

## FLOOD CONTROL TAX PLAN IS HIT BY DECISION

SHELTON, Jan. 22.—(P)—Superior Judge H. G. Sutton of Kitsap county established a precedent for the state's lower courts here yesterday when he ruled lands to be taxed under flood control districts must receive benefit from the flood district before they can be legally assessed.

Judge Sutton commented that "neither the legislature nor any municipal corporation created by it has the power to tax property for the purpose of specially benefitting and improving other private property without some degree of benefit accruing to the property taxed.

"It is obvious that if it is a violation of the 14th amendment of the federal constitution to tax property in excess of the specific benefits to it, it is a violation to tax property which receives no benefit whatever."

The decision is in the case of the Simpson Logging company vs. E. F. Banker, director of the department of conservation and development. It overrules the defendant's demurrer to the complaint and continues a temporary injunction granted by Superior Judge D. F. Wright of Mason county against inclusion of certain of the company lands either heavily wooded or lying on steep hillsides arbitrarily included in the boundaries of the taxing district.

Banker said today in Olympia he would appeal the case to the state supreme court.

## Flood Control

(Continued from Page One)

The decision is directly opposite to a similar court decision in Pierce county, he said, and his department will ask the supreme court to decide the issue.

An action similar to those in Mason and Pierce counties is on file in Skagit county superior court, but no trial is anticipated here. A supreme court decision on the Pierce and Kitsap cases will probably govern the situation here. No official canvass of the Skagit vote on flood control has yet been made, and none is scheduled until after the supreme court rulings are handed down. Skagit voters approved a county flood control district by a vote of 1,891 to 767.

EVERETT, Jan. 22.—(P)—Republican county chairmen and state committeemen of this congressional district are to meet here Feb. 2 to discuss national convention delegates and prospective candidates for national and state offices. The meeting date was set by Kenneth Klepser, Republican county chairman.

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