—The present red light should be replaced by a flashing light. The present light cannot always be seen and the passage is dangerous.

Admiralty Head—This light to be removed, as it is no longer useful.

And your memorialists will ever pray.

Passed the Senate February 19th, 1907.

Passed the House February 20th, 1907.

SENATE JOINT MEMORIAL NO. 5.

TO HIS EXCELLENCY, THEODORE ROOSEVELT, *President of the United States of America*, and to THE HONORABLE SECRETARY OF THE INTERIOR:

We, your memorialists, the Legislature of the State of Washington (tenth regular session) in Legislative Session assembled, most earnestly and respectfully represent and pray as follows: that

Whereas, On the 20th day April, 1903, several townships of land west of the Okanogan river, in Okanogan county were withdrawn, except from homestead entry under the reclamation act of June 17, 1902 (32 Stat. 388), including fractional township west of the Okanogan river, to-wit: Township 34 north of range 27 east of Willamette Meridian by reason of the then contemplated Okanogan Irrigation Project and that thereafter said Okanogan Irrigation Project was abandoned and said order of withdrawal as to all of said townships was revoked, and the land therein contained, restored to the public domain, except as to said fractional township 34 north of range 27 east of Willamette Meridian, which by a clerical error and by inadvertence was omitted from said restoration order; and

Whereas, On the 24th day of August, 1905, the lands embraced within said Okanogan Irrigation Project were again withdrawn under said reclamation act, and the said Okanogan Irrigation Project was again undertaken by the Government of the United States and is now in process of actual construction; and

Whereas, During the interim between the date of said order revoking the first order of withdrawal and the date of said second order of withdrawal, dated on the 24th day of August, 1905, all settlers in said other townships under said Okanogan Irrigation Project, except in said fractional township 34 north of range 27 east of Willamette Meridian were permitted by the Department of the Interior to, and

they did, make final proof and receive patents for one hundred and sixty acres of land each; and

Whereas, The homestead settlers in said fractional township were not enabled to do likewise by reason of said clerical error, and inadvertence; and

Whereas, The farm unit under said Okanogan Irrigation Project is forty acres and all land holders thereunder are required to dispose of all land owned by them in excess of forty acres under said project; and

Whereas, In very numerous instances, said settlers so permitted to make such final proofs and receive their patents for the full one hundred and sixty acres embraced within their homestead entries settled upon their respective claims long subsequent to the date of settlement of the homesteaders in said fractional township 34 north of range 27, east of Willamette Meridian; and

Whereas, In such case the first in time should be the first in right; and

Whereas, A mere clerical error and inadvertence should not be permitted to stand in the way of common fairness and even handed justice; and

Whereas, It is not right or proper to cling to the shadow and forsake the substance; and

Whereas, If said order of withdrawal of April 20th, 1903, as to said fractional township is not revoked the settlers therein will be required to relinquish and lose all but forty acres of their respective claims, and the lands so relinquished will become subject to entry by speculative settlers going upon their claims after said irrigation project became an established fact and thereby escaping the risks, uncertainties, expenditures of time and money that have been undergone and hazarded by the present entrymen in said fractional township, and said later and "eleventh hour" settlers would be enabled unjustly to reap the benefits honestly earned and rightfully belonging to the present settlers in said fractional township, who, by their greater enterprise, prior settlements and deprivations on strictly arid and desert lands, for many years have caused the undertaking and fulfillment of said irrigation enterprise:

Therefore, It is most earnestly and respectfully urged that said order of withdrawal of April 20th, 1903, be revoked for sufficient time to enable the settlers in said fractional township to make final proof upon their respective claims and if necessary to pay the government price for such land, and thereby enable them to acquire the same benefits that have been accorded to and realized by all other settlers under said irrigation project.

The Secretary of State is hereby directed to cause a certified copy of this memorial to be sent to the President of the United States, Secretary of the Interior and to each of the Senators and Representatives in Congress from the State of Washington.

Passed the Senate March 9th, 1907.

Passed the House March 12th, 1907.

SENATE JOINT MEMORIAL NO. 6.

