

FLOOD CONTROL LAW AT STAKE

OLYMPIA, March 9. —(P)— The constitutionality of the state's flood control program was at stake in a suit being heard by the state supreme court today.

The case is on appeal from Pierce county, where the Weyerhaeuser Timber company, St. Paul and Tacoma Lumber company, Milwaukee Land company and Northwestern Improvement company brought a restraining action to prevent canvass of the vote to determine whether the Puyallup valley flood district should be formed.

Defendants in the action are E. K. Banker, director of conservation and development, and the Pierce county election board.

The case hinges on whether a district can tax property bordering land affected directly by floods for the purpose of specially benefitting and improving other property, without some degree of benefit accruing to the property taxed.

The companies contend their property is being taxed for flood control, which would not benefit their lands.

A precedent was established on January 22 in Shelton, when Superior Judge H. G. Sutton of Kitsap county, ruled that lands "must receive benefit from the flood control before they can be legally assessed."

The decision of the supreme court in the present case probably will rule in similar suits now in lower courts against the Skykomish river district in Mason county, the Sammamish in King county, the Stillaguamish and south Snohomish districts in Snohomish county, and the Skagit county district.

The state contends the lands of the plaintiff companies should be included in the district.

General benefits to the area in general and not benefits to particular property should be considered, the state contends.

The flood control program places

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25 per cent of the cost upon the districts; 25 per cent upon the state, with the federal government providing the remaining 50 per cent.

Today's case was expected to be assigned for a written opinion, which probably will not be handed down for some time.

State aid depends upon passage of a proposed \$15,000,000 flood control and bond issue at the general election in November.