

CHAPTER CLXII.

[H. B. No. 621.]

RELATING TO PUBLIC ROADS.

AN ACT providing for levying and collecting taxes in road districts for road purposes, and limiting the use of the same; providing that persons owning property in this state, outside of incorporated towns and cities, shall be entitled to pay in labor, road taxes levied thereon, and amending sections 2, 5, 7, 9 and 10, and repealing sections 11 and 13 of "An act relating to the construction, repair and improvement of public roads, providing revenue for such purpose; defining the powers and duties of certain officers in relation thereto, and fixing their compensation;" and to repeal an act entitled "An act to provide for keeping highways in repair, and for the levy and collection of road poll and road property taxes, and declaring an emergency," approved March 7, 1890, and declaring an emergency.

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

SECTION 1. That at the time and place of holding the annual election of road supervisors, the electors of any road district in this state may levy by vote for road and bridge purposes, a tax of not less than one mill on the dollar, and not more than ten mills on the dollar, upon all taxable property in said road district. When voting for road tax, as provided in this act, each elector shall write upon his ballot the words "For tax," and shall write thereafter the amount of tax which, in his judgment, should be raised, which amount shall not be more than ten mills on the dollar, or less than one mill on the dollar, on the assessed valuation for previous year of all property within his road district. In canvassing said ballots all amounts so voted shall be added together, and the sum so obtained shall be divided by the number of ballots so voted. The quotient so obtained shall be the amount voted at such election, and shall be the amount to be certified to the board of county commissioners as provided in this act. The judges of such election shall certify the amount of tax so voted to the board of county commissioners of the county in which said road district is situated, in the manner provided for making road district election returns. When road district election returns have been canvassed

Road tax,
how levied.

by the board of county commissioners, they shall certify road district tax as therein appearing to the county auditor.

Commissioners to levy, when.

SEC. 2. If any road district in this state shall fail to levy a tax by vote, as provided in this act, it shall be the duty of the board of county commissioners of the county in which such road district may be situated, to immediately levy a tax of not less than one mill on the dollar, and not more than six mills on the dollar, upon all taxable property in said road district for road and bridge purposes in said district, and shall certify the tax so levied to the county auditor.

Auditors to place on rolls.

SEC. 3. When taxes shall have been levied upon the road districts of this state, as provided in sections one and two of this act, and the same shall have been certified to the county auditors of this state as therein provided, said county auditors shall extend such taxes upon the tax rolls of their counties against all of the taxable property of the several road districts therein in the same manner in which other taxes are extended.

Taxes, how collected.

SEC. 4. Taxes provided in this act shall be collected in the same manner as other taxes are collected, and when so collected the proceeds thereof shall be placed by the county treasurers of the different counties to the credit of the road district fund of the road district in which the property upon which the tax was levied was situated.

Taxes applied, how and to what purpose.

SEC. 5. The proceeds from all taxes provided by this act for any road district shall be applied, under the direction of the road supervisor of said road district, only to the building and maintaining of public roads and bridges within said road district: *Provided*, That when so decided by a majority vote of all of the electors of said road district, such part of said taxes as may be so decided may be expended in an adjoining road district.

Labor, who to perform.

SEC. 6. Every person owning real estate or personal property in this state, outside of the limits of incorporated towns and cities, shall be entitled to perform labor on the public roads in the road district in which the same may be situated, in payment of all road taxes provided by this act.

SEC. 7. Every person who desires to perform labor on

the public roads in the district in which he owns property subject or liable to property road tax, must, on or before the first day of January, notify the road supervisor in writing that he desires to perform such labor on the public roads, and shall give the road supervisor a particular description of the real property owned by him, which description shall be sufficiently accurate to enable the property to be identified on the tax rolls.

Labor, notice given, when.

SEC. 8. The road supervisor shall annually, between the first day of January and the first day of February, prepare a list of all persons owning real or personal property within his road district who desire to perform labor on the public roads in payment of road property tax, as provided in this act. On or before the first day of February the road supervisor shall send such list to the county treasurer of the county in which his road district is situated.

List prepared, when.

SEC. 9. Upon receipt by the county treasurer of the list provided for by section seven of this act, said county treasurer shall enter thereon: *First*, the tax levied, under sections one and two of this act, upon the personal property of each person named therein; *second*, shall enter opposite the description of each piece and parcel of land thereon the amount of road tax levied against the same under sections one and two of this act.

Treasurer, duties of.

SEC. 10. On or before the first day of March the county treasurer shall return lists completed, as provided in section nine of this act, to road supervisors from whom they were received. The road supervisor shall allow any person whose name appears upon such lists to perform work upon the public roads in his district to an amount equal to the aggregate amount of tax levied against his real and personal property as appearing upon said lists: *Provided*, That such persons appear at the time and place required by the road supervisor to perform such work.

Treasurer to furnish lists to supervisors.

