

CHAPTER XIV.—LAND LAWS.

GRANTING CERTAIN LANDS TO THE UNITED STATES.

AN ACT granting to the United States, for public purposes, the use of certain tide-lands belonging to the State of Washington.

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

SECTION 1. That the use of any tide-lands belonging to the State of Washington, and adjoining and bordering on any tract, piece or parcel of land held or reserved by the government of the United States for the purpose of erecting and maintaining thereon forts, magazines, arsenals, dock yards and other needful buildings, be and the same is hereby granted to the United States so long as the upland adjoining such tide-lands shall continue to be held by the government of the United States for any of the public purposes above mentioned: *Provided*, That this grant shall not extend to or include any lands covered by more than four fathoms of water at ordinary low tide: *And provided further*, That whenever the government of the United States shall cease to hold for public purposes any such tract, piece or parcel of land, the use of the tide-lands bordering thereon shall revert to the State of Washington.

Approved March 20, 1890.

GRANT OF LANDS FOR AGRICULTURAL COLLEGE; ACCEPTANCE OF.

AN ACT to assent to the provisions of an act of Congress approved July second, *anno domini* eighteen hundred and sixty-two, and of the acts supplementary thereto, to create a permanent fund, and to assent to the provisions of an act of Congress approved March second, *anno domini* eighteen hundred and eighty-seven, and to declare an emergency.

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

SECTION 1. That the assent of the legislature of the State of Washington is hereby given to carry out all and singular the provisions contained in an act of congress approved July second, *anno domini* eighteen hundred and sixty-two, and entitled An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts, and in the acts supplementary thereto, and the governor of the State of Washington is hereby authorized and instructed to give due notice thereof to the government of the United States.

SEC. 2. That all moneys derived by virtue of said acts of congress from the sale of lands, and of land scrip, shall be immediately deposited with the treasurer of the State of Washington, who shall invest and hold the same in accordance with the provisions of the fourth section of the aforementioned act of congress approved July second, *anno domini* eighteen hundred and sixty-two, and the moneys so invested shall constitute a permanent and irreducible fund, to be entitled ["The fund for the promotion of instruction in agriculture and the mechanic arts,"] and the income derived from said fund shall be expended under the direction of the commission of technical instruction.

Disposition of funds.

SEC. 3. That the assent of the legislature of the State of Washington is hereby given in pursuance of the requirements of section nine of an act of congress approved March second, *anno domini* eighteen hundred and eighty-seven, and entitled ["An act to establish agricul-

Agricultural experiment stations.

tural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto, to the purposes of the grants authorized by said act of congress, approved March second, *anno domini* eighteen hundred and eighty-seven,["] and assent is hereby given to carry out all and singular the provisions of said act of congress; and the governor of the State of Washington is hereby authorized and instructed to give due notice thereof to the government of the United States.

Duty of state
treasurer.

SEC. 4. The treasurer of the State of Washington is hereby authorized to receive all the moneys to which the State of Washington may become entitled under the provisions of said act of congress, approved March second, *anno domini* eighteen hundred and eighty-seven, and moneys so received by the said treasurer shall be applied under the direction of the commission of technical instruction to the uses and purposes of the agricultural experiment station established in connection with the department of agriculture of the Washington Agricultural College and State School of Science.

SEC. 5. Whereas, an emergency exists and is of importance to the State of Washington that the assent of the legislature of said state to the provisions of the acts of congress hereinbefore referred to be forthwith notified to the government of the United States, in order that appropriations heretofore made by the congress of the United States be received and the same be disbursed. This act shall take effect and be in force from and after its approval by the governor.

Approved March 28, 1890.

TIDE AND SHORE-LANDS ; APPRAISEMENT
AND DISPOSAL OF.

AN ACT for the appraising and disposing of the tide and shore-lands
belonging to the State of Washington.

*Be it enacted by the Legislature of the State of Washing-
ton :*

SECTION 1. The tide and shore-lands in the State of Appraisal and
sale. Washington shall be appraised, and the same shall be dis-
posed of by the commissioner of public lands as in this
act provided, which are not by the constitution and laws of
the state reserved from sale.

SEC. 2. There shall be a board of equalization, which Board of
equalization. shall be composed of five members, as follows: The secre-
tary of state, the state auditor, and three qualified electors,
residents of counties of this state in which no tide-lands
exist, who shall be appointed by the governor, and the
same are hereby created a board of equalization and appeal
as hereinafter provided, who shall serve for one year, or
until their successors are appointed and qualified.

