

STATUTES

OF THE

TERRITORY OF WASHINGTON,

MADE AND PASSED

AT A SESSION OF THE LEGISLATIVE ASSEMBLY BEGUN AND HELD AT
OLYMPIA ON THE SEVENTH DAY OF DECEMBER, 1863, AND
ENDED ON THE FOURTH DAY OF FEBRUARY, 1864.

EIGHTY-EIGHTH YEAR OF INDEPENDENCE.

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1864.

STATUTES
OF THE
TERRITORY OF WASHINGTON.
1863-64.

AN ACT

REGULATING THE TIME FOR HOLDING THE ANNUAL ELECTIONS OF THE TERRITORY OF WASHINGTON.

- SECTION 1. General elections shall be held first Monday in June.
“ 2. To take effect from passage.
Repealing clause.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the day for holding the annual election shall be the first Monday in June throughout this Territory, according to the laws regulating elections.

SEC. 2. This act to take effect and be in force from and after its passage, and all acts and parts of acts conflicting with this act are hereby repealed.

Passed January 14, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO APPORTION THE REPRESENTATION OF WASHINGTON TERRITORY IN LEGISLATIVE ASSEMBLY.

- SECTION 1. Council districts prescribed.
 “ 2. Representative districts.
 “ 3. Repealing section.
 “ 5. To take effect from passage.

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

The county of Walla-walla shall be entitled to elect one Councilman, to be elected in 1864.

The counties of Walla-walla and Spokane and Stevens and Ferguson shall be entitled to elect one joint Councilman in 1866.

The counties of Clarke, Klickitat and Skamania shall be entitled to elect one joint Councilman, to be elected in 1864, whose term of office will expire in 1865.

The counties of Clarke, Cowlitz, Wahkiakum, Pacific and Chehalis shall be entitled to elect one joint Councilman, to be elected in 1865.

The counties of Thurston and Lewis shall be entitled to elect one joint Councilman to be elected in 1865.

The counties of Pierce and Mason shall be entitled to elect one joint Councilman, to be elected in 1864.

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

The counties of Snohomish, Island and Whatcom shall be entitled to elect one joint Councilman, to be elected in 1864.

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

SEC. 2. The apportionment of Representatives in the House shall be as follows :

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

The counties of Spokane, Stevens and Ferguson shall be entitled to elect one joint Representative.

The counties of Walla-walla, Klickitat and Skamania one joint.

Klickitat and Skamania one joint. The county of Clarke three.

The counties of Cowlitz and Wahkiakum one joint.

The county of Pacific one.

The counties of Chehalis and Mason one joint.

The county of Lewis one.

The county of Thurston three.

The county of Pierce two.

The county of King one.

The counties of King and Snohomish one joint.

The county of Kitsap two.

The county of Jefferson two.

The counties of Jefferson and Clalm one joint.

The county of Island one.

The county of Clalm one.

The county of Whatcom one.

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

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

Passed January 12, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

RELATIVE TO ESTATES IN DOWER AND BY THE CURTESY.

ESTATE IN DOWER.

- SECTION 1. Widow entitled to dower.
- “ 2. Dower in case of exchange of land by husband.
- “ 3. Dower in mortgaged land.
- “ 4. Same in land mortgaged to secure purchase money.
- “ 5. When widow entitled to dower after sale on mortgage.
- “ 6. When widow entitled to dower of residue after deducting amount paid on mortgage.
- “ 7. Dower in lands aliened by husband, how estimated.
- “ 8. When dower may be assigned by probate court.
- “ 9. Warrant for the assignment of dower.
- “ 10. Commissioners to be sworn, &c.
Recording assignment; costs.
- “ 11. When estates consists of mill, &c., how dower assigned.
- “ 12. When widow may occupy with heirs.
- “ 13. 14. 15. 16. How dower may be barred.
- “ 17. Election in case of jointure.
- “ 18. Election in case of provision by will.
- “ 19. When widow deemed to have elected, to take jointure, &c.
- “ 20. When widow to be endowed anew.
- “ 21. Woman, being an alien, or residing out of Territory, to have dower.
- “ 22. Woman not to commit waste; to keep house, &c., in repair.
- “ 23. How long widow may remain in dwelling house, and have sustenance.
- “ 24. When to recover damages.
- “ 25. Measure of damages, &c.
- “ 26. Not on improvements.
- “ 27. Damages against heir alienating lands, &c.
- “ 28. Claim when barred by assignment of dower.
- “ 29. Collusive recovery not to prejudice infant heirs, &c.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the widow of every deceased person shall be entitled to dower, for the use, during her natural life, of one-third part of all the lands whereof her husband was seized of an estate of inheritance, at any time during the marriage, unless she is lawfully barred thereof.

SEC. 2. If a husband, seized of an estate of inheritance in lands, exchange them for other lands, his widow shall not have a dower of both, but shall make her election to be endowed of the lands given, or of those taken in exchange; and if such election be not evinced by commencement of proceedings to recover her dower of the lands given in exchange, within one year after the death of her husband, she shall be deemed to have elected to take her dower of the lands received in exchange.

SEC. 3. When a person seized of an estate of inheritance in lands shall have executed a mortgage of such estate before marriage, his widow shall be entitled to dower out of the lands mortgaged, as against every person except the mortgagee, and those claiming under him.

SEC. 4. When a husband shall purchase lands during coverture, and shall at the same time, mortgage his estate in such lands to secure the payment of the purchase money, his widow shall not be entitled to dower out of such lands as against the mortgagee, or those claiming under him, although she shall not have united in such mortgage; but she shall be entitled to dower as against all other persons.

SEC. 5. When, in either of the cases mentioned in the last two preceding sections, or in case of a mortgage in which she shall have joined with her husband, the mortgagee, or those claiming under him, shall, after the death of the husband, cause the mortgaged premises to be sold by virtue of such mortgage; and any surplus that shall remain after payment of the moneys due thereon, and the costs and charges of the sale, such widow shall be entitled to the interest or income of one-third part of such surplus for her life as dower.

SEC. 6. If, in either of the cases above specified, the heirs, or other person claiming under the husband, shall pay and satisfy the mortgage, the amount so paid shall be deducted from the value of the land, and the widow shall have set out to her, for her dower in the mortgaged lands, the value of one-third of the residue, after such deduction.

SEC. 7. When a widow shall be entitled to dower out of any lands which shall have been aliened by the husband in his life time, and such lands shall have been enhanced in value after

the alienation, such lands shall be estimated in setting out the widow's dower, according to their value at the time when they were so aliened.

SEC. 8. When a widow is entitled to dower in the lands of which her husband died seized, and her right to dower is not disputed by the heirs or devisees, or any person claiming under them, or either of them, it may be assigned to her, in whatever counties the lands may lie, by the judge of probate for the county in which the estate of the husband is settled, upon the application of the widow, or any other person interested in the lands; notice of which application shall be given to such heirs, devisees, or other persons, in such manner as the judge of probate shall direct.

SEC. 9. For the purpose of assigning such dower, the judge of probate shall issue his warrant to three discreet and disinterested persons, authorizing and requiring them to set off the dower by metes and bounds, when it can be done without injury to the whole estate.

SEC. 10. The commissioners shall be sworn before a judge or justice of the peace, to the faithful discharge of their duties, and shall, as soon as may be, set off the dower according to the command of such warrant, and make return of their doings, with an account of their charges and expenses, in writing, to the probate court; and the same being accepted and recorded, and an attested copy thereof filed in the office of the register of deeds of the county where the lands are situated, the dower shall remain fixed and certain, unless such confirmation be set aside or reversed on appeal, and one-half of the costs of such proceedings shall be paid by the widow, and one-half by the adverse party.

SEC. 11. When the estate out of which dower is to be assigned, consists of a mill, or other tenement which cannot be divided without damage to the whole, and in all cases where the estate cannot be divided by metes and bounds, the dower may be assigned of the rents, issues and profits, to be had and received by the widow as a tenant in common with the owners of the estate.

SEC. 12. When a widow is entitled to dower in the lands of which her husband died seized, she may continue to occupy

the same with the children or other heirs of the deceased, or may receive one-third part of the rents, issues and profits thereof, so long as the heirs, or others interested, do not object, without having the dower assigned.

SEC. 13. A married woman, residing within this Territory, may have her right of dower in any estate conveyed by her husband, or by his guardian if he be a minor, by joining in the deed of conveyance, and acknowledging the same, or by joining with her husband in a subsequent deed, acknowledged in like manner.

SEC. 14. A woman may also be barred of her dower in all the lands of her husband, by a jointure settled on her with her assent before the marriage: *Provided*, such jointure consists of a freehold estate on lands for the life of the wife at least, to take effect in possession or profit immediately on the death of the husband.

SEC. 15. Such assent shall be expressed, if the woman be of full age, by her becoming a party to the conveyance by which it is settled, and if she be under age, by her joining with her father or guardian in such conveyance.

SEC. 16. Any pecuniary provision that shall be made for the benefit of an intended wife, and in lieu of dower, shall, if assented to as provided in the preceding section, bar her right of dower in all the lands of her husband.

SEC. 17. If any such jointure or pecuniary provision be made before marriage, and without the assent of the intended wife, or if it be made after marriage, she shall make her election after the death of her husband, whether she will take such jointure or pecuniary provision, or be endowed of the lands of her husband, but she shall not be entitled to both.

SEC. 18. If any lands be devised to a woman, or other provisions be made for her in the will of her husband, she shall make her election whether she will take the lands so devised, or the provisions so made, or whether she will be endowed of the lands of her husband; but she shall not be entitled to both, unless it plainly appears by the will to have been so intended by the testator.

SEC. 19. When a widow shall be entitled to an election under either of the last two preceding sections, she shall be

deemed to have elected to take such jointure, devise, or other provision, unless, within one year after the death of her husband, she shall commence proceedings for the assignment or recovery of her dower.

SEC. 20. If a woman is lawfully evicted of lands assigned to her as dower, or settled upon her as jointure, or is deprived of the provision made for her by will or otherwise, in lieu of dower, she may be endowed anew in like manner as if such assignment, jointure, or other provision had not been made.

SEC. 21. A woman being an alien, shall not on that account be barred of her dower; and any woman residing out of the Territory shall be entitled to dower of the lands of her deceased husband, lying in this Territory, of which her husband died seized; and the same may be assigned to her or recovered by her in like manner as if she and her deceased husband had been residents within the Territory at the time of his death.

SEC. 22. No woman, who shall be endowed of any lands, shall commit or suffer any waste on the same; but every woman so endowed shall maintain the houses and tenements, with the fences and appurtenances in good repair, and shall be liable to the person having the next immediate inheritance therein, for all damages occasioned by any waste committed or suffered by her.

SEC. 23. A widow may remain in the dwelling house of her husband one year after his death, without being chargeable with rent therefor, and shall have her reasonable sustenance out of the estate for one year.

SEC. 24. Whenever, in any action brought for the purpose, a widow shall recover her dower in lands in which her husband shall have died seized, she shall be entitled also to recover damages for the withholding of such dower.

SEC. 25. Such damages shall be one-third part of the annual value of the mesne profits of the lands in which she shall so recover her dower, to be estimated in a suit against the heirs of her husband, from the time of his death, and in suits against other persons from the time of her demanding her dower of such persons.

SEC. 26. Such damages shall not be estimated for the use of any permanent improvements made after the death of her

husband, by his heirs, or by any other person claiming title to such lands.

SEC. 27. When a widow shall recover her dower in any lands alienated by the heir of her husband, she shall be entitled to recover of such heir in a civil action her damages for withholding such dower, from the time of the death of her husband to the time of the alienation by the heir, not exceeding six years in the whole ; and the amount which she shall be entitled to recover from such heir shall be deducted from the amount she would otherwise be entitled to recover from such grantee, and any amount recovered as damages from such grantee, shall be deducted from the sum she would otherwise be entitled to recover from such heir.

SEC. 28. When the widow shall have accepted an assignment of dower in satisfaction of her claim upon all the lands of her husband, it shall be a bar to any further claim of dower against the heir of such husband, or any grantee of such heir, or any grantee of such husband, unless such widow shall have been lawfully evicted of the lands so assigned to her as aforesaid.

SEC. 29. When a widow, not having right to dower, shall, during the infancy of the heirs of her husband, or any of them, or of any person entitled to the lands, recover dower by the default or collusion of the guardian of such infant heir, or other person, such heir, or other person so entitled, shall not be prejudiced thereby ; but when he comes of full age, he shall have an action against such widow to recover the lands so wrongfully awarded for dower.

ESTATES BY THE CURTESY.

SECTION 30. When husband to hold as tenant by the curtesy.

“ 31. Conflicting laws repealed.

“ 32. Act to take effect from passage.

SEC. 30. When any man and his wife shall be seized in her right of any estate of inheritance in lands, the husband shall, on the death of his wife, hold the lands for his life, as tenant thereof by curtesy: *Provided*, that if the wife, at her death, shall leave issue by any former husband, to whom the estate

might descend, such issue shall take the same, discharged from the right of the surviving husband to hold the same as tenant by the curtesy.

SEC. 31. All acts or parts of acts in conflict with this, are hereby repealed.

SEC. 32. This act to take effect and be in force from and after its passage.

Passed January 30, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO ENABLE ALIENS TO ACQUIRE AND CONVEY REAL ESTATE.

SECTION 1. Aliens placed on same footing as native born.

“ 2. Conveyances heretofore not defeated because of alienage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any alien may acquire and hold lands, or any right thereto, or interest therein, by purchase, devise or descent; and he may convey, mortgage and devise the same, and if he shall die intestate, the same shall descend to his heirs, and in all cases such lands shall be held, conveyed, mortgaged or devised, or shall descend in like manner and with like effect as if such alien were a native citizen of this Territory, or of the United States.

SEC. 2. The title to any lands heretofore conveyed shall not be questioned, nor in any manner affected by reason of the alienage of any person from or through whom such title may have been acquired.

Passed January 27, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE SUITS FOR DIVORCE AND ALIMONY," PASSED JAN. 19, 1863.

SECTION 1. Three months residence sufficient in case of desertion and abandonment.

Notice by four weeks publication.

" 2. Act to take effect from passage.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section 3 of the act of which this act is amendatory be so amended as to read as follows, to-wit :

" Any person who has been a resident of the Territory for three months preceding the time of filing complaint, may file his or her complaint for a divorce, or decree of nullity of marriage under oath in the district court of district where he or she may reside, and like proceedings shall be had thereon as in other civil cases, and notice by publication four successive weeks in a newspaper published in the Territory, in cases of abandonment and desertion shall be deemed sufficient notice." 5

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

Passed January 27, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

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

SECTION 1. Sec. 57, civil practice, page 95, laws 1862-63, amended. Certain objections by demurrer, taken at all stages of proceedings.

Plea to jurisdiction and insufficiency of complaint never waived.

- SECTION 2. Sec. 377, civil practice, page 166, laws 1862-63, amended.
When writ of error taken and returnable.
Effect of judgment against plaintiff in error for failure to prosecute.
Proviso, saving parties under disability.
- “ 3. Sec. 387, civil practice, page 168, laws 1862-63, amended.
Measure of costs and damages in supreme court.
- “ 4. Act to take effect from passage.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section 57 of the act to which this is amendatory, shall be so amended as to read :

“If no objection be taken either by demurrer or answer, the defendant shall be deemed to have waived the same, excepting always the objection that the court has not jurisdiction, or that the complaint does not state facts sufficient to constitute a cause of action, which objection can be made at any stage of the proceedings, either in the district or supreme court.”

SEC. 2. Sec. 377 of the said act to which this amendatory, shall be so amended as to read :

“Every such writ shall be taken within three months or more next succeeding the term of the district court at which the final judgment, order or decision of the district court is made. Notice of the taking of such writ shall be served upon the adverse party or his attorney of record, and if served twenty days or more preceding the first day of any term of the supreme court, shall be docketed for trial at such term, and the failure of the plaintiff in error to appear and prosecute his said writ of error, shall be ground for dismissal thereof ; and a writ of error dismissed for want of diligence in the prosecution thereof, or laches of the plaintiff in error, shall be conclusive against said plaintiff, and entitle the defendant in error to affirmance of the judgment below, with costs : *Provided*, That if the party entitled to have such writ shall be absent from the Territory, and shall not have been personally served with process nor appeared to the action, or if such party be an infant, married woman, or imprisoned or insane, then such writ may be made returnable to the next term of the supreme court succeeding the removal of such disability and not afterwards.”

SEC. 3. That section 387 be amended as follows :

“In case the judgment in the court below shall have been for a sum of money, and shall be affirmed against the plaintiff in error, or the writ of error dismissed, damages may be awarded, in the discretion of the court, to the defendant in error not exceeding ten per cent. on the amount of interest and costs of such judgment,”—and the remainder be, and the same is hereby repealed.

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

Passed January 30, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

FIXING THE TERMS OF THE SUPREME COURT.

SECTION 1. Terms commence first Monday of December.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the supreme court shall assemble at the capital on the first Monday of December in each year, to continue as long as may be necessary, and all laws in conflict with this act are hereby repealed.

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

Passed January 20, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

ASSIGNING THE DISTRICT JUDGES OF WASHINGTON TERRITORY.

SECTION 1. Hon. E. P. Oliphant assigned to first district.

“ 2. Hon. James E. Wyche assigned to second district.

“ 3. Hon. Christopher C. Hewitt assigned to third district.

“ 4. Judge empowered to hold court in other district.

“ 5. To take effect from passage; repealing clause.

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

SEC. 2. That the Honorable James E. Wyche be, and he is hereby assigned to the second judicial district, and to reside therein.

SEC. 3. That the Honorable C. C. Hewitt be, and he is hereby assigned to the third judicial district, and to reside therein.

SEC. 4. Each of the said district Judges may hold court or discharge their judicial duties in any other district than the one to which assigned, in case of the absence, sickness or other disability of any one of the Judges assigned to such other district.

SEC. 5. This act to take effect and be in force from and after its passage, and all conflicting acts are hereby repealed.

Passed January 22, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

IN RELATION TO THE DISTRICT COURTS.

- SECTION 1. The three judicial districts defined.
- “ 2. The terms of said district courts prescribed.
- “ 3. Territorial jurisdiction of district courts limited.
- “ 4. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the counties of Walla Walla, Stevens and Ferguson, shall compose the First Judicial District. The counties of Klickitat, Skamania, Clarke, Wahkiakum, Cowlitz, Pacific, Chehalis, Lewis, Thurston and Mason shall compose the Second Judicial District. The counties of Pierce, King, Kitsap, Jefferson, Clallam, Whatcom, Island and Snohomish shall compose the Third Judicial District.

SEC. 2. The times and places of holding the district courts shall be as follows: The terms of the district court for the First Judicial District shall be held at Walla Walla, on the first Mondays of April and October, of each year, and shall continue for four weeks unless sooner adjourned. The terms of the district court for the Second Judicial District shall be held at Vancouver, on the second Monday of March and third Monday of October, and at Olympia on the first Monday of May and Second Monday of November of each year, and the said terms shall continue for the term of three weeks unless sooner adjourned. The terms of the district court for the Third Judicial District shall be held at Port Townsend, on the first Monday of March and the first Monday of September, and shall continue for the term of four weeks unless sooner adjourned; and at Seattle on the second Monday of April and the second Monday of October, and shall continue for the term of two weeks unless sooner adjourned; and at Steilacoom on the third Monday of May and first Monday of November of each year, and shall continue for the term of two weeks unless sooner adjourned.

SEC. 3. The jurisdiction of the district court holding terms at Walla Walla, shall be in and for the counties of Walla Walla, Stevens and Ferguson. The jurisdiction of the district court holding terms at Vancouver, shall be in and for the counties of Klickitat, Skamania, Wahkiakum, Clarke, Cowlitz and Pacific.

The jurisdiction of the district court holding terms at Olympia, shall be in and for the counties of Thurston, Lewis, Chehalis and Mason. The jurisdiction of the district court holding terms at Steilacoom, shall be in and for the county of Pierce. The jurisdiction of the district court holding terms at Port Townsend, shall be in and for the counties of Jefferson, Clallam, Whatcom and Island. The jurisdiction of the district court holding terms at Seattle, shall be in and for the counties of King, Kitsap and Snohomish.

SEC. 4. This act to take effect and be in force from and after its passage, and all acts or parts of acts in conflict or inconsistent herewith, are hereby repealed.

Passed January 19, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

EXPLANATORY OF "AN ACT IN RELATION TO THE DISTRICT COURTS," PASSED JANUARY 19, 1864.

SECTION 1. Spring term, 1864, Port Townsend court, to commence 2d Monday of June.

" 2. Spring term, 1864, Seattle court, to commence 4th Monday of June.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the second section of said act be so amended, that the ensuing Spring term of the United States District Court shall be held on the 2d Monday of June, at Port Townsend, to continue for three weeks, unless sooner adjourned, instead of the first Monday of March, as provided for in the original act.

SEC. 2. That the United States District Court at Seattle,

for the ensuing Spring term, shall commence on the 4th Monday of June, and continue for two weeks, unless sooner adjourned, instead of the 2d Monday of April, as provided for in the original act.

Passed January 30, 1864.

C. CROSBY,
Speaker of the House of Representatives.
 O. B. McFADDEN,
President of the Council.

AN ACT

SUPPLEMENTAL TO "AN ACT IN RELATION TO THE DISTRICT COURTS, PASSED JANUARY 19, 1864.

- SECTION 1. As to the empannelling of grand and petit jurors.
 Venires to Territorial courts heretofore established, shall be to district court which supersedes such court.
 Venires to February term, 1864, of U. S. district court, at Olympia, returnable to May term of said court.
 Clerk to notify said jurors by publication.
- " 2. Records to be kept at place of holding court.
 Clerk shall reside at place of holding court.
- " 3. Clerk to procure seal designating district.
- " 4. Cases, &c., transferred to proper U. S. district court.
- " 5. Territorial courts heretofore established, abolished.
- " 6. Repealing section.
- " 7. Act to take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the grand and petit jurors for the several United States District Courts named in the bill to which this is a supplement, shall be drawn from the counties comprising the several districts as defined in said act, in the same manner as heretofore done for each judicial district, and be subject to the same duties, liabilities and penalties for default as is now provided by law: *Provided,* That where venires have issued for the summoning of grand and petit jurors, and made returnable to any Territorial or United States District Court, as existing prior to the passage of the act to which this is a supplement, the same shall be returnable to the proper United

States District Court having jurisdiction within and for the counties to which said venires issued, and the venires issued from the United States District Court at Olympia, for the 3d Judicial District, and returnable to the February term thereof, shall, so far as they relate to the counties of Lewis, Chehalis, Mason and Thurston, be returnable to the term of the United States District Court at Olympia, to be held on the first Monday of May next, the same being the United States District Court in the 2d Judicial District, having jurisdiction for the said counties of Lewis, Chehalis, Mason and Thurston, and it shall be the duty of the clerk of the said court, by publication for four consecutive weeks, in two newspapers published in said district, to notify said grand and petit jurors to be and appear at the May term of said court.

SEC. 2. The books, records and papers belonging to each of such district courts as now established by law, shall be kept at the place of holding said courts respectively, by the clerk of said court, or by his deputy duly qualified, who shall keep his office and be a resident of the place at which said district court is held.

SEC. 3. The seal of the said district courts established by the act to which this is supplementary, shall be provided by the clerk thereof, and shall designate the district in which such court is held.

SEC. 4. All actions, matters and causes, civil and criminal, which now are or may be instituted, or pending, up to the first day of March, 1864, in any Territorial or United States District Court existing by force of laws passed prior to the passage of the act to which this is supplementary, shall be and are hereby transferred to and docketed in the proper district court, as established in the act to which this is a supplement, having jurisdiction of the district or county in which such action was commenced, or within which an offence was committed or is properly triable, regardless of any change of districts or names of districts created and established by the act to which this is amendatory.

SEC. 5. The Territorial courts heretofore established and respectively entitled : "the District Court of Port Townsend," "the District Court of the County of Pierce," and "the District

Court of the County of Spokane," be and the same are hereby abolished, and all papers, records and matters pertaining to said courts in possession of the clerks thereof, severally, shall be delivered on or before the first Monday of February, 1864, by the respective clerks thereof, to the clerk of the United States District Court which supersedes and takes the place, respectively, of such Territorial or District Courts.

SEC. 6. All acts or parts of acts in conflict or inconsistent herewith are hereby repealed.

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

Passed January 27, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT DEFINING THE JURISDICTION AND PRACTICE IN THE PROBATE COURT."

SECTION 1. Sections 385 and 389 of probate practice act, page 272, laws of 1862-63, amended.

County liable for expenses of indigent, insane, &c.

If estate of insane decedent insufficient, county liable.

" 2. Act to take effect from passage; repealing clause.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act to which this is amendatory be amended as follows :

"Sec. 385. The county shall in all cases where the person is indigent, be at the expenses of such conveyance, and in case of death before entering the asylum, be chargable with the funeral expenses.

"Sec. 389. When any person shall be found to be insane, or coming within the provisions of this act, the cost of the proceeding shall be paid out of his estate, or if that be insufficient, by the county."

SEC. 2. This act to take effect and be in force from and after its passage, and all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Passed January 30, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO LIMIT THE JURISDICTION OF THE PROBATE COURT.

SECTION 1. Repealing all parts of acts conferring civil and criminal jurisdiction on probate courts.

“ 2. Appeals in civil and criminal cases from justice of the peace to be to district court.

Word “district” substituted for “probate” in justices’ act.

“ 3. Probate courts deprived of civil and criminal jurisdiction.

“ 4. Civil and criminal causes pending in probate court transferred to proper district court.

“ 5. Conflicting acts repealed.

“ 6. Act to take effect from passage.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That so much of the act of the Legislative Assembly entitled “An act defining the jurisdiction and practice in the probate courts of the Territory of Washington,” passed January 16, 1863, as confers either original, appellate or concurrent civil and criminal jurisdiction upon the probate courts of said Territory be, and the same is hereby repealed.

