

complete the erection of such manufactory within the time hereinbefore specified, and with all persons, firms and corporations furnishing them sugar growing plants as herein provided.

Approved March 9, 1893.

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## CHAPTER LXIX.

[H. B. No. 302.]

### RELATING TO PUBLIC ROADS.

AN ACT relating to the construction, repair and improvement of public roads; providing revenue for such purpose; defining the powers and duties of certain officers in relation thereto, and fixing their compensation; and to repeal an act entitled "An act to provide for keeping highways in repair, and for the levy and collection of road poll and road property taxes, and declaring an emergency," approved March 7, 1890, and declaring an emergency.

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

SECTION 1. The board of county commissioners shall, as often as they may deem it necessary, but not oftener than once a year, divide their respective counties, or any part thereof, into suitable and convenient road districts, and cause a brief description thereof to be entered on the county records. Each county commissioner shall be *ex officio* road commissioner of the several road districts in his commissioner district, and shall see that all of the orders of the board of county commissioners pertaining to roads in his district are properly executed: *Provided*, When in any county the members of the board of county commissioners are not elected by districts, it shall be the duty of the board of county commissioners, by proper order to be entered on its records, to divide such county into commissioners' districts to correspond with the number of members of such board, and to assign to each member of the board one of such districts, of which he shall be such road commissioner: *Provided*, That no member of the board of

county commissioners shall receive any compensation for any service whatever, performed by him, or required of him by any of the provisions of this act other than his salary or per diem as county commissioner.

Time for election of road supervisor.

SEC. 2. There shall be elected in the several counties in this state, at the hour of two o'clock P. M., on the first Saturday in December in the year eighteen hundred and ninety-three, and on the first Saturday in December annually thereafter, a road supervisor in each road district, who shall hold office for one year from and after the second Monday in January next succeeding his election, and until his successor is elected and qualified. At least ten

Notice of election.

days prior to the election herein provided for, the road supervisor of each district shall post or cause to be posted notices of the time and place when and where such election will be held. At such election the road supervisor shall, if present, act as chairman and judge; but if the supervisor is not present, the voters shall elect one of their number, who shall be a taxpayer in the district, as chairman and judge, and they shall also select a clerk of election, who shall act as judge also, and shall be a taxpayer in the district. The voters present shall select a third person to act as judge, who shall likewise be a taxpayer in the district. All qualified electors in the district may vote at such election, and the person receiving the highest number of votes at such election shall be declared elected as road supervisor. The clerk of election shall keep a record of the proceedings at such election. The chairman and clerk of such meeting shall, within ten days thereafter, certify the result of such election to the board of county commissioners, who shall canvass the returns in the same manner that the returns of any general or special election are canvassed. The ballots cast at such election shall be returned to the county commissioners with the returns of such election, and if the county commissioners have reason to believe that the return of such election has not been properly made and the result correctly returned to them, they may re-count the ballots and declare the result of such election. If any road district shall fail to elect a road supervisor as hereinbefore provided, it shall be the duty of the county

Electors.

Certificate of election.

Returns.

auditor to report to the board of county commissioners at their next regular February meeting, all districts which have failed to elect road supervisors at the time hereinbefore provided, and the board of county commissioners shall, at such meeting, appoint supervisors to fill all vacancies in such road districts: *Provided*, That any road supervisor who has failed to post or cause to be posted the notice of election for road supervisor as hereinbefore provided, shall not be eligible to appointment by the board of county commissioners. All road supervisors elected or appointed under the provisions of this act shall give their official bond in such sum as the board of county commissioners may fix, conditioned that they will faithfully perform all the duties required by law, or the orders of the county commissioners, and that they will account for all money received by them in their official capacity, and they shall take the usual oath of office. The bond and oath of office required to be filed by road supervisors shall be filed within twenty days after they receive notice of their election or appointment from the county auditor, and when such bond and oath of office is filed and the bond approved by the county auditor as clerk of the board of county commissioners, the county auditor shall furnish to each road supervisor a certificate that such bond and oath of office has been filed, and the bond approved, and such certificate shall authorize the person to whom it is issued to perform the duties and exercise the powers of road supervisor for the district in and for which he has been elected or appointed.

