

(15) being an alleged extension of First street of the town of Ilwaco, upon such tide lands and over, along, through and across the tide lands situate between said tract number fifteen (15) and the harbor area in front of said town of Ilwaco: *Provided*, That if the said Ilwaco Railway and Navigation Company, its successors or assigns, shall cease to maintain and operate its railroad, and maintain its wharf, then, in that event, the rights and privileges granted under this act shall cease.

Passed the House February 26, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 16, 1897.

## CHAPTER LXXXIX.

[H. B. No. 224.]

### RELATING TO PUBLIC LANDS OF THE STATE.

AN ACT to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, 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 appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners; defining their duties, and making an appropriation therefor, and declaring an emergency.

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

SECTION 1. The commissioner of public lands, the secretary of state and the superintendent of public instruction shall constitute the board of appraisers, harbor line commission, and for the purpose of selection, appraisalment, sale or lease of school, granted and other lands, the establishment of harbor lines, lease of harbor area and selection and which have been granted, or may hereafter be granted to the State of Washington by the United States, and who, for the purposes of this act, shall be generally known and designated as the board of state land commissioners.

Board of state land commissioners; how constituted and duties.

Records of  
board, etc.

SEC. 2. Said board and commission shall keep a full and complete record of their proceedings in separate records, one relating to appraisement, sale, lease and selection of lands; one relating to harbor lines, harbor areas, tide and shore lands. A clerk in the office of the commissioner of public lands shall act as the secretary of said board and commissions, and their office shall be in the office of the commissioner of public lands, and all records relating to said board and commissions of public lands of the state shall be kept in the office of the commissioner of public lands, and shall be subject to public inspection.

Rules and  
regulations.

SEC. 3. Said board of state land commissioners shall make all rules and regulations for carrying out the provisions of this act, not inconsistent with law, and the commissioner of public lands shall act as chairman of said board and commissions.

Classification  
of public lands.

SEC. 4. 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, including arid lands.

(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) *Harbor Lines and Areas*: Such lines and areas as are described in article 15 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.

SEC. 5. All lands described in section four 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. Defining terms.

That the selection, inspection and appraisal of land as hereinafter provided for in this act may be made by one of the members of the said board or commission; but when it is deemed advisable and for the best interests of the state, the commissioner of public lands may employ two or more citizens of the state, familiar with such work, to personally inspect, appraise or select lands, harbor areas, etc. Inspection, etc., of lands.

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 or orchards, and also breaking that has been done prior to application for purchase or lease, 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. Improvements, how defined.

SEC. 6. The compensation of such inspectors so appointed by the commissioner of public lands shall not exceed four dollars per diem for time actually employed, and necessary expenses, which shall be submitted to the commissioner of public lands in an itemized and verified account, to be approved by the commissioner of public lands. Compensation of inspectors.

SEC. 7. Said state land inspectors shall, immediately upon their appointment, under the direction of the commissioner of public lands, inspect such unsurveyed lands Duties of inspectors.

or townships as the board may designate, with a view of determining whether it is desirable to have them reserved for the selection of lands to complete the grant of public lands to the state. They shall report the result of their 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.

Survey of townships.

How defrayed.

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.

Inspectors' bond and oath.

SEC. 8. The said state land inspectors, before entering upon their duties, shall each 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 their duties as such, to be approved by the commissioner of public lands, 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 land inspector for the State of Washington, in the selection, inspection and appraisal 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, or commission, or the commissioner of public lands, any information in relation to location, character and value of the public lands examined by me, or disclose to any one anything in relation to such public lands except to such board or commission or commissioner of public lands; 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 inspector may be authorized and commissioned by said commissioner of public lands to view, select and appraise lands as herein-after provided for.

SEC. 9. The said commissioner of public lands may instruct the said state land inspector 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 inspector shall also in timbered lands estimate the amount and value of the standing timber thereon and the value thereof after the timber is removed; he shall make a report thereof to the commissioner of public lands as amply and expeditiously as possible on blank lists to be furnished by said commissioner of public lands for that purpose; that said report shall be made under oath, to the effect that the inspector has personally examined the tracts mentioned in

Inspectors' duties and reports.