SEC. 2. That so much of the act entitled “An act relating to justices of the peace and to their practice and jurisdiction,” passed January 23, 1863, as provides that writs of certiorari to and appeals from the judgment of justices of the peace shall be tried by the probate courts of the respective counties, be and

the same is hereby repealed, and in such justice's' practice act wherever the word "probate" occurs, substitute therefor and read "district;" it being the intention of this section to secure to parties who desire to appeal from a judgment of a justice of the peace, that such appeal shall be tried by the proper district court.

SEC. 3. This act shall limit the jurisdiction of probate courts by depriving them of original, concurrent or appellate jurisdiction in civil actions, or prosecutions for crimes or misdemeanors.

SEC. 4. All actions, civil and criminal, which now are, or which may be instituted or pending up to the first day of March, 1864, in any probate court in the Territory of Washington, by virtue of the act conferring civil and criminal jurisdiction on said probate courts, shall be and are hereby transferred to and docketed in the proper district court having jurisdiction of the district or county in which such action has commenced, or within which an offence was committed or is properly triable; and all papers, records and matters pertaining to said causes in the probate courts of the several counties, in the possession of the clerks thereof, shall be delivered on or before the first Monday of March, 1864, by the respective clerks thereof, to the clerk of the United States district court to which the said jurisdiction attaches.

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

SEC. 6. This act to take effect from and after its passage.
Passed January 28, 1864.

C. CROSBY,
Speaker of the House of Representatives.

O. B. McFADDEN,
President of the Council.

AN ACT

FIXING THE TIMES FOR HOLDING COUNTY COMMISSIONERS COURTS.

- SECTION 1. Counties in which four terms held annually.
- “ 2. Counties holding two terms annually.
Lewis and Chehalis hold spring term on third Monday of April.
- “ 3. Repealing clause.
Proviso allowing special terms.
- “ 4. To take effect from passage.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the regular sessions of the board of county commissioners in the counties of Stevens, Island, Jefferson and Thurston shall commence on the second Mondays of February, May, August and November, at each of which they shall transact any business which may be required by law.

SEC. 2. The regular sessions of the board of county commissioners in the counties of Klickitat, Skamania, Ferguson, Clarke, Cowlitz, Wahkiakum, Pacific, Chehalis, Lewis, Mason, Pierce, King, Kitsap, Snohomish, Whatcom and Clalm, shall commence on the second Mondays of May and November, except that in Lewis and Chehalis counties, the spring terms of said court shall be held on the third Monday of April, at each of which they shall transact any business which may be required by law.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided*, That nothing contained in this act shall be so construed as prohibiting the county commissioners from calling and holding special sessions of their courts at any time or times they may deem necessary.

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

Passed January 30, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT CREATING THE BOARD OF COUNTY COMMISSIONERS AND DEFINING THEIR DUTIES," PASSED JANUARY 27, 1863.

- SECTION 1. Certain business to be done at May term instead of November.
 " 2. To take effect from passage.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That sections 16 and 17 of the act to which this is an amendment be amended by striking out the word "November" where it occurs in said section, and inserting May.

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

Passed January 30, 1864.

C. CROSBY,
Speaker of the House of Representatives.
 O. B. McFADDEN,
President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATIVE TO THE SALE OF SCHOOL LANDS," PASSED JAN. 19, 1863.

- SECTION 1. Whatcom county exempted from act to which this is amendatory.
 " 2. Act to take effect from passage.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section 8 of the act to which this is an amendment be amended by striking out the word "Whatcom" where it occurs in said act.

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

Passed January 29, 1864.

C. CROSBY,
Speaker of the House of Representatives.
 O. B. McFADDEN,
President of the Council.

AN ACT

AUTHORIZING COUNTY COMMISSIONERS TO LEASE PUBLIC
ROADS.

- SECTION 1. When road may be leased to private parties ; who may collect toll.
- “ 2. Clallam and Walla Walla counties excluded from provisions of this act.
County auditor to advertise for bids for such road.
What notice shall contain, &c.
- “ 3. Bid to be guarantied by bond.
- “ 4. Lease to be signed by lessee, approved by commissioners.
Bond of lessee to be filed.
Requisites of bond.
- “ 5. Qualification of sureties.
- “ 6. Leased roads to be cleared of standing timber.
What contract shall specify.
General duties of lessee.
- “ 7. Requisites to be complied with before toll can be received.
Number of toll gates not to be increased, but may be re-located.
- “ 8. Rates of toll to be specified in lease.
Penalty on party evading payment of toll.
Penalty for lessee collecting illegal rate of toll.
- “ 9. Who exempted from paying toll.
- “ 10. County commissioners may modify lease.
How lease may be declared forfeited.
- “ 11. Classes of persons and property on which toll is chargeable.
- “ 12. Basis on which tolls shall be charged.
- “ 13. What shall be specified in order of county commissioners.
What the bid shall specify.
- “ 14. Power of commissioners as to acceptance or rejection of bids.
- “ 15. To take effect from passage. †

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That whenever a public road in any county in this Territory is or may hereafter be so located, that there is little or no local labor along the line of said road, the county commissioners of the county where such road, or any portion of the same is or may hereafter be located, upon the petition of a majority of the citizens in the district through which

said road is located, are hereby authorized to lease such road, or any portion of the same, for a period not exceeding ten years, with the right, in consideration thereof, to collect and receive tolls for travel thereon, in the manner provided in this act.

SEC. 2. Whenever it becomes expedient and lawful, under the provisions of this act, to lease a public road, or any specified section thereof, the county commissioners, (Clallam and Walla Walla counties excluded from the provisions of this bill,) shall make an order to that effect, specifying therein the termini thereof, and directing the county clerk to cause the same to be published in some weekly newspaper of general circulation therein, or in the adjoining county, and if there be no paper published as aforesaid, then in some weekly newspaper published in the Territory nearest the road in question, for a period not less than four weeks, and in like manner to give notice therewith, that sealed bids will be received at such clerk's office, for the leasing of such road, until a particular hour of a certain day thereafter, not more than ten days after the expiration of the publication of such order and notice, and shall also cause written notices to the same effect to be posted at four of the most conspicuous points in said county during the same period as is required for publication.

SEC. 3. No bid shall be considered unless accompanied by an undertaking executed by two or more sureties, in the sum of two thousand dollars, to be approved by the board of county commissioners, or by the clerk thereof, to be void upon the condition that the bidder, if the lease is awarded to him, will within ten days thereafter, enter into the contract for keeping the road and give the undertaking to secure the performance thereof, as hereafter provided.

SEC. 4. The contract for the lease shall be subscribed by the lessee and approved by the county commissioners, and filed with the county clerk. At the time of filing the contract, the lessee shall give an undertaking to the county, in a sum to be fixed by the county commissioners, not less than two thousand or more than ten thousand dollars, with two or more sufficient sureties, to be void upon the condition that the lessee will faithfully perform the contract in relation to such road and comply with the provisions of this act concerning the same.

SEC. 5. The sureties of the undertaking mentioned in the last section, shall have the qualification of bail upon arrest, and shall justify in like manner before the county commissioners or the clerk thereof.

SEC. 6. A road leased under this act shall be cleared of standing timber, and have a track for traveling of such width, and be kept in such order, and be of such grade and material, and the streams or other waters on the line thereof shall be bridged or ferries established thereon, in such places as the contract shall specify.

SEC. 7. No tolls shall be collected for travel on such road except at a gate, nor unless a sign-board be posted at such gate in full view of the travel on the road, with the rates of toll plainly printed or written thereon. The lessee shall specify the number of gates that may be placed on the road to which it relates, and the location thereof, and thereafter the number of such gates shall not be increased; but the county commissioners, upon the application of the lessee, may, at any time for good reason, authorize the lessee to change the location of such gates or any of them.

SEC. 8. The rates of toll that the lessee may collect and receive shall be specified in the lease, and none other can be charged, and any person who shall pass through a gate upon such road without paying the toll legally charged thereat, or when traveling on such road shall go around such gate with intent to avoid the payment of such toll, and any lessee of such road, who shall by himself, his agents, collect or receive of any person illegal toll for traveling on such road, shall be liable to such person for three times the amount of such toll.

SEC. 9. No person while traveling from one portion of his farm to another, with or without any stock or vehicle, or persons in his employ, or in going to or returning from church, funeral or an election, shall be required to pay toll for traveling on such road.

SEC. 10. The county commissioners are hereby authorized, upon the application of the lessee, to cancel or modify the lease upon such terms as may be equitable and just, and the proper prosecuting attorney may, upon complaint to him by the county commissioners of the proper county, maintain an action against

the lessee in the name of the county, to have such lease declared forfeited, whenever the lessee shall fail or neglect to comply with the provisions thereof, and of this act.

SEC. 11. Tolls are chargeable by the lessee upon the following items or classes of persons or property :

1st. Sheep and hogs.

2d. Horses, mules or neat cattle, whether being used for draught, led or driven loose.

3d. Each horse and rider, and footman.

4th. A two wheeled vehicle, loaded or unloaded.

5th. A four wheeled vehicle, loaded or unloaded.

SEC. 12. The rate of tolls to be charged by the lessee upon each item or class specified in the last section :—The basis or unit of toll is the charge for a sheep or hog, to be known as a single toll ; for any animal described in subdivision two of such section, four such tolls may be charged ; for any person described in subdivision three of such section, ten such tolls may be charged ; for any vehicle described in subdivision four of such section, twenty such tolls may be charged ; for any vehicle described in subdivision five of such section, forty such tolls may be charged.

SEC. 13. The order mentioned in section two shall specify the number of gates to be placed on the road, the grade of the road, the materials of the construction thereof, and the period for which the same is to be let. The bid shall specify the unit or rate of toll upon a sheep or hog which the bidder is willing to accept for keeping the road, and such bid shall be deemed a bid for tolls, as the other items or clauses mentioned in section eleven, in the proportion of such unit or rate as specified in section twelve.

SEC. 14. Upon opening of the bids, the lease shall be awarded to the lowest bidder, having due reference to the fact of which of them is best qualified for the undertaking ; the county commissioners have the power and it is their duty to reject any or all bids when there appears sufficient cause, and may subsequently re-offer and let the same.

SEC. 15. This act to take effect and be in force from and after its passage.

Passed January 15th, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO PROVIDE FOR THE ASSESSING AND COLLECTING TERRITORIAL AND COUNTY REVENUE.

- SECTION 1. Poll tax due by all white males between 21 and 50 years.
 Poll tax to be two dollars.
 Poll tax to be for county purposes.
 Two mills on property for Territory.
 Two mills on property for school purposes.
 Not to exceed 5 mills for county.
- “ 2. Property exempt from taxation.
- “ 3. Where and in whose name lands shall be assessed.
- “ 4. Personal property taxable in county where owner resides.
 What shall be deemed and taxed as personal property.
- “ 5. As to property of foreign corporations or foreigners.
 Person controlling such property liable.
- “ 6. When assessment shall be made.
 How and what assessment shall contain.
- “ 7. Improvements on lands claimed under U. S. law taxed as
 personal property.
- “ 8. Assessor may require list of property under oath.
 Penalty for party refusing to return or make oath.
 Duty of assessor in such cases.
- “ 9. Assessor to correct roll and make return to May term of
 county commissioners court.
- “ 10. Of alterations of said roll by county court.
 Amount of county tax to be fixed at May term.
- “ 11. County auditor to transmit approved assessment roll to
 Territorial auditor.

- SECTION 12. Duty of Territorial auditor on receiving assessment from counties.
Territorial treasurer to record the same.
Territorial treasurer to charge each county with quota of Territorial tax.
- “ 13. Duty of county auditor in furnishing assessment roll to county treasurer.
Fifty per cent. valuation to be added to property of persons refusing to make return to assessor.
- “ 14. Taxes may be paid to county treasurer before Oct. 1st.
County orders received and credited by amount of county tax.
Collectors to keep record of endorsements upon county orders, &c.
Commission of county treasurer for collecting.
- “ 15. Duty of county treasurer as to taxes unpaid Oct. 1st.
County auditor to add ten per cent. to such taxes.
To issue warrant commanding sheriff to collect by sale.
Sheriff's proceedings returnable 1st November.
- “ 16. Mode of proceeding by sheriff against delinquents.
Six days notice of sale of property seized.
Of sale by sheriff of seized property.
- “ 17. Of returns by sheriff against delinquents.
• Commission of sheriff for services against.
- “ 18. After return of sheriff, delinquent taxes draw twenty-five per cent. interest.
Taxes on real estate a perpetual lien.
Not a lien against U. S. or Territory.
- “ 19. Proceedings for sale of real estate for delinquent tax.
- “ 20. When unsold, become county property.
- “ 21. County treasurer to give certificate of purchase.
When purchaser fails to pay within forty-eight hours, reverts to county.
Fees of county treasurer.
- “ 22. Duty of county treasurer and auditor as to lands becoming county property.
Taxes to be assessed annually on said lands and added as delinquent.
- “ 23. Former owner may redeem within two years.
What redemption he shall pay.
Failure to redeem, purchaser shall have deed.
- “ 24. When county becomes owner, how lands, &c., may be redeemed.
Certificate of redemption, what shall contain.
- “ 25. Proceedings as to delinquent poll tax.

- SECTION 26. Of the correction of errors in assessments or tax rolls.
- “ 27. Duties of county treasurer as to Territorial tax.
- “ 28. Of settlement with county treasurer at May term.
- “ 29. Penalty for county treasurer or other officer failing to pay over.
- “ 30. Of sales of property wrongfully made.
- “ 31. Compensation may be allowed for preparing rolls, &c. Costs of publication shall be allowed by county.
- “ 32. Records, &c., required by this act declared as evidence.
- “ 33. County responsible for delinquent school tax.
- “ 34. Court fund abolished and merged in county fund.
- “ 35. Poll tax law passed Jan. 28, 1863, repealed.
All conflicting laws repealed.

ARTICLE FIRST.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all taxes for the support of the government of this Territory, on polls of white male inhabitants between twenty-one and fifty years of age, and on property valued in equal and rateable proportion, and for county expenditures to be determined by the county commissioners; and the amount of poll tax by this act shall be two dollars upon every white male inhabitant over twenty-one and under fifty years of age in this Territory, which poll tax shall be paid into the county treasury for county purposes. There shall also be levied a tax of two mills upon every dollar's worth of real and personal property in this Territory, for territorial purposes, and two mills for school purposes, and not to exceed five mills for county purposes.

SEC. 2. All church property, to the amount of two lots on which a church is erected in a town, and one acre of land on which a church is erected in the country, or any benevolent, charitable, literary or scientific institution, or invested for the use of the same, or held by trustees; all real and personal property belonging to this Territory, or any county thereof; all school houses and school lands, public libraries, and all places of burial, and the property of all Indians shall be exempt from taxation.

SEC. 3. All lands liable to taxation shall be assessed in the county in which the same may be, in the name of the owner or

occupant thereof, and all unoccupied lands, where the name of the owner is unknown, shall be assessed as lands of persons unknown.

SEC. 4. All persons shall be taxed for their own personal property and for all personal property under their control liable to be taxed, in the county where they may reside, and for all moneys loaned at interest, and the term personal property shall include all household furniture, goods, chattels, moneys and gold dust on hand or on deposit within this Territory, all boats and vessels, whether at home or abroad, and all capital invested therein, all debts due exceeding indebtedness or to become due from solvent debtors, whether on account, contract, note, mortgage, or otherwise, all public stocks or shares in all incorporated companies liable to taxation on their capital as shall not be invested in real estate.

SEC. 5. Personal property belonging to any foreigner or foreign incorporation company, not in bonds or transitu, shall be taxed in the county in which it is situated, and the persons having control of the same shall be liable for the tax.

SEC. 6. The assessor of each county, between the first Monday of February and the first of May, shall ascertain the names of all persons in such county liable to taxation, and also all taxable property therein, and shall prepare an assessment roll, in which shall be set down in separate columns :

- 1st. The names of all taxable persons in such county.
- 2d. A concise description of all real estate taxable to each.
- 3d. The full cash value thereof.
- 4th. The value of the personal property taxable to each.
- 5th. A description of all city or town lots taxable to each, and their value.
- 6th. The total value.

And when any person is assessed as trustee, guardian, executor or administrator, a designation of his representative character shall be added to his name, and such assessment shall be entered in a separate column from his individual assessment.

SEC. 7. When any person shall be occupying and claiming any lands by virtue of the law of the United States granting lands to actual settlers thereon, the improvements shall be valued as part of the personal property of such owner.

SEC. 8. Any assessor may require any person liable to taxation in his county, to furnish a list of his real estate, city and town lots, liable to taxation in the county, and a list of personal property liable to taxation, and may require such person to make oath that such list contains a full and true account of all his property liable to be taxed in the county ; and if any person refuse to furnish such list, or to swear to the same when required so to do by the assessor, the assessor may ascertain the taxable property of any such person from the best information to be derived from other sources, and shall enter such refusal to furnish a list, or to swear or affirm, upon his roll.

SEC. 9. Every assessor, after the correction of all errors in the assessment roll, according to the provisions of the act relating to county assessors, shall deliver the corrected assessment roll to the board of county commissioners on or before their annual session in May.

SEC. 10. The county commissioners of such county shall, at their session in May, examine the assessment roll of their county, and shall have power to make all alterations and corrections in such roll as they shall deem necessary to make the same conform to the requirements of this act, and shall also determine the amount of money to be raised in their county for county purposes, and apportion such amount, together with the territorial tax and the school tax, required by law to be apportioned on the valuation of taxable property in their county for the year, and levy a tax therefor, and cause such orders to be entered at large upon their records.

SEC. 11. Within twenty days after the assessment roll of any county has been examined, corrected and approved by the board of county commissioners, the county auditor shall transmit to the territorial auditor a certified copy thereof, under the seal of the board.

SEC. 12. It shall be the duty of the territorial auditor, on receiving such copies of the assessment rolls, to estimate the amount of tax to be collected in each county for territorial purposes, and make a statement thereof and carefully preserve the same in his office, and he shall also deliver a certified copy of such statement to the territorial treasurer, who shall record the same in a book kept for that purpose, and the territorial treas-

urer shall also charge the respective counties with the amount of tax so ascertained to be raised in each.

SEC. 13. The county auditor shall, within fifteen days after the adjournment of the May session of the board of county commissioners, estimate the amount of taxes due on the valuation of property in his county, and shall make out a duplicate assessment roll, which shall contain, in addition thereto, columns showing the amount of the territorial, school and county tax, and the total amount of each column of valuation, and shall deliver a copy of such roll to the county treasurer and charge such treasurer with the amount of such taxes: *Provided*, that when any person shall be returned on the assessment roll as having refused to furnish a list, or to swear to such list when required by the assessor, the county auditor shall add fifty per cent. to the valuation of the property of such person and estimate the amount of his tax thereon.

SEC. 14. All persons liable to taxation may, before the first day of October in each year, pay their taxes to the county treasurer; county orders shall be received in payment of county taxes to an amount not exceeding such tax, and the treasurer, sheriff or tax collector be and he is hereby authorized to give credit upon the back of county orders, which amount shall be deducted from the original order thereafter, and the said treasurer, sheriff or tax collector shall keep a correct account of all credits made, and present the same to the county commissioners in his annual settlement with them. Such county treasurer shall give a receipt for the payment of taxes, if required, therein describing the lands or town lots, or specifying the amount of personal property on which the same is paid, and shall note on his roll the payment thereof, and shall be entitled to retain four per cent. upon all taxes received and paid out as his fees.

SEC. 15. The county treasurer shall, within ten days after the expiration of the time allowed for the payment of taxes, make out a schedule of unpaid taxes, in form of a duplicate assessment roll, verified by affidavit, and deliver the same to the county auditor, who shall add ten per cent. to the amount of such unpaid taxes, and forthwith issue a transcript of such schedule, with the ten per cent. added to such taxes, with a warrant attached thereto, in the name of the United States, un-

der his hand and the seal of the board of county commissioners, to the sheriff of the county, commanding him to collect the taxes charged in such transcript, by demanding payment of the persons chargeable therein, and making sale of the goods and chattels of such persons if necessary, and to return the same to such auditor on or before the first of November next ensuing thereafter, and such auditor shall charge such sheriff with the amount of money to be collected in such transcript.

SEC. 16. The sheriff shall proceed to call once on each person named in the transcript, and collect the taxes charged, as provided in this act, and if not then paid, shall levy the same on the goods and chattels of such person and give six days notice of the time and place of sale and the property to be sold, by posting up advertisements in four public places in the county, and sell the same at public auction, and if such property shall sell for more than the taxes, cost and damages, the surplus shall be paid to the owner thereof, and such sheriff shall receive the ten per cent. added to the tax by the county auditor for fees of collection, and in case of sale, his usual fees for sales of property on executions; provided, that any person, before sale of his property, may pay all taxes, per centage and costs, and stop such sale.

SEC. 17. The sheriff shall pay to the county treasurer the amount of money collected by him from time to time, as often as once a month, and before the return day of such transcript, and shall take his receipt therefor, and shall return to the auditor, with his transcript and warrant, on or before the first Monday in November ensuing, a delinquent list of all taxes remaining unpaid, setting down such as are due and unpaid on lands, or city or town lots, with a proper description thereof, and such as are due and unpaid by any person on personal property, or as a poll tax, verified by affidavit, and shall, on settlement with such auditor, be allowed the amount of receipts given to him by the county treasurer, and the amount of taxes returned by him delinquent to such auditor, and the ten per cent. allowed him by law for collection.

SEC. 18. From the date of the sheriff's return, all taxes unpaid are delinquent, and shall draw interest at the rate of twenty-five per cent. per annum, and taxes on lands, city or

town lots are hereby made a perpetual lien thereupon, against all persons except the United States and this Territory.

SEC. 19. The county auditor shall, within twenty days, make out two lists of such lands, city and town lots returned as delinquent, with the amount of taxes due thereon, and deliver one list to the county sheriff, who shall advertise such list in some newspaper in the county, or if there be no such newspaper in the county, then in some newspaper of general circulation in the Territory, for three weeks successively, before the first Monday in December, and shall also post such list in six public places in his county, for three weeks before such first Monday in December, and shall proceed to sell at public auction, to the highest bidder, on the first Monday in December, between the hours of ten o'clock, A. M., and five o'clock, P. M., at the county seat, all delinquent lands and city and town lots, the unpaid tax on which and accruing interest and costs shall not have been paid before such time, and shall continue such sale from day to day until all such lands and town lots shall be sold, or shall have been twice offered for sale, and the sheriff shall receive five per cent. on all such sales as his fees therefor.

SEC. 20. When any lands or town lots cannot be sold for the amount of taxes, interest and charges thereon, such lands and town lots shall be passed over and re-offered for sale before the close of such sale, and if the same cannot be then sold for the amount, such lands and town lots shall be purchased by the county treasurer for the amount due thereon, as county property.

SEC. 21. The county treasurer shall, on the payment to him, within forty-eight hours, of the amount bid on any land, city or town lot, make out a certificate of purchase of such land or lot, in the name of the Territory of Washington, signed by such treasurer in his official name, to such purchaser, which shall be held to convey all right, title and interest of the person in whose name such land or town lot shall have been taxed, except as hereinafter provided, and when such payment shall not be made within forty-eight hours, such lands and town lots shall be considered as sold to the county. The county treasurer shall be entitled to a fee of one dollar for every such certificate of purchase, and any number of tracts of land or lots may be in-

cluded in such certificate, if required by the purchaser, and a fee of ten cents for each additional tract or lot so included, shall be allowed such treasurer.

SEC. 22. The county treasurer shall, within ten days after such first Monday in December, make out a list of all lands and town lots sold to the county, verified by affidavit, and the county auditor shall enter the same as county lands, city and town lots, in a book to be kept for that purpose, and taxes shall be regularly assessed thereon, and such lands and city and town lots shall be included in the delinquent list furnished every year, and with the amount of such year's tax added to the delinquent tax and interest and charges thereon, be offered for sale as other delinquent lands, until sold for the amount of such delinquent interest, all charges and accrued taxes.

SEC. 23. All lands, city and town lots sold to actual purchasers, shall be subject to redemption by the former owner thereof, within two years thereafter, on the payment of the delinquent taxes, with fifty per cent. interest, cost, charges and the accruing tax, to the purchaser, who shall receipt therefor, or to the county treasurer for the use of such purchaser, and if no receipt of such purchaser shall be filed with such treasurer, or no such payment be made to him, the holder of the certificate of purchase shall be entitled to receive a deed from the county treasurer, of the land, city or town lots described in such certificate of purchase, which deed shall run in the name of the Territory of Washington and be signed by such treasurer in his official capacity, and shall be presumptive evidence of the regularity of all former proceedings, and the treasurer shall be entitled to receive a fee of two dollars for every such deed.

SEC. 24. Lands and city and town lots sold to the county, may be redeemed by the former owner thereof, by such owner obtaining from the county auditor a certified statement of the amount of all taxes, interest, costs and accrued taxes charged to such land or lots, and paying such amount to the county treasurer, who shall give him a receipt therefor, and the county auditor, on filing such receipt, shall give to such owner a certificate of redemption of such land, city or town lots, signed by him in his official capacity, and sealed with the seal of the board of county commissioners, and shall charge such treasurer with the amount

of such receipt, and shall omit such land, city or town lots so redeemed from his list of county lands.

SEC. 25. Any person whose poll tax, or tax on personal property, shall have been returned delinquent, may pay the same at any time, by taking from the county auditor a certified statement of the amount of such taxes, interest and costs, and paying such amount to the county treasurer, who shall give him two receipts therefor, one of which he shall file with the county auditor, who shall charge such treasurer with the amount thereof, and if such taxes, interest and costs shall not be paid before the time of making out the duplicate assessment roll, the county auditor shall add to the tax assessed and charged against such person, on such roll, the amount of delinquent tax, interest and costs, to be collected as other taxes.

SEC. 26. If on the assessment rolls or tax lists, schedule or transcripts, there shall be any error in the name of a person taxed, the name may be changed and the tax collected from the person intended, if he be taxable and can be identified by the assessor, treasurer or sheriff, and whenever the treasurer, after the duplicate certificate is delivered to him, shall ascertain that any land or other property is omitted, he shall assess and estimate the tax thereon, and enter the same upon his duplicate assessment roll, and inform the county auditor thereof, who shall charge him with the amount of such tax. If the sheriff, after he has received the transcript of the schedule of unpaid taxes, shall ascertain such omission, he shall assess and estimate such tax and enter the same upon his transcript, and proceed to collect it, and inform the county auditor thereof, who shall charge him with the amount of such tax.

