

STATUTES
OF THE
TERRITORY OF WASHINGTON,
MADE AND PASSED
BY THE
LEGISLATIVE ASSEMBLY
AT THE
FIRST BIENNIAL SESSION,
BEGUN AND HELD
AT OLYMPIA, THE SEAT OF GOVERNMENT,
ON MONDAY, DEC. 2, 1867.

PUBLISHED BY AUTHORITY.

OLYMPIA:
CHAS. PROSCH, PRINTER.
1868.

quarter barrel or kit so sold or exported, and every person who shall be found guilty of a repetition of the offense shall be fined in double the sum fixed in this section as a penalty. Such fine or penalty may be recovered on the complaint of any person or persons, or of the inspector of salmon, before any justice of the peace, or court of record, as in other cases provided, and all the moneys arising from the fines under this act shall be paid over to the county treasurer for the use and benefit of the common schools within said county.

SEC. 6. Every person who shall make or use a counterfeit of the brand or brands as provided for in section four of this act, for each time they use the same in branding said packages of salmon, shall, upon conviction thereof, be imprisoned in the penitentiary for a term not exceeding one year.

SEC. 7. This act shall take effect and be in force from and after the first day of May, 1868.

Passed the House of Representatives January 7th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 13th, 1868.

H. G. STRUVE,

President of the Council.

Approved Jan 21st, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

ENTITLED AN ACT TO ESTABLISH PILOTS AND PILOT REGULATIONS FOR JUAN DE FUCA STRAITS, PUGET SOUND AND ALL AMERICAN WATERS PERTAINING THERETO.

- SEC. 1. Appointment and qualifications of the board of pilot commissioners.
 2. Shall hold their office during the pleasure of the Governor.
 3. To meet at Port Townsend at least once in three months.

LAWS OF WASHINGTON.

- Sec. 3. First regular meeting to be held on the first Monday of May, 1868.
4. Commissioners to make by-laws and rules for their own government.
5. Appointment and duties of the secretary of the Board.
6. Neither commissioners nor secretary to be interested in any pilot boat or its earnings.
7. Commissioners empowered to appoint as many pilots as they may deem necessary.
8. Qualifications and examination of persons applying for pilot license.
- License to continue during good behavior.
9. All pilots to give bonds to the Territory in the sum of two thousand dollars.
- Bond to be approved by commissioners.
10. When commissioners may have power to suspend pilots and revoke license.
- Proviso.
11. Pilot refusing to exhibit license to master of vessel, liable to a penalty of fifty dollars.
12. When license shall be considered forfeited.
13. Pilot intoxicated while in charge of vessel to be suspended or dismissed.
14. May be required to amend bonds whenever deemed necessary.
15. Penalty for losing a vessel through carelessness or negligence.
16. When responsibility of pilot in charge of vessel shall cease.
17. Proceedings on complaint against pilot for misbehavior or neglect of duty.
18. No persons except those licensed by commissioners to pilot vessels under certain penalty.
- Exception in favor of masters of vessels acting as their own pilots in certain cases.
19. Outward bound vessels to make application for pilots at office of the same.
20. Commissioners may make all necessary regulations for the government of pilots.
21. Pilot boats on the station to aid in taking off discharged pilots.
22. When pilots taken to sea against their wills are entitled to pay.
23. Pilot bringing vessel in to have preference in taking the same out.
- Vessels refusing to take pilots liable to half pilotage.
24. All pilots to render a quarterly account and pay over five per centum of all moneys received.
- Penalty for making false return.
25. Lien created on hulls and appurtenances of vessels for pilotage fees.
26. Pilot boat at all times to be on duty in the Straits of Fuca or at sea.
25. Rates of pilotage.
29. All vessels under the flag of the United States sailing between home ports, exempted from the provisions of this act.
30. Further exemption from pilotage in certain cases.
- Proviso.
31. Repealing clause.
- Act to take effect May 1st, 1868.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be the duty of the Governor to appoint two experienced and resident ship masters, and

one resident merchant, who shall constitute a board of pilot commissioners for the different ports on Puget Sound, Juan de Fuca Straits, their branches, etc.