SEC. 3. The governor shall appoint, in each county of Local apprais-
ers. the state where shore and tide-lands exist, a board of ap-
praisers consisting of three disinterested resident free-
holders, whose duty it shall be to examine and appraise
the shore and tide-lands in their respective counties, as
hereinafter provided.

SEC. 4. For the purpose of survey and appraisal, the tide-
lands of the State of Washington are hereby divided into Tide-lands
classified. three classes. The first class shall embrace all tide-lands
situated within or in front of the corporate limits of any
city, or within two miles thereof upon either side. The
second class shall embrace all tide-lands situated at a
greater distance than two miles from either side of an in-
corporated city or town, and upon which are located valu-
able improvements. The third class shall embrace all other
tide-lands. Tide-lands of the first class shall be surveyed
and appraised as rapidly as practicable, and the state
board of equalization shall order such lands surveyed, as
hereinafter provided. Tide-lands of the second class

shall be surveyed and appraised only upon the application of the person or corporation having thereon valuable improvements. Such application to be made in writing to the state board of equalization. Tide-lands of the third class shall only be surveyed and appraised when the person or corporation desiring to purchase the same shall have deposited with the state treasurer the estimated amount of the cost of surveying, platting and appraising the same. Such estimate shall be furnished by the commissioner of public lands upon the application of any person or corporation; any such person or corporation depositing such amount of estimated cost of survey with the state treasurer shall receive therefor a certificate to be known as a "tide-land survey certificate," and such certificate shall be received by the state treasurer on the purchase price of the tract upon which it is issued the same as cash. All unsurveyed tide-lands shall be subject to survey under the following conditions, to-wit: When any person or corporation shall desire the survey of any tract of tide-lands, he or they may call upon the state board for an estimate of the cost of surveying and platting said tract, together with a reasonable estimate for office expenses, and said state board shall at once furnish such estimate. If upon the receipt of such estimate by such person or corporation he or they shall deposit with the state treasurer the amount of such estimate, together with a request for such survey, it shall then be the duty of said state board to have said tract surveyed, platted and appraised, and the party applying for such survey shall be entitled to receive credit for the amount of such deposit in case he or they shall purchase such tract; but in case he or they shall fail to purchase said tract, then such deposit shall be forfeited to the State of Washington and shall be placed in the tide-land fund.

Applicant must deposit cost of survey and plat.

Certificates.

Duty of state board.

Deposit; when forfeited.

Organization of local boards.

SEC. 5. Said board of appraisers shall meet at the county seat of their respective counties within thirty days after the location of the harbor lines in front of incorporated cities and towns, and, after taking an oath to support the constitution and the laws of Washington, and faithfully and impartially discharge their duties, shall organize by

electing one of their number chairman and appointing a secretary. After the organization of the board as provided, they shall, within ninety days thereafter, examine, survey and appraise so much of the shore and tide-lands in their respective counties as lies within or in front of the corporate limits of any incorporated city or town, and within two miles thereof, upon either side, and thereafter, from time to time, such other lands as application to purchase may render necessary, classifying the same and fixing the valuation of each lot, block or tract separately, noting the improvements thereon and by whom claimed, and excluding the improvements from such valuation.

SEC. 6. Said board shall prepare plats showing all shore and tide-lands surveyed and appraised by them in their respective counties, on which shall be marked the location of all such lands, extending the lines of United States survey over the same, and shall prepare and keep in a well bound book a record of their proceedings, including a list of said shore and tide-lands and their appraisal of the same, which plat and book shall be in duplicate.

Plats of shore and tide lands.

SEC. 7. When said board shall have discharged their duties as aforesaid, they shall deposit one copy of the plat and record as aforesaid with the county auditor in their respective counties, who shall file and safely keep the same in his office, and they shall deliver one copy of the plat and record to the state board of equalization.

Disposition of plats.

SEC. 8. Any person, association or corporation entitled to purchase or hold real estate in the State of Washington, who shall desire to purchase under this act, may file with the commissioner of public lands an application to purchase any of the lands herein described, which application shall contain a description of the land applied for by metes and bounds. The commissioner of public lands shall furnish the state board of equalization and appeal with a true copy of said application. Upon receipt of said application the commissioner of public lands shall, at the expense of the applicant, publish for three weeks, in any newspaper printed in the county in which the land is situated, a notice of such application to purchase, with a description thereof. If, at the expiration of thirty (30) days, no notice of con-

Applications to purchase.

Form of.

test is filed with the said state board of equalization and appeal, said appraisement shall stand confirmed and be the price at which said land shall be sold, as hereinafter provided.

Contest.

