

CHAPTER XCV.

[S. B. No. 41.]

FOR THE RELIEF OF CERTAIN PERSONS CONTRIBUTING TOWARD THE COMPLETION OF ROOMS IN THE STATE NORMAL SCHOOL AT WHATCOM.

AN ACT for the relief of persons contributing money for the completion of certain rooms in the State Normal School at New Whatcom, Washington.

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

SECTION 1. That there be and is hereby appropriated out of money in the state treasury not otherwise appropriated the sum of one thousand six hundred and fifty-four (\$1,654) dollars, for the relief and payment of the citizens of Whatcom county, Washington, for moneys paid and expended by E. W. Purdy, L. P. White, and Geo. E. Gage, as trustees of said citizens in the completion of certain rooms in the State Normal School at New Whatcom, Washington.

SEC. 2. That the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer for the money hereby appropriated in favor of E. W. Purdy, L. P. White and Geo. E. Gage, trustees.

Passed the Senate March 11, 1901.

Passed the House March 14, 1901.

Approved by the Governor, March 16, 1901.

Appropriation.
Payees.
State Auditor directed to pay.

CHAPTER XCVI.

[S. B. No. 235.]

RELATING TO THE ESTABLISHMENT AND OPENING OF PUBLIC ROADS.

AN ACT amending sections 3774, 3775, 3776, 3777, 3778 and 3779 of Ballinger's Annotated Codes and Statutes of Washington, relating to establishing and opening public roads.

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

SECTION 1. Section 3774 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as

follows: Sec. 3774. Such petition must be accompanied by a bond in the penal sum of three hundred dollars payable to the county, executed by one or more of such petitioners as principal or principals with two or more sufficient sureties, and conditioned that the petitioners will pay into the county treasury the amount of all costs and expense incurred in examining and surveying the proposed road and in the proceeding, in case the road shall not be established, or in case the application is for the purpose of changing the road for the benefit of the land owner or owners, and no such change shall be made until such cost bill has been paid and the road graded. When the cost is assessed against the principal petitioner the clerk of the board of county commissioners shall file the cost bill with the county treasurer who shall proceed to collect the same. The board may require that waivers for the right-of-way be secured by the principal petitioner, before an examination or survey is ordered, said petition, bond, and waiver shall be filed with the clerk of the board of county commissioners.

Amendment.
Petition to be accompanied by bond for \$300.

Conditions of bond.

Cost bill filed with county treasurer.

Waivers required for right-of-way.

SEC. 2. That section 3775 of Ballinger's Annotated Codes and Statutes of Washington shall be amended to read as follows: Sec. 3775. The board when in session, shall consider such petition and bond, and if not rejected they shall, if such petition contains substantially the matters and things required by law, and that the said bond is sufficient, file said petition, bond and waivers with the county surveyor, who shall make examination and if necessary, a survey of the proposed road. If, however, after an examination he deem the same impracticable he may so report to the board of county commissioners without a survey, or he may examine or survey any other route which would subserve the same purpose and make a report thereon.

Amendment.

Duty of county board.

Filing of bond, petition and waivers.

Report of surveyor.

SEC. 3. That section 3776 of Ballinger's Annotated Codes and Statutes of Washington shall be amended to read as follows: Sec. 3776. In selecting the route, the surveyor shall take into consideration the general road system, the grade, cost of construction, mainten-

Amendment.

Selection of route.

ance, utility, convenience, inconvenience, and expense which will result to individuals as well as the public, if such roads shall be established, and opened or changed. He shall as far as possible, cause notice of the route of the road as far as surveyed to be given to each resident owner, lessee, occupant or owner's agent of lands over which said road passes. He shall receive from each person interested in such land, who will give the same, a statement in writing signed by such person and file the same with his report, and (1) consenting that such road shall be established as surveyed and waiving all claims to damages on account thereof; or (2) claiming damages on account of the establishment or opening of such road, and specifying the amount so claimed.

Giving of notice of route.

Statements of parties interested.

Claims waived.

Amendment.

Surveyor's report.

Terminal points and names of parties interested.

Estimate of damages.

SEC. 4. That section 3777 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Section 3777. When the examination or survey is completed the surveyor shall report in writing to the board of county commissioners (1) his opinion as to the necessity of the road, and whether the same ought to be established and opened; (2) the terminal points, general course and length of the road; (3) his recommendation as to the width of the proposed road; (4) the names of persons interested in lands over which the proposed road passes, who consent to the establishment of the same, and waive all claims to damages; (5) the names of all persons interested in said lands who refuse their consent, and the amount of damages claimed by each; (6) an estimate of damages to each tract of land of non-consenting persons interested in such tract of land, and in determining such damages it shall be the duty of the surveyor to estimate the benefits and damages accruing to any person by reason of establishing or changing such road, and the sum estimated as benefit must be deducted from the sum estimated as damages for the amount of damages to such person or land; (7) a description of each tract of land over which such road passes, with the name and place of residence or ad-

dress of the owners, lessees, claimants or incumbrancer if known, of each of said tracts of land, and the quantity of area of land to be taken from each of said tracts; (8) the probable cost of the construction of the road, including all necessary bridges, culverts, clearing, grubbing and grading; (9) such other facts, matters and things as he may deem of importance to be known by the board of county commissioners.

Description of each tract traversed.

Probable cost of construction.

SEC. 5. That section 3778 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Sec. 3778. The surveyor shall file with his report the written consent and waivers of claims to damages by persons interested in the lands affected by the establishment of said road, and the claims for damages procured as provided in this act.

Amendment.

Surveyor to file waivers of claims, etc.

SEC. 6. That section 3779 of Ballinger's Annotated Codes and Statutes of Washington shall be amended to read as follows: Sec. 3779. If a survey is made of the proposed road the surveyor shall file a correctly prepared map of said road laid out and surveyed, which map must show the tracts of land over which said road passes with the name of the owner if known, of each tract written thereon, and the surveyor shall also file therewith his field notes of such survey.

Amendment.

Map of road and field notes of survey.

Passed the Senate March 11, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 16, 1901.