

CHAPTER CLXXVIII.

[S. B. No. 361.]

RELATING TO THE PUBLIC LANDS OF THE STATE.

AN ACT to provide for the selection, survey, management, lease and disposition of the state's granted, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States, creating a board of state land commissioners, defining their duties, and authorizing them to act as the commission provided for in article xv of the state constitution, and declaring an emergency.

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

SECTION 1. That for the purpose of this act all lands belonging to and under the control of the state shall be divided into the following classes:

1. Granted lands: (*a*) Common school lands and lieu and indemnity lands therefor. (*b*) University lands and lieu and indemnity lands therefor. (*c*) Other educational land grants. (*d*) Lands granted to the State of Washington for other than educational purposes, and lieu and indemnity lands therefor. (*e*) All other lands, including lands acquired or to be hereafter acquired by grant, deed of sale, or gift, or operation of law.

2. Tide lands: All lands over which the tide ebbs and flows from the line of ordinary high tide to the line of mean low tide, except in front of cities where harbor lines have been established or may hereafter be established, where such tide lands shall be those lying between the line of ordinary high tide and the inner harbor line, and excepting oyster lands.

3. Shore lands: Lands bordering on the shores of navigable lakes and rivers below the line of ordinary high water and not subject to tidal flow.

4. Oyster lands: All natural oyster beds, and lands suitable for the cultivation of oysters.

5. Harbor lines and areas: Such lines and areas as are described in article xv of the constitution of the State of Washington and which have been established according to law. All of which outer harbor lines so established as aforesaid are hereby ratified and confirmed, also all such

harbor lines and areas as may and shall be hereafter established.

6. Arid lands: Except lands granted to the state under the act of congress approved August 18, 1894.

SEC. 2. All lands described in section one are "public lands," and the terms "public lands" and "state lands" shall be defined and deemed to be synonymous whenever either is used in this act.

Land commissioners.

SEC. 3. There is hereby created an executive board to be designated the "board of state land commissioners," which said board shall be composed of the commissioner of public lands, who shall be chairman thereof, and two other members to be appointed by the governor and confirmed by the senate, and such appointed members shall reside at the capital of the state during their term of office and shall hold office for two years, said term to begin with their appointments, and two members shall be appointed every two years thereafter.

Commissioners, oath and bond of.

SEC. 4. That each appointed member of said board shall, before assuming his official duties, take and subscribe an oath to faithfully support the constitution of the United States and the constitution and laws of the State of Washington and faithfully discharge the duties of state land commissioner, and also give a good and sufficient bond, with sureties, to be approved by the secretary of state and attorney general, in the penal sum of ten thousand dollars, for the faithful discharge of the duties of his said office, which said oath and approved bond shall be filed and remain in the office of the secretary of state.

Commissioners, duty and powers of.

SEC. 5. Said board shall have full supervision and control, under the law, of all public lands granted to the State of Washington as defined in section one of this act, and shall have authority to provide for the selection, survey, management, lease and disposition of the state's lands as herein provided, and shall make all necessary rules and regulations for carrying out the provisions of this act not inconsistent with the law.

Commissioners, salary of.

SEC. 6. Each member of the board shall receive a salary of two thousand dollars per annum, and all the members of the board shall be repaid all necessary transportation ex-

penses incurred by them in the discharge of their duties as herein provided, to be paid monthly, as the salaries and expenses of other state officers are paid; and said board is hereby authorized to expend a sum of money not to exceed twenty-one hundred dollars per annum for such clerical work as it may require in the performance of its official duties; such clerks shall be appointed by and work under the supervision of the chairman of the board.

SEC. 7. The word "improvements" used in this act, when referring to school or granted lands, shall be interpreted to mean fencing, diking, draining, ditching, houses, barns, shelters, wells, slashing, clearing, and also breaking that has been done within three years prior to the application for purchase, and all things that would be considered fixtures in law. When referring to tide or shore lands and harbor areas, the word "improvements" shall be interpreted to mean all fills or made ground of a permanent character, and all structures erected or commenced on said lands or actually in use for purposes of trade, business, commerce or residence prior to March 26, 1890, and completed before January 1, 1891: *Provided*, That ordinary capped piles or similar structures or fixtures shall not be considered an improvement.

SEC. 8. The governor is authorized and directed to appoint a resident of the State of Washington to be known as state land cruiser, who shall hold office during the discretion of the governor and be removable at his pleasure, and whose duty it shall be personally to inspect and appraise any lands of the public domain or any granted lands which the board of state land commissioners may order him to inspect and appraise, and who shall report on said lands to said board for the purpose of selection, or of inspection and appraisal, as provided hereinbelow. Said state land cruiser shall also act under the direction of said board as the agent of the state to select lands, or as an assistant in appraising or investigating or prosecuting any trespass on any of the lands of the state. Said state land cruiser shall receive a salary not to exceed \$1,200 per annum and actual transportation, to be paid as provided in this act for the payment of the members of this board.

Cruiser, oath,
bond and
duty of.

SEC. 9. The said state land cruiser before entering upon his duties shall enter into a bond unto the State of Washington, in the penal sum of five thousand dollars (\$5,000), conditioned to well and faithfully perform his duties as such, to be approved by the board of state land commissioners, 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 board of state land commissioners, any information in relation to location, character and value of the public lands examined by me, or disclose to anyone anything in relation to such public lands except to such board; that I will, when directed, personally and carefully examine each parcel or tract of land to be listed by me, and make an appraisal 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 said lands, and that I will report every material fact connected with said lands directly to the board of state land commissioners, to enable it to determine the situation, value and character of the timber thereon and the lands selected by me; in investigating, appraising, or in the prosecution of any trespass, I do solemnly swear that I will act according to the best of my knowledge and ability, and will protect the interests of the State of Washington." That upon filing such bond and affidavit the cruiser may be authorized and commissioned by the state land commission to view, select and appraise lands as hereinafter stated.

Cruiser, in-
structed
by whom.

SEC. 10. The said board of state land commissioners may instruct the said state land cruiser to view and examine the said lands subject to selection 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 state land cruiser shall also in timbered lands estimate the amount and value of the standing timber thereon and the value of the land after the tim-

ber is removed; he shall make a report thereof to the board of state land commissioners as amply and expeditiously as possible on blank lists to be furnished by said board for that purpose; that said report shall be made under oath, to the effect that the cruiser 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 affiant's knowledge and belief true and correct, and that the lands are not occupied by any *bona fide* settler.

Cruiser to report.

SEC. 11. Upon receipt of such report or reports the board of state land commissioners shall arrange and classify the lands so selected into several lists for filing in the general United States district land offices of the United States in this 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 list 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 filed with the commissioner of public lands. 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 United States 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 board of state land commissioners is authorized to eliminate therefrom such lands: *And provided further*, The board of state land commissioners may decline to list any lands reported by the cruiser which may not by them be deemed desirable.

Land, when and how classified.

Triplicate lists.

Lists, when filed.

SEC. 12. If any state land cruiser knowingly or wilfully shall make a false oath concerning the appraisement on said lands, or knowingly or wilfully divulge anything, or give any information in regard to such land other than to such commission, he shall forthwith be removed from

Cruiser, penalty for perjury of.

office and be deemed guilty of perjury and subject to the penalties thereof, and it shall be and is hereby made the duty of the board of state land commissioners to prosecute him therefor.

Cruiser to act by direction of commissioners.

SEC. 13. Said state land cruiser shall, immediately upon his appointment, under the direction of the board of state land commissioners, inspect such unsurveyed lands or townships as the board may designate, with a view to determining whether it is desirable to have them reserved for the selection of land to complete the grant of public lands to the state. He shall report the result of his inspection without delay, showing approximately the number of acres arable, the amount, quality, character and value of timber, the nearest practicable route for removing the same, the number of settlers in the township and the value of the improvements. Upon the recommendation of the board the governor shall, if he concurs, cause an application to be filed with the surveyor general for the survey of such township or townships, and shall cause due notice thereof to be published in accordance with the act of congress providing for the reservation and survey of such townships and under such rules and regulations as may be made by the secretary of the interior.

Surveys, when had, conditions, etc.

Surveys, cost of, how paid.

SEC. 14. Whenever the United States surveyor general shall have made an estimate of the cost of survey, and it shall appear, under the decision and rulings of the department of the interior, that there is no federal government appropriation for the survey of any township applied for by the state, the governor is authorized and empowered to execute a voucher to the state auditor for the amount of such estimate, and the state auditor is authorized and directed, upon the filing of such voucher, to issue a warrant on the general fund for the amount of the same, and the state treasurer shall pay said warrant out of the moneys appropriated for said purpose. Upon the receipt of such warrant the governor shall deposit the same to the credit of the United States, in accordance with such rules and regulations as may be prescribed by the department of the interior.

SEC. 15. That the board of state land commissioners is

hereby authorized to contract for any and all necessary surveys of the lands described in section one, now owned by the state, or the title to which may hereafter vest in the state pursuant to appropriation first made by law, when surveys are necessary to divide any lands in smaller tracts than government subdivisions, or otherwise. All contracts for such surveys shall be let to the lowest responsible bidder, he being a competent surveyor; and the surveyor receiving such contract shall furnish a good and sufficient bond for the faithful execution of his duties in double the amount of such contract, such bond to be approved by the said board before such contract shall become binding upon the state. Surveys made under the provisions of this act shall be paid for only when the same shall have been examined and approved by the state board, and all field notes and plats of such surveys shall be filed and preserved in the office of the commissioner of public lands. All such surveys shall be made under such regulations as shall be prescribed by the said board of state land commissioners.