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. They shall also separately appraise all valuable material thereon, improvements, etc.

Lists of selected lands.

SEC. 10. 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.

Triplicate lists.

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 in the office of the commissioner of public lands. Said lists 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, then the commissioner of public lands is authorized to eliminate therefrom such lands: *And provided further*, Said commissioner of public lands or board of state land commissioners may decline to list any lands reported by the inspectors which may not by them be deemed desirable.

Penalty for disclosing information.

SEC. 10 $\frac{1}{2}$ . If any state land inspector knowingly or willfully shall make a false oath concerning the appraisement on said lands, or knowingly or willfully divulge anything, or give any information in regard to such land other than to the board of state land commissioners, or commissioner of public lands, he shall forthwith be removed from 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, or the commissioner of public lands, to prosecute him therefor.

SEC. 11. That any person or company may make written application to the board of appraisers for the appraisal and sale of any lands belonging to the state, 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 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 such deposit may be made in cash or by postoffice money order, but 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 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 said forfeited money to the credit of the general fund of the state.

That when, in the judgment of the board of appraisers or the commissioner of public lands, a sufficient number of applications have been received for the appraisal and sale of any lands belonging to the state, said commissioner of public lands shall cause any of such lands so applied for to be personally inspected and appraised as to its character, topography, agriculture, timber, coal, mineral, stone or rock quarries, or grazing; its distance from any city, town, railroad, river, irrigation ditch or other water ways, when irrigation is required, and fully report the same to said board or commissioner of public lands, together with the commissioner's or appraiser's 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 for lands granted for educational purposes: *Provided*, That no more than one

Applications  
for appraise-  
ment and sale.

Deposit.

Land, when  
and how  
classified.

Minimum  
price.

Maximum  
acreage.

Lands in cor-  
porate limits.

hundred and sixty (160) acres of any school or granted lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or town, or within two miles of the boundary of such incorporated city or town, where the valuation of such lands shall be found by appraisement to exceed one hundred dollars (\$100.00) per acre, shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel, and said board is hereby authorized to plat such lands into lots and blocks, and all plats shall be filed in the office of the commissioner of public lands: *Provided further*, That whenever application is made to purchase less than a section, the said commissioner of public lands may order the inspection of an entire section or sections.

Valuable  
material.

SEC. 12. That when applications are made for the purchase of timber, stone, fallen timber, hay or gravel, or other valuable materials situated upon public lands of the state, the same inspection shall be had as for application to purchase lands: *Provided*, That no standing timber or stone shall be sold for less than ten dollars per acre, and such timber, stone, hay and gravel may be sold separate from the land when, in the judgment of the board, it is for the best interest of the state to sell the same: *And provided further*, That the full purchase price of such valuable material shall be paid for in cash when sold separate from the land. That in every appraisement of land granted to this state the board of appraisers 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 separately 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 appraise-

Board of  
appraisers.

Damage  
and waste.



ment, 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 said board of appraisers: *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 appraisers, 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 appraisers 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 appraisers 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 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 appraisers: *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 state: *Provided further*, That in determining the value and nature of such improvements, the board is hereby authorized to compel by subpoena the attendance, swear and examine witnesses as to the cost and value of such improvements and the damage and waste as well.

Disposition of improvements.

SEC. 13. That immediately upon the appraisalment and

Certificate of appraisalment.

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 appraisalment showing in detail the facts reported in such appraisalment, 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 appraisalment and of the notice to the auditor, and that said board will allow the applicant thirty (30) days in which to show wherein such appraisalment 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.

Posting.

Public sale.

SEC. 14. That whenever the said board of appraisers 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 interests of the state. Such sales shall take place on the day advertised, between the hours of ten

Proof of publication.

