

SEC. 3. No other evidence shall be required to prove Evidence. marriage of such husband and wife, or that such person is the lawful father or mother of such child or children, than is or shall be required to prove such facts in a civil action. In all prosecutions under this act any existing provisions of law prohibiting the disclosure of confidential communications between husband and wife shall not apply, and both husband and wife shall be competent witnesses to testify for or against each other to any and all relevant matters, including the fact of such marriage and the parentage of such child or children. Proof of the desertion of such wife, child or children in destitute or necessitous circumstances or of neglect to furnish such wife, child or children necessary and proper food, clothing or shelter is *prima facie* evidence that such desertion or neglect is wilful.

Passed the House February 26th, 1907.

Passed the Senate March 1st, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 104.

[H. B. 229.]

AMENDING ACT GRANTING RIGHTS-OF-WAY TO RAILROAD COMPANIES OVER STATE LANDS.

AN ACT amending an act entitled "An act granting rights-of-way to railroad companies over the lands of the State of Washington, and providing for the appraisement and disposition of the lands included within and used for such rights-of-way, and declaring an emergency," approved March 18th, 1901.

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

SECTION 1. That said section one of an act entitled "An Act granting rights of way to railroad companies over the lands of the State of Washington, and providing for the appraisement of the lands included within and used for such rights of way, and declaring an emergency," approved March 18th, 1901, is hereby amended to read as follows: Section 1. That a right of way through, over and across the public lands of the State of Washington,

Tide lands
excepted.

Extent of
lands
granted.

Lands of
public in-
stitutions
excepted.

Manner of
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benefits of
grant.

except tide lands, harbor areas and shore lands, is hereby granted to any railroad company duly organized under the laws of any state or by the Congress of the United States to any extent not exceeding fifty feet on each side of the center line of said railroad now constructed or hereafter to be constructed unless a greater width is required for excavations, embankments, depot, station grounds, passing tracks or barrow pits, which extra width shall not in any case exceed two hundred feet on either side of said center way: *Provided*, That this act shall not apply to any lands acquired or used by any of the public institutions of this State. In order to obtain the benefits of this grant as to any railroad hereafter to be constructed, the company constructing or proposing to construct such road shall file with the Board of State Land Commissioners a copy of its articles of incorporation, due proofs of organization thereunder, a map or maps accompanied by the field notes of the survey and location of the line of said railroad, and shall pay to the State as hereinafter provided the amount of the appraised value of said lands affected by, used for or included within said right of way and extra widths if any are required. In order to obtain the benefits of this grant as to any railroad now constructed, the company owning such road shall file with the Board of State Land Commissioners a list of the lands affected by, used or included within such right of way, and shall pay to the State as hereinafter provided the amount of the appraised value of said lands affected by, used for or included within said right of way and extra widths.

Passed the House February 13th, 1907.

Passed the Senate March 7th, 1907.

Approved by the Governor March 11th, 1907.