SEC. 9. Any person may contest any application for purchase or appraisal by filing notice of said contest with the board of equalization and appeal, and also serving a copy of said contest upon the applicant for purchase, or

Duty of board.

his agent or attorney, whereupon it shall be the duty of said board of equalization and appeal to fix a time and place to hear and determine said contest, whose decision shall be final, except as hereinafter provided: *Provided, however,* That either party dissenting from the decision of said board of equalization and appeal on questions of law,

Appeal.

fact or priority of right to purchase, may appeal to the superior court of the county in which said lands are situated, within ten (10) days after said hearing, which appeal shall bring before the court the question whether the appraisal represents the actual value of the land; and the matter shall be submitted to a jury and tried as other appealed cases are tried, and the jury shall re-appraise the lands with right to appeal, as in other cases: *And be it further provided,* That upon the application of three freeholders, residents of the county wherein the said lands are situated, it shall be the duty of the prosecuting attorney of said county to take an appeal from the decision of said board of equalization to the superior court of such county, and conduct the trial of the same. In case the judgment rendered on such appeal should not be in excess of the appraised value of said lands, the cost of the appeal shall be taxed against the said appellants.

Duty of prosecuting attorney.

Certificate of findings.

SEC. 10. Where no appeal is taken the board of equalization and appeal shall certify to the commissioner of public lands their findings, upon receipt of which said commissioner shall deliver a certificate of purchase to parties entitled thereto: *Provided,* Where an appeal has been taken, upon the determination of the case the clerk of the court shall certify the proceedings to the commissioner of public lands, who shall issue a certificate of purchase to

the person or persons entitled to purchase according to the decree of said court.

SEC. 11. The owner or owners of any lands abutting, or Abutting owners. fronting upon, or bounded by the shore of the Pacific ocean, or of any bay, harbor, sound, inlet, lake or water-course shall have the right for sixty (60) days following the filing of the final appraisal of the tide-lands to purchase all or any part of the tide-lands in front of the lands so owned: *Provided*, That if valuable improvements in Rights of owners of valuable improvements. actual use for commerce, trade or business have been made upon said tide-lands by any person, association or corporation, the owner or owners of such improvements shall have the exclusive right to purchase the land so improved for the period aforesaid: *Provided further*, That Oyster beds. the occupant who has, prior to the passage of this act, planted oysters in any bay or arm of the sea upon ground not covered with natural oysters, or who has, prior to the passage of this act, acquired by purchase the rights of any other person or corporation to such occupancy, the same being not within, or in front of, the limits of any incorporated city or town, or within two miles on each side thereof, shall have the exclusive right to purchase the land so occupied for the period aforesaid, to an extent not exceeding eighty (80) acres: *Provided*, That nothing in this act shall be so construed to apply to any improvements made after the passage of this act.

SEC. 12. When the abutting upland owner has attempted Purchasers of upland owner rights. to convey by deed to a *bona fide* purchaser, any portion of the tide-lands in front of such uplands, or littoral rights therein, such right of purchase herein given to the upland owner shall be construed to belong to such purchaser, or to any person, association or corporation claiming by, through or under such purchaser, to the extent of the tract or rights so conveyed.

SEC. 13. In case the persons mentioned in sections eleven Default. and twelve of this act do not, within the time limited, exercise the right to purchase herein given, then said lands shall be open to the public for sale as herein provided. The commissioner of public lands may sell the surveyed and platted tide-lands remaining unsold, upon the follow-

General conditions of sale.

ing terms and conditions, to-wit: He shall advertise in some newspaper of general circulation, published in the county in which said lands are located, a notice that he will on a day named, and not less than thirty days after the first publication of said notice, receive sealed bids for each parcel or lot of said land. Said notice shall contain a description of each lot, block or parcel of land to be sold, together with the number thereof on the plat of such tide-lands, and the terms of sale. Each subdivision of said land as surveyed and platted shall be sold separately. Each bidder shall be required to deposit with his bid a sum of money or certified check on some bank in this state equal in amount to the first payment to be made on said land, according to his bid. Within five days after receiving said sealed bids as aforesaid, the said commissioner of public lands shall open the said sealed bids in the presence of the board of equalization, and the bid of the person offering the highest price for each lot or parcel of said land shall be accepted and a certificate of sale issued to the successful bidder, and the money deposited by such person be retained and applied to the first payment on the land so sold, and the money or checks deposited by persons whose bids are rejected shall be forthwith returned to them: *Provided*, That no bid shall be accepted which does not equal or exceed the appraised value of the land bid for: *And provided further*, That the said board of equalization shall have the right to reject any or all bids when there has been fraud or collusion by or among the bidders.

Opening bids.

Bid must equal appraised value.

Terms of payment.