SEC. 27. The treasurer shall hold all the moneys collected as territorial tax, on the first day of October, December, and April, subject to the orders of the territorial treasurer, who, on receiving such moneys, shall file a receipt therefor with the territorial auditor and transmit a receipt to the county treasurer, and such county treasurer, on his settlement with the territorial auditor, shall be allowed the amount shown by such receipts to have been paid by him the territorial treasurer, and the amount of territorial tax shown to be unpaid by the certified statement

of the county auditor, signed by him and sealed with the seal of the board of county commissioners.

SEC. 28. The county treasurer, at the May term of the board of county commissioners, shall attend with his books and vouchers and settle his accounts before such board, and shall be allowed in such settlement the amount of the orders of the Territorial treasurer, all county orders and interest paid thereon, receipts of county auditor and amount of the delinquent tax returned by the sheriff on polls and personal property, and the amount of taxes due on lands and city and town lots sold to the county at the annual sale thereof, with the percentage allowed to be retained by him by law.

SEC. 29. If any county treasurer or sheriff shall neglect to pay over any money at the time required by law, the amount of money then due and unpaid shall draw twenty-five per cent. interest per annum therefrom, and it shall be the duty of the officer to whom such payment should have been made, to cause the bond of such county treasurer or sheriff to be put in suit, and to inform the prosecuting attorney of the district in which such defaulting treasurer or sheriff may reside, of his failure to pay over such money.

SEC. 30. When by the mistake or wrongful act of any officer, lands, city or town lots have been sold for taxes, on which no tax was due, such sale shall be illegal, and all deeds and certificates of purchase shall be invalid, and the purchaser of such lands or town property shall be entitled to recover twice the amount of delinquent taxes, interest, costs and charges and accrued taxes paid by him, from such officer, either by suit on his bond or by action against such officer himself, before any tribunal having jurisdiction of the amount.

SEC. 31. In addition to the fees allowed by this act, the board of county commissioners shall allow a reasonable sum for the preparing of rolls, schedules and lists, to officers required by law to prepare the same, and shall also allow the cost of publication of lands, city and town lots sold to the county.

SEC. 32. The entries made in the county treasurer's books, the assessment rolls, the duplicate assessment rolls, schedules, transcripts or warrants attached thereto, delinquent lists, books and records of the county auditor required to be kept by him

by this act, shall be *prima facie* evidence in all judicial proceedings.

SEC. 33. The county shall in all cases be responsible to the several school districts in the county for all delinquent school tax, and it shall be the duty of the county treasurer to pay, on the order of the superintendent of common schools of his county, to the several school districts, the entire amount of the county school tax levied in the county for that year, out of any money in the county treasury, whether said school tax, or any part thereof, be collected or not.

SEC. 34. The law to provide for assessing and collecting a court fund in the several counties in this Territory be, and the same is hereby abolished, and all claims against the court fund heretofore audited and allowed but unpaid for want of funds properly applicable thereto, and claims against said court fund, shall be paid out of the county fund against which they are chargeable, and shall be placed upon the same footing as other claims against the counties, and the court fund, after the passage of this act, shall vest in and merge in the county fund.

SEC. 35. The act in relation to the collection of a poll tax, passed January 28, 1863, is hereby repealed, and all acts and parts of acts, so far as the same are in conflict with the provisions of this act, are hereby repealed.

ARTICLE SECOND.

- SECTION 1. County commissioners power to grant license for sale of goods.
- “ 2.. Sea-going crafts exempt.
- “ 3. Penalty for selling goods without license.
- “ 4. Of license of drinking saloons and houses.
Requisites to obtain license.
Three hundred dollars per annum the rate of license.
- “ 5. Penalty for sale of liquor without license.
- “ 6. To whom a license may be granted.
- “ 7. License of billiard table and bowling alleys.
- “ 8. Amount for license of bowling alley.
- “ 9. Amount for license of billiard table.
- “ 10. Mode of collecting fines and forfeitures.
- “ 11. Penalty for keeping unlicensed billiard table or bowling alley.

SECTION 12. When license may be granted for less than three hundred dollars.

Funds raised under this act to whom payable.

“ 13. This act not to interfere with act passed Jan. 8, 1864.

SEC. 1. That the board of county commissioners of each and every county shall have power to prohibit all persons from selling goods, wares or merchandise of any kind at auction or public outcry, or from trading boats, wagons, carts or vehicles of any kind, of any goods, wares or merchandise, without first obtaining a license therefor.

SEC. 2. Nothing in this act shall be so construed as to apply to any sea-going craft or boats landing goods from the same.

SEC. 3. If any person shall sell any goods, wares or merchandise by auction or from boats, wagons, carts or vehicles of any kind, as described in section one of this act, in any county where the authorities require such license, he shall forfeit and pay for the first offense not less than ten nor more than fifty dollars; for the second offense not less than twenty-five nor more than one hundred dollars.

SEC. 4. The said commissioners shall have power to license suitable persons to keep drinking saloons or houses in their respective counties. The commissioners shall in no case grant any license until the applicant shall have presented a petition praying for such grant, and signed by a majority of all the adult white inhabitants of the election precinct wherein such drinking saloon or house is so located. Any person obtaining license to keep a drinking saloon or house shall, at the time of obtaining such license, pay into the treasury of the county in which said grocery is to be kept, the sum of three hundred dollars for each year.

SEC. 5. If any person shall sell any intoxicating liquor in any quantity less than one gallon, without first obtaining a license from the commissioners of the county in which he sells, he shall forfeit and pay to the county for every offense, not less than one hundred dollars, with costs of suit, and shall moreover be liable to indictment, fine and imprisonment; but no person shall remain in prison after the payment of all fines and costs of which he may stand convicted, or in any event for a longer period than thirty days for any one offense.

SEC. 6. The commissioners shall not grant a license to any person unless they believe the applicant to be a man of good moral character, and possessed of sufficient property to be able to pay the probable fines and forfeitures under this act, or shall enter into bonds to the commissioners, with one or more good and sufficient sureties, in the sum of five hundred dollars, to be approved by the commissioners or the auditor, conditioned to pay all fines, forfeitures and costs that may be found against the applicant under this act.

SEC. 7. No person shall be permitted to keep a billiard table or bowling alley to let for hire, without obtaining a license from the county commissioners of the proper county for that purpose.

SEC. 8. Any person wishing to keep one or more bowling alleys, provided they are kept in the same room, shall pay into the county treasury the sum of not less than fifty or more than one hundred and fifty dollars per annum, and at the same rate for a shorter period: *Provided*, That no license shall be granted for a shorter period than six months. Upon the production of the receipt of the county treasurer by the applicant for the required sum, they may grant said applicant a license for the term to which his receipt may entitle him.

SEC. 9. Any person wishing to keep a billiard table or billiard tables, provided all such tables are kept in the same room, shall pay into the county treasury the sum of not less than fifty or more than one hundred and fifty dollars per annum, and at the same rate for a shorter period: *Provided*, That no license shall be granted for a shorter period than six months; and upon the applicant producing to the county commissioners the receipt for the required sum, the county commissioners may grant said applicant a license for the term of which his receipt may entitle him.

SEC. 10. All fines and forfeitures arising under this act shall be collected by an action at law in the name of the county commissioners of the county where such offense was committed, before any justice of the peace or any court having jurisdiction of the case.

SEC. 11. Any person keeping a billiard table or bowling alley for the purpose of receiving income therefrom, without

first obtaining a license, shall be liable to fine of one hundred dollars for each and every offense.

SEC. 12. The county commissioners may grant license to drinking saloons or houses in the county where there is but little business doing, for less than three hundred dollars, but in no case less than one hundred dollars, at the discretion of the county commissioners, but in no case less than fifty dollars per annum. All money paid into the county treasury for licenses shall be for school or county purposes, as local law directs.

SEC. 13. None of the provisions of this act shall be construed as interfering in any way with the provisions of the act passed January 8, 1864, entitled "An act in relation to licenses in Clarke county."

ARTICLE THIRD.

- SECTION 1. County commissioners, at May term, to levy road tax.
 Poll tax four dollars.
 Road tax on property 20 cents on \$100.
 If not paid in labor, collected as other tax.
- " 2. Poll road tax discharged by two days' labor.
- " 3. Road tax or labor due in district where party notified.
- " 4. To take effect from passage.

SECTION 1. It shall be the duty of the board of county commissioners of the several counties in this Territory, at their May session, to levy and assess a road tax of four dollars on every person liable to perform labor on the public roads, and also to assess twenty cents road tax on every one hundred dollars of the valuation as returned by the county assessor, which tax, if not paid in labor, shall be collected with the county and territorial tax, and in the manner described in the law in relation to the duties of supervisors of roads and highways.

SEC. 2. Every white male inhabitant between the age of twenty-one and fifty years of age, except persons who are a public charge, or who are too infirm to perform labor, shall be liable in each and every year to do and perform two days' labor on the public roads, or pay a road tax, as provided in this act.

SEC. 3. All persons liable to perform labor or pay a tax under the provisions of this act, shall be required to perform or

pay the same in the road district in which he is residing at the time he is notified by the supervisor.

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

Passed January 29, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

CREATING THE OFFICE AND DEFINING THE DUTIES OF TERRITORIAL AUDITOR.

- SECTION 1. To be elected annually by Legislative Assembly.
To be commissioned by Governor.
Term of office.
- “ 2. Shall reside and keep office at seat of government.
Shall give bond of \$1,000.
Oath of office.
Oath and bond to be filed with Governor of Territory.
- “ 3. To be public accountant of Territory.
To keep all papers concerning accounts, &c., of Territory.
- “ 4. To prepare annual report to Legislative Assembly.
What such report must contain.
- “ 5. To audit and settle all claims against Territory.
To draw all warrants on Treasurer.
What warrant shall contain.
To audit and settle all accounts of collectors of Territorial tax.
To keep account between Treasurer and Territory.
To direct prosecutions in behalf of Territory against delinquent accounting officers.
To report abstract of taxable lands.
To furnish county auditors with descriptive list of taxable lands.

- SECTION 5. To report to Legislative Assembly at all times on financial affairs of Territory.
- To furnish offices, stationery, books, &c., for Treasurer and Auditor.
- To furnish necessary blanks to assessors, treasurers, &c.
- To perform other duties required by law.
- “ 6. To audit, in November, accounts of persons for money payable into treasury.
- “ 7. Penalty of person failing to settle with Auditor.
- “ 8. Claims against Territory out-lawed if not presented to Auditor within two years.
- When set-off may be allowed.
- “ 9. May administer oaths, and issue summons, &c.
- “ 10. Papers certified by, to be evidence as original.
- “ 11. For what claims Auditor may issue warrant.
- When appropriation by law is necessary.
- “ 12. Appeals from decision of, to Legislative Assembly.
- “ 13. May issue warrant for sums made payable by law.
- “ 14. To report to Assembly, names of collectors and certain delinquents.
- “ 15. Salary of.
- “ 16. Books, &c., of, to be settled by Legislative Assembly.
- “ 17. May administer necessary oaths.
- “ 18. To provide and keep a seal.
- Papers certified to be regarded as evidence.
- “ 19. Conflicting laws repealed.
- “ 20. To take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there shall be elected by the Legislative Assembly, annually, by joint ballot of the Council and House of Representatives, a Territorial Auditor, who shall be commissioned by the Governor, shall hold his office for the term of one year and until his successor is elected and qualified.

SEC. 2. The Territorial Auditor shall reside and keep his office at the seat of government, and before entering upon his duties, shall execute and deliver to the Governor, a bond to the Territory, in the sum of one thousand dollars, to be approved by him, conditioned for the faithful performance of all duties required or which may be required of him by law, and take an oath of office before any person authorized to administer oaths, and file a copy thereof, together with his bond, in the office of the Governor of the Territory.

SEC. 3. The auditor of public accounts is declared to be the general accountant of the Territory, and the keeper of all public account books, accounts, vouchers, documents, and all papers relating to the accounts and contracts of the Territory, and its revenue, debt, and fiscal affairs, not required by law to be placed in some other office or kept by some other person.

SEC. 4. It shall be the duty of the Auditor to digest, prepare, and report to the Legislative Assembly, at the commencement of each annual session :

1st. A full and detailed statement of the condition of the revenues, and the amount of the expenditures for the fiscal last year.

2d. A full and detailed statement of the public debt.

3d. Estimates of the revenue and expenditures for the next succeeding year.

4th. Such plans as he may deem expedient for the support of public credit ; for lessening the public expenses ; for using the public money to the best advantage ; for promoting frugality and economy in public offices ; and generally, for the better management and more perfect understanding of the fiscal affairs of the Territory.

5th. A tabular statement, showing separately, the whole amount of each appropriation of money made by law, the amount paid under the same, and the balance unexpended.

6th. A tabular statement, showing separately, the amount of money received into the treasury from all sources in the preceding fiscal year ; the amount received from each county, and each source of revenue in each county.

SEC. 5. It shall be the duty of the Auditor:—

1st. To audit, adjust, and settle all claims against the Territory, payable out of the Treasury, except only such claims as may be expressly required by law to be audited and settled by other officers or persons.

2d. To draw all warrants upon the treasury for money, except only in cases otherwise expressly provided by law.

3d. To express in the body of every warrant which he may draw upon the treasury, the particular fund appropriated by law out of which the same is to be paid.

4th. To audit, settle and adjust the accounts of all collectors of the revenue, and other holders of public money, who are required by law to pay the same into the treasury.

5th. To keep an account between the Territory and the Territorial Treasurer.

6th. To keep an account of all debts and credits between the Territory and the United States.

7th. To direct prosecutions, in the name of the Territory, for all official delinquencies, in relation to the assessment, collection and payment of the revenue, against all persons who by any means become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the Territory.

8th. To procure from the proper officers an abstract and description of all taxable lands within the Territory, not yet procured, and annually hereafter, abstracts and descriptions of such lands as shall become taxable.

9th. To transmit to the clerk of each county commissioner's court, annually, a descriptive list of all taxable lands in such county.

10th. To give information, in writing, to either house of the Legislative Assembly, whenever required, upon any subject relating to the fiscal affairs of the Territory, or touching any duties of his office.

11th. To furnish offices for himself and the Territorial Treasurer, and all books, papers, blanks, and forms required by law for the proper discharge of the duties of their offices, and to furnish the proper forms, through the auditors of the counties, to assessors, treasurers, and sheriffs, and such auditors.

12th. To perform all such other duties as may be required by law.

SEC. 6. All persons required by law to pay money into the treasury of the Territory, shall, unless otherwise provided, exhibit their accounts and vouchers to the Auditor, on or before the first Monday in November, in each year, to be audited, adjusted and settled; and the Auditor shall proceed, without any unnecessary delay, to audit, adjust and settle the same, and report to the Treasurer the balance found due.

SEC. 7. If any person, so required by law to pay money

into such treasury, shall fail to pay the amount so found due into the treasury, and produce the treasurer's receipt to the auditor within ten days after the settlement required, the delinquent shall forfeit to the Territory the amount of his commission allowed him by law, and also two and a half per cent. a month on the amount wrongfully withheld, to be computed from the time the same ought to have been paid until actual payment; and the Auditor shall charge such delinquent accordingly, and the whole amount of principal and forfeiture may be recovered by action on the official bond of the delinquent, or otherwise, according to law.

SEC. 8. All persons having claims against the Territory shall exhibit the same, with the evidence in support thereof, to the auditor, to be audited, settled and allowed, within two years after such claim shall accrue, and not afterwards. And in all suits brought in behalf of the Territory, no debt or claim shall be allowed against the Territory as a set-off but such as have been exhibited to the auditor, and by him allowed or disallowed, except only in cases where it shall be proved to the satisfaction of the court that the defendant, at the time of trial, is in possession of vouchers which he could not produce to the auditor, or that he was prevented from exhibiting the claim to the auditor by absence from the Territory, sickness, or unavoidable accident.

SEC. 9. The auditor, whenever he may think it necessary to the proper settlement of any account, may examine the parties, witnesses and others on oath or affirmation, touching any matter material to be known in the settlement of such account, and for that purpose may issue writs of summons, and compel witnesses to attend before him and give evidence in the same manner, and by the same means allowed by law to courts of record.

SEC. 10. All accounts, vouchers and documents, settled or to be settled by the auditor, shall be preserved in his office, and copies thereof, authenticated by the official seal, shall be given to any person interested therein, who shall require the same.

SEC. 11. In all cases of grants, salaries, pay and expenses, ascertained and allowed by law, found due to individuals from the Territory, when audited, the auditor shall draw warrants

upon the treasury for the amount, in the form used in the Treasury Department; but in case of unliquidated accounts and claims, the adjustment and payment of which are not provided for by law, no warrant shall be drawn by the auditor, or paid by the treasurer, unless the previous appropriation shall have been made by law for that purpose, nor shall the whole amount drawn for and paid under any head, ever exceed the amount thus appropriated.

SEC. 12. If any person interested shall be dissatisfied with the decision of the auditor on any claim, account, or credit, it shall be the duty of the auditor, at the request of such person, to refer the same, with the reasons of his decision, to the Legislative Assembly.

SEC. 13. In all cases where the laws recognize a claim for money against the Territory, and no appropriation shall be made by law to pay the same, the auditor shall audit and settle the same, and give the claimant a certificate of the amount thereof, under the official seal, if demanded, and shall report the same to the Legislative Assembly with as little delay as possible.

SEC. 14. The auditor shall report to the Legislative Assembly, within ten days after the commencement of each regular session, a list of all collectors of the revenue and other holders of the public money, whose accounts remain unsettled for six months after they ought to have been settled according to law, and the reasons thereof.

SEC. 15. The auditor shall receive an annual salary of three hundred dollars, to be audited by the Territorial treasurer, and paid by him out of any moneys in the treasury not otherwise appropriated.

SEC. 16. All the books, papers, letters, and transactions pertaining to the office of auditor, shall be open to the inspection of a committee of the Legislative Assembly, or either branch thereof, who shall examine and settle all the auditor's accounts.

SEC. 17. The auditor shall have power to administer all oaths required by law, in matters pertaining to the duties of his office.

SEC. 18. The auditor shall keep a seal of office, for the authentication of all papers, writings and documents required

by law to be certified by him, and copies so authenticated and certified, of all papers and documents lawfully deposited in his office, shall be received in evidence as the original.

SEC. 19. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 20. This act to take effect and be in force from and after its passage.

Passed January 25, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

CREATING THE OFFICE AND DEFINING THE DUTIES OF TERRITORIAL TREASURER.

- SECTION 1. To be elected annually by Legislative Assembly.
To be commissioned by the Governor.
Term of office.
- “ 2. Shall reside and keep office at seat of government.
Shall give bond of ten thousand dollars, to be approved by the Governor.
Oath of office to be endorsed on commission.
Oath and bond to be filed with Secretary of Territory.
- “ 3. Duties of.
- “ 4. Books, &c., to be open to inspection of committee of Legislative Assembly.
Auditor to adjust and settle accounts of out-going.
- “ 5. To grant duplicate receipts of money paid into treasury.
One receipt to be filed with Territorial auditor.
- “ 6. May administer necessary oaths.
- “ 7. To keep seal of office.
Certificates of, to be evidence as original.
- “ 8. Penalty for refusing to pay warrant.

SECTION 9. Entitled to two per cent. commissions on receipts and disbursements.

“ 10. To credit counties for delinquent Territorial tax.

“ 11. To pay over U. S. Government direct tax.

“ 12. To take effect from passage.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there shall be elected annually by the Legislative Assembly of the Territory of Washington, a Territorial treasurer, who shall be commissioned by the Governor, and hold his office for the term of one year, and until his successor is elected and qualified.

SEC. 2. The Territorial treasurer shall reside and keep his office at the seat of government; and before entering upon his duties shall execute and deliver to the Governor a bond to the Territory in the sum of ten thousand dollars, to be approved by him, conditioned to pay over all moneys at such times as required by law, and for the faithful performance of all duties required of him by law, and take an oath of office before some judge or justice of the peace within the Territory, to be endorsed on his commission, and file a copy thereof, together with his bond, in the office of the Secretary of the Territory.

SEC. 3. It shall be the duty of the Territorial treasurer—

1st. To receive and keep all moneys of the Territory not expressly required by law to be received and kept by some other person.

2d. To disburse the public moneys upon warrants drawn upon the treasurer according to law, and not otherwise.

3d. To keep a just, true and comprehensive account of all moneys received and disbursed.

4th. To keep a just and true account of each head of appropriation made by law, and the disbursements under the same.

5th. To render his accounts to the auditor for settlement quarterly, or oftener if required.

6th. To report to each House of the Legislative Assembly, within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury and its operations for the preceding year.

7th. To give information, in writing, to either House of the

Legislative Assembly whenever required, upon any subject connected with the treasury, or touching any duty of his office.

8th. He shall account for and pay over all moneys received by him as such treasurer, to his successor in office, and deliver all books, vouchers and effects of office to him, and such successor shall receipt therefor.

SEC. 4. All the books, papers, letters and transactions pertaining to the office of treasurer, shall be open to the inspection of a committee of the Legislative Assembly, or either branch thereof, to examine and settle all accounts, and to count all moneys ; and when the successor of any such treasurer shall be elected and qualified, the Territorial auditor shall examine and settle all the accounts of such treasurer remaining unsettled, and give to him a certified statement showing the balance of moneys, securities and effects for which he is accountable, and which have been delivered to his successor, and report the same to the Legislative Assembly.

SEC. 5. The treasurer shall grant duplicate receipts, under the seal of his office, for all sums of money which shall be paid into the treasury, and the person receiving the same shall deposit one of them with the auditor, who shall credit such person accordingly, and charge the treasurer with the amount.

SEC. 6. The treasurer shall have power to administer all oaths required by law in matters pertaining to the duties of his office.

SEC. 7. The treasurer shall keep a seal of office for the authentication of all papers, writings and documents required by law to be certified by him, and copies so authenticated and certified of all papers and documents lawfully deposited in his office, shall be received in evidence as the originals.

SEC. 8. If the Territorial treasurer shall wilfully refuse to pay any warrant lawfully drawn upon the treasury, he shall forfeit and pay four fold the amount, to be recovered by action against the treasurer and his secretaries, on his official bond, or otherwise ; he shall also suffer such other punishment as the law may provide.

SEC. 9. The treasurer shall receive a compensation for his services of two per cent. on all moneys received, and two per cent. on all moneys disbursed by him in his official capacity,

to be audited by the auditor, and retained by said treasurer from any moneys in the treasury not otherwise appropriated.

SEC. 10. It shall be the duty of the Territorial treasurer each year, when settling with the treasurers of the several counties, to credit said counties with the amount of delinquent territorial tax duly certified to by the county auditor.

SEC. 11. The Territorial treasurer shall, on the receipt of government or direct tax, pay the same over to any agent authorized by the United States government to receive the same, and to take and file his receipt therefor.

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

Passed January 30, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

APPOINTING REGENTS OF THE UNIVERSITY OF THE TERRITORY OF WASHINGTON, TO FILL THE PLACES OF THOSE WHOSE TERMS OF OFFICE HAVE EXPIRED.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That H. L. Yesler, Cyrus Walker, Frank Clark, C. C. Phillips, James Tilton and Hezekiah Davis be, and they are hereby appointed to act and perform the duties of Regents of the University of the Territory of Washington, in place of Messrs. Bagley, McGill, Clark, Webster, Carr and Meigs, whose terms of office have expired.

SEC. 2. That H. L. Yesler, Cyrus Walker and Frank Clark be, and they are hereby appointed for the term of three years, and C. C. Phillips, James Tilton and Hezekiah Davis are

hereby appointed for the term of two years from the passage of this act.

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

Passed January 19th, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT FOR THE PRESERVATION OF CLAMS, OYSTERS AND OTHER SHELL-FISH."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act passed January 19, 1863, entitled an act for the preservation of clams, oysters and other shell-fish, be, and the same is hereby repealed.

Passed January 28, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO PROTECT FREE WHITE LABOR AGAINST COMPETITION WITH CHINESE COOLIE LABOR, AND TO DISCOURAGE THE IMMIGRATION OF THE CHINESE INTO THIS TERRITORY.

- SECTION 1. A quarterly tax of six dollars levied upon Chinese.
- “ 2. Territorial auditor to provide blank receipts.
Form of Chinese police tax receipts.
- “ 3. Duties of Territorial auditor in regard to said tax.
Duties of county treasurers and sheriffs.
- “ 4. Sheriff may distrain property.
Sale of property to enforce said tax.
Surplus to be returned to party distrained.
Sheriff to deliver receipt properly filled.
- “ 5. Penalty for collector violating provisions of this act.
- “ 6. Penalty for selling blank police tax receipts.
- “ 7. Persons employing Chinese, liable for tax.
Persons having property of Chinamen may be compelled to answer under oath.
Persons advancing taxes out of property, released, &c.
- “ 8. Commissions payable to collector.
Fifty per cent. net proceeds payable to Territory.
Fifty per cent. net proceeds payable to county.
- “ 9. Tax receipts when to be issued by auditor.
Fiscal year to commence March, 1864.
Taxes payable every third month thereafter.
- “ 10. Duties of county officers under this act.
Penalty for neglect.
Tax in Whatcom county to be ten dollars per quarter.
- “ 11. Special provision as to Spokane, now Stevens county.
- “ 12. Act to take effect from March 1, 1864.

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

SEC. 2. It shall be the duty of the Territorial auditor to procure a sufficient number of blank police tax receipts, which shall be substantially in the following form. These tax receipts shall be numbered consecutively, and a record thereof be made and filed in his office :

CHINESE POLICE TAX.

No. —

_____ County, 18 .

This certifies that — has this day paid the tax collector of — county, six dollars, the same being his police tax for the quarter commencing —, and ending — 18 .

*Territorial Auditor.**Sheriff and Collector of* — County.

