

be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such, without regard to any legislative assertion that the use is public: *Provided*, that the taking of private property by the state for land reclamation and settlement purposes is hereby declared to be for public use.

Passed the Senate March 8, 1919.

Passed the House March 11, 1919.

Approved by the Governor March 17, 1919.

CHAPTER 137.

[S. B. 270.]

NATIONAL GUARD PAY AND ALLOWANCE.

AN ACT providing for the pay and allowance of former members of the National Guard of Washington and amending Section 7224 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 7224 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 7224. Commissioned officers while on duty requiring pay shall receive the same pay and

allowance as commissioned officers of the United States of the same grade and term of service: *Provided*, that for travel only actual necessary expenses shall be allowed.

For the purpose of pay and allowance as an officer of the national guard, service with the First Washington Volunteer Infantry, as an officer or enlisted man until muster out of that organization shall be considered equivalent to three years' service in the national guard of Washington. For the purpose of pay and allowance of an officer in the national guard, service as an enlisted man in the national guard of Washington shall be considered equivalent to service as an officer: *Provided*, that said service as an enlisted man and officer be continuous.

For all duty requiring pay, enlisted men of the land branches in the national guard of Washington shall receive pay at rates equivalent to twice those allowed for corresponding grades in the regular service of the United States army: *Provided*, that the pay of cooks and bandsmen shall be three dollars (\$3.00) per day. Enlisted men of the naval militia branch of the national guard of Washington shall receive pay at rates equivalent to those allowed for corresponding grades in the regular service of the United States navy, plus an addition to each respective rate of pay sufficient to make the same equal the next higher of the following seven per diem rates of pay, viz.: three dollars (\$3.00), two dollars and fifty cents (\$2.50), two dollars (\$2.00), one dollar and seventy-five cents (\$1.75), one dollar and fifty cents (\$1.50), one dollar and twenty-five cents (\$1.25), and one dollar (\$1.00).

Rate for
enlisted men.

For each re-enlistment, after serving a full term of three years, there shall be added ten per cent. For the purpose of pay and allowance, service for a full term of enlistment in the regular or volunteer

army of the United States, or in the First Washington Volunteer Infantry until muster out of that organization, shall be equivalent to a full enlistment. Enlisted men proving such service shall be allowed ten per cent additional on their pay.

This schedule of pay shall apply only to the first thirty days of any tour of duty and after the thirtieth day of any such tour, officers and men shall receive the pay allowed officers and men in the regular service of the United States of corresponding organizations, grades and terms of service.

Extra
duty pay.

Extra duty pay to men detailed as clerks and on similar duty may be allowed by the commanding officers of troops on duty, but in no case shall pay and extra pay exceed two dollars and fifty cents (\$2.50) per day.

Discharge
allowance.

Upon completion of his enlistment, or upon discharge by proper authority, each enlisted man shall receive in addition to the pay above mentioned, the sum of fifty cents (50c) for each day of state paid service not exceeding fifty days, less all proper deductions for fines or lost property: *Provided*, that claims for such additional pay shall not be valid unless filed with the adjutant-general within twelve (12) months from the date of discharge: *Provided, further*, that members of the national guard who have enlisted in or been emerged into service of the United States army, navy or marine shall have twelve (12) months from their discharge from the United States service in which to file their claim for such additional pay.

Disburse-
ment of
federal
allotments
to date.

In addition to the pay herein provided the commander-in-chief, or such other state official as may be designated by federal authority, is authorized to receive and disburse, in accordance with federal laws and regulations, any moneys which may be appropriated by the congress of the United States and allotted to the State of Washington for the pay-

ment of officers and enlisted men of the organized militia as reimbursement for expenses incurred in, and compensation for, the time devoted to military training during times of peace.

Passed the Senate March 12, 1919.

Passed the House March 12, 1919.

Approved by the Governor March 17, 1919.

CHAPTER 138.

[H. B. 211.]

OPERATION OF MUNICIPAL STREET RAILWAYS BEYOND CORPORATE LIMITS.

AN ACT relating to and authorizing the extension and operation of any municipally owned street railway to points outside of the corporate boundaries of any city and amending section 1 of chapter 59 of the Laws of 1917.

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

SECTION 1. That section 1 of chapter 59 of the Laws of 1917 be amended to read as follows:

Section 1. Any municipal corporation in the State of Washington which now owns or operates, or which may hereafter own or operate, any street railway within the corporate limits thereof, may acquire, construct and extend, own and operate such street railway to any point or points not to exceed eight miles outside of its said corporate limits, measured along the line of such railway: *And provided*, that this act shall not be construed to prevent the operation of any municipally owned street railway which now extends beyond the city limits of any city.

Eight mile extension authorized.

Passed the House March 8, 1919.

Passed the Senate March 11, 1919.

Approved by the Governor March 17, 1919.