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 [sold] 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 Method of sale. direction of the board of appraisers 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, or in cash 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 commissioner of public lands such certified check and a copy of the memorandum delivered to the purchaser: *Provided, however,* That the powers and duties By whom conducted. hereinbefore conferred or imposed upon county auditors may, any or all of them, be performed by any member of the board of appraisers or the commissioner of public lands when it is convenient and is deemed advisable by said board or the commissioner of public lands, but the commissioner 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.

That if any land offered for sale pursuant to the order Lands unsold re-offered. of the board of appraisers 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 this act, whenever any person shall apply to said board in writing, to have such land sold, and shall agree to bid at least 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, as provided for in making original application.

Confirmation  
of sale.

SEC. 15. That the member of the said board of appraisers, 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 appraisers, 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.

Terms of sale.

SEC. 16. That all state lands shall be sold on the following terms: One-tenth to be paid on the date of sale and one-tenth annually thereafter on the first day of March in each year until the full purchase price has been 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 in each year. 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 all 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

Coal lands,  
how sold.

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. That when the entire purchase price of any land shall have been fully paid, such fact shall be certified by the commissioner of public lands 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 state, with the seal of the state attached thereto, and shall be recorded in the office of the commissioner of public lands, and no fee shall be required other than the fee provided for in this act.

Patents or deeds.

SEC. 17. 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 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: *Provided*, All interest shall be computed from date contract is issued, 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 in 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 price and accrued interest has been paid. The contract provided for by this

Contracts of sale.

Interest from date of contract.

Forfeiture.

Contracts  
executed in  
duplicate.

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, with the seal of the state attached thereto. The commissioner of public lands may, as he deems advisable, extend the time for payment of principal and interest on the contract heretofore issued and contracts to be issued under this act.

Notice of de-  
linquency and  
extension  
of time.

SEC. 18. 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 commissioner on a satisfactory showing as above provided.

#### LEASE OF STATE LANDS.

Term of lease.

SEC. 19. That all school and granted lands of the State of Washington may be leased for a term of five years or less to the highest bidder at public auction in the following manner: Any person or persons desiring to lease any of such lands shall make application in writing to the commissioner of public lands of this state; each application shall be accompanied with a deposit equal to ten cents per acre for the lands so applied for, but in no case shall such deposit be less than \$10; such deposit shall be in the form of a certified check or certificate of deposit on some bank in this state, or may be paid in cash.

Application.

Deposit, dis-  
position of.

In case the lands so applied for shall be leased at the time they are offered for lease, then such deposit shall be returned to such applicant by the commissioner of public lands; but if the land shall not be leased when so publicly offered for lease, then such deposit shall be declared forfeited to the state and the commissioner of public lands shall pay the said deposit over to the state treasurer who shall place the same to the credit of the current school fund of the state.

Lists to county  
auditors.

SEC. 20. When, in the judgment of the commissioner of public lands, a sufficient number of applications have been

received from any one county, the said commissioner shall then certify a list of such lands so applied for, and any other lands he may deem advisable to offer for lease at the same time, to the auditor of the county in which such lands are situated; fixing the date when such lands shall be offered for lease and the character of the land, whether agricultural, pastoral or scab: *Provided*, The agricultural lands shall not be leased for less than ten cents per acre. Classification and minimum rent.

SEC. 21. Upon receipt of such list so certified, the county auditor shall proceed to post said list for a period of thirty (30) days prior to the date of leasing, in some conspicuous place in his office and elsewhere in the county, as the commissioner may direct. Posting.

SEC. 22. The person or persons leasing any of such lands, shall pay over to the county auditor the first year's rent, in accordance with his bid, which payment shall be in the form of a certified check or certificate of deposit on some bank in this state, or may be paid in cash; all rent thereafter shall be paid annually in advance to the commissioner of public lands. Yearly rental in advance.

