

but nothing herein contained shall prevent any judge of any of the courts of this state from finishing any business by him undertaken in the district, circuit or supreme court of the United States prior to his election as judge.

Sex.

SEC. 7. No person shall be excluded from acting as an attorney at law and practicing in all the courts of this state on account of sex.

Passed the house March 12, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

CHAPTER XCII.

[H. B. No. 220.]

RELATING TO THE ESTABLISHMENT OF PRIVATE ROADS OF NECESSITY.

AN ACT relating to the location and establishment of private roads of necessity, and providing for compensation for lands taken therefor.

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

SECTION 1. The owner or owners of any lands, which do not abut on any highway, or which are so situated that it is necessary to cross the lands of others to obtain a reasonable way to any public highway, may obtain the location and establishment of a road between his or their said lands and the highway by proceedings in the superior court of the county in which the lands over which such proposed road is to run are situated, in the manner provided by law for the appropriation of private property by corporations, except as in this act provided.

SEC. 2. The person or persons desiring the location and establishment of such road shall set out in his or their petition a description of his or their lands, the situation of the highway with reference to such land, and such other facts as will show the necessity of the establishment of the road, and shall set out the estimated value of the lands to be appropriated for such road.

SEC. 3. Before the hearing of such petition, the petitioner or some one in his behalf shall enter into a bond with two or more sureties to be approved by the county clerk, which bond shall be in the penal sum of two hundred dollars, payable to the State of Washington for the use of such persons as may be interested, conditioned that the obligors shall pay all costs and expenses incurred in the proceedings.

SEC. 4. Upon the hearing of said petition after notice thereof as prescribed by law, the court shall appoint three commissioners, who shall, on a day to be fixed by the court, in the order appointing them, view the lands of the petitioner, and the lands over which it is proposed to locate and establish such road, for the purpose of determining—*First*, whether there is necessity for the establishment of a road, and, *second*, the most practicable route for such road, if the same be necessary, and the clerk of said court shall furnish to said commissioners a certified copy of the order so appointing them.

SEC. 5. When said commissioners shall have made such examination they shall, within ten days after the day appointed by the court for such examination, report to the court in writing (filing the same with the clerk of said court), their decision as to the necessity for the road, and if they deem such road necessary, then they shall set out in such report an accurate description of the road and the route thereof, as recommended by such commissioners, and the estimated value of the land which would be taken for such road, and the amount to be allowed in damages to each separate owner of the lands sought to be appropriated, which in their estimation is just and equitable.

SEC. 6. Any person interested may file exceptions in writing to such report at any time within thirty days after the time fixed by the court for the examination of such commissioners, and such report shall be heard and considered by the court as to the necessity for such road, and as to the location thereof. On the next day after the expiration of the time limited for the filing of exceptions, or as soon thereafter as the same can be heard, which hearing shall be by the court without a jury, and the court shall

decide as to the necessity of such road, and if the same be found necessary, then the court shall fix the location of the road and establish such road, to be opened when compensation shall be made therefor as provided by law: *Provided*, That if the court do not approve the report of the commissioners as to the necessity of the road, or as to the route thereof, then the court may appoint other commissioners whose duties shall be the same as the duties of the commissioners first appointed.

SEC. 7. Such commissioners shall be allowed two dollars per day for their services, which shall be taxed as a part of the costs of the proceedings. All other costs shall be the same as in other civil actions and proceedings in such court, and all costs shall be taxed to and paid by the petitioner or petitioners.

Damages,
when and how
awarded.

SEC. 8. If, on the hearing of the report of the commissioners, the court shall find that there is necessity for the road, and shall by order determine the route thereof, then the cause shall be tried before a jury as to the amount of compensation to be made by way of damages for the establishment of the road: *Provided*, That such trial shall be had at a regular term of such court when a jury shall be present. The trial shall be conducted and verdict rendered in the manner provided by law in the case of appropriation of private property by corporations: *Provided further*, That a jury may be waived as in other civil cases in courts of record in the manner prescribed by law.

Appeal.

SEC. 9. No appeal shall be taken from any order of the court as to the necessity of the road or as to the route thereof until after judgment as to the amount of compensation: *Provided*, That exception shall be taken and entered to such orders at the time the same are made, and the appeal from such orders and from the judgment awarding such compensation shall be taken at one time: *Provided further*, That all the provisions of law relating to appeals from judgments in proceedings for the appropriation of private property by corporations shall apply to the proceedings provided for it in this act so far as the same are not inconsistent herewith.

SEC. 10. Within twenty days after the judgment awarding damages the petitioner or petitioners shall pay into court the amount of the award of damages, together with the costs as aforesaid, and upon such payment judgment of appropriation shall be made establishing the road. Damages,
payment of.

SEC. 11. An emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Passed the house March 13, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

CHAPTER XCIII.

[H. B. No. 494.]

REDUCING THE CORPORATE LIMITS OF ANY CITY, TOWN OR VILLAGE.

AN ACT to provide for reducing and lessening the corporate limits of any city, town or village in this state, and declaring an emergency.

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

SECTION 1. That the boundaries of any municipal corporation may be altered and a portion of the territory thereof excluded therefrom after proceedings had as required in this act. Upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors thereof, as shown by the votes cast at the last municipal election held therein, praying the city council or other legislative body to submit to the qualified electors of said corporation the proposition to change and alter the corporate limits of said city, town or village, and to exclude a portion of the territory therefrom, setting out and describing the territory to be excluded therefrom, together with the boundaries of the said corporation as it will exist after such change is made, the city council or other legislative body of said corporation shall submit to the electors of said cor- Limits circum-
scribed, when.