

## CHAPTER 98.

[S. B. 348.]

## RELATING TO TRIALS IN JUSTICE COURTS.

AN ACT to amend section 4683 of Ballinger's Annotated Codes and Statutes of Washington, relating to the jurisdiction of justices of the peace in criminal cases.

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

SECTION 1. That section 4683 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Section 4683. Justices of the peace shall have jurisdiction concurrent with the superior courts of all misdemeanors and gross misdemeanors committed in or which may be tried in their respective counties: *Provided*, That justices of the peace in cities of the first class shall in no event impose greater punishment than a fine of five hundred dollars, or imprisonment in the county jail for six months; and justices of the peace other than those elected in cities of the first class shall in no event impose greater punishment than a fine of one hundred dollars, or imprisonment in the county jail for thirty days.

[Am'd.  
§ 4683. Bal.;  
§ 3071,  
Pierce; § 1.  
ch. 35, p. 34,  
L. '01.]

Limits of  
jurisdiction.

Passed by the Senate March 3, 1909.

Passed by the House March 9, 1909.

Approved March 13, 1909.

## CHAPTER 99.

[S. S. B. 65.]

## RELATING TO BILLS OF LADING.

AN ACT relating to bills of lading.

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

SECTION 1. That whenever any common carrier, railroad or transportation company (hereinafter termed carrier) shall issue a bill of lading for the transportation of

property from one place to another within this state, or between places one of which is within this state, which bill shall be, or purport to be, drawn to the order of the shipper or other specified person, or which shall contain any statement or representation that the property described therein is, or may be, deliverable upon the order of any person therein mentioned, such bill shall be known as an "Order Bill of Lading"; and shall conform to the following requirements:

Bill drawn by order of shipper.

Form.

(a) In connection with the name of the person to whose order the property is deliverable, the words "Order of" shall prominently appear in print on the face of the bill, thus: "Consigned to Order of....."

(b) The bill shall be printed on yellow paper, 8½ inches wide by 11 inches long.

(c) It shall contain on its face the following provisions "The surrender of this original order bill of lading properly indorsed shall be required before delivery of the property."

(d) It shall not contain the words "Not Negotiable" or words of similar import. If such words are placed on an order bill of lading they shall be void and of no effect.

Additional Matter.

(e) Nothing herein shall be construed to prohibit the insertion in an order bill of lading of other terms or conditions not inconsistent with the provisions of this act; but it shall be unlawful to insert in such bill any terms or conditions contrary to, or inconsistent with, such provisions.

SEC. 2. Whenever a bill of lading is issued by a carrier for the transportation of property from one place to another within this state, or between places one of which is within the state, in which the property described therein is stated to be consigned or deliverable to a specified person, without any statement or representation that such property is consigned or deliverable to the order of any person, such bill shall be known as a "Straight Bill of Lading" and shall contain the following requirements:

"Straight bill."

Form.

(a) The bill shall be printed on white paper 8½ inches wide by 11 inches long.

(b) The bill shall have prominently printed or stamped upon its face the words, "Not Negotiable," and the carrier may deliver the goods under a straight bill of lading to the consignee without requiring the surrender of the bill of lading.

(c) Nothing herein shall be construed to prohibit the insertion in a straight bill of lading of other terms and conditions not inconsistent with the provisions of this act, but it shall be unlawful to insert in such bill any terms or conditions contrary to or inconsistent with such provisions.

SEC. 3. It shall be unlawful for any carrier, or for any officer, agent or servant of a carrier, to issue an order bill of lading or a straight bill of lading, as defined by this act, until the whole of the property as described therein shall have been actually received and is at the time under the actual control of such carrier, to be transported; or to issue a second or duplicate order bill of lading or straight bill of lading for the same property, in whole or in part, for which a former bill of lading has been issued and remains outstanding and uncanceled, without prominently marking across the face of the same the word "Duplicate."

When bill  
shall issue.

SEC. 4. Every carrier who himself, or by his officer, agent or servant authorized to issue bills of lading, issues a false or duplicate bill of lading in violation of the provisions of section 3 of this act, shall be estopped, as against all and every person or persons injured thereby who shall acquire any such false or duplicate bill of lading in good faith and for value, to deny the receipt of the property as described therein, or to assert that a former bill of lading has been issued and remains outstanding and uncanceled for the same property, as the case may be; and such issuing carrier shall be liable to any and every such person for all damages which he or they may have sustained because of reliance upon such bill.

False bill.

SEC. 5. Every person who receives from a carrier and fraudulently negotiates for value an order or straight bill of lading representing property to which he had no, or an encumbered title, at the time of the negotiation of such

Penalty. bill, shall be guilty of a misdemeanor and upon conviction shall be punished by fine not exceeding five thousand dollars or imprisonment not exceeding five years, or both.

Cancellation of bill. SEC. 6. It shall be unlawful for any carrier, or officer, agent or servant of a carrier, to deliver the property described in an order bill of lading without requiring surrender and making cancellation of such bill, or in case of partial delivery, indorsing thereon a statement of the property delivered. And every carrier who by himself, or by officer, agent or servant authorized to deliver goods upon surrender of an order bill of lading, violates the provisions of this section, shall be estopped as against all and every person or persons injured thereby who shall acquire in good faith and for value any such order bill of lading from asserting that the property as described therein, has been delivered; and such delivering carrier shall be liable to any and every such person for all damages which he or they may have sustained because of reliance upon such bill: *Provided*, That the provisions of this section shall not apply where the property is replevined or removed from the possession of the carrier by operation of law; or has been lawfully sold to satisfy the carrier's lien; or in cases of sale or disposition of perishable, hazardous or unclaimed goods in accordance with law or the terms of the bill of lading.

Alterations not to effect. SEC. 7. Any material alteration, addition or erasure in or to an order bill of lading or a straight bill of lading, fraudulent or otherwise, shall be without effect and in the hands of a *bona fide* holder for value, not a party to the alteration thereof, such bill shall be valid and may be enforced according to its original tenor: *Provided, however*, That an alteration, addition or erasure in or to any such bill of lading with signature indorsed thereto thereon, by the issuing carrier, or his officer, agent or servant in his behalf, and with the consent of the holder thereof, shall be valid and effective.

Passed by the Senate March 5, 1909.

Passed by the House March 10, 1909.

Approved March 13, 1909.