

ing monuments in the cemetery, and to prohibit any use, division, improvement or adornment of a lot which they may deem improper. An annual exhibit shall be made of the affairs of the association. The plan, or plat, hereinbefore required, shall be recorded by the proper County Auditor for a fee not to exceed ten cents a lot, and if the actual cost of recording the same shall be less than ten cents a lot, then said Auditor shall record the same at the actual cost thereof.

Fee.

Passed the Senate January 31, 1905.

Passed the House March 1, 1905.

Approved by the Governor March 3, 1905.

CHAPTER 65.

(H. B. No. 198)

TO AMEND STATE CONSTITUTION RELATIVE TO THE EXERCISE OF THE POWER OF EMINENT DOMAIN.

AN ACT providing for the amendment of section 16 of Article one (1) of the Constitution of the State of Washington, relating to the exercise of the power of eminent domain.

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

SECTION 1. That at the general election to be held in this State on the Tuesday next succeeding the first Monday in November, 1906, there shall be submitted to the qualified electors of the State for their adoption and approval an amendment of section sixteen (16) of article one (1) of the Constitution of the State of Washington so that the same shall read, and it is proposed that the same shall read, when so amended, as follows: Section 16. Private property may be taken, under such terms, conditions and limitations as shall be prescribed by the Legislature for drains, flumes, and ditches for agricultural, domestic and sanitary purposes, and for flumes, ditches, canals, reservoirs, or rights-of-way through on or across the lands or waters or property of others for mining, milling, manufacturing, irrigation and lumbering purposes, or for the removal of timber or timber products, and the appropriation and use of property for such

Amendment—
Taking of
private prop-
erty for
drainage
purposes.

purposes are hereby declared to be public uses, even though such appropriation and use may inure to the special benefit of some private individual, firm, corporation or association: *Provided however*, That this declaration as to public uses shall not be construed to limit the right to appropriate property for other public uses. Private property shall not be taken for private use, except for private ways of necessity. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into Court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such, without regard to any legislative assertion that the use is public, except to the uses which are herein declared to be public.

Other rights not limited hereby.

Private property not to be taken for private use.

SEC. 2. The Secretary of State shall cause the amendment proposed in section one of this act to be published for three months next preceding the said election therein described in some weekly newspaper in every County where a newspaper is published throughout the State.

Publication of amendment, by Secretary of State.

SEC. 3. There shall be printed on all ballots provided for the said election the words "For the proposed amendment to Section sixteen of Article one of the Constitution, relating to the exercise of the power of eminent domain;" "Against the proposed amendment to Section sixteen of Article one of the Constitution, relating to the exercise of the power of eminent domain."

Ballots—for and against same.

SEC. 4. If it shall appear from the ballots cast at the said election that a majority of the qualified electors voting upon the question of the adoption of the said amendment have voted in favor of the same, the Governor shall make proclamation of the same in the manner provided by law and the said amendment shall be held to have been adopted and to

Proclamation by Governor.

have been a part of the Constitution of this State from the time of such proclamation.

Passed the House February 14, 1905.

Passed the Senate February 28, 1905.

Approved by the Governor March 4, 1905.

CHAPTER 66.

(H. Sub. B. No. 115)

AN ACT TO REGULATE PLUMBING AND CREATING A BOARD OF PLUMBING EXAMINERS.

AN ACT to regulate plumbing in cities having a population of ten thousand inhabitants or over, providing for the licensing of persons to carry on the business and work of plumbing, creating a Board of Plumbing Examiners, fixing the compensation of plumbing examiners, providing a penalty for the violation hereof and repealing all acts in conflict herewith.

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

SECTION 1. That any person, firm or corporation that is now or hereafter may be engaged in the business of plumbing in any city having a population of ten thousand inhabitants or more, either as master plumber or as a journeyman plumber, shall secure and hold a license therefor in accordance with the provisions of this act, and it shall be unlawful for any person to work at the trade of plumbing or to carry on the business of plumbing in any such city without complying with the provisions of this act.

License.

SEC. 2. Within thirty days after this act shall take effect the Governor shall appoint a board of plumbing examiners consisting of three members. The members of said board shall be practical plumbers well versed in modern sanitary plumbing, sanitation and sewerage. The board shall consist of two master plumbers and one journeyman plumber, and the members of said board shall serve for a period of three years each from the date of their appointment: *Provided however*, The first board shall serve as follows: One member for one year, one member for two years, and one member for three years, and the Governor in making the

Governor to
appoint
examining
board.