

SESSION LAWS

OF THE

TERRITORY OF WASHINGTON:

AND THE

RESOLUTIONS AND MEMORIALS

OF THE

NINTH REGULAR SESSION OF THE LEGISLATIVE ASSEMBLY, HELD AT
OLYMPIA, 1861-2.

OLYMPIA :
A. M. POE, PUBLIC PRINTER.
1862.

SEC. 2. Every person who shall have in his possession, or receive for any other person any counterfeit gold dust, gold bullion or bars, lumps, pieces or nuggets of gold, or any description whatsoever of uncoined gold, currently passing in this Territory, or entering in anywise into the circulating medium of the Territory, with the intention to utter, put off, or pass the same, or permit, cause or procure the same to be uttered or passed, with intention to defraud any person or persons, body politic or corporate, knowing the same to be counterfeit, and being thereof duly convicted, shall be punished by imprisonment in the penitentiary for a term not less than one year, nor more than fourteen years.

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

Passed, January 11th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO INCORPORATE THE CITY OF WALLA WALLA.

ARTICLE I.

OF BOUNDARIES AND GENERAL POWERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the City of Walla Walla shall be bounded as follows, to wit:

That portion of land known and designated upon the surveys of the United States, in the Territory of Washington, as the south-west and south-east quarters of the south-west quarter of section number twenty, in township number seven, north of range number thirty-six east, Willamette Meridian.

Sec. 2. The inhabitants of the city of Walla Walla, within the limits above described, shall be, and they are hereby, constituted a body politic and corporate, in fact and in law, by the name and style of the "City of Walla Walla," and by that name and style, they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and in all actions whatsoever ; may purchase, hold, and receive property, real and personal, within said city for public buildings and city improvements ; may lease, sell, and dispose of the same for the benefit of the city ; may purchase, hold and receive property, real and personal, beyond the limits of the city, to be used for burial purposes; also for the establishment of a hospital for the reception of persons affected with contagious or other diseases; also, for work-houses or houses of correction ; also, for the erection of water works to supply the city with water ; and may sell, lease, and dispose of the same for the benefit of the city, and they shall have and use a common seal, and may alter and amend the same and make a new one at pleasure.

ARTICLE II.

OF THE GOVERNMENT OF THE CITY.

Sec. 1. The government of said city shall be vested in, first, a mayor ; second, a recorder ; third, a common council, consisting of five members, who shall severally hold their offices until the next annual meeting after their election, and until their successors shall be qualified. There shall also be elected at the same time, a city marshal, city assessor, city treasurer, and city surveyor ; and there may be appointed by the city council a city attorney.

ARTICLE III.

OF THE DUTIES OF OFFICERS.

Sec. 1. It shall be the duty of the mayor to communicate to the council, at least once in each year, and oftener, if he shall deem it expedient, a general statement of the condition and situation of the city in relation to its general finances and improvements ; to recommend to the common council the adoption of all such measures connected with the police, security of the public health, cleanliness and ornament of the city, and such other improvements of the government and finances as he shall deem expedient ; to be vigilant and active in causing the laws and ordinances of the city government to be executed and enforced ; to exercise a constant

supervision and control over the conduct and acts of all subordinate officers ; to receive and examine into all such complaints as may be preferred against any of them for violation or neglect of duty, and certify the same to the common council, who shall act upon the same, and if they find the complaint to be true, shall have power to declare the office of the person so complained against to be vacant, and the same shall be filled as hereinafter mentioned ; and the mayor shall generally perform all such duties as may be prescribed to him by the charter and city ordinances, and the laws of this Territory and the United States.

SEC. 2. The recorder, as to the offences committed within the city, shall have like jurisdiction as is or may be conferred upon justices of the peace, and shall have the same power as a justice of the peace to examine and commit persons brought before him, and charged with the commission of offences within the limits of the city ; to take recognizances to appear and keep the peace, and to issue all such writs and processes as a justice of the peace may lawfully do, and be subject to all the rules governing justices of the peace.

SEC. 3. The recorder shall also have jurisdiction over all violation of city ordinances, hold to bail, fine or commit persons found guilty of any violation thereof.

SEC. 4. The recorder shall also have like jurisdiction as justices of the peace in the collection of debts.