Surveys,
how made.

SEC. 16. That the said board of state land commissioners is hereby authorized, empowered and directed to appraise, sell or lease any of the lands of the state described in section one: *Provided*, That the manner of appraisal and sale or lease shall be as specified in this act.

Public lands,
sale of.

SEC. 17. That any person or company may make written application to the board of state land commissioners for the appraisal and sale of any of the granted lands of this state subject to sale, and said board shall cause to be prepared blank applications containing such instructions as will inform and aid intending purchasers in making applications for the appraisal and sale of any lands. Each application must be accompanied with a certificate of deposit or certified check upon any bank of this state, made payable to the state treasurer, and equal in amount to ten cents per acre for the land described in such application: *Provided*, That in no case shall such deposit be less than ten dollars. In case the lands described in such application are sold at the time they are offered for sale, in accordance with such application, the amount of such deposit shall be returned to such applicant. If such lands be not

Application
to purchase,
how made.

sold through fault of said applicant at such sale, such deposit shall be forfeited to the state, and shall be so declared by the said board, and the state treasurer shall thereupon place the said forfeited money to the credit of the general fund.

Appraisalment,
when made.

SEC. 18. That when, in the judgment of the board of state land commissioners, a sufficient number of applications have been received for the appraisalment and sale of any of the lands of the state, the said board shall cause any of said lands so applied for to be personally inspected and appraised as to its character, its topography, agricultural, timber, coal, mineral, stone or rock quarry, or grazing; its distance from any city, town, railroad, river, irrigation ditch or other waterways, and its location and character for irrigation purposes when irrigation is required, and fully report the same to the said board, together with the inspectors' and appraisers' judgment as to its present and prospective value; which said report shall be considered, and thereupon a price per acre fixed for each quarter section and subdivision thereof, or lot or block, which shall not be less than ten dollars per acre. That the inspection and appraisal of the land as provided in this act may be made by one of the said board, but when it is deemed advisable and for the best interest of the state, the said board may employ not to exceed two competent and trustworthy citizens, freeholders of the state familiar with such work, to personally inspect and appraise the lands applied for as aforesaid, and report the same to the board, and if said land is timbered, the timber thereon to be reported as to quality, quantity and value: *Provided*, That whenever an application to purchase lands of the state be less than a section is made, the board of state land commissioners may order the inspection and appraisal of the entire section of which a part only is applied for, and the land shall be sold at the appraised value, unless by reason of irrigation, improvements or other circumstances its value shall have enhanced subsequent to appraisal, when it shall be re-appraised. That the compensation of such inspectors and appraisers shall not exceed \$4 per day for the time actually employed, and necessary expenses, which shall be sub-

Appraisalment, by
whom made.

Inspectors,
compensation of.

mitted to the said board in an itemized and verified account, to be approved by the board. That when deemed necessary by the board an assistant inspector may be employed, who may be paid not to exceed \$3 per day and necessary expenses, submitted as aforesaid.

SEC. 19. That the said inspectors and appraisers provided for in this act, who shall be known as "state land appraisers," before entering upon their duties shall execute a bond to the State of Washington, with sufficient surety, in the sum of \$5,000, conditioned to well and faithfully perform their duties as such, to be approved by the board of state land commissioners, and shall take and subscribe an oath before some officer authorized to administer oaths according to the laws of the state, 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 inspecting and appraising lands belonging to said state to the best of my knowledge and ability; that I will personally and carefully examine each parcel and tract of land to be listed by me and make an inspection and appraisal and valuation 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 said lands, and that I will report every material fact connected with said land directly to the state board of land commissioners to enable it to determine the situation, value and character of the timber thereon and the lands inspected by me."

Appraisers,
oath and
bond of.

SEC. 20. That no lands granted to the state by the United States shall be sold otherwise than at public auction to the highest bidder, the value thereof having been before any such sale appraised by said board of state land commissioners, as hereinbefore provided, and no sale shall be valid unless the sum bid be equal to or more than the appraised value of the land. In estimating the value of lands, as herein provided, the value of the improvements thereon shall be excluded.

Lands, how
sold.

SEC. 21. That at the time of making the inspection and appraisal provided for in this act, the commissioner or appraiser shall note as to the land inspected every valuable growth of timber, or valuable deposit of coal, stone or

Inspectors to
report, what.

minerals, which might be advantageously sold separate and apart from the land; and shall, with such expert assistance as they shall find necessary appraise the value of such coal, stone or mineral, and report the same to the board of state land commissioners in the report provided to be made by said section 18, and as soon as such timber shall have been inspected and reported upon to said board by the inspector, as hereinafter provided, the said board shall have power to determine that such coal, stone or mineral or timber, or any part thereof, or any such tracts or tract shall be for sale, and the like further proceedings by said board shall be had for the appraisal of the value and for the sale of such stone, or mineral or timber, as is provided in the case of appraisal or sale of the land.

Appraisement,
certificate
of, and by
whom made.

SEC. 22. That immediately upon the appraisement and inspection provided for in this act being made of land in any county of the state, the commissioner of public lands shall prepare a certificate of such appraisement showing in detail the facts reported in such appraisement, and he shall file one copy of the same in his office and shall certify one copy and forward it to the auditor of the county in which said land is situated, and the said county auditor shall post it in a conspicuous place in his office; and the said commissioner of public lands shall notify the applicant of the appraisement and of the notice to the auditor, and that said board will allow the applicant 20 days in which to show wherein such appraisement is defective, excessive or unjust, which protest, if any be made and filed, shall be considered by the said board, and notice of their action shall be sent to the applicant.

County
auditor
to post.

Commission-
ers to appraise,
when.

SEC. 23. That in every appraisement of land granted to this state the board of state land commissioners shall be and serve as the board of appraisers mentioned in section 2 of article XVI of the state constitution, and in every appraisement under this act the said board shall appraise all improvements placed upon any land of the state and found on such land at the time of the appraisement; and shall also appraise all damages and waste done to the said land by the cutting and removal of timber, or the removal of stone or other materials by the person or persons claiming

such improvements, or by his consent, and the damage to the land or materials thereon by reason of the use and occupancy of said lands, shall be considered in the appraisal, and the balance, after deducting such damages and waste appraised as aforesaid, shall be determined as the value of the improvements upon the land so appraised; and every such appraisal shall be recorded in the proceedings of the said board of state land commissioners: *Provided*, That this section shall not be considered to affect the right of the state to the value of such land: *Provided further*, That if the purchaser of such land from the state be not the owner of the improvements he shall deposit with the state treasurer, through the board of state land commissioners, within thirty days after the sale, the appraised value of such improvements; and if it be found by the said board that the owner of said improvements was not holding adversely to the state or improving said land, or that said improvements were placed on said land in good faith by a lessee from the state or territory, and that said lessee had in all respects complied with the terms of his lease and his leasehold interest not forfeit or subject to a forfeiture, then the board of state land commissioners shall direct the state treasurer to pay, and he shall pay, to the owner of said improvements such sum so deposited; but if it be found by said board of state land commissioners that the said improvements owned or made on said land by parties holding or claiming the land adversely to the state, or by persons without license or lease from the state, or by a lessee who had not complied with the terms of his lease, then said board shall direct the state treasurer to pay over, and he shall pay over, such sum so deposited into the permanent school fund. In case the purchaser shall not deposit the appraised value of the improvements in the manner described above the sale may be disapproved by the board of state land commissioners: *Provided further*, That if the said improvements were made by a lessee or other person with intent to defraud the state or the intending purchaser the sum so deposited shall be returned in the manner described above to the purchaser: *Provided further*, That in determining the value and nature of such

Purchasers,
conditions
imposed.

improvements the board is hereby authorized to compel by subpoenas the attendance, swear and examine witnesses as to the cost and value of such improvements and the damage and waste as well.

Unsold lands
at first sale,
how dis-
posed of.

SEC. 24. That if any land offered for sale pursuant to the order of the board of state land commissioners be not bid off at the sale held thereunder, the same may again be advertised for sale as provided in this act whenever, in the opinion of the board, it shall be expedient to do so; and such land shall be again advertised for sale, as provided in said act, whenever any person shall apply to said board, in writing, to have such land sold, and shall agree to bid the appraised price therefor, and shall deposit with the state treasurer, at the time of making said application, a sufficient sum of money to pay the cost of advertising for such sale.

Sales, terms of.