SEC. 3. The Territorial auditor shall, with ink, fill the blank which has been left in the printed form, with the name of the proper county, and shall sign and issue to the treasurer of each county, from time to time, when required by the said treasurer, a sufficient number of police tax receipts for the use of such county, and take a receipt and charge the county treasurer with the same. The county treasurer shall, in a book to be by him kept for that purpose, keep an account of all Chinese police tax receipts received by him, and shall, from time to time deliver them to the sheriff of the county, who shall be collector of the Chinese police tax, taking his receipt therefor. And the said county treasurer shall, on the first Monday of every third month, write the names of the three months in all police tax receipts issued by him for that quarter, and shall deliver to the sheriff of his county a sufficient number of said tax receipts for the use of his county for that quarter.

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

Chinese police taxes as provided for in this section, shall deliver to each of the persons paying such taxes, a police tax receipt with the blanks properly filled.

SEC. 5. Any person charged with the collection of Chinese police taxes, who shall give any receipt other than the one prescribed in this act, or receive money for such taxes without giving the necessary receipt therefor, or who shall insert more than one name in any one receipt, shall be deemed guilty of a misdemeanor, and upon indictment and conviction thereof, shall be fined in a sum not exceeding one thousand dollars, and be imprisoned in the county jail for a period not exceeding one year.

SEC. 6. Any sheriff acting as tax collector who shall sell, or cause to be sold, any police tax receipt, with the date of the sale left blank, or which shall not be dated and signed and blanks filled with ink by the said Territorial auditor, and any person who shall make any alteration, or cause the same to be made, in any police tax receipt, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one thousand dollars, and imprisoned in the county jail for a period not exceeding one year; and the police tax receipt so sold with blank date, or which shall not be signed and dated and blanks filled with ink, as aforesaid, or which shall have been altered, shall be received in evidence in any court of competent jurisdiction.

SEC. 7. Any person or company who shall hire persons liable to pay the Chinese police tax, shall be held responsible for the payment of the tax due from each person so hired; and no employer shall be released from this liability on the ground that the employee is indebted to him, and the collector may proceed against any such employer in the same manner as he might against the original party from whom said taxes were due. The collector shall have power to require any person or company believed to be indebted to, or to have any money, gold dust, or property of any kind belonging to any person liable for police taxes, or in which such person is interested, in his or their possession, or under his or their control, to answer under oath as to such indebtedness or the possession of such money, gold dust or other property. In case a party is indebted, or has possession or control of any moneys, gold dust or other property, as aforesaid, of

such person liable for police taxes, he may collect from such party the amount of such taxes, and may require the delivery of such money, gold dust or other property, as aforesaid; and in all cases the receipt of the collector to said party shall be a complete bar to any demand made against said party, or his legal representatives, for the amounts of money, gold dust or property embraced therein.

SEC. 8. The collector shall receive twenty-five per cent. for his services in collecting police taxes; and of the residue, after deducting the percentage of the collector, fifty per cent. shall be paid into the Territorial treasury, and fifty per cent. into the general county fund for the use of the county.

SEC. 9. All tax receipts required by this act shall be issued from the Territorial auditor's office, and shall be numbered consecutively, commencing with number one, on the first Monday of March, eighteen hundred and sixty-four; and they shall commence on the first Monday of every third month thereafter, and all such tax receipts shall be signed by the county treasurer of the several counties, or by a deputy.

SEC. 10. It is hereby made the duty of the various officers charged with the execution of the provisions of this act, to carry out said provisions by themselves or deputies, and for the faithful performance of their duties in the premises, they shall be liable on their official bonds, respectively. The treasurers of the respective counties shall make their statements and settlements, under this act, with the treasurer of the Territory, as in the cases of other Territorial taxes: *Provided further*, That in Whatcom county this tax shall be ten dollars per quarter.

SEC. 11. In the collection of the Chinese police tax, the sheriff, or his deputy, of Spokane county, shall collect this tax on all Chinese in Stevens county, until such time as the said county of Stevens is lawfully organized.

SEC. 12. This act to take effect and be in force from and after the first day of March, 1864.

Passed January 23, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO ACCEPT THE PROPOSITION OF THE CONGRESS OF THE UNITED STATES GRANTING LANDS TO THE TERRITORY OF WASHINGTON FOR AGRICULTURAL COLLEGES.

WHEREAS, The Congress of the United States did pass an act entitled "an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," which act is in effect, as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That there be granted to the several States, for the purposes hereinafter mentioned, an amount of public land, to be apportioned to each State, in quantity equal to 30,000 acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of 1860: *Provided,* That no mineral lands shall be selected or purchased under the provisions of this act.

SEC. 2. *And be it further enacted,* That the land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of section not less than one-quarter of a section; and whenever there are public lands in a State subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled, shall be selected from such lands within the limits of such State, and the Secretary of the Interior is hereby directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre, to which said State may be entitled under the provisions of this act, land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said State, and the proceeds thereof applied to the uses and purposes prescribed in this act, and for no other use or purpose whatsoever: *Provided,* That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State, or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at one dollar and twenty-five

cents per acre. And, provided further, that not more than one million acres shall be located by such assignees in any one of the States. And, provided further, that no such locations shall be made before one year from the passage of this act.

SEC. 3. *And be it further enacted,* That all the expenses of management and superintendence and taxes from date of selection of said lands, previous to their sale, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied, without any diminution whatever, to the purposes hereinafter mentioned.

SEC. 4. *And be it further enacted,* That all moneys derived from the sale of lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in Stocks of the United States, or of the States, or some other safe Stocks, yielding not less than five per centum upon the par value of said stocks; and that the money so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished, (except so far as may be provided in section fifth of this act,) and the interest of which shall be inviolably appropriated by each State which may take and claim the benefit of this act, to the endowment, support and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, including military tactics, to teach such branches of learning as are related to Agriculture and the Mechanic Arts, in such manner as the Legislature of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

SEC. 5. *And be it further enacted,* That the grant of land and land scrip hereby authorized, shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by Legislative acts:

1. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall,

by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished ; and the annual interest shall be regularly applied, without diminution, to the purposes mentioned in the fourth section of this act, except that a sum, not exceeding ten per centum upon the amount received by any State under the provision of this act, may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective Legislatures of said States.

2. No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretence whatever, to the purchase, erection, preservation, or repair of any building or buildings.

3. Any State which may take and claim the benefit of the provisions of this act, shall provide, within five years, at least not less than one College, as described in the fourth section of this act, or the grant to such State shall cease ; and said State shall be bound to pay the United States the amount received for lands previously sold, and that the title to purchase under the State shall be valid.

4. An annual report shall be made regarding the progress of each College, recording any improvements and experiments made, with their cost and results, and such other matters, including State industrial and economical statistics, as may be supposed useful ; one copy of which shall be transmitted by mail, free, to each, to all the other Colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior.

5. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the States at the maximum price, and the number of acres proportionally diminished.

6. No State, while in a condition of rebellion or insurrection against the Government of the United States, shall be entitled to the benefit of this act.

7. No State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its Legislature within two years from the date of its approval by the President.

SEC. 6. *And be it further enacted*, That land scrip issued under the provisions of this act shall not be subject to location until after the first day of January, 1863.

SEC. 7. *And be it further enacted*, That the land officers shall receive the same fees for locating land scrip issued under the provisions of this act as is now allowed for the location of military bounty land warrants under existing laws: *Provided*, Their maximum compensation shall not be thereby increased.

SEC. 8. *And be it further enacted*, That the Governors of the several States to which scrip shall be issued under this act, shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds. Therefore:

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That each and all of the propositions in said act of Congress, offered to the Territory of Washington, are hereby irrevocably adopted, with all the conditions and obligations therein contained.

SEC. 2. AND WHEREAS, It is expedient to make provision for locating said lands as soon as possible, this act shall take effect and be in force from and after its passage.

Passed January 28, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

PRIVATE AND LOCAL LAWS.

PRIVATE AND LOCAL LAWS.

AN ACT

TO REGULATE THE FEES OF COUNTY COMMISSIONERS AND SHERIFF IN KITSAP COUNTY.

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

For services per diem, besides mileage.....	\$5 00
For each mile necessarily traveled to and from the county seat,.....	20

SEC. 2. That the fees and mileage of the sheriff of Kitsap county shall be as follows :

For service of every notice and complaint, and return thereof, on each defendant, besides mileage at twenty cents per mile.....	\$ 1 00
For levying each writ of execution on real or personal property, besides mileage at twenty cents per mile..	1 00
For service of <i>capias ad satisfaciendum</i> upon the body of each defendant named in the writ, besides mileage at twenty cents per mile,.....	2 00
For every bail bond,.....	1 00
For serving writ of possession, without the aid of the county, besides mileage at twenty cents per mile...	3 00
For serving writ of possession with the aid of the county, besides mileage at twenty cents per mile.....	5 00

For executing a writ of inquiry and returning the same with inquisition	3 00
For copy of any complaint, notice, writ or process necessary to complete a service, for each one hundred words	20
For serving and returning a notice to witness, besides mileage at twenty cents per mile, for each person therein mentioned	50
For summoning each grand and petit juror, to be paid out of the county treasury, besides mileage at twenty cents per mile	50
For summoning jury in other cases, besides mileage at twenty cents per mile	4 00
Per centage on all moneys actually made and paid to the sheriff on execution, decree or sale of real estate, under one thousand dollars, two per centum.	
Per centage on all sums over one thousand dollars, one per centum.	
For every declaration in ejectment and return, besides mileage at twenty cents per mile	1 00
For making a deed of land sold on execution, decree or order of court, to be paid by the grantee	4 00
For serving <i>scire facias</i> for each defendant, besides mileage at twenty cents per mile	1 00
For calling jury	50
For calling each witness	10
For bringing up a person on a writ of <i>habeas corpus</i> , besides mileage at twenty cents per mile	2 00
For each days attendance on any court of record	5 00
For posting each notice of election, besides mileage at twenty cents per mile	50
For executing a sentence of death	50 00
For each mile traveled in going and returning from the court to the place of service	20

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

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

Passed January 30, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO PROVIDE FOR THE PAYMENT OF THOSE WHO HAVE SERVED AS ENROLLING OR ENGROSSING CLERKS OF THE LEGISLATIVE ASSEMBLY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial auditor be, and he is hereby directed to issue warrants upon the Territorial treasurer in favor of any person who may have, at any preceding session of the Legislative Assembly, performed services in the engrossment or enrollment of bills, &c., and have not been compensated therefor.

SEC. 2. That the pay for such services shall be five dollars per day; and on the presentation of evidence to said Territorial auditor as furnished by the journals, or certificates of such service by the presiding officers of such Legislative Assembly, said auditor shall issue said warrant of even date with the passage of this act, to the person or persons establishing proof of such service.

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

Passed January 26, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO ANNEX THE COUNTY OF SPOKANE TO THE COUNTY OF STEVENS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county of Spokane is hereby annexed to Stevens, and the two counties hereafter shall compose but one county, to be known as the county of Stevens.

SEC. 2. The county seat of the said county of Stevens shall be, until otherwise ordered by the people of said county, at Colville.

SEC. 3. That the present county officers of Spokane county shall be, until the expiration of their respective terms of office, the county officers of Stevens county.

SEC. 4. That the said county of Stevens shall, in the apportionment of Representatives and Councilmen, be entitled to the same representation which the said counties of Stevens and Spokane would have been entitled to, had this act not passed.

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

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

Passed January 19th, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

ALLOWING THE TAX PAYERS OF THE COUNTY OF PACIFIC TO PERFORM A PART OF THEIR ROAD LABOR ON THE TIDE WATER, IN REMOVING OBSTRUCTIONS TO NAVIGATION.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the tax payers of the county of Pacific shall have the privilege of performing at least one-half

of their annual road labor on the tide waters of said county, in removing obstructions to navigation.

SEC. 2. Provided that nothing in this act shall be so construed as to prevent a sufficient amount of labor from being put on the county roads of the several districts, at the discretion of the supervisors, as will keep them in good condition.

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

Passed January 8, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO CHANGE THE NAME OF SAWAMISH COUNTY TO MASON COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the name of Sawamish county be, and the same is hereby changed to Mason county, and the same shall hereafter be the legal name of said county.

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

Passed January 8, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO APPOINTE. C. HARDY COUNTY COMMISSIONER OF SKAMANIA COUNTY, IN THE PLACE RENDERED VACANT BY THE RESIGNATION OF E. S. JOSLIN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That E. C. Hardy be, and he is hereby appointed county commissioner of Skamania county, in the place rendered vacant by the resignation of E. S. Joslin, until the next annual election.

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

Passed January 12, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF SKAMANIA COUNTY TO COLLECT ALL ROAD TAX THAT MAY BE FOUND DUE SAID COUNTY FOR THE YEAR 1863.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That all road taxes that may be found due in Skamania county for the year 1863, and not collected, it shall be lawful to collect the same in the year 1864. And it shall be the duty of the board of county commissioners of said county at their June session in 1864, to levy and assess the same in addition to the road tax assessed for said year of 1864; and said road tax so levied and assessed shall be collected in the same manner as is provided by law for the collection of other road taxes in this Territory.

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

Passed January 16, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO LEGALIZE THE ACTION OF THE COUNTY COMMISSIONERS IN PURCHASING A BUILDING FOR COUNTY PURPOSES IN WHATCOM COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act of the county commissioners of Whatcom county in purchasing a certain brick building of C. E. Richards, for county purposes, is hereby legalized and declared valid.

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

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

Passed January 27, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO DEFINE THE NORTHERN BOUNDARY OF CHEHALIS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all that part of Mason county lying west of range seven (7) be, and the same is hereby attached to Chehalis county for judicial and military purposes.

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

Passed January 30, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AMEND "AN ACT REGULATING FEES AND COSTS IN WALLA-WALLA COUNTY."

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

The sheriff shall be allowed three per cent. on all moneys collected by him under one thousand dollars; over one thousand dollars, two per cent.

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

Passed January 25, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

DECLARING VACANT THE EXISTING ALLEYS IN BLOCKS 17 AND 18 IN LAFAYETTE BALCH'S PART OF THE TOWN OF STEILACOOM, AND FIXING THE PARTIES TO WHOM THE ALLEYS, WHEN VACATED, BELONG.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the alleys in blocks No. seventeen and eighteen, (17 and 18), in Lafayette Balch's part of the town of Steilacoom, in Pierce county, Washington Territory, that is to say, the public lanes running through the centre of said blocks at right angles, and ten feet wide, be, and the same are hereby declared vacant, and the said alleys or lanes are hereby declared to belong to the persons owning the lots bordering on the same, in equal proportions, that is to say, five feet of the said alleys or lanes are attached to and belong to the lots lying adjacent to said alleys.

SEC. 2. All laws and parts of laws, so far as they conflict with the provisions of this act, be, and they are hereby repealed.

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

Passed January 27, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

DECLARING VACANT CERTAIN ALLEYS, AND ALSO A PART OF CERTAIN STREETS IN LAFAYETTE BALCH'S PART OF THE TOWN OF STEILACOOM, AND FIXING THE PARTIES TO WHOM THE SAME SHALL BELONG, WHEN SO VACATED.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the alleys in blocks number thirty (30), thirty-two (32), thirty-three (33), forty-four (44), forty-five

(45), and fifty-three (53), in Lafayette Balch's part of the town of Steilacoom, in Pierce county, Washington Territory, that is to say, the public lanes running through the centre of said blocks at right angles, and ten feet wide, be, and the same are hereby declared vacant, and the said alleys or lanes are hereby declared to attach and belong to the lots or owners of lots upon which they shall respectively border, in equal proportions.

SEC. 2. That so much of Starling and Chambers streets as is situated and lying between said blocks number thirty-two (32), thirty-three (33), forty-four (44) and ~~thirty~~ forty-five (45) be, and the same is hereby declared vacant, and the said parts of streets above described are hereby declared to attach and belong to the lots or owners of lots upon which they respectively border, in equal proportions.

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

Passed January 8, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO LEGALIZE AN ELECTION HELD AT VANCOUVER, CLARKE COUNTY, ON THE FIRST MONDAY OF NOVEMBER, 1863.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the election for municipal officers held in the city of Vancouver, W. T., on the first Monday of November, 1863, be, and the same is hereby legalized, and all officers elected at that election are hereby declared legally elected.

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

Passed January 22, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

RELATIVE TO THE PAYMENT OF TAXES AND OTHER INDEBTED-
NESS DUE THE COUNTY OF CLARKE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall not be lawful for the county treasurer of Clarke county to receive county orders in payment of any indebtedness due, or to become due to said county, except for county taxes due by the tax payers of said county.

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

Passed January 22, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO PROVIDE THE PAYMENT OF THREE THOUSAND EIGHT HUNDRED AND EIGHTY-SIX DOLLARS AND EIGHTY CENTS, TO THE COUNTY OF CLARKE.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Clarke county are hereby authorized and empowered to draw and retain from the treasurer of said county the sum of three thousand eight hundred and eight-six dollars and eighty cents, out of any moneys in the hands of the treasurer of said county of Clarke belonging to the Territory, in such sum as shall be due to the Territory at the passage of this act, and thereafter which shall be found due to the Territory from said county:—*Provided,* That the said amounts so retained shall be computed on the first day of October of each year.

SEC. 2. The Territorial Treasurer shall credit the county of Clarke in such sum as he may find charged on the first day of October, and also credit the said county with the amount found due the Territory from said county at the passage of this act: *Provided,* he shall notify the treasurer of the amount found due from said county ten days prior to the first day of October.

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

Passed January 22, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

FOR THE RELIEF OF CLARKE COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of three thousand two hundred and thirty-nine dollars as principal, and six hundred and forty-seven dollars and eighty cents, as interest on the aforesaid amount, making a total of three thousand eight hundred and eighty six dollars and eighty cents, be and the same is hereby appropriated out of any moneys in the Territorial treasury, to repay the county of Clarke for the above amount expended by said county in the safe keeping, board, attendance and necessary expenses incurred in the safe keeping of — Kerby, John Freny, J. Powell, James Low, Charles Brown, persons convicted of offences punishable by imprisonment in the Penitentiary by order of the court, in the county jail of Clarke county, there having been no Penitentiary provided by the Territory.

SEC. 2. The Territorial Auditor is hereby ordered to draw a warrant upon the Territorial Treasury in favor of the board of county commissioners of Clarke county, for the amount herein appropriated.

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

Passed January 18, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

APPOINTING JAMES GALLAGHER ENROLLING CLERK, AND PROVIDING PAYMENT FOR HIS SERVICES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That James Gallagher, of Pierce coun-

ty, be, and he is hereby, appointed Enrolling Clerk for the Legislative Assembly at its present session.

SEC. 2. He shall be entitled to receive from the Territorial Treasury, for his services, the sum of five dollars per day.

SEC. 3. Upon the presentation of a certificate, signed by the President of the Council and Speaker of the House of Representatives, to the Territorial Auditor, stating the amount of services rendered by the person aboved named, it shall thereupon be the duty of said Auditor to draw his warrant upon the Territorial treasury for the payment of the same : and it shall be the duty of the Treasurer to pay the same from any moneys in the treasury not otherwise appropriated.

Passed December 24, 1863.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO COMPENSATE CHARLES EAGAN FOR SERVICES AS CLERK OF THE JOINT COMMITTEE OF WAYS AND MEANS, IN MAKING "STATEMENT OF THE FINANCIAL CONDITION OF THE TERRITORY."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of two hundred dollars, be, and the same is hereby, appropriated out of the Territorial treasury, to the payment of Charles Eagan, for services rendered as clerk of the joint committee of Ways and Means, appointed to examine the condition of the books of the Territorial Auditor and Treasurer.

SEC. 2. It shall be the duty of the Territorial Auditor to

draw a warrant on the Territorial Treasurer for the said sum of two hundred dollars. (\$200 00.) in favor of the said Chas. Eagan, and the Territorial Treasurer is hereby authorized and directed to pay the said sum out of any moneys in the treasury not otherwise appropriated.

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

Passed January 27, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO LOCATE AND ESTABLISH A TERRITORIAL ROAD IN THURSTON COUNTY, W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That John Laws, Frank Rhodes, and Bruce Dodge, be, and they are hereby, appointed and constituted a board of commissioners to view and establish a Territorial road, from a bridge at the southwest corner of John Laws' enclosure, on the "Mimia Prairie," in Thurston county, to a point on the Territorial road, near where it crosses Black River, in said county.

SEC. 2. Said commissioners, or a majority of them, shall meet at the residence of John Laws, in Thurston county, on the first Monday of March, 1864, or as soon thereafter as circumstances will permit, and after being duly sworn, proceed to view and locate said road as follows: commencing at the aforesaid point, from thence, by way of John Laws' residence, northerly, to a point on the line between the land claims of John Laws and Bruce Dodge, in Thurston county, and from thence to a point on the Territorial road as aforesaid.

SEC. 3. The commissioners aforesaid shall cause a true report of their proceeding to be made, and a true copy thereof to be deposited with the county auditor of Thurston county, who shall file and preserve the same, and when said road shall be completed, the same shall be in every respect a Territorial road, and shall be opened and kept in repair as other Territorial roads.

SEC. 4. Said commissioners shall make their report to the county commissioners of Thurston county, immediately after they shall have completed their labors, and the said commissioners shall not receive any compensation for their services while employed in the viewing and locating said road.

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

Passed January 27, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO REGULATE THE FEES OF CONSTABLES IN WALLA WALLA COUNTY.

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

For service of complaint and notice on each defendant, §	
besides mileage.....	1 00
For levying each writ of execution on personal property,	
besides mileage.....	1 00
For summoning a jury before justice of the peace.....	3 00
For summoning a jury on dead body, besides mileage....	4 00

For service and return of warrant, besides mileage.....	\$ 2 00
For committing to prison, besides mileage	1 00
For all moneys collected on executions, 3 per centum.	
For every day's attendance on any court	3 00
For serving all other writs or process than those specified in this section, except subpoenas and summons, besides mileage.....	1 00
For serving subpoenas or summons, besides mileage.....	50
For each mile necessarily traveled, to be computed from the court house	20

SEC. 2. The sheriff of the county, when performing the duties of constable, shall not be allowed any other fees for such services than by law allowed constables.

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

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

Passed January 25, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

IN RELATION TO LICENSES IN CLARKE COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That from and after the passage of this act, and for the term of ten years thereafter, all licenses which by law are required for the doing of any act, or the transaction of any business in the county of Clarke, shall be paid in money, and the same, for the term aforesaid, are hereby granted*

to the corporate authorities of the city of Vancouver, and their successors in office, in the manner and for the uses and purposes herein specified.

SEC. 2. All applications for licenses shall be made to the city treasurer of the city of Vancouver, and the applicant shall comply with all conditions required by existing laws, to entitle him to such licenses, and all rights and duties thereto heretofore vested in the county auditor by law, are hereby exclusively vested in said city treasurer and his successors in office, and all payments required to be made for such license shall be made to him, and he shall receive such per centage for receiving and disbursing such moneys as the aforesaid corporate authorities may determine.

SEC. 3. The proceeds of such licenses for the term mentioned in the first section of this act, are hereby vested in said corporate authorities and their successors in office, for the purpose of constructing and keeping in repair suitable wharves and ware-houses to accommodate and aid in the safely landing and discharging of sea-going, or other vessels, within the present or future incorporate limits of said city of Vancouver, and for the purpose of carrying out such object, said corporate authorities are hereby authorized to sell, mortgage or convey the whole, or any portion of said licenses, or the proceeds thereof, existing or prospective, for the whole or any portion of the term for which they are granted by this act, and to make any and all contracts in relation thereto, and to do any and every lawful act which may be necessary to carry the authority hereby given into execution and to effectuate the object herein expressed.

SEC. 4. Said corporate authorities shall, for the purpose of securing the payment of any moneys advanced to them for the purpose of building said wharves and ware-houses, have power to mortgage or hypothecate said wharves and ware-houses and the interest of the city in the land upon which the same shall be built.

SEC. 5. It shall be lawful for said corporate authorities or their successors in office, to survey and locate any site or sites within the corporate limits of the said city, for the purpose of

building thereon such wharf or wharves, ware-house or warehouses as they may deem expedient, and whenever, for any of the purposes before named, any lands, site or sites, shall be taken or used or occupied without agreement with the owner or owners thereof as to compensation therefor, it shall be lawful and the duty of the district judge having jurisdiction, or any judge of the supreme court, to appoint three disinterested persons within the district, to appraise and make due report and return of their appraisement of the value of the land site or sites so taken, which shall be filed of record in the office of the clerk of the district court, and unless appeal be taken therefrom in twenty days by either party, the judgment of the court may be entered in accordance with said report and return, at any term of said court, on motion or of course: *Provided*, That either party may appeal within twenty days after filing of said report and return, by entering written notice with the clerk of the court, who shall docket the cause, setting down the claimant as plaintiff and the said corporate authorities as defendant, and the court shall proceed to ascertain the compensation to be paid as the value of the land site or sites taken, and if the amount found shall not exceed the amount appealed from, the claimant shall pay the cost with expenses of suit, and the judgment of said court shall be final; and when such compensation so ascertained according to the provisions of this act, shall be paid or tendered to the party entitled to the same, the title of said land shall vest in said corporate authorities and their successors in office, in fee simple, and a copy of such report or judgment filed in the office of the auditor of Clarke county, shall be sufficient evidence of such title, and the said corporate authorities and their successors in office, shall have full power and authority, before and pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of said land site or sites, for all or any of the purposes herein before specified, and they shall not before or during the pending of such proceedings until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by

any proceeding either in law or equity : *Provided*, That in determining the value or amount to be paid for such land site or sites taken, the increased value of lands of the same owner adjacent thereto, caused by the location or building of such wharf or wharves, ware-house or ware-houses, shall be considered and form a part of such compensation ; and provided further, that if the title of any land site or sites taken by the said corporate authorities or their successors in office, shall be in dispute between claimants against the United States, the compensation therefor shall be ascertained and paid to the person or persons who shall receive the patent therefor, or those claiming under him or them.

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

Passed January 8, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

CONFERRING POWER AND MAKING IT THE DUTY OF THE SHERIFF OF CHEHALIS COUNTY TO PERFORM THE DUTIES OF ASSESSOR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the sheriff of Chehalis county, and his successors in office, be and they are hereby required to perform the duties of assessor in said county.

SEC. 2. It shall not hereafter be lawful for any person other than the sheriff or his deputies, to perform the duties of assessor in said county.

