

form size, shape and color in a box to be furnished by the clerk of the court for that purpose. In selecting and depositing such names the said commissioners shall in all things observe their oath and they shall not select the names of any person who is to them known to be interested in any cause pending in the court by which such commissioners were appointed. When such names have been selected and deposited in such box the jury commissioners shall deliver the box, locked, and the key thereof, to the clerk of the court by which the commissioners were appointed; and such clerk shall at all times keep such locked box and said key separately in some safe and convenient place in his office. A list of the names so chosen shall be spread at large upon the journal of the court and all names subsequently drawn from the box shall at the time of the drawing be compared and checked in open court with the list as so recorded.

County Clerk
custodian of
list.

Passed the House February 16, 1903.

Passed the Senate March 12, 1903.

(Note by the Secretary of State).—The above act was filed in this office on the 17th day of March, 1903, without the approval or disapproval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 173.

[H. SUB. B. TO S. B. No. 86.]

RELATING TO PLANTS FOR MANUFACTURING, TRANSMITTING AND SELLING ELECTRIC POWER.

AN ACT relating to plants for manufacturing, transmitting and selling electric power, and corporations incorporated for the construction, ownership or operation thereof, the right of eminent domain therefor, the use of streets and roads thereby and leases and sales thereof heretofore or hereafter made.

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

SECTION 1. The legislative authority of the city or town having control of any public street or road, or, where such street or road is not within the limits of any incorporated city or town, then the board of county commissioners of the

Authority to
construct—
how and by
whom
granted.

county wherein such road or street is situated, may grant authority for the construction, maintenance and operation of transmission lines for transmitting electric power, together with poles, wires and other appurtenances, upon, over, along and across any such public street or road, and in granting such authority the legislative authority of such city or town, or the board of county commissioners, as the case may be, may prescribe the terms and conditions on which such transmission line and its appurtenances, shall be constructed, maintained and operated upon, over, along and across such road or street, and the grade or elevation at which the same shall be constructed, maintained and operated: *Provided*, That hereafter on application being made to the board of county commissioners for such authority, the board shall fix a time and place for hearing the same, and shall cause the County Auditor to give public notice thereof at the expense of the applicant, by posting written or printed notices in three public places in the county seat of the county, and in at least one conspicuous place on the road or street or part thereof, for which application is made, at least fifteen days before the day fixed for such hearing, and by publishing a like notice three times in some daily newspaper published in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing, the last publication to be at least five days before the day fixed for such hearing, which notice shall state the name or names of the applicant or applicants, a description of the roads or streets or parts thereof for which the application is made, and the time and place fixed for the hearing. Such hearing may be adjourned from time to time by order of the board. If after such hearing the board shall deem it to be for the public interest to grant such authority in whole or in part, the board may make and enter the proper order granting the authority applied for or such part thereof as the board deems to be for the public interest, and shall require such transmission line and its appurtenances to be placed in such location on or along the road or street as the board finds will cause the least interference with other uses of the road or street. In case any such transmission line is or shall be located in part on private right-of-way, the owner thereof shall have the right to construct and operate the same

Application
for authority.

Notice of
hearing.

Liability to
county.

across any county road or county street which intersects such private right-of-way, if such crossing is so constructed and maintained as to do no unnecessary damage: *Provided*, That any person or corporation constructing such crossing or operating such transmission line on or along such county road or county street shall be liable to the county for all necessary expense incurred in restoring such county road or county street to a suitable condition for travel.

May appropriate lands
for right-of-
way.

SEC. 2. Every corporation, incorporated or that may hereafter be incorporated under the laws of this State, or of any other state or territory of the United States, and doing business in this State, for the purpose of manufacturing or transmitting electric power, shall have the right to appropriate real estate and other property for right-of-way or for any corporate purpose, in the same manner and under the same procedure as now is or may hereafter be provided by law in the case of ordinary railroad corporations authorized by the laws of this State to exercise the right of eminent domain: *Provided*, That such right of eminent domain shall not be exercised with respect to any public road or street until the location of the transmission line thereon has been authorized in accordance with section one (1) of this act.

Proviso as to
eminent
domain.

Lease or
purchase.

SEC. 3. Any corporation incorporated or that may hereafter be incorporated under the laws of this State or any state or territory of the United States, for the purpose of manufacturing, transmitting or selling electric power, may lease or purchase and operate (except in cases where such lease or purchase is prohibited by the constitution of this State) the whole or any part of the plant for manufacturing or distributing electric power or energy of any other corporation, heretofore or hereafter constructed, together with the franchises, powers, immunities and all other property or appurtenances appertaining thereto: *Provided*, That such lease or purchase has been or shall be consented to by stockholders of record holding at least two-thirds in amount of the capital stock of the lessor or grantor corporation; and all such leases and purchases heretofore made or entered into by consent of stockholders as aforesaid are for all intents and purposes hereby ratified and confirmed, saving, however, any vested rights of private parties.

Repeal.

SEC. 4. All acts and parts of acts in conflict with this

act are hereby repealed: *Provided*, That this repeal shall not affect any proceeding now pending in any court, and any proceeding now pending may be prosecuted to completion under the acts heretofore in force.

Passed the House March 10, 1903.

Passed the Senate March 12, 1903.

(Note by the Secretary of State).—The above act was filed in the office of the Secretary of State on the 17th day of March, 1903, at 3:30 p. m., without the approval or disapproval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 174.

[S. B. No. 83.]

FOR THE ENCOURAGEMENT OF COUNTY AGRICULTURAL FAIRS AND TO PROVIDE FUNDS THEREFOR.

AN ACT to encourage County agricultural associations and fairs, and to provide funds therefor.

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

SECTION 1. That any agricultural fair association which has a corporate existence for the purpose and object of holding a fair and agricultural exhibition of stock, ceareals and agricultural produce of all kinds, including dairy produce as well as arts and manufactures in any county, may apply to the board of county commissioners of such county for a grant to pay expenses and premiums awarded.

SEC. 2. To enable the said board of county commissioners to give said grant, they may, in their discretion, at the time of making the regular annual tax levy, levy a tax not to exceed one-half of one mill on the dollar of all the taxable property in the county, which shall be collected as other taxes: *Provided*, That in counties of the third and fourth classes such tax shall not exceed one-fourth of one mill on the dollar and in counties of the first and second classes such tax shall not exceed one-eighth of one mill on the dollar of all the taxable property in such counties: *And provided, further*, That the board of county commissioners

May apply for grant to pay expenses.

Levy of tax for expenses.