SEC. 5. It shall be the duty of the city marshal, in addition to the duties prescribed to him by the city council, to execute and return all processes issued by the recorder, or directed to him by any legal authority, and attend regularly upon the recorder's court and the meetings of the council ; he may appoint one or more deputies who shall possess the same power and authority as the marshal ; he shall arrest all persons guilty of a breach of the peace, and of a violation of the city ordinances, and bring them before the recorder for trial, and possess superintending control over the peace and quiet of said city.

SEC. 6. It shall be the duty of the assessor in addition to the duties that may be prescribed to him by the common council ; to make out, within such time as the common council shall order, a correct list of all the property taxable by law within the limits of said city, with the valuation thereof, which list, certified to by him, shall be returned by him to the common council ; the mode of making out said list and ascertaining the value of said property, and collecting all taxes, shall be the same as that prescribed by the law for assessing and collecting the Territorial and county taxes.

SEC. 7. It shall be the duty of the city treasurer to receive all moneys that shall come to said city, either by taxation or otherwise, and to pay out the same as provided for by this act; to direct, and to do and perform all such other acts as shall be prescribed to him by the common council. He shall, on the first Monday of January, April, July and October of each year, make out and present to the mayor a full and complete statement of the receipts and expenditures of the preceding three months; which statement the mayor shall cause to be published in manner to be prescribed by law.

SEC. 8. It shall be the duty of the city attorney to attend to all suits, matters and things in which the city may be legally interested; to give his advice or opinion in writing whenever required by the mayor or common council, and to do and perform all such things touching his office as by the common council may be required of him.

SEC. 9. If any person elected to any city office shall remove from the city, absent himself therefrom for more than thirty days, without leave from the common council, or shall fail to qualify within ten days after the day of election, his office shall be deemed vacant.

SEC. 10. The common council shall define the duties of all officers which are not herein prescribed.

ARTICLE IV.

OF THE ELECTION OF OFFICERS AND THE FILLING OF VACANCIES.

SEC. 1. A general election for all the officers of the corporation required to be elected by this act, or any ordinance of the city, shall be held on the first Tuesday in April in each year.

SEC. 2. At all elections for city officers, the voters shall vote by ballot, at the time and places designated by the common council.

SEC. 3. No election shall be held in any public drinking house, or any other place where intoxicating liquors are vended.

SEC. 4. It shall be the duty of the common council to order all elections, to designate the place of holding the same; to give at least ten days' notice thereof, and to appoint inspectors of elections at the place or places of voting. The elections shall be conducted according to the provisions of the act regulating general elections: if any inspector shall fail to attend, the electors present may appoint another in his stead. The returns of all elections shall be made to the common council, who shall publicly examine and declare the result thereof and give certificates of election to the persons having a plurality of votes.

SEC. 5. All vacancies that may occur in the offices provided for, shall be filled in the following manner :

1st. Of the mayor: If by death, resignation or otherwise the office of mayor shall become vacant, a special election shall be called by the common council to fill the vacancy.

2nd. Of the recorder : If by death, resignation or otherwise, the office of recorder shall become vacant, a special election shall be called by the common council to fill the vacancy.

3d. Vacancies occurring in the office of councilman or in any of the city offices other than the offices of mayor and recorder, shall be filled by the common council by appointment.

SEC. 6. All elections for city officers shall continue but one day, and during that day from eight o'clock, A. M., to six o'clock, P. M. The polls may be closed for one hour at noon, at the option of the judges of election.

ARTICLE V.

SECTION. 1. The mayor, recorder and common councilmen, and all other officers elected or appointed under this act, shall be qualified within ten days after their election or appointment, and shall enter upon the discharge of their duties; and all officers required to be elected by the people under this act, shall hold their office for one year and until their successors are duly qualified; the term of office to commence ten days after the annual election.

SEC. 2. The members of the common council elected under this act, shall assemble ten days after their election, and choose a presiding officer from their number, and some suitable person as clerk. In case of the absence of the president, they may elect a president, *pro tempore*, who shall have the power, and perform all the duties of president. They shall fix the time and place of holding their stated meetings, and may be convened by the mayor at any time. A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, and compel the attendance of absent members in such manner, and, under such penalties as the council may have previously prescribed. They shall judge of the qualifications, elections, and returns of their own members and the other officers qualified under this act, and determine contested elections. They may determine rules for their own proceedings, punish any member or other person for disorderly conduct in their presence at any meeting of the council, and with the concurrence of two thirds of all members elect, expel any member. They shall keep a journal of their proceedings, and at the desire of any member, shall cause

the yeas and nays to be taken on any question, and entered on the journal, and their proceedings shall be public.