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

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

Passed January 22, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

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

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That special power be, and is hereby granted to the county commissioners of Walla-walla county to levy a direct tax of seven mills on the dollar, on all taxable property in said county, for the purpose of liquidating the indebtedness of said county.

SEC. 2. The county commissioners, before the levying of said tax, shall submit the amount of tax they think advisable to levy, (not exceeding seven mills), to the voters of Walla-walla county at the next annual election, and if the majority of all the votes cast be in favor of such tax, then the said county commissioners shall make suitable provisions for carrying out the provisions of this act.

SEC. 3. This act to be in force for one year after it is ratified by a majority of the voters of Walla-walla county.

Passed January 12, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO CHANGE THE TIMES OF HOLDING COUNTY COMMISSIONERS
COURT IN WALLA-WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the board of county commissioners of Walla-walla county, in this Territory, shall hold four regular sessions annually, at the county seat of said county, commencing on the first Monday of March, June, September and December, at each of which they shall transact all business which they may be required by law to transact.

SEC. 2. All acts or parts of acts in conflict with this act are hereby repealed, so far as the same relates to said county.

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

Passed January 13, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

SUPPLEMENTARY TO AN ACT ENTITLED "AN ACT TO CHANGE
THE TIMES OF HOLDING COUNTY COMMISSIONERS' COURT
IN THE COUNTY OF WALLA-WALLA," PASSED JAN. 13, 1864.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That as the general election, by a law passed at the present session of the Legislative Assembly, is holden on the first Monday in June, that the June term of said court shall meet on the second Monday in June instead of the first Monday in June, as provided in the first section of the act to which this is amendatory.

SEC. 2. That all duties which any officers may by law be required to perform, under the laws of said Territory, at the May term of court of the county commissioners, shall in said county of Walla-walla be done and transacted at the June term of said commissioners' court, and such as is prescribed to be done at the November term, shall be done at the December term of said court: *Provided*, That if the duties of said county commissioners, prescribed by any law regulating elections, impose the necessity of any acts by said board at the May term, that it shall be competent to transact the same at the March term of said Walla-walla courts, or at any special session thereof.

SEC. 3. That nothing in this act, or that to which it is supplementary, shall be so construed as to prevent the calling of extra sessions or terms of said court when the business of said county requires it.

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

Passed January 27, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

SUPPLEMENTARY TO AN ACT ENTITLED "AN ACT TO ENABLE THE SUPERINTENDENT OF COMMON SCHOOLS OF CHEHALIS COUNTY TO SELL AND CONVEY CERTAIN SCHOOL LANDS TO JOHN BRADY," PASSED JANUARY 16, 1863.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the blank after the word "township," in the fifth line of the act to which this is supplementary,

be filled by inserting the word "seventeen," and that the word "seven" be inserted after the word "range" on said line, so as to read "township seventeen, range seven."

Passed January 19, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

IN RELATION TO ROAD TAX IN KITSAP AND WALLA-WALLA COUNTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That every white male inhabitant between the age of twenty-one and fifty years of age, except persons who are a public charge, or who are too infirm to perform labor, shall be liable in each and every year to do and perform one day's labor on the public roads, or pay the sum of two dollars.

SEC. 2. The provisions of this act shall only apply to the counties of Kitsap and Walla-walla.

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

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

Passed January 30, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

DIRECTING THE COMMISSIONERS OF CLALM COUNTY TO CONVEY CERTAIN SCHOOL LANDS TO DANIEL SMALLEY, W. G. CROSBY AND W. H. FREEMAN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the board of county commissioners of Clalm county be, and they are hereby authorized and directed to execute a conveyance to Daniel Smalley, W. G. Crosby and W. H. Freeman, conveying and confirming to said parties, respectively, so much of their respective claims as lie upon and are in included section thirty-six, township thirty-one north, range four west, not to exceed one hundred and sixty acres to each, upon said parties paying to the superintendent of schools, for the use and benefit of the school fund of said county, the price or sum of one dollar and fifty cents per acre for so much of their said claims as are embraced in said school section, together with expenses of surveying said tract to be conveyed.

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

Passed January 8, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

 AN ACT

FOR THE RELIEF OF WILLIAM PICKERING, GOVERNOR OF WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the sum of forty-four dollars (\$44) be, and the same is hereby appropriated out of the Territorial

treasury for the payment of Wm. Pickering, Governor of W. T., for expenses incurred in advertising proclamations for the years 1863 and 1864.

SEC. 2. It shall be the duty of the Territorial auditor to draw a warrant on the Territorial treasurer for the said sum of forty-four dollars in favor of Wm. Pickering, Governor of W. T., and the Territorial treasurer is hereby authorized and directed to pay the same out of any moneys in the treasury not otherwise appropriated.

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

Passed January 29, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE PUYALLUP NAVIGATION COMPANY, AND TO GRANT CERTAIN PRIVILEGES FOR IMPROVING THE NAVIGATION OF THE PUYALLUP RIVER," PASSED JAN. 27, 1863.

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

"Said corporation shall, within three months from their organization as aforesaid, commence clearing the said river within the said limits, and shall each year from and after the the date of such organization, clear at least one-half a mile of the channel of said river of all drifts, jams, sunken logs and other obstructions to the passage up or down the same of flat-boats or

other small crafts: *Provided*, That said corporation shall, within ten years from the passage of this act, clear the entire distance aforesaid, from the mouth of Puyallup to the mouth of Stuck river, or else forfeit all the rights, interests and privileges granted by this act.

Passed January 30, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AUTHORIZE E. S. FOWLER TO CONSTRUCT A WHARF AT PORT TOWNSEND.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That E. S. Fowler be, and is hereby authorized to construct a wharf at Port Townsend, in the county of Jefferson, W. T.

SEC. 2. Within six months after the passage of this act, the said E. S. Fowler, his associates or assigns, shall commence, and within one year shall complete a good and substantial wharf, commencing at the foot of a public street, and at a sufficient distance above high water mark, and extending out into the bay to a point where there shall be not less than twenty feet of water at low tide.

SEC. 3. The said E. S. Fowler shall have the right to construct said wharf from the foot of any public street, not otherwise occupied, in the city of Port Townsend as shall be designated by the county commissioners of said Jefferson county; and the said E. S. Fowler, his associates or assigns, shall have the right of way from such street to said wharf at all times.

SEC. 4. The said wharf shall have a drive way of not less than twelve feet running from the shore, with a T or L of such dimensions as the said county commissioners may determine, and the said county commissioners may fix the rates of wharfage and dockage, which shall be collected from all persons using said wharf.

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

Passed January 28, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO INCORPORATE ST. JOHN'S CHURCH OF OLYMPIA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Wm. Pickering, Richard Lane and S. W. Percival, as trustees, and their successors in office, are hereby declared a body corporate and politic in law, by the name and style of the trustees of St. John's church of Olympia; said church being under the control, direction and care of the Protestant Episcopal Church of the United States.

SEC. 2. Said corporation shall have continual and perpetual succession; shall have and use a common seal; shall have power to acquire, receive and hold by voluntary contribution, purchase or otherwise, and to retain and possess any property, real, personal or mixed, and the same to sell, convey, rent or otherwise dispose of at pleasure: *Provided.* That no part of the resources thereof shall ever be used for any other purpose than for the interest of said church.

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

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

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

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

Passed January 7, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

FURTHER TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE WALLA-WALLA RAILROAD COMPANY," PASSED JANUARY 28, 1863.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the times mentioned in the second section of the act to which this is amendatory, for said company to survey and locate the line of said railroad and deter-

mine upon the route thereof, shall be, and is hereby extended to the first day of January, A. D. 1865.

SEC. 2. That the limitation in section three of the said act to which this is an amendment, be so modified, and said section be so amended as to read :

“ The said company shall, by or before the first day of January, A. D. 1870, complete and finish, ready for the transportation of passengers and freight, a single track of said railroad throughout the entire length thereof.”

SEC. 3. Said act to which this is amendatory, with the amendments thereto, as herein provided, and as amended by act of Assembly passed January 16, 1863, shall be deemed in full force and effect, and so continue for the period of twenty years, subject to amendment by said Legislative Assembly.

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

Passed January 22, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AUTHORIZE CHAS. WREN, HIS HEIRS AND ASSIGNS, TO MAINTAIN AND KEEP IN REPAIR A WHARF IN THE TOWN OF STEILACOOM.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Chas. Wren, his heirs and assigns, are hereby authorized to maintain and keep in repair the wharf at the termination of Balch street, in the town of Steilacoom, known as “ Balch & Webber’s ” wharf, for the term of twenty years from the passage of this act.

SEC. 2. *Be it further enacted*, That said Wren, his heirs and assigns, shall be entitled to receive such rates of wharfage as the county commissioners of the county in which said wharf is located, may establish.

SEC. 3. *Be it further enacted*, That said Wren, his heirs and assigns, may construct an addition to said wharf, on each side thereof, for the erection of warehouses and other necessary buildings: *Provided*, Said addition shall not be more than one hundred and twenty feet square.

SEC. 4. *Be it further enacted*, That said wharf shall in all respects be kept in accordance with such laws and regulations as are now, or may hereafter be in force, prescribing how wharves shall be kept and regulated.

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

Passed January 30, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO VIEW AND LOCATE A TERRITORIAL ROAD FROM ALIQUAI CREEK, IN COWLITZ COUNTY, TO INTERSECT THE MILITARY ROAD ON GRAND PRAIRIE, LEWIS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That J. P. Mannen, Wm. Lyons and Jonas Pike be, and are hereby constituted a board of commissioners to view and locate a Territorial road from Aliquai creek, in Cowlitz county, to intersect the military road on Grand Prairie, in Lewis county.

SEC. 2. Said commissioners, or a majority of them, shall meet at the residence of Wm. Pumphrey, in Cowlitz county, on the first Monday in March, 1864, or as soon thereafter as practicable, and after being duly sworn, shall proceed to view and locate said road between the points designated to them. Said road commissioners shall have authority to administer any oath necessary and proper to carry this act into effect.

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

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

Passed January 15, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO INCORPORATE THE CEDAR RIVER LOG DRIVING COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That T. D. Hinkley, J. S. Hurd, Perry Dunfield, A. Hart and Richard King, their associates and legal representatives, be, and hereby are constituted a body corporate and private, with power to sue and be sued, under the name and style of the Cedar River Log Driving Company, for the purpose of removing jams and other obstructions to driving or floating logs and timber down the Cedar river, in King county, W. T., into the Duwamish river.

SEC. 2. The said company shall, within six months after the passage of this act, commence clearing the channel of said river of jams and other obstructions to floating logs and timber down the same, and shall, within five years after the passage of this act, complete the clearing of said river for a distance of twenty miles up from its mouth, with the privilege of continuing the clearing of said river of obstructions for such further distance as said company may deem advisable.

SEC. 3. The said company, whenever and so far as they may have complied with the provisions of this act, shall have the right, and are hereby authorized to charge and collect from the person or persons floating logs or timber down said river, any sum they may deem reasonable, not exceeding fifty cents per thousand feet, log measure ; and said company shall have the right to detain, at the mouth of said river, any logs or timber floated down the same, until such charges are paid.

SEC. 4. Said company shall have the right of way to and from said river from all points, and shall also have the right to construct booms and other structures on said river and at its mouth, as may be deemed necessary by said company.

SEC. 5. The privileges granted by this act to said corporation, their associates, legal representatives and assigns, shall be continued to them, in the full enjoyment thereof, for the term of ten years from the passage of this act.

SEC. 6. The provisions of this act shall not be so construed as to empower the corporators to enter upon improved lands without making due compensation therefor, said compensation to be determined as follows: The corporation shall select one person, the adverse party shall select one person, and the two thus selected shall select a third, and the said persons shall assess the damages, and their award shall be final.

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

Passed January 25, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO LOCATE A TERRITORIAL ROAD IN SKAMANIA AND CLICK-
ATAT COUNTIES.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Felix G. Iman, Henry Shepard, E. C. Hardy, Capt. McFarland, and William Connell, be and they are hereby appointed a board of commissioners, to view and locate a Territorial road from the U. S. military road at Cascades, in Skamania county, to Rockland, in Clickatat county.

SEC. 2. Said road commissioners, or a majority of them, shall meet at the house of I. H. Bush, at the Upper Cascades, on the fifteenth day of February next, or as soon thereafter as may be agreed upon by a majority of said road commissioners, and shall proceed to view and mark and plainly blaze said route, and said road commissioners, or a majority of them, shall make out a report to the board of county commissioners, as near as practicable, the exact description of the route of said road, and also their opinion as to the practicability of said road, which report shall be submitted to said county commissioners at their next regular meeting after said view is made: *Provided*, if a special term of said county commissioners court shall be held after said view is made, and said term of court should be held prior to the next regular term of commissioners court after said view is made, it shall be lawful for said road commissioners to submit said report to the respective commissioners of the counties through which said road passes, at such special term of said county commissioners court; and if said road commissioners, or a majority of them, shall report favorably, and that said route is practicable; and it shall be the duty of the county commissioners receiving such report, to cause their clerk to record the same in the road book of the county, and said road so located shall be a public highway.

SEC. 3. *Provided*, That if, from any cause, a majority of said road commissioners should fail to attend at the time and place appointed, to proceed to view and locate said road, it shall be lawful for any two of the said road commissioners to appoint

a third one, all of whom, before entering upon the duties of their offices, shall take an oath or affirmation to perform the duties of their said offices impartially, and to promote the best interests of the public in the respective counties through which said road passes, in the location of said road.

SEC. 4. *Provided further*, That if said road commissioners, or a majority of them, shall report any part of said route as being practicable, it shall be the duty of the board of county commissioners of the county through which said road or proposed road runs, to cause the report of the viewers to be recorded by their clerk in the road book of said county, and said county commissioners shall declare such portion or portions of the road as is reported practicable, a public highway, and shall cause their clerk to make an entry or record of such order or decree in the road book of the county, and such portion or portions of the road so viewed and recorded, shall be a public highway, and shall be worked and opened as other Territorial and county roads.

SEC. 5. Said road commissioners shall be allowed three dollars per day for each day necessarily engaged in viewing and locating said road, and shall be paid by the counties through which said road passes, according to the amount of labor bestowed in each county, which shall be set forth in the report of said road commissioners.

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

Passed January 7, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AUTHORIZE JOHN CARSON, HIS ASSIGNS OR HEIRS, TO CONSTRUCT AND KEEP A BRIDGE ACROSS THE PUYALLUP RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That John Carson, or his heirs or assigns, be and they are hereby authorized to construct and keep a bridge across the Puyallup river, at the point where the military, Territorial and county roads cross, between Steilacoom and Seattle, and at the point where the old bridge stood ; and the said John Carson shall have the exclusive privilege of constructing and maintaining a bridge at the aforesaid place, for the term of ten years from the passage of this act: *Provided,* That the said bridge, when constructed, shall not interfere with any rights heretofore granted by the Legislature of the Territory of Washington to any corporate company or companies, and provided, that said bridge, when constructed, shall not interfere with the navigation of said Puyallup river in any wise: *Provided, further,* That said bridge, when so constructed, shall be under the same regulations as other bridges are or may be by the laws of this Territory prescribing the manner in which bridges shall be kept and regulated, and provided further, that the county of Pierce shall at any time before the expiration of said period of ten years, have a right to take said bridge, upon payment to said Carson, his heirs or assigns, a fair valuation therefor, and thereafter all and singular the rights hereinbefore granted to said Carson, his heirs or assigns, shall pass and vest in said county.

SEC. 2. That it shall be lawful for the said John Carson, his heirs or assigns, to receive and collect the following rates of toll for crossing upon said bridge :

For one man and horse.....	\$ 25
For a horse and carriage.....	50
For each footman.....	10
For one yoke of cattle, or span of horses and wagon.....	50
For crossing loose stock, other than sheep and hogs, each	10
For crossing sheep and hogs, each.....	5

Provided, the county commissioners of Pierce county, at any regular term of said court, shall have power to alter the above rates of toll, and when so altered, it shall be lawful for said John Carson, his heirs or assigns, to collect and receive toll only according to the rates of toll fixed by said commissioners.

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

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

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

Passed January 22, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE PUGET SOUND AND COLUMBIA RIVER RAILROAD COMPANY," PASSED JANUARY 28, 1862.

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

“That Peter J. Morey, J. B. Webber, S. McCaw, P. Keach, John Salter, Geo. Gallagher, Wm. R. Downey, Daniel Collins, Chas. Prosch, Henry Murray, Chas. Wren, E. R. Rogers, H. L. Yesler, Chas. Plummer, C. C. Terry, M. H. Frost, G. A. Meigs, Capt. Renton, M. S. Drew, Cyrus Walker, E. S. Fowler, Fred. A. Wilson, C. M. Bradshaw, W. W. Miller, James Biles, O. B. McFadden, C. Lancaster, Lewis Sohns, Charles Holman, Seth Catlin, H. D. Huntington, Hiram Cochran, S. W. Brown, E. C. Hardy, L. Fredenrich, John F. Smith, C. Crosby and C. Jacobs, and all such persons as shall hereafter become stock holders in said company hereby incorporated, shall be a body politic, by the name and style of the Puget Sound and Columbia River Railroad Company, with perpetual succession, and under the name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against in law and equity, in all courts and places whatsoever, in like manner and as fully as natural persons; may make and use a common seal, and alter and renew the same at pleasure, and by their corporate name and style shall be capable in law of contracting and being contracted with; shall be, and are hereby invested with all powers, privileges, immunities and franchises, and conveying real and personal estate which may be needful to carry into effect fully the purposes and objects of this act.”

SEC. 2. That section two of the act to which this is amendatory, be so amended as to read :

“The said corporation is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks or lines of rails, commencing at Steilacoom, in Pierce county, on Puget Sound, and running thence via Vancouver, in Clarke county, to a point opposite Celilo, or the mouth of Deschutes river, or some other point in the vicinity of the Upper Columbia river, by said corporation to be selected and determined.”

SEC. 3. That the proviso to section thirteen of the act to which this is amendatory, be so amended as to read :

“*Provided*, Said railroad shall be commenced within five

years, and be completed within fifteen years from the passage of this act.

SEC. 4. This act to take effect and be in force from and after its passage, and all acts or parts of acts inconsistent with this act be, and the same are hereby repealed.

Passed January 8, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

DECLARING THE ROAD NOW RUNNING FROM JOHN W. STEVENSON'S FARM, ON CAPE HORN MOUNTAIN, TO THE COLUMBIA RIVER, A TERRITORIAL ROAD.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the road now running from John W. Stevenson's farm, on Cape Horn Mountain, in Skamania county, to John W. Stevenson's, on the bank of the Columbia river in said county, be, and the same is hereby declared a Territorial road.

SEC. 2. *Be it further enacted,* That it shall be the duty of the clerk of the board of county commissioners of Skamania county, upon receiving a copy of this act, to record the same in the road book of Skamania county.

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

Passed January 13, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO INCORPORATE THE PILL CHUCK LOG DRIVING COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That* Arthur Phinney, Zachariah Amos and William Hooke, their associates and legal representatives, be, and hereby are constituted a body corporate and private, with power to sue and be sued, under the name and style of the Pill Chuck Log Driving Company, for the purpose of removing jams and other obstructions to driving or floating logs and timber down the Pill Chuck (Red Water) creek, in Snohomish county, W. T., into the Snohomish river.

SEC. 2. That said company shall, within six months after the passage of this act, commence and complete clearing the channel of said creek of jams and other obstructions to floating logs and timber, for a distance of two miles up the creek from its mouth, and shall, within four years from the passage of this act, in like manner have the channel of said creek cleared of obstructions for a distance of five miles up from its mouth, with the privilege of continuing the clearing of said creek of obstructions for such further distance as said company may deem advisable.

SEC. 3. The said company, whenever and so far as they may have complied with the provisions of this act, shall have the right, and they are hereby authorized to charge and collect from the person or persons floating logs or timber down said creek, any sum they may deem reasonable, not exceeding fifty cents per thousand feet, log measure; and said company have the right to detain, at the mouth of said creek, any logs or timber floated down the same, until such charges are paid.

SEC. 4. Said company shall have the right of way to and from said creek at all points: *Provided*, They do not damage any improved lands lying along its banks; and shall also have the right to construct booms and other structures on said creek, and at its mouth, as may be deemed necessary by said company.

SEC. 5. The privileges granted by this act to said corporation, their associates, legal representatives and assigns, shall be

continued to them in the full enjoyment thereof, for the term of ten years from the passage of this act.

SEC. 6. Nothing in this act shall be so construed as to restrict or conflict with the right of way granted to the Snohomish Log Driving company, between the mouth of the Pill Chuck creek and the mouth of the Snohomish river.

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

Passed January 8, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AUTHORIZE LEWIS VAN VLEET AND E. C. HARDY TO KEEP A FERRY ACROSS THE COLUMBIA RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That Lewis Van Vleet and E. C. Hardy, their heirs and assigns, are hereby authorized to keep a ferry across the Columbia river, opposite the mouth of Sandy, and shall be allowed to charge and collect the following rates of toll for crossing on said ferry.*

For each wagon and one yoke of oxen or span of horses or mules	\$2 00
For each additional yoke of oxen or span of horses or mules	75
For each man and horse	1 00
For each head of animals other than sheep, hogs or goats,	40
For sheep, hogs and goats, each	10
For animals packed, each	50
For each footman	50

And the said Lewis Van Vleet and E. C. Hardy, their heirs and assigns, shall have and hold the right to keep said ferry for one mile and a half above, and one mile and a half below a tract of land now owned by the said Lewis Van Vleet, and formerly owned by, and known as being a portion of the estate of Mr. Baker deceased; and to have and hold said right, exclusively, for the term of ten years from the date of this charter.

SEC. 2. *Provided*, That the said Lewis Van Vleet and the said E. C. Hardy, their heirs and assigns, shall keep at said points a sufficient number of boats and men to cross the travel without unnecessary delay, from the first day of May next.

SEC. 3. *Provided further*, That the board of county commissioners of Clarke county shall have the right to change and affix the rates of toll annually, at their fall term of said commissioners court.

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

Passed January 9, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AUTHORIZE HIRAM F. SMITH TO ESTABLISH A FERRY ON THE OKANAGAN RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Hiram F. Smith, his heirs or assigns be, and they are hereby authorized to establish and keep a ferry across the Okanagan river, at or near the foot of Sooyoos Lake, where the Colville trail crosses said river; and the said Hiram F. Smith, his heirs or assigns, shall have the exclusive

privilege of one mile above and one mile below the aforesaid point, for the term of ten years from the passage of this act.

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

For each wagon with two animals attached.....	\$4 00
For each pleasure wagon with two animals attached....	3 00
For hack or sulky with one horse.....	2 00
For each man and horse.....	1 50
For each head of loose animals, other than sheep or hogs,	50
For each animal packed.....	1 50
For each foot passenger.....	50
For each sheep, goat or hog,.....	10

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

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

SEC. 5. The failure of the said Smith, his heirs or assigns, within one year from the passage of this act to comply with its provisions, shall render this act null and void.

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

Passed January 15, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO INCORPORATE THE SNOHOMISH AND SKYWHAMISH LOG DRIVING COMPANY, FOR THE PURPOSE OF REMOVING OBSTRUCTIONS TO DRIVING OR FLOATING LOGS DOWN THE SNOHOMISH AND SKYWHAMISH RIVERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That M. S. Drew, A. S. Miller and Wm. Clendening, and their associates or assigns, be, and the same are hereby constituted and created a body corporate and politic, with full power to sue and be sued, under the name and style of the Snohomish and Skywhamish Log Driving Company, for the purpose of removing jams of drift-wood, or other obstructions to driving or floating logs or timber down the Snohomish and Skywhamish rivers.*

SEC. 2. The said company shall, within six months after the passage of this act, commence clearing the channels of the said rivers of drift-wood and other obstructions to floating or driving logs or timber down the same, and shall, within four years after the passage of this act, have the channels of the said rivers so improved from the mouth of the Snohomish to the forks of the Skywhamish, thence up the said Skywhamish river a distance of fifteen miles, so as to allow logs and timber to be floated or driven down said rivers to tide water.

SEC. 3. That on said company complying with the foregoing provisions of this act, they shall have the right, and are hereby empowered and authorized to charge and collect from any person or persons driving or floating logs or timber down said rivers, any sum they may deem reasonable, not to exceed fifty cents per thousand feet, and to detain any logs or timber floated down said rivers until such charges are paid.

SEC. 4. Said company shall, whenever they deem it necessary, have the right to build and maintain such boom or booms as may be required to catch and collect all logs or timber floated or driven down said rivers ; and all persons driving logs or timber to said booms shall, within a reasonable time after notice,

pay the charges upon them and take them away, in conformity to such regulations as said company may establish.

SEC. 5. All logs or timber, before being put into the water, shall have placed upon them a distinct mark cut into the wood of each log or stick of timber, and the person or persons owning such logs or timber shall, at the same time, deposit with the Secretary of said company a design of such mark, who shall record the same in a book to be kept for that purpose, which mark shall differ distinctly from any before recorded, and no person or persons shall be allowed to claim any logs or timber in said boom or booms unless the foregoing provisions of this act are complied with.

SEC. 6. The said M. S. Drew, A. S. Miller and Wm. Clendenen, their associates or assigns, shall remain in the exclusive enjoyment of this franchise for the term of ten years from and after the passage of this act.

SEC. 7. Nothing in this act shall be so construed as to restrict or conflict with the right of way granted to the Pill Chuck Log Driving Company between the mouth of the Pill Chuck and the mouth of the Snohomish river.

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

Passed January 5, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO AUTHORIZE RUSSELL BILLINGS TO KEEP A FERRY ACROSS
THE COLUMBIA RIVER.