SEC. 11. On the return of such list to the road supervisor by the county treasurer the road supervisor shall give each person named therein at least three days' notice of the time and place when and where he will be required to appear to perform labor on the public roads in the district, and, if necessary, the road supervisor may require any per-

Supervisor to give notice.

son to furnish a team and wagon, plow, scraper or other implement for the use of the roads in such district, and every person who appears and performs labor on the public roads in the district in which he resides or owns property, as herein provided, shall be allowed two dollars per day for his personal services and four dollars per day for his personal services with the services of a team and wagon, plow, scraper or such other implement he has been required to furnish with team for use of the public roads. All persons required to perform labor on the roads under the provisions of this act shall appear at the time and place designated by the road supervisor and shall perform eight hours of faithful and diligent labor in each day, at such labor and in such manner as the road supervisor may direct.

Supervisor
to issue
certificate.

SEC. 12. The road supervisor shall give to each person performing labor on the public roads, according to the two preceding sections, a certificate, stating therein the name of the person, the number of days he has been employed and the total amount due him for labor on the public roads, according to the provisions of said sections of this act. The certificate issued by the road supervisor, as herein provided, shall be received by the county treasurer in payment on the property road tax charged on the tax rolls of the county for the previous year against the property of the person to whom it was issued.

Supervisor,
when elected.

SEC. 13. Section two of "An act relating to the construction, repair and improvement of public roads, providing revenue for such purpose, defining the powers and duties of certain officers in relation thereto, and fixing their compensation; and to repeal an act entitled 'An act to provide for keeping highways in repair, and for the levy and collection of road poll and road property taxes, and declaring an emergency,' approved March 7, 1890, and declaring an emergency," be and the same is hereby amended to read as follows: Sec. 2. There shall be elected in the several counties in this state, at the hour of two o'clock P. M., on the first Saturday in September, in the year eighteen hundred and ninety-five, and on the first Saturday in September annually thereafter, a road supervisor in each road district,

who shall hold office for one year from and after the first Monday in January next succeeding his election, and until his successor is elected and qualified. At least ten days prior to the election herein provided for, the road supervisor of each district shall post and cause to be posted notices of the time and place when and where such election will be held. At such election the road supervisor shall, if present, act as chairman and judge; but if the supervisor is not present, the voters shall elect one of their number, who shall be a taxpayer in the district, as chairman and judge, and they shall also select a clerk of election, who shall act as judge also, shall be a taxpayer in the district. The voters present shall select a third person to act as judge, who shall likewise be a taxpayer in the district. All qualified electors in the district may vote at such election, and the person receiving the highest number of votes at such election shall be declared elected as road supervisor. The clerk of election shall keep a record of the proceedings at such election. The chairman and clerk of such meeting shall, within three days thereafter, certify the result of such election to the board of county commissioners, who shall canvass the returns in the same manner that the returns of any general or special election are canvassed. The ballots cast at such election shall be returned to the county commissioners with the returns of such election, and if the county commissioners have reason to believe that the return of such election has not been properly made and the result correctly returned to them, they may recount the ballots and declare the result of such election. If any road district shall fail to elect a road supervisor as hereinbefore provided, it shall be the duty of the county auditor to report to the board of county commissioners at their next regular December meeting, all districts which have failed to elect road supervisors at the time hereinbefore provided, and the board of county commissioners shall, at such meeting, appoint supervisors to fill all vacancies in such road districts: *Provided*, That any road supervisor who has failed to post or cause to be posted the notice of election for road supervisor as hereinbefore provided, shall not be eligible to appointment by the board of

Electors.

Commissioners to canvass votes.

Auditor, duty of.

Supervisors, when and how appointed.

Bonds.

county commissioners. All road supervisors elected or appointed under the provisions of this act shall give their official bond in such sum as the board of county commissioners may fix, conditioned that they will faithfully perform all the duties required by law or the orders of the county commissioners, and that they will account for all money received by them in their official capacity, and they shall take the usual oath of office. The bond and oath of office required to be filed by road supervisors shall be filed within twenty days after they receive notice of their election or appointment from the county auditor, and when such bond and oath of office is filed and the bond approved by the county auditor as clerk of the board of county commissioners, the county auditor shall furnish to each road supervisor a certificate that such bond and oath of office has been filed and the bond approved, and such certificate shall authorize the person to whom it is issued to perform the duties and exercise the powers of road supervisor for the district in and for which he has been elected or appointed.

General road
and bridge
fund.

SEC. 14. Section five of the above entitled act be and is hereby amended to read as follows: Sec. 5. The board of county commissioners shall annually, at the time of making the tax levy for county purposes, levy a tax of not more than three mills on the dollar of all of [the] taxable property in the county for a general road and bridge fund, from which fund they shall order paid such sums as may be found necessary for the construction, repair and improvement of bridges and such roads as all of the inhabitants in the county are interested in, or to assist weak and impoverished districts in keeping their roads in repair.

Road poll
tax, how
collected.

