

above what is necessary for use thereon may be shipped to other state institutions, and may, when the board shall deem best, be sold as ordinary farm produce is sold and the proceeds thereof shall be turned into the state treasury.

SEC. 6. For the purpose of acquiring such farm and the construction of buildings thereon, the cost thereof shall be paid out of any amount or amounts appropriated for buildings and purchase of land for the Western Washington Hospital for the Insane.

Passed by the House March 10, 1909.

Passed by the Senate March 11, 1909.

Approved March 19, 1909.

## CHAPTER 223.

[H. B. 277.]

### RELATING TO STATE LANDS.

AN ACT relating to the acquisition, control, management and disposition of the granted, school, tide, oyster and other lands and harbor areas of the State of Washington, and amending sections one, eleven, twelve, fourteen, twenty-five, thirty, sixty-five and sixty-seven of chapter eighty-nine of the Session Laws of eighteen hundred and ninety-seven.

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

SECTION 1. That section one of chapter eighty-nine of the Session Laws of 1897 be amended to read as follows:

Section 1. The Commissioner of Public Lands, the State Fire Warden and Forester and the members of the State Board Tax Commissioners shall constitute the Board of State Land Commissioners and shall have all powers and perform all duties with reference to the selection, appraisal and sale or lease of school, granted or other lands, except capitol building lands, the establishment of harbor lines and lease of harbor area which are now or may hereafter be vested in or required of the Board of State Land Commissioners, the Board of Appraisers or the Harbor Line Commission. And said Board of State Land Commissioners shall be and serve as the commission and the

[Am'd. § 1,  
ch. 89, p. 229  
L. '97; § 2130  
Bal., § 8159  
Pierce: ch.  
146, p. 290,  
L. '07.]

State Land  
Commission.

Powers.

board of appraisers mentioned in section one of article fifteen and section two of article sixteen of the state constitution.

[Am'd. § 11,  
ch. 89, p. 235,  
L. '97, § 2141  
Bal., § 8171  
Pierce; § 1,  
ch. 74, p. 103,  
L. '03; § 5,  
ch. 256, p.  
751. L. '07.]

SEC. 2. That section eleven of chapter eighty-nine of the Session Laws of 1897 be amended to read as follows:

SEC. 11. That any person or company may make written application to the Commissioner of Public Lands for the appraisal and sale of any lands belonging to the state, except capitol building lands; and the Commissioner of Public Lands shall cause to be prepared blank applications containing such instructions as will inform and aid intending purchasers in making application for the appraisal and sale of any lands. Each application must be accompanied with either cash, certificate of deposit or certified check upon any bank of this state, or postal order made payable to the Commissioner of Public Lands and equal in amount to ten cents per acre for the land described in such application, but in no case for a sum 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, but if such land be not sold, through the failure of the applicant to offer at least the appraised valuation, such deposit shall, upon order of the Board of State Land Commissioners, be forfeited to the state and credited to the general fund. When, in the opinion of the Commissioner of Public Lands, or the Board of State Land Commissioners, a sufficient number of applications have been received for the appraisal and sale of lands in any county or locality, the Commissioner of Public Lands shall cause such lands so applied for to be inspected and classified by one or more state land inspectors, or by one or more members of the Board of State Land Commissioners, as to its character, topography, agricultural and grazing qualities, timber, coal, mineral, stone or rock quarries of commercial value, its distance from any city or town, railroad, river, irrigation canal, ditch or other waterway, and full report thereof to be made to the Commissioner of Public Lands, together

Application  
to purchase  
lands.

Forfeit of  
application  
fee.

