

CHAPTER XXIV.

[H. B. No. 5.]

RELATIVE TO OYSTER PLANTING.

AN ACT providing for the sale and purchase of tide lands of the third class and the manner of conveying the same for the purposes of oyster planting, to encourage and facilitate said industry, and declaring an emergency.

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

SECTION 1. It shall be lawful for any person who is entitled to purchase tide lands pursuant to the act of March 26, 1890, as being an occupant of land planted with oysters, to survey or cause to be surveyd at his own expense, the land that pursuant to said act he is entitled to purchase, not exceeding one hundred acres in area: *Provided,* That the party making application to purchase under the provisions of this act shall accompany such application with a certificate under oath to the effect that lands purchased under the provisions of this act shall be used for oyster planting purposes only.

Duplicate records kept.

SEC. 2. Survey and description in duplicate of such tract shall be subject to the direction, oversight and approval of the board of state land commissioners, and one description of said tract as surveyed shall be filed with and be recorded by the county auditor of the county in which said tide lands are situated, in a book kept by him for such especial purpose, and a duplicate description in the office of the commissioner of public lands.

Lines of survey.

SEC. 3. The survey of such lands, as provided in the foregoing sections of this act, may not be required to follow the lines of United States government survey, but may follow the direction of the oyster beds actually occupied by the party proposing to purchase the same; the persons entitled to purchase such oyster beds under the provisions of this act may purchase the same at the rate of one dollar and twenty-five cents per acre, one-fourth of which price shall be paid at time of making such purchase, and the remaining three-fourths in three equal annual payments, each of which sums shall draw interest at the rate of eight per cent. per annum, the unpaid portion re-

Price per acre, and how sold.

maining as a lien upon said land until all payments shall be made in full, and the purchaser shall thereupon be entitled to a deed to the same; said deed shall be executed by the governor, attested by the secretary of state with the seal of the state thereunto attached, which deed shall contain the conditions of defeasance in this act provided.

SEC. 4. Any person having the right to purchase such tide lands as provided by this act, and being an actual occupant of the same, shall have the prior right to purchase for a period of six months from and after the passage of this act and its being signed and approved by the governor.

SEC. 5. Upon the filing of a description of the survey of such land, as provided for by the foregoing sections of this act, the person or persons having occupied or desiring to occupy such lands as described in section one of this act, may file with the commissioner of public lands an application to purchase said lands, together with a description of the lands applied for, by metes and bounds, and upon the receipt of the same the commissioner of public lands shall, at the expense of the applicant, publish, or cause to be published, for three successive weeks in any newspaper of general circulation printed and published in the county where such lands are situated, a notice of such application to purchase, giving therein a description of lands applied for. During the next thirty days following the last publication of said notice, any person claiming a prior right to purchase such tide lands may file with the commissioner of public lands a contest for the purpose of establishing a prior right to purchase, or, upon petition of ten citizens who shall be residents of the county wherein such lands are situated, a contest may be filed as hereinbefore provided, and such contest shall be upon the right of applicant to purchase, as provided in the foregoing sections of this act. If the party making contest shall fail to establish a prior right to purchase, said party shall be liable for the costs resulting direct from such contest, except private attorney fees, and the sum of such costs shall be paid by such contestant into the state treasury department, and, upon such payment being made, shall be entitled to a receipt for the same.

Prior right.

Application to purchase, notice of.

Adverse claimant.

SEC. 6. This act shall in no manner apply to the provisions of the act of March 26, 1890, providing for the appraisal and disposition of tide and shore lands in the State of Washington except as far as it relates to lands actually used or to be used for the purpose of oyster planting.

SEC. 7. Any person desiring to purchase tide lands for the purposes of oyster planting may purchase tide lands of the third class not included in any natural oyster beds or any reserve pursuant to the provisions of this act, in subordination to any preëmption right confirmed by said act of March 26, 1890. Nothing in this act shall be construed so as to effect [affect] the preference rights of shore or upland owners, or improvers, as conferred by the provisions of said act or other provisions of law.

Persons authorized to purchase.

SEC. 8. No person shall be entitled, directly or indirectly, to the privileges of this act who is not an actual resident and citizen of the United States and State of Washington, and no person not a citizen of the State of Washington shall be competent to acquire deeds to any lands sold by the state under the provisions of this act: *Provided*, That any citizen of the United States and not a citizen of the State of Washington, or any corporation organized under the laws of any other state other than the State of Washington that has planted and cultivated and planted in oysters any tract or tracts or parcels of such lands for the period of five years next preceding January 1, 1895, shall have the exclusive right to purchase such tract or tracts or parcels of land so planted and cultivated as aforesaid, but not exceeding one hundred acres in the aggregate, such prior right to be within six months after the approval of this act. And failure to make application to purchase said lands within said six months by such person or corporation shall forfeit the right hereby granted to such person or corporations to purchase any such lands.

Abandoned oyster lands, how purchased.

SEC. 9. If from any cause any tract or tracts, parcel or parcels of land purchased under the provisions of this act shall become unfit and valueless for the purposes of oyster planting, the party having so purchased and being in the possession of the same may upon certifying such fact under

oath to the commissioner of public lands and to the auditor of the county wherein such lands are situated and also upon filing under oath a certificate of abandonment of such tract or tracts, parcel or parcels of land, in the office of each of said officials, such party shall then be entitled to again make purchase as hereinbefore provided; or if said land be used by the purchasers or any successors in interest of such purchaser in whole or in part for other than the purposes specified in this act, then upon application by any citizen to the state land commissioner such sale may be canceled, and the said land shall revert to the state and shall be subject to sale as herein provided, but not to such defaulting purchaser or such defaulting successor in interest.

SEC. 10. The provisions of this act shall not apply to such lands as have already been surveyed, appraised and platted.

SEC. 11. Whereas, planters of oysters not being adequately protected in the possession of their property, and it being the desire of certain oyster planters to engage in the planting of eastern oysters, and the season for ordering a supply of eastern oysters for spring planting being already at hand, an emergency is declared, and this act shall be in full force and effect upon its passage and approval by the governor.

Passed the house February 13, 1895.

Passed the senate February 27, 1895.

Approved March 2, 1895.

CHAPTER XXV.

[H. B. No. 399.]

RELATING TO THE SALE OF OYSTER LANDS.

AN ACT relating to the purchase and sale of oyster lands, and declaring an emergency.

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

SECTION 1. That all persons having the qualifications ^{Right to purchase.} provided by law to enable them to purchase tide lands