

dollars (\$15,000.00) or so much thereof as may be necessary to pay for such printing as may be ordered by the fifteenth legislature, or either branch thereof.

SEC. 2. This act is necessary for the support of the state government and shall take effect immediately.

Passed the Senate January 8, 1917.

Passed the House January 8, 1917.

Approved by the Governor January 9, 1917.

CHAPTER 3.

[H. B. 85.]

IMPOSING INDEBTEDNESS ON PIERCE COUNTY FOR UNITED STATES ARMY POST.

AN ACT imposing upon Pierce county, as an arm and agency of the state, an indebtedness not exceeding two million dollars, exclusive of interest, requiring such county to issue its negotiable bonds therefor, levy taxes to pay the same with interest, acquire by condemnation or otherwise, approximately seventy thousand acres of land in such county, and donate and convey the same to the United States for a permanent mobilization, training and supply station for any or all such military purposes, including supply stations, the mobilization, disciplining and training of the United States army, state militia, and other military organizations, as are now or may be hereafter authorized or provided by or under federal law; conferring on such county the power of eminent domain for the purposes of this act; and providing procedure therefor; granting the consent of the state to such conveyance and ceding exclusive legislative jurisdiction to the United States over the lands so conveyed; declaring the existence of an exigency requiring the state and its governmental agencies to aid the federal government and declaring an emergency.

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

SECTION 1. WHEREAS, In the judgment of the legislature of the State of Washington, an exigency has arisen demanding the exercise of the sovereign power of the state to aid in repelling invasion, suppressing insurrection and defending the state in war, and

WHEREAS, It is the duty of the state and its governmental agencies to aid the national government to the full extent of their means and ability; and whereas, the success or defeat of the national government is equally the success or defeat of the state, and

WHEREAS, By the express mandate of article X of the state constitution, it is made the duty of the legislature to provide by law for organizing and disciplining the militia in such manner as it may deem expedient not incompatible with the constitution and laws of the United States, and

WHEREAS, By acts of congress, including those approved June 3rd, 1916, and August 29th, 1916, and regulations of the war department, disciplining by the federal government of the state militia (national guard) and other federal, state and local military organizations, at mobilization, training and supply stations is, among other things provided, which method of disciplining the militia and other military organizations is, in the judgment of the legislature, deemed expedient and proper and not incompatible with the constitution and laws of the United States or existing laws of this state, and

WHEREAS, The secretary of war, with the approval of the President of the United States, deeming it expedient, has agreed on behalf of the federal government, to establish in Pierce county, Washington, a permanent mobilization, training and supply station, for any or all such military purposes as are now or may be hereafter authorized or provided by or under federal law, on condition that land in Pierce county aggregating approximately seventy thousand acres, at such location or locations as have been or may be hereafter, from time to time selected or approved by the secretary of war, be conveyed to the United States, with the consent of the State of Washington, free of cost to the United States, and

WHEREAS, In the judgment of the legislature, the location of such permanent mobilization, training and supply station within the limits of Pierce county, Wash-

ington, will aid and be of public benefit and advantage to the nation and state in repelling invasion, suppressing insurrection, defending the nation and state in war, and disciplining the militia, in which general public benefit and advantage Pierce county will also proportionately share, but in addition to its general benefit, it will also enjoy additional and special benefits, with other local benefits and advantages not accruing to the nation and other counties in the state, to an extent exceeding the cost of acquiring by condemnation, or otherwise, the site selected or to be selected as aforesaid, aggregating approximately seventy thousand acres of land, and

WHEREAS, In the judgment of the legislature, the site aforesaid can be acquired for not exceeding two million dollars, and

WHEREAS, At a special election held in Pierce county on the 6th day of January, 1917, the voters of such county, by a more than three-fifths majority of those voting at said election, attempted to authorize the incurrence of an indebtedness of two million dollars, with interest, with which to acquire approximately seventy thousand acres of land in said county, and attempted to authorize such county to convey the same to the United States to be used as a permanent mobilization, training and supply station, for which attempted exercise of authority it is doubtful whether there was then in existence any law authorizing it, but the fulfilment of which purpose by Pierce county should, in the judgment of the legislature, be required by the state.