SEC. 15. Section seven shall be amended and the same is hereby amended to road as follows: Sec. 7. Between the first day of March and the first day of December, the road supervisors shall demand from each and every person in his road district, liable for road poll tax for the year, the amount due from each person as such road poll tax. If any person liable for the road poll tax herein required to be assessed and collected, refuse to pay the same when demanded by the road supervisor, and such person is in the employ of

any person, firm, corporation or company in such district, the road supervisor shall ascertain from said person, firm, corporation or company whether or not such person refusing to pay such poll tax has earned and there yet remains unpaid a sum of money sufficient to pay said road poll tax, and if he finds that a sufficient sum is due to pay such road poll tax and the necessary costs of suit he shall forthwith file with the nearest justice of the peace a statement setting forth the facts as above, and thereupon the justice shall immediately issue a summons to such person refusing to pay said road poll tax, directing him to appear before such justice as provided by law and show cause why judgment should not be entered against him for such sum. The constable serving the summons upon the person refusing to pay said road poll tax shall at the same time serve the person, firm, corporation or company in whose employ such person may be, with a summons to appear before such justice at the same time as the party summoned as defendant, to answer touching their liability as a garnishee defendant. The justice upon the trial, unless a good defense is shown, shall enter judgment against such person refusing to pay such road poll tax, for the amount thereof and for the costs of such suit, and shall also enter judgment against the garnishee defendant for the amount of such judgment and costs, and if such amount is found to be due to such person from such garnishee defendant, and no exemption shall be allowed such person in such action as provided by law in civil actions for debt.

SEC. 16. That section nine be and the same is hereby amended to read as follows: Sec. 9. The road supervisor shall, annually, between the first day of April and the first day of December, put his roads in his district in as good repair as the money and labor at his disposal will permit. He shall pay in to the county treasurer, within thirty days from the time of its collection all money collected by him, as hereinbefore provided, due from residents of his road district on account of road poll tax, and shall take the receipt of the county treasurer in duplicate therefor. The road supervisor shall give all persons who have not paid their road poll tax in money, at least three days' notice in

Supervisors,
duty of.

writing or in person, when and where he will be required to appear and to perform labor on the public roads, in the district, in payment of his road poll tax, and every person who shall appear at the hour of eight o'clock A. M. and perform eight hours faithful and diligent labor on the public roads under the direction of the road supervisor, shall be entitled to a credit of two dollars per day for his personal labor, and if required to furnish a team and a wagon, plow, or other implement for use on the public roads, he shall be entitled to a credit of four dollars per day for his labor with such team and wagon, plow or other implement when furnished with team: *Provided*, That when employing persons on the public roads in his district under the provisions of this section the road supervisor shall warn not less than five men to appear on any one day.

Per diem of laborers.

Blank receipts, when and by whom furnished.

SEC. 17. That section ten be and the same is hereby amended to read as follows: Sec. 10. The county auditor shall, on or before the first Monday in April in each year, deliver to each road supervisor road poll tax receipts in blank, and shall charge the road supervisor with four dollars for each road poll tax receipt so delivered to him. All such blank receipts shall be provided with stubs properly printed for the easy keeping of the record of issuance of same. Such blank road poll tax receipts shall be of two kinds or forms, one of which shall be used or given when road poll tax shall have been paid in money; when road poll tax shall have been paid in labor, another kind or form of road poll tax receipt shall be used or given. Each kind of road poll tax receipt shall be printed upon paper of a different color from that upon which the other kind of road poll tax receipt may be printed. Each road poll tax receipt shall state plainly in the printed matter upon its face and upon its stub whether the road poll tax, for which it was given, was paid in money or labor. Such road poll tax receipt shall be numbered, and shall be signed with the official signature of the county auditor, and shall bear his official seal. The county auditor shall give the road supervisor credit for each of said road poll tax re-

ceipts returned to him in blank at the time of his final settlement, as herein provided.

Passed the house March 11, 1895.

Passed the senate March 14, 1895.

Approved March 21, 1895.

CHAPTER CLXIII.

[H. B. No. 524.]

GENERAL APPROPRIATIONS.

AN ACT making appropriations for sundry civil expenses of the state government for the fiscal term beginning April 1, 1895, and ending March 31, 1897, and also for salaries and expenses of the fourth legislature, and for deficiency for the agricultural college.

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

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any moneys from the several funds of the state treasury, for the payment of the salaries provided by law for certain officers and employes of the state, and for other purposes hereinafter expressed, for the fiscal term beginning April 1, 1895, and ending March 31, 1897, viz.:

OUT OF THE GENERAL FUND.

For salaries [salary] of the governor, at \$4,000 per year.....	\$8,000	Governor and clerks.
For private secretary of governor, at \$1,500 per year.....	3,000	
For stenographer in the governor's office, at \$720 per year..	1,440	
For postage, stationery, etc., at \$750 per year.....	1,500	
Total for governor's office	<u>\$13,940</u>	
For lieutenant governor's salary, at \$1,000 per year.....	<u>\$2,000</u>	
For salary of secretary of state, at \$2,500 per year.....	\$5,000	Secretary of state and clerks.
For salary of chief clerk of secretary of state, \$1,500 per year.....	3,000	
For salary of recording clerk, secretary of state, \$1,000 per year	2,000	
For salary of bookkeeper, office of secretary of state, \$1,000 per year.....	2,000	
For salary of clerk in insurance department, secretary of state, \$1,500 per year.....	3,000	