SEC. 25. That all state lands, excepting coal lands and such lands as shall be in whole or in part within the limits of any incorporated city and appraised at not more than \$100 per acre, or within two miles of such limits, shall be sold on the following terms: One-tenth to be paid on the day of sale; one-tenth annually thereafter on the first day of March in each year until the purchase price is paid: *Provided*, That any purchaser may make full payment at any time. All deferred payments shall draw interest at the rate of six per cent. per annum. The first installment of interest shall become due and payable on the first day of March next after the date of sale, and thereafter all interest shall become due and payable annually on the first day of March. All remittances for payment of either principal or interest must be forwarded to the commissioner of public lands and be made payable to the state treasurer. That coal lands, not within the limits of incorporated cities and towns, or within two miles thereof, shall be sold only in tracts of not less than one hundred and sixty acres, unless such land in a body is of less area, and only on the following terms: One-tenth cash, on the day of sale, and the balance of the purchase price within five days thereafter. Tracts of common school or granted land, in whole or in part within the limits, or within two miles of

School or
granted lands,
terms of
sale of.

the limits, of any incorporated city, shall be sold on the following terms: One-tenth cash, at the time of sale; one-tenth on the first day of March following said sale; one-tenth annually thereafter on the first day of March until the whole purchase price shall have been paid. All deferred payments shall draw interest at the rate of six per cent. per annum, the first installment of interest to be paid on the first day of March following the date of sale, and the balance annually on the first day of March. That all coal, timber, stone or minerals, if sold separately from the land, shall be sold for cash to the highest bidder, in lots not exceeding one hundred and sixty acres for timber, and not exceeding ten acres for stone or minerals: *Provided*, That the board shall determine if land is chiefly valuable for coal, stone, timber or mineral, and if they so find they may, in their discretion, sell the timber separately from the land: *Provided further*, That no timber, stone or mineral shall be sold for less than \$10 per acre.

SEC. 26. That all purchasers of the timber, stone or minerals on state lands shall have power to enter upon said lands and remove such timber, stone or minerals therefrom, and shall complete such removal within a period of five years or less from the date of purchase, at the discretion of the board of state land commissioners, and if not removed within the time fixed by said board, then all timber, stone [or] minerals sold under the provisions of this act and not so removed shall revert to the grant of lands to which they belong, and may be again sold in like manner as provided for the original sale: *Provided*, That the timber, stone or minerals upon state land lying in or adjacent to any incorporated city, when sold, shall be removed within three years, or such less time as the board of state land commissioners shall fix, from the date of such purchase.

Timber and mineral lands, buyers of.

SEC. 27. Whenever application to purchase fallen timber, natural hay or gravel upon public lands is made, the board of state land commissioners may sell such fallen timber, natural hay or gravel under such rules and regulations as the board may prescribe.

Fallen timber, hay and gravel, when disposed of.

SEC. 28. That whenever the board of state land commis-

Sales, auditors notified in advance.

Sales, notice of, how given.

Advertising, cost of.

Sales, when to occur.

Sales, conducted by whom.

sioners shall have decided to sell any tract or tracts of granted lands it shall, through the chairman, notify the auditor of the county in which said lands are situated of that fact, specifying which of said lands are for sale, and order the sale thereof, and thereupon the said county auditor shall, under the direction of the said board, forthwith fix the date of sale and give notice thereof by advertisement published once a week for five weeks next before the time he shall name in said notice, in at least one newspaper of general circulation published in said county, which notices shall specify the place, time and terms of sale, describing with particularity each parcel of land to be sold, and the appraiser's value thereof, and by conspicuously posting such notice in the office of the county auditor of the county wherein such lands are situated. Proof of publication shall be made by affidavit of the publisher, or person in charge of the said paper, and by the affidavit of the person posting such notice as aforesaid, which shall be at once sent to and filed in the office of the commissioner of public lands, and the said board is hereby authorized to expend any sum of money not exceeding fifteen dollars in advertising such sale, as the said board shall determine to be for the best interest of the state. Such sales shall take place on the day advertised, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, in front of the court house, or of a building in which the superior court is held, in counties in which there is no court house, and shall be at public auction, to the highest bidder, and on the terms specified in the notice hereinbefore prescribed, and no land shall be sold for less than its appraised value; and that no more than two adjournments of such sale shall be had, nor any adjournment for more than one week. Such sale shall be conducted, under the direction of the board of state land commissioners, by the county auditor of the county in which the lands sold are situate, and such auditor shall at once deliver to the purchaser, under his hand and seal, a memorandum of his purchase, containing a description of the land purchased, the price bid and the terms of sale, upon the delivery to such auditor by the purchaser of a certified check upon some

bank for an amount equal to one tenth of the price of the land by him purchased, payable to the order of the treasurer of the State of Washington, and such auditor shall at once send to the commissioners such certified check and a copy of the memorandum delivered to the purchaser: *Provided, however,* That the powers and duties hereinbefore conferred or imposed upon county auditors may, any or all of them, be performed by any member of the board of state land commissioners when it is convenient and is deemed advisable by said board; but the commissioners performing such or any of such duties shall not be entitled to make any charges or incur any expense in performing such duties other than in this act hereinbefore provided.

SEC. 29. That the member of the said board of state land commissioners, or the county auditor conducting the sale, shall, upon making sale of any school land, or stone, mineral or timber thereon, report such sale to the said board of state land commissioners as provided in this act, together with other information touching the same as the said board shall have prescribed, and within thirty days from the date of the reception of such report, if no affidavit showing that the interests of the state in such sale were injuriously affected by fraud or collusion shall have been filed with said board, and if it shall appear from such report that the sale was fairly conducted and that the purchaser was the highest bidder at such sale, and that his bid was not less than the appraised value of the property sold, and if the said board shall be satisfied that the land sold would not, upon being readvertised and sold, sell for at least twenty-five per cent. more than the price at which it shall have been sold, and that the payment required by law to be made at the time of making sale has been made, the said board shall confirm the sale, and thereupon the chairman of the said board shall issue to the purchaser a contract of sale, as in this act hereinafter provided. That when the entire purchase price of any land shall have been fully paid, such fact shall be certified by the chairman of the said board to the governor, whereupon he shall cause a patent to be issued to the purchaser. Patents shall be signed by the governor and attested by the secretary of

Sales, report of,
to whom made.

Patent, when
and by whom
issued.

state, with the seal of the state attached thereto, and need not be acknowledged, and shall be entitled to be recorded in the office of the county auditor of any county in which any land therein described is situated. That if it does not appear to the said board from the report of sale that the sale was fairly conducted, and the purchaser was the highest bidder, and that his bid was not less than the appraised value, and that the proper payment has been made; or if, within said thirty days, an affidavit showing that the interests of the state in such sale were injuriously affected by fraud or collusion shall have been filed with the said board; or if the said board shall, within said time, be advised that the land sold would, upon being readvertised and again sold, sell for a price twenty-five per cent. in excess of the price for which it shall have been sold, it shall be the duty of the said board to immediately inquire into and determine the facts in a summary manner, and thereupon confirm or vacate the said sale according as it may find the sale to have been fair and regular in all said particulars or otherwise: *Provided*, That any sale so vacated or set aside shall be so vacated or set aside within sixty days from the date of such sale; and if it vacate the sale, it may in its discretion order a resale of said land. That the said resale shall take place in pursuance of like advertisement, as in the case of the original sale. That whenever a sale shall be vacated by the said board, it shall return the said certified check, and also furnish a certificate of such vacation, signed by the chairman thereof, to the purchaser.

Fraud or collusion.

Time of payment extended, when.

SEC. 30. The time for making the payments provided for in this act, except in cases where this act prescribes cash payment, may be extended for three years or less by the board of state land commissioners, on a satisfactory showing being made to said board, but no extension shall be granted for the payment of principal unless the interest on the whole sum due and unpaid be first paid, and not more than one extension shall ever be made affecting the same contract. The purchaser of land under the provisions of this act, except in cases where this act prescribes cash payment, shall enter into and sign a contract with the state, to be signed by the commissioner of public lands on behalf

Contracts, by whom prepared and to contain, what.

of the state, and in a form to be prescribed by the attorney general, in which he shall covenant that he will make the payment of principal and interest when due, and that he will pay all taxes and assessments that may be levied or assessed on such land, and that on a failure to make the payments prescribed by this act, when due, and for six months thereafter, that he will, on demand of said board or other authorized officer of the state, surrender the said premises, and upon such failure for six months, all rights of the purchaser under the said contract may, at the election of said board of state land commissioners, acting for the state, and without notice to said purchaser, be declared to be forfeited, and when so declared forfeited the state shall be released from all obligation to convey the land. When the payments provided for in this act for land, stone, minerals or timber shall have been made in full, the commissioner of public lands shall procure the proper deed of conveyance to be made to the purchaser, but in no case shall final deed of conveyance be issued until after all of the purchaser's money has been paid. The contract provided for by this section shall be executed in duplicate, and one copy shall be retained by the purchaser and the other shall be filed in the office of the commissioner of public lands. All contracts provided for in this section shall be signed by the purchaser and also by the commissioner of public lands on the part of the state. All school land contracts, delinquent in payment two years from the time of first payment and which have not been extended by law, shall be declared forfeited, but the purchaser may be reinstated by the board of state land commissioners upon payment of all principal and interest due to date of declaration of forfeiture: *Provided*, That the purchaser shall pay within thirty days from receipt of notice of forfeiture, which shall be made by registered mail.

Contracts in duplicate and by whom signed.

SEC. 31. The commissioner of public lands shall notify the purchaser of the land in each instance when payment on his contract is over due, and that he is liable to forfeiture if payment is not made within six months from the time the same became due, unless the time be extended by the board on a satisfactory showing.

Commissioner to notify purchasers of over due payments.

School lands,
lease of, and by
whom made.