SEC. 14. Any person entitled to purchase such tide-lands, upon paying the commissioner of public lands, within the time prescribed by this act, one-tenth of the appraisal value, and executing his nine promissory notes of equal amounts for the remaining nine-tenths, bearing interest at six per cent. per annum, payable annually, one of such notes payable in one year, one payable in two years, one payable in three years, one payable in four years, one payable in five years, one payable in six years, one payable in seven years, one payable in eight years, one payable in nine years from the date of such purchase, shall be entitled to receive from the commissioner of pub-

lic lands a certificate that he has purchased the land therein described. After all payments have been made in full, or by notes as above provided, the said land commissioner shall pay over said moneys, together with said notes, to the state treasurer, taking his receipt therefor. Said moneys shall be placed to the credit of a fund designated Tide-land fund. and known as the tide-land fund. Upon the payment of said purchase price in full, the said treasurer shall execute and issue to said purchaser a certificate of purchase for the land described in the certificate from the commissioner of public lands, entitling said purchaser to a deed. Said deed shall be executed by the governor, attested by the secretary of state, with the seal of the state thereto affixed. Deeds; how executed. The purchaser shall be entitled to pay the whole or any part of said purchase price at any time prior to the maturity of said notes, and interest upon the amount so paid shall then cease.

SEC. 15. All officers appointed by the governor under the provisions of this act shall receive as compensation Compensation. the sum of five (\$5) dollars per day while actually engaged in the duties herein prescribed, together with the mileage at the rate of ten cents per mile. The secretary of said boards shall receive as compensation the same per diem and mileage as members of the board. All expenses incurred in carrying out the provisions of this act relating to the boards of appraisers shall be certified to by the chairman to the auditor of the state, who is hereby authorized to draw his warrant in favor of the persons named in said certificate on the state treasurer, who shall pay the same out of any money to the credit of the tide-land fund not otherwise appropriated.

Approved March 26, 1890.

SCHOOL LANDS; SALE AND LEASE.

AN ACT to provide for the sale and leasing of school lands, and declaring an emergency.

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

Personnel of
commission.

SECTION 1. The secretary of state, auditor and commissioner of public lands are hereby created a commission, to be styled "The State School Land Commission." The commissioner of public lands shall be *ex-officio* president of said commission, and the records of the proceedings of said commission shall be kept in the office of said commissioner of public lands.

Powers.

SEC. 2. The said commission shall have general supervision and control of the sale of all lands which have been and hereafter may be granted to the state for the support of common schools, and may make all necessary rules and regulations concerning the same not inconsistent with law; and said commission shall obtain from the surveyor general plats of all the townships in the state, and shall obtain from the United States land office statements showing the sixteenth and thirty-sixth sections belonging to the state.

Duty of county
commissioners.

SEC. 3. It is hereby made the duty of the county commissioners of each county in the state, as soon as may be practicable after this act becomes a law, to personally inspect each and every section of land (or so much thereof as may be sold or leased within five years) in their respective counties, granted to the state for the support of the common schools, to note the character of the same, whether chiefly valuable for timber, stone, mineral, agricultural purposes, or as grazing land, and any other fact or facts necessary to an understanding of its character and value, and prospective value, and whether the same be wholly or partially (and if partially, to what extent) in, or within two miles of the corporate limits of any incorporated city, town or village, and also to appraise, according to their best judgment, each quarter section of such land at its true and full market value.

SEC. 4. Immediately after performing said duty, the said

county commissioners shall prepare in duplicate a report of their proceedings, which shall show in detail the facts which they are required by the preceding section to acquaint themselves with and to note, one copy of which shall be filed by them in the office of the county auditor of their respective counties, and the other copy of which shall be forwarded by them to the president of the state school land commission. It shall also be the duty of the said county commissioners to immediately give notice by advertisement for thirty days in at least three newspapers in their county, if there be that number, and if not, then in so many newspapers as there may be in their county, that they have performed said duty, and that their report is on file in the office of the county auditor, and subject to the inspection of any person desiring to inspect the same. If there be no newspaper in their county, then such notice shall be posted conspicuously in some public place in each election precinct in their said county for at least thirty days.

Report of commissioners.

Publication of notice.