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

the Columbia river within the following bounds, to-wit : Commencing at the mouth of the Taupiscan and extending down to the Culculmin ; and that the said Russell Billings, his heirs and assigns, have the exclusive privilege of ferrying on said river within the above named limits, for the term of ten years from and after the passage of this act: *Provided*, That said ferry shall be subject to the same regulations, and under the same restrictions as other ferries are, or hereafter may be by the laws of this Territory prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. That it shall be lawful for said Russell Billings to collect and receive the following rates of toll from those who cross the river on said ferry :

For man.....	\$ 50
For man and horse.....	1 25
For loose horses and cattle, per head.....	50
For wagon and two horses or oxen.....	3 00
For hogs, sheep and goats, each.....	15

SEC. 3. That if the said Russell Billings, his heirs and assigns, shall fail or neglect to have good and sufficient boats, with hands to man them, within six months after the passage of this act, then this act shall be void : *Provided*, Nothing contained in this act shall be so construed as to prevent the county commissioners of the county wherein said ferry is located, from altering and regulating the rates of toll to be charged for crossing said ferry.

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

Passed January 22, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

FIXING THE RIGHTS OF RIPARIAN PROPRIETORS AND OTHERS ON MILL CREEK, BELOW THE YELLOW HAWK OR SOUTH FORK OF MILL CREEK, AND ALSO OF THOSE UPON YELLOW HAWK AND GARRISON OR BABCOX CREEK IN WALLA-WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the rights of persons to the water of Mill creek above the head of the Yellow Hawk, who reside upon Mill creek below the said point, and also of those who reside upon the Yellow Hawk and Garrison or Babcox creek, in Walla-walla county, shall be as follows, and the same is hereby defined, declared and fixed to be the amount that from the first settlement of the county, and from time immemorial has flown over the beds of said streams, except when obstructed, to-wit :

1st. In Mill creek, below the head of the Yellow Hawk, sixty per cent. of said stream and the remaining forty per cent. in the Yellow Hawk.

2d. Forty per cent. of the waters of the Yellow Hawk to Garrison or Babcox creek, and the remaining sixty per cent. to remain in, and to flow over the bed of Yellow Hawk, so called.

SEC. 2. Any person or persons interested in lands or riparian rights in the premises or vicinity of the premises hereinbefore described, are hereby authorized and empowered to remove from the beds or banks of either of said streams, any and all obstructions, either artificial or other, to the flow of water over and upon the beds and hereinbefore described ancient channels of said streams.

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

Passed January 20, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO INCORPORATE THE HUM-HUMMI LOG DRIVING COMPANY,
FOR THE PURPOSE OF CLEARING THE HUMI-HUMMI RIVER
OF OBSTRUCTIONS TO FLOATING LOGS DOWN THE SAME.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That M. S. Drew, A. S. Miller, M. R. Maddock, their legal representatives and assigns be, and they hereby are created a body corporate and private, with power to sue and be sued, under the name and style of the Humi-Hummi Log Driving Company, for the purpose of removing jams and other obstructions to floating logs and timber down the Hum-Hummi river, emptying into Hood's Canal.

SEC. 2. That said company shall, within six months after the passage of this act, commence clearing the channel of said river of jams and other obstructions to floating logs and timber down the same, and shall, within two years after the passage of this act, complete the clearing of said river for a distance of four miles up from its mouth, with the privilege of continuing the clearing of said river of obstructions for such further distance as said company may deem advisable.

SEC. 3. The said company, whenever and so far as they may have complied with the provisions of this act, shall have the right, and are hereby authorized to charge and collect from the person or persons floating logs or timber down said river, any sum they may deem reasonable, not exceeding fifty cents per thousand feet, and to detain any logs or timber floated down the same, until such charges are paid.

SEC. 4. Said company shall have the right of way to and from said river from all points, and for all purposes within the provisions of this act, shall have the exclusive right to construct and maintain such booms in said river, and at its mouth, as they may deem necessary.

SEC. 5. The privileges granted by this act to said corporation, their associates, legal representatives and assigns, shall be continued to them, in the full enjoyment thereof, for the term of ten years from the passage of this act.

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

Passed January 18, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO INCORPORATE WALLA-WALLA LODGE NO. 7, OF ANCIENT FREE AND ACCEPTED MASONS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Worshipful Master, Senior and Junior Wardens, Secretary and Treasurer, Senior and Junior Deacons, and each and every member of Walla-walla Lodge No. 7, of Ancient Free and Accepted Masons, located in the city of Walla-walla, County of Walla-walla and Territory of Washington, and their successors in office and membership, while holding such offices or membership, shall be, and the same are hereby declared to be a body politic and corporate, by the name, style and description of Walla-walla Lodge No. 7, of Free and Accepted Masons.

SEC. 2. The said corporation, by the name, style and title aforesaid, shall have power to sue and be sued, plead and be impleaded, prosecute and defend in all manner of actions at law or in equity, in all places where legal or equitable proceedings are had. The said corporation shall have power to make such by-laws, rules and regulations for its own government and the management of its concerns as shall be deemed advisable, and to alter or amend the same at pleasure: *Provided,* That such by-laws, rules and regulations shall not conflict with the constitution and laws of the United States or of the Territory of Wash-

ington, nor the constitution, laws and standing resolutions of the Grand Lodge of Washington Territory, of Free and Accepted Masons.

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

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

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

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

SEC. 7. This act shall be deemed a public act, and shall be liberally construed by all courts for the benefit of the corporation herein created.

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

Passed January 30, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO INCORPORATE THE DUWAMISH LOG-DRIVING COMPANY, FOR THE PURPOSE OF CLEARING DUWAMISH RIVER AND TRIBUTARIES OF OBSTRUCTIONS TO FLOATING LOGS DOWN THE SAME.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That T. D. Hinkley, Wm. Clendening, Perry Dunfield, M. R. Maddocks, M. S. Drew and John M. Thomas, their legal representatives and assigns, be and they are hereby constituted a body corporate and private, with power to sue and be sued, under the name and style of the Duwamish Log Driving Company, for the purpose of clearing the Duwamish River and its tributaries, White, Green and Black rivers, in King county, W. T., of obstructions to floating logs and timber down the same.

SEC. 2. That said company shall, within three months after the passage of this act, commence clearing the channel of said Duwamish river and its tributaries, White, Green and Black rivers, of jams and other obstructions to floating logs and timber down the same, and shall, within three years, complete clearing the channel of White river for a distance of twenty miles from its mouth—the channel of Green river for a distance of seven miles from its mouth—the channel of Black river for a distance of two miles from its mouth, and as much further as said company may deem advisable. Said company shall also, within six months after the passage of this act, construct and maintain at some point within two and one-half miles of the mouth of the Duwamish river, a good and substantial boom or booms, so as not to obstruct or hinder navigation and sufficient to catch and preserve all logs and timber floated down said river and its tributaries. And said company shall have and keep at all times, a sufficient number of men at the boom or booms to take care of the logs and timber which may be floated down said rivers, and said company shall be responsible and liable for any loss which may happen through inattention, negligence or the breaking or carrying away of said boom or booms.

SEC. 3. That said company, whenever and so far as they

may have complied with the provisions of this act, shall have the right and are hereby authorized to charge and collect from the person or persons floating logs or timber down said river and its tributaries, or either, any sum they may deem reasonable, not exceeding fifty cents per thousand feet; and said company shall also have the right to detain any logs or timber floated down said river or its tributaries until such charges are paid.— But said company shall not be obliged to retain in their boom any logs or timber after giving the owners reasonable notice to pay charges and take the same away from the boom.

SEC. 4. Said company shall have the right of way to and from said river and its tributaries at all times and for all purposes within the purview of this charter.

SEC. 5. The privileges granted by this act to said company shall be continued to them, their legal representatives and assigns, in the full enjoyment thereof, for the term of ten (10) years from the passage of this act.

SEC. 6. All logs or timber before being put into the water, shall have placed upon them a distinct mark cut into the wood of each log or stick of timber, and the owners of such logs or timber shall at the same time deposit with the secretary of said company a design of such mark, who shall record the same in a book to be kept for the purpose, which mark shall differ from any other recorded, and no person shall be allowed to claim any logs or timber in said booms unless the provisions of this section shall have been complied with.

SEC. 7. *Provided*, That should the said company, or their assigns, fail to comply with all the conditions as aforesaid, this charter with all the rights under it, shall be forfeited.

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

Passed January 13, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM CLARK'S CREEK, IN PIERCE COUNTY, TO A POINT ON THE MILITARY ROAD NORTH OF THE PUYALLUP RIVER.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That H. J. Stevenson, H. W. Berry and John Walker, be and they are hereby appointed to constitute a board of commissioners to view and establish a Territorial road from a point on the military road, known as Clark's creek, in Pierce county; from thence, on the most practical route, to the town of Franklin; from thence, in a north-westerly direction, until it intersects the military road leading to Seattle.

SEC. 2. Said commissioners, or a majority of them, shall meet at the residence of John Walker, in Pierce county, on the first Monday of April, 1864, or as soon thereafter as circumstances will permit, and after being duly sworn, faithfully to view and locate said road on the nearest and most practicable route, as described in section first.

SEC. 3. Said commissioners shall have authority to adjourn from day to day and from place to place, to fill any vacancy that may occur in said board, and after their first meeting, as provided in section 2, the said commissioners shall have authority to administer any oath necessary and proper to carry into effect the provisions of this act.

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

SEC. 5. Said commissioners shall make their report to the county commissioners of Pierce county, immediately after they shall have completed their commissions; and the said commissioners shall receive a compensation of three dollars per day for their services, while actually employed in the viewing and locating said road, to be paid out of the county treasury of Pierce county.

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

Passed January 23, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

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

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the commissioners named in the 1st section of the act to which this is amendatory, having failed to view and establish the Territorial road recited in said act, that the appointment of said D. F. Brownfield, Wm. Irving and Joseph Newell, be and the same is hereby revoked, and in lieu thereof, Gay Morse, J. W. Bagley and Henry McPherson are appointed commissioners to view and establish said Territorial road.

SEC. 2. That so much of said Territorial road as lies between Squim Bay and Port Angeles, shall be immediately reviewed and laid out by the commissioners recited in section 1, and their report filed with the county auditor of the said county of Clalm, who shall submit the said report to the next term of the county commissioners court.

SEC. 3. Said county auditor on the receipt of said report for filing, shall issue notices by posting the same in three of the

most public places of the county, asking for bids for the opening and laying out said road, to be submitted to said county commissioners court, who are hereby directed to let out said contract to the lowest responsible bidder.

SEC. 4. To provide a fund to meet the expenses incurred in reviewing and building the portion of said road hereinbefore recited, the funds received for liquor licenses in said county shall be set apart, and certificates of labor upon said road, or material furnished, certified by said viewers, or the contractor, shall be received on account of any license which may be due to said county.

SEC. 5. All acts and parts of acts inconsistent herewith, be, and the same are hereby repealed.

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

Passed January 22, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO PROVIDE FOR THE PAYMENT OF THE SAINT JOHN'S LUNATIC ASYLUM AT VANCOUVER, FOR THE SAFE KEEPING, CARE AND MEDICAL TREATMENT OF THE INSANE AND IDIOTIC PERSONS OF WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial Treasurer is hereby authorized to set apart a fund from the general fund of the Territory, to be known as the "fund for the care of the Insane."

SEC. 2. It will be the duty of the Territorial Auditor to

certify to the said Treasurer the amount that will be necessary to defray the expense of keeping the Insane of the Territory by the mode provided by law for such keeping, and when the Auditor has so certified, it will then be the duty of the Treasurer to keep a sufficient fund to pay such expense for the current year of his office, and if the amount retained by him for such purpose should not be sufficient to defray the expense for the entire year, his successor in office shall, from the funds which may first come into his hands, retain a sufficient amount, in addition to the amount which he is by section 1 of this act, required to keep, a sufficient amount to make up the deficiency of said fund for the previous year.

SEC. 3. It will be the duty of the said Treasurer to pay from said fund, all warrants drawn upon him, without regard to date, which specify that they are drawn for service rendered in taking care of or keeping the Insane of the Territory.

SEC. 4. The Territorial Treasurer is hereby instructed and authorized, forthwith, to pay the warrants heretofore drawn upon him by the Territorial Auditor, in favor of the "St. John's Lunatic Asylum," for the safe keeping, care and medical treatment of the insane and idiotic, under the contract entered into by the Governor and Auditor of this Territory with said Asylum, from any moneys in the treasury, and should there not be funds sufficient at this time in the treasury to meet said warrants, then said Treasurer shall pay the same from time to time as funds shall come into his hands.

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

Passed January 30, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO LOCATE A TERRITORIAL ROAD FROM BUDD'S INLET, IN THURSTON COUNTY, TO INTERSECT A TERRITORIAL ROAD LEADING FROM THE HEAD OF LITTLE SKOOKUM BAY, IN MASON COUNTY, TO THE COUNTY SEAT OF CHEHALIS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That George W. Kriss of Mason county, James Waldrip and William Young of Chehalis county, be and they are hereby appointed and constituted a board of commissioners, to view and establish a Territorial road from Budd's Inlet, opposite the town of Olympia, to intersect the Territorial road leading from the head of Little Skookum Bay, in Mason county, to the county seat of Chehalis county.

SEC. 2. Said commissioners, or a majority of them, shall meet at the residence of Edwin Marsh, in Thurston county, on the first Monday in May next, or as soon thereafter as circumstances will permit, and after being duly sworn by any officer authorized to administer an oath faithfully to perform the duties assigned to them, shall proceed to view, locate and mark out a road between the points designated, on the nearest and most practicable route.

SEC. 3. Said commissioners shall make out a true report of their proceedings and cause a certified copy thereof to be filed with the Secretary of the Territory, and also with the county auditor of each county through which said road runs, within sixty days from the completion of their labors, and when said report is so filed, the said road shall be considered a Territorial road and shall be opened and kept in repair as other Territorial roads.

SEC. 4. If from any cause one or more of said commissioners shall fail to qualify and act, the remaining members shall appoint some suitable person or persons, who shall have all the powers granted in this act.

SEC. 5. No charge shall be made against either county for services performed under this act by said commissioners.

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

Passed January 28, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO INCORPORATE THE PORT MADISON LIBRARY ASSOCIATION.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That G. A. Meigs, A. B. Young, J. M. Guindan, N. H. Falk, J. M. Colman, W. B. Sinclair, Geo. W. Dwelly, and C. P. Stone, their associates and assigns, are hereby constituted a body corporate and politic, under the name and title of the Port Madison Library Association, by which title they may sue and be sued, plead or be impleaded in all courts of law or equity.

SEC. 2. Said association shall provide a suitable reading room, supply the library with a choice variety of useful and interesting books, together with such papers and periodicals as they may choose.

SEC. 3. Said association shall be governed by such rules or regulations as they may adopt.

SEC. 4. Nothing in this act shall be so construed as to conflict with the by-laws governing the association.

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

Passed January 16, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN TO INCORPORATE THE CITY OF VANCOUVER."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the first section of an act entitled "an act to incorporate the city of Vancouver," passed January 23, 1857, be and the same is hereby amended so as to read as follows :

"The city of Vancouver shall be bounded as follows : Commencing at the south-west corner of the military reservation in Vancouver, in the county of Clarke ; thence westerly along the south line of the land claims of Mrs. Esther Short, deceased, and Amos M. Short, deceased, to the south-west corner of the land claim of Amos M. Short, deceased ; thence north three-fourths of a mile ; thence east to the west line of the land claim of William Ryan ; thence southerly, along said line, to the Columbia river ; thence west, along the meander of said river, to the place of beginning."

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

Passed December 24, 1863.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AUTHORIZE JOHN BENNETT TO ESTABLISH AND KEEP A FERRY ACROSS THE NOOTSACK RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That John Bennet, his heirs or assigns,

be and he is hereby authorized to establish and keep a ferry across the Nootsack river, in Whatcom county, at the point where the road from Whatcom to Fort Hope crosses or may cross said river; to the opposite shore, commencing at a point in the center of said river and extending from said point, up and down said river on each side thereof, two miles each way; and that the said John Bennett, his heirs and assigns, have the exclusive privilege of ferrying in Whatcom county, within the above limits, for the term of ten years from the passage of this act: *Provided*, That said ferry, when so established, shall be subject to the same regulations and under the same restrictions as other ferries are or may hereafter be by the laws of this Territory, prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. That it shall be lawful for the said John Bennett, his heirs and assigns, to receive and collect the following rates of toll for ferriage upon said river:

For each footman	\$ 50
For each man and horse.....	1 00
For each animal packed.....	75
For each head of loose animals, other than sheep or hogs,	50
For each sheep, goat or hog,.....	12½

SEC. 3. That no court or board of county commissioners shall authorize any persons, except as herein provided by this act, to keep a ferry within the limits set out in this act: *Provided*, That the said John Bennett, his heirs or assigns, shall, within one year after the passage of this act, procure for said ferry a good and sufficient flat boat or boats, which shall be kept at said ferry for the transportation of all persons and their property across said river without delay.

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

Passed January 13, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

AUTHORIZING J. P. STEWART AND JOHN WALKER TO ESTABLISH AND KEEP A FERRY ACROSS THE PUYALLUP RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That J. P. Stewart and John Walker, be and they are hereby authorized to establish and keep a ferry across the Puyallup river at the town of Franklin, Pierce county, and that the said J. P. Stewart and John Walker, their heirs and assigns, have the exclusive privilege of ferrying upon said river within the following limits, to-wit: One mile above and one mile below said town of Franklin, on each side of the river, and that the said J. P. Stewart and John Walker, their heirs and assigns, have the exclusive privilege of ferrying across said river within the above limits, for the term of ten years from the passage of this act: Provided, That said ferry when so established, shall be subject to the same regulations and under the same restrictions as other ferries are or may hereafter be by the laws of this Territory, prescribing the manner in which licensed ferries shall be kept and regulated.*

SEC. 2. That it shall be lawful for the said J. P. Stewart and John Walker, their heirs and assigns, to receive and collect the following rates of toll for passage upon said ferry:

For wagon with two animals attached.....	\$ 50
For each additional span of animals.....	25
For horse and carriage.....	50
For man and horse.....	25
For each animal packed.....	25
For each head of sheep, goats and hogs.....	5
For loose stock, other than hogs or sheep.....	10
For each footman.....	12½

But the county commissioners of the county in which said ferry is or may be situated, may at any regular term of their court, change said rates of toll, and when so altered, it shall be lawful for said J. P. Stewart and John Walker, the heirs and assigns, to collect and receive ferriage only according to rates fixed by said county commissioners.

SEC. 3. The said J. P. Stewart and John Walker, their heirs and assigns, shall, at all times, keep at said ferry a good and sufficient flat boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property across said river without unnecessary delay, and upon proof being made to the county commissioners of said county that the said J. P. Stewart and John Walker, their heirs and assigns, have failed to keep a good and sufficient boat or boats, with sufficient hand or hands to work the same as required in the foregoing, then this act shall be void.

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

Passed January 25, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

AMENDATORY OF "AN ACT INCORPORATING THE NISQUALLY PLANK ROAD COMPANY," PASSED JANUARY 28, 1862.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Section one of said act of which this is amendatory, be amended, by striking out the name of S. H. Hackett and inserting the names of Warren Gove and J. D. Laman.

SEC. 2. Section 7 of the act of which this is amendatory, shall be so amended as to extend the time of forfeiture until the 1st day of January, 1865.

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

Passed January 28, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO ESTABLISH A FERRY ACROSS THE YAKIMA RIVER IN WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Leonard Thorp and Thomas Butler, their heirs and assigns be, and are hereby authorized to establish and keep a ferry across the Yakima river ; said charter to begin at the mouth of the Attannum, and extend to Priest's Point, a distance of about three miles ; and the said Leonard Thorp and Thomas Butler, their heirs and assigns, to have the exclusive privilege of ferrying for the term of ten years from and after the passage of this act.

SEC. 2. The rates of toll shall be fixed by the county commissioners of the county in which said ferry is located.

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

Passed January 15, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE B. R. STONE TO ESTABLISH AND KEEP A FERRY ACROSS THE COLUMBIA RIVER," PASSED JAN. 20, 1863.

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

"That B. R. Stone, his heirs or assigns be, and they are hereby authorized to establish and keep a ferry across the Co-

Columbia river at a point known as Rockland, in Cllickitat county, opposite the city of the Dalles, in Oregon; and the said B. R. Stone, his heirs or assigns, to have the exclusive privilege of ferrying on the said river within the following limits, to-wit: One mile above and one mile below the point where the military road from Fort Simcoe now strikes the Columbia river, for the period of ten years from and after the first day of February, A. D. 1864."

SEC. 2. That section three of the act to which this is amendatory be so amended as to read:

"The said B. R. Stone, his heirs or assigns, shall, within three months from the first day of February, A. D. 1864, procure and keep on said ferry a sufficient ferry boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property without unnecessary delay."

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

Passed January 13, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO INCORPORATE THE STA-LU-KAHA-MISH LOG DRIVING COMPANY, FOR THE PURPOSE OF CLEARING THE STA-LU-KAHA-MISH RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That Jacob Summers, Thos. Cranney and C. J. Noyes, their legal representatives and assigns be, and hereby are constituted a body corporate and private, with power to sue and be sued, under the name and style of the Sta-lu-kaha-*

mish Log Driving Company, for the purpose of removing jams and other obstructions to driving or floating logs and timber down the Sta-lu-kaha-mish river in this Territory.

SEC. 2. That said company shall, within one year after the passage of this act, commence clearing the channel of said river of jams and other obstructions to floating logs and timber down the same, and shall, within five years after the passage of this act, complete the clearing of said river for a distance of ten miles up from its mouth, so that logs and timber may be floated down the same.

SEC. 3. The said company, whenever and so far as they may have complied with the provisions of this act, shall have the right, and are hereby authorized to charge and collect from the person or persons floating logs or timber down said river, any sum they may deem reasonable, not exceeding fifty cents per thousand feet. Said company shall have the right to detain at the mouth of said river any logs or timber floated down the same, until such charges are paid.

SEC. 4. Said company shall have the right of way to and from said river, provided they do not damage any improved lands lying along its banks, and shall also have the right to construct and maintain such booms and other structures on said river, and at its mouth, as may be deemed necessary by said company.

SEC. 5. The privileges granted by this act to said corporation, their associates, legal representatives and assigns, shall be continued to them, in the full enjoyment thereof, for the term of ten years from the passage of this act.

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

Passed January 27, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

AUTHORIZING WM. H. POPE, HIS HEIRS AND ASSIGNS, TO
ESTABLISH AND KEEP A FERRY ON SPOKANE RIVER.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Wm. H. Pope, his heirs and assigns be, and they are hereby authorized to establish and keep a ferry across Spokane river, and to have the exclusive privilege of ferrying between the following limits for the term of five years: Commencing at a point on the Spokane river two miles above Antoine Plant's house, and extending five miles up the river.

SEC. 2. That no court or board of county commissioners shall authorize any person, except as hereafter provided by this act, to keep a ferry within the limits set out in this act: *Provided*, That the said Wm. H. Pope shall, within one year from the passage of this act, furnish a suitable boat or boats which shall be properly and skillfully manned so as to transport persons and property across said river with safety and dispatch.

SEC. 3. The said ferry, when established, shall be subject to the same regulations and under the same restrictions as other ferries are, or may hereafter be by the laws of this Territory prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 4. That it shall be lawful for the said Wm. H. Pope, his heirs and assigns, to receive and collect the following rates of toll upon said ferry, to-wit:

For each wagon with two animals attached.....	\$4 00
For each pleasure wagon with two animals attached....	3 00
For each man and horse.....	1 00
For each animal packed.....	1 00
For each foot passenger.....	50
For loose horses and cattle, per head.....	50
For sheep, hogs and goats, each.....	10
For each ton of merchandise or other freight, not in a vehicle or any other conveyance that has paid toll.....	3 00

There shall be nothing in this act to prevent the county

commissioners from altering the rates of ferriage at any term of their court.

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

Passed January 8, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO AUTHORIZE WM. N. HORTON AND WM. A. BUSEY, THEIR HEIRS AND ASSIGNS, TO PLANT, CULTIVATE AND GATHER OYSTERS ON TOTTEN'S INLET.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Wm. N. Horton and Wm. A. Busey, their heirs and assigns be, and they hereby are granted the exclusive privilege to plant, cultivate and gather oysters in so much of Totten's Inlet as lies within the limits of sections number twenty-two, twenty-three, twenty-six and twenty-seven, in township number nineteen, north of range three west of Wilamette meridian.

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

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

Passed January 19, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE MONTICELLO AND COWLITZ LANDING STEAM BOAT COMPANY."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section first of the act of which this is amendatory, be so amended as to grant the same privileges on the Columbia river that the company have on the Cowlitz river.

SEC. 2. Amend section second so as to allow the company to increase the capital stock by a vote of the stock holders.

SEC. 3. Amend section four to read that the directors may at any time call a meeting of the stock holders, in a manner to be prescribed by their by-laws.

SEC. 4. Amend section seven that the directors may change the rates of fare at any of their regular meetings: *Provided, however,* That the rates by the directors established on the Cowlitz river, shall not exceed the rates established by law.

SEC. 5. Amend second line in section eight to read seven months.

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

Passed January 25, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT AUTHORIZING A. W. COMPTON AND HENRY CARNES TO ESTABLISH A FERRY ACROSS THE PEND' ORRILLE RIVER," PASSED DEC. 23, 1862.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That as A. W. Compton and Henry

Carnes have hitherto entirely failed to comply with the provisions of said act to which this is amendatory, that the said privileges and franchises in said act granted to said Compton and Carnes be transferred to and remain in Charles Loveland, his associates, heirs and assigns, as fully as though he, the said Loveland, had originally been named as the sole corporator in said act to which this is amendatory.

SEC. 2. This act is not intended to grant or establish a ferry privilege, but merely to continue in force a right heretofore granted, and to substitute Charles Loveland in the place of the original parties named in said act to which this is an amendment.

SEC. 3. This act shall be a supplement to, and explanatory of the act to which it is an amendment.

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

Passed January 9, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AUTHORIZE JACOB DUMAS TO ESTABLISH A BRIDGE ACROSS
PACK RIVER, IN SPOKANE COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Jacob Dumas and his associates be, and they are hereby authorized to establish a bridge across Pack river, in said Territory, at or near the point where the boundary commission trail crosses said river, and that said Jacob Dumas and his associates shall have the exclusive right for a bridge on said stream for one mile each way up and down

from said point, for the period of ten years : *Provided*, That the said bridge, when so established, shall be subject to the same regulations and under the same restrictions as other bridges are, or may be by the laws of this Territory prescribing the manner in which licensed bridges shall be kept and regulated.

