

CHAPTER CLXXIII.

[S. B. No. 248.]

GRANTING RIGHTS-OF-WAY TO RAILROAD COMPANIES
OVER STATE LAND.

AN ACT granting rights-of-way to railroad companies over the lands of the State of Washington, and providing for the appraisement and disposition of the lands included within and used for such rights-of-way, and declaring an emergency.

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

SECTION 1. That a right-of-way through, over and across the public lands of the State of Washington, except tide lands, harbor areas and shore lands, is hereby granted to any railroad company duly organized under the laws of any state or by the Congress of the United States to any extent not exceeding fifty feet on each side of the center line of said railroad now constructed or hereafter to be constructed. In order to obtain the benefits of this grant as to any railroad hereafter to be constructed, the company constructing or proposing to construct such road shall file with the Board of State Land Commissioners a copy of its articles of incorporation, due proofs of organization thereunder, a map or maps accompanied by the field notes or the survey and location of the line of said railroad, and shall pay to the state as hereinafter provided the amount of the appraised value of said lands affected by, used for or included within said right-of-way. In order to obtain the benefits of this grant as to any railroad now constructed, the company owning such road shall file with the Board of State Land Commissioners a list of the lands affected by, used for or included within such right-of-way, and shall pay to the state as hereinafter provided the amount of the appraised value of said lands affected by, used for or included within said right-of-way.

Tide lands
excepted.

Steps to be
taken.

Benefits of
grant—how
obtained.

SEC. 2. That all lands of this state over which a right-of-way of any railroad company may now or hereafter be located shall be classified and appraised as herein-

Classification
and appraisal.

after provided, and the State Board of Land Commissioners shall constitute and serve as the board of appraisers mentioned in section 2 of article XVI of the constitution of this state.

SEC. 3. That upon the filing of said list or maps by said company as herein provided, said Board of State Land Commissioners are hereby authorized and directed to ascertain and classify the lands affected by, to be used for and included within the aforesaid right-of-way, and shall thereupon fix the price per acre for each lot or block, quarter section and subdivision thereof, less the improvements, if any, so affected by, used for and included within said right-of-way, which price shall be the full market value thereof but not to be less than ten dollars per acre.

SEC. 4. That should any improvements made as of right and with license from the State of Washington be upon any of such lands at the time of said appraisalment, the state board shall separately appraise the same together with the damage and waste done to said lands by the use and occupancy of the same or to adjacent lands and after deducting from the amount of the appraisalment for improvements the amount of such damage and waste the balance shall be determined and regarded as the value of said improvements, and the railroad company if not the owner of such improvements shall deposit with the State Treasurer through the Commissioner of Public Lands the value of the same as [shown] by said appraisalment within thirty days next following the date thereof. That where said right-of-way affects the improvements of any person other than [the person] owning said improvements or entitled thereto under existing law the applicant for said right-of-way shall file with the Commissioner of Public Lands a valid release of damages duly executed by such person or persons, or a certified copy of a judgment of a court of competent jurisdiction showing that the damages resulting to such person or persons, ascertained in accordance [accordance] with existing law, has been made or paid into the registry of such court.

Land Commissioners to fix price per acre, to be not less than \$10.

Improvements to be appraised separately.

Deposit.

When improvements affected by right-of-way.

SEC. 5. When said appraisalment is made it shall be recorded in the proceedings of said Board of State Land Commissioners and the evidence or report upon which the same is based shall be preserved of record in the office of the Board of State Land Commissioners and the Commissioner of Public Lands shall prepare a certificate of said appraisalment in duplicate, one of which he shall file in his office and the other transmit to the auditor of the county in which the lands affected by said rights-of-way are located; and shall send a notice to the railroad company availing itself of the provisions of this act that such appraisalment has been made. The board of county commissioners of any county where the said right-of-way is situate shall be forthwith served with notice of appraisalment. A copy of said appraisalment shall be forthwith filed with the board of county commissioners of any county in which the land is situated.

Record of appraisalment.

Service of notice.

Copy filed with county commissioners.

SEC. 6. Within thirty days after the appraisalment of said lands, as aforesaid, the board of county commissioners of any county in which the right-of-way is situate, or any person, company or corporation may appeal from the same to the Superior Court of the county in which the right-of-way affected by the appeal is situate; but if the applicant is the party appealing, he or it must deposit the amount of the appraisalment in the registry of the court to which the appeal is taken. All appeals shall be heard and determined by the court *de novo*. The taking of an appeal shall not prevent the use of the land affected thereby for right-of-way purposes during the prosecution of the appeal. All costs on appeal shall be paid by the applicant.

Appeal.

Appeals heard de novo.

Costs.

SEC. 7. That upon full payment of the value of such easement ascertained as aforesaid, any future grant or lease by the state of the lands affected by said right-of-way shall be subject to the easements obtained under the provisions of this act.

Full payment.

SEC. 8. Nothing contained in this act shall be deemed to in any way conflict with any existing law of this state relating to the method by which railroad companies

Pending
condemnation
not affected.

may acquire rights-of-way. No pending condemnation proceeding nor right claimed therein shall be affected in any way by the provisions of this act.

Emergency.

SEC. 9. An emergency exists and this act shall take effect immediately.

Passed the Senate March 12, 1901.

Passed the House March 14, 1901.

Approved by the Governor, March 18, 1901.

CHAPTER CLXXIV.

[S. B. No. 276.]

RELATING TO BENEFICIARY SOCIETIES, ETC.

AN ACT regulating fraternal beneficiary societies, orders or associations.

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

Definition.

SECTION 1. A fraternal beneficiary association is hereby declared to be a corporation, society or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit. Each association shall have

Lodge system,
death benefits,
etc.

a lodge system, with ritualistic form of work and representative form of government, and shall make provision for the payment of benefits in case of death, and may make provision for the payment of benefits in case of sickness, temporary or permanent physical disability, either as the result of disease, accident or old age: *Provided*, The period in life at which payment of physical disability benefits on account of old age commences, shall not be under seventy (70) years, subject to their compliance with its constitution and laws. The fund from

Proviso.

which the payment of such benefits shall be made, and the fund from which the expenses of such association shall be defrayed, shall be derived from assessments or dues collected from its members. Payment of death

Fund—how
derived.