

ever, That the examining boards for officers of the Naval Militia shall be composed so far as practicable of officers of the United States navy detailed for that purpose by the secretary of the navy upon the request of the commander-in-chief: *Provided, further*, That the first commission issued to any officer shall be for a probationary period of six months, at the expiration of which time the commission may be regularly issued at the discretion of the commander-in-chief: *And provided further*, That previous military or naval service shall not be required of a candidate for appointment as a lieutenant commanding a division.

Previous
service.

Passed by the Senate February 15, 1911.

Passed by the House March 9, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 103.

[S. B. 206.]

RELATING TO BRIDGES, DRAWBRIDGES AND VIADUCTS.

AN ACT to amend sections one and two of an act, entitled "An act authorizing cities of the first class in the State of Washington which at the government census in 1900 had a population in excess of 80,000, to construct and maintain, upon public streets, and upon the extensions or connections thereof across waterways, rivers, canals or other channels, wherever public necessity may require, bridges, draw-bridges, viaducts, elevated roadways and tunnels, with or without street railways thereon or therein, and providing for the levy and collection of assessments upon property specially benefited thereby, to pay therefor, and declaring an emergency," approved August 23, 1909, and declaring an emergency.

[This act amends Ch. 14, Laws '09, Special Session, or §§7579 to 7583, inc., Rem.-Bal. See note to § 7579. Rem.-Bal. as to constitutionality of said act; and also *Denver v. Spokane Falls*, 7 Wash. 226.]

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

SECTION 1. That section 1 of an act, entitled "An act authorizing cities of the first class in the State of Washington which at the government census in 1900 had a population in excess of 80,000, to construct and maintain, upon public streets, and upon the extensions or connections thereof across waterways, rivers, canals or other channels, wherever public necessity may require, bridges,

Population
to exceed
80,000.

drawbridges, viaducts, elevated roadways and tunnels, with or without street railways thereon or therein, and providing for the levy and collection of assessments upon property specially benefited thereby, to pay therefor, and declaring an emergency," approved August 23, 1909, be amended to read as follows:

[Amending
§ 7579,
Rem.-Bal.
See note to
title.]

Power to
provide.

Section 1. Any city of the first class shall have power to provide for the construction, maintenance and operation upon public streets and upon the extensions and connections thereof over intervening tide lands to and across any harbor reserves, waterways, canals, rivers, natural water courses and other channels any bridges, draw-bridges, viaducts, elevated roadways and tunnels or any combination thereof, together with all necessary approaches thereto, with or without street railway tracks thereon or therein, and to make any and all necessary cuts, fills, or other construction, upon, in or along such streets and approaches as a part of any such improvement, and to order any and all work to be done which shall be necessary to complete any such improvement. The word "approaches" as used in this section shall include any arterial highway or highways or streets connecting with any such bridge, draw-bridge, viaduct, elevated roadway or tunnel, or combination thereof, which are necessary to give convenient access thereto or therefrom from any portion of the improvement district which may be specially benefited by such improvement and which is liable to assessment for such improvement.

Defining
approaches.

Whenever it is desired to pay the whole or any portion of the cost and expense of any such improvement by special assessments, the council or other legislative body of such city shall in the ordinance ordering such improvement fix and establish the boundaries of the improvement district, the property within which is to bear such assessment, which district shall include as near as may be, all the property specially benefited by such improvement.

Council fix
boundaries.

SEC. 2. That section 2 of said act be amended to read as follows:

Section 2. Any such improvement may be initiated by the city council, or other legislative body of such city, by

a resolution, declaring its intention to order such improvement, which resolution shall set forth the nature and territorial extent of such proposed improvement, shall specify and describe the boundaries of such proposed improvement district and notify all persons who may desire to object thereto to appear and present such objections at a meeting of the council specified in such resolution and directing the board of public works, or other proper board, officer or authority of such city, to submit to such council at or prior to the date fixed for such hearing the estimated cost and expense of such improvement, and a statement of the proportionate amount thereof which should be borne by the property within the proposed improvement district, and a statement of the aggregate assessed valuation of the real property exclusive of improvements, within said district, according to the valuation last placed upon it for purposes of general taxation. Such resolution shall be published in at least two (2) consecutive issues of the official newspaper of such city, the date of the first publication to be at least thirty days prior to the date fixed by such resolution for hearing before such council.

[Amending
§ 7580.
Rem.-Bal.
See note to
title, *supra*.]

Publish
resolution.

Upon such hearing, or upon any adjournment thereof, such council shall have power to amend, change, extend, or contract the boundaries of such proposed improvement district as specified in such resolution, and to consider and determine all matters in relation to such proposed improvement, and, upon the conclusion of such hearing, or any adjournment thereof, shall have power by ordinance to order such improvement to be made and to adopt, fix and establish the boundaries of the improvement district. The action of such council in ordering such improvement, or in abandoning the same, and in fixing and establishing the boundaries of such improvement district shall be final and conclusive. Any such ordinance may be passed upon majority vote of the council or other legislative body of such city. Such ordinance may provide for the construction of such improvement in sections, the letting of separate contracts for each such section, and, in case the same is

Power of
council.

Majority
vote
required.

made in sections, separate assessment rolls to defray the cost and expense of any such section of such improvement may be prepared, and the amounts thereon appearing as finally determined, may be levied and assessed against real property within such improvement district. The provisions of law, charter and ordinance of any such city, relating to supplemental assessments, re-assessments and omitted property shall be applicable to any improvement authorized in this act.

Shall hear
objections.

The city council, or other legislative body of such city, shall by general ordinance, make provision for hearing any objections in writing, to any assessment roll for such improvement filed with the city clerk or comptroller at a prior date to the hearing thereon. Any right of appeal to the superior court now provided by law to be taken from any local improvement assessment levied and assessed by any such city, may be exercised, within the time and in the manner therein provided, by any person so objecting to any assessment levied and assessed for any improvement authorized in this act.

Emergency.

SEC. 3. An emergency exists and this act shall take effect immediately.

Passed by the Senate March 1, 1911.

Passed by the House March 8, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 104.

[S. B. 152.]

RELATING TO THE TAKING OF FOOD FISHES.

AN ACT relating to the taking of food fishes, and amending section 5187 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5187 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Section 5187. It shall be

[Amending
§ 5187,
Rem.-Bal.]