TO HIS EXCELLENCY THEODORE ROOSEVELT, *President of the United States of America*; TO THE HONORABLE SECRETARY OF THE INTERIOR; and TO THE HONORABLE SENATORS AND REPRESENTATIVES FROM THE STATE OF WASHINGTON:

Your memorialists, the Senate and House of Representatives of the State of Washington, in Legislative Session assembled (tenth regular session), respectfully petition as follows:

SECTION 1. That all that portion of section sixteen (16) in township thirty-three (33) north of range twenty-six (26) east of the Willamette Meridian, situate east of the Okanogan river, be surveyed, platted into blocks and lots and sold under section 11, under an act of Congress entitled, "An Act to authorize the sale and distribution of surplus or unallotted lands of the diminished Colville Indian reservation, in the State of Washington, and for other purposes," approved March 22, 1906.

SEC. 2. That under Section 12 of said act of Congress, the following described lots be reserved under the reclamation act of June seventeenth, A. D. one thousand nine hundred and two, to-wit:

Commencing at the point of intersection of the east bank of the Okanogan river with the north boundary line of township 33 north of range 26 east of Willamette Meridian, thence following the east bank of the Okanogan river in a northerly direction to the north boundary line of said diminished Colville Indian reservation, thence in an easterly direction a distance of three (3) miles along and upon the northern boundary line of said diminished Colville Indian reservation, thence in a southerly direction in a line parallel to the east bank of Okanogan river to the north boundary line of township 33 north of range 27, east of Willamette Meridian, thence westerly in a straight line to the place of beginning.

The Secretary of State is hereby directed to immediately transmit a certified copy of this memorial to His Excellency, the President of the United States of America, to the Honorable Secretary of the Interior and to each of the Senators and Representatives in Congress from the State of Washington.

Passed the Senate March 9th, 1907.

Passed the House March 12th, 1907.

SENATE JOINT RESOLUTION NO. 1.

Whereas, The National Congress has enacted H. R. 17347, known as "The Artillery Bill," by Mr. Hull, to reorganize and to increase the efficiency of the artillery of the United States Army by providing for a total enlisted strength of the coast artillery not to exceed 19147 men; and

Whereas, There is before the National Congress a bill, H. R. 21400, to regulate and equalize the pay of officers

of the army, navy and marine corps and the revenue marine service; and

Whereas, The pay now provided for officers in the said services is so inadequate to meet present conditions, that a large and increasing proportion resign to enter civil life, leaving an insufficient number for the public defense; and

Whereas, The State of Washington has numerous important harbors, much sea coast and many large and wealthy seaport cities and towns almost entirely dependent upon the national sea coast defenses for protection in case of foreign war; therefore:

Resolved, By the Legislature of the State of Washington that attention of the Senators and Representatives of the State of Washington in the National Congress be called to the great necessity for proper sea coast defense and the importance of providing in all proper ways to make this public safety most effective; and

Resolved, That engrossed copies of this resolution be mailed to Senators Ankeny and Piles, and to Representatives Jones, Cushman and Humphrey.

Passed the Senate February 15th, 1907.

Passed the House February 20th, 1907.

SENATE JOINT RESOLUTION NO. 2.

Whereas, the Government gave notice that certain lands in townships 38 and 39 north, range 6 east, in Whatcom county, State of Washington, was open for settlement and that filings thereon would be received February 6, 1907, and as large numbers of settlers, by reason thereof, did locate on said land, and on said sixth day of February did appear at the land office at Seattle, Washington, to file on said land by reason of said notice; and

Whereas, The Government did on said day refuse to receive filing on said land by reason of the withdrawal of

said land from settlement, and as the withdrawal of said land from public entry under the circumstances, without notice and while hundreds of settlers, who had come many miles, were waiting at the land office to make entry on said land, shows bad faith on the part of the Government; and as part of said land was settled upon years ago by citizens in good faith, who have built homes thereon and have constructed wagon roads and railroads therethrough, it will be of great damage to many citizens and detrimental to the best interests of the State; and

Whereas, We view with alarm the constant encroachment of the forest reserves upon the public lands of the State, thus retarding its growth and development; therefore, be it

Resolved, By the Legislature of the State of Washington that we deprecate the withdrawal of said land from public entry and protest against the extension of said forest reserves and also protest against the further extension of any and all forest reserves in this State; that a copy of this resolution be at once forwarded to the President of the United States, the Department of Agriculture, and to our Senators and Representatives in Congress.

Passed the Senate February 8th, 1907.