.SEC. 5. So soon as may be practicable after the expiration of sixty days from the reception of the reports of the county commissioners of the several counties, the said state land commission shall determine what, if any, of said school lands shall be sold prior to January first, eighteen hundred and ninety-five, taking care that no more than one-fourth in quantity of said lands shall be sold, or listed for sale, prior to said date: *Provided*, That each county shall have, if desired, one-fourth of the school lands in such county offered for sale prior to January 1, 1895, and not more than one hundred and sixty acres shall be offered for sale in one parcel: *And provided further*, When ten or more electors, being heads of families, living in the vicinity of any school land shall petition to the board of county commissioners to subdivide said land into lots of not less than two acres, it shall be the duty of said board to examine said land and hear evidence as to the advisability of subdividing the same; if in their opinion the value of the land will be enhanced by such subdivision, they may divide said land and offer the same for sale as hereinbefore provided: *And provided further*, That where said land is in or within two miles of the corporate limits

Duty of state land commissioners.

Subdivision of lands.

- of any incorporated city, town or village, where the valuation of such lands shall be found by appraisement to exceed \$100 per acre, be platted into lots and blocks of not more than five acres in one block, said plat to conform as nearly as is practicable to the part of the city, town or village to which it may become a part, and that not more than one block shall be offered for sale in one parcel. The said state school land commission may confirm or reject the appraisement of the board of county commissioners from any county, in whole or in part, or may itself appraise the said lands, and for this purpose may (at the expense of the state) visit and inspect any parcel of land lying within two miles of any incorporated city, town or village about which it has not sufficient information to act intelligently.
- Platting.**
- Powers of state board.**
- Appraisal, stone and timber.**
- Improvements, damages and waste.**
- Rights of owner of improvements.**
- Rights of occupant.**
- SEC. 6. The said state school land commission may also appraise the value of any stone or timber on or within any of the said lands separate and apart from the land itself, and may cause said stone or timber to be sold at any time in the manner hereinafter provided.
- SEC. 7. The appraisers shall also appraise all improvements found upon school lands, and shall also appraise all damages and waste to the premises by cutting timber, or the removal of timber, stone or other materials from the premises by the person claiming the improvements, or by his consent, and the balance, after deducting damages and waste, appraised as aforesaid, shall be set down as the value of the improvements upon the lands so appraised: *Provided*, That this section shall not be construed to affect the right of the state to the value of such lands appraised: *Provided further*, If the purchaser be not the owner of the improvements, he shall pay to the said owner in cash the appraised value thereof at the time of sale, within thirty days from the day of sale.
- SEC. 8. Whenever the appraisers shall find any portion of the school lands under cultivation and in actual occupancy of any person or persons, they shall demand of such person or persons a statement in writing, under his or their hands, setting forth what portions of such lands in legal subdivisions, containing no more than one hundred and sixty acres nor less than five acres, he or they are oc-

cupying, and are desirous of continuing to occupy, which shall embrace all lands upon which such occupant has made improvements: *Provided*, The same does not exceed 160 acres, and if it is his only home, the said occupant shall, upon complying with the provisions of this act, be entitled to retain the possession and occupancy of such lands until the time of its being offered for sale or lease as provided in this act, upon such terms as the board may prescribe. The appraisers shall file such written statement in the office of the auditor of the proper county, and all persons are hereby prohibited from taking possession of or entering upon, for the purpose of settlement or use, any school lands belonging to this state, except as a purchaser or lessee, or as above provided in this section, under a penalty of three hundred dollars, and every person entering upon school lands or occupying the same unlawfully shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine not exceeding three hundred dollars nor less than one hundred dollars: *Provided*, This section shall not apply to any land within two miles of any incorporated city, town or village.

Unlawful
occupancy.

Penalty.

SEC. 9. As soon as practicable after the performance of the duties prescribed by section three of this act, the state school land commission shall certify to the board of county commissioners of the several counties, under the hand of its president, the several parcels of school land in their counties which it has been determined may be sold, describing the same, and whether in any incorporated city, town or village, or within two miles of the limits thereof, and giving the appraisement thereof fixed by the board. It shall thereupon be the duty of the board of county commissioners to fix a day in their several counties on which will be sold all such lands as may be sold in parcels of more than five acres, and the said boards of county commissioners shall give notice by advertisement published once a week for six weeks in at least one newspaper in such county in which a newspaper is printed, of the time, place and terms of the sale, and in a newspaper having a general circulation in such county, and describing with particularity the several parcels of land to be sold and the

Duty of state
commission.

Duty of county
commissioners.

Advertising
sale.

Auction.

appraised value thereof. In counties in which no newspaper is published, such notice shall be posted as provided in section four of this act. Such sale shall take place on the day advertised, in front of the court-house, or of the building in which court is held in counties where there be no court-house, and shall be at public auction and to the highest bidder: *Provided*, That no land shall be sold for less than the appraised value.

Appraisal and sale of stone or timber separate.

