

products or booming equipment, the provisions hereof shall apply as to the forest products and booming equipment so marked or branded.

SEC. 15. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Invalidity of part of act.

SEC. 16. Act entitled "An Act to protect the title of the owners of floating logs, timber and lumber and declaring an emergency" approved March 28, 1890, (Laws of 1889-90, pages 110-112, Sections 8381 - 8394 of Remington's Compiled Statutes) and Chapter CXXIII (123) of the Laws of 1901, pages 262 to 264, are hereby repealed.

Repeals §§ 3689 to 3702, Pierce's Code.

Passed the Senate December 11, 1925.

Passed the House December 30, 1925.

Approved by the Governor January 18, 1926.

CHAPTER 155.

[S. B. 150.]

COAL MINES.

AN ACT relating to the prospecting for and mining of coal belonging to the State of Washington.

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

SECTION 1. The commissioner of public lands may execute option contracts and leases for the mining and extraction of coal from any lands belonging to the State of Washington, or to which it may hereafter acquire title, or from any lands sold or leased by the state the minerals of which have been reserved by the state, in accordance with the provisions of this act.

Option contracts for mining coal from state lands.

Must be
a citizen.

Application
for option
contract.

Fees.

Contract
refused.

Amount
returnable
to applicant.

Commis-
sioner to
investigate
lands
applied for.

Discretion.

Contract
holder
allowed
one year for
prospecting.

May use
state timber
upon the
land.

Proviso.

No coal to
be removed
during
period
option
contract.

SEC. 2. Any citizen of the United States believing coal to exist upon any of the lands described in section one hereof may apply to the commissioner of public lands for an option contract for any amount not exceeding one section for prospecting purposes, such application to be made by legal subdivision according to the public land surveys. The applicant shall pay to the commissioner of public lands, at the time of filing his application, the sum of one dollar an acre for the lands applied for, but in no case less than fifty dollars. In case of the refusal of the commissioner to execute an option contract for the lands, any remainder of the sum so paid, after deducting the expense incurred by the commissioner in investigating the character of the land, shall be returned to the applicant.

SEC. 3. Upon the filing of any such application, the commissioner of public lands shall forthwith investigate the character of the lands applied for, and if, from such investigation, he deems it to the best interests of the state he shall enter into an option contract with the applicant.

The holder of any option contract shall be entitled, during the period of one year from the date thereof, to enter upon the lands and carry on such work of exploration, examination and prospecting for coal as may be necessary to determine the presence of coal upon the lands and the feasibility of mining the same. He shall have the right to use such timber found upon the lands and owned by the state as may be necessary for steam purposes and timbering in the examination and prospecting of such lands: *Provided*, that this provision shall not be construed to require the state to withhold any such timber from sale. No coal shall be removed from such lands during the period of such option contract except for samples and testing. At the expiration of the option contract, the applicant shall

fill or cover in a substantial manner all prospect holes and shafts, or surround the same with substantial fences, and shall file with the commissioner of public lands a report showing in detail the result of his investigation and prospecting.

Applicant to fill in abandoned holes.

Report to land commissioner result of investigation.

SEC. 4. In the case of lands which the state may have sold or leased and reserved the mineral rights therein, if the holder of any option contract or lease shall be unable to agree with the owner or prior lessee of the lands, he shall have a right of action in the superior court of the county in which the land is situated to ascertain and determine the amount of damages which will accrue to such owner or lessee of the land by reason of the entry thereon and prospecting for or mining coal, as the case may be. In the event of any such action, the term of the option contract or lease shall begin thirty days after the entry of the final judgment in such action.

Reserved mineral rights in lands sold.

Ascertainment by superior court of damages accruing to owner from coal prospecting or mining.

SEC. 5. At any time during the life of the option contract, the holder thereof may apply to the commissioner of public lands for a coal mining lease of the lands included therein, or such portion thereof as he may specify, for the purpose of mining and extraction of coal therefrom. Such coal mining lease shall be for such term, not more than twenty years, and in such form as may be prescribed by the commissioner of public lands, shall entitle the lessee to mine and sell and dispose of all coal underlying said lands and to occupy and use so much of the surface thereof as may be necessary for bunkers and other outside works, and for railroads, buildings, appliances and appurtenances in connection with the mining operations. Such lease shall provide for the payment to the state of a royalty, according to the grade of coal, for each ton of two thousand two hundred and forty pounds of merchantable coal taken from the lands, as follows: For lignite coal of the class commonly found in Lewis and Thurston

Application for coal mining lease.

Limit of lease.

Form of lease.

Rights of lessee.

Payment of royalty to state for coal taken.

Lignite.

Sub-bituminous.

High grade bituminous and coking coal.

Minimum royalty.

Graduated royalty.

Royalty payable in advance.

Reports and remittances by lessee to land commissioner.

Forfeiture of lease for non-compliance with this act and lease.

Provisions of lease.

Mining rules and regulations to be prescribed by commissioner.

Lands containing workable coal.

counties, not less than ten cents per ton; for sub-bituminous coal, not less than fifteen cents per ton; for high grade bituminous and coking coals, not less than twenty cents per ton; but such lease shall provide for the payment each year of a minimum royalty of not less than one nor more than ten dollars an acre for the lands covered thereby; *Provided*, that the commissioner of public lands may agree with the lessee that said minimum royalty shall be graduated for the different years of said lease so that a lower minimum royalty shall be paid during the earlier years of the term. The minimum royalty fixed in the lease shall be paid in advance each year, and the lessee, at stated periods during the term of the lease, fixed by the commissioner, shall furnish to the commissioner of public lands a written report under oath showing the amount of merchantable coal taken from the land during the period covered by such report and shall remit therewith such sum in excess of the minimum royalty theretofore paid for the current year as may be payable as royalty for the period covered by such report.