Passed the House February 11th, 1907.

AUTHENTICATION.

STATE OF WASHINGTON,
OFFICE OF THE SECRETARY OF STATE.

I, SAM H. NICHOLS, Secretary of the State of Washington, and custodian of the seal of said State, do hereby certify that I have carefully compared the foregoing published laws, memorials and resolutions, passed by the Legislature of the State of Washington, at its tenth biennial session, from January 14th to March 14th, inclusive, in 1907, with the original enrolled laws, memorials and resolutions now on file in this office, and find the same to be full, true and correct copies of said originals, with the exception of such corrections in orthography and use of words, as indicated by the use of brackets, thus [], in each case, as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereunto the seal of the State of Washington.

Done at Olympia, this 15th day of April, A. D. 1907.
(SEAL.)

SAM H. NICHOLS,
Secretary of State.

EXPLANATORY NOTE.

The Tenth Legislature convened on January 14th, 1907, at 12 o'clock noon (that being the second Monday) and adjourned *sine die* on March 14th, 1907, at 12 o'clock midnight. All laws passed by said session and approved by the Governor, or allowed to become laws without his approval, take effect in ninety days after adjournment, or at 12 o'clock, midnight, on June 11th, 1907, except certain relief bills and those acts having an emergency clause.

SAM H. NICHOLS,
Secretary of State.

LIST OF ACTS.

PASSED BY THE LEGISLATURE OF THE STATE OF WASHINGTON, AT THE
TENTH SESSION THEREOF, FROM JANUARY 14, 1907, TO MARCH 14, 1907,
INCLUSIVE.

Chap.	TITLE.	Page.
1	AN ACT appropriating the sum of seventy thousand dollars or so much thereof as may be necessary for the expenses of the Tenth legislature.—Approved January 18, 1907.	3
2	AN ACT appropriating the sum of ninety thousand dollars from the revolving fund for the purchase of jute and operations of the jute mill at the State Penitentiary. Approved January 18, 1907.	3
3	AN ACT to provide for the establishment of harbor lines, survey, platting and appraisal of shore lands of the first class of lakes Washington and Union, in King county, Washington, the sale and disposition of said shore lands, the creation of the Alaska-Yukon-Pacific Exposition fund, and declaring an emergency.—Approved February 4, 1907.	4
4	AN ACT relating to the special Alaska-Yukon-Pacific Exposition fund, making certain warrants to be drawn upon it preferential, and transferring any residue thereof into the general fund of the state treasury.—Approved February 4, 1907.	7
5	AN ACT to provide for an exhibit of the resources, products and advantages of the State of Washington, and the erection of a state building, or buildings at the World's Fair of Alaska-Yukon-Pacific Exposition, to be held at Seattle, Washington, in 1909, making an appropriation to pay the cost of such exhibit and state building or buildings out of a special fund to be created, and declaring an emergency.—Approved February 4, 1907.	8
6	AN ACT appropriating funds for the erection of buildings for the University of Washington, and providing for the use thereof by the Alaska-Yukon-Pacific Exposition, and declaring an emergency.—Approved February 4, 1907.	11
7	AN ACT appropriating funds for the relief of Newton Thomas as sheriff of Okanogan county.—Approved February 4, 1907.	12

LIST OF ACTS—CONTINUED.

Chap.	TITLE.	Page.
8	AN ACT to provide for the payment of all state moneys into the general fund, except those received from taxes levied for specific purposes and excepting the permanent and irreducible funds and the moneys derived therefrom; and providing for the payment of certain salaries and expenses from the general fund and declaring an emergency.—Approved February 7, 1907.	13
9	AN ACT to amend section 1, of an act entitled, "An act to amend an act entitled, 'An act providing liens upon saw logs, spars, piles or other timber, and upon lumber and shingles and concerning the remedy to secure and obtain such liens and the benefit thereof, and the manner and procedure of obtaining the same,' approved March 15, 1893," approved March 19, 1895.—Approved February 7, 1907.	14
10	AN ACT making appropriation for the maintenance of the office of the Commissioner of Public Lands and for the payment of salaries of certain officers employed in said office and for the payment of sundry expenses of said office.—Approved February 11, 1907.....	15
11	AN ACT to provide for the punishment of parents or persons responsible for, or contributing to, the delinquency of children of the age of 17 years or under.—Approved February 11, 1907.	16
12	AN ACT providing for the investment of the permanent school funds, the permanent funds of the normal schools, state university, scientific school, agricultural college, charitable, educational, penal and reformatory institutions, of the State of Washington, and declaring an emergency.—Approved February 11, 1907.....	16
13	AN ACT amending sections 3523 and 3526 of Ballinger's Annotated Codes and Statutes of Washington, relating to partition fences.—Approved February 14, 1907.....	18
14	AN ACT making an appropriation for the payment of the publication of the notices required to be given by section 2 of chapters 65 and 67 of the laws of 1905.—Approved February 15, 1907.	19
15	AN ACT for certain deficiencies in maintenance of State Capitol building and preparing same for convening of the Tenth Legislature.—Approved February 15, 1907.	20

