

chapter 85 of the Laws of 1917, page 325; chapter 122 of the Laws of 1917, pages 489-494; chapter 102 of the Laws of 1919, pages 253-254; chapter 126 of the Laws of 1923, pages 342-346; sections 11603-11618 and 11622-11628 of Remington's Compiled Statutes; and sections 7251-7260, 7260a-7260d, 7261-7265 of Pierce's 1919 Code, are hereby repealed: *Provided*, That the repeal of said acts, or any of them, shall not be construed as reviving any act repealed or amended by any thereof: *And provided further*, That the repeal of said acts shall not operate to prevent the prosecution of the violation of any of the provisions thereof committed prior to the taking effect of this act or to affect any proceedings pending for violations thereof at the time of the taking effect of this act, but such violations may be prosecuted and such proceedings continued and penalties imposed in the same manner as though this act had not taken effect.

Statutes repealed.

No revivor by repeal.

Prosecution for violations of repealed acts prior to taking effect of this act.

Passed the Senate March 2, 1927.

Passed the House March 2, 1927.

Approved by the Governor March 7, 1927.

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## CHAPTER 195.

[S. B. 87.]

### DAM ACROSS BONE RIVER AUTHORIZED.

AN ACT authorizing the construction of a dam for diking and drainage purposes across Bone River in Pacific County, providing for a hearing thereon and for compensation to persons injured thereby.

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

SECTION 1. A dam to prevent the overflow of lands above the same by tides and to permit the drainage of such lands is hereby authorized to be constructed across the Bone river in the southwest

Authority for dam across the Bone river in Pacific county.

quarter of section 34, township 14 north, range 10 west, W. M., and the northwest quarter of section 3, township 13 north, range 10 west, W. M., in Pacific County.

SEC. 2. The authority herein given may be exercised by the persons who own the lands bordering upon and along said stream above the location of said dam or by any number of them representing a majority of the foot frontage of property along said stream upon application therefor to the commissioner of public lands and approved by him as hereinafter provided or may be exercised by the state highway committee acting on behalf of the state or by the board of county commissioners of Pacific County acting on behalf of the county, or by such persons, committee and board, or any of them, jointly.

SEC. 3. Whenever any one or more of the property owners as named in section 2 shall, either severally or jointly with the state highway committee and/or the board of county commissioners of Pacific County, apply to the commissioner of public lands for the right to construct a dam on Bone river as herein authorized, and show that he or they are the owners of lands bordering upon or along said Bone River above the location of said dam, and that the owners of a majority of the foot frontage along said stream join in said petition or waive any objection thereto, the said commissioner shall fix a time for a hearing on such application and shall post notices thereof, or cause notices to be posted, in at least three places on and along the property affected thereby. If after such hearing the commissioner shall be satisfied that the owners of a majority of the lands bordering upon and along said stream desire such dam, or waive any objections thereto, he shall cause the property owner applicants for such right to file a good and sufficient bond in amount to be fixed by him

Who may exercise the authority.

Riparian owners.

State Highway Committee.

County commissioners.

Application to land commissioner for permission.

Who must petition or waive objection.

Notice for hearing.

Bond by applicants for compensation of persons injured.

to compensate any person or persons who may claim to be injured by said dam for the damages sustained, or the proportionate amount thereof in case of a joint application by property owners, and the state highway committee and/or the board of county commissioners of Pacific County, and upon the filing of such bond shall grant the applicants the right to construct such dam. In case the application is made by the state highway committee and/or the board of county commissioners of Pacific County without property owners joining in such application, the commissioner of public lands may grant the right to construct such dam without hearing.

Application of highway committee and county commissioners granted without a hearing.

SEC. 4. The dam herein authorized shall be built in a good and substantial manner to be approved by the commissioner of public lands, and it shall also provide gates or fishways for the passage of fish through the same in a manner to be approved by the state Fisheries Board, and shall be subject to the right of the State of Washington or the county of Pacific to use the same for a public highway without compensation to the owners thereof. The applicant or applicants for a right to construct such dam, and their successors and assigns, shall also be responsible for the safe upkeep and repair of the same: *Provided*, That in case said dam shall be appropriated and used as a public highway by the State of Washington or the county of Pacific, then and in that event the state or county, as the case may be, shall maintain the same.

Construction subject to approval of land commissioner.

Fishways to be provided.

May be used for public highway.

Responsibility of applicants for upkeep and repair.

Appropriated as a highway to be maintained by state or county.

SEC. 5. If any person owning or having an interest in lands bordering on or along said stream shall believe himself damaged by the construction of such dam, he shall file his claim with the commissioner of public lands not later than six months after the completion and acceptance of such dam. Upon the filing of such claim the commissioner of public lands shall

Claim of riparian owners for damages.

Ascertain-  
ment of  
amount.

Liability  
against ap-  
plicants.

Enforcement  
of claim.

cause an action to be brought in the superior court of Pacific County to ascertain the amount of such damage, and the amount of such damage so ascertained, together with the costs in the suit, shall be liability against the applicant or applicants to whom the right to build such dam was granted, and in case of property owner applicants such claim may be enforced against the bond filed with the commissioner of public lands as above provided and may be enforced against the State of Washington or the county of Pacific in the manner provided by law for the enforcement of claims against the state or any county.

Passed the Senate January 27, 1927.

Passed the House March 2, 1927.

Approved by the Governor March 7, 1927.

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## CHAPTER 196.

[S. B. 88.]

### HIGHWAY FUNDS CONTRIBUTED BY PROPERTY OWNERS— DEPOSIT AND EXPENDITURE.

AN ACT relating to the deposit and expenditure of funds contributed to aid in the construction of state highways.

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

Benefited  
property  
owners con-  
tributing  
funds for  
highway  
construction.

Deposited in  
county  
treasury.

Fund  
credited.

How  
expended.

SECTION 1. Whenever the owners of property to be benefited thereby desire to contribute funds to aid in the construction of any state highway such funds may be deposited in the county treasury of the county in which the portion of the proposed highway in the aid of which such funds are contributed, is situated and placed to the credit of the general road and bridge fund of the county, and by resolution of the board of county commissioners of the county ex-