SEC. 3. The boards of county commissioners of the several counties in the state shall have general supervision over the roads in their respective counties. They must cause to be opened and worked such roads as are necessary for public convenience, which have been laid out and established according to law; levy such taxes for road and bridge purposes as are by law provided for; order and direct road supervisors especially in regard to work to be done on particular roads in their districts; in their discretion cause to be erected and maintained on such public roads as they may designate, guide posts, properly in-

County  
commissioners  
to fill vacancy.

Official bond.

County  
commissioners  
to have general  
supervision.

scribed; in their discretion let out by contract to the lowest bidder, the construction or improvement of any road or bridge on the public roads, when the expense of such construction or improvement will exceed the sum of fifty dollars; remove any road supervisor for inefficiency or neglect of duty or malfeasance in office; order such warrants drawn on the county treasurer and payable out of the funds to the credit of any district as are necessary to pay for labor performed in said district under the direction of the road supervisor, except such work as may be performed by residents of the district in payment of road poll tax or property road tax as hereinafter provided.

Duties of  
the road  
supervisor.

SEC. 4. The road supervisor must take charge of all the public roads in his district, and keep them clear from obstructions, and in good repair, and destroy or cause to be destroyed, at least once a year, all Canada, Chinese and bull thistles or other noxious weeds growing or being on any of the roads in his district; he shall have general supervision of all work ordered done in his district by the board of county commissioners, and shall apply such labor as may be due the district from persons entitled to perform labor on the roads in such district in payment of such taxes as are provided may be paid in labor by residents of the district, in the manner most conducive to the interest of the district and in the way to get the best results from such labor.

Levy for  
general road  
and bridge  
fund.

SEC. 5. The board of county commissioners shall, annually, at the time of making the tax levy for county purposes, levy a tax of not more than three mills on the dollar on all of the taxable property in the county for a general road and bridge fund, from which fund they shall order paid such sums as may be found necessary for the construction, repair and improvement of bridges and such roads as all of the inhabitants in the county are interested in, or to assist weak and impoverished districts in keeping their roads in repair. At the same meeting the county commissioners shall levy a property road tax of not more than five mills on the dollar on all the taxable property in the county, which tax shall be known as the "segregated road fund," and when collected shall be placed to the credit of the dis-

"Segregated  
road fund"  
levy.

trict in which the property on which it was assessed is located, and from which fund shall be paid such sums as are necessary for the proper maintenance of the roads in such district: *Provided*, That no property lying and being within the corporate limits of any incorporated city or town shall be chargeable with property road tax for the "segregated road fund."

SEC. 6. Every male inhabitant of this state over twenty-one years and under fifty years of age, residing outside of the limits of an incorporated city or town, unless by law exempt, shall annually pay a road poll tax of four dollars which shall be assessed, and collected by the road supervisor of the district in which any person liable therefor resides, and which must be collected by the road supervisor on or before the first day of December of the year for which such road poll tax is charged. Such road poll tax must be paid on demand to the road supervisor as hereinafter provided. Road poll tax.

SEC. 7. The road supervisor shall annually, in the month of March, make a list of all the persons in his district liable for road poll tax for that year, and shall demand from each person on such list the amount due from such person as such road poll tax. If any person liable for the road poll tax herein required to be assessed and collected, refuses to pay the same when demanded by the road supervisor, and such person is in the employ of any person, firm, corporation or company in such district, the road supervisor shall demand the payment of the road poll tax due from such person, from the person, firm, corporation or company having such person in their employ, and from thenceforth the employer of such person shall be liable for such road poll tax, and the road supervisor shall enforce payment of the same as hereinafter provided. If any person, firm, corporation or company refuses or neglects to pay the road poll tax due from such person, firm, corporation or company, or for which they may become liable under the provisions of this act, the road supervisor is hereby authorized and empowered, and required, to collect the said tax by seizure and sale of any personal property belonging to such person, firm, corporation or company List of persons liable to road poll tax.  
Penalty.