LIST OF ACTS—CONTINUED.

Chap.	TITLE.	Page.
16	AN ACT authorizing and directing the Commissioner of Public Lands to certify certain tide lands to the Governor for deed and authorizing and directing the Governor to execute and the Secretary of State to attest a deed conveying to the city of Tacoma certain tide lands for use as, and in connection with its public park, and for no other purpose.—Approved February 15, 1907.....	21
17	AN ACT authorizing and directing the commissioner of public lands to certify certain tide lands to the governor for deed and authorizing and directing the governor to execute and the secretary of state to attest a deed conveying to the city of Olympia certain tide lands for use as, and in connection with its public park, and for no other purpose.—Approved February 15, 1907.....	22
18	AN ACT to amend section two of an act of the Legislature of the State of Washington, approved March 9th, 1905, entitled "An Act creating a fund to be known as the Public Highway Fund and making provisions for an annual levy to produce revenue therein for the construction and repairs of highways and bridges."—Approved February 15, 1907.....	23
19	AN ACT authorizing the county commissioners of any county to acquire and operate quarries of suitable road building rock and ground containing deposits of suitable road building gravel, and to purchase rock-crushing machinery and appliances, and declaring an emergency. Approved February 18, 1907.	24
20	AN ACT regulating the hours of service of employes in train service upon railroads, and providing a penalty.—Approved February 18, 1907.	25
21	AN ACT appropriating the sum of six thousand dollars, or so much thereof as may be necessary to pay for such printing as may be ordered by the Tenth Legislature or either branch thereof.—Approved February 19, 1907.....	26
22	AN ACT relating to the keeping and deposit of municipal funds.—Approved February 19, 1907.....	27
23	AN ACT appropriating funds for the relief of Mrs. George E. Blankenship, Mrs. George H. Funk, and Miss Clara E. McKenzie for services as markers of teachers' manuscripts in the office of the Superintendent of Public Instruction.—Approved February 19, 1907.	28

LIST OF ACTS—CONTINUED.

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24	AN ACT for the relief of A. A. Lytle, sheriff of Douglas county.—Approved February 19, 1907.....	29
25	AN ACT for the relief of Charles E. Shepard.—Approved February 19, 1907.	29
26	AN ACT for the relief of the town of Kent, and making an appropriation therefor.—Approved February 19, 1907.....	30
27	AN ACT relating to the liability of a bank or trust company to a depositor in case of forged or raised checks.—Approved February 19, 1907.	31
28	AN ACT appropriating funds for the relief of the Smith Premier Typewriter Company, of Seattle, Washington.—Approved February 19, 1907.	31
29	AN ACT providing for the collection of taxes upon personal property being moved or about to be moved from the limits of the state, or being dissipated or about to be dissipated, and declaring an emergency.—Approved February 21, 1907.....	32
30	AN ACT relating to the criminal insane, their trial, commitment and custody.—Approved February 21, 1907.....	33
31	AN ACT relating to the Public School system of the State of Washington, amending sections 75, 78, 89, 97 and 98 of chapter 118 of the session Laws of 1897, approved March 19, 1897.—Approved February 21, 1907.	38
32	AN ACT relating to the law department of the State Library, changing the official title of the librarian in charge thereof, providing for his appointment and fixing his compensation.—Approved February 21, 1907.....	43
33	AN ACT providing for the repair, construction and beautifying of certain parts of the capitol building and grounds, and providing an appropriation therefor.—Approved February 21, 1907.	43
34	AN ACT prohibiting the owners or those in charge of any canal or ditch from suffering noxious weeds or other growths to go to seed on the banks thereof, and providing a penalty for the violation thereof.—Approved February 21, 1907.....	45