Lands to be  
inspected.

with the inspector's judgment as to its present and prospective value, which said report, together with all other information affecting the same, shall thereupon be considered by the Board of State Land Commissioners and a price per acre fixed for each lot, block, subdivision or tract proposed to be sold in one parcel, which shall not be less than ten dollars per acre for lands granted for educational purposes: *Provided*, That no more than one hundred and sixty 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 boundaries of such incorporated city or town, where the valuation of such lands shall be found by appraisal to exceed one hundred dollars per acre, or such other lands as the Board of State Land Commissioners may determine, shall, before the same be sold, be platted into lots and blocks or tracts, and not more than one block or tract shall be offered for sale in one parcel. And the Board of State Land Commissioners is hereby authorized to vacate and annul any street, alley or public place in any plat of any public lands of the state situated outside of the limits of any incorporated city or town when deemed for the best interests of the state and to correct any defect or omission in any plat, or any defect or omission in the procedure with reference to the making or filing thereof in any plat heretofore or which may hereafter be made or filed. The Board of State Land Commissioners may designate or describe any such plat by name or numeral or as an addition to any such city or town and, upon the filing of such plats, it shall be sufficient to describe the lands, or any portion thereof, embraced in such plat according to the designation prescribed by the Board of State Land Commissioners. Such plats shall be made in duplicate and, when properly authenticated in accordance with the directions of the Board of State Land Commissioners, one copy thereof shall be filed in the office of the Commissioner of Public Lands and one copy in the office of the county auditor of the county in which the lands are situated; and said auditor is hereby directed to receive and file such plats

Price  
per acre.Limits  
of sale.Board may  
vacate  
streets.

Plats.

without compensation or fees and to make record thereof in the same manner as required by law for the filing of other plats in his office: *Provided further*, That whenever application is made to purchase less than a section, the said Commissioner of Public Lands may order the inspection of the entire section or sections; and in no case shall any state or public lands, or timber or other materials thereon be sold unless within ninety days prior to the date fixed for the sale the same shall have been appraised by the Board of State Land Commissioners. The Board of State Land Commissioners or the Commissioner of Public Lands may cause any of the public lands of the state to be surveyed for the purpose of ascertaining and determining the area subject to sale or lease.

Appraisal within ninety days of sale.

SEC. 3. That section twelve of chapter eighty-nine of the Session Laws of 1897 be amended to read as follows:

Sec. 12. When application is made for the purchase of timber, fallen timber, stone, gravel or other valuable materials situated upon public lands of the state, except capitol building lands, the same inspection shall be had as upon an application for the appraisalment and sale of lands. No timber, fallen timber, stone, gravel or other valuable materials shall be sold for less than the appraised value thereof; and such timber, fallen timber, stone, gravel or other valuable materials 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, except when the estimated amount of timber shall exceed one million feet to the quarter section, in which case the timber shall be sold separate from the land: *Provided*, That whenever any public lands except capitol building lands shall lie within the limits of any watershed from or through which is derived the water supply of any city or town in this state and said city or town shall desire to purchase or condemn the same it may do so, and in case of purchase it shall have the right to buy said land with the timber, fallen timber, stone, gravel or other valuable materials with the land and without a separate appraisalment thereof. When such timber, fallen timber, stone, gravel or other valuable ma-

[Am'd. § 12, ch. 89, p. 236, L. '97, § 2142 Bal.; § 1, ch. 129, p. 252, L. '99, § 1, ch. 148, p. 309, L. '01, § 8172 Pierce; § 6, ch. 256, p. 752, L. '07.]

Appraisalment of materials.

City may purchase to protect water supply.

materials are sold separate from the land, the full purchase price thereof shall be paid in cash: *Provided*, That in all cases where timber, fallen timber, stone, gravel or other valuable materials are sold separate from the land the same shall revert to the state if not removed from the land within five years from the date of purchase thereof, except that in all cases when the purchaser is acting in good faith and endeavoring to remove such timber, fallen timber, stone, gravel or other valuable materials, the Commissioner of Public Lands may extend the time for removal thereof for any further period not exceeding five years upon payment to the state of a sum to be fixed by the Commissioner of Public Lands not less than one dollar nor more than two dollars per acre per annum. And the Commissioner of Public Lands shall certify and pay to the State Treasurer all sums received for such extensions and the same shall be credited to the fund to which was credited the original purchase price of the materials so sold. In every appraisalment under this act, the Board of State Land Commissioners shall separately appraise all improvements placed upon any land of the state and found on such land at the time of appraisalment of the land, and shall also appraise all damages and waste committed or suffered upon said land by the cutting or removal of timber, stone, gravel or other valuable materials by the person or persons owning such improvements or their assignors and the damages so found shall be deducted from the appraised value of the improvements and the balance, after deducting such damages and waste, shall be the value of the improvements upon the land, and every such appraisalment shall be recorded in the proceedings of the Board of State Land Commissioners: *Provided*, That this section shall not be considered as affecting the right of the state to receive the full value of the land. If the purchaser of such land be not the owner of the improvements, he shall deposit with the officer making the sale, at the time of the sale, the appraised value of such improvements; and if it be found by the board that the owner of such improvements was not holding adversely to the state at the time of making

Timber to be removed within five years.