SEC. 32. The said board of state land commissioners shall have power to lease the common school lands of the state for a term not exceeding five years. That all applications therefor shall be made in writing to the said board, and shall be accompanied with a certificate of deposit or certified check on some bank in this state, each made payable to the order of the state treasurer, equal in amount to the first year's rent of such land in accordance with such bid. All applications to rent such land shall be addressed to "board of state land commissioners," and plainly marked thereon "bid for the lease of school lands." Such lands shall be leased to the highest bidder: *Provided*, That the said board shall have the right to reject any and all bids when the interest of the state appears to justify it. That the commissioner of public lands shall issue all leases of such land and shall return to the bidders all deposits received therefrom, with rejected applications, and shall deliver to the state treasurer all deposits received, with approved applications for lease of such lands. That no lease shall be so drawn as to interfere with the sale of lands ordered by the board of state land commissioners to be sold. That in issuing leases the character of the land shall be specified, whether agricultural, pastoral or "scab;" and in no case shall agricultural land be leased for less than fifty cents per acre; in making application for lease, the applicant shall make affidavit as to whether the land is agricultural, pastoral or "scab." The board of state land commissioners, in its discretion, may employ the state land cruiser or one of the state land appraisers to determine the character of the land applied for.

School lands,
abstract of, to
contain, what,
and by whom
prepared.

SEC. 33. County auditors shall cause to be prepared, upon request of the board of state land commissioners, and shall file with the board, a complete abstract of school land leases of all lands leased within their counties from January 1, 1888, to March 15, 1893, giving name of lessee, amount per acre, terms of payment, amounts paid, to whom paid.

Inspection.

SEC. 34. The board of state land commissioners may order an inspection of land applied for to lease, in the manner provided for inspecting other lands, either by a member of the board, by the state land cruiser, or by a state land appraiser.

SEC. 35. No lease of school lands shall be made except Leases, terms of. for terms commencing the first days of the months of January, April, July and October of any year, and all leases hereafter made shall be executed to run from one of said dates: *Provided*, That leases now existing which expire at dates other than those mentioned may be continued by the board on application of the lessee on the same terms until the next day of leasing as herein provided.

SEC. 36. All applications for leasing school land must Applications to lease, when filed. be filed with the board at least thirty days prior to the several dates mentioned, except in case where bids for lease are submitted in accordance with notice issued by the board, when the same will be received up to the stated times of leasing. Any application received within thirty days of any stated time of leasing, except as provided, will not be considered by the board until the next stated period for leasing.

SEC. 37. On the first days of December, March, June Applications for lease, lists to be furnished to auditors. and September in each year the secretary of the board shall prepare a list of the lands for which applications for lease have been filed and awaiting action by the board, making separate the lists for the respective counties wherein the several tracts lie, and shall transmit said list to the several county auditors with the request that the same be immediately posted in their office for the period of twenty days. Said list shall be a notice to all persons that the board have under consideration the leasing of the school lands, describing them, and that any person may submit bids on the lease of said lands up to the time stated in said notice. Any person may up to the time stated in said notice submit to the board his bid for the leasing of any of the lands stated in the notice so posted. Said bids must be accompanied by a certified check or certificate of deposit, payable to the state treasurer, equal in amount to the first year's rent of such land in accordance with such bid.

SEC. 38. On the first regular meeting in the month of Leases, when made. February, May, August and November of each year, the board shall proceed to let said lands so applied for to the highest bidder and upon terms fixed by the board in their notice.

Leases, by
whom issued.

SEC. 39. All leases shall be issued by the commissioner of public lands upon such terms as may be prescribed by the board, and it shall return to bidders all deposits on rejected applications. No lease shall be assignable except upon authorization of the board indorsed thereon and designating the assignee.

Delinquen-
cies.

SEC. 40. That on the first of each and every month the commissioner of public lands shall cause notice to be served on lessees of public lands who may become delinquent on annual payment within sixty days, and therefore subject to forfeiture, and the board shall forthwith, if no response be had, declare a forfeiture of the lease and eject the lessee therefrom.

Improve-
ments, when
removed.

SEC. 41. That improvements made upon granted land by lessees from the state in cases in which the lessee yields his lease to the state prior to any application to purchase the land so leased, such as are capable of removal without damage to the land may be removed by the original lessee, or at his option may remain subject to payment in accordance with this law by any purchaser who shall apply to purchase the land within a period of three years from the expiration of said lease.

Public lands,
abstract of.

SEC. 42. That the commissioner of public lands shall cause full and correct abstracts to be made and kept in the office of the commissioner of public lands of all the lands owned or that shall be owned by the state, which abstracts shall be in suitable and well bound books. Such abstracts shall show in proper columns and pages the section or part of section, township and range in which each tract is situated, whether timber or prairie, improved or unimproved, the appraised value per acre, the value of improvements and the value of damages, and the total value, the several values of stone, minerals and timber thereon, the date of sale, date of lease, name of purchaser, name of lessee, price per acre, amount of lease per acre, amount of cash paid, amount unpaid and when due, amount of annual interest, and such other columns as may be necessary to show a full and complete abstract of the conditions and circumstances of each tract or parcel of land from the time title was acquired by the state until final payment by the

purchasers, and the issuance of a deed by the state for the land.

SEC. 43. That the board of state land commissioners be and hereby is authorized and directed to cause publication of notices of application to the interior department for certification that state school land or other granted land is non-mineral in character, in accordance with the rules of the general land office, and the sum of \$2,000 is hereby appropriated out of any fund not otherwise appropriated, and the state auditor is hereby authorized to issue and the state treasurer is directed to pay warrants for the purpose above stated.

Notices to interior department, when given.

SEC. 44. That whenever there shall be in the state school fund applicable to investment the sum of \$5,000 or more, the board of state land commissioners may invest the same in national, state, municipal or county bonds at par, of the United States, this state or of the counties or school districts bearing not less than five per cent. interest per annum, or in warrants drawn upon the State of Washington. Upon such investment being made, the bonds purchased shall be deposited with the state treasurer, and thereupon the duties and powers of the board of state land commissioners, or to such funds or securities, shall cease.

School fund, when and how invested.

SEC. 45. That any person, corporation or association engaged in the business of logging, shall have a right-of-way over public lands when necessary, for the purpose of hauling or removing timber from other lands, but permission shall be first obtained in writing from the board of state land commissioners: *Provided*, That all timber on said right-of-way shall be appraised, and before permission is granted, shall be paid [for] in cash by the person, corporation or association desiring the right-of-way.

Right-of-way over lands, when granted.

SEC. 46. Rights-of-way may be granted by the board of state land commissioners over public lands to any county or city desiring to construct a public road across the same: *Provided*, That a duly attested and sworn copy of the official plat, made by the official county or city surveyor or engineer, shall first be filed with the board together with a petition from the county or city officials setting forth the reason for the same, and the aforesaid plat, when approved

by said board of state land commissioners, shall be and form the official plat of said road, and the said plat shall show the amount of land taken up by the proposed road, and shall show the remainder of land in each portion of each legal subdivision bisected by said proposed road, and said plat shall be retained in the office of the commissioner of public lands: *Provided further*, That all timber on said right-of-way shall be appraised and paid for in cash by the said county or city.

Appraisements
annulled,
when.

SEC. 47. All appraisements of granted lands heretofore made under existing laws, where sales have not yet been made, are hereby annulled, and all such lands shall be appraised and sold or leased, as herein provided: *Provided*, That lease of granted lands may be made upon the basis of values heretofore fixed by county commissioners in said appraisements.

Funds not
transferable.

SEC. 48. All funds arising from the sale of lands granted to the State of Washington for any purpose shall be held intact for the purpose for which they were granted. Lands, when selected and assigned to said grant, shall not be transferred to any other grant, nor shall the moneys derived from said lands be applied to any other purpose than for that of the grant to which they have been assigned.

Granted lands,
sale of, when.

SEC. 49. The board of state land commissioners may, from time to time, as they may deem best, direct the sale of said granted lands, at public auction, at the court house, at the county seat of the county in which the lands offered for sale lie. Not more than ten thousand acres shall be disposed of at any one sale, and each subdivision or lot consisting of one hundred and sixty acres, or approximating thereto, shall be separately offered for sale.

Sales, notice
of, to be pub-
lished, how.

SEC. 50. Notice of every sale at public auction shall be given by publication thereof in the official newspaper of the county where the land lies, once a week for five successive weeks, the first publication not to be made more than forty-five days before the date of such sale; said notice to describe the several tracts of land proposed to be sold, and to state the appraised value thereof. Any such sale may be further advertised by a similar notice similarly pub-

lished in some newspaper in Spokane, Tacoma, Seattle or Olympia.

SEC. 51. If any person shall cut down, destroy or injure any tree standing or growing upon any of the lands of the State of Washington, before patent shall have been issued by the state therefor, as herein provided, or shall take or remove from any such lands any timber or wood, or shall dig, quarry, take or remove any mineral, excepting precious metals, earth or stone, from such lands, or otherwise injure or damage said lands, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine [of] not less than fifty nor more than one thousand dollars, or both: *Provided*, That nothing in this act shall be so construed so as to prevent any purchaser who shall purchase said lands for purposes of a home from cutting such timber as may be necessary for domestic use, or to clear land for actual cultivation: *Provided further*, That the state shall not be required to prove title to the lands in question, and the fact that said lands have been selected by the state or that it is a portion of section 16 or 36 in any township shall be accepted as *prima facie* evidence of the state's title: *And provided further*, That the terms of this section shall not apply to any purchaser of standing or fallen timber, stone, mineral, natural hay or gravel, or grantee of a right-of-way who shall have complied with all the provisions of this act relating to such purchasers or grantees.