SEC. 23. When any of such lands shall have been so leased by the county auditor, the said auditor shall at once proceed to certify a list of such lands to the commissioner of public lands, giving the name of the lessee, the postoffice address, term of lease, lease price per annum, amount paid on lease, and any other information required by the commissioner of public lands; the auditor shall also remit all moneys so paid to him on lease to the said commissioner, who shall pay the same over to the state treasurer, who shall issue his receipt in duplicate therefor; the original receipt to be sent to the lessee and the duplicate thereof to be kept in the office of commissioner of public lands: *Provided*, That lands held under lease shall not be offered for sale or sold except to the lessee if the lessee shall keep his lease in good standing. Returns of county auditors.

SEC. 24. Upon receipt of such certified list and moneys paid from the county auditor, the commissioner of public lands shall proceed to issue a lease to the lessee, upon a form to be prescribed by the attorney general. All leases shall be in duplicate, both to be signed by the lessee and Lessee's prior right to purchase.

Leases executed in duplicate.

by the commissioner of public lands on behalf of the state, with the seal of the commissioner of public lands attached thereto; the original lease to be forwarded to the lessee and the duplicate to be kept in the office of the commissioner of public lands.

Notice of delinquency and forfeiture.

SEC. 25. The commissioner of public lands shall keep a full and complete record of all leases so issued and payments made thereon, and 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 commissioner shall forthwith, if no response be had, declare a forfeiture of the lease, and may eject the lessee therefrom.

Bids, rejection of.

SEC. 26. The commissioner of public lands or the auditor may reject any and all bids when the interests of the state shall justify it: *Provided*, That if the commissioner of public lands or the auditor shall reject any such bid he shall forthwith return to the lessee any moneys paid, upon the return of any and all receipts issued to the lessee.

Contracts subject to forfeiture, when.

SEC. 27. All contracts issued by the State of Washington to purchasers of school or other lands which are found to be delinquent in payment of interest two years from time of first payment, and which have not been extended by law, shall be declared forfeited by the commissioner of public lands unless such delinquent interest shall be paid to the state in accordance with notice hereinafter provided; that the commissioner of public lands shall notify the holder of such contract in each instance where payment of interest is overdue, and that unless payment is made within six months from the date of said notice, his contract will be canceled and the land shall revert to the state.

Principal, extended to.

SEC. 28. The time for making payment of principal on any of such contracts where one-tenth or more of the purchase price has been paid is hereby extended to January 1, 1905: *Provided*, That all delinquent interest due is paid as stated in section 27 of this act and all interest falling due on such contracts thereafter is paid annually on the dates stated in such contracts.

If interest is paid.



SEC. 29. The owner of improvements placed on lands held under contracts from the state, where such contracts are forfeited to the state, shall have a preference right to lease any of such lands for a period of ninety days from the cancellation of such contracts by the state in the following manner:

Improver's preference right to lease.

The owner of such improvements shall make application in writing, certifying under oath as to the character and value of such improvements, for the lease of such lands, setting forth the amount bid for the lease of same, which bid shall be considered by said commissioner, and if deemed sufficient and to the best interest of the state to accept said bid, the said commissioner shall proceed to issue a lease to such bidder as provided in section 23 of this act upon receipt of the first year's rent in accordance with such bid: *Provided*, That if such lands are not leased as above provided in this section the same may be leased or sold as provided for the lease or sale of other school and granted lands.

Application to commissioners.

Conditions of bid.

SEC. 30. The prior lessee may, if he so desires, exercise the preference right to release at the highest rate bid: *Provided*, That the appraisalment of said lands shall be made once every five years, or oftener when deemed necessary: *And provided further*, That no land shall be appraised that has not first been formally applied for.

Lessee's prior right to re-lease.

SEC. 31. That improvements made upon school, granted and other lands by lessees from the state in cases in which the lessee yields his lease to the state prior to any application to purchase the lands 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 purchase or hire 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.

Removal of improvements.

SEC. 32. 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

Abstracts or tract books, how kept.

of section, lot or block, 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 to the land.