SEC. 10. At the time of making the inspection provided for in section three of this act, the board of county commissioners shall note those sections, or subdivisions of sections, on which there is a valuable growth of timber, or on which there are valuable deposits of stone or mineral, which might be advantageously sold separate and apart from the land, and shall appraise the value of such stone or mineral and timber, and report the same to the school land commission, along with the report provided to be made by section four of this act, and the said commission shall have power to determine that said stone or mineral or timber, or any part thereof, in such subdivisions as they may determine shall be sold, and the like proceedings shall be had for the sale of said stone or mineral and timber, and the appraisal of the value of the same, as for the sale of lands ordered sold.

Within corporate limits of a city.

SEC. 11. Whenever any school land, which is within the incorporated limits of any city, town or village, or within two miles thereof, and which is of the appraised value of more than one hundred dollars per acre, is ordered sold, it shall be the duty of the board of county commissioners of the county in which said land is situated to cause the same to be platted into lots, blocks, streets and alleys of convenient size, the blocks not to exceed five acres in size, and to appraise said lots and blocks at their true and full market value: *Provided*, That all school lands lying within or adjoining the limits of any incorporated city, town or village shall be so platted as to conform to the plat of such city, town or village, or additions adjacent thereto, and such plat shall be approved by the city, town or village authorities before the same shall be recorded. The said plat shall be submitted to the state school land

Platting and sale of land.

commission; and said commission shall have power to direct such changes therein as in its judgment may be expedient, and shall exercise the same supervisory power over the appraisalment of the lots and blocks as over other lands, and shall direct whether the said lands shall be sold in lots or blocks. And thereafter the same procedure shall be had for the sale of such lots or blocks as is required for the sale of other lands: *Provided*, That the sale shall take place in the city, town or village in which, or near which, the land is situated; and if it be not the county seat of the county, at a public place therein, to be specified in the advertisement: *Provided further*, That the advertisement shall be made as provided in section four of this act.

SEC. 12. All lands suitable for agricultural or grazing Terms for agricultural lands. purposes shall be sold on the following terms: One-tenth cash at the time of sale, and one-tenth annually thereafter until the whole is paid. Lands platted into lots or blocks shall be sold on the following terms: One-fifth cash at the time of sale, and one-tenth of the balance annually thereafter until the whole is paid: *Provided*, That any purchaser of any of the school lands may make full payment at any time. All deferred payments shall draw interest at the rate of six per cent. per annum, payable annually. All timber growing on school lands shall be sold for cash to Sale of timber. the highest bidder, in lots not exceeding one hundred and sixty acres, if, in the judgment of the county commissioners, it is for the interest of the school fund to sell the timber separate from the land, but before such sale shall be made, it shall be the duty of the county commissioners of each county to cause each parcel of school lands in their county to be examined in tracts of forty acres or less by a competent person, to ascertain the approximate amount of timber on each tract or parcel. Such person shall be a competent "cruiser," capable of judging quality and quantity of timber. Cruiser. Before entering upon the discharge of his duties the said "cruiser" shall take and subscribe the following oath, to-wit:

"I, ———, do solemnly swear that I will faithfully discharge Form of oath. the duties of cruiser of timbered school lands within the county of

———. That to the best of my knowledge and ability, I will carefully and industriously examine each tract or parcel of school lands as directed, and make an honest, fair and impartial estimate of the value and quality of timber thereon. That I am not now, nor will I become interested, either directly or indirectly, in the sale or purchase of said lands within said county. That I will not give any aid or information to any person or persons whereby to influence the sale or price of said lands, or the amount of timber on said lands, but that I will faithfully guard the interests of the county and state, and faithfully and truly report every material fact connected with such lands necessary to the information of the board of county commissioners of the situation, value, character and quantity of said timber. So help me God.

Bond.

And such "cruiser" shall give bonds in the sum of five thousand dollars for the faithful discharge of his duties, and shall receive five dollars per day for each day necessarily engaged in the discharge of his duties. All purchasers of the timber growing on school lands shall have power to enter upon said lands and remove the timber therefrom, such removal to be completed within a period of five years from the date of purchase, at the discretion of the county commissioners, and if not removed within five years or less, then all timber sold under the provisions of this act and not removed shall revert to the state for the use and benefit of the common schools, and may be again sold, as provided for the original sale: *Provided*, That the timber upon school lands lying in or adjoining any incorporated city, town or village, when sold shall be removed within one year from the date of such purchase: *Provided further*, That no timber shall be sold from any school land by a purchaser of any tract until the whole purchase price of such tract shall have been paid therefor.

Limit for removing timber.

Disposition of moneys.

