

CHAPTER LXII.

[S. B. No. 8.]

PROVIDING FOR APPEALS FROM BOARD OF LAND COMMISSIONERS.

AN ACT to provide for appeals from the Board of State Land Commissioners.

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

SECTION 1. Any person who is an applicant to purchase or lease any of the state's granted, tide, shore, arid or oyster lands or harbor areas, or to purchase any timber, stone, fallen timber, hay, gravel or other valuable materials situate on any of the public lands of the state, and any person whose property rights or interests will be affected by such sale or lease, who may deem himself aggrieved by any order or decision of the Board of State Land Commissioners concerning the same, shall have the right to appeal from such order or decision to the Superior Court of the State of Washington for the county in which such lands, harbor areas or materials are situate. Said Board of State Land Commissioners shall forthwith give notice in writing to all parties who have appeared in such proceeding of its order or decision.

Who may appeal to Superior Court.

Notice from Board.

SEC. 2. Such appeal shall be taken by the person desiring to appeal serving upon the adverse party, if any there be, and also upon all other parties who have appeared in the proceeding before said board, or upon their attorneys, a notice in writing that he appeals from such order or decision to the said Superior Court, which said notice of appeal must be served as aforesaid, and, together with the proof or admission of service endorsed thereon or attached thereto, must be filed with the said board within thirty days from and after the day such order or decision is made.

Notice of such appeal from the aggrieved party.

Service.

Filing.

SEC. 3. At the time of filing such notice of appeal or within five days thereafter, the appellant shall also file with said board a bond to the State of Washington in the penal sum of two hundred dollars, executed by said appellant and one or more sureties, who, unless a surety

Filing of bond.

company bond be given, shall justify according to law ; Exception.  
 which bond shall be conditioned that the appellant shall  
 pay all costs that may be awarded against him on the Payment of  
 appeal or on the dismissal thereof, and shall be approved costs.  
 by one of the members or by the secretary of said board.

SEC. 4. Within thirty days after said notice of appeal  
 has been filed, said board shall require its secretary to Transcript.  
 make a transcript of all the entries in the records of  
 said board relating to the case, and, under the seal of  
 said board, to certify the same together with all the Certification.  
 processes, original pleadings and other papers relating  
 to the case and filed with said board, except the evi-  
 dence used in such proceeding before said board ; and  
 shall require its secretary to file said certified transcript Filing of  
 and papers, at the expense of the appellant, with the transcript.  
 clerk of the Superior Court of the county to which said  
 appeal has been taken.

SEC. 5. The hearing and trial of said appeal in said  
 Superior Court shall take place *de novo* before the court Trial de novo.  
 without a jury, upon the pleadings and papers so certi-  
 fied. The court or judge may order the pleadings to  
 be amended, or new and further pleadings to be filed. Amended or  
 Costs on said appeal shall be awarded to the prevailing new pleadings.  
 party as is now provided by law in cases of actions  
 commenced in the Superior Court, but no costs shall  
 be awarded against said board or the state. Should No costs  
 judgment be rendered against the appellant, the costs allowed  
 on appeal shall be taxed against him and the sureties against state.  
 Judgment.  
 on the appeal bond, except when the state is the only Exception.  
 adverse party, and shall be included in said judgment,  
 and execution may issue from said Superior Court for  
 the collection thereof.

SEC. 6. Any party feeling himself aggrieved by the  
 judgment of said court, may appeal therefrom to the Appeal.  
 Supreme Court of the State of Washington in the same  
 manner and within the time provided by law for ap-  
 pealing from judgments on actions at law to such Su-  
 preme Court.

SEC. 7. Unless appeal be taken from the judgment of  
 said Superior Court, the clerk of said court shall, on

Copy of judgment. demand, certify, under his hand and seal of such court, a true copy of such judgment to the Board of State Land Commissioners, which judgment shall thereupon have the same force and effect as if rendered by said board.

Pending applications. Proviso. SEC. 8. This act shall apply to all pending applications or proceedings thereunder for the sale or lease of lands, harbor areas, timber or other materials enumerated in this act, upon which sales or leases have not been finally executed and delivered, provided appeals in such pending proceedings be prosecuted within twenty days after this act shall take effect. *Provided*, This act shall not be construed as applying to cases of appeals already commenced and now pending so as to deprive any party of any rights or privileges under any law of this state to which he is now entitled in the prosecution of such pending appeal to a final decision.

Repeal of conflicting acts. SEC. 9. Except as to cases of pending appeals, as mentioned in section eight of this act, all acts and parts of acts in conflict herewith are hereby repealed. Nothing in this act contained shall repeal or otherwise affect the provisions of an act approved March 13, 1899, entitled "An act limiting the time in which appeals from the Board of Land Commissioners to the Superior Court shall be prosecuted."

Passed the Senate January 30, 1901.

Passed the House February 20, 1901.

Approved by the Governor March 8, 1901.

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## CHAPTER LXIII.

[ S. B. No. 28.]

### RELATING TO THE DEATH WARRANT.

AN ACT relating to the death warrant, the contents thereof, the return of same, and fixing place of execution, and amending sections 6993 and 6995 of Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6993 of Ballinger's Annotated Codes and Statutes of Washington, relating to