Non-mineral  
certificates.

SEC. 33. That the commissioner of public lands 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.

Logging  
right-of-way.

SEC. 34. 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.

Public road  
right-of-way.

SEC. 35. 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

How acquired.

approved by said board of appraisers, 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. Timber thereon.

SEC. 36. All appraisements of school and 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. Old appraisements void.

SEC. 37. 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. Funds, how kept.

SEC. 38. If any person shall cut down, destroy or injure any timber 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, earth or stone from such lands, or otherwise injure or damage such 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 Removing valuable material.

Penalty therefor.

who shall have complied with all the provisions of this act relating to such purchasers or grantees, and nothing in this section shall be construed to prevent prospecting by miners upon said state lands, or the removal of mineral therefrom for assaying purposes.

#### TIDE AND SHORE LANDS.

Tide and shore lands, classification.

SEC. 39. The tide and shore lands of the State of Washington, which are not reserved from sale by the constitution and laws of the state, shall be divided into two classes:

(1) Tide and shore lands of the first class, which shall comprise all tide and shore 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 tide and shore lands in the state not included in the above class shall be known as second class tide and shore lands, and shall be leased and sold as in the manner provided in this act.

Harbor line commission, its duties.

SEC. 40. It shall be the duty of the harbor line commission provided for in this act to survey, plat, examine and appraise any tide or shore lands of the first class not heretofore platted and appraised, and may establish harbor lines in front of incorporated cities and towns where such harbor lines have not been heretofore established under the provisions of art. xv of the constitution of this state.

Laying out streets, etc.

SEC. 41. In surveying tide or shore lands of the first class the said harbor line commission shall have power to act, 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*, That all alleys, streets, avenues, boulevards and other public thoroughfares heretofore located and platted on the tide or shore lands of the first class by boards of tide land appraisers or the board of state land commissioners are hereby validated as public highways and dedicated to the use of the public for the purposes for which they were intended, and no im-

prover, 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 commission 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, the 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 commission 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. Appraising.

SEC. 42. Said commission 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. Official plats or maps.

SEC. 43. When the said commission 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. Where deposited.

SEC. 44. The harbor line commission 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 situate that said plat and record describing it is complete and subject to inspection at the office of the commission 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 commission upon said land or any part thereof, may within Publishing.

Appeals, how taken.

sixty (60) days after the filing of such plats and records by said commission (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 on the harbor line commission, whose duty it shall be to immediately notify all interested.

Bond for costs on appeal.

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.

Upland owners' preference rights.

SEC. 45. The owner or owners of lands abutting or fronting upon tide or shore lands of the first class shall have the right for sixty (60) days following the filing of the final appraisal of the tide and shore lands with the commissioner of public lands to apply for the purchase of all or any part of the tide or shore lands in front of the lands

Improvers' exclusive right.

so owned: *Provided*, That if valuable improvements, and in actual use prior to March 26, 1890, for commerce, trade, residence or business have been made upon said tide or shore 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 ap-

Adjoining land necessary to improvements.

proved for the period aforesaid: *Provided*, That the owners of such improvements shall have the right in all cases to purchase, in addition to the tide lands covered by such improvements, unoccupied and unimproved tide lands adjoining such improvements sufficient for the necessary and convenient use and enjoyment of such improvements, and the right of the owner of such improvements to purchase such adjoining, unoccupied and unimproved tide lands as

may be requisite and necessary for the proper and convenient use of such improvements and business shall be prior and superior to that of the upland owner or others claiming under, by or through such upland owner, except in cases where, prior to the passage of this act, a contract for the sale of such unimproved tide land has been actually made by the state land commissioner with such upland owner. The owner of such improvements shall make application to the state land commissioner for leave to purchase such additional and adjoining tide lands, and set forth in his application the business, purpose and use for which said additional land is wanted, and which said land shall be fully described by metes and bounds, and an accurate plat of the same shall be attached to the application; and shall also show the land as surveyed and platted by the state with reference to the plat on file in the county where the tide land is situated. The commissioner of public lands shall advertise such application as required for applications to purchase tide lands of the second class in this act, and after hearing the case of the applicant, the harbor line commission shall determine the applicant's rights, but in no case shall such applicant be allowed more land than is necessary for the convenient and proper use of his improvements and business. All applications of such improvers for such additional tide land shall be filed with the commissioner of public lands on or before ninety days from the passage of this act.

