

CHAPTER CXXVIII.

[S. B. No. 206.]

MAKING RAILWAY COMPANIES LIABLE FOR INJURY
TO STOCK.

AN ACT to protect the owners of stock from injury thereto by moving railway trains, declaring the law of negligence and providing for a reasonable attorney's fee in all actions for such injury.

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

SECTION 1. That in all actions against persons or corporations owning or operating steam railways in the State of Washington, for injuries to stock of any kind, except hogs, by collision with moving trains, it shall be *prima facie* evidence of negligence on the part of the defendant to show that the railroad track was not fenced so as to turn said stock from the track.

Placing and
maintaining
gates.

SEC. 2. When any person or corporation, owning or operating a railroad, shall fence the railroad track through the occupied or enclosed or cultivated lands of any individual or corporation it shall be the duty of said person or corporation, at their expense, to put in place and maintain such crossings with gates or bars as may be necessary to give the owner, together with his stock, access to the several parts of his occupied or enclosed and cultivated lands. Persons holding or occupying land under any of the land laws of the United States, or by contract of purchase from any land grant railroad, or under equitable title of any kind which gives them the right of occupancy, shall be considered as the owners of the land so held and occupied for the purposes of this act. Failure to provide such crossings with gates or bars for sixty days after written notice from the owners requiring the same, shall subject the person or corporation in default to a penalty of not greater than two hundred and fifty dollars, to be recovered by the owner of the land by action in the superior court of the county: *Provided*, That no more than one crossing in every half mile shall be required under this act upon the property of any one owner.

Owners
defined.

Penalty.

SEC. 3. When any stock shall be killed or injured by collision with a railroad train or with a railroad engine it shall be the duty of the engineer and fireman of the engine, within forty-eight hours thereafter, to report the accident to the division superintendent of the road, stating the manner of the accident, place of its occurrence and the name of the owner of the stock killed or injured, if known, and immediately upon the receipt of such report it shall be the duty of such division superintendent to transmit the same to the owner of the stock, if known, and if not known to cause the said report to be filed with the agent of the company nearest the place of the accident, to be by him kept at his office for the inspection of the public. Failure on the part of the officers or agents in this section mentioned to comply with the requirements of this section, shall subject the person or corporation owning or operating the railway to a penalty of double the market value of the stock injured or killed, to be recovered by the owner thereof in an action in the superior court of the county.

Engineer and
fireman to re-
port killing
of stock.

Penalty.

SEC. 4. In all actions for injury to stock by collision with moving railway trains where the plaintiff shall recover, and in actions to recover a penalty under this act in which the plaintiff shall recover judgment, the judge shall allow a reasonable attorney's fee to be taxed as a part of the costs.

Attorney's fee.

Approved March 15, 1893.

CHAPTER CXXIX.

[S. B. No. 261.]

RELATING TO THE FILING AND CANCELLATION OF PLATS.

AN ACT amending section 2331, Code of 1881, laws of the State of Washington, relating to the filing and cancellation of plats, and declaring an emergency.

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

SECTION 1. Section 2331, Code of 1881, is hereby amended so as to read as follows: Section 2331. Every