

shall be construed to mean the junction where the fresh and salt waters meet at low tide.

Passed the House March 5, 1903.

Passed the Senate March 11, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 127.

[H. B. No. 281.]

AUTHORIZING THE BOARD OF STATE LAND COMMISSIONERS TO VACATE CERTAIN PLATS COVERING STATE'S GRANTED, TIDE, SCHOOL AND SHORE LANDS, SREETS, ALLEYS, ETC.

AN ACT authorizing and empowering the Board of State Land Commissioners to vacate plats covering State granted, school, tide or shore lands, and streets, alleys and other public places therein situated, and to plat, replat, appraise and dispose of the same; and giving to the owners of lands abutting on any of the parcels into which such streets, alleys or other public places so vacated shall be platted a preference right to purchase such parcel or parcels.

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

SECTION 1. When in the judgment of the State Board of Land Commissioners the best interest of the State will be thereby promoted, the said board is hereby authorized and empowered to vacate any plat or plats covering school and granted lands and vacate any streets, alleys and other public places therein situated. Any such lands within the limits of any incorporated city or town or within two miles of the boundary of any incorporated city where the valuation of such land shall be found by appraisement to exceed \$100.00 per acre shall be replatted by said board into lots and blocks of not more than five acres in a block and disposed of in the manner provided in section 11, Chapter LXXXIX, Session Laws of 1897: *Provided*, That the vacation of any such plat shall not affect the vested rights of any person or persons heretofore acquired therein.

Vacation of
plats.

Replat into
lots and
blocks.

SEC. 2. That said board in the exercise of the power^{Entry of order.} and authority herein conferred shall cause the order made by said board to vacate any plat or plats to be entered in the minutes of said board, and at once forward a certified copy thereof to the County Auditor of the county wherein said platted lands are located, and said Auditor upon the receipt thereof shall cause the same to be recorded in the miscellaneous deed records of his said county. ^{Auditor to record.}

SEC. 3. Whenever all the owners and other persons who have a vested interest in the lands abutting on any street, alley or other public place, or any portion thereof, in any of the state granted, tide or shore lands lying outside of the limits of any incorporated city or town, which have been platted, or which hereafter shall be platted, shall petition the Board of State Land Commissioners, by filing a petition therefor with the Commissioner of Public Lands, the Board of State Land Commissioners is authorized and empowered to vacate any such street, alley or public place, or part thereof, and all such streets, alleys and other public places and portions thereof which shall be so vacated shall be platted and appraised in the manner provided for the platting and appraising of similar lands: *Provided*, That where the area of such streets, alleys or other public places so vacated may be determined from the plat already filed as provided by law it shall not be necessary to survey said street, alley or other public place so vacated, but the area thereof may be determined from such plat already filed. ^{Petition for replat.} ^{Replat unnecessary.}

SEC. 4. All plats provided for in this act shall be in duplicate, and within thirty days after the adoption of any such plat by the Board of State Land Commissioners, one copy thereof shall be filed in the office of the Commissioner of Public Lands, and one copy thereof shall be filed in the office of the Auditor of the county in which such land shall be situated and the same shall be entered of record, notwithstanding the said maps or plats may not strictly conform to the city ordinances pertaining to the platting of lands adjoining said incorporated city or town. ^{Plats in duplicate—filing and recording.}

SEC. 5. From and after the filing of such plats, as hereinbefore provided, the lots, blocks, and other parcels into which such streets, alleys, or other public places, or parts

Preference
rights.

thereof so vacated shall be so platted may be disposed of as provided by law in the case of similar lands: *Provided*, That the owner or owners and other persons who have a vested interest in the lands abutting on any of said lots, blocks or other parcels shall have a preference right for the period of sixty days from the final date of the filing of such plats and of the appraising of such lots, blocks or other parcels to purchase such lot, block or other parcel from the State of Washington at the appraised value thereof.

Passed the House March 6, 1903.

Passed the Senate March 12 1903.

Approved by the Governor March 16, 1903.

CHAPTER 128.

[H. B. No. 279.]

DEFINING MURDER IN SECOND DEGREE, PROVIDING PUNISHMENT THEREFOR, AND AMENDING FORMER ACT RELATIVE THERETO.

AN ACT amending section 7038 of Ballinger's Code of the State of Washington, and being Section 1557 of Pierce's Code of Washington, defining murder in the second degree and fixing the penalty therefor.

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

Sec. 7038 Bal-
linger's Code
amended.

SECTION 1. That section 7038 of Ballinger's Code of the State of Washington, and being section 1557 of Pierce's Code of Washington, defining murder in the second degree, and fixing the penalty therefor, be amended to read as follows: Section 7038. Every person who shall purposely and maliciously, but without deliberation and premeditation, kill another, shall be deemed guilty of murder in the second degree, and upon conviction thereof shall be imprisoned in the penitentiary for a term of not less than ten years, *or during life, in the discretion of the trial court, and kept at hard labor.*

Penalty.

Passed the House March 3, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 16, 1903.