Such application shall be in writing and filed with the commissioner of public lands within the sixty days preference right given upland owners and improvers. 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 applications 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 harbor line commission 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

Applications,  
how made.

Conflicts, hearing and determination of.

claims a preference right of purchase, and such statement shall be the only pleading required and will be deemed denied by all 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 from the appraisal or finding to the superior court, proceed to sell and dispose of said lands in accordance with such finding.

Conveyance  
of preference  
right.

SEC. 46. When the abutting upland owner has attempted to convey by deed to a *bona fide* purchaser any portion of the tide or shore 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 right so conveyed.

Unsold lands,  
how dis-  
posed of.

SEC. 47. Any tide or shore lands of the first class remaining unsold, and where there be no pending application for the purchase of same, shall be sold on the same terms and in the same manner as provided for the sale of school and granted lands: *Provided*, That none of such lands shall be sold for less than the appraised value heretofore fixed, or that may hereafter be fixed, on said lands; but when it is deemed advisable and for the best interest of the state, such lands may be reappraised in the same manner as provided for the appraisal and sale of school and granted lands.

Price of unap-  
praised lands.

SEC. 48. All tide and shore lands other than first class shall be sold at five dollars per lineal chain measured on the United States meander line bounding the inner shore limit of such tide or shore lands, and each applicant shall furnish a copy of the United States field notes, certified to by the surveyor general of the State of Washington, of



said meander line, with his application, and shall deposit one-tenth of the purchase price with his said application.

SEC. 49. Tide or shore lands of the second class which are separated from the upland by navigable waters, shall be sold at five dollars per acre; the applicant, at his own expense, shall survey and cause to be filed with his application a plat of the surveys of the land applied for. Such surveys shall be connected with, and the plat shall show, two or more connections with the United States survey of the upland. The applicant shall also file the field notes of the survey of said land with his application. The commissioner of public lands shall examine and attest said plat and field notes of survey, and if found incorrect or indefinite, he shall cause the same to be corrected or may reject the same and cause a new survey to be made. All applications for second class tide or shore lands shall be made in writing to the commissioner of public lands, and shall be advertised for a period of five weeks in some newspaper of general circulation published in the county where such lands are situated.

Detached  
tide lands.

SEC. 50. Tide and shore lands which have not been sold, and for which applications to purchase have not been theretofore filed and are pending, may be leased in the same manner as provided for the lease of arid lands: *Provided*, That when application is made for the lease of tide or shore lands of the second class, adjacent to upland, the same shall be leased per lineal chain frontage and the United States field notes of the meander line shall accompany each application as required for the sale of such lands: *And provided further*, When such lands are separated from the upland by navigable waters, each application shall be accompanied by the plat and field notes of survey of such land applied for as required when making application for the purchase of such lands.

Leased as  
other granted  
lands.

SEC. 51. All tide and shore lands, except as herein expressly provided, shall be sold upon the terms provided for the sale of school and granted lands, and within twenty days after the expiration of the sixty days limited in which to file applications for the purchase of tide or shore lands, the applicant shall pay to the commissioner of public lands

Sold as other  
granted lands.

one-tenth of the purchase price thereof, and thereupon the purchaser shall enter into a contract with the state as provided for the sale of school, granted and other lands 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 or shore land within sixty days, and no appeal is taken from the determination of the commission as to which person has the first right of purchase, then the findings of the commission 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.

Notice of  
award.

Appeal from  
board to su-  
perior court.

Notice and  
procedure.