SEC. 2. That there is hereby imposed upon the county of Pierce, in the State of Washington, an indebtedness not exceeding, exclusive of interest, two million dollars, and the county commissioners of such county, acting as an arm and agency of the state, are hereby directed to incur an indebtedness not exceeding, exclusive of interest, two million dollars, with which such county, as an arm and agency of the state, is hereby required to acquire by condemnation or otherwise, land in Pierce county,

Imposing
indebtedness
on Pierce
county for
army post.

Washington, aggregating approximately seventy thousand acres, at such location or locations as may have been or may be hereafter from time to time selected or approved by the secretary of war (of the due making of which selection the determination of the county commissioners of such county shall be conclusive) and convey all of such lands to the United States to be used by the United States for any or all such military purposes, including supply stations, the mobilization, disciplining and training of the United States army, state militia, and other military organizations, as are now or may be hereafter authorized or provided by or under federal law, said indebtedness to be evidenced by negotiable bonds of Pierce county, payable in not more than twenty years, with interest not exceeding five per centum per annum payable annually.

SEC. 3. Said bonds shall be in denominations of not less than one hundred nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than twenty years from date of issue, and bear interest at a rate not to exceed five per centum per annum payable annually with coupons attached for each interest payment. The bonds shall be signed by the chairman of the board of county commissioners and be attested by the clerk of such board, and the seal of such board shall be affixed to each bond. The coupons shall bear the lithographed signature of the chairman and clerk of the board, but need not be impressed with the seal. Such bonds shall be printed, engraved or lithographed on good bond paper, and the bond shall state on its face that it is issued in compliance with the laws of the State of Washington. Such bonds shall be payable in any city containing a bank organized under the laws of the United States, and may be sold by the county commissioners at not less than their par value, and their proceeds shall be applied only to the purposes for which such bonds were issued. Bond issue.

Tax for
liquidating
bonds.

SEC. 4. The county commissioners of Pierce county, as an arm and agency of the state, are hereby required to levy annually a tax sufficient to pay and retire the interest coupons of such bonds as they become due, and ten years before such bonds shall become due the county commissioners of Pierce county, as an arm and agency of the state, are hereby required annually to levy a tax sufficient to liquidate such bonds at maturity. Such taxes shall be levied and collected as general county taxes are levied and collected, but the proceeds of such taxes shall be kept in a separate fund for the sole purpose of liquidating such bonds and interest coupons in accordance with the provisions of the following sections.

Calling
bonds for
payment.

SEC. 5. It shall be the duty of the treasurer of Pierce county, whenever he has on hand in such fund, two thousand dollars exclusive of interest requirements, to advertise for three consecutive issues in the newspaper then doing the county printing, for the presentation to him for payment of as many of such bonds as he may be able to pay with the funds in his hands, to be paid in numerical order of such bonds, beginning with bond numbered one, until all of such bonds are paid: *Provided*, That thirty days after the first publication of such notice of the treasurer calling in any of such bonds by their number, such bonds shall cease to bear interest, which shall be stated in the notice.

Cessation of
interest.

Interest on
unpaid
coupons.

SEC. 6. When any coupon is, by its terms, payable and is presented to the place where, by its terms, it is payable and is not paid for want of funds it may be then presented to the treasurer of Pierce county, and it shall be his duty to endorse the same as presented in the same manner as county warrants are endorsed, and thereafter such coupon shall bear interest at the rate of six per centum per annum until paid, or interest is stopped after call for payment as county warrants are called for payment. The money in such fund shall be first applied to the payment of accrued interest.

SEC. 7. Before such bonds are delivered to the purchaser they shall be presented to the county treasurer, who shall register them in a book kept for that purpose and known as the "bond register," in which register he shall enter the number of each bond, the date of its issue, maturity, amount, rate of interest, when and where payable, and shall endorse on each bond a certificate that it has been registered as required by law.

Bond registration.

