

CHAPTER 99.

[H. B. 327.]

AMENDING ACT RELATIVE TO STREET AND ELECTRIC RAILWAYS, ETC.

AN ACT to amend section 1 of an act entitled "An act relating to electric railroads, street and other electric railways and corporations incorporated for the construction, ownership or operation thereof, the right of eminent domain therefor, the use of streets and roads thereby and leases and sales thereof heretofore or hereafter made," and declaring an emergency.

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

SECTION 1. That section 1 of an act entitled, "An Act relating to electric roads, street and other electric railways and corporations incorporated for the construction, ownership or operation thereof, the right of eminent domain therefor, the use of streets and roads thereby and leases and sales thereof, heretofore or hereafter made," passed by the Senate of the State of Washington on the 18th day of February, 1903, and passed by the House of Representatives of the State of Washington on March 10, 1903, and which became a law on the 17th day of March, 1903, without the approval or disapproval of the Governor of the State of Washington; be, and the same is hereby amended to read as follows: Section 1. The Legislative authority of the city or town having control of any public street or road, or where such street or road is not within the limits of any incorporated city or town, then the board of county commissioners wherein such road or street is situated, may grant authority for the construction, maintenance and operation of electric railroads or railways, motor railroads or railways and railroads and railways of which the motive power is any power other than steam, together with such poles, wires and other appurtenances upon, over, along and across any such public street or road and in granting such authority the legislative authority of such city or town or the board of county commissioners, as the case may be, may prescribe the terms and conditions on which such railroads or railways and their appurtenances shall be constructed, maintained and operated

Authority
to cons-
truct—how
and by
whom
granted.

upon, over, along and across such road or street, and the grade or elevation at which the same shall be maintained and operated: *Provided*, That hereafter, on application being made to the board of county commissioners for such authority, 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 road or street or part thereof, for which application is made, at least thirty days before the day fixed for such hearing, and by publishing a like notice three times in some daily newspaper published 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 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 order of the board. If, after such hearing, the board shall deem it to be for the public interest to grant such authority in whole or in part, the board may make and enter the proper order granting the authority applied for or such part thereof as the board deems to be for the public interest, and shall require such railroad or railway and its appurtenances to be placed in such location on or along the road or street as the board finds will cause the least interference with other uses of the road or street. In case any such railroad or railway, is or shall be located in part on private right-of-way, the owner thereof shall have the right to construct and operate the same across any county road or county street which intersects such private right-of-way, if such crossing is so constructed and maintained as to do no unnecessary damage: *Provided*, That any person or corporation constructing such crossing or operating such railroad or railway on or along such county road or public street

Application.

Notice of hearing.

Liability to county.

shall be liable to the county for all necessary expense incurred in restoring such county road or public street to a suitable condition for travel.

Emergency. SEC. 2. An emergency exists and this act shall take effect immediately.

Passed the House February 21st, 1907.

Passed the Senate March 7th, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 100.

[H. B. 217.]

DEFINING THE WEIGHT OF A TON OF COAL.

AN ACT defining the weight of a ton of coal and making it a misdemeanor to sell less for a ton, and providing a penalty for the violation thereof.

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

Ton defined. SECTION 1. That 2,240 pounds shall constitute a gross ton of coal, and 2,000 pounds shall constitute a net ton of coal.

Penalty for selling less. SEC. 2. Any person selling less than 2,000 pounds for a ton shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or imprisoned in the county jail not less than ten days nor more than six months, or fined and imprisoned both, in the discretion of the court.

Passed the House February 26th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 11th, 1907.