SEC. 52. Any person who is an applicant to purchase any tide or shore lands may appeal from any finding or decision of the said commission as to the prior right to purchase such tide or shore lands or any part thereof, which appeal shall be to the superior court of the county in which such tide or shore 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 commission, 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 endorsed thereon or attached thereto, must be filed with the said harbor line commission within thirty days from and after said decision and determination is filed in writing or entered in the records of said harbor line commission. At the time of filing such notice of appeal, or within five days thereafter, the party appealing shall also file with said commission a bond in the penal sum of two hundred dollars, payable to the adverse party, executed by the ap-

Bond for costs  
on appeal.

pellant 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 chairman of said commission. Within thirty (30) days after said notice of appeal and proof of service has been filed with said commission as aforesaid, said commission shall prepare and certify under the hand of its secretary and the seal of such commission, 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 commission, 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 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 commissioner of public lands, which judgment shall thereupon have the same force and effect as if rendered by said commission.

Transcript  
on appeal.

Trial *de novo*  
and with-  
out jury.

Appeal to su-  
preme court.

Certification of  
judgment to  
commissioner.

SEC. 53. The harbor line commission shall have the power to lease the right to build and maintain wharves,

Harbor line  
areas, how  
utilized.

docks and other structures upon or within any harbor line area abutting upon tide or shore 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 commission shall prescribe. The said commission in any and all such leases, shall reserve to the State of Washington the right to regulate, either under rules of the commission 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.

Power to lease, regulate rates, etc.

Lessee's bond.

Said commission shall require a bond with sufficient surety, to be approved by the commission, in such sum as may be prescribed by the commission, conditioned for the faithful performance by the lessee of all the terms and conditions of the lease under such rules and regulations as the commission may prescribe. The said commission shall have power at any time to summon sureties upon any bond and to examine into the sufficiency of the bond, and if found by the commission to be insufficient, the commission shall require the lessee to file a new and sufficient bond within thirty days after receiving notice from the commission, under penalty of immediate forfeiture of the lease. The commission 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 commission for fraud or breach of any covenants of the lease or failure to file and keep a good and sufficient bond with said commission; but in all such cases the improvements, if any, shall become the property of the state.

Lessee's plans and specifications.

Any lessee desiring to erect any wharf, dock or other structure upon any such leased area shall prepare and file with the said commission 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 commission. 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 commission. 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 commission and under its rules and regulations, then the said commission may, in its discretion, provide for the leasing of such harbor area to the highest and best bidder: *Provided*, That the commission 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 commission may prescribe, and shall constitute a fund to be used as the legislature may 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 as provided in this act, the commission may cancel the lease and re-lease the same under the provisions of this act.

SEC. 54. In leasing harbor line areas the owner or lessee of the tide or shore lands abutting the portion of the harbor line area sought to be leased shall have a preference right to lease said areas under the conditions prescribed in the next preceding section.

Abutting holder's preference right to lease.

SEC. 55. Whenever it appears that the inner line of any harbor areas heretofore located has been so established as to overlap or fall inside of the government meander line, or for any other good cause, said commission is empowered to relocate and reestablish said inner line so erroneously established and outside of said meander line, and said inner line so reestablished and relocated may be sold as other tide lands of like class in accordance with the provisions of this act. And any owner of upland having improvements situated on the tide lands in front of and abutting on said upland, not being tide lands of the first class, shall have a

Power to relocate inner harbor lines.

Improver's rights.

preference right to purchase said tide lands at five dollars (\$5) per lineal chain measured along the United States meander line until July 1, 1897, whether applications have been filed or contests exist therefor or not: *Provided*, That this act shall not apply to tide lands sold or conveyed by contracts or patents already issued.

Present board  
successor  
of old.

SEC. 56. 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 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.

Power to ex-  
pend harbor  
improvement  
fund.

SEC. 57. Said harbor line commission 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 in and devolved upon said harbor line commission provided for in this act, hereby created, and said commission 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 commission 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. 58. The said board of state land commissioners 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.