SEC. 3. The mayor and common council shall have power within the city :

1st. To make by-laws and ordinances not repugnant to the laws of the United States, or to the laws of this Territory.

2d. To levy and collect taxes, not to exceed one half of one per cent. per annum, upon all property made taxable by law for county and Territorial purposes. *Provided*, That if any person at any time after the annual assessment, shall commence the sale or barter of any goods, wares or merchandise, within said city, such person shall pay to the city treasurer a tax on such goods, wares or merchandise, proportioned to the amount paid for the city, county and Territorial taxes ; *And Provided further*, That said city council shall not pass any by-laws whatever, that will in anywise preclude any person from bringing into said city and selling any article of produce raised in the territory.

3d. To make regulations to prevent the introduction of contagious and other diseases into the city.

4th. To establish hospitals and make regulations for the government of the same, and to secure the general health of the inhabitants.

5th. To prevent and remove nuisances.

6th. To erect water-works either within or beyond the limits of the corporation, and provide the city with good and wholesome water.

7th. To license, tax, and regulate auctioneers, taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers, and money changers.

8th. To license and regulate porters, and to fix the rate of portage.

9th. To tax, license and regulate hackney carriages, wagons, carts, drays and omnibuses, and to fix the rate to be charged for the carriage of persons, and the wagonage, cartage and drayage of property.

10th. To license, tax, regulate and restrain bar-rooms, theatrical and other exhibitions, shows and amusements.

11th. To license, tax, restrain, prohibit and suppress billiard tables, tippling houses, gaming and gambling houses, and houses of ill-fame.

12th. To erect market houses, establish markets and market places, and to provide for the government and regulation thereof.

13th. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

14th. To appoint fire wardens and prescribe their duties, and property guards, and to compel any person or persons present, to aid in extinguishing fires, or for the preservation of property exposed to danger in

time of fire, and by ordinance to prescribe such other powers as may be necessary on such occasions

15th. To establish and regulate a police.

16th. To impose a fine, forfeitures, and penalties for the breach of vide any ordinance.

17th. To erect a work-house, or a house of correction; and to provide for the government and regulation thereof.

18th. To remove all obstructions from the side and cross walks, and provide for the construction, cleaning and repair, of the same as well as all gutters, sewers, water courses and under-ground drainage.

19th. To establish and regulate night watch and patrol.

20th. To appropriate for any item of city expenditure, and to provide for the payment of the debts and expenses of the city.

21st. To grade, pave, plank, or otherwise improve, clean, and keep in repair streets and alleys.

22d. To regulate the storage of gunpowder, pitch, tar, rosin, and all other combustible materials, and the use of candles, lamps or other lights in shops, stables and other places. To prevent, remove or secure any fire-place, stove, chimney, oven, boiler, or other apparatus which may be dangerous in causing fire.

23d. To regulate and prescribe the manner of building partition walls and fences.

24th. To impose and appropriate fines forfeiture and penalties for the breach of any ordinance, and provide for the punishment of breaches of the city ordinances ; but no fine shall be imposed of more than two hundred dollars, and no offender shall be imprisoned more than thirty days.

25th. To prevent and restrain any riot, noise, disturbance or disorderly assemblage in any street, house or place in the city.

26th. To provide for the collection and receiving by said city, of all moneys authorized by law, or which may be authorized to be assessed and collected for school purposes within said city, which fund so collected, shall be under the control of the city council ; and be by them laid out and expended for free schools within said city in such manner as they shall deem most expedient.

27th. To provide for the protection and removal of obstructions in mill creek within the limits of the said city, and for compelling persons who have caused, or permitted to be caused, obstructions therein to remove the same. To provide bridges over the same and such improvements in the channel of said stream as may be deemed necessary or expedient.

Sec. 4. Any ordinance which shall have been passed by the common council, shall, before it becomes effective, be presented to the mayor