SEC. 2. The following shall be the rates of toll which the said Jacob Dumas and his associates are hereby authorized to collect :

For each wagon with four animals attached.....	\$4 00
For wagon with two animals attached.....	3 00
For man and horse.....	1 00
For each animal packed.....	1 00
For each footman.....	50
For each animal loose.....	25

SEC. 3. That Jacob Dumas and his associates shall, within two years from and after the passage of this act, have completed a good and substantial bridge, and until such time as said bridge shall be completed, said Dumas and his associates shall keep a ferry at said point, with rates of toll as above mentioned : *Provided*, That nothing in this act shall be so construed as to prevent the county commissioners of Spokane county from altering or regulating the rates of toll that may be charged for crossing on said bridge.

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

Passed January 19, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO INCORPORATE THE WHIDBY ISLAND LOG-DRIVING COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington.* That Luther S. Moore, his heirs and assigns, be and they are hereby created and constituted a body corporate and politic, with full power to sue and be sued, under the name and style of the Whidby Island Log-Driving Company, for the purpose of removing jams and other obstructions to driving or floating logs or timber down a slough emptying into Useless Bay, in Township No. 29, north of range No. 3, east of the Willamette meridian.

SEC. 2. The said company shall, within ten days after the passage of this act, commence clearing said slough of jams and other obstructions to floating or driving logs down said slough.

SEC. 3. The said company are further authorized to construct a ditch or canal not to exceed one mile in length, of sufficient capacity to float any and all logs or timber necessary, and said company may construct dams and gates necessary to control and restrain sufficient water to feed said canal or ditch: *Provided*, That said company shall, within two years from the passage of this act, complete the said canal and other works.

SEC. 4. The said company whenever and so far as they may have complied with the provisions of this act, shall have the right and are hereby empowered and authorized to charge and collect from the person or persons floating logs or timber down said slough or canal, any sum they may deem reasonable, not to exceed fifty cents per thousand feet, log measure; and said company shall have the right to detain at the mouth of said slough any logs or timber floated down the same until such charges are paid.

SEC. 5. Said company shall have the right of way to and from said slough and canal from all points, and shall also have the right to construct and maintain such booms and other structures on said slough and at its mouth, as may be deemed necessary by said company.

SEC. 6. The privileges granted by this act to said company, shall be continued to them, their legal representatives and assigns, in the full enjoyment thereof, for the term of ten years from the passage of this act.

SEC. 7. This act shall not be so construed as to authorize said corporators to enter upon improved lands without making due compensation, said compensation shall be assessed as follows: The corporators shall select one person, the adverse party shall select one, and the two thus selected shall select a third party, which persons having the qualifications of jurors, shall assess the damages, and their award shall be final.

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

Passed January 27, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO INCORPORATE THE WHATCOM COAL MINING COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That William Utter, his associates, heirs and assigns, be and they are hereby constituted and declared a body corporate and politic, by the name and style of the Whatcom Coal Mining Company. The object of this corporation shall be to open and work a coal vein, situate on the donation land claim or other lands of the said Wm. Utter, said land claims being near tide water on Bellingham Bay, Whatcom county, Washington Territory.

SEC. 2. The said corporation is hereby empowered and authorized to have, receive, purchase, possess, enjoy and retain lands, tenements, goods and chattels of any kind and to any amount which said corporation may deem expedient, after organizing under this act, not exceeding five hundred thousand dollars, to carry into effect the objects of said corporation, and the same to use, alien, sell and dispose of; to sue and be sued in any courts having competent jurisdiction; to have a common seal, and to ordain and establish such rules, regulations and by-laws as may be necessary for the successful prosecution of the objects of said corporation after organizing under this act.

SEC. 3. That in the prosecution of the objects of said corporation, power is hereby conferred to build a railroad from where said coal mine is opened on the said lands as before described, to tide water on Bellingham Bay, by the most convenient and economical route; and at the junction of said railroad with tide-water at Bellingham Bay, to construct a wharf to deep water, by the most convenient, economical and direct route to accomodate shipping. Should the said corporation fail to secure the right of way from any person, persons or corporation over whose land said railroad may pass, or wharf be erected upon, or disagree as to the price to be paid to such person, persons or corporation, for the right of way and occupancy of land for building said railroad and wharf, and for all necessary buildings and other purposes connected with the opening and developing of said coal mine, and for the successful working of the same, then the said corporation may notify such person or persons or corporation, or their agent or agents, which shall be deemed sufficient, to appear before some judge of the district court within the district where said coal mine is situate, at a time specified in said notice, which shall not be more than fifteen nor less than ten days from the date of the service of said notice, at which time the judge shall require the parties to select, each, one person to act as arbitrators in the matter, and the said arbitrators shall select a third; or if either party fail to select, then the said judge shall himself select, which arbitrators shall possess the qualifications of jurors, shall be governed, so far as applicable,

by the laws in relation to other arbitrators, shall hear and determine the case, and their award shall be final, but may be impeached for fraud, on complaint filed by the aggrieved party before the judge of the district court. Said notice of appeal must be filed in the proper court within ten days, which shall set forth, under oath, the grounds upon which said appeal is taken, and the leading facts constituting the grievance. The said corporation, upon paying the award of the said arbitrators, shall be entitled to enter upon and improve and use the land required for the objects aforesaid of the said corporation.

SEC. 4. The said corporation shall have five years from the passage of this act for the completion of the objects contemplated in this act, and shall have and hold all the rights and privileges granted in this act for the term of twenty years from its passage.

SEC. 5. The failure of the said corporation to comply with the conditions hereinbefore specified, will render void the provisions of this act.

SEC. 6. This act to take effect and be in force from and after its passage: *Provided*, That the said corporation shall, within six months from the passage of this act, proceed to organize said company and commence work.

Passed January 6, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AUTHORIZE AMOS UNDERWOOD, GEORGE BUSH, AND THEIR ASSOCIATES, TO ESTABLISH A FERRY ACROSS THE COLUMBIA RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Amos Underwood, George Bush,

their associates, heirs and assigns, be and they are hereby authorized to establish and keep a ferry on the Columbia river, at a point known as Rock Creek, or where said creek empties into the Columbia river, to have the exclusive right for a distance of two miles above and two miles below the mouth of said Rock Creek, for a term of eight years from the passage of this act: *Provided*, That said ferry when so established, shall be under the direction of the county commissioners of the county within which the same may be situated, who may make such regulations relating to ferriage fees as they may deem best.

SEC. 2. It shall be lawful for the said Amos Underwood, George Bush, and associates, to collect and receive the following rates of toll at said ferry, to-wit :

For each wagon or carriage with three horses attached . . .	\$4 00
For each additional animal	1 00
For each animal packed	2 00
For each man and horse	2 00
For each footman	1 00
For each animal loose	1 00
For each sheep or hog	50

SEC. 3. That the said Amos Underwood, George Bush, and associates, shall, within six months from the passage of this act, have constructed good and sufficient boats for ferrying safely, persons, animals and property, which said boats shall be properly and skillfully manned by a requisite number of hands to expedite transportation over said ferry.

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

Passed January 15, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AUTHORIZE J. M. VAN SYKLE TO KEEP A FERRY AT WALLULA, ON THE COLUMBIA RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That J. M. Van Sykle, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry on the Columbia river, at Wallula, for the term of ten years from the first day of July next: *Provided,* That said ferry when so established, shall be subject to the same regulations as other ferries are or may hereafter be by the laws of this Territory, prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. It shall be lawful for the said J. M. Van Sykle, his heirs and assigns, to receive and collect the following rates of toll for ferriage upon said river :

For wagon with two animals attached.....	\$4 00
For each additional animal.....	50
For hack or sulky with one animal.....	3 00
For each man and horse.....	1 50
For each animal packed.....	1 00
For loose animals, each, except hogs and sheep.....	50
For hogs and sheep.....	15
For footman.....	50

But the county commissioners of the county of Walla Walla shall have the power to change the above rates of toll at any regular meeting.

SEC. 3. The said J. M. Van Sykle shall, at all times, after one year from the passage of this act, keep a good and sufficient ferry boat or boats, with a sufficient number of hands for the transportation of all persons and their property with safety and without unnecessary delay.

SEC. 4. It is understood that nothing in this act shall affect the privileges granted to J. C. Newell, if he complies with the terms of his charter.

SEC. 5. This act to take effect and be in force from and after the third day of June, one thousand eight hundred and sixty-four.

Passed January 20, 1864.

C. CROSBY,
Speaker of the House of Representatives.

O. B. McFADDEN,
President of the Council.

AN ACT

TO AUTHORIZE DANIEL WELCH AND WILLIAM NIX TO KEEP
A FERRY ACROSS THE SPOKANE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Daniel Welch and William Nix, their heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Spokane river, where the Territorial road from Walla Walla to Colville crosses the Spokane river, one mile each way from the said Territorial road, for the term of five years from the passage of this act: *Provided,* That said ferry, when so established, shall be subject to the same regulations as other ferries are or may hereafter be by the laws of this Territory prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. It shall be lawful for the said Daniel Welch and William Nix, their heirs and assigns, to collect and receive the following rates of toll for ferriage on said ferry:

For each wagon with two animals	\$3 00
For each additional animal	50
For each man and horse	1 00
For each animal packed	1 00
For each footman	50
For all loose stock other than sheep or hogs	50
For sheep or hogs	12½

But the county commissioners of the county, at any regular term, shall have jurisdiction over said ferry, and may change the above rates of toll, and when so changed, it shall be lawful for said Daniel Welch and William Nix, their heirs and assigns, to collect and receive ferriage only according to rates of toll fixed by said commissioners.

SEC. 3. The said Daniel Welch and William Nix, their heirs and assigns, shall, before receiving any ferriage and annually thereafter, pay into the county treasury of the county in which said ferry is located, the sum of twenty-five dollars for the use of said county, and shall at all times, after six months from the passage of this act, keep a good and sufficient flat-boat or boats, with a sufficient number of hands to work the same, for the transportation of all persons, their property, teams, &c., across said river without delay.

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

Passed January 12, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AUTHORIZE ISAAC KELLOGG, HIS HEIRS AND ASSIGNS, TO
ESTABLISH A FERRY ON SNAKE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Isaac Kellogg, his heirs and assigns, be and they are hereby authorized to construct and keep a ferry across Snake river, at the mouth of the Tukannan, at the point where the old road, as laid out by Lieutt. J. A. Mullan, from

Walla Walla to Fort Benton, crosses Snake river, and that the said Isaac Kellogg, his heirs and assigns, shall have the exclusive privilege of ferrying upon said stream, for a distance of two miles above and below the point where said road crosses Snake river, for the term of ten years from the passage of this act:— *Provided*, That said ferry, when so established, shall be subject to the same regulations and under the same restrictions as other ferries are or may hereafter be by the laws of this Territory, prescribing the manner of keeping ferries.

SEC. 2. That no court or board of county commissioners shall authorize any person or persons, other than is herein mentioned, to keep a ferry within the prescribed limits of this act. It shall be lawful for the said Isaac Kellogg, his heirs and assigns to collect and receive the following rates of toll:

For each wagon or carriage with one span of horses or mules or one yoke of cattle attached.....	\$2 00
For each additional span or yoke.....	75
For man and horse.....	1 00
For pack animals, each.....	75
For foot passengers.....	50
For loose animals other than sheep or hogs.....	50
For sheep and hogs.....	25

SEC. 3. The said Isaac Kellogg and his associates, heirs and assigns, shall, within six months from the passage of this act, procure and keep a sufficient number of flat-boats and the necessary number of hands to work them, to transport persons and property without unnecessary delay.

SEC. 4. The said Isaac Kellogg, his heirs and assigns, shall before receiving any moneys for ferriage under this act, and annually thereafter, pay into the county treasury for the use of the county, a sum not exceeding twenty dollars, as an annual tax, and the county commissioners shall not levy any other tax on said ferry franchise except the usual property tax, that which may be levied on all other property within the county.

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

Passed January 14, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT AUTHORIZING GEORGE MELVILLE TO ESTABLISH A FERRY ACROSS THE KOOTNAI RIVER," PASSED JANUARY 12, 1863.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That as George Melville has hitherto entirely failed to comply with the provisions of the act to which this is amendatory, that the said privileges and franchises in said act granted to said Melville be transferred to and remain in Lemuel Richardson, his associates, heirs and assigns, as fully as though he, the said Richardson, had originally been named as the sole coperator in said act to which this is amendatory.

SEC. 2. This act is not intended to grant or establish a ferry privilege, but merely to continue in force a right heretofore granted, and to substitute Lemuel Richardson in the place of the original party named in said act to which this is an amendment.

SEC. 3. This act shall be a supplement to, and explanatory of the act to which it is an amendment.

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

Passed January 14, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AUTHORIZE HUMPHREY O'BRIEN TO CONSTRUCT A BRIDGE OR FERRY ACROSS THE YAKIMA RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Humphrey O'Brien and his associates, their heirs and assigns be, and they are hereby authorized to establish a ferry or build a bridge on the Yakima river, at a point commencing at the mouth of the Wenas, and to extend up the Yakima river two miles ; and that the said Humphrey O'Brien and his associates, their heirs and assigns, to have the exclusive privilege, within the above limits for the purposes therein specified, for the term of ten years from and after the passage of this act.

SEC. 2. It shall be lawful for the said Humphrey O'Brien and his associates to collect the following rates of toll :

For each man and horse.....	1 00
For each animal packed.....	75
For each wagon and two animals.....	1 50
For loose animals, other than sheep and hogs.....	15
For sheep and hogs.....	50
For footman.....	50

SEC. 3. *Provided,* That the said Humphrey O'Brien and his associates shall, within eighteen months from the passage of this act, construct a sufficient number of boats or build a good bridge across said river for the purposes above named.

SEC. 4. This act shall not be so construed as to prohibit the county commissioners from changing the rates of toll at any of their regular sessions.

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

Passed January 22, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO AUTHORIZE M. B. MORRIS AND W. H. WHEELOCK TO KEEP A FERRY AT OR ABOVE THE JUNCTION OF SNAKE AND COLUMBIA RIVERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That M. B. Morris and W. H. Wheelock, their heirs and assigns be, and they are hereby authorized to establish and keep a ferry at the junction of Snake and Columbia rivers, and they are authorized to keep a ferry on both the Columbia and Snake rivers within the distance of two and a half miles from said junction, either way, for the term of six years from the passage of this act: Provided, The said ferry, when established, shall be subject to the same regulations and under the same restrictions that other ferries are, or may hereafter be by the laws of this Territory prescribing the manner in which licensed ferries shall be kept and regulated.*

SEC. 2. That it shall be lawful for the said Wm. B. Morris W. H. Wheelock, their heirs and assigns, to receive and collect the following rates of toll for ferriage on said ferry :

For each wagon with two animals attached.....	\$4 00
For each additional animal.....	50
For hack or sulkey with one horse.....	2 50
For each man and horse.....	1 50
For each animal packed.....	1 00
For each foot passenger.....	50
For loose animals, except hogs and sheep, per head.....	50
For sheep, hogs and goats, each.....	15

Except to emigrants crossing the plains with the intention of settling in this Territory, who shall only be charged one-half of the above rates. But the county commissioners of the county within which said ferry may be located, at any regular term of court, shall have the power to change the above rates of toll, and when so changed, it shall be lawful for the said M. B. Morris and W. H. Wheelock, their heirs and assigns, to collect and receive ferriage only according to the rates of toll fixed by said commissioners.

SEC. 3. The said M. B. Morris and W. H. Wheelock, their

heirs and assigns, shall, before receiving toll for ferriage, and annually thereafter, pay into the county treasury of the county in which said ferry is located, the sum of twenty-five dollars. If the said ferry is in two counties, the proceeds shall be divided equally between said counties ; and shall, at all times after six months from the passage of this act, keep a good and sufficient ferry boat or boats, with a sufficient number of hands, for the transportation of all persons and their property with safety, and without unnecessary delay.

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

Passed January 13, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO ESTABLISH A FERRY ACROSS THE COLUMBIA RIVER OPPOSITE THE TOWN OF UMATILLA, W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That F. P. Foster, J. A. Clifford, their associates, heirs and assigns be, and are hereby authorized to establish and keep a ferry across the Columbia river ; said charter beginning at the foot of the Umatilla rapids, or at a point of rocks extending out into the Columbia river from the Washington side near the foot of said rapids, thence down said river two and three-fourth miles ; and the said F. P. Foster, J. A. Clifford, their heirs or assigns, to have the exclusive privilege of ferrying on said river for the period of ten years from and after the passage of this act.

SEC. 2. It shall be lawful for the said F. P. Foster, J. A. Clifford, their heirs or assigns, to receive the following rates of toll for ferrying on said ferry :

For each wagon, mules or yoke of oxen.....	\$4 00
For each additional span of animals.....	1 00
For man and horse.....	2 00
For each animal packed.....	1 50
For loose animals other than sheep or hogs.....	1 00
For sheep and hogs, each.....	50

Except to emigrants crossing the plains with the intention of settling in the Territory, who shall only be charged one-half the above rates.

SEC. 3. The said F. P. Foster, J. A. Clifford, their heirs or assigns, shall, within three months from the first day of February, 1864, procure and keep on said ferry a sufficient ferry boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property without unnecessary delay. There shall be nothing in this act to prevent the county commissioners of the county or counties in which said ferry is located from altering the rates of ferriage or declaring the charter forfeited, from any want of compliance with the provisions of this charter.

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

Passed January 8, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO INCORPORATE THE COLSEED LOG DRIVING COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That* Cyrus Walker and Wm. Reese, their associates or assigns be, and are hereby constituted a body

corporate and politic, with power to sue and be sued, under the name and style of the Colseed Log Driving Company, for the purpose of removing jams of drift-wood or other obstructions to driving or floating logs or timber down the Duqui Creek into Colseed Bay.

SEC. 2. Said company shall, within six months after the passage of this act, commence to clear the channel of said creek from obstructions of jams and drifts, and shall, within two years after the passage of this act, have the same cleared of such obstructions from the mouth up to the first forks of said creek, otherwise this act shall have no force or virtue.

SEC. 3. The said company complying with the provisions of this act, shall have the right, and are hereby authorized to charge and collect from the person or persons floating or driving logs or timber down said creek, any sum they may deem reasonable, not exceeding fifty cents per thousand feet.

SEC. 4. The said company shall build and maintain, at or near the mouth of said creek, a secure and substantial boom to catch and collect all logs or timber that may be driven down ; and all persons driving down logs or timber in boom shall, within a reasonable time, pay the charges upon them and take them away, in conformity to such rules as said company may establish, which in all cases shall be uniform and equal.

SEC. 5. All logs, before being put into the water, shall have placed upon them a distinct mark cut into the wood ; and the person or persons owning such logs, shall deposit with the secretary of said company a design of such mark, who shall record it upon the company's books, and which mark shall differ from any previously recorded ; and no person or persons shall be allowed to claim any logs or timber in said creek or boom unless the foregoing provisions are complied with.

SEC. 6. The privileges granted by this act to said Cyrus Walker and Wm. Reese, their associates and assigns, shall be continued to them, in the full enjoyment thereof, for the term of ten years from the passage of this act.

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

Passed January 5, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO AUTHORIZE HENRY K. STEVENS AND JOHN RICKERTSON TO CONSTRUCT A TOW PATH ON THE COLUMBIA AND SNAKE RIVERS.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Henry K. Stevens and John Rickertson, their heirs and assigns be, and they are hereby authorized to construct and keep a tow path on the south bank of the Columbia river from the town of Wallula to the mouth of Snake river; from thence along either bank of Snake river to the boundary line between Washington and Idaho Territories; said tow path to be used for the purpose of towing boats on the said rivers, with freight and passengers.

SEC. 2. The said Henry K. Stevens and John Rickertson, their heirs and assigns, shall have the exclusive privilege of keeping such tow path and enjoying all the benefits of the same, for the period of ten years from the passage of this act: *Provided,* That the said Henry K. Stevens and John Rickertson, their heirs and assigns shall, within one year from the passage of this act, put on the said rivers one or more boats for the transportation of freight and passengers: *And provided further,* That the said H. K. Stevens and John Rickertson, their heirs and assigns, shall have said tow path finished, as contemplated in section one of this act, within four years from the passage of this act.

SEC. 3. The county commissioners of the several counties through which said tow path may be located, shall have the right to regulate the rates of toll which the said Stevens and Rickertson, their heirs and assigns, shall charge for the use of said tow path, by persons using the same, and after a sum has been fixed, it shall not be lawful for any persons to use said tow path without first paying the tolls required by law.

SEC. 4. Any person or persons traveling upon or using said tow path, and refusing to pay the tolls required by law, shall forfeit and pay to the corporators of said tow path double the amount fixed by law as the legal toll, and the same shall be a lien on all property in the possession of the party complained of.

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

Passed January 28, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE E. C. HARDY AND OTHERS TO OPEN A TRAIL AND MAKE A WAGON ROAD IN CLARKE AND SKAMANIA COUNTIES."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the title of the act to which this is amendatory be, and the same is hereby amended so as to read:

"An act to authorize E. C. Hardy, his heirs and assigns, to open a trail and construct a wagon road in Skamania county."

SEC. 2. *Be it further enacted,* That section one of the act to which this is amendatory be, and the same is hereby amend-

ed by striking out all after the word "point" in said section one, and inserting the following: "Near what is now known as Benjamin Tanner's farm on Cape Horn Mountain, in Skamania county, to intersect the United States military road at the Cascades, on the Columbia river: *Provided*, That the said road shall be constructed above the ordinary high water mark of the Columbia river."

SEC. 3. *Be it further enacted*, That section three of the act to which this is amendatory be, and the same is hereby amended by striking out all after the word "shall," in said section three, and insert in lieu thereof the following: "Within twenty-two months after the passage of this act, construct along and upon said route, between the points specified in section two of this act, a sufficient wagon road of not less than eight feet in width, so that wagons can pass over said road."

SEC. 4. *Be it further enacted*, That section four of the act to which this is amendatory be, and the same is hereby amended by striking out all of said section four after the word "sums" as it occurs in said section, and inserting in lieu thereof

For each man and horse	50
For each animal packed	37½
For each head of animals, other than hogs, sheep or goats	25
For each sheep, hog or goat	5

And it shall be lawful for the said E. C. Hardy, his heirs or assigns, to receive, and he or they are hereby authorized to collect as toll the following amounts after the completion of said road so that wagons can pass over it, to-wit:

For each wagon with two horses, mules or oxen attached	\$1 00
For each additional pair of horses, mules or oxen	50
For horse and buggy	75
For each additional horse	25
For each man and horse	50
For each animal packed	37½
For each head of animals other than sheep, hogs or goats	25
For hogs, sheep or goats, each	05

And the said E. C. Hardy, his heirs and assigns, shall have the right to maintain and keep in repair said road, and receive the

tolls provided in this act, for the term of twenty years from and after the passage of this act: *Provided*, That nothing in this act shall be so construed as to interfere with the vested rights of any company that is now, or may hereafter be incorporated, for the purpose of building a railroad over any portion of said route mentioned in section two of this act: *And provided further*, That the said E. C. Hardy, his heirs or assigns shall, within two years after the passage of this act, open the said road twelve feet wide, free of brush and logs.

SEC. 5. *And provided further*, That the county commissioners of Skamania county shall have the power, after the expiration of five years from the passage of this act, to change and affix the rates of toll on said road annually thereafter.

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

Passed January 8, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO INCORPORATE THE "CLICKATAT WOOD-FLOATING COMPANY."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Albert G. Davis, J. H. Lasater, and those who may think proper to associate with them, be and they are hereby declared a body corporate and politic, by the name and style of the "Clickatat Wood-Floating Company."

SEC. 2. *Be it further enacted*, That the ends of said corporation shall be the procurement of wood from the mountains in said Territory, for use on the Columbia river and elsewhere.

SEC. 3. *Be it further enacted,* That said corporation shall have and enjoy for ten years to come, the exclusive privilege of floating cord-wood from the mountains in said Territory, to the Columbia river, during said time, on Davis creek, which is the first creek that empties into the Columbia river above the mouth of Rock creek, in Klickitat county, W. T.; and in order to facilitate that object, said corporation shall have power to remove all obstructions from said creek, and keep the same open, and to erect booms on said creek at such points as shall suit their convenience.

SEC. 4. *Be it further enacted,* That said corporation shall have power to acquire property, personal, real and mixed, and the same to sell and dispose of at pleasure.

SEC. 5. *Be it further enacted,* That said corporation shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts of law and equity in this Territory; that said corporation may have a common seal, inscribed with such letters or devices as they may direct, and the same to alter at pleasure; that all sales of said corporation shall pass and be confirmed by said seal; that said corporation shall have power to elect such officers as they may deem for the best interest of said corporation, and they may make such by-laws as they may deem for the best interest of said corporation, and not inconsistent with the constitution of the United States and laws of the same, the organic law of Washington Territory and general laws of the same.

SEC. 6. *Be it further enacted,* That said corporation shall continue for five years after the expiration of the term aforesaid, for the collection and payment of debts to and from said corporation.

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

Passed January 29, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

AN ACT

TO INCORPORATE THE SEATTLE AND SQUAK RAILROAD
COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That H. L. Yesler, Charles C. Terry, H. R. Baxter, Frank Matthias, L. B. Hinds, S. F. Combs, Dexter Horton, Wm. Greenfield, Charles Plummer, T. D. Hinkley, Jos. Williamson, ——— Castro, E. M. Smithers, S. D. Libby, Perry Dunfield, Edwin Richardson, A. B. Rabbeson, J. S. Hill, Tho's Mercer, D. S. Maynard, T. S. Russell, L. T. B. Andrews, John Suffron, Wm. A. Jepson, J. R. Watson, H. P. O'Bryant, H. Butler, F. McNatt, H. McCabe, L. V. Wykoff, of Seattle, W. T., and all such persons as shall hereafter become stock-holders in said company hereby incorporated, shall be a body politic, by the name and style of the "Seattle and Squak Railroad Company," with perpetual succession, and under that name and style shall be capable of suing and being sued, pleading and being impleaded, defending and being defended against, in law and equity, in all courts and places whatsoever, in like manner and as fully as natural persons; may make and use a common seal, and alter or renew the same at pleasure, and by their corporate name and style, shall be capable in law of contracting and being contracted with; shall be and are hereby invested with all the powers, privileges, immunities and franchises for conveying real and personal estate, which may be needed to carry into effect fully the purposes and objects of this act.