Board may accept lands by gift, etc., on behalf of state.

SEC. 59. 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 in the subpoenas, and to conduct the examination thereof. Said subpoenas 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 subpoena is issued. Each witness subpoenaed 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 subpoena, 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 such witness shall suffer the same penalties as are now provided in like cases in the courts in 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.

Board empowered to issue subpoenas, etc.

Service, how made.

Can punish for contempt.

Commissioner  
custodian of  
all maps and  
records.

SEC. 60. All maps, plats and field notes of surveys required to be made by this act shall, after approval by the state board or commissioner of public lands, 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 well bound books, which shall at all times be accessible to the public.

Commissioner's  
seal.

SEC. 61. That all notices, orders, contracts, certificates, rules and regulations, or other documents or papers made and issued by or on behalf of the board of appraisers or commissions provided for in this act, 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:" *Provided*, Where improvements have been made on tide lands or lands under water in front of towns or cities, prior to the location of harbor lines in such towns or cities, by the state board of harbor line commissioners, and the reserved harbor area as located includes such improvements, no distraint or sale of such improvements for taxes shall be had until six months after said lands shall have been leased or offered for lease from or by such board, as shall be authorized by law to execute leases of tracts embraced within the reserved harbor area of the state: *Provided*, That this act shall not apply to any tract or tracts that said board shall decide not to lease or otherwise dispose of, and shall not affect or impair the lien for taxes on said improvements.

Harbor area  
improvements  
exempt from  
taxation,  
when.

Commissioner's  
fees.

SEC. 62. 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, one dollar; (3) for each contract of sale or deed 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 commissioner, and otherwise duly



authenticated, shall be received in evidence in any court of this state.

SEC. 63. That the commissioner of public lands shall 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 monthly by his affidavit entered therein; and all fees so collected by him shall be paid into the state treasury monthly, and the receipt of such treasurer taken, to be retained in the office of said commissioner of public lands as a voucher.

Their disposition.

SEC. 64. That said board of land commissioners be and it is hereby directed 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.

Board's action in trespass cases.

SEC. 65. 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 of appraisers, harbor line commission, arid land commission or commissioner of public lands.

Duties of attorney general.

SEC. 66. 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.

Removing valuable material, penalty.

SEC. 67. That the board of appraisers or commissions, or commissioner of public lands, shall have the right to

Board's power to review and reconsider official acts.

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.

SEC. 68. 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 or finding by the board of state land commissioners under existing laws, or cases now pending before said board or in the courts, 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.

Investment of school funds.

SEC. 69. That whenever there shall be in the state school fund applicable to investment the sum of five thousand dollars or more, the board of state land commissioners may invest the same in national, state, municipal or other 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 or warrants purchased shall be deposited with the state treasurer, and thereupon the duties and powers of the board of state land commissioners, as to their duties to such funds or securities, shall cease, and the state auditor is hereby authorized to draw his warrant on said school fund for the amounts so purchased.

Repealing section.

SEC. 70. 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 an act of congress approved February 22, 1889, for the purpose of the erection of public buildings and the penitentiary, the use and support of agricultural, scientific and normal schools and state charitable, penal and reformatory institutions, also providing for the 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; an act entitled "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," approved March 26, 1895; an act entitled "An act accepting the terms of the act of congress, approved August 18, 1894, providing for the reclamation, settlement and disposition of the one million acres of arid land granted therein, making appropriation therefor, and declaring an emergency," (excepting section one of said last mentioned act), approved March 22, 1895, are hereby expressly repealed; an act entitled "An act relating to the improvement of harbors and waterways in the State of Washington, and providing funds therefor," approved March 10, 1891, is hereby repealed.

SEC. 71. Whereas, under existing laws the state is sus- Emergency.  
taining great and irreparable loss in the appraisalment, sale, lease 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 and approval by the governor.

Passed the House March 1, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 16, 1897.