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35	AN ACT relating to the offense of unlawful enticement and providing a penalty.—Approved February 21, 1907.	46
36	AN ACT providing a method for the assessment and collection of an excise or privilege tax on private car companies doing business in this state, and declaring an emergency.—Approved February 21, 1907.....	46
37	AN ACT to provide for state depositaries and regulate the deposits of state moneys therein.—Approved February 21, 1907.....	50
38	AN ACT authorizing counties which have acquired or which may hereafter acquire mining claims or properties for taxes to lease the same with or without an option to purchase and declaring an emergency.—Approved February 25, 1907.....	53
39	AN ACT relating to the duty of county commissioners in regard to prisoners in county jails and authorizing the employment of such prisoners.—Approved February 25, 1907.....	55
40	AN ACT relating to the assessment and collection of taxes in municipal corporations of the second, third, and fourth classes, and amending sections 1810 and 1814, of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.—Approved February 25, 1907.....	55
41	AN ACT granting additional authority to cities of the first class to authorize the location, construction and operation of railroads in, along, over or across any highway, street, alley, or public place, and to prescribe the duration and condition of such use, notwithstanding any charter provisions limiting the term of franchise, or concerning the acquisition by any such city of the property of companies holding any franchise, privilege, license, grant or authority, and declaring an emergency.—Approved February 26, 1907.....	57
42	AN ACT to establish a state fish hatchery on the Lewis river, or some of its tributaries, in Cowlitz county, in the State of Washington.—Approved February 26, 1907.	58
43	AN ACT to establish a state fish hatchery on the Lyle river, in Clallam county, in the State of Washington.—Approved February 26, 1907.	58

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44	AN ACT to amend section 1263 Ballinger's Annotated Codes and Statutes of Washington, relating to filing of plats and payment, assessment and collection of taxes upon the same.—Approved February 26, 1907	59
45	AN ACT to amend section 3 of an act entitled "An act in relation to estrays, providing for their detention, regulation and sale, and prescribing penalties for its violation," approved February 16, 1905.—Approved February 26, 1907.....	60
46	AN ACT relating to assessment and taxation of bank stock, and declaring an emergency.—Approved February 27, 1907.....	61
47	AN ACT to create the county of Grays Harbor, subject to the requirements of the state constitution and statutes in respect to the establishment of new counties, and declaring an emergency.—Approved February 27, 1907.....	62
48	AN ACT amending an act entitled, "An act to amend section 3, of chapter LXXXIII of the laws of 1897 relating to revenue and taxation," passed the senate and the house June 12, 1901, notwithstanding the veto of the governor, and declaring an emergency.—Approved February 28, 1907.	69.
49	AN ACT providing for the purchase of site, construction and furnishing of a residence for the Governor of the State of Washington, appropriating the sum of \$35,000 therefor.—Approved February 28, 1907.	71
50	AN ACT amending sections 6434, 6435 and 6437 of Ballinger's Annotated Codes and Statutes of Washington, relating to the duties of guardian and the sale of the property of resident insane persons.—Approved February 28, 1907.....	73
51	AN ACT relating to the deposit of public funds in banks by the several county treasurers of this state.—Approved March 1, 1907.	74
52	AN ACT to amend section 2 of an act entitled: "An act to declare and regulate the powers, rights and duties of corporations organized to build booms and to catch logs and timber products therein," approved March 17, 1890.—Approved March 1, 1907.	76