SEC. 8. The right of eminent domain is hereby extended to Pierce county as the agent of the state for every purpose of condemnation, appropriation or disposition intended by this act, and such county is hereby authorized and empowered, as such state agent, to condemn and appropriate all lands and rights whatsoever whether now or hereafter devoted to other public use, including lands belonging to the state or any of its governmental agencies or public corporations, held either in its or their proprietary capacity, and whether already segregated from the public domain and appropriated to other public use or not, all under the procedure hereinafter provided: *Provided*, That it shall be discretionary with Pierce county, as petitioner, to join as respondents all parties in one proceeding or in one or more proceedings as may be determined by its board of county commissioners or attorney for the county, and where the state is a party respondent it may be joined with the other respondents or proceeded against separately, all in the superior court of Pierce county: *And provided further*, That the determination of the commissioners of such county that the secretary of war has selected the lands described in the petition or petitions shall be conclusive that public necessity requires their condemnation and appropriation for such military site.

Power of eminent domain conferred on Pierce county.

Joinder of parties defendant.

Public necessity, determination of.

SEC. 9. In proceeding to appropriate the land, real estate and premises herein provided for, Pierce county, through its board of county commissioners, shall present to the superior court of said county or to the judge of such superior court, a petition in which the land, real estate, premises or other property sought to be appropri-

Petition for condemnation

ated shall be described with reasonable certainty, and setting forth the name of each and every owner, encumbrancer or other person or party interested in the same or in possession thereof, or any part thereof, so far as the same can be ascertained from the public records, the object for which the land is sought to be appropriated, and praying that a jury be impaneled to ascertain and determine the compensation to be made in money, irrespective of any benefit from such improvement, to such owner or owners, respectively, and to all tenants, encumbrancers and others interested, for the taking or injuriously affecting such lands, real estate, premises or other property, or in case a jury be waived, as in other civil cases in courts of record in the manner prescribed by law, then that the compensation to be made, as aforesaid, be ascertained and determined by the court or judge thereof.

Service
of notice.

SEC. 10. A notice, stating briefly the objects of the petition, and containing a description of the land, real estate, premises, or property sought to be appropriated, and stating the time and place when and where the same will be presented to the court, or the judge thereof, shall be served on each and every person named therein as owner, encumbrancer, tenant, or otherwise interested therein, at least ten days previous to the time designated in such notice for the presentation of such petition. Such service shall be made by delivering a copy of such notice to each of the persons or parties so named therein, if a resident of the state; or in case of the absence of such person or party from his or her usual place of abode, by leaving a copy of such notice at his or her usual place of abode with some person of suitable age and discretion then resident therein; or in case of a foreign corporation, or nonresident joint stock company or association doing business within this state, to any agent, cashier, secretary or employe thereof. In case of domestic corporations, such service may be made upon the president, secretary, managing agent, director or trustee of such corporation, and in the event the name and residence of any such officer

can not be ascertained, which fact may be shown by the affidavit of the attorney for the county, such service may be made upon the secretary of state and such service shall be deemed a good and sufficient service upon such corporation. In case of minors on their guardians, or in case no guardian shall have been appointed, then on the person who has the care and custody of such minor. In case of idiots, lunatics or persons laboring under legal disability, on their guardian; or in case no guardian shall have been appointed, then on the person in whose care or charge they are found. The court shall appoint a guardian *ad litem* for such infant, insane person or person under disability, to appear and defend for him, her or them, and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant or insane person or person under disability, in the particular property that is to be taken or damaged, or the compensation which shall be awarded therefor. In case the land, real estate, premises or other property sought to be appropriated is property of a city, town, school district or other municipal or public corporation, the said notice shall be served on the clerk of said city, town, school district, municipal or public corporation, and if there is no such clerk, then upon the officer performing the duties pertaining to such clerk. In all cases when the owner or party claiming an interest in such real or other property is a nonresident of this state, or where the residence of such owner or party is unknown, and an affidavit of the attorney for the county shall be filed stating that he believes such owner or party is a nonresident of this state, or that, after diligent inquiry, the residence of such owner or party is unknown, or cannot be ascertained by such affiant, service may be made by publication thereof in the official newspaper of the county, once a week for two successive weeks; in case the owners or claimants to any property described in the petition are unknown, it shall be sufficient to designate them as "all other persons unknown claiming any right, title, lien or interest in or to the prop-

