

## CHAPTER CLVII.

[H. B. No. 121.]

## TO PROVIDE FOR SELECTION OF GRANTED LANDS.

AN ACT to provide for the selection of lands granted to the State of Washington under act of congress approved February 22, 1889, for the purpose of the erection of public buildings and a penitentiary; the use and support of agricultural and scientific normal schools, and charitable, penal and reformatory institutions; also providing for selection of lands granted to the State of Washington under sections 1947, 2275 and 2276 of the revised statutes of the United States.

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

SECTION 1. The state land commission is hereby authorized, empowered under the direction of the secretary of the interior, and directed to select the lands donated to the State of Washington under sections 12, 15, 16 and 17 of act of congress approved February 22, 1889, entitled "An act to provide for the division of Dakota into two states, and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states," for the purpose of the erection of public buildings; the erection of a penitentiary; the use and support [of] agricultural schools, scientific schools, state normal schools, and charitable, penal and reformatory institutions. The said state land commission is also hereby authorized, empowered and directed to select all lands reserved for the State of Washington, under sections numbers 1947, 2275 and 2276 of the revised statutes of the United States in lieu of deficiencies in sections 16 and 36 by reason of settlement thereon prior to survey, or from loss by natural cause.

SEC. 2. The governor shall nominate and appoint not less than three nor more than seven freeholders and citizens of the United States who shall have been residents of the state for at least three years last past, who shall be known and denominated as agents for said commission for the selection of the lands granted as aforesaid under the direction of the commission.

SEC. 3. The said agents before entering upon their duties

**Duty of agents.** shall enter into a bond unto the State of Washington in the sum of five thousand dollars (\$5,000), conditioned to well and faithfully perform their duties as such, to be approved by the state land commissioner, and shall take and subscribe an oath before some officer authorized to administer oaths according to the laws of the state, in substance as follows: "I, A. B., do solemnly swear that I will well and truly perform the duties of agent of the State of Washington in the selection of the lands granted thereto, to the best of my knowledge and ability; and, further, that I will not communicate to any person not a member of the state land commission any information in relation to the location, character and value of the public lands examined by me, or disclose to any one any thing in relation to such public lands except to such commission; that I will personally and carefully examine each parcel or tract of land to be listed by me, and make an appraisement and value of the same and the timber thereon; that I am not nor will I become interested directly or indirectly in the sale or purchase of such lands, and that I will report every material fact connected with said lands directly to the state land commission, to enable it to determine the situation, value and character of the timber thereon and the lands selected by me." That upon filing of such bond and affidavit the agent may be authorized and commissioned by the state land commission to view, select and appraise lands as hereinafter stated.

SEC. 4. One of said agents to be designated by the state land commission shall visit each of the United States land offices in the state, and secure, as near as may be, lists of the unoccupied and unappropriated lands of the United States, and report the lists of lands to the state land commission, which shall divide the state into districts and assign one or more agents to view and examine the said lands, by the smallest legal subdivisions of forty acres each, and shall classify such lands into grazing, farming and timbered lands, and estimate the value of each tract so viewed; said agent shall also in timbered lands estimate the amount and value of the standing timber thereon and the value of the land after the timber is removed; he shall make a report thereof [to] the state land commission as amply [and] expe-

ditiously as possible, on blank lists to be furnished by said commission for that purpose; that said report shall be made under oath, to the effect that the agent has personally examined the tracts mentioned in each forty acres thereof, that said report and appraisement is made from such personal examination and is, to the best of the affiant's knowledge and belief, true and correct, and that the lands are not occupied by any *bona fide* settler.

SEC. 5. Upon receipt of such report or reports the state land commission shall arrange and classify the lands so selected by the several agents into several lists for filing in the several U. S. district land offices of the United States in the state, and shall classify the lands and apportion them to the several specific grants under said act of congress referred to, so that there may be lands of nearly as equal value as possible apportioned to the several grants. Said lists shall be made in triplicate, one for filing in said local land offices, one for transmission by it to the secretary of the interior and one to be kept by said land commissioner. Said lists shall be numbered consecutively under each grant and shall state the grant for which the same is made. The commissioner of public lands shall file said lists so arranged, classified and duly certified under the rules and regulations of the secretary of the interior, in the several U. S. district land offices throughout the state having jurisdiction thereof: *Provided*, That if it be found, upon the filing of said lists, that any of the lands described therein have been filed upon or applied for, the state land commission is authorized to eliminate therefrom such lands: *And provided further*, The state land commission may decline to list any lands reported by their several agents which may not by them be deemed desirable.

Land commission shall classify lands.

SEC. 6. That each agent so appointed by the state land commission shall receive as his pay for selecting, viewing and appraising said lands, including the timber thereon, the sum of ten cents per acre for all timber lands and two and one-half cents per acre for all prairie lands which may be selected by the state land commission and certified and approved by the several U. S. district land offices.

Compensation.

SEC. 7. The commissioner of public lands shall certify

quarterly to the state auditor the amount of lands which have been selected by each agent and certified, allowed and approved by the secretary of the interior of the United States, and the character of the same, whether timbered or prairie lands, and the amount due each agent, and the state auditor shall thereupon draw his warrant upon the state treasurer for said amount and the state treasurer shall pay said sum out of any moneys in the state treasury not otherwise appropriated.

Rules.

SEC. 8. The state land commission is directed to make all necessary rules and regulations for the carrying out of the true intent and spirit of this act.

Duration of  
employment.

SEC. 9. The agents so appointed by the governor shall hold office only in the discretion of said governor, and may by him be removed either for cause or at his pleasure.

SEC. 10. If any agent knowingly or willfully shall make a false appraisalment on said lands, or knowingly or willfully divulge anything or give any information in regard to such lands other than to such commission, he shall forthwith be removed from office and be deemed guilty of perjury and subject to the penalties thereof.

SEC. 11. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 12. This act shall not become operative until the secretary of the interior has promulgated rules and regulations for the selection of the lands granted to the state.

Approved March 10, 1891.