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53	AN ACT to amend sections 3482 and 3483 of Ballinger's Annotated Codes and Statutes of Washington relating to the trespass of sheep on certain lands, and providing a punishment therefor—Approved March 1, 1907.....	78
54	AN ACT providing a method for the assessment and collection of an excise or privilege tax from express companies doing business in this state, and declaring an emergency.—Approved March 1, 1907.....	79
55	AN ACT relating to the construction of armories for the use of the National Guard of Washington, appropriating money from the military fund therefor, creating a board to superintend the construction thereof, and declaring an emergency.—Approved March 1, 1907.....	83
56	AN ACT in relation to the fees of state and county officers, witnesses and jurors, and repealing an act entitled "An act in relation to the fees of state and county officers, witnesses and jurors, and repealing an act entitled 'An act in relation to the fees of state and county officers, witnesses and jurors, and amending section 2086 of the Code of Washington of 1881, same being approved March 15, 1893,' approved March 16, 1903."—Approved March 2, 1907.....	88
57	AN ACT relating to the salaries of the judges of the supreme and superior courts.—Approved March 4, 1907.....	95
58	AN ACT amending section 2407 of Ballinger's Annotated Codes and Statutes of Washington relating to the classification and issuance of teachers' certificates to be issued by the authority of the State of Washington, entitling the holder thereof to teach in the schools of this state.—Approved March 4, 1907.	96
59	AN ACT relating to holidays in the public schools, and amending section 56 of chapter CXVIII of the session laws of 1897, and declaring an emergency.—Approved March 4, 1907.....	98
60	AN ACT relating to the competency of witnesses in certain cases, and providing for immunity from indictment, information, prosecution and punishment for such witnesses.—Approved March 4, 1907.....	99

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61	AN ACT amending section 2 of an act entitled "An act authorizing the assessment of lands held or owned by any county in the state, within the limits of incorporated cities or towns in such county, for local improvements, and providing for the payment of such assessments," approved February 23, 1905.—Approved March 4, 1907.....	100
62	AN ACT amending section 38 of an act entitled, "An act to provide for the establishment and creation of drainage districts, and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof; and declaring an emergency," approved March 20, 1895.—Approved March 4, 1907.....	101
63	AN ACT amending section three of an act entitled "An act providing for and regulating the selection of jurors in the superior courts of the state; and providing for the appointment of jury commissioners, prescribing their duties, qualifications and compensation, and providing for their removal from office; declaring certain violations of this act to be contempt of court and providing for the punishment thereof as such; and repealing all laws and parts of laws in conflict therewith," approved March 9, 1905.—Approved March 5, 1907.....	102
64	AN ACT relating to the relief of soldiers, sailors and marines and their families, and amending sections 1, 2, 3, 4, 5, 6, and 7 of chapter 117 of the laws of 1888.—Approved March 5, 1907.....	104
65	AN ACT providing for a system of checking the accounts of various county officers, and amending section 1597 of Ballinger's Annotated Codes and Statutes of Washington, and repealing all acts or parts of acts in conflict herewith.—Approved March 5, 1907.....	107
66	AN ACT authorizing the levy of a tax for the purpose of improving rivers and streams and providing for the expenditure of the same.—Approved March 4, 1907.....	109
67	AN ACT to amend article VII of the Constitution of the State of Washington relating to the assessment and taxation of property within the state.—Approved March 5, 1907.....	110
68	AN ACT to repeal an act entitled "An act to prevent the spread of contagious or infectious diseases among cattle, horses and	

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	other domestic animals, and prescribing penalties for violation of the provisions thereof," being chapter 143, of Session Laws of 1895.—Approved March 5, 1907.....	111
69	AN ACT providing for the amendment of section 16 of article one (1) of the Constitution of the State of Washington, relating to the exercise of the power of eminent domain.—Approved March 5, 1907.....	112
70	AN ACT to amend section 1 of an act entitled "An act amending section 1 of an act entitled 'An act amending section 943 of Ballinger's Codes and Statutes of Washington, relating to assessments for local improvements,' approved March 16, 1903."—Approved March 5, 1907.....	114
71	AN ACT authorizing and empowering cities and towns to construct and maintain dikes and embankments to protect such cities or towns, or any part thereof, from overflow, and to pay the cost and expenses thereof out of its current expense fund, or by a special assessment upon the property benefitted, or by both, and declaring an emergency.—Approved March 5, 1907.	117
72	AN ACT appropriating the sum of forty-two thousand one hundred and forty-two dollars and seventy-five hundredths of a dollar (\$42,142.75) from the state highway fund to complete contracts now in force on state roads.—Approved March 5, 1907.	121
73	AN ACT authorizing and empowering cities of the first class to include within local improvement districts tide lands and land in school sections, the title of which remains in the State of Washington, and to assess such land for the cost of local improvements, and authorizing the sale of such lands.—Approved March 5, 1907.....	123
74	AN ACT relating to the payment by the state of assessments made on state, school or granted lands for the construction and maintenance of dikes and drains benefiting such lands, and repealing section 2 of chapter 127 of laws of 1905, and making an appropriation therefor.—Approved March 5, 1907.	125
75	AN ACT to amend sections seven and twelve of an act entitled, "An Act to provide for the incorporation of associations for social, charitable and educational purposes," approved March 21, 1895.—Approved March 5, 1907.....	127

