

cemetery purposes by complying with the terms of this act, provided said lands so sought to be reserved shall not exceed in area one acre.

Plat and survey.

SEC. 2. Such person or persons shall cause such land to be surveyed and platted.

Deed.

SEC. 3. A deed of dedication of said tract for burial and cemetery purposes with a copy of said plat shall be filed with the county auditor of the county in which said lands are situated and the title thereto shall be and remain in the owner, his heirs and assigns, subject to the trust aforesaid.

Exempt from taxes.

SEC. 4. Upon compliance with the requirements of this act said lands shall forever be exempt from taxation, judgment and other liens and executions.

Passed the House March 8, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXLVIII.

[H. B. No. 212.]

RELATIVE TO STATE'S LANDS AND HARBOR AREAS.

AN ACT to amend section 1 of an act entitled "An act to amend section 12 of an act entitled 'An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners as required by article 15 and 16 of the state constitution, which shall be generally known as the Board of State Land Commissioners, defining their duties, and making an appropriation therefor, and declaring an emergency,' approved March 16, 1897," approved March 14, 1899.

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

Amendment.

SECTION 1. That section 1 of an act entitled "An act to amend section 12 of an act entitled 'An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the

confirmation and completion of the several grants to the state by the United States ; creating a board of appraisers and a board of harbor line commissioners as required by articles 15 and 16 of the state constitution, which shall be generally known as the Board of State Land Commissioners ; defining their duties and making an appropriation therefor, and declaring an emergency,' approved March 16, 1897," approved March 14, 1899, be amended to read as follows: Section 12. That when applications are made for the purchase of timber, stone, fallen timber, hay or gravel, or other valuable materials situated upon public lands of the state, the same inspection shall be had as for applications to purchase lands : *Provided*, That no standing timber or stone shall be sold for less than the appraised value thereof, and such timber, stone, hay and gravel may be sold separate from the land, when, in the judgment of the board, it is for the best interest of the state to sell same, except when the estimated amount of timber shall exceed one million feet to the quarter section, in which case the timber shall be sold separate from the land : *And provided further*, That the full purchase price of such valuable materials shall be paid in cash when sold separate from the lands: *Provided*, That in all cases when the timber is sold separate from the land, said timber shall revert to the state if it has not been removed from the land within three years from the date of purchase thereof, except that in all cases when the purchasers are acting in good faith and removing the said timber, the land commissioner may extend the time of removal for a period not to exceed two years. That in every appraisement of land granted to this state the board of appraisers shall be and serve as the board of appraisers mentioned in section two of article sixteen of the state constitution. And in every appraisement under this chapter the said board shall separately appraise all improvements placed upon any land of the state and found on such land at the time of the appraisement; and shall also appraise all damages and waste done to said land by the cutting and removal of

Inspection.

Proviso.

Purchase price to be paid in cash.

Timber to revert to the state if not removed within three years.

Separate appraisal.

Appraise damages also.

timber or the removal of stone or other materials by the person or persons claiming such improvements, or by his consent, and the damage to the land or materials thereon by reason of the use and occupancy of said land shall be considered in the appraisalment, and the balance, after deducting such damages and waste appraised as aforesaid, shall be determined as the value of the improvements upon the land so appraised and every such appraisalment shall be recorded in the proceedings of the board of appraisers: *Provided*, That this section shall not be considered to affect the right of the state to the value of such land: *Provided further*, That if the purchaser of such land from the state be not the owner of the improvements he shall deposit with the State Treasurer, through the board of appraisers, within thirty days after the sale, the appraised value of such improvements; and if it be found by the said board that the owner of said improvements was not holding adversely to the state or improving said land, or that said improvements were placed on said land in good faith by a lessee from the state or territory, or that said lessee had in all respects complied with the terms of his lease and his leasehold interest, not forfeit or subject to a forfeiture then the board of appraisers shall direct the State Treasurer to pay, and he shall pay to the owner of said improvements such sum so deposited; but if it be found by the said board of appraisers that the said improvements owned or made on said land by parties holding or claiming the land, adversely to the state, or by persons without license or lease from the state, or by a lessee who had not complied with the terms of his lease, then said board shall direct the State Treasurer to pay over such sum so deposited into the permanent school fund. In case the purchaser shall not deposit the appraised value of the improvements in the manner described above, the sale may be disapproved by the board of appraisers: *Provided further*, That if the said improvements were made by a lessee or other person with intent to defraud the state or the intending purchaser the sum so deposited shall be re-

Proviso as to rights of state.

Purchaser to deposit appraised value within thirty days.

Pay owner of improvements.

Sale disapproved when no deposit.

turned in the manner described above, to the state: *Provided further*, That in determining the value and nature of such improvements the board is hereby authorized to compel by subpoena the attendance, swear and examine witnesses as to the cost and value of such improvements and the damage and waste as well. Witnesses.

Passed the House February 28, 1901.

Passed the Senate March 12, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CXLIX.

[H. B. No. 286.]

PROHIBITING USE OF NICKEL-IN-THE-SLOT MACHINES.

AN ACT to prohibit the maintaining, conducting, operating, playing or using nickel-in-the-slot machines, or other devices of like character, wherein there enters an element of chance.

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

SECTION 1. Any person or persons who shall conduct, maintain or operate either as owner or owners, proprietor or proprietors, lessee or lessees, employe or employes, agent or agents, any nickel-in-the-slot machine, or other device of like character, wherein there enters an element of chance, whether the same be played or operated for money, checks, credits, or any other thing or representative of value, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and in default of the payment of the fine imposed shall be imprisoned in the county jail one day for each two dollars thereof. Unlawful to conduct or maintain—for what purpose.
Penalty.

SEC. 2. For the purposes of trial and conviction under this act the possession of any such machine or device or keeping the same in any place accessible to the public shall be *prima facie* evidence against the person in possession thereof of guilt under this act. Possession of prima facie evidence.