

said rivers for navigation purposes, and all of such rights, privileges and easements granted hereby shall be subject to the paramount control of such rivers for navigation purposes by the United States: *And, provided further,* That the use and enjoyment of the grants and privileges of this act shall not interfere with the lawful and rightful diversion of the waters of said rivers by other parties under water appropriations in existence at the time any such persons, firms or corporations shall avail themselves of the benefits and privileges of this act, but no such persons, firms or corporations shall have any right to construct any such dams or works over, upon or across the land between ordinary high water and extreme low water of any river of this state without first having acquired the right to do so from the owner or owners of the lands adjoining the land between ordinary high water and extreme low water over or across which said dam or works are constructed.

Procure
right from
owner.

Passed by the Senate March 1, 1911.

Passed by the House March 8, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 96.

[S. B. 232.]

DEMURRAGE BILL.

AN ACT to amend section 16 of chapter 142 of the Statutes of Washington for the year 1907, entitled, "An act providing for the furnishing of cars to shippers and prescribing the time of loading, transporting and unloading the same, with storage and charges incidental thereto and providing charges and penalties for delay and for the violation of this act and authorizing the railroad commission of Washington to prescribe additional rules and to enforce the same and the provisions of this act," and declaring an emergency.

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

SECTION 1. That section 16 of chapter 142 of the Statutes of Washington for the year 1907, be and the

[Amending
§ 8706,
Rem.-Bal.]

same is hereby amended to read as follows: Sec. 16. Railroad companies shall not discriminate between persons, places or commodities, in storage or demurrage charges. No rebate, fund, draw-back, or other similar device shall be lawful: *Provided*, That this section shall not apply to package freight received in less than carload lots unloaded in depots or warehouses, and upon proof of the violation of this section either and each party to such discrimination, rebate, refund, draw-back or other similar device, shall be fined in any sum not less than one hundred dollars and not exceeding one thousand dollars for each offense to be found by a jury in an action brought therefor: *Provided further*, That nothing in this act contained shall be construed to prevent a railroad company and a shipper agreeing to apply the principles of the so-called average plan in periodical settlements on demurrage: *Provided*, That such average plan agreement shall be open to all shippers alike and that the same shall be submitted to and receive the approval of the railroad commission before the same is placed in operation.

Penalty.

Average
plan.

Emergency.

SEC. 2. An emergency exists and this act shall take effect immediately.

Passed by the Senate March 3, 1911.

Passed by the House March 8, 1911.

Approved by the Governor March 17, 1911.