Damages deducted from improvements.

Payment  
for im-  
provements.

Bad faith  
in making im-  
provements.

Evidence  
of value.

Rules for  
the removal  
of timber.

the improvements, or that said improvements were placed upon the land in good faith by a lessee whose lease had not been canceled or subject to cancellation for any cause, or that such improvements were placed upon the land by mistake, then the Board of State Land Commissioners shall direct the Commissioner of Public Lands to pay and he shall pay to the owner of said improvements the sum so deposited. But if it be found by the board that such improvements were made by persons holding or claiming 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 Commissioner of Public Lands to pay said sum so deposited to the State Treasurer, who shall credit the same to the fund into which the proceeds derived from the sale of the land should be paid. If it be found that such improvements were made by a lessee or other person with intent to defraud the state or the intending purchaser of the land from the state, the sum so deposited shall be forfeited to the state and credited as last above provided. For the purpose of determining the value and character of land, timber, fallen timber, stone, gravel or other valuable materials or improvements, the Commissioner of Public Lands or the Board of State Land Commissioners may compel the attendance of witnesses by subpoena, at such place as the commissioner or the board may designate, and examine such witnesses under oath as to the value and character of such lands, materials or improvements and waste or damage thereto. That when timber or other valuable materials have been sold separate from the land and have actually been removed therefrom, then such lands may be sold for a sum which, added to the price received for the timber or other valuable materials, will not be less than ten dollars per acre. All sales of timber upon state land shall be made subject to the right, power and authority of the Board of State Land Commissioners to prescribe rules and regulations governing the manner of removal of the timber with a view to the protection of the non-merchantable timber against destruction or injury by fire

or from other causes; and any such rules or regulations shall be binding upon the purchaser of the timber and his successors in interest and shall be enforced by the Commissioner of Public Lands. When the merchantable timber has been sold and actually removed from any land, the Board of State Land Commissioners may classify the land and such portions thereof as may be found most suitable for reforestation may, by order of the board, be reserved from any future sale and when once so reserved shall not thereafter be subject to sale or other disposition. The Commissioner of Public Lands shall certify to the State Fire Warden and Forester all such reserves so made and thereupon it shall be the duty of the State Fire Warden and Forester to protect such land and the remaining timber from fire and to reforest the same.

Reforestation.

SEC. 4. That section fourteen of chapter eighty-nine of the Session Laws of 1897 be amended to read as follows:

[Am'd. § 14.  
ch. 89, p. 238.  
L. '97, § 2144  
Bal., § 8174  
Pierce; § 1.  
ch. 152, p.  
313, L. '07.]

Sec. 14. When the Board of State Land Commissioners shall have decided to sell any lot, block, tract or tracts of granted lands, or timber, fallen timber, stone, gravel or other valuable materials thereon, it shall be the duty of the Commissioner of Public Lands to 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 the county in which the lands are situated, which notice shall specify the place, time and terms of sale, describing with particularity each parcel of land to be sold and stating the appraised value thereof, and by causing to be posted in a conspicuous place in the office of the auditor of the county wherein such lands are situated a copy of said notice. And the Commissioner of Public Lands shall cause all such lands or materials thereon to be sold and arrange such date of sale so that it will fall on the first Saturday of the month, except where such Saturday would fall on a legal holiday, in which case no sales shall be made until the following month. The Commissioner of Public Lands shall cause to be printed in pamphlet form a list of all school, granted or other

Date of sale.

Notice.

Pamphlet  
list of sales.

Distribution  
of lists.