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76	AN ACT amending section 8 of an act entitled "An act providing for the levy, collection and manner of payment of road, bridge, poll and property taxes and the manner of the extension thereof, and providing for the division of the counties into road districts, and the appointment of supervisors thereof, and repealing all acts and parts of acts in conflict herewith," approved March 16th, 1903 and being chapter 119 of the session laws of the State of Washington of the year 1903.—Approved March 5, 1907.....	129
77	AN ACT to amend section one (1) of an act entitled "An act for the protection of persons working in coal mines," approved March 6, 1897.—Approved March 5, 1907.....	130
78	AN ACT to provide for the assessment of the operating property of railroads.—Approved March 6, 1907.....	132
79	AN ACT relating to the superior courts of the counties of Whatcom, Yakima, Kittitas, Benton, Franklin, Adams, Lincoln and Spokane, the election and appointment of judges therein, and declaring an emergency.—Approved March 6, 1907.....	140
80	AN ACT relating to the withdrawal of bank deposits in banks or trust companies.—Approved March 7, 1907.....	141
81	AN ACT providing for the holding of examinations for state certificates and life diplomas in the state of Washington.—Approved March 7, 1907.....	142
82	AN ACT to amend an act authorizing the establishment of public libraries in cities.—Approved March 7, 1907.....	144
83	AN ACT to provide a system of registration of births and deaths and the method of reporting births and deaths, and for the issuance of permits for the burial, removal or transportation of bodies of deceased persons, and fixing the penalty for the violation.—Approved March 7, 1907.....	145
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251	AN ACT relating to the tide and shore lands of the first class and harbor areas belonging to the state of Washington, and empowering the harbor line commission to establish, lengthen, extend and lease harbor areas and to file plats and appraisements of tide and shore lands of the first class in sections as said commission shall deem expedient, and to sell the same.—Approved March 19, 1907.	738
252	AN ACT to amend section 3 of an act entitled, "An act relating to insurance companies and to regulate and control insurance companies, corporations and associations in this state, and to amend sections 1, 6, 7 of an act entitled, 'An act to regulate and control insurance companies, corporations and associations in this state, and to amend sections 11, 26, 29, 33 and 34 of "An act to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency," approved March 19, 1895,' approved March 13, 1897," approved March 15, 1899.—Passed March 7, 1907. (Not Approved.)	740
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254	AN ACT to amend sections 2, 3, 7 and 10 of chapter 97 of the Session Laws of 1903 of the State of Washington, approved March 14, 1903, being "An act providing for the incorporation and regulation of mutual fire insurance companies and associations," amended by chapter 71 of the Session Laws of 1905.—Passed March 14, 1907. (Not approved.)	744
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The following acts were passed by the House and Senate of the Tenth Legislature, were vetoed by the Governor and filed with the Secretary of State :

HOUSE BILL NO. 3.—An act relating to the filing and approval of plats of additions to certain cities.

HOUSE BILL NO. 134.—An act authorizing city councils in cities or towns to sell surplus water from their water systems or surplus electric current from their lighting or power systems to communities lying without the city or town boundaries.

HOUSE BILL NO. 373.—An act providing for the protection of owners or lessees of second class tide lands or oyster lands on which they are propagating and cultivating clams or oysters, and declaring the taking of clams or oysters from such lands by other persons without permission, a misdemeanor and providing a penalty therefor.

HOUSE BILL NO. 500.—An act to amend section 3 of an act entitled "An act creating the office of public printer; providing for the appointment thereof and qualifications of said officer; providing for the public printing and binding, fixing the compensation thereof, and declaring an emergency," approved March 11, 1905.

SENATE BILL NO. 190.—An act to provide for the improvement of tide lands and adjacent lands, water ways, water areas and streams in aid of commerce, navigation and transportation, providing public facilities for shippers and others, creating a commission therefor, declaring certain laws relating thereto, and granting the power of eminent domain.

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