SEC. 2. That the persons so appointed shall take an oath for the faithful discharge of their duties, and shall hold their office during the pleasure of the Governor.

SEC. 3. That the commissioners shall meet in Port Townsend at least once in three months; a majority shall constitute a quorum for the transaction of business; and said commissioners shall hold their first regular meeting on the first Monday of May, 1868, and the chairman may call special meetings whenever necessary, but no special meeting shall be called for the purpose of granting licenses or examining pilots touching their qualifications, without the consent of all the commissioners, and then only by giving at least two weeks' public notice.

SEC. 4. That the commissioners shall make by-laws and rules for their own government not inconsistent with the provisions of the laws of this Territory or the United States.

SEC. 5. That the commissioners shall appoint a secretary, whose duty it shall be to keep correct minutes of all the proceedings of the commissioners, in books to be provided by them for that purpose, to receive all moneys and pay out the same when ordered to do so by the board, and shall register the names of all pilots with the date of their licenses and places of residence. The books and register to be always open to inspection.

SEC. 6. That neither the commissioners nor secretary shall have any interest, directly or otherwise, in any pilot [boat] or the earnings thereof.

SEC. 7. That the commissioners shall have power to appoint, in the manner prescribed in this act, such number of pilots for said ports as they may deem necessary.

SEC. 8. That persons applying for license to act as pilots shall be American citizens, and legal voters of this Territory, not under twenty-one years of age, and shall be rigidly examin-

ed by the commissioners in public, touching their qualifications and knowledge of the management of square-rigged vessels, and of the tides, soundings, bearings and distances of the different shoals, rocks, bars and points of land, and lights of the harbors and bays, and if deemed qualified, shall receive a license as pilot, which license shall continue during good behavior.

SEC. 9. That every licensed pilot, previous to entering on his duties, shall give bonds to the amount of two thousand dollars, payable to the Territory of Washington, for the faithful discharge of his duty, which bond shall be approved by the commissioners and filed in their office.

SEC. 10. That the commissioners shall have power to suspend pilots for misconduct or inattention to their duty, and on proof, shall revoke their license: *Provided* due notice shall be given the pilot and an opportunity be given him to be heard in his defense.

SEC. 11. That every pilot, on boarding a vessel, shall, at the request of the master, exhibit his license, and on refusal to do so, shall be liable to a penalty of fifty dollars.

SEC. 12. That every pilot who shall absent himself from duty for more than two months, except on leave granted by the commissioners, or by sickness, shall be considered as having forfeited his license.

SEC. 13. That if any licensed pilot shall be intoxicated while having charge of any vessel as pilot, he shall be suspended or dismissed as the commissioners shall elect.

SEC. 14. That the commissioners may require pilots to amend their bonds and securities whenever they may deem it necessary.

SEC. 15. That for carelessly or negligently losing a vessel, on conviction thereof, the pilot having charge of the vessel at the time shall be incapable of ever acting as pilot, and shall moreover be liable for damages on his bonds.

SEC. 16. That it shall be the duty of every pilot in charge of a vessel arriving in any of the ports of Puget Sound or its

branches, to have the vessel safely moored or anchored in such position as the master of the vessel may direct, when his responsibility shall cease.

SEC. 17. That when complaint is lodged with the commissioners against a pilot for misbehavior or neglect of duty, it shall be reduced to writing and sworn to; notice thereof must be given the pilot, and he shall be notified to appear within twenty days to answer the complaint. If the answer be not satisfactory, he may be fined not exceeding five hundred dollars, or deprived of his license, at the discretion of the commissioners.