Proof of  
publication  
of notice.

public lands or materials thereon, or tide or shore lands of the first or second class, or detached tide lands, or harbor area leases or mineral lands required by law to be sold at public auction and the appraised value, where the law provides for appraisement, that are to be sold in the several counties of the state, said lists to be issued each month, at least four weeks prior to the date of sale of such lands or materials enumerated thereon, such lands and materials to be listed under the name of the county wherein located, in alphabetical order, giving the appraised values, character of same and such other information as may be of interest to prospective buyers. Said Commissioner of Public Lands shall cause to be distributed to the auditor of each county in the state a sufficient number of such lists to supply the demands made upon them respectively, as reported by such auditors, not exceeding one hundred copies in any one county. And said county auditors shall keep the lists so furnished in a conspicuous place or receptacle on the counter of the public office of their respective departments, and when requested so to do shall mail copies of such lists to residents of their counties. The Commissioner of Public Lands shall retain for free distribution in his office five hundred copies of said lists, as above set forth, such lists to be kept in a conspicuous place or receptacle on the counter of the general office of the Commissioner of Public Lands; and when requested so to do, the commissioner shall mail copies of said lists each month as issued to any applicant therefor. Proof of publication shall be made by affidavit of the publisher or person in charge of the newspaper publishing the notice of sale and by certificate of the auditor showing the posting of the notice of sale as aforesaid and the receipt of the lists as aforesaid, which shall forthwith be sent to and filed with the Commissioner of Public Lands. The Board of State Land Commissioners is hereby authorized to expend any sum of money, not exceeding fifteen dollars, in additional advertising of such sale as the said board shall determine to be for the best interests of the state. Such sale



shall take place on the day advertised, between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon, in front of the courthouse, or of the building in which the superior court is held, in the counties in which there is no courthouse, and shall be sold at public auction Auction. to the highest bidder, on the terms prescribed by law and as specified in the notice hereinbefore provided; and no land shall be sold for less than its appraised value. Such sale shall be conducted under the direction of the board, or the Commissioner of Public Lands, by the county auditor of the county in which the lands 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, either in cash or by certified check, or draft drawn upon some bank doing business in this state, or Completion of bid. by postal order, of an amount equal to one-tenth of the price of the land by him purchased, payable to the order of the Commissioner of Public Lands; and such auditor shall at once send to the Commissioner of Public Lands such cash or certified check, draft or postal order and a copy of the memorandum delivered to the purchaser, together with such additional report of his doings and proceedings with reference to such sale as may be required by the Commissioner of Public Lands or the Board of State Land Commissioners. If any land so offered for sale be not sold, the same may again be advertised for sale, as provided in this act, whenever in the opinion of Re-advertisement. the board it shall be expedient so to do; and such land shall again be 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 pay at least the appraised price thereof and shall deposit with the Commissioner of Public Lands, at the time of making such application, a sufficient sum of money to pay the cost of advertising for such sale, as provided in making original application.

SEC. 5. That section twenty-five of chapter eighty-nine of the Session Laws of 1897 be amended to read as follows:

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 or before the 5th day of each month the Commissioner of Public Lands shall cause to be mailed to each lessee whose rental will become due and payable during the following calendar month a notice stating the date upon which the rental falls due and the amount thereof; and if such rental be not paid on or before the date the same becomes due, according to the terms of the lease, the Commissioner of Public Lands shall declare a forfeiture, cancel the lease and eject the lessee from the land: *Provided*, That the Commissioner of Public Lands may extend the time for payment of annual rental not to exceed one year when, in his judgment, the interests of the state will not be prejudiced thereby.

Rentals.

[Am'd. § 6,  
ch. 89, p. 245,  
L. '97, § 2160  
Bal., ch. 48,  
p. 77, L. '99,  
§ 8190  
Pierce.]