SEC. 52. The tide lands of the state of Washington, which are not reserved from sale by the constitution and laws of the state, shall be divided into three classes:

1. Tide lands of the first class, which shall comprise all tide lands within or in front of the limits of any incorporated city or town, or within two miles thereof on either side, including submerged lands lying between the line of mean low tide and the inner harbor line, wherever harbor lines have been established or shall be established.

2. All other tide lands having valuable improvements thereon in actual use for commerce, trade or business on and prior to March 26, 1890, not including oyster lands.

Third class.

3. All tide lands in the state not included in the above classes. And said lands shall be sold and disposed of in the manner provided by this act.

Tide lands, commissioners to survey and plat.

SEC. 53. It shall be the duty of the board of state land commissioners to survey, plat, examine and appraise the tide lands of the first class not heretofore surveyed, platted and appraised: *Provided*, That where local boards of tide land appraisers are now engaged upon the survey and appraisal of tide lands of the first class, such local boards shall complete their work forthwith in accordance with the act approved March 26, 1890: *And provided*, Said work shall be completed by May 1, 1895, at which time the terms of office of all members of the boards of tide land appraisers shall expire. Such local boards shall have the same power to locate streets, thoroughfares and alleys as provided in the next succeeding section as the board of state land commissioners have thereunder. Appeals may be taken from any appraisals, final orders or other actions of said local boards to the board of state land commissioners. Such appeals may be taken by the city attorney or by the same persons as specified in section fifty-seven of this act, permitting appeals to be taken from the board of state land commissioners to superior courts. The manner of taking such appeals shall be the same as that provided in said section, as nearly as practicable. The governor shall have power to fill any vacancies occurring in said local boards: *Provided*, That in any actions now pending against any local board of tide land appraisers, the board of state land commissioners shall be substituted as defendants and shall defend such actions.

Exceptions.

Tide lands of the first class, how surveyed and platted.

SEC. 54. In surveying tide lands of the first class the said board of state land commissioners shall have power to, and it shall be their duty to, lay out streets and alleys, which shall thereby be dedicated to the public use, subject to the control of cities, with due regard to the convenience of commerce and navigation: *Provided further*, That all alleys, streets, avenues, boulevards and other public thoroughfares heretofore located and platted on tide lands of the first class by boards of tide land appraisers, are hereby validated as public highways and dedicated to the use of

the public for the purposes for which they were intended; and no improver, upland owner or other person shall have the right to buy the whole or any part of any such alley, street, avenue, boulevard or other thoroughfare. And in appraising said lands said board shall appraise each lot, tract or piece of land separately, and shall enter in a well bound book a description of the lot, tract or piece of land, its full appraised value, its area and the rate per acre at which it is appraised; and if said lot is covered in whole or in part by improvements in actual use for commerce, trade or business, on or prior to March 26, 1890, the said board shall designate the owner of said improvements, of what they consist, the area of land covered by them, the portion of each lot, tract or piece of land and the appraised value of the land covered thereby with and exclusive of the improvements.

SEC. 55. Said board shall prepare plats showing all shore and tide lands surveyed and appraised by them in the respective counties, on which shall be marked the location of all such lands, extending the lines of United States survey over the same, and shall prepare and keep in a well bound book a record of their proceedings, including a list of said shore and tide lands and their appraisal of the same, which plat and book shall be in duplicate.

SEC. 56. When said board shall have discharged their duties as aforesaid, they shall deposit one copy of the plat and record as aforesaid with the county auditor in the respective counties, who shall file and safely keep the same in his office, and they shall deliver one copy of the plat and record to the commissioner of public lands.

SEC. 57. The board of state land commissioners shall, before delivering said plat and record to the commissioner of public lands, cause a notice to be inserted for a period of four consecutive weeks in a newspaper of general circulation in the county wherein the lands are situated, that said plat and record describing it is complete and subject to inspection at the office of the board, and will be filed on a certain day to be named in said notice. Any person claiming a preference right of purchase of any of said lands, and who feels aggrieved at the appraisement fixed

by the board upon said land or any part thereof, may, within sixty days after the filing of said plats and records by said board (which shall be done on the day fixed in said notice), appeal from said appraisement to the superior court of the county in which said tide lands are situated. Said appeal shall be taken in the manner prescribed in section 1630 of Hill's Annotated Statutes and Codes of Washington providing for appeals from justice courts. The prosecuting attorney of any county or city attorney wherein such lands are situated shall, at the request of the governor or of ten freeholders of the county wherein such lands are situated, appeal, on behalf of the state, from any appraisement as hereinbefore provided, which appeal shall be taken in the manner provided above. Notice of such appeal shall be served upon the state land commissioners, whose duty it shall be to immediately notify all interested. The party other than the state or city appealing shall execute a bond to the opposite party with sufficient surety to be approved by the state land commissioner, in the sum of two hundred dollars conditioned for the payment of the costs on appeal.

Abutting owners, rights of.

SEC. 58. The owner or owners of lands abutting or fronting upon the lands of the first class shall have the right for sixty (60) days following the filing of the final appraisal of the tide lands with the commissioner of public lands, to apply for the purchase of all or any part of the tide lands in front of the lands so owned: *Provided*, That if valuable improvements made and in actual use prior to March 26, 1890, for commerce, trade, residence or business have been made upon said tide lands by any person, association or corporation, the owner or owners of such improvements shall have the exclusive right to apply for the purchase of the land so improved for the period aforesaid.

SEC. 59. When the abutting upland owner has attempted to convey by deed to a bona fide purchaser any portion of the tide lands in front of such uplands, or littoral rights therein, such right of purchase herein given to the upland owner shall be construed to belong to such purchaser, or to any person, association or corporation claiming by,

through or under such purchaser, to the extent of the tract or rights so conveyed.

SEC. 60. In case the persons mentioned in sections 58 ^{Highest bidder to purchase, when.} and 59 of this act do not, within the time limited, exercise the right to purchase herein given, then said lands shall be open to the public for sale as herein provided. The board of state land commissioners may sell the surveyed and platted tide lands remaining unsold at public auction upon the following terms and conditions, to wit: They shall advertise once a week for three successive weeks in some newspaper of general circulation published in the county in which said lands are situated, a notice that they will on a day named, not less than thirty days after the first publication of said notice, sell at public auction at the county seat of the county the said lands. Said notice shall contain a description of each lot, tract or piece or parcel of land to be sold, together with the number thereof on the plat of such tide lands, and the terms of sale. Each subdivision of said land as surveyed and platted shall be sold separately to the highest and best bidder. Each purchaser shall be required to deposit with his bid a sum of money or certified check on some bank in this state equal in amount to the first payment to be made on said land, according to his bid; and, if no protest be filed or fraud or collusion be shown, the sale shall be confirmed by the board, and they shall thereupon certify the fact of sale to the commissioner of public lands, who shall issue a contract of sale to the successful bidder: *Provided*, That no bid shall be accepted which does not equal or exceed the appraised value of the land bid for: *And provided further*, That the said board of state land commissioners shall have the right to reject any or all bids when there has been fraud or collusion by or among the bidders.

SEC. 61. Any person, association or corporation having ^{Preferred rights, how exercised.} a preference right and who shall desire to purchase under this act, tide lands of the first class, may file with the commissioner of public lands an application to purchase any of the tide lands herein described within the sixty days aforesaid, which application shall contain a description of the land applied for. If, at the expiration of sixty days

from and after the filing of final appraisal with the commissioner of public lands, there being no conflicting application filed, the applicant shall be deemed to have the right of purchase. If, at the expiration of said sixty days, two or more applications shall have been filed for any tract, conflicting with each other, the board of state land commissioners shall forthwith order a hearing to determine the rights of the parties applying for said tract. They shall require each applicant, within a time stated, to submit under oath a full statement of the facts whereby he claims a preference right of purchase, and such statement shall be the only pleading required, and will be deemed denied by all the other applicants. In case any applicant shall fail within the time limited to file such statement, he shall, unless good excuse be shown therefor, be deemed to have waived his right of purchase of the tract under his application. At the hearing, which may be upon oral or written testimony, the board shall determine who has the first right of purchase to the whole or any portion of the lot or tract involved, and such award shall be certified to the commissioner of public lands, who shall, unless an appeal be taken to the superior court as provided in section 57, proceed to sell and dispose of said lands in accordance therewith.

Reappraisal,
conditions.

SEC. 62. Any person having valuable improvements upon any of the tide lands of the State of Washington, and which tide lands were appraised prior to the first day of July, 1894, by the local boards of tide land appraisers, may apply for the purchase and reappraisal of said lands by the board of state land commissioners: *Provided*, That if the owner of such improvements, at any time prior to the first day of January, 1896, files a verified application with the board to purchase said lands, fixing therein a minimum price per acre or lot, as included in the application, and asks for a reappraisal of said lands, and stating therein that such lands have been appraised at more than their actual value, said application to be supported by the affidavit of two disinterested freeholders of the county in which said lands are situated, stating that in their opinion said lands are appraised at more than their actual value,

thereupon the board shall consider said application, and if in the opinion of the board a reappraisalment of said lands should be made, it shall proceed to take testimony of the value of such lands and fix the value thereof, which shall be final, except in case of appeals provided for in this act.