Seizure and  
sale of  
property.

that may be found in the county in and for which such road supervisor is elected and in which such tax is due. When any property is seized by the road supervisor under the provisions of this act, it may be sold by the road supervisor, after having first given two days' notice to the owner of such property and by posting or causing notice of the time and place of sale of such property to be posted in three conspicuous places in the district in which the said road poll tax is due, for at least two days prior to such sale: *Provided*, That if the tax and all costs and expenses of the seizure of such property is paid before the sale, to the road supervisor, he shall release the property seized and deliver the same to the owner thereof at any place said property may then be. The road supervisor shall be allowed two dollars for seizing property under the provisions of this act, and shall be allowed mileage at the rate of ten cents per mile for each mile necessarily traveled in making such seizure and sale. All sales of property made under the provisions of this act shall be at public auction, and a sufficient quantity of the property seized shall be sold to pay the tax due and all costs and charges of the seizure and sale. All excess over the taxes due and the mileage and costs of sale of any property hereunder, must be returned to the owner, and until claimed by such owner must be deposited in the county treasury, subject to the orders of the owner, or his heirs, or legal representatives.

Sales to be at  
public auction.

SEC. 8. Any person liable for road poll tax under the provisions of this act may pay the same in labor on the public roads in the district in which he resides: *Provided*, Such labor shall be done at such time and in such manner as the road supervisor of the district shall direct.

Duties of road  
supervisor.

SEC. 9. The road supervisor shall annually between the first day of April and the first day of December put his roads in his district in as good repair as the money at his disposal will permit, and for this purpose is hereby authorized to expend all of the money collected by him on account of road poll tax due from residents of his district on the public roads in such district. The road supervisor shall give all persons who have not paid their road poll tax in money at least three days' notice, in writing or in

Notice to  
work roads.

person, when and where he will be required to appear and to perform labor on the public roads, in the district, in payment of his road poll tax, and every person who shall appear at the hour of eight o'clock A. M. and perform eight hours faithful and diligent labor on the public roads under the direction of the road supervisor, shall be entitled to a credit of two dollars per day for his personal labor, and if required to furnish a team and a wagon, plow or other implement for use on the public roads, he shall be entitled to a credit of four dollars per day for his labor with such team and wagon, plow or other implement, when furnished with team: *Provided*, That when employing persons on the public roads in his district under the provisions of this section, the road supervisor shall not warn less than five men to appear on any one day.

Not less than five to be warned.

SEC. 10. The county auditor shall, on or before the first Monday in April in each year, deliver to each road supervisor road poll tax receipts in blank, and shall charge the supervisor with four dollars for each road poll tax receipt so delivered to him. Such road poll tax receipts shall be numbered, and shall be signed with the efficient [official] signature of the county auditor, and shall bear his official seal. The county auditor shall give the road supervisor credit for each of said road poll tax receipts returned to him in blank at the time of his final settlement, as hereinafter provided.

Road poll tax receipts.

SEC. 11. Any person residing or owning property outside of the limits of any incorporated city or town, shall be entitled to perform labor on the public roads in the district in which he resides or owns property, to an amount approximating the amount of property road tax for which he will be chargeable on the tax roll for the then ensuing year, as hereinafter provided. Every person who desires to perform labor on the public roads in the district in which he resides or owns property, subject or liable to property road tax, to an amount approximating the property road tax for which he will be chargeable the then ensuing year, must, on or before the fifteenth day of March in such year, notify the road supervisor in writing that he desires to perform such labor on the public roads, and shall give the road supervisor a particular description of the real property

Who may perform labor on roads.

Supervisor to be notified in writing.