Failure on the part of any lessee to comply with the provisions of this chapter, or of his lease, shall work a forfeiture of the lease, and no such forfeiture may be waived. The commissioner shall incorporate in every such lease such provisions and conditions not inconsistent with the provisions of this act and not inconsistent with good coal mining practice as he shall deem necessary and proper for the protection of the state, and, in addition thereto, the commissioner shall be empowered to prescribe such rules and regulations, not inconsistent with this act and not inconsistent with good mining practice, governing the manner and methods of mining as in his judgment are necessary and proper.

SEC. 6. In the case of lands known to contain workable coal, the commissioner may, in his dis-

cretion, issue coal mining leases under the provisions of this act although no option contract has been theretofore issued for such lands.

Option contract not pre-requisite to mining lease.

SEC. 7. The commissioner of public lands or any person designated by him shall have the right at any time to enter upon the lands and inspect and examine the structures, works and mines situated thereon, and shall also have the right to examine such books, records and accounts of the lessee as are directly connected with the operation of the mine on the property under lease from the state; but it shall be unlawful for the commissioner or any person so appointed to disclose any information thus obtained to any person other than the commissioner of public lands and his employees, except the attorney general and prosecuting attorneys of the State of Washington.

Inspection by land commissioner of mines, etc.

Access to books.

Disclosure of information unlawful.

SEC. 8. The State of Washington shall have the right to sell or otherwise dispose of any timber, stone or other valuable materials (except coal), found upon the land during the period covered by any option contract or lease issued under the provisions of this act, with the right to enter upon such lands and cut and remove the same, and shall not be obliged to withhold from sale any timber for coal mining or prospecting purposes: *Provided*, that the lessee shall be permitted to use in his mining operations any timber found upon the land, first paying therefor to the commissioner of public lands the value thereof as fixed by said commissioner: *And Provided further*, that any bill of sale for the removal of timber, stone or other material given subsequent to the coal lease shall contain provisions preventing any interference with the operations of the coal lessee.

State may sell timber, stone, etc., upon the land during option contract or lease.

Lessee to pay for timber used for mining purposes.

SEC. 9. Should the lessee for any reason, except strikes or inability to mine or dispose of his output without loss, suspend mining operations upon the

Suspension of mining operations by lessee.

lands included in his lease, or upon any contiguous lands operated by him in connection therewith, for a period of six months, or should the lessee for any reason suspend mining operations upon the lands included in his lease or in such contiguous lands for a period of twelve months, the commissioner of public lands may, at his option, cancel the lease, first giving thirty days' notice in writing to the lessee.

Lease canceled.

Lessee may terminate lease.

Conditions.

The lessee shall have the right to terminate the lease after thirty days' written notice to the commissioner of public lands and the payment of all royalties and rentals then due.

Lease terminated.

Duties of lessee.

SEC. 10. Upon the termination of any lease issued under the provisions of this act, the lessee shall surrender the lands and premises and leave in good order and repair all shafts, slopes, airways, tunnels and watercourses then in use. Unless the coal therein is exhausted, he shall also, as far as it is reasonably practicable to do so, leave open to the face all main entires [entries] then in use so that the work of further development and operation may not be unnecessarily hampered. He shall also leave on the premises all buildings and other structures, but shall have the right to, without damage to such buildings and structures, remove all tracks, machinery and other personal property.

May remove personalty.

Application for renewal of lease or re-leasing contents of application.

SEC. 11. If at the expiration of any lease for the mining and extraction of coal or any renewal thereof the lessee desires to release the lands covered thereby, he may make application to the commissioner of public lands for a re-lease. Such application shall be in writing and under oath, setting forth the extent, character and value of all improvements, development work and structures existing upon the land. The commissioner of public lands may on the filing of such application cause the lands to be inspected, and if he deems it for the best in-

Investigation.

terests of the state to re-lease said lands, he shall fix the royalties for the ensuing term in accordance with the provisions of this act relating to original leases, and issue to the applicant a renewal lease for a further term; such application for a re-lease when received from any lessee, or successor of any lessee, who has in good faith developed and improved the property in a substantial manner during his original lease to be given preference on equal terms against the application of any new applicant.

Duty of commissioner.

Preference given application for re-lease.

SEC. 12. It shall be unlawful for the holder of any option contract, or any lessee, to commit any waste upon the lands embraced therein, except as may be incident to his work of prospecting or mining.

Waste by contract holder or lessee.

Passed the Senate December 4, 1925.

Passed the House December 17, 1925.

Approved by the Governor January 18, 1926.

CHAPTER 156.

[S. B. 258.]

REGULATION OF SALMON FISHING.

AN ACT relating to fisheries and amending sections 5683 and 5704-a of Remington's Compiled Statutes, as enacted by Section 9, Chapter 90, Laws of 1923.

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

SECTION 1. That Section 5683 of Remington's Compiled Statutes be amended to read as follows:

Amends § 2440, Pierce's Code.

Section 5683. No lead of any pound-net, trap, fish-wheel, or other fixed appliance used for catching salmon in the Columbia River and its tributaries, Willapa Harbor and its tributaries, and Grays Harbor and its tributaries shall exceed eight hundred feet in length, and there shall be an end

Fixed appliances in Columbia river, Willapa and Grays harbors.