SEC. 2. The said corporation is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks or lines of rails, commencing at or near the south end of Squak or Sammamish Lake, in King county, W. T., and running thence, in said county, to a point in or near Seattle, W. T., by said company to be selected and determined.

SEC. 3. The capital stock of said company shall consist of Six Hundred Thousand Dollars, and may be increased to One Million Dollars, to be divided into shares of fifty dollars each.

The immediate government and direction of said company shall be vested in three directors, who shall be chosen by the stockholders of said company in the manner hereinafter provided, who shall hold their offices one year after their election and until others shall be duly elected and qualified to take their places as directors ; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be the President of the company. The said board of directors shall have power to appoint all necessary clerks of business of said company.

SEC. 4. The said company are hereby authorized by their agents, surveyor or engineers, to cause such examinations and surveys to be made of the ground and country between all the points mentioned in the second section of this act, as shall be necessary to determine the most advantageous route for the proper line or course whereon to construct the said railroad, and it shall be lawful for the said company to enter upon and take possession of and use all such lands and real estate as may be necessary to the construction and maintenance of the said railroad, its depots, water stations, side tracks, machine shops, engine houses, buildings and all appendages necessary to the construction and working of said railroad: *Provided*, That all lands or real estate entered upon, taken possession of and used by said company for the purpose and accommodation of said railroad, or upon which the aforesaid railroad shall have been located or determined by the said corporation, shall be paid for by said company in damages, if any be sustained by the owner or owners thereof, by the use of the same for the purpose of the said railroad, and all lands entered upon and taken for the use of the said corporation which are not devoted to said corporation at such prices as may be mutually agreed upon by said corporation and the owners of said lands or real estate, and in case of disagreement, the price shall be estimated, fixed and recovered in the manner provided for taking lands for the construction of public roads, canals or other public works.

SEC. 5. The time of holding the annual meeting of said company for the election of directors, shall be fixed and deter-

mined by the laws and by-laws of said company, and at all meetings such stock-holders shall be entitled to vote in person or lawful proxy, one vote for each share of stock he, she or they may hold *bona fide* in said company upon which all installments called have been paid.

SEC. 6. The persons named in the first section of this act, are hereby appointed commissioners, who, or a majority of whom, after a meeting duly called, by thirty days notice in two or more newspapers published in Washington Territory, are hereby authorized to open subscription books for said stocks, at Seattle and at Olympia, W. T., and shall keep such books open until thirty thousand dollars of said capital stock shall be taken. Said commissioners shall require each subscriber to pay five dollars on each share subscribed at the time of subscribing.— Said commissioners shall immediately thereafter, call a meeting of the stock-holders, by giving thirty days notice in such newspapers as may be deemed necessary, and at such meeting it shall be lawful to elect the directors of said company, and when the directors of said company are chosen, the said commissioners shall deliver said subscription books, with the sums of money received by them as commissioners to said directors. No person shall be a director in said company unless he shall own at least one share of the capital stock.

SEC. 7. The right of and the real estate purchased for the right of way by said company, whether by mutual agreement or otherwise, or shall become the property of the company by operation of law, as in this act provided, shall, upon the payment of the amount of money belonging to the owner or owners of said land as a compensation for the same, become the property of said company, in fee simple.

SEC. 8. The corporation may take and transport on said railroad any person or persons, merchandise or other property, by the force and power of steam or animals, or any combination of them; may fix and establish and receive such rates of toll for all passengers and property transported upon the same as the said directors shall establish. The directors are hereby authorized and empowered to make rules and by-laws, regulations or

ordinances, that they may deem necessary and expedient to carry into effect the provisions of this act, and further transfer assignments of the stock, which is hereby declared personal property and transferable in such manner as shall be provided by the by-laws of said company.

SEC. 9. The directors of said company, after the same is organized, shall have power to open books in the manner prescribed in the sixth section of this act, to fill up the additional capital stock or any part thereof, at such times as they may deem it for the interest of said company, and all instalments required to be paid on the stock originally to be taken and what may be taken to increase the said capital, shall be paid at such times and in such sums as the directors may prescribe.

SEC. 10. In case of the death or resignation of the President, Vice President, or any director, at any time between the annual elections, such vacancies may be filled for the remainder of the year, whenever they may happen, by the board of directors; and in case of absence of the President and Vice President, the board of directors shall have power to appoint a President and Vice President *pro tem.*, who shall have and execute such powers and functions as the by-laws of said corporation may provide. In case it should at any time happen that an election shall not be made on any day in pursuance of this act, it shall not invalidate such election, and the corporation for that cause shall not be dissolved, but such election shall be held at any other time, as directed by the by-laws of said corporation.

SEC. 11. Said company shall have power to unite its railroad with any other railroad now constructed or which may hereafter be constructed at either terminus, or at any point at which it may cross the same within this Territory, upon such terms as may be mutually agreed upon between said railroad corporations so connecting, and for that purpose, full power is hereby given to said company to make and execute such contract with any other company that may secure the object of such connection: *Provided*, That no cars shall run upon the line or track of the road constructed by the company hereby incorporated, except at the points of crossing or intersecting the same.

SEC. 12. Said company is hereby authorized, from time to time, to borrow such sum or sums of money as may be necessary for completing and furnishing and operating said railroad, and to assume and dispose of the bonds in denominations of not less than five hundred dollars, bearing a rate of interest not exceeding ten per centum per annum for any amount so borrowed, and mortgage the corporation property and franchises, or convey the same by deed of trust, to secure the payment of any debt contracted by said company for the purposes aforesaid, and the directors of said company may confer on any bond-holder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt, and all sales of stock-bonds that may be made at less than par value, shall be good and valid and binding upon such corporation as if such bonds had been sold for the full amount thereof.

SEC. 13. This act shall be deemed a public act, and shall be favorably construed for all purposes therein expressed and declared, in all courts and places whatsoever, and shall be in force from and after its passage: *Provided*, Said railroad shall be commenced within two years and be completed within six years from the passage of this act.

SEC. 14. This act to take effect and be in force from and after its passage, and all acts or parts of acts inconsistent with the same are hereby repealed.

Passed January 29, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

MEMORIALS.

MEMORIALS.

MEMORIAL

ASKING FOR AN APPROPRIATION FOR A MILITARY ROAD FROM
THE HEAD OF NAVIGATION ON THE WILLOPA RIVER TO THE
MOUTH OF BLACK RIVER.

*To the Honorable the Senate and House of Representatives
of the United States in Congress Assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would most earnestly request your attention to the fact that there is now no overland communication between Puget Sound and the fort now being built at the mouth of the Columbia river, and your memorialists being convinced that a direct communication from Olympia, the Capital of Washington Territory, situated at the southern extremity of the waters of Puget Sound, to the mouth of the Columbia river is a military necessity, and by constructing a road from the head of navigation on the Willopa river to the mouth of Black river, a distance of not over thirty miles, there to connect with the road already open to Olympia. If the object would be attained, the distance would be sixty miles from Olympia to the Willopa river, and thence thirty miles of good ship navigation by the river and Shoalwater Bay to within two miles of the fort at the

mouth of the Columbia river. Besides the military advantages thus secured, it would bring the mouth of the Columbia river in direct and easy communication with a rich and fertile portion of the Territory, which in time of war would be of inestimable value.

Your memorialists would therefore ask for an appropriation of fifteen thousand dollars, to be expended under the superintendence of a competent officer of the Engineer corps, in opening the proposed road from the head of navigation on the Willopa river to the mouth of Black river.

Passed December 23, 1863.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

MEMORIAL

ASKING AN APPROPRIATION TO REPAIR THE MILITARY ROAD
FROM FORT STELLACOOM TO FORT WALLA-WALLA.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

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

The opening of this road is of the most vital importance and interest to the people of Washington Territory; would doubtless be used yearly by thousands of persons going to and returning from the gold fields lying east of the Cascade range,

and in the opinion of your memorialists, in a military point of view, is absolutely required.

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

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

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

Passed December 23, 1863.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

MEMORIAL

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

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent that there has been a good pass discovered through the Cascade Mountains, known

as the Snoqualmie Pass, and that said pass is of less elevation than any other pass as yet discovered ; that the citizens of King county have expended much money and labor in opening a trail through said pass from Seattle to the open country east of the Mountains ; and that a good wagon road through said pass would be a great convenience to the citizens of this Territory, and afford good facilities to the Government in transporting Indian and Military supplies.

Your memorialists urgently appeal to your honorable bodies to pass an act at your earliest convenience appropriating two townships of land, sufficient to build a wagon road from Seattle, on Puget Sound, through the Snoqualmie Pass, to Walla-walla.

Your memorialists represent further, that rich mineral discoveries have been lately prospected in the valleys of the Columbia and its tributaries, which warrants the assurance that gold mining will be earnestly and profitably prosecuted the coming season in these valleys.

Further, that the Surveyor General of this Territory has contracted for extensive surveys in those valleys, and that some of those have been performed last season, and that the vast pastures and rich soils, no less than the hidden treasures of that vast domain, offer unusual inducements to settlers, and that many have settled down with flocks and herds in those regions, with whom a practical and direct road is of prime necessity.

Passed January 4, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

MEMORIAL

RELATIVE TO A WEEKLY MAIL BY STEAMER ON PUGET SOUND.

To the Honorable Post Master General of the United States :

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that Puget

Sound is destitute of a steam mail service, a favor we have heretofore enjoyed ; but since the contract has been let to Mr. Keach, he has utterly failed to place a steamer on the route, vainly attempting to perform the service by small sailing vessels, which are entirely inadequate to the wants of this growing commercial community.

We would therefore respectfully ask that the contract for said service be at once re-let to some responsible party who will place a first class steamer on the route, with a compensation for said service commensurate with its importance. We do not believe the Department wishes or ever intended to deprive us of a mail service by steamer, but it is owing to cheap, irresponsible bidders, who have misled the Department, to the great detriment of the people living on the route.

Your memorialists would therefore urgently call your attention to the immediate necessity of reforming abuses in the postal service on Puget Sound, and your memorialists, as in duty bound, will ever pray.

Passed January 4, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

MEMORIAL

RELATIVE TO AN APPROPRIATION OF LANDS TO THE NISQUALLY ROAD COMPANY.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent to your honorable body, that a road connecting the waters of Puget Sound

with those of the Columbia is a work that is much needed to develop the resources of a vast extent of country between those two sections of our Territory, that is now, in consequence of the want of a road whereby the settlers can reach a market, comparatively valueless.

Your memorialists would further represent, that two years ago the Legislative Assembly granted the "Nisqually Road Company" a charter, authorizing said company to construct a road connecting with other roads, and to complete the connection between the above points, and authorizing said company to collect tolls after the completion of the road. That on an examination of the route, the fact has been ascertained that it will cost more money to build said road than was at the time of granting said charter estimated, and fears are now entertained that unless aid is furnished by the general government, said work will not be completed, and if completed by private enterprise, it will be onerous on the people of this Territory to be compelled to pay the tolls that said company will be compelled to levy in order to reimburse them for their outlay in the construction of said road.

Your memorialists would further represent to your honorable body, that said road ought to be free for use of the government for military purposes, and to the people as a public highway. They therefore pray your honorable body to grant the said "Nisqually Road Company" seventy-two sections of land, to be selected by the said Company and the agents of the United States appointed for that purpose, in such places and to be deeded to them at such times as may by law be fixed; therefore, as the work of the completion of the road progresses, and as in duty bound your memorialists will ever pray.

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

Congress of an act in conformity with the prayer of this memorial.

Passed January 22, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

MEMORIAL

PRAYING FOR A SEMI-MONTHLY MAIL SERVICE FROM SAN FRANCISCO TO PUGET SOUND.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that, the interests of a large and important portion of this Territory would be materially advanced by the establishment of a semi-monthly mail service by steamer between San Francisco and Port Townsend, Puget Sound. On the line of this route are situated the following named towns and lumbering establishments, viz : New Dungenes, Port Angeles, Whatcom, Sehome, and the Military Posts at Port Townsend and on San Juan Island.

The tri-weekly overland mail service to California, *via*. Portland, Oregon, fails to meet the requirements of the diversified commercial and business interests of the Northern portion of this Territory, and during the winter months the great irregularities in the service render it almost useless to the people of that section.

Your memorialists would also represent that, by the establishment of this mail route, the interests of the portion of the

Territory referred to would be further subserved by the facilities which such a communication with San Francisco would afford for the shipment of freight from that point.

Your memorialists would therefore earnestly pray you to pass an act at your present session, providing for a semi-monthly mail service by steamer between San Francisco and Puget Sound, Washington Territory, and as in duty bound your memorialists will ever pray.

Resolved, That the Secretary of the Territory be, and is hereby, requested to forward a copy of the foregoing memorial and this resolution, duly certified, to our Delegate in Congress, who is hereby requested to use his influence to effect the speedy passage of an act in accordance with the prayer of this memorial.

Passed January 27, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

MEMORIAL

RELATIVE TO INCREASED MAIL FACILITIES BETWEEN THE DALLES, OREGON, AND WALLA WALLA, WASHINGTON TERRITORY.

To the Honorable the Postmaster General,

Washington City, D. C.:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that, the mail facilities between the Dalles, Oregon, and Walla Walla, W. T., are at the present time entirely inadequate to meet the wants of the people. That the mail is now generally carried on horse-

back, and portions of the year it is impossible to carry it at all, thus leaving the people of a vast section of country, containing a population of many thousands, without mails, at times, for weeks, and compelling them to resort to the various express companies for a transmission of their correspondence.

Your memorialists would further represent that, there are numerous steamers plying upon the Columbia river that would carry the mails from Dalles to Wallula in a little over half the time in which it is now carried.

We would, therefore, respectfully pray that the contract now existing for carrying the mails, by what is known as a "star contract," may be annulled, and that the said mail may be carried hereafter by steamer on the Columbia river to Wallula, and from thence, by stage, to Walla Walla, and as in duty bound, your memorialists will ever pray.

Resolved, That the Secretary be and he is hereby requested to forward a copy of this memorial to the Hon. Postmaster General, at Washington, D. C.

Passed January 27, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

MEMORIAL.

RELATIVE TO A MILITARY ROAD FROM FORT STELLACOOM TO
FORT BELLINGHAM.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled :*

Your memorialists, the Legislative Assembly of the Terri-

tory of Washington, would respectfully represent that an appropriation having been made by the Congress of the United States to build a road from Fort Steilacoom to Fort Bellingham, in said Territory of Washington; and

WHEREAS, Said appropriation was insufficient to complete said road, the construction of which was stopped about thirty miles south of the northern terminus of said road; and

WHEREAS, Your memorialists are unadvised as to whether the aforesaid appropriation has been exhausted, yet by reason of the termination of said labor, fails to connect with any point of settlement, is by reason thereof useless; and

WHEREAS, The Territory of Washington being the northwesterly extreme of the United States, bordered on the north by the possessions of Her Majesty, Victoria, Queen of Great Britain; and

WHEREAS, In the event of a war with a foreign power, the aforesaid road would be invaluable for military purposes; therefore,

Your memorialists would most respectfully ask that an appropriation be made by your honorable bodies sufficient to complete the unfinished part, and to repair that portion already constructed, and in duty bound your memorialists will ever pray.

Passed January 27, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

MEMORIAL

RELATIVE TO A ROAD FROM LEWISTON TO THE HEAD OF THE
BITTER ROOT VALLEY.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled:*

Your memorialists, the Legislative Assembly of the Terri-

tory of Washington, would respectfully represent to your honorable bodies, that there now is a good road finished from old Fort Walla Walla, on the Columbia river, to Lewiston, Idaho Territory, and that the continuation of said road to the head of Bitter Root Valley is a work of vast importance to the interests of Washington Territory, as the proposed route is the best and nearest now known for the transmission of stores and supplies from the head waters of the Missouri river and the States East of the Mountains. That if said road was completed it would induce and facilitate emigration to this Territory, and tend to open up a vast mineral and agricultural region now inaccessible in consequence of a want of roads by which the said region can be reached.

We would, therefore, join with our neighboring Territory of Idaho, in praying your honorable bodies to aid, by grant of land or money, or both, in constructing said road, and as in duty bound your memorialists will ever pray.

Resolved by the Legislative Assembly of the Territory of Washington, That Hon. Geo. E. Cole, our Delegate in Congress, be and he is hereby instructed to exert his influence to procure the passage of a law providing for the construction of a road from Lewiston, Idaho Territory, to the head of the Bitter Root Valley.

Resolved, That the Secretary of this Territory be, and he is hereby, requested to forward a copy of this memorial and resolution to Hon. Geo. E. Cole, with a request that he bring the same immediately before Congress.

Passed December 28, 1863.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

MEMORIAL

PRAYING CONGRESS FOR AID IN THE CONSTRUCTION OF A
RAILROAD FROM WALLULA TO FORT WALLA WALLA, W. T.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent, that the Legislative Assembly of said Territory have, by act thereof, incorporated a company, with authority to construct a railroad from Wallula Landing, upon the Columbia river, to the city of Walla Walla, at or near the United States Fort Walla Walla. That supplies and men for said post could be well and rapidly transmitted over said road when the same shall have been completed, thereby greatly cheapening and facilitating necessary transportation and transit to and from said military post, in fact, rendering the completion of said road valuable for military purposes within said Territory. That the Columbia river is the natural channel for the transportation of men and supplies from the Headquarters of the Pacific Division of the United States Army to the vast interior of Washington and Idaho Territories to said Wallula Landing, from which, over thirty miles of land transit, they would reach Fort Walla Walla, and with that post a depot could readily be distributed to the army inland posts in either of said Territories.

Therefore, would your memorialists pray the passage of an act appropriating land or money, or both, to said railroad company to aid in the construction of said railroad, and as in duty bound, will ever pray, &c.

Passed January 28, 1864.

C. CROSBY,
Speaker of the House of Representatives.

O. B. McFADDEN,
President of the Council.

RESOLUTIONS.

RESOLUTIONS.

RESOLUTION

RELATIVE TO JOINT CONVENTION TO RECEIVE MESSAGE FROM
THE GOVERNOR.

Resolved by the Council, the House concurring, That the two Houses meet in the hall of the House of Representatives to-morrow, at the hour of half past ten o'clock, A. M., for the purpose of receiving any communication that his Excellency the Governor may think proper to make.

Passed December 23, 1863.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

RESOLUTION

RELATIVE TO ADJOURNING OVER THE HOLIDAYS.

Resolved by the House of Representatives of the Territory of Washington, the Council concurring, That when the two Houses

of the Legislative Assembly adjourn on the twenty-fifth instant, they adjourn to meet on Monday, the 4th day of January, A. D. 1864, at the hour of ten o'clock, A. M.

Passed December 24, 1863.

C. CROSBY,
Speaker of the House of Representatives.
 O. B. McFADDEN,
President of the Council.

RESOLUTION

RELATIVE TO UNITED STATES STEAMER NARRAGANSET.

WHEREAS, There is reason to apprehend serious damage to the commercial interests of Puget Sound from Confederate privateers ; and

WHEREAS, The United States steamer *Narraganset* is now lying at Victoria, therefore be it

Resolved by the Council, the House concurring, That Selim E. Woodworth, of the U. S. N., Commander of the said steamer, be, and he hereby is respectfully requested to remain and cruise in the waters of the Sound and vicinity of the Straits of Fuca, for the purpose of preventing the damage that it is feared might otherwise be sustained.

Passed December 24, 1863.

C. CROSBY,
Speaker of the House of Representatives.
 O. B. McFADDEN,
President of the Council.

RESOLUTION

RELATIVE TO JOINT RULES AND ORDERS.

Resolved by the Council, the House concurring, That the committee on Rules and Orders of the two Houses be appointed and constituted a Joint Committee on Rules and Orders for the permanent government of business between the two Houses during the present session of the Legislative Assembly.

Passed December 25, 1863.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

RESOLUTION

RELATIVE TO AMENDMENT OF THE ORGANIC ACT.

Resolved by the Council, the House concurring, That Hon. George E. Cole, our Delegate in Congress, be, and he is hereby requested to use his influence in Congress to obtain an amendment to the Organic Act of this Territory, so as to prevent future Legislative Assemblies from granting divorces.

Passed January 4, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

RESOLUTION

ASKING AID FROM CONGRESS TO BUILD A RAILROAD TO CALIFORNIA.

WHEREAS, A Railroad has been projected from the interior of California through the State of Oregon to the Columbia river ; and

WHEREAS, There is a commercial and military necessity that said projected road be extended from the city of Vancouver, on the Columbia river, to the waters of Puget Sound; therefore be it

Resolved by the Council, the House concurring, That the Hon. George E. Cole, our Delegate in Congress, be, and he is hereby requested to use his influence to secure the passage of an act granting lands and money to aid in the construction of said road in the Territory of Washington, corresponding with the grants of land and money which may be made by Congress to aid in the construction of said road through the State of Oregon.

Passed January 4, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

RESOLUTION

RELATIVE TO JOINT CONVENTION TO ELECT TERRITORIAL OFFICERS.

Resolved by the Council, the House concurring, That the two Houses meet in Joint Convention in the hall of the House of Representatives, at the hour of 12 o'clock, on Saturday the 9th

day of January, 1864, for the purpose of electing one Territorial Treasurer, one Territorial Auditor and one Territorial Librarian.

Passed January 5, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

RESOLUTION

RELATIVE TO JOINT COMMITTEE ON ENROLLED BILLS.

Resolved by the Council, the House concurring, That the standing committees of the two houses on Enrolled Bills, compose a joint committee.

Passed January 7, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

RESOLUTION

RELATIVE TO RE-PRINT OF ELECTION, SCHOOL AND ROAD LAWS.

WHEREAS, The acts of the Legislative Assembly of the Territory of Washington of 1854, '54-55, and other sessions, containing the election law and the amendments thereto, are out of

print, by reason whereof, officers conducting elections are deprived of the aid which such laws would afford, and in frequent instances, the forms prescribed by law are necessarily disregarded ; and

WHEREAS, The edition of the laws from year to year authorized to be printed by the Secretary for distribution, is not properly receivable by officers conducting elections, nor is said edition sufficient to supply said officers ; and

WHEREAS, The same difficulties, to a great extent, exist as to the school and road laws, and officers entrusted with the performance of duties prescribed in said laws ; therefore,

Be it resolved by the Legislative Assembly of the Territory of Washington, That the Secretary of said Territory be requested to have printed five hundred copies of each of the above laws respectively, in separate pamphlets, to be by him distributed among the several counties, proportionate to the number of election precincts, school and road districts in said counties.

Passed January 12, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

RESOLUTION

RELATIVE TO EXAMINATION OF REPORTS OF TERRITORIAL AUDITOR AND TREASURER.

Resolved by the House of Representatives of Washington Territory, the Council concurring, That the committees on Ways and Means of each house be, and are hereby, appointed a joint committee, to examine the reports of the Territorial Auditor and Treasurer, made to the present session of the Legislature, and

are hereby instructed to report to their respective houses on the 18th January, instant.

Passed January 13, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

RESOLUTION

RELATIVE TO FORTIFICATIONS ON PUGET SOUND.

Resolved by the Council, the House concurring, That our Delegate in Congress, the Hon. Geo. E. Cole, be and he is hereby instructed to use his influence with Congress, to obtain an appropriation for the erection of fortifications at the mouth the the Narrows, at Point Defiance and Gig Harbor, at the points reserved by Government for that purpose.

Passed January 16, 1864.

C. CROSBY,
Speaker of the House of Representatives.
O. B. McFADDEN,
President of the Council.

RESOLUTION

IN REGARD TO FURNISHING WHATCOM COUNTY WITH TERRITORIAL ARMS.

Resolved by the House, the Council concurring, That one case of rifled muskets be furnished to the auditor of Whatcom county, for the use of said county.

RESOLUTIONS.

Resolved, That the said auditor of said county receipt to the Quartermaster General for the said arms in the name of said county.

Resolved, That the Quartermaster General deliver to H. C. Barkhausen, Auditor of Whatcom county, one case of Territorial muskets for use of said county.

Passed January 16, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

RESOLUTION

RELATIVE TO ADJOURNING, *SINE DIE*.

Resolved by the Council, the House concurring, That the two houses adjourn *sine die*, on Monday, February 1st, 1864.

Passed January 18, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

RESOLUTION

RELATIVE TO AND EXPLANATORY OF C. J. No. 7, RELATING TO ADJOURNING *SINE DIE*, PASSED JANUARY 18, 1864.

Resolved by the House, the Council concurring, That Council Joint Resolution No. 7, relative to adjourning *sine die*, passed January 18, 1864, was premature.

Resolved, That the two houses adjourn *sine die* by limitation.

Passed January 23, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

RESOLUTION

RELATIVE TO NEW BUSINESS.

Resolved by the House, the Council concurring, That no new business shall be introduced after Wednesday, the 27th day of January, 1864.

Passed January 22, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

RESOLUTION

RELATIVE TO PRINTING STATEMENT OF THE FINANCIAL CONDITION OF THE TERRITORY.

Resolved by the Council, the House concurring, That one thousand five hundred copies of the statement of the financial

affairs of this Territory, submitted by the Council committee on Ways and Means, be ordered printed for distribution in this Territory.

Passed January 27, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

RESOLUTION

RELATIVE TO PRINTING DECISIONS OF THE SUPREME COURT.

WHEREAS, The decisions of the Supreme Court of the Territory, on many of the most important laws, are inaccessible to the bench, the bar and the people, by reason of their never having been published ; and

WHEREAS, There is a necessity for the publication of the same, to secure the proper enforcement of the laws ; therefore

Resolved by the Council, the House concurring, That the Secretary of the Territory be, and he is hereby requested to have the opinions of the Supreme Court arranged, and a proper syllabus of the cases prepared, and have the same published as an appendix to the Journal of the Council.

Passed January 28, 1864.

C. CROSBY,

Speaker of the House of Representatives.

O. B. McFADDEN,

President of the Council.

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