

highway is situated shall be made a party defendant and when any street or alley in any town or city of the fourth class shall be affected such city or town shall be made a party defendant. Any person or corporation may acquire the right to overflow as against the owner of the fee in any such highway, road, street or alley by making the owner of such fee, or of any part thereof, a party defendant in the condemnation suit provided for herein, or by instituting a separate condemnation suit against any such owner; the damages sustained by any such owner as a result of the overflow of any such highway, road, street or alley to be determined as in other condemnation cases, separate and apart from any damage sustained by the state, county, city or town.

Damages.

Passed the Senate February 15, 1929.

Passed the House March 6, 1929.

Approved by the Governor March 20, 1929.

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## CHAPTER 155.

[S. B. 130.]

### SALE OF ABANDONED FISH HATCHERY LANDS.

AN ACT providing for the sale of certain lands of the State of Washington.

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

SECTION 1. That the following described tracts of land, heretofore acquired by the department of fisheries and game of the State of Washington for fish hatchery purposes, having now been abandoned for such use, are hereby declared to constitute a part of the public domain of the State of Washington:

Hatchery  
lands  
abandoned.

## KALAMA HATCHERY EYEING STATION.

Commencing at the southwest corner of the Simon P. Girty donation land claim in section 32, township 7 north, range one west of the W. M., thence east 256.1 feet to a point being the point of beginning; thence east 666.7 feet; thence north  $9^{\circ}37'$  east 839.9 feet to the southeast corner of present state hatchery site; thence south  $76^{\circ}20'$  west 144.3 feet; thence north  $20^{\circ}$  west 74.5 feet; thence west 189.9 feet; thence south  $27^{\circ}35'$  west 974.7 feet to the place of beginning, containing 10 acres more or less.

Kalama  
Hatchery  
Eyeing  
Station.

## KALAMA HATCHERY EYEING STATION.

Commencing at the southwest corner of the Simon P. Girty donation claim in section 32, township 7 north, range one west, running thence east 922.8 feet, thence north 793.9 feet to a point being the place of beginning; thence north  $76^{\circ}20'$  east 144.3 feet to the right bank of Kalama River; thence up said stream along said right bank north  $24^{\circ}$  east 320 feet; thence south  $49^{\circ}05'$  west 391.5 feet; thence south  $20^{\circ}$  east 74.5 feet to the place of beginning, containing seventy-three hundredths acres.

## SNOHOMISH HATCHERY.

Commencing at a point north  $88' 45''$  east 30 chains and 87 links, south 11 chains and 82 links to the common corner of sections 4, 5, 32 and 33, townships 27 and 28 north of range 8 east; running thence north 6 chains, thence east 8 chains, thence south  $23' 30''$  west 290 links; thence south  $34' 30''$  east 418 links; thence south  $88' 45''$  west 4 chains and 42 links to point of beginning, containing 3.7 acres, more or less; also a strip 20 feet wide beginning at the initial point of the above described tract and running thence north  $55''$  west 246 links, thence north  $46' 30''$  west 470 links to the county road.

Snohomish  
Hatchery.

## WILLAPA HATCHERY No. 2.

Willapa  
Hatchery  
No. 2.

Beginning at a point 300 feet north and 270 feet east of S. W. quarter, lot 2, section 6, township 13 north, range 8 west, W. M., said point being on the east bank of the south fork of the Willapa River; thence east 130 feet; thence north 400 feet; thence west 285 feet to the east bank of the south fork of the Willapa River; thence up stream along said bank of the river to place of beginning, containing 1.67 acres, more or less.

## NISQUALLY HATCHERY.

Nisqually  
Hatchery.

Beginning at the southeast corner of the Nisqually Indian Reservation on the township line between townships 17 and 18 north, range 1 east W. M.; thence east with said township line 200 feet; thence north 206.6 feet; thence north  $80^{\circ}$  west 190.3 feet to a point on the east line of said reserve 240 feet from the southeast corner thereof; thence south  $3^{\circ}$  west 240 feet to the place of beginning, containing one acre, more or less, and lying and being in lot 2 of section 36 in township 18 north, range 1 east W. M.

