

SEC. 3. Every such corporation shall have the right, subject to the proviso contained in section 1 hereof, to appropriate real estate or other property for right-of-way or for any corporate purposes in the same manner and under the same procedure as now is or may hereafter be provided by law in the case of other corporations authorized by the laws of this state to exercise the right of eminent domain.

SEC. 4. Whereas, there is at present no law upon the subject of this act,

Passed the House February 16, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER XCV.

[H. B. No. 413.]

CREATING THE COUNTY OF CHELAN.

AN ACT to create the county of Chelan, subject to the requirements of the state constitution and statutes in respect to the establishment of new counties.

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

Boundaries.

SECTION 1. All those portions of the counties of Kittitas and Okanogan described as follows, to-wit: Beginning at the point of intersection of the middle of the main channel of the Columbia river with the fifth standard parallel north, thence running west along said fifth standard parallel north to the point where said fifth standard parallel north intersects the summit of the main divide between the waters flowing northerly and easterly into the Wenatchee and Columbia rivers, and the waters flowing southerly and westerly into the Yakima river, thence in a general northwesterly direction along the summit of said main divide between the waters flowing northerly and easterly into the Wenat-

chee and Columbia rivers and the waters flowing southerly and westerly into the Yakima river, following the course of the center of the summit of the water shed dividing the said respective waters, to the center of the summit of the Cascade mountains; at the eastern boundary line of King county; thence north along the east boundary of King, Snohomish and Skagit counties to the point upon the said east boundary of Skagit county, where said boundary is intersected by the water shed between the waters flowing northerly and easterly into the Methow river and the waters flowing southerly and westerly into Lake Chelan; thence in a general south-easterly direction along the summit of the main divide between the waters flowing northerly and easterly into the Methow river and the waters flowing westerly and southerly into Lake Chelan and its tributaries; following the course of the center of the summit of the water shed dividing said respective waters, to the point where the seventh standard parallel north intersects said center of the summit of said water shed; thence east along the said seventh standard parallel north to the point of intersection of the middle of the main channel of the Columbia river with said seventh standard parallel north; thence down the middle of the main channel of the Columbia river to the point of beginning, shall be and hereby is created and established as the county of Chelan: *Provided, however,* That said Chelan county is hereby created as aforesaid, subject to the requirements of the constitution of the State of Washington in respect to the establishment of new counties, and subject to an ascertainment of the fact of such compliance, as hereinafter provided, and that the creation of said Chelan county hereby shall not become operative to establish said county until such compliance shall have been so had and the fact of such compliance so ascertained.

SEC. 2. At any time within three months after this act shall take effect, any qualified voter living in any portion of Kittitas or Okanogan county embraced with[in] the boundaries of Chelan county, as hereinbefore defined, may present to the governor of the State

Proviso.

Petition to
governor.

of Washington a petition addressed to said governor, stating, in substance, that the signers of such petition are a majority of the voters living in the portions of Kittitas and Okanogan counties embraced within the boundaries of Chelan county as defined within this act, and praying that in case it shall be found that the constitutional provisions relating to the creation of new counties have been complied with that the county of Chelan shall be deemed fully established: *Provided*, That said petition shall be accompanied by a good and sufficient bond to said superior judge to be approved by him in the sum of \$3,000.00 to cover costs of proceedings under this act in case the said county shall not be established.

Bond.

Further proceedings.

SEC. 3. The governor shall forthwith transmit said petition to the judge of the superior court of Okanogan county and the said judge shall, within thirty days thereafter, examine said petition and ascertain whether said petition bears the signatures of persons living within the territory of Chelan county and entitled to vote therein, in number equal to a majority of the votes cast by voters living within said territory at the last preceding general election, as nearly as the number of such voters voting at such preceding election can be ascertained; if the judge finds the petition sufficiently signed then the said judge shall ascertain to his satisfaction upon evidence received in open court, that the striking therefrom of the territory proposed to be set over into Chelan county, will not reduce the remaining population of said Kittitas or Okanogan counties or either of them respectively to a population of less than four thousand, and that such territory so proposed to be set over contains a population of two thousand or more: *Provided however*, That the judge may in his discretion appoint an elector or electors who shall be a freeholder residing within the territory of Chelan county to take a special enumeration of the population of the counties of Okanogan and Kittitas or any part thereof which he may desire so that it will show separately the number of the population living in such por-

Enumeration of population.

tion thereof within the boundaries of Chelan county and living in the rest of said counties of Kittitas and Okanogan. It shall be the duty of the person or persons so appointed to qualify by filing with such court an oath that he will take such enumeration truly and impartially, and thereupon he or they shall take such enumeration and return the same verified by his affidavit to the effect that he believes the same to be a true and correct enumeration of such county, or as the case may be, of the portions of such county as to which the same relates, in such court, and to file the same in such court within one month after such enumeration has been completed.

Report of
enumerators.

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

Decree.

SEC. 5. Immediately upon receipt of said certified copy of the decree of the superior court of Okanogan county the governor shall make a proclamation declaring the county of Chelan fully established.

Proclamation
by governor.

SEC. 6. The county of Chelan shall assume and pay to the counties of Kittitas and Okanogan, respectively, its proportion of the bonded and warrant indebtedness of each of said counties respectively, in the proportions that the assessed valuation of that part of Chelan county lying within the present boundaries of Kittitas and Okanogan counties respectively, bears to the assessed valuation of the whole of Kittitas and Okanogan coun-

County
indebtedness.

ties respectively. The adjustment of said indebtedness shall be based upon the assessment for the year 1898: *Provided*, That in the accounting between the said counties neither county shall be charged with any debt or liability incurred in the purchase of any county property or the purchase of any county building which shall fall within and be retained by the other county.

