

ducts, pipe lines, dams, water works or other necessary structures and storing and retaining water as above provided, such city or town shall have the right to occupy and use the beds and shores up to high water mark of any such water course or lake: *Provided*, That no such dam or other structure shall impede, obstruct or in any way interfere with public navigation, or other public uses of such lake or water course: *Provided*, That should private property be necessary for any such purposes or for storing water above high water mark, such city or town may condemn and purchase or purchase and acquire such private property.

Passed the House February 27, 1899.

Passed the Senate March 9, 1899.

Approved March 14, 1899.

CHAPTER CXXIX.

(H. B. No. 335.)

RELATING TO PUBLIC LANDS.

AN ACT to amend section 12 of an act entitled "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," approved March 16, 1897.

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

Amendment.

SECTION 1. That section 12 of an act entitled "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 com-

missioners, 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," approved March 16, 1897, being chapter 89, Session Laws of 1897, be and the same is hereby amended to read as follows: 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 the appraised value, 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 interests 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 appraisement, 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 appraisement 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 fur-*

Application to purchase timber, stone, etc.

May be sold separate from the land.

Purchase price.

Appraisers

Appraise-ment.

ther, 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 of, swear and examine witnesses as to the cost and value of such improvements and the damage and waste as well.

Passed the House February 27, 1899.

Passed the Senate March 9, 1899.

Approved March 14, 1899.