

TWO COMPANIES SAY ELECTION IS NULL AND VOID

SOUND TIMBER AND WEYER-
HAEUSER CLAIM BANKER
WAS WITHOUT AUTHORITY;
DISTRICT NOT ECONOMICAL-
LY SOUND, CLAIMED

Alleging that yesterday's flood control district election was null and void, the Sound Timber company, and the Weyerhaeuser Timber company started an action in superior court here today in an attempt to prevent final organization of the district.

W. E. Heidinger, attorney for the two companies, went into superior court this morning where he asked and was granted a temporary order preventing the election board from canvassing yesterday's vote and certifying the returns to state officials. Judge George A. Joiner set December 28 as the date when state and county officials must appear before him to show cause why the temporary restraining order should not be made permanent.

Other companies brought a similar action in Pierce county following approval of a flood control district there, but the court upheld the state flood control act and ordered the canvassing of returns and certification of the vote. The companies appealed to the state supreme court and the arguments on the issue will probably be set for January.

It was asserted that the companies must bring actions in the various counties immediately after the election, or before the districts are finally organized, so as to preserve their right to go into court later to attack the validity of the new state law.

The action in court here was directed at E. F. Banker, head of the state department of conservation and development, and head of the state flood control boundary commission, and Auditor C. P. Kloke, Commissioner Hugo Bauman, and Prosecutor Richard Welts, members of the county election board.

As a result of today's temporary restraining order, the election board cannot canvass the returns and certify them to Banker, and Banker cannot officially proclaim the flood control district organized.

The lengthy complaint filed in court here sets forth that Banker did not find that the proposed plan was economically feasible, nor adopt a comprehensive plan. It goes on to claim that "Banker acted in excess of his authority and jurisdiction in recommending that the said district be created for the stated purpose of creating an agency that may enter into contracts with the state and federal governments for funds, if available, to carry out a complete plan of development of control works for flood water protection."

Continuing their complaint, the two timber companies assert that the state flood control boundary commission found that \$508,000 could be raised by assessment, whereas the cost of the proposed work would be \$2,426,852. The theory was used that the state would contribute 25 per cent of the cost of the improvement and the federal government 50 per cent, the companies maintain.