SEC. 63. Whenever it shall appear to the satisfaction of the board that the local boards of tide land appraisers have failed to plat or appraise any of the lands, whether submerged or otherwise, lying between the inner harbor line and the line of ordinary high tide, the board of state land commissioners shall proceed to survey, plat and appraise said land in the manner herein provided for the original survey and appraisalment of the tide lands of the first class, such survey to conform as nearly as possible to the existing surveys as shown by the maps and plats on file in the office of said board, and any person having purchased the lots abutting shall have the same preference rights to purchase as are now given to owners of abutting upland and improvers: *Provided*, That this section shall not be construed so as to prevent any person from applying for the purchase of all lots abutting each other lying between the inner harbor line and the line of ordinary high tide.

Commissioners to complete work of local boards.

SEC. 64. All surveys, appraisements, maps and plats heretofore made and filed with the state board of land commissioners or the commissioner of public lands by the local boards of tide land appraisers in the several counties of the state where such boards have been created and which may hereafter be done or filed by such local boards in completing the work now being done under the provisions of the laws of the state creating said local boards, and defining their duties, are hereby expressly confirmed, subject only to review as in this act provided.

Confirmation of work heretofore done.

SEC. 65. Tide lands of the second class shall be disposed of as follows: Where valuable improvements in actual use prior to March 26, 1890, for commerce, trade or business, have been made upon said tide lands by any person, association or corporation, the owner or owners shall have until the first day of January, 1896, the exclusive right to purchase said tide lands, and the prior right to purchase

Second class lands, how disposed of.

other and adjoining land sufficient for the reasonable use and enjoyment of said improvements.

Second class lands, minimum price of.

SEC. 66. Tide lands of the second class shall be sold at the uniform rate of five dollars per acre, unless it shall appear to the board of state land commissioners, by the affidavit of three freeholders of the county wherein such lands lie, that any [such] lands have a value largely in excess of said amount, then the board of state land commissioners shall appraise said lands, and shall certify said appraisement to the commissioner of public lands with a full statement of the reason for such appraisement, and the said commissioner of public lands shall not dispose of said lands at less than the appraised value.

Applications to purchase, how made.

SEC. 67. Any person duly qualified desiring and entitled under this act to purchase tide lands of the second class may, on or before January 1, 1896, file with the commissioner of public lands an application for such lands, in writing. Such application shall be under oath, and it shall specifically describe the land by metes and bounds; the amount, area and value of the improvements on the land on March 26, 1890; the purposes of commerce, trade or business for which it was used; and separately the amount of such additional land necessary for the convenient use and enjoyment of such improvements.

Applicant to survey.

SEC. 68. Said applicant, at his own expense, shall survey and cause to be filed with his said application a plat of the survey of the land applied for, showing in detail the amount, extent and character of the present improvements and the additional land applied for. Such survey shall be connected with, and the plat shall show two or more connections with the United States surveys of the land. The applicant shall also file the field notes of survey of said land. The commissioner of public lands shall examine and test said plat and field notes of survey and if incorrect or indefinite he shall cause the same to be corrected, or may reject the same and cause a new survey to be made.

Applications to purchase.

SEC. 69. The commissioner of public lands, after the receipt of an application and correct plat and survey of any tide lands of the second class, shall cause to be published, at the expense of the applicant, in some newspaper of gen-

eral circulation in the county for the period of five weeks a notice of the application, which notice shall set forth a description of the land applied for, the name and address of the applicant, and allowing any person to show cause why the application should not be allowed. If at the expiration of said publication no adverse application or protest be filed the applicant may produce his proofs to the commissioner of public lands, and if entitled shall be allowed to purchase. If an adverse application shall have been filed the commissioner of public lands shall certify all papers to the board of state land commissioners, who shall order a hearing and award the right of purchase as provided for lands of the first class in like contingencies.

SEC. 70. All tide lands of the third class adjacent to the shores of the Pacific ocean, or any bay, harbor, sound or inlet, shall be sold at not less than five dollars per lineal chain of the meander line of the United States government survey bounding the inner or shore limit of said lands: *Provided*, If it shall, from any cause, appear to the board of state land commissioners at any time before sale that any lands, because of the location, or adaptability to special use, have a special value, the board shall immediately appraise said lands and certify such appraisement to the commissioner of public lands, and said lands so appraised shall not be sold at less than such appraised value: *And provided further*, That in all cases where any such tide lands have heretofore been surveyed under authority of any previous act of the legislature, such tide lands may be so sold and purchased: *And provided*, That any tide lands not forming a portion of or lying adjacent to the shore shall be sold to the first applicant at the rate of five dollars per acre, after survey made by him at his own expense, and subject to the same conditions and limitations as provided for sale of tide lands of the second class.

Third class
lands, mini-
mum price of.

SEC. 71. The owner or owners of lands abutting or bounded by the shores of the Pacific ocean, or any bay, harbor, sound or inlet, shall have until the first day of March, 1896, the right to purchase all or any part of the tide land of the third class fronting on the lands so owned, at the price stated herein for such lands: *Provided*, That

Abutting own-
ers, prior
right of.

when the abutting upland owner has attempted to convey by deed to a *bona fide* purchaser, any portion of the tide lands in front of such uplands, or littoral rights therein, such right of purchase herein given to the upland owner shall be construed to belong to such purchaser, or to any person, association or corporation claiming by, through or under such purchaser, to the extent of the tract or rights so conveyed. Any person desiring to purchase such lands shall file his application therefor, and deposit one-tenth of the purchase price of said lands with the commissioner of public lands, who shall thereupon cause to be published, at the expense of the applicant, in a newspaper of general circulation in the county wherein the lands lie, for a period of five weeks, a notice of said application, which notice shall set forth the name of the applicant and address, and a description of the tide lands applied for, and shall allow any person opportunity to appear and protest against the application or file an application for said land or any portion thereof.

Tide lands,
when leased.

SEC. 72. From and after the first day of March, 1896, any tide lands of the State of Washington for which applications for purchase have not been theretofore filed and are pending, may be leased by the board of state land commissioners for any period not less than one nor more than twenty years. When an application is made to lease tide lands, the applicant shall file with the board of state land commissioners an application in writing, describing the lands, and if the application be for second or third class tide lands, his application shall be accompanied by a map or plat describing the lands with reasonable certainty. The board, if the application be deemed sufficient, and in its judgment the interests of the state be subserved by leasing said lands, shall approve the application with a statement of what the reasonable rental value of said lands should be, which, in no case, if the lands have been appraised, shall be less than five per cent. of the appraised value. And the commissioner of public lands shall thereupon, if the lands are subject to lease as hereinbefore provided, execute a lease thereof in accordance with such form as may be prescribed by the board.

SEC. 73. Shore lands shall be disposed of as follows: If Shore lands, how disposed of. said lands be within or in front of the corporate limits of any incorporated city or town or within two miles on either side, the board of state land commissioners shall, when they deem it necessary and advantageous to the interests of the state, survey, plat and appraise said shore lands, and shall divide the same into lots and blocks, with such intervening streets and alleys as may be necessary and convenient for the uses of commerce, trade or business. The board shall appraise each lot separately, and such appraisement shall be the price at which said shore lands shall be sold.

SEC. 74. Any person the owner of the abutting upland Abutting owners, prior right of. shall have the preference right for sixty days following the filing of the plat and appraisement with the commissioner of public lands, to purchase the lot or block of land in front of the upland so owned by him: *Provided*, That if valuable improvements were, prior to March 26, 1890, in actual use for commerce, trade or business, made on any lands, the owner or owners of such improvements shall have, for the period aforesaid, the exclusive right of purchase during the period aforesaid of the lands so improved, and sufficient additional ground for the reasonable use of said improvements.

SEC. 75. The board of state land commissioners shall cause a map and record of their survey and appraisement to be made in duplicate, and shall file one copy thereof with the county auditor and one copy with the commissioner of public lands. Surveys, maps and appraisement, record of.

SEC. 76. After the filing of the appraisement and plat of disposal of shore land within the limits of, or within two miles on either side of, an incorporated city or town, shall follow and be like the method of procedure as in tide lands of the first class. Procedure same as tide lands of the first class.

SEC. 77. Shore lands not within the limits of an incorporated city or town, nor within two miles thereof on either side, shall be disposed of only upon an application therefor being filed as herein provided. Any person the owner of the upland bordering on said shore lands shall have the right to purchase the shore lands in front of the premises Shore lands remote from cities.

so owned by him upon filing an application with the commissioner of public lands, and at his own expense shall survey and file a plat of said survey and field notes of survey with his application. The commissioner of public lands shall examine said field notes and plat and if the same are correct shall cause a notice of said application to be published for thirty days, at the expense of the applicant, in some newspaper of general circulation in the county, and if no protest or adverse filing be made the commissioner of public lands shall sell and dispose of said lands in the same manner and subject to the same limitations as in tide lands of the second class.

Shore lands,
appraise-
ment of.

SEC. 78. No shore lands shall be sold unless the same shall have first been duly appraised, and when an application and plat have been filed with the commissioner of public lands as in the last preceding section provided for shore lands therein described, the board of state land commissioners upon that fact being certified to them shall examine, appraise and fix the value of the lands so applied for, and the value so fixed shall be the price at which such lands shall be sold.

