

declared to exist, and this act shall take effect and be in force from and after its passage.

Approved March 15, 1893.

CHAPTER CXXVI.

[S. B. No. 255.]

TO PROVIDE FOR A STATE ROAD THROUGH CASCADE MOUNTAINS.

AN ACT to provide for the establishment of a state road through the Cascade mountains, *via* pass north of Mount Baker, to connect Eastern and Western Washington, and providing an appropriation therefor.

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

SECTION 1. That there be laid out, established and maintained for the use of the public a state road, commencing on the road or trail up the north fork of the Nooksack river, at "Thompson's," where Glacier creek empties into the north fork of the Nooksack, said place of beginning being in township 39 north of range 7 east in the State of Washington; running thence by the best practicable route, *via* pass north of Mount Baker, to a point on the Columbia river opposite the town of Marcus, Stevens county.

SEC. 2. That a commission consisting of three members is hereby created, to be appointed by the governor and confirmed by the senate.

SEC. 3. That the commissioners provided for in section 2 of this act shall hold office until [the] first day of January, 1894, or until the road is completed, or the appropriation exhausted. Should a vacancy occur in said commission by death, resignation or otherwise, such vacancy shall be filled by appointment by the remaining members of said commission: *Provided*, That such person appointed to fill any vacancy in said commission shall continue as a member of said commission until the date specified in this section of this act.

Oath.

SEC. 4. That each of the commissioners provided for in this act shall take and subscribe an oath or affirmation before some person authorized to administer the same, to faithfully and impartially discharge the duties of his office as a member of said commission. Each of said commissioners shall make a bond unto the State of Washington in the sum of one thousand (\$1,000) dollars, to be approved by the governor, conditioned for the faithful performance of his duties as a member of the board of state road commissioners, which bond shall be filed with the secretary of state.

Bond.

Duties of the commission.

SEC. 5. That the commission shall, as soon as practicable, and with the utmost diligence and economy, proceed to lay out, survey and determine the width of such road, and shall superintend the opening and construction thereof; and shall employ a clerk and a competent surveyor and such assistance as may be necessary, and purchase such material and supplies as may be necessary to carry out the full intent of this act: *Provided*, That the surveyor provided for in this section of this act may be a member of said commission, and when acting in such capacity shall receive an additional per diem of two dollars.

Authority vested in the board.

SEC. 6. Said board of commissioners shall be vested, for the purpose of establishing such road, with all the powers vested by law in the boards of county commissioners of the several counties and the viewers, generally, relating to the control and management of county roads, and shall proceed, as near as may be practicable, in conformity with the laws provided for the establishment of county roads.

Notice of proposed route.

SEC. 7. After the completion of such survey, the board of commissioners shall cause a notice to be published for four consecutive weeks in a newspaper authorized to do the county printing in the county or counties through or in which the road is proposed to be laid out and established, which notice shall describe the proposed route of the road, and state a time and place of meeting of the board to consider claims for damage or compensation in consequence of the opening of the road.

Damages.

SEC. 8. The board of commissioners shall at such time and place proceed to assess and determine the damages sus

tained by any person through whose premises the road is sought to be established, and be heard in respect to the amount of damages sustained; and all applications for damages shall be barred unless they are presented as provided for by this act.

SEC. 9. Every claimant of compensation or damages, on Appeal. account of the establishment of such road, may appeal to the superior court of the county in which his lands are located, from the decision of the board of commissioners upon his claim, and such appeal and all proceedings connected therewith, shall be in conformity with the provisions of the code relating to appeals from decision of county commissioners in like cases.

SEC. 10. For the purpose of carrying into effect the pro- Appropriation. visions of this act for the establishment and construction of said state road there is hereby appropriated from funds in the state treasury not otherwise appropriated the sum of twenty thousand (\$20,000) dollars, or so much thereof as may be necessary: *Provided, however,* That the appropriation hereby made shall not be available unless the county of Whatcom shall appropriate the sum of five thousand (\$5,000) dollars, and the counties of Okanogan and Stevens one thousand (\$1,000) dollars each, which said county appropriations shall be placed in the state fund for the use of said commission.

SEC. 11. Each member of such board of commissioners Compensation of board. shall receive three dollars per day for each and every day employed in the discharge of his work and his actual traveling expenses.

SEC. 12. The board of commissioners shall examine and Manner of making payment of expenses. allow all bills incurred by them in the discharge of the duties provided for in this act, and on presentation of the vouchers as allowed, the state auditor is authorized to draw his warrant on the state treasurer for the several amounts so allowed and the state treasurer is hereby authorized to pay said warrants out of any money in the treasury appropriated for this purpose: *Provided,* That no expenses shall be incurred for the payment of which no appropriation shall have been made.

Report.

SEC. 13. All records, papers and documents relating to the establishment of such road, together with a full and complete report of all transactions and proceedings, and an itemized account of all expenses incurred in connection therewith, shall be filed in the office of the state auditor, and a complete and accurate plat and description of the route of the road shall also be filed in the auditor's office of each of the several counties within whose boundaries portions of the road extend.

Counties to keep road in repair.

SEC. 14. After the completion of such road and when the term of office of such board of commissioners shall have expired, it shall become the duty of the boards of county commissioners respectively of the county in which said road extends to keep such portion of the road as is situated in their respective counties in good repair, in like manner as if the same were a county road.

SEC. 15. That the said board of road commissioners shall proceed to construct said road, beginning at each end, as designated above, and expend the money so as to fully complete the road at the continuation of such roads as named in section one (1) of this act, and proceed to construct the same so that the same number of miles shall be constructed from each of the points of commencing as named in section one (1), until such road is fully completed.

Compensation for county commissioners.

SEC. 16. For their services under the preceding section the county commissioners shall receive from the state the same compensation as they are entitled to receive from their respective counties for similar services.

Manner of payment of bills.

SEC. 17. The said county commissioners shall examine and allow all bills properly incurred by them in the discharge of their duties provided by this act, and an itemized account of all expenses thus incurred shall be filed in the office of the state auditor, and such bills shall be paid in like manner as provided in section twelve of this act for the payment of bills incurred by the board of state road commissioners.

Approved March 15, 1893.