## NORTH RIVER HATCHERY.

North River  
Hatchery.

Beginning at the quarter corner between section 7, township 15 north, range 9 west, and section 12, township 15 north, range 10 west W. M.; thence south 230.7 feet more or less; thence east 974.2 feet more or less to a point on the west bank of North River where Mosley Creek flows into said river, this point being the place of beginning of this description; thence south  $64^{\circ}40'$  west 205 feet to a cedar stake; thence north  $25^{\circ}20'$  west 200 feet to a cedar stake; thence north  $64^{\circ}40'$  east to the west bank of North River; thence in an easterly direction following the bank of said river to the place of beginning. The above tract being located in lot 7, of

section 7, of township 15 north, range 9 west of the W. M., Grays Harbor County, State of Washington.

#### MIDDLE FORK NOOKSACK HATCHERY.

Lying south of county road and north of Canyon Creek and more particularly described as follows: Middle Fork Nooksack Hatchery.

Commencing at a point 713.2 feet north and 1054.3 feet west of section corner to sections 26, 27, 34 and 35, township 39 north, range 5 east W. M.; thence north  $71^{\circ}36'$  west 203.0 feet; thence north  $62^{\circ}20'$  west 84.0 feet; thence south 369.0 feet; thence north  $76^{\circ}02'$  east 231.7 feet; thence north  $11^{\circ}54'$  east 205.0 feet to place of beginning, containing 1.56 acres.

#### SOUTH FORK NOOKSACK HATCHERY.

One-half acre of land in lot 3, section 6, township 37, range 5 east W. M., Whatcom County, State of Washington. South Fork Nooksack Hatchery.

#### STILLAGUAMISH HATCHERY.

Beginning at the quarter post between sections 9 and 10; township 31 north, range 6 east W. M.; thence west 1320 feet to a post set in the west bank of the Jim Creek; thence south 419 feet; thence west 113 feet to a post set on the south bank of said Jim Creek, being the true point of beginning; thence in a southwesterly direction 175 feet following said Jim Creek bank var.  $62^{\circ}30''$  east to a post set on said Jim Creek bank; thence in a southeasterly direction 125 feet var.  $62^{\circ}30''$  east to a post set; thence in a northeasterly direction 175 feet var.  $62^{\circ}30''$  to a post set; thence in a northwesterly direction 125 feet var.  $62^{\circ}30''$  east to the true point of beginning, containing one-half acre, more or less, in the northwest quarter of the southeast quarter of section 9, township 31 north, range 6 east W. M. Stillaguamish Hatchery.

SEC. 2. The commissioner of public lands is hereby authorized, and it shall be his duty forthwith, Commissioner of public lands to sell.

to sell the said tracts of land, such sale or sales to be conducted in accordance with the procedure prescribed by law for the sale of state lands, except capitol building lands and tide or shore lands: *Provided*, That such sale or sales shall be for cash and, *Provided, further*, That the proceeds derived from from such sale or sales shall be converted into, and become a part of, the state general fund except the proceeds of the sale of the Nisqually hatchery tract which shall become a part of the permanent school fund.

Passed the Senate February 8, 1929.

Passed the House March 6, 1929.

Approved by the Governor March 20, 1929.

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## CHAPTER 156.

[S. B. 89.]

### CHATTEL MORTGAGES.

AN ACT relating to chattel mortgages, and amending Section 1 of Chapter XCVIII of the Laws of 1899, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 1 of chapter XCVIII (98) of the Laws of 1899, pages 157-158, (section 3779 of Remington's Compiled Statutes; section 9759 of Pierce's Code) be amended to read as follows:

Amends  
§ 3779, Rem.  
Comp. Stat.;  
§ 9759,  
Pierce's  
Code.

Section 1. Mortgages may be made upon all kinds of personal property; and upon growing crops and upon crops before the seed thereof shall have been sown or planted, as follows:

Personal  
property,  
growing  
crops.

(1) Mortgages on annual field crops shall be of no force or effect unless the seed therefor shall be

Annual field  
crops.