

## CHAPTER 39.

[S. B. No. 152.]

## RELATING TO TIDE LANDS AT CITY OF HOQUIAM.

AN ACT relating to the tide lands of the City of Hoquiam and providing for the platting, appraisalment and sale thereof, and declaring void the Harbor Line Commissioner's maps of Hoquiam heretofore filed, and providing for the establishment and leasing of harbor areas therein, and making an appropriation for such purposes, and declaring an emergency.

WHEREAS, The Board of Harbor Line Commissioners of the State of Washington, acting under authority of article XV., section 1, of the State Constitution, and the act of the Legislature approved March 28, 1890, entitled "An act to create a Board of Harbor Line Commissioners, prescribing their duties and compensation," attempted to establish harbor lines at the city of Hoquiam, caused surveys to be made and duplicate maps to be made, one of which was filed in the office of the county auditor of Chehalis county, September 6, 1894, and one in the office of the State Land Commissioner September 6, 1894, and,

WHEREAS, No monuments of such survey remain and there is irreconcilable conflict between the said maps and the field notes of such survey so that it is now impossible to determine the location of the said harbor lines, and for that reason impossible for the state officers to plat, appraise, sell or otherwise deal with the tide lands in front of said city, thereby depriving the state of revenue therefrom, and preventing purchase or improvement of such of the tide lands or leasing the harbor area at said city to the great detriment of the state, and the residents of said city and the public generally; and,

WHEREAS, By reason of the facts aforesaid, harbor lines have never been established in front of said city and the early establishment of such harbor lines is necessary in the public interests; therefore

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

SECTION 1. The Harbor Line Commissioner's map of Hoquiam harbor heretofore filed in the office of the State Land Commissioner and in the office of the auditor of <sup>Map declared null and void.</sup>

Chehalis county is hereby declared null and void, and the Board of State Land Commissioners is hereby empowered and instructed, and it shall be their duty as such board, as soon as practicable hereafter, to locate and establish the harbor lines in Gray's Harbor in front of the city of Hoquiam in conformity with the general laws of this State covering the establishment of harbor lines. Duplicate maps of said harbor lines shall be made and filed, one in the office of the State Land Commissioner and the other in the office of the auditor of Chehalis county.

New map to be made and filed.

Hoquiam tide lands to be platted.

SEC. 2. The plats and appraisements of the Hoquiam tide lands in Chehalis county heretofore made and deposited in the office of the Commissioner of Public Lands April 30, 1895, and in the office of the county auditor of Chehalis county April 30th, 1895, shall be amended by adding thereto plats and appraisements of so much of the Hoquiam tide lands as may be found to lie between the Hoquiam tide lands set forth on said plats and the inner harbor line as located and established under section 1 hereof. And the State Board of Land Commissioners is authorized and instructed and it is hereby made its duty, as soon as practicable hereafter, to cause the tide lands in front of the said city, between the tide lands set out on said plats and the inner harbor line as located and established under section 1 of this act to be surveyed, platted and appraised. Such survey and plats shall be made as nearly as may be practical in conformity with the general laws of this state relating to the survey and plat of tide lands, and shall be made as nearly as may be in conformity with the surveys and plats of the tide lands in front of the said city of Hoquiam heretofore deposited in the offices of the State Land Commissioner and the county auditor. All plats shall be made in duplicate, and one shall be filed in the office of the State Land Commissioner and one in the office of the auditor of Chehalis county.

Plats to be made in duplicate.

Reports of appraisement.

SEC. 3. Report of the appraisal of the tide lands herein authorized shall be made in duplicate, one of each shall be filed with the State Commissioner of Public Lands and one with the auditor of Chehalis county.

Owners of abutting land to have first right to purchase.

SEC. 4. The owner or owners of land abutting or fronting upon any of the tide lands herein authorized to be surveyed, platted and appraised shall have the right for sixty

(60) days following the filing of the final appraisement and plat of such tide lands with the State Land Commissioner to apply for the purchase of all or any portion of the tide lands in front of the lands so owned; *Provided*, That if valuable improvements in actual use prior to February 1st, 1903, for commerce, trade, residence or business have been made upon said tide lands hereinbefore authorized to be platted, surveyed and appraised, by any person, association, corporation, the owner or owners of such improvements shall have the exclusive right to apply for the purchase of the lands so improved for the period aforesaid: *Pro-* Proviso as to improvements prior to February 1, 1903.  
*vided, further*, That when the abutting upland owner has attempted to convey by deed to a *bona fide* purchaser any portion of the tide lands heretofore surveyed, platted and appraised the right to purchase being given to such upland owner, shall be considered to apply to such purchaser, or any person, association, or corporation claiming by, through or under such purchaser to the extent of the tract or right so conveyed. The preference right hereby given to purchase any tide lands abutting or bordering on the harbor area shall carry with it the preference right to lease the harbor area in front of such tide lands: *Provided*, That Preference right.  
the person applying for said preference right or purchase of tide lands shall, within the period limited for exercise of his preference right to purchase tide lands, also apply to lease the harbor area in front of said tide lands. Proviso.

SEC. 5. The general laws of the state in relation to the platting, appraisement and sale of tide lands and shore lands and the establishment and leasing of harbor area, when not inconsistent with this act, shall be applicable hereunder, relative to notice of filing of plats, manner of exercising the preference right of purchase or lease, appeals from the State Board of Land Commissioners, and all other proceedings so far as necessary to carry out the purpose of this act. General laws to govern.

SEC. 6. There is hereby appropriated out of the general fund the sum of \$4,000, or so much thereof as may be necessary therefor for the purpose of carrying out the provisions of this act, and the State Auditor is hereby authorized to draw warrants thereon for said purpose. Appropriation.

Emergency. SEC. 7. An emergency exists and this act shall take effect immediately.

Passed the Senate February 25, 1903.

Passed the House February 28, 1903.

Approved by the Governor March 6, 1903.

## CHAPTER 40.

[H. SUB. B. No. 79.]

### PROVIDING FOR A JUDGE FOR THE COUNTIES OF CHELAN, DOUGLAS, OKANOGAN AND FERRY.

AN ACT providing for a Superior Judge for the Counties of Chelan, Douglas, Okanogan and Ferry, in the State of Washington, and declaring an emergency.

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

SECTION 1. From and after the passage and approval of this act there shall be in the counties of Chelan, Douglas, Okanogan and Ferry, jointly, one Superior Judge, and in the counties of Adams and Lincoln, jointly, one Superior Judge.

Governor to  
appoint.

SEC. 2. The Governor of the State of Washington shall, upon the taking effect of this act, appoint as such Superior Court Judge for the counties of Chelan, Douglas, Okanogan and Ferry jointly, a person eligible and qualified according to the Constitution of the State of Washington, and such appointee shall be and shall hold office as such Superior Court Judge until the next general election to be held in the State of Washington, and until his successor is elected and qualified.

Election of  
Judge in 1904.

SEC. 3. At the general election to be held in the State of Washington in the year 1904 there shall be elected in the counties of Chelan, Douglas, Okanogan and Ferry one Superior Court Judge who shall succeed the Superior Court Judge mentioned in section two of this act, and shall hold his office until the second Monday in January, 1905, and until his successor is elected and qualified.

Term expires  
in January,  
1905.