

to retain the premises by bond shall be lost and the sheriff shall forthwith put the plaintiff in possession of the <sup>Possession.</sup> premises.

Passed the House February 14, 1905.

Passed the Senate February 28, 1905.

Approved by the Governor March 6, 1905.

## CHAPTER 87.

(H. B. No. 252)

### AMENDING ACT OF 1895 FOR CREATION OF DIKING DISTRICTS.

AN ACT to amend Sections three and twenty-seven of an act entitled, "An act to provide for the establishment and creation of Diking Districts and the construction and maintenance of a system of dikes, and to provide the means of payment thereof, and declaring an emergency," approved March 20, 1895.

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

SECTION 1. That section three of an act of the Legislature approved March 20, 1895, entitled "An act to provide for the establishment and creation of diking districts and the construction and maintenance of a system of dikes, and to provide the means of payment thereof, and declaring an emergency," be and the same is hereby amended to read as follows: Section 3. Said petition shall be presented at a <sup>Petition.</sup> regular or special meeting of the board of county commissioners of said county, and shall be published for at least two weeks in two successive issues of some weekly newspaper printed and published in said county, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein, before the time at which the same is to be presented, together with a notice stating the time of the meeting at which the same shall be presented. When such petition is presented for hearing, the board of county commissioners shall hear the same, or may adjourn said hearing from time to time, not exceeding one month in all; and any person or corporation may appear before said board of county

commissioners and make objections to the establishment of said district, or the proposed boundary lines thereof, and upon a final hearing, said board of county commissioners shall make such changes in the proposed boundaries as they deem to be proper, and shall establish and define such boundaries, and shall ascertain and determine the number of acres of land that will be benefited by said proposed system of dikes, the number of freeholders residing within said boundaries of the said proposed district, and shall find whether the proposed diking system will be conducive to the public health, welfare and convenience, increase the public revenue, and be of special benefit to the majority of the land included within the said boundaries of said proposed district so established by said board of county commissioners: *Provided*, That no changes shall be made by said board of county commissioners in said boundary lines to include any territory outside of the boundaries described in said petition; *Provided further*, That any person or persons owning land within the proposed boundaries and who did not sign said petition, or any person, persons, or corporations owning land not included within the proposed boundaries, may file a petition with the board of county commissioners asking that the proposed boundaries be extended to include other lands described therein; setting forth in said petition the reason therefor; but no person, persons, or corporations not owning lands included within the boundaries, as originally petitioned for, shall have the right to file such petition unless they ask therein to have their own lands included within the proposed boundaries: *Provided*, Any corporation owning land included within the boundaries described in the original petition, may also petition the board of county commissioners for an extension of the proposed boundaries: *Provided further*, That the boundaries of any diking district heretofore or hereafter established may be extended by the board of county commissioners to include other lands in said county, upon petition signed by the owners of a majority of the acreage of said land within the proposed extension; which said petition for extension shall set forth and contain, with reference to the extension, such matters and things and data so far as applicable, as is provided for in the petition required for presentation to the board of county commissioners for the purpose of the formation of the original diking district;

Boundaries.

Extension of boundaries.

*Provided further,* That all necessary expense incident to making such extension, together with a proportionate share of the first cost of any system of dikes existing in the original diking district at the time of making such extension, shall be levied against and apportioned to the land included in such extension, as in this act provided. In such case, the board of county commissioners shall give like notice as provided for in this section of the hearing of the original petition, and the final hearing thereof may, in such case, be continued from time to time, for a period of not exceeding sixty days; and if, upon final hearing, the board of county commissioners deem it advisable and to the best interests of all concerned, they may grant the prayer of said petitioners in whole or in part, and said board of county commissioners of such county shall enter an order on the records of their office setting forth all facts found by them upon the final hearing of said petition, and which may be adduced by them from the evidence heard upon the final hearing thereof.

SEC. 2. That section twenty-seven of said act be and the same is hereby amended to read as follows: Section 27. The board of commissioners of any diking district organized under the provisions of this act shall, on or before the first day of November, of each year, make an estimate of the cost of maintenance of the diking system in such district, which estimate shall include the costs of making any necessary repairs that it might become necessary to make in the maintenance of such system. Such estimate shall be for the succeeding year, and the amount so estimated shall be certified by the board of . . . . . commissioners to the auditor of the county in which such district is located, on or before said date, and the amount thereof shall be levied against and apportioned to the land in such district benefited by said improvement, in proportion to the maximum benefit originally assessed, and such amount shall be added to the general taxes against said lands, and collected therewith.

Passed the House February 20, 1905.

Passed the Senate March 1, 1905.

Approved by the Governor March 6, 1905.