erty described herein," and service may be made on such owners or claimants as upon nonresidents; such publication shall be deemed service upon each of such owners or claimants unknown or whose residence is unknown. Such notice shall be signed by the attorney for the county. Such notice may be served by any competent person over twenty-one years of age. Due proof of service of such notice, by affidavit of the person serving the same, or by the printer's affidavit of publication, shall be filed with the clerk of such superior court before or at the time of the presentation of such petition. All persons or parties having been served with notice as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings. In all cases not herein provided for, service of notices, orders, and other papers in the proceedings authorized by this act may be made as the superior court, or the judge thereof may direct, or as may be provided by law for service of summons and process in civil actions.

Service
when state
owns lands.

SEC. 11. In all condemnation proceedings brought for the purpose of appropriating any land owned by the state or in which it has an interest, service of notice shall be made upon the commissioner of public lands.

Adjournment
of pro-
ceedings.

SEC. 12. The court or judge may, upon application of the petitioner or of any owner or party interested, for reasonable cause, adjourn the proceedings from time to time, and may order new or further notice to be given to any party whose interest may be affected.

Jury to be
impaneled.

SEC. 13. At the time and place appointed for hearing said petition, or to which the same may have been adjourned, if the court or judge thereof shall have satisfactory proof that all parties interested in the land, real estate, premises or other property described in said petition, have been duly served with notice as above prescribed, and shall be further satisfied by competent proof that the contemplated use for which the land, real estate, premises or other property sought to be appropriated is really a public use, the court or judge thereof may make an order impaneling a jury. Such jury may be the same jury sum-

moned for the trial of ordinary civil actions before the court or the court may, in its discretion, issue a venire to the sheriff to summon as jurors such number of qualified persons as the court shall deem sufficient.

SEC. 14. A judge of the superior court shall preside at the trial, which shall be held at such time as the court, or the judge thereof, may direct, at the court house in Pierce county, and the jurors at such trial shall make in each case a separate assessment of damages which shall result to any person, corporation, or company, or to the state, or to any municipal or public corporation or other party, by reason of the appropriation and use of such land, real estate, premises, or other property by such county, as aforesaid, and shall ascertain, determine, and award the amount of damages to be paid to said owner or owners respectively, and to all tenants, encumbrancers, and others interested, for the taking or injuriously affecting such land, real estate, premises, or other property, irrespective of any benefit from any improvement proposed by such county. Upon the trial, witnesses may be examined in behalf of either party to the proceedings, as in civil actions. Judgment shall be entered by the court, and not by the clerk, for the amount of the damages awarded to such owner or owners respectively, and to all tenants, encumbrancers, and others interested, for the taking or injuriously affecting such land, real estate, premises, or other property. In case a jury is waived as in other civil actions in courts of record in the manner prescribed by law, the compensation to be paid for the property sought to be appropriated shall be ascertained and determined by the court, or the judge thereof, and the proceedings shall be the same as in trials of an issue of fact by the court. No judgment shall be final until signed by the court and filed with the clerk.

SEC. 15. Any final judgment or judgments rendered by said court upon any finding or findings of any jury or juries, or upon any finding or findings of the court in case a jury be waived, shall be lawful and sufficient condemna-

Trial.

Assessment
of damages.Judgment,
entry of.Effect of
judgment.

Appeals.

tion of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs which shall be taxed as in other civil cases: *Provided*, That in case any respondent recovers no damages, no costs shall be taxed. Such judgment or judgments shall be final and conclusive unless appealed from, and no appeal from the same shall delay the proceedings, nor deprive the county of the right to possession of the property condemned, if such county shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs, and such county, after making such payment into court, shall be liable to such owner or owners or parties interested for the payment of any further compensation which may at any time be finally awarded to such parties so appealing in said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor, and abide any rule or order of the court in relation to the matter in controversy. In case of an appeal to the supreme court of the state by any party to the proceedings the money so paid into the superior court shall remain in the custody of said superior court until the final determination of the proceedings. If any party entitled to appeal accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived an appeal to the supreme court.

