

county of Kitsap and State of Washington, be, and the same hereby is, changed to "Port Orchard."

Passed the House February 6, 1903.

Passed the Senate February 19, 1903.

Approved by the Governor February 26, 1903.

## CHAPTER 22.

[H. B. No. 120.]

### CHANGING NAME OF PORT ORCHARD TO CHARLESTON.

AN ACT changing the corporate name of the town of "Port Orchard," in Kitsap County, Washington, a municipal corporation of the fourth class, to "Charleston."

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

SECTION 1. That the name of the town of "Port Orchard," a municipal corporation of the fourth class, situated in the county of Kitsap and State of Washington, be, and the same hereby is, changed to "Charleston."

Passed the House February 6, 1903.

Passed the Senate February 19, 1903.

Approved by the Governor February 26, 1903.

## CHAPTER 23.

[H. B. No. 6.]

### RELATING TO ABERDEEN TIDE LANDS.

AN ACT relating to the tide lands of Aberdeen, and providing for the platting, appraisal and sale thereof, and declaring void the Harbor Line Commissioner's map of Aberdeen heretofore filed, and providing for the establishment and leasing of harbor areas therein, and making an appropriation for such purposes, and declaring an emergency.

"WHEREAS, The Board of Harbor Commissioners of the State of Washington, acting under authority of Art. XV.,

Sec. 1 of the State Constitution and the act of the Legislature approved March 28, 1890, entitled "An act to create a Board of Harbor Line Commissioners, prescribing their duties and compensation," attempted to establish harbor lines, at the city of Aberdeen, caused surveys to be made, and duplicate maps to be made, one of which was filed in the office of the county auditor on February 16, 1892, and one in the office of the State Land Commissioner on the 3rd day of February, 1892, and,

WHEREAS, No monuments of such survey remain, there is irreconcilable conflict between the said maps and the field notes of such survey, so that it is impossible to now determine the location of said harbor lines, and for that reason impossible for the state officers to plat, appraise, sell or otherwise deal with the tide lands in front of said city, thereby depriving the state of revenue therefrom, preventing purchase and improvements of such tide lands, or leasing of harbor area at said city, to the great detriment of the state, of the residents of said city and of the public generally; and,

WHEREAS, The Superior Court of the State of Washington for Chehalis county has rendered judgment establishing the invalidity of said maps and surveys, and,

WHEREAS, By reason of the facts aforesaid, harbor lines have never been established in front of said city, and the early establishment of such harbor lines is necessary in the public interests, wherefore,

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

SECTION 1. The Harbor Line Commissioner's Map of Aberdeen Harbor, heretofore filed in the office of the State Land Commissioner, and in the office of the auditor of Chehalis county, is hereby declared null and void, and the Board of State Land Commissioners is hereby empowered and instructed, and it shall be the duty of such board, as soon as practicable hereafter, to locate and establish harbor lines in the Chehalis river and in Grays Harbor in front of the city of Aberdeen, in conformity with the general laws of this State governing the establishment of harbor lines.

SEC. 2. The plats and appraisements of the Aberdeen tide lands in Chehalis county, heretofore made and deposited in the office of the Commissioner of Public Lands, are hereby annulled and set aside. The Board of State Land

Conflict between maps and field notes.

Invalidity of maps.

Harbor Line Commissioner's map null and void.

Duty of State Board.

Former appraisements set aside.

Re-survey  
and plat.

Plats in du-  
plicate—  
where to be  
filed.

Basis of  
valuation.

Duplicate  
records.

Abutting own-  
er may apply  
to purchase  
—when.

Improve-  
ments.

Commissioners is authorized and instructed, and it is here-  
by made its duty as soon as practicable hereafter, to cause  
the tide lands within the limits of the city of Aberdeen to  
be surveyed, platted and appraised. Such survey and plat  
shall be made as nearly as may be in conformity with the  
general laws of this state relating to the surveying and plat-  
ting of tide lands. All plats shall be made in duplicate and  
one shall be filed in the office of the State Land Commis-  
sioner, and one in the office of the auditor of Chehalis  
county.

SEC. 3. In making the appraisement of the tide lands  
mentioned in the preceding section, excepting as to im-  
provements, the Board of State Land Commissioners shall  
use the same basis of valuation, as nearly as may be, upon  
which the lots and parcels of tide lands were originally  
appraised, as shown in volume two of Appraisements of  
Tide and Shore Lands of Chehalis County, as heretofor  
[heretofore] made by the local board of tide and shore land  
appraisers, now on deposit in the office of the State Com-  
missioner of Public Lands, applying the same, as near as  
may be, with due regard to location and proportionate  
areas, so that the appraisement hereby directed to be made  
shall conform as near as may be to said former appraise-  
ment, according to said record thereof so on deposit. The  
record of such appraisement shall be made in duplicate, one  
to be filed with the State Commissioner of Public Lands  
and one with the auditor of Chehalis county.

SEC. 4. The owner or owners of lands abutting or front-  
ing upon any of the tide lands hereinbefore mentioned  
shall have the right, for sixty (60) days following the final  
appraisement and plat of such tide lands with the Commis-  
sioner of Public Lands, to apply for the purchase of all  
or any portion of the tide lands in front of the lands so  
owned: *Provided*, That if valuable improvements, and in  
actual use prior to March 26, 1890, for commerce, trade,  
residence or business, have been made upon said tide lands  
by any person, association or corporation, the owner or  
owners of such improvements shall have the exclusive right  
to apply for the purchase of lands so improved for the  
period aforesaid: *Provided, further*, That the owner of  
such improvements shall have the right in all cases to pur-  
chase in addition to the tide lands covered by such improve-

ments, unoccupied and unimproved tide lands adjoining such improvements sufficient for the necessary and convenient use and enjoyment of such improvements and business, and such right of purchase shall be prior and superior to that of the upland owner or others claiming under him: *And provided further*, That when the abutting upland owner has attempted to convey by deed to a bona fide purchaser any portion of the tide lands in front of such upland, or littoral rights therein, the right of purchase being given to the upland owner shall be construed to belong to such purchaser, or any person, association or corporation claiming by, through or under such purchaser, to the extent of the tract or right so conveyed. The preference right hereby given to purchase any tide land abutting or bordering upon the harbor area shall carry with it the preference right to lease the harbor area in front of such tide lands, provided that the person applying for such preference right of purchase of tide lands shall within the period limited for exercising his preference right to purchase tide lands also apply to lease the harbor area in front of such tide lands. Wherever there is no tide land between the harbor area and the upland the owner of such upland shall have a like preference right to lease the abutting harbor area.

SEC. 5. The general laws of this state in relation to the platting, appraisalment and sale of tide and shore lands and the establishment and leasing of harbor areas, when not inconsistent with this act, shall be applicable hereto relative to notice of filing of plats, manner of exercising the preference right of purchase or lease, appeals from the state board of land commissioners and to all other proceedings except as herein otherwise expressly provided.

SEC. 6. There is hereby appropriated out of the harbor area fund the sum of \$3,000, or so much thereof as may be necessary therefor, for the purpose of carrying out the provisions of this act, and the State Auditor is hereby authorized to draw warrants thereon for said purpose.

SEC. 7. An emergency is declared to exist and this act shall be in force from and after its passage and approval.

Passed the House February 6, 1903.

Passed the Senate February 19, 1903.

Approved by the Governor February 26, 1903.