

shall be ex-officio members of the county agricultural fair association in all counties where tax levies are made under the provisions of this act.

Payment of
tax to fair
directors.

SEC. 3. The said board of county commissioners shall, not later than July 31st, annually, cause to be paid to the said county fair directors or their duly authorized secretary and treasurer, the amount of the tax collected: *Provided, however,* That no more than one county agricultural fair shall be held in each county in any one year; and said county fair association so applying for the benefit of the aforesaid grant, must have had a corporate existence and must have held at least two successive annual fairs and exhibitions immediately preceding the application for the grant, and must own buildings and other necessary improvements for said annual exhibition to the value of four thousand dollars.

Passed the Senate February 16, 1903.

Passed the House March 11, 1903.

Approved by the Governor March 17, 1903.

CHAPTER 175.

[S. B. No. 86.]

RELATING TO ELECTRIC RAILROADS AND RAILWAYS.

AN ACT relating to electric railroads, street and other electric railways, 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:

Authority to
construct—
how and by
whom
granted.

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 county wherein such road or street is situated, may grant authority for the construction, maintenance and operation of electric railroads or railways, together with such

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 electric railroad or railway, 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 thirty 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 railroad or railway 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 railroad or railway, 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 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 dam-

Application
for au-
thority.

Notice of
hearing.

age: *Provided*, That any person or corporation constructing such crossing or operating such railroad or railway 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.

Liability to county.

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 operating railroads or railways by 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 electric railroad or railway thereon has been authorized in accordance with section one of this act.

May appropriate land for rights-of-way.

Proviso as to eminent domain.

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 constructing, owning or operating railroads or railways by 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 electric railroad or electric railway, 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.

Lease or purchase.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed: *Provided*, That this repeal shall

Repeal.

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 Senate February 18, 1903.

Passed the House March 10, 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, without the approval or disapproval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 176.

[S. B. No. 4.]

PROVIDING FOR INCORPORATION OF TRUST COMPANIES AND DEFINING THEIR POWERS AND DUTIES.

AN ACT providing for the incorporation of trust companies, and defining their powers and duties.

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

SECTION 1. Seven or more persons of full age may become a trust company on the terms and conditions and subject to the liabilities prescribed in this act; the name of every company formed under this act shall contain the word "trust," but shall not be that of any other existing corporation of this State; the capital stock of such trust company hereafter organized shall not be less than one hundred thousand dollars: "Provided, That in cities having less than 25,000 inhabitants such companies may be organized with \$50,000 capital, and in cities having less than 10,000 inhabitants such companies may be organized with \$25,000 capital, and shall be divided into shares of one hundred dollars each, all of which shall be paid in cash before any trust company shall be authorized to transact any business, and such payment shall be certified to the Secretary of State under oath by the president and treasurer or secretary of the trust company; hereafter no cor-

How or-
ganized.

Amount of
capital.