

and fifty dollars for each failure or refusal to make such payment, which, together with the costs of suit, shall be recoverable by the Railroad Commission of Washington in the superior court of the State of Washington in any county in this State in or through which said railroad runs or does business.

Actions.

SEC. 24. When any action against any railroad is brought under the provisions of this act for failure to furnish cars, it shall be shown on the trial by competent testimony that the person applying therefor had on hand at the time it became the duty of the railroad under any application so made to furnish the car or cars required, the kind of freight specified in the application ready for shipment in the said car or cars, to the point of destination in the said application stated.

Act may be enforced by injunction.

SEC. 25. The provisions of this act may also be enforced by mandamus or mandatory injunction on the relation or suit of any party affected by the violation thereof or at the instance of said Commission.

Unconstitutionality of part of act not to affect remainder.

SEC. 26. If any section, subdivision, sentence, clause or purpose of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the act.

Passed the House February 25th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 143.

[H. B. 108.]

SALE OF SCHOOL PROPERTY IN CITIES HAVING A POPULATION OF TEN THOUSAND OR OVER.

AN ACT relating to the sale of school property in cities having a population of ten thousand or over, and amending section 95 of chapter CXVIII of the Laws of 1897.

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

SECTION 1. That section 95 of the Code of Public Instruction of the State of Washington, being chapter

CXVIII of the Laws of 1897, be amended so as to read as follows: Section 95. The Board of Directors shall have power to sell any of the property of the district which is no longer required for school purposes at public or private sale upon such terms as they may direct if the value thereof be less than two thousand dollars. The question of the sale of school property which may be found by the Board of Directors to be unsuitable for school purposes, and to be of greater value than two thousand dollars, shall be submitted to a vote of the electors of the district, either at a general election or at a special election called to be held for that purpose, as may be directed by the Board of Directors, and if the majority of the voters of the district voting thereon shall be for the sale of the property the Directors may make the sale at public auction. The sale must be for cash and good title will be conveyed by deed of the Board of Directors, executed by the President or the Vice President and Secretary of the Board.

Directors may sell property not required for school purposes.

Vote of electors necessary, when.

Passed the House February 26th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 144.

[H. B. 222.]

CONTROL, REGULATION, DISTRIBUTION AND MEASUREMENT OF STORED WATERS.

AN ACT providing for the control, regulation, distribution and measurement of stored waters and flowing waters; providing for the appointment of a commissioner and assistants for said purposes; fixing their compensation and tenure of office, and providing a penalty for violation of this act.

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

SECTION 1. That whenever the owner, manager or lessee of a reservoir, constructed for the storage of water to be used for beneficial purposes, shall desire to use the bed of any stream, or other natural water course, for the purpose of carrying stored, or impounded water, from the

Use of natural water course.