

CHAPTER CXXIII.

[S. B. No. 130.]

MARBLE MOUNT ROAD.

AN ACT providing for a state wagon road beginning at the nearest practicable point at the mouth of the Sans Poil creek in Ferry county; thence in a northerly direction up the Sans Poil creek by the most feasible and practicable route to the town of Republic; thence in a westerly direction to the Okanogan river at a point about one mile north of and opposite the mouth of Johnson creek in Okanogan county; thence in a westerly direction along the state road as heretofore laid out and established from a point about three miles south of Best's ranch on Bonaparte creek to the east bank of the Methow river; thence across said Methow river at the most practicable bridge site near the mouth of the Twisp river, to be selected; thence in a westerly direction over the road already laid out and established across the Twisp pass to the bridge on Bridge creek near the mouth of said creek; thence in a southeasterly direction to Stehekin landing, at the mouth of the Stehekin river at the head of Lake Chelan; thence from the bridge near the mouth of Bridge creek in a westerly direction over and across the summit of the Cascade mountains, as said road has heretofore been laid out and established, to a point on the Skagit river opposite the town of Marble Mount, in Skagit county, making an appropriation therefor, creating a road commission, and declaring an emergency.

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

SECTION 1. That there be laid out, established, constructed and maintained for the use of the public a state wagon road beginning at the nearest practicable point at the mouth of the Sans Poil creek in Ferry county; thence in a northerly direction up the Sans Poil creek by the most feasible and practicable route to the town of Republic in said county; thence in a westerly direction to the Okanogan river at a point about one mile north of and opposite the mouth of Johnson creek in Okanogan county; thence in a westerly direction along the state road as heretofore laid out and established from a point about three miles south of Best's ranch on Bonaparte creek to the east bank of the Methow river; thence across said Methow river at the most practicable bridge site near the

mouth of Twisp river, to be selected ; thence in a westerly direction over the road already laid out and established across the Twisp pass to the bridge on Bridge creek near the mouth of said creek ; thence in a southeasterly direction to Stehekin landing at the mouth of the Stehekin river at the head of Lake Chelan ; thence from the bridge near the mouth of Bridge creek in a westerly direction over and across the summit of the Cascade mountains, as the said road has been heretofore laid out and established, to a point on the Skagit river opposite the town of Marble Mount in Skagit county.

Commission.

SEC. 2. That a commission of three members is hereby created, one of which shall be a resident of Ferry county and two of Okanogan county, to be appointed by the governor and to be known as the board of state road commissioners.

SEC. 3. That the commissioners provided for in section 2 of this act shall hold office until the road is completed or the appropriation made in this act is exhausted, unless sooner removed. Should a vacancy occur in said commission by death, resignation or otherwise, such vacancy shall be filled by appointment by the governor. The governor is hereby empowered to remove at any time any member of such commission if in his judgment he shall deem it best to do so.

Qualification
of commis-
sioners.

SEC. 4. That each of the commissioners provided for in this act shall take and subscribe an oath or affirmation before some person authorized by law to administer the same, to faithfully and impartially discharge the duties of his office as a member of such commission. Each of said commissioners shall execute a bond unto the State of Washington in the sum of five thousand dollars (\$5,000.00) to be approved by the governor, conditioned for the faithful performance of his duty as a member of the board of state road commissioners and further conditioned that they will well and truly account for all money which is hereby appropriated, and will honestly expend the same as by

this act provided, which bond shall be filed with the secretary of state.

SEC. 5. The said board of road commissioners shall be vested, for the purpose of establishing such road, with all the powers vested by law in the boards of county commissioners of the several counties and in the viewers generally relating to the control and management of county roads, and shall proceed as nearly as shall be practicable in conformity with the laws provided for the establishment of county roads. Powers of commission.

SEC. 6. That said commissioners are hereby empowered to take deeds of right of way in the name of the state and to cause them to be filed with and recorded by the auditor of the proper county where said deeds can be obtained without expense to the state other than may be necessary for the drawing and recording of the same, and when deeds of right of way cannot be so obtained said commissioners are hereby empowered to cause, when necessary, the right of way for said road to be appropriated and condemned by the state in the same manner as is or may be provided by law for the appropriation and condemnation of real estate for county or public roads.

SEC. 7. For the purpose of carrying into effect the provisions of this act for the establishment and construction of said state wagon road there is hereby appropriated the sum of twenty thousand dollars (\$20,000) or so much thereof as may be necessary, to be expended upon the said road as hereinafter provided and in no other manner. Appropriation.

SEC. 8. Before beginning the construction of said road or the improvement of same or any part thereof the said commissioners shall carefully view the road, decide upon the width of the roadbed and grades and decide upon the number of bridges, the most practical places where bridges can be built over streams, and shall carefully estimate the building and improvement of said road and the cost of the bridges thereof and shall select the most feasible route and shall superin- Commissioners to view and locate.

tend the opening and construction of said road and bridges as herein provided and in no other manner.