County seat.

SEC. 7. The county seat of said Chelan county is hereby located at the town of Wenatchee, and shall there remain until the same shall be removed in accordance with the provisions of law.

Class.

SEC. 8. Until otherwise classified said county of Chelan is hereby designated as belonging to the twenty-sixth class.

County commissioners.

SEC. 9. Dennis Strong, of Mission, Washington, Spencer Boyd, of Chelan, Washington, and G. W. Hoxsey, of Leavenworth, Washington, shall be the first board of county commissioners of said Chelan county, who shall meet at the county seat of said Chelan county within thirty days from the date of the governor's said proclamation as hereinbefore provided, and shall qualify as such county commissioners by filing their oath of office with the judge of the superior court, who shall approve their bond in the manner required by law: *Provided, however*, That if any of the above named commissioners shall fail to qualify within the time specified then the governor shall appoint a *bona fide* resident and qualified elector of said Chelan county to fill the vacancy.

County divisions.

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

District officers.

SEC. 11. In all townships, precincts, school and road districts which retain their old boundaries the officers thereof shall retain their respective offices in and for such new county until their respective terms of office expire, or until their successors are elected and quali-

fied, and shall give bonds to Chelan county of the same amount and in the same manner as had previously been given to the original county.

SEC. 12. Except as provided in the preceding section such commissioners shall be authorized and required to appoint all of the county officers of the county organized under the provisions of this act and of which they are commissioners, and the officers thus appointed shall commence to hold their office immediately upon their appointment and qualification according to law and shall hold their offices until the second Monday of January, 1901, or until their successors are elected and qualified.

County commissioners to appoint county officers.

SEC. 13. Until otherwise provided by law said Chelan county shall be and hereby is attached to the district composed of Okanogan, Douglas, Lincoln, Ferry and Adams counties, for judicial purposes.

Judicial district.

SEC. 14. The board of county commissioners at a regular meeting held within one year from the time when they shall qualify as commissioners of the county of Chelan, by an order duly entered in the minutes of their proceedings, shall divide Chelan county into three commissioner districts in the manner provided by law, and designate the boundaries thereof, and at the next general election in said county there shall be elected three commissioners, one from each of said districts; the commissioner for district number one to be elected for four years and the commissioner for district number two and three for two years.

Commissioner districts.

SEC. 15. For the purpose of representation in the legislature until otherwise provided by law, the county of Chelan shall be included in the first senatorial district and shall constitute the 51st representative district.

51st representative district.

SEC. 16. Until the county of Chelan is organized by the appointment and qualification of its officers, the jurisdiction of the present officers of Kittitas and Okanogan counties respectively, shall remain in full force and effect in those portions of the territory constituting the said county of Chelan lying within the boundaries of said Kittitas and Okanogan counties respectively.

County records.

SEC. 17. Within sixty days after the governor's proclamation, as hereinbefore provided, the county auditors of Kittitas and Okanogan counties, respectively, shall transcribe from the records of said counties respectively all records and all papers and documents on file in anywise affecting the title to any estate or property, real or personal, situated within the county of Chelan, and the county commissioners of Chelan county shall provide, at the expense of the county, proper and suitable record books to which such records shall be so transcribed by the auditors of Kittitas and Okanogan counties, in legible writing, and said record books and papers shall be delivered to the auditor of Chelan county, and said records and documents so transcribed shall be accepted and received as evidence in all courts and places as if the same had been originally recorded or filed in the office of the auditor of Chelan county.

Actions pending.

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

Pleadings, etc.

SEC. 19. All pleadings, process, documents and files, in the office of the county clerks of Kittitas and Okanogan counties affecting pending suits and proceedings to be transferred as provided in the preceding section of this act, shall be transferred and all records therein transcribed by the county clerks of Kittitas and Okanogan counties, respectively, and transmitted to the county clerk of Chelan county, after said clerk shall have entered upon the duties of said office.

SEC. 20. All records, papers and documents of record or on file in the offices of the county clerks of Kittitas and Okanogan counties, respectively, in anywise affecting the title or possession of real estate in Chelan county, shall be transcribed and transferred to the county clerk of Chelan county by the county clerks of Kittitas and Okanogan counties, respectively, and said records and documents when so transcribed and transferred shall be received as evidence in all courts and places as if originally recorded or filed, as the case may be, in the county of Chelan.

Records
affecting real
estate.

SEC. 21. All records so transcribed shall be certified by the officer transcribing the same under the seal of his office in the manner following, to-wit: Each book of transcribed records shall be certified to be a correct transcript of the records of Kittitas or Okanogan county, as the case may be, contained therein, describing in the certificate the office in Kittitas or Okanogan county from which the same were transcribed, and each officer so transcribing shall finally certify to the completeness of all records so transcribed by him.

Records
certified.

SEC. 22. The county of Chelan shall pay to the counties of Kittitas and Okanogan, respectively, for the transcribing of all records, at the rate of ten cents for each one hundred words, including in the computation the certificate thereto.

Passed the House February 27, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.

CHAPTER XCVI.

[H. B. No. 462.]

TO PERMIT INDIANS TO SELL PROPERTY.

AN ACT relating to sale of allotted lands by Indians.

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

SECTION 1. Any Indian who owns within this state any land or real estate allotted to him by the govern-