Prior right, ex-
piration of.

SEC. 79. The preference right of purchase for shore lands, not within the limits of an incorporated city or town, or within two miles thereof on either side, shall expire on the first day of March, 1896: *Provided*, That if any lands be thereafter reclaimed from the beds of any lake, river or water course, the owner of such upland shall have sixty days from the time of the completion of such reclamation in which to purchase said lands so reclaimed: *Provided further*, That when the abutting upland owner has attempted to convey by deed to a *bona fide* purchaser any portion of the shore lands in front of such upland, or littoral rights therein, the right of purchase herein given to such upland owner shall inure to such purchaser to the extent of the tract or rights conveyed.

Public lands,
liability for
occupancy of.

SEC. 80. Any person who shall after March 1, 1896, occupy, use or enjoy any of the tide or shore lands of the state, unless he have an application to purchase the same pending, shall be liable to the State of Washington for the reasonable rental value of the lands and premises so occu-

pied, used and enjoyed: *Provided*, That any incorporated city may erect a public wharf, and when the same is maintained wholly for the use of the public no rental shall be charged said city, and it shall be the duty of the board of state land commissioners to recover said amount and eject said persons from said lands.

SEC. 81. All tide lands, except as herein expressly provided, shall be sold upon the terms provided for the sale of granted lands, and within twenty days after the expiration of the sixty days limited in which to file application for the purchase of tide lands the applicant shall pay to the commissioner of public lands one-tenth of the purchase price thereof, and thereupon the purchaser shall enter into a contract with the state as provided in section thirty of this act: *Provided*, That where an appeal is taken, the purchaser shall in all cases have twenty days from the day on which the final judgment of the superior court is certified to and filed with the commissioner of public lands in which to make said payment and enter into said contract: *And provided further*, That in case different persons make application to purchase a lot, tract or piece of tide land within sixty days and no appeal is taken from the determination of the board as to which person has the first right of purchase, then the findings of the board shall be final, and the successful applicant shall have thirty days from the time when served with notice of such finding, which notice shall be served by mailing a registered letter addressed to the party at his address, which shall be stated in the application to purchase.

SEC. 82. Any person who is an applicant to purchase any tide lands may appeal from any finding or decision of the board of state land commissioners as to the prior right to purchase such tide lands or any part thereof, which appeal shall be to the superior court of the county in which such tide lands are situate. Such appeal shall be taken by the party desiring to appeal serving upon the party in whose favor said decision and determination is made, and also upon all other parties who have appeared in the contest before said board, or upon their attorneys, a notice in

writing that he appeals from said decision and determination to the said superior court, which said notice of appeal must be served as aforesaid, and together with the proof or admission of service indorsed thereon or attached thereto, must be filed with the said board of state land commissioners within thirty days from and after said decision and determination is filed in writing or entered in the records of said board of state land commissioners. At the time of filing such notice of appeal, or within five days thereafter, the party appealing shall also file with said board a bond in the penal sum of two hundred dollars, payable to the adverse party, executed by the appellant and two or more sureties, who shall justify as bail upon arrest; which bond shall be conditioned that the party appealing shall pay all costs that may be awarded against him on the appeal or on the dismissal thereof, and shall be approved by the secretary of said board. Within ten days after said notice of appeal and proof of service has been filed with said board as aforesaid, said board shall prepare and certify under the hand of its secretary and the seal of such board, a true copy of all the pleadings and papers and record entries connected with said contest, except the evidence used in said contest before said board, to the clerk of the superior court of the county to which said appeal has been taken. The hearing and trial of said appeal in said court shall take place *de novo* before the court without a jury, upon the pleadings so certified. The court or judge, for cause deemed satisfactory, may order the pleadings to be amended. The cause shall be tried and determined and judgment rendered in the same manner as if such cause had been commenced before said court, in accordance with the rules of law and evidence governing the trials of causes in said court so far as the same are applicable. Should judgment be rendered against the party so appealing, the costs on appeal shall be taxed against him, and the sureties on the appeal bond shall be included in the judgment, and execution may issue from said superior court for the collection thereof. Any party feeling himself aggrieved by the judgment of said court, may appeal therefrom to the supreme court of the state in the same

Appellant
to file bond.

Contest proceedings certified to superior courts.

Costs.

Appeals.

manner and within the same time as is now or may hereafter be provided by law for appealing from judgments in actions at law to such supreme court. Unless an appeal be taken within the time aforesaid from the judgment of said superior court, the clerk of said court shall certify under his hand and seal of such court, a true copy of such judgment to the commissioners of public lands, which judgment shall thereupon have the same force and effect as if rendered by said board.

SEC. 83. The board of state land commissioners shall exercise such supervisory control over the oyster lands as may be given it by the laws of the state.

SEC. 83½. When tide land of the third class is separated from the upland by navigable waters, and thereby no person or persons have a preference right to purchase the same, then any person or persons may make application at any time to purchase such third class tide lands in the manner and upon the terms in this act provided for the sale of tide lands of the second class.

SEC. 84. The board of state land commissioners shall have the power to lease the right to build and maintain wharves, docks and other structures upon or within any harbor line area abutting upon tide lands which have been sold, or which may hereafter be sold or leased as provided in this act, for a term not exceeding thirty years, upon such covenants and conditions as the board shall prescribe. The said board, in any and all such leases, shall reserve to the State of Washington the right to regulate, either under rules of the board or legislative enactment, or by both methods, the rates of wharfage, dockage and other tolls to be imposed by the lessee upon commerce for any of the purposes for which said leased area may be used, and the right as above mentioned to prevent extortion, discrimination and exclusive privileges. Said board shall require a bond with sufficient surety, to be approved by the board, in such sum as may be prescribed by the board, conditioned for the faithful performance by the lessee of all the terms and conditions of the lease under such rules and regulations as the board may prescribe. The said board shall have power at any time to summon sureties upon any

Oyster lands.

Right to build docks, when granted.

Commissioners to regulate tolls.

Bond required of lessees.

bond and to examine into the sufficiency of the bond, and if found by the board to be insufficient the board shall require the lessee to file a new and sufficient bond within thirty days after receiving notice from the board, under penalty of immediate forfeiture of the lease. The board shall have power to annul or cancel any lease upon a breach of its conditions by the lessee. The state hereby reserves the right to cancel any and all leases upon payment to the lessee of the value of his improvements made on any leased area: *Provided*, That this section shall not be held to apply to the cancellation of leases by the board for fraud or breach of any covenants of the lease or failure to file and keep a good and sufficient bond with said board; but in all such cases the improvements, if any, shall become the property of the state. Any lessee desiring to erect any wharf, dock or other structure upon any such leased area shall prepare and file with the said board plans and specifications of such proposed improvement and showing its proposed location on the leased area, and no such wharf, dock or structure shall be constructed until such plans, specifications and location shall be approved by said board. There shall not be any artificial filling in of such area or any deposit of rock, earth, ballast, refuse, garbage or other matter within such area, except as may be provided by law, or upon approval in writing by said board. If the person, association or corporation having the preference right to lease any of the harbor line areas does not exercise such right within such time as may be prescribed by the board and under its rules and regulations, then the said board may, in its discretion, provide for the leasing of such harbor area to the highest and best bidder: *Provided*, That the board may reject any and all bids, when in its judgment the sum bid is too low. The rent derived from such leases shall be paid into the state treasury under such regulations as the state board may prescribe, and shall constitute a fund to be used as the legislature shall direct: *Provided*, That after the expiration of one year, if the parties who have leased any of said areas do not commence to build wharves, docks or make such other improvements

Right to cancel, when.

Lessees to submit plans.

Restrictions.

Rent, disposition of.

as provided in this act, the board may cancel the lease and release the same under the provisions of this act.

SEC. 85. In leasing harbor line areas the owner or lessee of the tide lands abutting the portion of the harbor area sought to be leased, shall have a preference right to lease said areas under the conditions prescribed in the next preceding section.

Lessees, prior right of.

SEC. 86. The said board of state land commissioners are hereby authorized to establish harbor lines under the provisions of article xv of the constitution of the state, where the same have not already been established, and the said board shall have all necessary authority to carry into effect the powers herein granted.

Harbor lines, commissioners to establish, when.

SEC. 87. Whenever it appears that the inner line of any harbor area heretofore located has been so established as to overlap or fall inside the government meander line, or for any other good cause, said board are empowered to relocate and re-establish said inner line and any tide lands lying between such inner line so erroneously established and outside of said meander line, and said inner line so re-established and re-located may be sold as other tide lands of like class in accordance with the provisions of this act.

Relocation of lines, when made.

SEC. 88. That whenever there does not exist in this state any other commission or person authorized by law to carry into effect the act of congress approved August 18, 1894, relative to arid irrigable lands, the board of state land commissioners shall have and exercise all powers necessary for securing to the state the grant of land referred to in said act of congress, and the necessary expenses of said board or any of its members, whether for traveling expenses or for materials, or for clerical, expert or other assistance, shall be audited by the state auditor, on vouchers properly authenticated by the board, and shall be paid by the state treasurer out of any moneys in the state treasury not otherwise appropriated, not to exceed \$2,000.

Arid lands, commissioners to control, when.