SEC. 18. That no persons, except those licensed by the commissioners, shall pilot vessels in or out of the bays or harbors on Puget Sound, Juan de Fuca Straits, or their inlets or harbors, for hire, under the penalty of five hundred dollars, for each and every offense. This penalty is not incurred when the master of a vessel acts as his own pilot out of a harbor alone or in case of distress.

SEC. 19. That application for pilots for outward bound vessels shall be made at the office of the pilots, and the amount of pilotage shall then and there be paid.

SEC. 20. That the commissioners may make all needful rules and regulations for the government of the pilots, and establish penalties for the breach thereof.

SEC. 21. That the pilot boats on the station, whenever a pilot is discharged from an outward bound vessel, shall give all reasonable aid for taking off and receiving such pilot.

SEC. 22. That pilots blown off or taken to sea against their wills, when a boat is in attendance to receive them, shall be entitled to receive five dollars per day while absent, which sum shall be paid by the master or owner of the vessel by which the pilot was taken away.

SEC. 23. That if any pilot offers himself to any vessel liable to take a pilot, outside of a line drawn from the west end of

Wy-ad-dah Island due north to where said north course shall meet the shore of Vancouver Island, if inward bound, or any pilot who may offer himself to any vessel outward bound, the pilot bringing the vessel in, or one from the same boat, always to have the preference; and if the master should refuse to take such pilot on board, the master or owners of such vessel, or either of them, shall incur and be liable to one-half the amount of pilotage said vessel would pay, for the benefit of the pilot so offering himself.

SEC. 24. That every pilot shall, once in three months, render to the pilot commissioners an account of moneys received by him or any other persons for him on his account, and shall pay five per centum on the amount thereof, which shall be taken in full for their official services and all expenses of their offices; and if any pilot shall make a false return of moneys so received, he shall forfeit a sum not exceeding five hundred dollars.

SEC. 25. That the hull and appurtenances of all vessels shall be held liable for pilotage fees.

SEC. 26. That pilots shall at all times keep a boat in good condition, cruising in the Straits of Fuca or at sea, and no more than six pilots shall be in copartnership at one time.

SEC. 27. That all pilots who may be appointed shall conform to and be governed by the provisions of this act, and such quarantine laws as may hereafter be enacted.

SEC. 28. That the following shall be the rates of pilotage: Vessels under fifteen feet draught, eight dollars per foot; of fifteen feet and over, ten dollars per foot.

SEC. 29. That all vessels arriving in or leaving this Territory shall be liable for the above rates of pilotage when a pilot is actually employed; and that when a vessel is spoken, and a pilot is refused, the pilot shall be entitled to one-half the above rates: *Provided*, That all vessels sailing under the flag of the United States, from or to any port of the United States or the

Territories thereof, shall be exempt from the provisions of this act.

SEC. 30. All vessels that may put into any port or ports for repairs or supplies, or in distress, shall not be liable to any charge unless actually employing a pilot: *Provided*, That nothing in this act shall be so construed as to exempt vessels over one hundred tons burthen trading between British Columbia and Washington Territory from the provisions of this act.

SEC. 31. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act to take effect and be in force from and after May 1st, 1868.

Passed the House of Representatives Jan. 28th, 1868.

P. B. JOHNSON,

Speaker of the House of Representatives.

Passed the Council January 29th, 1868.

H. G. STRUVE,

President of the Council.

Approved January 30th, 1868.

MARSHALL F. MOORE,

Governor of Washington Territory.

AN ACT

RELATING TO INJUNCTIONS AND RESTRAINING ORDERS.

- SEC. 1. Proceedings for dissolution of injunctions in certain cases.
1. Defendant to file bond.
 2. Adverse party to have reasonable notice of application before hearing. *Provido* that no notice shall be required when plaintiff is non-resident.
 3. Repealing clause.
 4. Act to take effect from pas-age.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That when any injunction or restraining order has been granted by the District Court in term time, or by any Judge of the Supreme Court in vacation, in any ac-