

per annum, payable as now provided by law. (2) Salaries of constables in cities having a population of more than thirty-five thousand (35,000) inhabitants, nine hundred and sixty dollars (\$960.00) per annum, payable as now provided by law.

Emergency.

SEC. 4. An emergency exists and this act shall take effect immediately.

Passed the House February 28, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

CHAPTER 106.

(H. Sub. B. No. 64)

EMPOWERING COUNTY COMMISSIONERS TO GRANT CERTAIN PUBLIC FRANCHISES ON PUBLIC ROADS.

AN ACT giving to County Commissioners the power to grant certain public utility franchises on County roads and streets outside of incorporated towns and cities, and confirming certain such grants heretofore made.

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

Purposes.

SECTION I. The county commissioners of the several counties in the State of Washington are hereby authorized and empowered to grant franchises to persons or corporations to use the county roads and streets in their several counties outside of the incorporated towns and cities for the construction and maintenance of waterworks, gas pipes, telephone, telegraph and electric light lines: *Provided*, That hereafter on application being made to the board of county commissioners for any such franchise, the board shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting written or printed notices in three public places in the county seat of the county and in at least one conspicuous place on the roads or streets or parts thereof for which application is made, at least fifteen (15) days before the day fixed for such hearing, and by publishing a like notice three (3) times in some daily newspaper pub-

Application—
hearing—
notice.

lished in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing, the last publication to be at least five (5) days before the day fixed for such hearing, which notice shall state the name or names of the applicant or applicants, a description of the roads or streets or parts thereof for which the application is made, and the time and place fixed for the hearing. Such hearing may be adjourned from time to time by the order of the board. If, after such hearing, the board shall deem it to be for the public interest to grant such franchise in whole or in part, the board may make and enter the proper order granting the franchise applied for or such part thereof as the board deems to be for the public interest, and may require any such utility and its appurtenances to be placed in such location on or along the roads or streets as the board finds will cause the least interference with other uses of the roads or streets. Any person or corporation constructing or operating such utility on or along such county road or county street shall be liable to the county for all necessary expense incurred in restoring such county road or county street to a suitable condition for travel. This act shall be construed as an addition to existing laws and shall not limit powers or rights which may be exercised under existing laws: *Provided*, That no franchise shall be granted for a period of longer than fifty years: *Provided further*, No exclusive franchise or privilege shall be granted.

Order of board.

Liability to county.

Term of franchises.

SEC. 2. That any and all grants, rights, privileges, franchises or powers heretofore made or attempted to be made, given or granted by the board of county commissioners of any county in this State, when such board was in regular or special session, and when the action of such board is shown by its records, to any person or corporation, to erect, construct, maintain or operate an electric railway or poles, pole lines, wires or any other matter or thing for the furnishing, transmission, delivery, enjoyment or use of electric energy, electric power, electric light, and telephone connection therewith, or any other matter or thing relating to said matters and things or either of them, or to lay or maintain pipes for the distribution of water, or gas, in, upon, along, through or over public roads and highways, or any public road or highway, outside the limits of incorporated cities and towns, be and they are hereby confirmed and declared to be valid to the extent that such road or highway has been,

Prior grants declared valid.

prior to the passage of this act, actually occupied by the *bona fide* construction and operation of such utility and no farther.

Force and
effect rights
and powers.

SEC. 3. Said rights, powers and grants so made or attempted to be made and hereby confirmed, shall have and be of the same force and effect as if the county commissioners in any county of this State, prior to the time of giving or granting said rights, privileges and franchises, had been specifically authorized and empowered to give and grant the same.

Passed the House February 28, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.

CHAPTER 107.

(H. B. No. 126)

TO ESTABLISH A STATE FISH HATCHERY ON THE UPPER METHOW RIVER.

AN ACT to establish a State Fish Hatchery on the upper Methow river, or some of its tributaries, in Okanogan County, in the State of Washington.

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

SECTION 1. That the State Fish Commissioner is hereby authorized and directed to prospect the upper Methow river and its tributaries, Okanogan County, with a view of establishing and maintaining a State salmon hatchery thereon.

SEC. 2. That if after investigation the State Fish Commissioner finds the upper Methow river in Okanogan County, or any of its tributaries, a suitable stream for the location of a salmon hatchery, he is hereby authorized and directed to establish and maintain a State salmon hatchery on said upper Methow river, or its tributaries, in Okanogan County.

Passed the House February 21, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.