

CHAPTER 88.

[S. B. 41.]

COMPELLING RAILROADS TO FENCE THEIR RIGHTS-OF-WAY.

AN ACT compelling railroads to fence their rights-of-way and to protect the owners of stock injured by moving railway trains, declaring a law of negligence with regard to stock injured by railway trains.

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

SECTION 1. Every person, company or corporation having the control or management of any railroad shall, within six months after the passage of this act, outside of any corporate city or town, and outside the limits of any side-track or switch, cause to be constructed and maintained in good repair on each side of said railroad, along the line of said right-of-way of such person, company or corporation operating the same, a substantial fence, and at every point where any roadway or other public highway shall cross said railroad, a safe and sufficient crossing must be built and maintained, and on each side of such crossing and at each end of such side-track or switch, outside of any incorporated city or town, a sufficient cattle guard: *Provided*, That any person holding land on both sides of said right-of-way shall have the right to put in gates for his own use at such places as may be convenient.

SEC. 2. Every such person, company or corporation owning or operating such railroad shall be liable for all damages sustained in the injury or killing of stock in any manner by reason of the failure of such person, company or corporation, to construct and maintain such fence or such crossing or cattle guard; but when such fences, crossings and guards have been duly made, and shall be kept in good repair, such person, company or corporation shall not be liable for any such damages, unless negligently or unlawfully done.

SEC. 3. That in all actions against persons, companies or corporations, operating steam or electric railroads in the State of Washington, for injury to stock by collision with moving trains, it is *prima facie* evidence of negligence

on the part of such person, company or corporation, to show that the railroad track was not fenced with a substantial fence or protected by a sufficient cattle guard at the place where the stock was injured or killed.

Passed the Senate February 21st, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 9th, 1907.

CHAPTER 89.

[S. B. 66.]

AUTHORIZING CITIES OF THE FIRST CLASS TO PROVIDE FOR THE FILLING OF CESS-POOLS AND FOR THE REMOVAL OF GARBAGE.

AN ACT authorizing cities of the first class to provide for the filling and closing of cess-pools and for the removing of garbage, debris, grass, weeds and brush on property in such cities, and the levying and collecting of taxes or assessments on such property for the payment of the cost thereof.

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

Removal
of garbage,
etc.

SECTION 1. Any city of the first class is hereby empowered to provide for the filling and closing of cess-pools and for the removing of garbage, debris, grass, weeds and brush on property in such city.

Tax on
property.

SEC. 2. That such city may prescribe by general ordinance the mode and manner of assessing, levying and collecting the tax or assessment upon such property for any such filling and closing of cess-pools and the removing of garbage, debris, grass, weeds and brush, and provide that such charge shall be a lien on the property upon which such work is done and that the same shall be collected in such manner as shall be prescribed by such ordinance.

Passed the Senate February 18th, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 9th, 1907.