SEC. 6. That section thirty of chapter eighty-nine of the Session Laws of 1897 be amended to read as follows:

Sec. 30. If, at the expiration of any lease, or any renewal thereof, the lessee desires to re-lease the lands covered thereby, he may make application to the Commissioner of Public Lands for a re-lease. Such application shall be made within thirty days after the expiration of the lease and shall be in writing and under oath, setting forth the character and value of all improvements existing on the land, the name and postoffice address of the owner thereof, the purpose for which he desires to re-lease the land, the amount considered by such lessee as the reasonable annual rental value thereof and such other information as the Commissioner of Public Lands may require, and shall be accompanied with a deposit of ten dollars, which deposit, if the land be not leased, through the failure or refusal of the applicant to accept a lease at the rate fixed by the Commissioner of Public Lands, shall be forfeited to the state and by the commissioner paid to the State Treasurer and credited to the fund to which the rental of the land should be credited. The Commissioner of Public Lands may, upon the filing of such application, cause the

Re-lease.

lands to be inspected by a state land inspector; and if he deems it for the best interests of the state to re-lease said lands, he shall fix the rental value thereof and, upon receipt of the first year's rental, together with the fees required by law, the Commissioner of Public Lands shall issue to the applicant a renewal lease for any period not exceeding five years. The Commissioner of Public Lands shall notify the applicant, by mail, of the rental value fixed, and if, within thirty days after the date of such notice, the applicant fails or refuses to pay to the Commissioner of Public Lands the first year's rental, together with the statutory fee for issuing a lease, the Commissioner of Public Lands may cause the improvements existing upon the land to be appraised, in the same manner as in the case of the sale of land, offer the land for lease at public auction to the highest bidder, as provided for original leases, and if the successful bidder be not the owner of the improvements, he shall deposit with the officer making the sale the appraised value of the improvements. The amount so deposited as the appraised value of improvements, together with the first year's rental and the fees required by law, shall be transmitted to the Commissioner of Public Lands and, upon confirmation of the lease by the Commissioner of Public Lands, the amount so deposited in payment for the improvements shall be disposed of by the Commissioner of Public Lands in the same manner as in the case of the sale of the land: *Provided*, That no bid shall be received for less than the minimum price fixed by the Commissioner of Public Lands.

SEC. 7. That section sixty-five of chapter eighty-nine of the Session Laws of 1897 be amended to read as follows:

Sec. 65. It shall be the duty of the Attorney General, and he is hereby authorized to institute or defend any action or proceeding to which the state or any officer thereof is or may be a party or in which the interests of the state are involved in any court of this or any other state, or of the United States, or in any department of the United States, or before any board or tribunal, when so directed to do by the Commissioner of Public Lands or

Rental value.

Auction of lease.

[Am'd. § 65.  
ch. 89, p. 261.  
L. '97. § 2196  
Bal.. § 8234  
Pierce.]Duties of  
Attorney  
General.

the Board of State Land Commissioners, or upon his own initiative. The Commissioner of Public Lands is also authorized to appear for and represent the state in any such action or proceeding, relating to the public lands of the state.

[Am'd. § 67,  
ch. 89, p. 261,  
L. '97, § 2198  
Bal.: § 8236  
Pierce.]

SEC. 8. That section thirty-seven [sixty-seven] of chapter eighty-nine of the Session Laws of 1897 be amended to read as follows:

Sec. 67. The Board of State Land Commissioners or the Commissioner of Public Lands may review and reconsider any of their official acts relating to the public lands of the state until such time as a lease, contract or deed shall have been made, executed and finally issued by the Commissioner of Public Lands: *Provided*, That the Board of State Land Commissioners or the Commissioner of Public Lands may recall any lease, contract or deed for the purpose of correcting mistakes or errors or supplying omissions.

Board may  
reconsider  
action.

Passed by the House March 6, 1909.

Passed by the Senate March 9, 1909.

Approved March 20, 1909.

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## CHAPTER 224.

[S. B. 241.]

### RELATING TO IMPROVED ROADS.

AN ACT providing for the construction and improvement of county roads at the expense of the lands specially benefited thereby; authorizing the creation of local improvement districts and the levying of special assessments on the lands in such districts for paying the cost and expenses thereof, and the payment of such assessments immediately or by installments; providing for the issuance and disposal of local improvement district warrants to pay the cost and expenses of such construction and improvements, as a charge upon the property of the local district, and providing for the payment of such warrants.

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

SECTION 1. The board of county commissioners of any county in this state shall have power, as hereinafter pro-