

CHAPTER CII.

[H. B. No. 331.]

FOR DISSOLUTION OF IRRIGATION DISTRICTS.

AN ACT providing for the dissolution of irrigation districts and the liquidation of their indebtedness.

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

SECTION 1. Any irrigation district organized and existing under the laws of the State of Washington may be dissolved and its indebtedness liquidated in the manner in this act provided.

Bonds
outstanding.

SEC. 2. If there are bonds of such district outstanding, the written consent of at least two-thirds in amount of the holders of all such bonds must be filed with the county auditor of the county in which such district is situated, consenting to such dissolution, which consent shall be acknowledged before some officer authorized by the laws of this state to take the acknowledgement of deeds, and recorded in the records of deeds of said county.

Petition.

SEC. 3. Whenever the consent of two-thirds in amount of such bondholders has been filed, as in this act provided, a petition signed by at least one-third of the freeholders in said district, who shall be qualified electors thereof, reciting the fact that said consent has been filed, and praying that said district be dissolved under the provisions of this act, shall be delivered to the county auditor of such county.

Duty of
county com-
missioners.

SEC. 4. Upon the filing of the written consent of the bondholders and the petition signed by the qualified electors, as provided in the last two sections, it shall be the duty of the board of county commissioners of such county at their next regular session, or at that time, if then in session, to call an election for the purpose of submitting to the voters of said district the question whether the district shall be dissolved under the provisions of this act. Such election shall be held upon like notice and conducted in like manner, as other elec-

tions under the irrigation district laws of this state, and the form of the ballot shall be "For dissolution—Yes" "For dissolution—No," and no person not a qualified elector under the general election laws of this state and a freeholder residing within said district shall be deemed a qualified elector under the provisions of this act.

SEC. 5. Said board of county commissioners, at the Election. time of calling such election, shall designate and appoint the proper officers to conduct the same, and shall direct the county auditor to sign and post notices of such election for the time and in the manner in said election district laws provided.

SEC. 6. The officers conducting such election shall Returns. make returns thereof to the county auditor of the county in which such district is situated within ten days after such election, and the board of county commissioners of said county shall at the first meeting to be held thereafter canvass the vote of such election, and if a majority of the voters voting thereat shall vote in favor of dissolution it shall be the duty of all officers and persons having in their possession any of the books, records, documents, or proceedings appertaining to such district, to deliver the same, on demand, to the county auditor of the county in which such district is situated.

SEC. 7. As soon as such books and other records and Duty of county auditor. proceedings shall come into the possession of such county auditor it shall be his duty forthwith to certify under his hand and seal, and deliver to the county clerk of his county, a transcript of the proceedings before the board of county commissioners, and shall accompany the same with a statement of all indebtedness against said district so far as the same appears on the books and records of the same.

SEC. 8. Upon the filing of such statement and certificate the clerk shall docket the proceedings entitled Duty of county clerk. "In the matter of the dissolution of irrigation district," and the superior court shall thereupon make an order directing the clerk to give notice that such

statement has been filed in his office, which notice shall continue [contain] a general statement of the nature of the proceedings, and shall notify all persons having claims against said district to present the same for allowance and approval on or before a day in such notice to be specified. And all claims not presented and filed in said court on or before such date shall be forever barred. Such notice shall be published in some newspaper published in said county once a week for at least six weeks immediately preceding the date fixed for such hearing.

Hearing.

SEC. 9. At the time fixed for such hearing, or at any other time to which such hearing may be adjourned, if satisfied that the provisions of this act have been complied with, the court shall proceed to determine the validity of all claims and demands against said district, together with the amount thereof. No claim or debt which is barred by the statutes of limitations shall be approved or allowed. Such irrigation district, or any other person deeming himself aggrieved by the final judgment allowing or rejecting any claim, may appeal to the supreme court within ten days from the entry of such final judgment, but not thereafter.

Order of court.

SEC. 10. If no appeal be taken from such judgment or if the judgment appealed from be affirmed, the court shall thereupon appoint a master who shall forthwith give notice that the property of the district, its rights and franchises, will be sold pursuant to an order of the court directing such sale: *Provided, however,* That such sale shall not include any property within said district which has been sold for taxes or other assessments in said district. A certified copy of such order shall be delivered to such master as his authority in the premises. Such notice of sale shall be given in like manner and for the same time as a notice of sale of real property on execution, except that it shall not be deemed necessary to post any copy of such notice. Said sale shall be made at public auction at the front door of the court house in such county, and may be adjourned from time to time, not exceeding three

Sale

weeks in all, by public proclamation made at the time and place of sale, or the time from which the same may have been previously adjourned. Such master is authorized to receive in payment of the purchase price any securities or obligations of such district, the validity of which has been established by the previous judgment of the court, as herein provided; such securities or obligations to be accepted at their face value and no bids shall be accepted, and no sale of said property shall be made for a less sum than the amount of bonded indebtedness of such district, including all accrued interest.

SEC. 11. Said master shall thereupon make return of his proceedings and file the same with the clerk of the court, and if the court is satisfied that such sale was fairly conducted, it shall make an order confirming and approving the same, and upon such confirmation such master shall execute and forthwith deliver to the purchaser or purchasers at said sale a good and sufficient deed of conveyance, and such deed, when so executed, shall be operative, and shall convey to the purchaser at said sale the property, rights, franchises and privileges of such district, as hereinbefore described, clear and free from any claim or lien in favor of such district or its creditors, and shall entitle the purchaser to the immediate possession of the property so purchased.

SEC. 12. As soon as such sale is made and confirmed, it shall become the duty of the board of county commissioners of the county in which the district is situated, to levy an assessment for the purpose of liquidating all outstanding indebtedness of such district, exclusive of the bonded indebtedness herein provided, on all the property within the district, subject to assessment under the general irrigation district laws of the state, which indebtedness shall be ascertained by reference to the judgment of the court as herein provided. In levying such assessments the board of county commissioners shall be governed as near as may be by the general irrigation district laws, except

as herein otherwise provided. The county assessor shall, under the direction of the board of county commissioners, prepare an assessment roll of the lands in said district from the last assessment roll of the county, for state and county taxes. The board of county commissioners shall equalize the same, after giving like notice and in like manner as the board of directors of irrigation districts are required to do. The county auditor shall perform the same duties as are now devolved by law on the secretary of irrigation districts, and the county treasurer shall be *ex-officio* treasurer and collector thereof. In all other respects such tax shall be collected as under the general irrigation district laws of the state.

Equalization.

Order
dissolution

SEC. 13. As soon as the sale is confirmed as herein provided, the court shall make an order dissolving the irrigation district, a certified copy of which shall be recorded in the office of the county auditor of the county in which such district is situated; and from and after the filing of such order said district shall cease to exist, except for the purpose of the collection of its indebtedness; and all papers, records and proceedings appertaining to the same shall be turned over to the county auditor of the proper county, and all bonds and other obligations of the district shall be cancelled as soon as paid.

Passed the House March 2, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

CHAPTER CIII.

[H. B. No. 506.]

POWERS OF CITIES OF FOURTH CLASS.

AN ACT relating to the powers of cities of the fourth class, and declaring an emergency.

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

SECTION 1. Cities of the fourth class are hereby given the power to establish fire limits with proper regula-