Compensation
commis-
sioners.

SEC. 9. Each member of said board of commissioners shall receive five dollars (\$5.00) per day for each and every day employed in the discharge of his work, which shall also be pay for his traveling and other expenses. The board of commissioners shall examine and allow all bills incurred by them in the discharge of the duties and bills for all contract work provided for in this act and present their vouchers to the state auditor, who is authorized to audit said bill and if found correct to draw his warrant on the treasurer for the several amounts so allowed, and the state treasurer is hereby authorized to pay said warrants out of any money in the treasury appropriated for this purpose: *Provided*, That no, expense shall be incurred for the payment of which no appropriation shall have been made.

Auditing
contractor's
claims.

Papers, ac-
counts, etc.,
filed with
state auditor.

SEC. 10. All letters, papers and documents relating to the establishment of said road, together with a full and complete report of all transactions and proceedings and an itemized account of all expenses incurred in connection therewith, shall be filed in the office of the state auditor and a complete and accurate plat and description of the route of the road shall also be filed in the auditor's office in each of the several counties within whose boundaries portions of the road extend.

County com-
missioners.

SEC. 11. After the completion of said road, and when the term of office of such board of commissioners shall have expired, it shall become the duty of the board of county commissioners, respectively, of the county in which said road extends, to keep such portions of the road as are situated in like manner as though the same was a county road.

Certain pro-
portions of
fund to be
expended on
certain sec-
tions of road.

SEC. 12. The money appropriated in this act, or so much thereof as may be necessary, shall be expended in the following manner: No more than eight thousand eight hundred dollars (\$8,800.00) for the building and repairing of said road from the mouth of the Sans Poil creek, on the Columbia river, to the town of Republic; not more than sixteen hundred and fifty

dollars (\$1,650.00) from said town of Republic to a point on the Okanogan river about one mile north of and opposite the mouth of Johnson creek, in Okanogan county; not more than two thousand four hundred dollars (\$2,400.00) for the erection of a bridge over Methow river at a point where the road crosses said river; not more than sixteen hundred and fifty dollars (\$1,650.00) for the erection of four bridges, to wit: Two on Bridge creek, one on Maple creek and one on the north fork of Bridge creek at the point where the said road crosses these creeks, respectively, and no more than five thousand five hundred dollars (\$5,500.00) shall be expended in building and repairing the road from the mouth of Bridge creek to Stehekin landing, at the mouth of Stehekin river at the head of Lake Chelan, in Okanogan county.

SEC. 13. That all of the work done upon the road above described, or any part thereof, must be by contract, and it is made the duty of the commission to segregate the work of repairing and building of said road in such a manner as to let the same by contract, and to that end they must advertise for bids for building or repairing the same, or any part thereof, in such a manner as they believe most advantageous, by advertising in at least one newspaper published in the county in which said work is to be done for a period of at least two weeks for bids for the building or repairing of said road, or any part thereof, giving the necessary specifications therefor. And it is made the duty of said board to let the building or repairing of said road to such contractor or contractors as are the lowest and most responsible bidders, but the commission shall have the right to reject any or all bids, and re-advertise for bids. Before letting such contract or con-

Work must be
done under
contract.

Advertis-
ment.

Bond.

tracts, the contractor or contractors must execute a good and sufficient bond, to be approved by said commission, in double the sum of the contract price, conditioned for the faithful performance of the contract according to plans and specifications; that no more than eighty per cent. of the contract price shall be paid

to the contractor or contractors until the contract or contracts are completed and accepted by said state road commission, and in no event shall more than eighty per cent. be paid upon the work as it progresses.

Camp equip-
ments.

SEC. 14. All instruments, camp equipage, material, tools, horses and supplies now belonging to the state and accounted for by the last state road commission for the Cascade state road shall be turned over to the commissioners appointed by the governor under this act, and all funds in the treasury belonging to the Cascade state road shall be credited to the road fund created under the provisions of this act and be subject to the order of said commissioners appointed under this act.

Repeal.

SEC. 15. All previous acts to provide for a state wagon road known as the Marcus and Marble Mount state wagon road through the Cascade mountains, and making an appropriation therefor, are hereby repealed.

SEC. 16. An emergency exists, and this act shall take effect immediately.

Passed the Senate February 9, 1899.

Passed the House February 28, 1899.

Approved March 14, 1899.

CHAPTER CXXIV.

[S. B. No. 27.]

AUTHORIZING THE ISSUE OF BONDS BY CITIES FOR LOCAL IMPROVEMENTS.

AN ACT authorizing the issuance and sale of bonds by cities, to pay for local improvements, providing for the payment thereof, and declaring an emergency.

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

Bonds for
local im-
provements.

SECTION 1. Whenever any city shall have power and authority vested in it by its charter or by any law of this state to order or cause the whole or any part of