

CHAPTER CI.

[H. B. No. 459.]

PROVIDING FOR A STATE ROAD FROM MARCUS TO
MARBLE MOUNT.

AN ACT providing for a state wagon road beginning at a point on the Columbia river opposite the town of Marcus, Stevens county, thence following the state road as near as practicable as at present laid out, to a point on the east bank of the Methow river opposite the mouth of the Twisp river; thence over and across the summit of the Cascade mountains on the line as already laid out and established to a point on the west bank of the Skagit river, and connecting with the present county road at or near Marble Mount, in Skagit county, and making an appropriation therefor, and declaring an emergency.

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

SECTION 1. That there be laid out, established, constructed and maintained for the use of the public a state wagon road, beginning at a point on the Columbia river opposite the town of Marcus, Stevens county, thence following the state road as near as practicable as at present laid out to a point on the east bank of the Methow river opposite the mouth of the Twisp river; thence over and across the summit of the Cascade mountains on the line as already laid out and established to a point on the west bank of the Skagit river, and connecting with the present county road at or near Marble Mount, in Skagit county, and before beginning construction the commission shall decide on a road of such width and grades that it may be constructed from the present terminus of the wagon road on Sherwood or Dead Man's Creek, in Stevens county, westward to a point on the east bank of Methow river opposite the mouth of the Twisp river, and, after a careful examination of said route, shall select the most feasible route and shall proceed to lay out, establish and determine the location of such road, and shall superintend the opening and construction thereof, and may employ a competent surveyor and other assistance when necessary and purchase such material and supplies as may be necessary to carry out the full intent of this act.

Wagon road
from Marcus to
Methow river.

Route.

Commission of three.

SEC. 2. That a commission of three members is hereby created, one of which shall be a resident of Stevens county, one of Okanogan county, and one of Skagit county, to be appointed by the governor and to be known as a board of state road commissioners.

Governor to appoint and may remove.

SEC. 3. That the commissioners provided for in section 2 of this act shall hold office until the road is completed or the appropriation made by this act is exhausted, unless sooner removed. Should a vacancy occur in said commission by death, resignation or otherwise, such vacancy shall be filled by appointment by the governor. The governor is hereby empowered to remove at any time, any member of such commission if, in his judgment, he shall deem it best to do so.

Must take oath and give bond for \$2,500.

SEC. 4. That each of the commissioners provided for in this act shall take and subscribe an oath or affirmation before some person authorized by law to administer the same, to faithfully and impartially discharge the duties of his office as a member of such commission. Each of said commissioners shall execute a bond unto the State of Washington in the sum of two thousand five hundred (\$2,500) dollars, to be approved by the governor conditional for the faithful performance of his duty as a member of the board of state road commissioners, which bond shall be filed with the secretary of state.

Same powers as county commissioners in respect to roads.

SEC. 5. Said board of commissioners shall be vested, for the purpose of establishing such road, with all the powers vested by law in the boards of county commissioners of the several counties and the viewers generally relating to the control and management of county roads, and shall proceed as nearly as may be practicable in conformity with the laws provided for the establishment of county roads.

Right-of-way.

SEC. 6. That said commissioners are hereby empowered to take deeds of right-of-way in the name of the state and to cause them to be filed with and recorded by the auditors of the proper counties where said deeds can be obtained, without expense to the state other than may be necessary for the drawing and recording of the same, and when deeds of right-of-way cannot be so obtained said commission is

hereby empowered to cause, when necessary, the right-of-way for said wagon road to be appropriated and condemned by the state in the same manner as is or may be provided by law for the appropriation and condemnation of real estate for county or public roads.

SEC. 7. For the purpose of carrying into effect the provisions of this act for the establishment and construction of said state wagon road there is hereby appropriated the sum of twenty thousand (\$20,000) dollars, or so much thereof as may be necessary. \$20,000 Appropriated.

SEC. 8. Each member of said board of commissioners shall receive three (\$3) dollars per day for each and every day employed in the discharge of his work. The board of commissioners shall examine and allow all bills incurred by them in the discharge of the duties provided for in this act and present their vouchers to the state auditor, who is authorized to audit said bills and if found correct to draw his warrant on the treasurer for the several amounts so allowed, and the state treasurer is hereby authorized to pay said warrants out of any money in the treasury appropriated for this purpose: *Provided*, That no expense shall be incurred for the payment of which no appropriation shall have been made. Per diem of board. Expenses.

SEC. 9. All letters, papers and documents relating to the establishment of such road, together with a full and complete report of all transactions and proceedings and an itemized account of all expenses incurred in connection therewith, shall be filed in the office of the state auditor, and a complete and accurate plat and description of the route of the road shall also be filed in the auditor's office of each of the several counties within whose boundaries portions of the road extend. Records of board filed with state auditor.

SEC. 10. After the completion of said road, and when the time of office of such board of commissioners shall have expired, it shall become the duty of the board of county commissioners respectively of the counties in which said road extends to keep such portions of the road as are situated in like manner as though the same were a county road. After completion, county commissioners to keep in repair.

SEC. 11. The said board of state road commissioners

Application
of money
appropriated.

shall expend the sum of four thousand (\$4,000) dollars for the widening into a wagon road of that part of the present four-foot road from a point seven miles from Marble Mount to Gilbert Landre's cabin, to make said road available for heavy wagon traffic; one thousand (\$1,000) dollars for improvement of the trail between Landre's cabin and Pershall's cabin; two thousand and two hundred (\$2,200) dollars for the widening into a wagon road of the present four-foot road from Pershall's cabin, near Cascade Pass, to the mouth of Bridge creek, including the construction of a bridge at the latter point; one thousand (\$1,000) dollars for the improvement of the trail from the mouth of Bridge creek to Twisp Pass; two thousand five hundred (\$2,500) dollars for the widening into a wagon road of the present four-foot roadway from the mining camp of Gilbert to the mouth of the Twisp, including a bridge across Twisp river near the latter point; one thousand two hundred (\$1,200) dollars for extending the wagon road on the Colville Indian reservation from Crow's Nest, its present terminus on Granite creek, to Eureka camp; eight thousand one hundred (\$8,100) dollars for the construction of a wagon road from Curfew lake, on the Colville reservation, to the present terminus of the wagon road on Sherwood (or Dead Man) creek.

Cascade state
road outfit
available,
also funds.

SEC. 12. All instruments, camp equipage, material, tools, horses and supplies now belonging to the state and accounted for by the last state road commission for the Cascade state road shall be turned over to the commissioners appointed by the governor under this act and all funds in the treasury belonging to the Cascade state road shall be credited to the road fund created under the provisions of this act and be subject to the order of said commissioners.

SEC. 13. All previous acts to provide for a state wagon road through the Cascade mountains and making an appropriation therefor are hereby repealed.

SEC. 14. An emergency exists, and this act shall take effect immediately.

Passed the House March 6, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 16, 1897.