

CHAPTER 129.

[H. B. No. 188.]

AMENDING ACT RELATIVE TO RIGHT OF CITIES OF FIRST CLASS TO EXERCISE THE RIGHT OF EMINENT DOMAIN.

AN ACT to amend certain sections of an act entitled "An act to enable cities of the first class to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method of making compensation therefor, and providing for special assessments in certain cases upon property benefited, and declaring an emergency," approved March 9, 1893, and declaring an emergency.

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

SECTION 1. That section 19 of said act, being the same as section 793 of Ballinger's annotated Codes and Statutes of Washington, and section 5068 of Pierce's Code, be amended so as to read as follows: Section 19. When such ordinance under which said improvement shall be ordered shall provide that such improvement shall be paid for in whole or in part by special assessment or special taxation of property benefited thereby, the damage and costs awarded, or such part thereof as is to be paid from special taxation or special assessment, shall be levied, assessed and collected in the manner hereinafter provided.

Sec. 793 Ballinger's Code,
Sec. 5068
Pierce's Code
amended.

Payment for,
by ordinance.

SEC. 2. That section 28 of said act, being the same as section 802 of Ballinger's annotated Codes and Statutes of Washington and section 5077 of Pierce's Code, be amended so as to read as follows: Section 28. On the hearing the report of such Commissioners shall be competent evidence, and either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law, tried by the court without a jury, and if it shall appear that the premises of the objector are assessed more or less than they will be benefited, or more or less than their proportionate share of the costs of the improvement, the court shall so find, and also find the amount in which said premises ought to be assessed, and the judgment shall be entered accordingly.

Sec. 802 Ballinger's Code,
Sec. 5077
Pierce's Code.

Hearing.

Emergency. SEC. 3. An emergency exists and this act shall take effect immediately.

Passed the House February 9, 1903.

Passed the Senate March 12, 1903.

(Note by the Secretary of State).—The above act was filed in this office on the 16th day of March, 1903, without the approval or disapproval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 130.

[S. B. No. 188.]

PROVIDING FOR NOTICE OF APPLICATION FOR APPOINTMENT OF GUARDIANS FOR MINORS, INSANE, AND MENTALLY INCOMPETENT PERSONS.

AN ACT providing for the giving of notice of applications for the appointment of guardians of minors under the age of fourteen years, insane persons and persons mentally incompetent to manage their property.

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

Application
for appoint-
ment of
guardian—
hearing.

SECTION 1. When it is represented to the superior court upon verified petition of any relative or friend that any person, resident of the county, is a minor or is insane or is mentally incompetent to manage his property, and that such person has property needing care and attention, coupled with an application for appointment of a guardian for such person, such court must cause a notice to be given to such minor, insane or mentally incompetent person, of the time and place of hearing the application for the appointment of a guardian to manage the estate of such person, not less than ten days before the time so appointed.

Service of
notice on
custodian.

SEC. 2. If such minor, insane or mentally incompetent person is in the care, custody or control of any person, officer, or body, then notice must be served also on such person, officer or body in charge of such person; and such