

cattle, horses and other domestic animals, and prescribing penalties for violation of the provisions thereof," be and the same hereby is repealed.

Passed the House February 11th, 1907.

Passed the Senate February 28th, 1907.

Approved by the Governor March 5th, 1907.

CHAPTER 69.

[H. B. 97.]

AMENDMENT OF 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:

Submission
to vote.

SECTION 1. That at the general election to be held in this State on the Tuesday next succeeding the first Monday in November, 1908, 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: Sec. 16.

Right of
eminent
domain.

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 rights of way for the removal of timber or timber products, and the appropriation and use of property for such purposes are hereby declared to be public usage, 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 as to the uses which are herein declared to be public.

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 proposed
amendment.

SEC. 3. There shall be printed on all ballots provided for the said election the words "For the proposed amendment to section 16 of Article I of the Constitution, relating to the exercise of the power of eminent domain." "Against the proposed amendment to section 16 of Article I of the Constitution, relating to the exercise of the power of eminent domain."

Form of
ballots.

Passed the House February 14th, 1907.

Passed the Senate February 25th, 1907.

Approved by the Governor March 5th, 1907.