

CHAPTER XLVI.

[H. B. No. 67.]

RELATING TO THE APPROPRIATION OF LAND BY CORPORATIONS.

AN ACT to amend sections 4 and 10 of an act entitled "An act to regulate the mode of proceeding to appropriate lands, real estate or other property, by corporations for corporate purposes, and of ascertaining and securing compensation therefor, and repealing laws in conflict with this act, and declaring an emergency," approved March 21, 1890, the same being sections 651 and 657 of volume 2 of Hill's Annotated Statutes and Codes of Washington.

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

SECTION 1. That section 4 of an act entitled "An act to regulate the mode of proceeding to appropriate lands, real estate or other property, by corporations for corporate purposes and of ascertaining and securing compensation therefor, and repealing laws in conflict with this act, and declaring an emergency," approved March 21, 1890, the same being section 651 of volume 2 of Hill's Annotated Statutes and Codes of Washington, be and the same hereby is amended by inserting after the word "use," in line 9 of said section 4, the following: "or is for a private use for a private way of necessity," and by inserting after the word "enterprise," in line ten of said section 4, the following: "or the private use is for a private way of necessity," so that the said section will read as follows: Sec. 4. At the time and place appointed for hearing said petition, or to which the same may have been adjourned, if the court or judge thereof shall have satisfactory proof that all parties interested in the land, real estate, premises or other property described in said petition, have been duly served with said notice as above prescribed, and shall be further satisfied by competent proof that the contemplated use for which the land, real estate, premises or other property sought to be appropriated is really a public use, or is for a private use for a private way of necessity, and that the public interest requires the prosecution of such enterprise, or the private use is for a private way of necessity, and that the land, real estate, premises or other property

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sought to be appropriated are required and necessary for the purposes of such enterprise, the court or judge thereof may make an order, to be recorded in the minutes of said court, directing the sheriff to summon from the citizens of the county in which any land, real estate, premises or other property sought to be appropriated shall be situated, as many qualified persons as may be necessary in order to form a jury of twelve persons, unless the parties to the proceedings consent to a less number (such number to be not less than three), and such consent shall be entered by the clerk in the minutes of the trial. If necessary to complete the jury, the sheriff, under direction of the court or judge thereof, shall summon as many qualified persons as may be required to complete the jury from the bystanders, citizens of the county where the land, real estate, premises or other property is situated.

SEC. 2. That section 10 of said act, the same being section 657 of volume 2 of Hill's Annotated Statutes and Codes of Washington, be and the same hereby is amended by inserting after the word "railway," in line 1 of said section 10, the following: "Surface tramway, elevated cable tramway," so that said section 10 will read as follows: Sec. 10. The construction of any railway surface tramway, elevated cable tramway, or canal, or the prosecution of any works or improvements by any corporation as aforesaid shall not be hindered, delayed or prevented by the prosecution of the appeal of any party to the proceedings: *Provided*, The corporation aforesaid shall execute and file with the clerk of the court in which the appeal is pending a bond to be approved by said clerk, with sufficient sureties, conditioned that the persons executing the same shall pay whatever amount may be required by the judgment of the court therein, and abide any rule or order of the court in relation to the matter in controversy.

Passed the House February 15, 1897.

Passed the Senate March 3, 1897.

Approved by the Governor March 9, 1897.

Tramways
included.