SEC. 13. Moneys derived from the sale of school lands shall be conveyed into the state treasury under such rules and regulations as shall be prescribed by the said state school land commission, and public officers into whose hands such moneys shall come shall be liable to the state for the same on their official bonds, as in the case of other public moneys. Officers appointed to handle such moneys in the several counties, under the rules and regulations prescribed by said commission may, in the discretion of said commission, be required to give additional bond for the safe keeping and delivery to the state treasurer of

such moneys. The said commission shall also prescribe the compensation to which said officers shall be entitled for receiving and paying over such moneys.

SEC. 14. The said county commissioners, as soon as practicable after any sale of school lands, shall report the same to the president of the state school land commission, together with such information touching the same as the said commission shall have prescribed, and at the end of thirty days from the date of the reception of such report, if the said commission have no reason to believe that said sale was brought about by fraud or collusion, it shall confirm the sale, and upon such evidence as may have been prescribed by said commission of the payment of the money due thereon, shall certify the same under the hand of the president of the board to the governor, who shall thereupon patent the land to the purchaser. Patents shall be signed by the governor, and shall be attested by the secretary of state, with the seal of the state attached. If the said commission shall have reason to believe that any sale of school lands was brought about or influenced by fraud or collusion on the part of the board of county commissioners, or by collusion between "cruisers" and bidders, to depreciate the price of said lands, or if the same shall be charged on the affidavit of any resident, it shall be the duty of said commissioners to investigate the same, and if satisfied of the truth of said charge, to vacate said sale and to order a re-sale of said land. Such re-sale shall take place upon advertisement, as in the case of the original sale.

County commissioners must report.

Confirmation of sales.

Patents.

In case of fraud or collusion.

SEC. 15. The time for making the payments provided for in this act may be extended for one year by the state school land commission on a satisfactory showing being made to the commission, but no extension shall be granted for the payment of such principal unless the interest on the whole sum unpaid for the preceding year be paid. The purchaser of land under the provisions of this act shall enter into a contract with the state (in form to be prescribed by the state school land commission) that he will make the payment of principal and interest when due, and that he will pay all taxes or assessments that may be levied

Extension of time for payments.

or assessed on such land, and that on a failure to make the payments prescribed by this act, when due, and for six months thereafter, that he will surrender the said premises, and the said contract shall be declared forfeited and canceled by the state land commission, and the state shall then be released from all obligations to convey the said land. When the payments provided for in this act shall have been made in full, the state school land commission shall cause the proper deed or patent to be made to the purchaser, but in no case shall final patent or deed be issued until all the purchase money has been paid for such land. The contract provided for by this act shall be executed in duplicate, and one copy shall be retained by the purchaser and the other shall be filed in the office of the commissioner of public lands. All contracts provided for in this act shall be signed by the purchaser, and also by the commissioner of public lands on the part of the state land commission, and shall be attested by two disinterested witnesses.

When conveyed.

Duplicate contracts.

Re-advertising and sale.

SEC. 16. If any land offered for sale by order of the state school land commission be not bid off at the sale held thereunder, the same may be again advertised for sale whenever, in the opinion of the board of county commissioners, it shall be expedient to do so, and such land shall be again advertised for sale, as provided in section four of this act, whenever any person shall apply to the county commissioners in writing to do so, and shall agree to bid the appraised price therefor, and shall deposit with said application a sufficient sum of money to pay the cost of advertising.

Lease of lands.

SEC. 17. The county commissioners of the several counties shall have the same power to lease school lands not ordered sold by the state school land commission prior to January 1st, 1895, that they have heretofore had under the laws of the territory: *Provided*, That no lease shall be so drawn as to interfere with the sale of lands ordered by the state school land commission to be sold: *Provided further*, That all leases shall be made to the highest bidder. Immediately after any regular session of the board of county commissioners the clerk of the board shall certify

Leases to highest bidder.

to the commissioner of public lands a statement of all lands that have been leased by the board at that session of the board, and all money paid for rental of school lands shall be forwarded to the commissioner of public lands and by him paid into the state treasury.

SEC. 18. The board of county commissioners, when engaged in inspecting and appraising school lands agreeably to the provisions of this act, and when engaged in performing other duties under this act, at times other than during their regular or special sessions, shall receive the same per diem as they are entitled to by law to receive when in session, and in addition thereto, shall receive their actual and necessary traveling expenses, and such expenses and all other expenses incurred by any county under the provisions of this act shall be certified by the clerk of the board of county commissioners to the state auditor, who shall draw his warrants on the state treasury for the payment of such expenses, and such warrants shall be paid out of the same funds that other expenses of the management of school lands are paid from.

Compensation
of county com-
missioners.

