

may select to prepare such further engineering data as may be necessary for the purpose of such proceeding. The court in its discretion shall assess the cost, fees and expenses of such proceedings to the general road and bridge fund of such county, or to the appropriate road district fund as the case may be, wholly, or in part to such fund and in part to the several defendants, each of whom shall be assessed such sums as may be just and equitable.

Assessment by court of costs of proceedings.

SEC. 3. The following acts and parts of acts are hereby repealed: Sections 6473 and 6474 of Remington's Compiled Statutes of Washington; Sections 18 and 27, Chapter XIX (19), Laws of 1889-1890, (pp. 599-601).

Repeals §§ 6037a and 6044, Pierce's Code.

Passed the Senate December 28, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.

CHAPTER 173.

[S. B. 248.]

PROCEDURE TO ESTABLISH COUNTY ROADS.

AN ACT relating to establishing county roads, acquiring rights of way therefor by condemnation or otherwise and repealing certain acts and parts of acts.

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

SECTION 1. County roads shall be laid out and established as provided in this act. The board of county commissioners by unanimous vote of such board may by resolution entered upon their minutes declare their intention to lay out and establish or widen any county road and that the same is considered a public necessity and shall direct the county engineer to report upon such project.

Resolution to establish or widen.

Public necessity.

SEC. 2. Ten or more freeholders of the county residing in the vicinity of a proposed road may

Petition of freeholders.

Bond to accompany petition.

petition the board of county commissioners for the establishment or widening thereof, describing its terminal points, width and general course. The petition shall be accompanied by a bond in the penal sum of three hundred dollars (\$300) payable to the county, executed by one or more persons as principal or principals, with two or more sufficient sureties, and conditioned that the petitioners will pay into the county treasury all costs and expenses incurred in examining and surveying the proposed road and in the proceedings in case the road shall not be established by reason of the same being impracticable. When the cost is assessed against the principal or principals on such bond, the clerk of such board shall file the cost bill with the county treasurer, who shall proceed to collect the same. The board may require the petitioners to secure waivers for the right of way from the land owners, and, in such case, before an examination or survey by the county engineer is ordered, such waivers shall be filed with the board of county commissioners.

Cost bill filed with treasurer.

Waivers for right of way from land owners.

County engineer to examine and survey.

SEC. 3. Whenever directed, the county engineer shall make an examination of such proposed road and if necessary a survey thereof. After examination, if he deems the same to be impracticable, he shall so report to the board of county commissioners without making any survey, or he may examine or examine and survey any practicable route which would serve such purpose. Whenever he shall consider any such road or modified route practicable he shall report thereon in writing to such board, giving his opinion (1) as to the necessity of the road; (2) as to the proper terminal points, general course and length thereof; (3) as to the proper width of the road, which shall be not less than thirty feet nor more than one hundred twenty feet, exclusive of slopes for cuts and fills; (4) as to the probable cost of construction of the road including all neces-

Report required of engineer.

Minimum width.

sary bridges, culverts, clearing, grubbing, drainage and grading; (5) and such other facts, matters and things as he may deem of importance to be considered by such board. He shall file with such report a correctly prepared map of said road as surveyed, which map must show the tracts of land over which said road passes, with the names, if known, of the several owners thereof, and shall file therewith his field notes and profiles of such survey.

SEC. 4. The board of county commissioners shall fix a time and place for hearing upon such report and cause notice thereof to be published once a week for three successive weeks in the county official newspaper and to be posted for at least twenty days at each of the termini of such road as recommended by the county engineer. Such notice shall set forth the termini and width of such road as recommended in such report and state that all persons interested may appear and be heard at such hearing upon such report and upon the matter of the establishment of such road. On the day fixed for such hearing, or adjourned hearing, the said board, upon due proof to the satisfaction of the board, made by affidavit, of due publication and posting of such notice of hearing, shall consider said report and all evidence relative to such establishment and, if said board finds that such proposed road is a public necessity, they may establish the same by resolution or other order. The cost and expense of such establishment and of the right of way thereof shall be paid from the general road and bridge fund, unless the board of county commissioners shall, in the order of establishment, direct that the same be paid from the fund of the particular road district or districts in which such road may be located. The county engineer shall cause stone monuments to be placed at the termini of all such roads.

Hearing:  
time and  
place  
fixed.

Notice.

Hearing.

Finding of  
public  
necessity.

Resolution  
establishing  
road.

From what  
fund cost  
of road  
payable.

Prosecuting attorney in eminent domain proceedings to acquire property needed.

SEC. 5. After the establishment of such highway, the prosecuting attorney, when directed by the board of county commissioners, shall proceed under the power of eminent domain to acquire such lands and other property and property rights as may be necessary for such highway purposes in the manner provided by law for the taking of private property for public use.

Proceedings begun under law repealed by this act.

SEC. 6. Any matter or proceeding begun under any law repealed by this act shall proceed under such former law, except in cases where a hearing thereon is by such former law required to be had before the board of county commissioners and the date fixed for such hearing shall be subsequent to the date this act takes effect.

Acts repealed.

SEC. 7. All acts and parts of acts relating to establishing county roads and acquiring rights of way therefor, enumerated in the following schedule, are hereby repealed:

An act entitled "An Act to provide for laying out, establishing, altering, changing the width of, or vacating any county road, and providing for assessment, payment of damages, and providing for appeals," approved March 7, 1890, Laws of 1889-1890, pp. 593-611;

- Chapter L (50), Laws 1895, pp. 82-88;
- Chapter XVI (16) Laws 1899, pp. 23-24;
- Chapter XCVI (96) Laws 1901, pp. 200-203;
- Chapter 54, Laws 1911, pp. 305-308;
- Chapter 71, Laws 1911, p. 342.

§§ 5993 to 6015, 6037, 6040 to 6043, 6046, 6048 and 6049, Pierce's Code.

Rights acquired under or validity of proceeding under repealed acts not affected.

The following sections of Remington's Compiled Statutes: 6447 to 6472, both inclusive; 6477 to 6481, both inclusive; 6488 to 6490; 6493: *Provided*, that nothing herein contained shall be construed as affecting any existing right acquired under the provisions of any of said acts or parts of acts or the validity of any act done or proceeding had under and by virtue of any of said acts or parts of acts in the

establishment of county roads or acquiring rights of way therefor by condemnation heretofore made under and by virtue of any of said acts or parts of acts or as affecting any proceeding instituted under any of said acts or parts of acts remaining incomplete at the time of the taking effect of this act may be completed pursuant to the provisions of this act and all things required by any of said acts or parts of acts to be done within any specified time which time has begun to run at the time of the taking effect of this act, shall be done within such specified time unless such time is expressly extended by the provisions of this act: *Provided, further,* That the repeal hereby of any act which amended or repealed any former act or part thereof shall not operate to revive such former act or part thereof so amended or repealed.

Repeal of amendatory or repealing act not operative as revivor.

Passed the Senate December 28, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.

CHAPTER 174.

[S. B. 146.]

COUNTY AND CITY HOSPITALS.

AN ACT relating to and regulating the establishment, maintenance and operation of hospitals for the care of persons suffering from general diseases, by counties and counties and cities jointly.

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

SECTION 1. The board of county commissioners of any county shall have the power to establish, provide and maintain alms houses and hospitals for the care and treatment of the indigent, sick, injured and maternity cases, and for this purpose said board of county commissioners shall have the following powers: To purchase or lease real property there-

County may maintain hospitals for indigent.

Powers:

May purchase property.