SEC. 89. The state board of land commissioners shall, from the date of the assumption of its official duties, possess and exercise over all the lands and areas of the state all the authority, power and functions and perform the duties which the present board of state land commissioners

Commissioners, general powers of.

now possess, and is hereby constituted its successor, and all the provisions of law applicable to said board not inconsistent with the provisions of this act are hereby made applicable to the board created by this act; and said board is made the successor of the boards of local tide land appraisers and shall succeed to all their duties, and all provisions of law applicable to them and not inconsistent with this act are hereby made applicable to said board of state land commissioners: *Provided*, That this act shall not apply to or affect the right and duty of said local boards to complete such work upon tide lands of the first class as they be now actually engaged upon, which they shall complete forthwith, and upon filing their maps and plats with said board, they shall deliver to the state all books, records, abstracts, maps, plats, papers, accounts, implements, furniture and all other state property under their control, respectively: *Provided further*, That the office of the board of state land commissioners shall be in the office of the commissioner of public lands and one of the clerks in said office shall be the secretary of the board, and all books, records, plats, papers and other documents shall be kept in said office.

Commissioners, office of, where located.

Commissioners to expend certain moneys, when.

SEC. 90. Said board of state land commissioners shall have full power and authority to expend the moneys appropriated under an act entitled "An act relating to the improvement of harbors and waterways of the State of Washington," approved March 10, 1891; and all powers vested by the act last mentioned in the harbor line commission therein mentioned, are hereby transferred to and devolved upon said board of state land commissioners hereby created, and said board is hereby authorized to draw warrants upon the state treasurer against the harbor improvement fund of the proper city for the amounts of all expenditures made by them in the improvement of harbors in pursuance of said act last mentioned, or of any law in force for the time being, and are hereby vested with all powers and authority necessary to carry into effect the full intent and purpose of said act, and of all provisions of law relative to the improvement or leasing of harbor areas; and the necessary and actual expenses of the said board or

any of its members, in discharge of such duties, whether for traveling expenses or for materials, or for clerical, expert or other assistance, shall be audited by the state auditor on properly authenticated vouchers, and paid by the state treasurer on the warrant of the said auditor out of said harbor improvement fund.

SEC. 91. When any state lands are sold by the board upon which improvements have been made of a character which give a preference right to purchase under this act, if the said party having the preference right to purchase any of the state lands by reason of any such improvements does not become the purchaser, then the purchaser of any such state lands shall pay to the owner of any such improvements, the fair and reasonable value thereof, in addition to the amount paid to the state for any lands purchased, and any such purchaser shall not be entitled to the possession of any such land upon which such improvements have been made until he has paid the owner thereof for the improvements. If the owner of the improvements and the purchaser cannot agree upon the price to be paid for such improvements, the board of state land commissioners shall determine the value thereof, under its rules and regulations.

Purchasers to pay for improvements.

SEC. 92. The said board is hereby empowered to accept, in the name of the State of Washington, by deed of sale or gift, or by operation of law, any or all lands of whatsoever nature, and said lands shall be inspected, appraised, managed, leased or sold in the same manner as is prescribed herein for granted lands, and the proceeds of the lease or sale of all such lands shall be converted into the general school fund in the manner prescribed by law, or shall be applied to such specific purpose as may be prescribed by any grantor or testator. This section shall apply especially to all lands that are or may be escheated to the state.

Commissioners to accept lands transferred to the state.

SEC. 93. In all hearings pertaining to the public lands of the State of Washington, or any part thereof, as provided by this act, the board of state land commissioners shall, in their discretion, have power to issue subpoenas and compel thereby the attendance of witnesses at such time and place as may be fixed by the board, to be stated

Commissioners to issue subpoenas and compel attendance.

in the subpœna, and to conduct the examination thereof. Said subpœnas may be served by the sheriff of any county, or by any other officer authorized by law to serve process, or by any person over the age of twenty-one years, competent to be a witness, but who is not a party to the matter in which said subpœna is issued. Each witness subpœnaed by the board as witness on behalf of the state shall be allowed the same fees and mileage as provided by law to be paid witnesses in courts of record in this state, said fees and mileage to be paid by warrants on the general fund. And any person duly served with a subpœna, as herein provided, and who shall fail to obey the same, without legal excuse, such failure to obey shall be considered a contempt, and the board shall certify the facts thereof to the superior court of the county in which such witness may reside, and upon legal proof thereof said witness shall suffer the same penalties as are now provided in like cases in the courts of this state, as prescribed in section 1655 of the second volume of Hill's Annotated Statutes and Codes of the State of Washington: *And it is further provided,* That the certificate of the board shall be considered by the court as *prima facie* evidence of the guilt of the party charged with contempt.

Witness fees.

Plats and field notes to be filed with commissioner of public lands.

SEC. 94. All maps, plats and field notes of surveys required to be made by this act shall, after approval by the state board, be deposited and filed in the office of the commissioner of public lands, and all maps, plats and field notes now filed with the board of state land commissioners shall be by them deposited with the commissioner of public lands, who shall keep a careful and complete record and index of all maps and plats in his possession in a well bound book, which shall at all times be accessible to the public, and the said commissioner of public lands shall at any time, upon the order of the board of state land commissioners, submit to them an abstract of or report upon any such records in his department without fee or other charge.

Commissioners to assume functions of cruisers and appraisers, when.

SEC. 95. The duties herein prescribed to be performed by the state land cruiser, the state land appraisers, or the county auditors, may, in the discretion of the board, be

performed by any member or members of the board under order of the board, and the state land cruiser may by [be] ordered by the board to do the work of the public land appraisers, who may, also, be ordered to assist the state land cruiser.

SEC. 96. That all notices, orders, contracts, certificates, Seal. rules and regulations, and other documents or papers made and issued by or on behalf of the board of state land commissioners, or the commissioner of public lands, shall be authenticated by a seal whereon shall be the vignette of Washington, with the words "seal of the commissioner of public lands, State of Washington."

SEC. 97. That the commissioner of public lands, for services performed by him as such, may charge and collect the following fees: (1) For a copy of any document or paper on file in his office, fifteen cents per folio; (2) for affixing a certificate and seal, fifty cents. (3) for each contract of sale or grant issued, if for one quarter section or less, one dollar; (4) for each copy of the plat of township, or any portion thereof, two dollars. All transcripts under the hand and seal of the said commissioner and otherwise duly authenticated, shall be received in evidence in any court of this state. Commissioner's fees.

SEC. 98. That the commissioner of public lands shall Fee book. keep a fee book, in which must be entered all fees received by him, with the date paid and the name of the person paying the same, and the nature of the services rendered for which the fee is charged, which book must be verified quarterly by his affidavit entered therein; and all fees so collected by him shall be paid into the state treasury quarterly, and the receipt of such treasurer taken, to be retained in the office of said commissioner of public lands as a voucher.

SEC. 99. That said board be and it is hereby directed Trespasses. and empowered to investigate all trespasses on and damage to state lands and prosecute the same under the law; that said board shall also appear before the United States land offices in all cases involving the validity of the selections of any of the state's granted or school lands, and shall be authorized and empowered to summon witnesses and pay

necessary witness fees and clerical hire in such contested cases.

Attorney
general,
duty of.

SEC. 100. In all cases of contest or appeal arising under the provisions of this act and to which the state may be a party, it shall be the duty of the attorney general to appear for and represent the interests of the state when directed so to do by the board.

Liability for
removing
timber from
public lands.

SEC. 101. Any person, firm, corporation or association cutting or removing, or causing to be cut or removed, any timber growing or being upon any state, school or granted lands, or manufacturing the same into logs, bolts, shingles, lumber or other articles for domestic use or commerce, shall be liable to the State of Washington in treble the value of the timber or other articles so cut or removed, to be recovered in a civil action; and, moreover, shall forfeit all interest in and to the article into which said timber is manufactured.

Commission-
ers, right
to review.

SEC. 102. That the board of state land commissioners shall have the right to review and to reconsider any of its official acts relating to lands of the state until such time as a lease or contract for purchase of any of said lands shall have been made, executed and signed by the commissioner of public lands or by the board itself.

Vested rights
confirmed,
when.

SEC. 103. This act shall not be construed to affect any vested right in any of the public lands as herein defined of any person, firm or corporation, acquired under existing laws, or any preference right of purchase, but the same are hereby confirmed, subject only to such rules and regulations for the government of said rights as may be hereafter defined by the board of state land commissioners.

Publications.

SEC. 104. All notices directed to be published as in this act provided shall be published in such newspaper or newspapers within the state as the board of land commissioners may direct.

"Person"
defined.

SEC. 105. The word "person" as used in this act shall be construed to mean and include person, firm, association or corporation.

Repealed.

SEC. 106. An act entitled "An act for appraising and disposing of the tide and shore lands belonging to the State of Washington," approved March 26, 1890, an act entitled

“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,” approved March 10, 1891, and an act entitled “An act to provide for the creation of a state board of land commissioners, for the management and disposition of the public lands of the state, making an appropriation therefor, and declaring an emergency,” approved March 15, 1893, are hereby repealed, except as provided in this act; saving, however, and preserving all rights which have been acquired and all powers and privileges which have been conferred upon any person or educational institution by any act of the legislature.

SEC. 107. Whereas, under existing laws the state is sustaining great and irreparable loss in the appraisement, sale and disposition of its lands, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage.

Passed the senate March 13, 1895.

Passed the house March 13, 1895.

Approved March 26, 1895.