Supervisor to  
prepare list.

owned by him, which description shall be sufficiently accurate to enable the property to be identified on the tax roll for the preceding year. The road supervisor shall, immediately after the first day of April, prepare a list of all persons, with a description of the property owned by each, who desire to perform labor on the public roads to an amount approximating the property road tax for which they will be liable for that year, and shall send such list to the county treasurer, who shall enter thereon, opposite the description of each piece or parcel of land thereon, the amount of property road tax that was charged against such land for the preceding year, and shall then return the list to the road supervisor, who shall allow any person whose name appears on such list to perform work on the public roads in the district to an amount not exceeding in value the amount of property road tax exhibited on such list, as having been taxed to the property of such person for the preceding year: *Provided*, That such persons appear at the time and place required by the road supervisor to perform such work.

Notice of time  
and place.

SEC. 12. On the return of such list to the road supervisor by the county treasurer, the road supervisor shall give each person named therein at least three days' notice of the time and place when and where he will be required to appear to perform labor on the public roads in the district, and, if necessary, the road supervisor may require any person to furnish a team and wagon, plow, scraper or other implement for use on the roads in such district, and every person who appears and performs labor on the public roads in the district in which he resides or owns property, as herein provided, shall be allowed two dollars per day for his personal services and four dollars per day for his personal services with the services of a team and wagon, plow, scraper or such other implement he has been required to furnish with team for use on the public roads. All persons required to perform labor on the roads under the provisions of this act shall appear at the time and place designated by the road supervisor, and shall perform eight hours of faithful and diligent labor in each day, at such labor and in such manner as the road supervisor may direct.

Per diem.



SEC. 13. The road supervisor shall give to each person performing labor on the public roads according to the provisions of the two preceding sections, a certificate, stating therein the name of the person, the number of days he has been employed and the total amount due him for labor on the public roads according to the provisions of said sections of this act. The certificate issued by the road supervisor, as herein provided, shall be received by the county treasurer on payment of the property road tax charged on the tax rolls of the county for the then ensuing year against the property of the person to whom it was issued: *Provided*, That at the time such certificate is presented to the treasurer it shall be accompanied with the money for the payment of all of the taxes charged against the said property for such year. If the property road tax of any person amounts to more than the face value of the certificate held by such person, the balance of such property road tax must be paid in money.

Certificate  
for work.

SEC. 14. The road supervisor shall be allowed two dollars and fifty cents per day for each day employed on the public roads in his district under the provisions of this act, not exceeding fifty days in any one year.

Compensation  
of supervisor.

SEC. 15. The road supervisor of each district shall report to the board of county commissioners, at each regular meeting of the board, the amount of money collected by him from road, poll and property tax since the preceding settlement, and shall furnish a statement of the persons who have been employed on the roads in his district under any of the provisions of this act, and the amount or value of the labor performed by them, and on what roads such labor was performed. The road supervisor shall, at the expiration of his term of office, account for all the poll tax receipts delivered to him by the county auditor, and shall surrender all that remain in his hands unused, and shall turn over to his successor in office all money remaining in his hands.

Supervisor's  
report.

SEC. 16. All persons filling the office of road overseer at the time this law goes into effect are hereby authorized to perform all the duties and exercise all of the powers conferred upon road supervisors by this act, and such over-

Overseers.

seers shall in all respects be considered as road supervisors until the next regular election for such officers.

Expenditure  
of money.

SEC. 17. The road supervisor of each district is authorized, by and with the consent of county commissioners, to expend all money to the credit of his district in the repair and improvement of the roads in his district, but all claims against such district for labor performed on the roads therein, except as provided for residents and owners of property in such district to perform labor on the roads in such district, shall be audited by the board of county commissioners before being paid, and shall be paid by the warrant of the county auditor drawn on the county treasurer and payable out of the funds of the district in which such labor was performed.

SEC. 18. An act entitled "An act to provide for keeping highways in repair, and for the levy and collection of road property taxes, and declaring an emergency," approved March 7, 1890, is hereby repealed, and all other laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Emergency.

SEC. 19. Whereas, the present road law is unsatisfactory in many particulars, and the passage of this act will materially assist in securing much needed improvement of the public roads this season, therefore an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 9, 1893.