SEC. 19. The county auditor of each county shall be the clerk of the board of county commissioners for the purposes of this act, and an accurate record of all proceedings taken by the said board in pursuance of this act shall be kept in the office of the auditor.

Records of
proceedings.

SEC. 20. The commissioner of public lands shall, under the direction of the state land commission, cause suitable abstracts to be made of all the lands owned by the state for educational purposes, and entered in suitable and well bound books. Such abstracts shall show, in proper columns and pages, the section or part of section, township and range in which each tract is situated, whether timber or prairie, improved or unimproved, the appraised value per acre, the value of improvements, and the value of damages, and the total value, the date of sale, date of lease, name of purchaser, name of lessee, price per acre, amount of lease per acre, amount of cash paid, amount unpaid and when due, amount of annual interest, and such other columns as may be necessary to show a full and complete abstract of the condition of each tract or parcel

Abstracts.

Form of.

of land from the time title was acquired by the state until final payment by the purchasers and the issuance of a patent by the state for the land.

Investment of funds.

SEC. 21. Whenever there shall be in the state school fund, applicable to investment, the sum of five thousand (5,000) dollars or more, the state school land commission may invest the said amount in the bonds of the several counties of this state, in accordance with the provisions of this act.

Right-of-way.

SEC. 22. Any person, firm or corporation engaged in the business of logging shall have a right-of-way over said school land for the purpose of hauling or removing timber from lands contiguous thereto.

SEC. 23. Whereas, an act is necessary to regulate the future sale and leasing of school lands, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 28, 1890.

SCHOOL LANDS; FOR THE RELIEF OF PURCHASERS OF.

AN ACT for the relief of *bona fide* purchasers of school or university lands heretofore sold under the authority of laws enacted by the Territory of Washington, and declaring an emergency.

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

SECTION 1. All persons who have purchased school and university lands from the commissioners of any county, county school superintendent or other agent of the county, or the university commissioners of the Territory of Washington, acting under the authority of any law passed by the Territory of Washington, where the full purchase price for such land has been paid in good faith to such county

or university commissioners, or other authorized agent, may secure title thereto as hereinafter provided.

SEC. 2 That any person, or his executors, administrators, heirs, assignee or successor in interest, being the legal and *bona fide* holder and owner, assignee or legal representative of the person to whom has been made a conveyance of such school or university land, which conveyance has been executed by the county commissioners or county school superintendent of any county, or the university commissioners of the said Territory of Washington, or an authorized commissioner or regent of the university of said territory, or by any other officer, commissioner or agent acting under authority conferred by any law of the said Territory of Washington, where the grantee named in such conveyance has paid the full purchase price for said land, and for any reason such grantee has not been vested with a title thereto, such purchaser, his assignee or legal representative shall have a right of action against the State of Washington, in the superior court of the county in which the land is situated, to secure a confirmation of title to the land described in said deed, or to a specific performance of the conditions of the deed or instrument, and the court in its decree may order a deed to be executed by the commissioner of public lands of the State of Washington confirming to the grantee, or assignee, or legal representative the tract described in such conveyance, or intended to have been granted thereby.

Conditions of
action to con-
firm title.

SEC. 3. Any person having or claiming any right or interest in any land which shall be the subject of said action, shall be made a party to said suit, and such right or interest of said claimant, whether legal or equitable, shall be tried and determined by said court, and the decree of the court shall have full power to adjudge and settle the respective rights of the claiming parties.

Parties to suit.

SEC. 4. In all cases where the land or tracts of land described in such deed or conveyance shall have been granted to any other person or persons under any law of the United States, or not granted to the State of Washington, by reason whereof said State of Washington is unable to confirm to the *bona fide* purchasers of such tract

When state
must refund.

who has duly paid the consideration in such deed recited, or his legal representative or successor in interest, the said State of Washington shall refund to such purchaser or his successor in interest the full consideration by him paid, together with lawful interest from the date of such purchase.

Rules of pro-
cedure.

SEC. 5. In such suits and actions instituted under the provisions of this act, the practice and procedure shall conform to the practice in superior courts regulating civil actions, and an appeal or writ of error shall lie to the supreme court of the State of Washington as in other civil actions.

SEC. 6. In order to facilitate confirmation of title in the cases herein recited, an emergency is hereby declared to exist, and this act shall take effect on and after its passage and approval.

Received by the governor March 28, 1890.

[*Note by the Secretary of State.*—The foregoing act having been presented to the governor of the state for his approval, and not having been filed in the office of the secretary of state within the time prescribed by the constitution of the state, with his objections thereto, has become a law under the provisions of the constitution.]