Vesting of title.

SEC. 16. The court, upon proof that just compensation so found by the jury, or by the court in case the jury is waived, together with costs, has been paid to the person entitled thereto, or has been paid into court, shall enter an order that Pierce county shall have the right at any time thereafter to take immediate possession of or damage the property in respect to which such compensation shall have been so paid, and thereupon the legal title to any property so taken shall be vested in fee simple in Pierce county and a certified copy of such judgment or decree of appropriation and order shall be filed for record in the office of the county auditor of

Pierce county and shall be recorded by said auditor like a deed to real estate and with like effect. If the title to said land, real estate, premises, or other property attempted to be acquired is found to be defective from any cause, Pierce county shall again institute proceedings to acquire the same as in this act provided.

SEC. 17. At any time within six months from the date of rendition of the last judgment awarding compensation in the superior court for land taken or damaged, selected by the secretary of war, as provided in this act, or if any appeal be taken, then within two months after the final determination of the appeal in the supreme court, such county may dismiss the proceedings as to any tract or parcel of land described in any petition or petitions filed in accordance with this act, by resolution of its board of county commissioners before making payment, by paying or depositing in court all taxable costs incurred by any parties interested in the particular tract or tracts up to the time of discontinuance.

Dismissal of proceedings as to any tract.

SEC. 18. Whenever claim is made to any money paid into court, as provided in this act, the claimant may apply to the court therefor, and upon furnishing evidence satisfactory to the court that he or it is entitled to the same, the court shall make an order directing payment to such claimant of the portion of such money he or it shall be found entitled to, after first deducting the amount found to be due against the particular tract of land for all taxes and assessments as shown by the records in the office of the county treasurer and county assessor; but if, upon application, the court, or judge thereof, shall decide that there are conflicting claims to the award, he may proceed to hear and determine the same.

Payment of claimants of awards.

SEC. 19. Except as herein otherwise provided, the practice and procedure under this act in the superior court and in relation to the taking of appeals and the prosecution thereof, shall be the same as in other civil actions, but all appeals must be taken within thirty days from the date of filing the judgment appealed from: *Pro-*

Practice and procedure.

Appeals, time for taking.

vided, That in case of appeal no bond shall be required of the county.

State consent to donation of lands to federal government.

SEC. 20. Pursuant to the constitution and laws of the United States, and especially to paragraph seventeen of section eight of article one of such constitution, the consent of the legislature of the State of Washington is hereby given to the United States to acquire, by donation from Pierce county, title to all lands herein intended to be referred to, to be evidenced by the deed or deeds of Pierce county signed by the chairman of its board of county commissioners and attested by the clerk of such board under the seal of such board, and the consent of the State of Washington is hereby given to the exercise by the congress of the United States of exclusive legislation in all cases whatsoever over such tracts or parcels of land so conveyed to it: *Provided*, Upon such conveyance being concluded a sufficient description by metes and bounds and an accurate plat or map of each such tract or parcel of land be filed in the auditor's office of Pierce county, together with copies of the orders, deeds, patents or other evidences in writing of the title of the United States: *And provided*, That all civil process issued from the courts of this state and such criminal process as may issue under the authority of this state, against any person charged with crime in cases arising outside of said reservation, may be served and executed thereon in the same mode and manner and by the same officers as if the consent herein given had not been made.

Record of U. S. title.

Service of process of state courts.

Emergency.

SEC. 21. Owing to lack of proper and adequate military training and preparedness, the public peace and safety are and will continue to be endangered, an emergency exists and this act is enacted for the support of the federal and state governments, as well as under the police power of the state, declared to be and is necessary for the immediate preservation of the public peace and safety, and shall take effect immediately.

Passed the Senate January 25, 1917.

Passed the House January 25, 1917.

Approved by the Governor January 27, 1917.