

Railroads to
pay for
benefits.

SEC. 8. When the improvement drains or benefits the whole or a part of any public or corporate road or railroad, there shall be apportioned to the county, if the road is a state, county or free turnpike road, or to the corporation if a corporate road or railroad, a share of the costs and expense thereof proportionate to the benefits to said road or railroad. All lands of the state or any county, school district or other municipal corporation, shall be subject to the provisions of this act, and when any assessment shall be apportioned against any school lands of the state, the county shall pay the same out of its general fund and have a lien on the proceeds of the sale of such lands, from which it shall be reimbursed.

SEC. 9. Whereas, certain indebtedness has been incurred under said act in this state which has been declared invalid, an emergency is hereby declared, and this act shall be in force from and after its passage and approval.

Passed the house March 9, 1895.

Passed the senate March 13, 1895.

Approved March 19, 1895.

CHAPTER LXXX.

[H. B. No. 191.]

RELATING TO APPROPRIATION BY CORPORATIONS OF LANDS GRANTED TO THE STATE.

AN ACT relating to private corporations and amending sections 1569, 1570, 1571 and 1572 of volume 1 of the General Statutes of the State of Washington, as arranged and annotated by Wm. Lair Hill.

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

SECTION 1. That section one thousand five hundred and sixty-nine of volume 1 of the General Statutes of the State of Washington, as arranged and annotated by Wm. Lair Hill, be amended to read as follows: "Section 1569. A corporation organized for the construction of any railway, macadamized road, plank road, clay road, canal or bridge,

Rights to pub-
lic lands.

shall have a right to enter upon any land, real estate or premises, or any of the lands granted to the State of Washington for school, university or other purposes, between the termini thereof, for the purpose of examining, locating and surveying the line of such road or canal, or the site of such bridge, doing no unnecessary damage thereby.”

SEC. 2. Section one thousand five hundred and seventy of volume 1 of said general statutes is amended to read as follows: “Sec. 1570. Such corporation may appropriate so much of said land, real estate or premises, or lands granted to the state for university, school or other purposes as may be necessary for the line of such road or canal, or the site of such bridge, not exceeding two hundred feet in width, besides a sufficient quantity thereof for toll houses, work shops, materials for construction, a right-of-way over adjacent lands or premises, to enable such corporation to construct and prepare its road, canal or bridge, and to make proper drains; and in case of a canal, wherever the court shall deem it necessary, to appropriate a sufficient quantity of such land, real estate or premises or lands granted to the state for university, school and other purposes, in addition to that before specified in this section for the construction and excavation of such canal and of the slopes and bermes thereof, not exceeding one thousand feet in total width; and in case of a railroad, to appropriate sufficient quantity of such land, real estate or premises or lands granted to the state for university, school and other purposes, in addition to that before specified in this section for the necessary side tracks, depots and water stations, and the right to conduct water thereto by aqueduct; compensation therefor to be made to the owner thereof irrespective of any increased value thereof by reason of the proposed improvement by such corporation, in the manner provided by law: *And provided further*, That if such corporation locate the bed of such railroad or canal upon any portion of the track now occupied by any established territorial or county road, said corporation shall be responsible to the county commissioners of said county or counties in which said territorial or county road so appropriated is located, for all expenses incurred by said county or counties in re-

Appropriation
of public lands.

Appropriation
of public roads.

locating and opening the portion of said road so appropriated.

SEC. 3. Section one thousand five hundred and seventy-one of volume 1 of said general statutes is amended to read as follows: Sec. 1571. Every corporation formed under this chapter for the construction of a railroad shall have the power to cross, intersect, join and unite its railway with any other railway before constructed, at any point in its route, and upon the grounds of such other railway company, with the necessary turn-outs, sidings, switches and other conveniences in furtherance of the objects of its connections, and every corporation whose railway is or shall be hereafter intersected by any new railway shall unite with the corporation owning such new railway in forming such intersections and connections and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined in the manner provided by law for the taking of lands and other property which shall be necessary for the construction of its road, and every corporation formed under this chapter for the construction of a canal shall have the power to cross and intersect any railway before constructed at any point in its road and upon the grounds of such other railway company, and every corporation whose railway is or shall hereafter be crossed or intersected by any canal shall unite with the corporation owning such canal in forming such crossings and intersections and grant the facilities therefor; and if the two corporations cannot agree upon the compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined in the manner provided by law for the taking of lands and other property which shall be necessary for the construction of said canal.

Right to cross
other rail-
roads.

Damages, how
determined.

Canals.

Eminent do-
main, condi-
tions and
restrictions.

SEC. 4. Section one thousand five hundred and seventy-two of volume 1 of said general statutes is amended to read as follows: Sec. 1572. Every corporation formed under the laws of this state for the construction of railroads or canals shall possess the power to construct its railway or

canal, as the case may be, across, along or upon any river, stream of water, watercourses, plank road, turnpike or canal, which the route of such railway or canal shall intersect or touch; but such corporation shall restore the river, stream, watercourse, plank road or turnpike thus intersected or touched to its former state as near as may be, and pay any damages caused by such construction: *Provided*, That the construction of any railway or canal by such corporation along, across or upon any of the navigable rivers or waters of this state shall be in such manner as to not interfere with, impede or obstruct the navigation thereof; and all rights, privileges and powers of every description by law conferred upon road or railroad companies are hereby given and granted to canal companies so far as the same may be applicable, and all power and authority possessed by the public or municipal corporations of the state or their local authorities, with reference to road or railroad companies, may be exercised by them with reference to canal companies.

Passed the house March 5, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

CHAPTER LXXXI.

[H. B. No. 554.]

RELATING TO SALMON FISHING IN THE COLUMBIA RIVER.

AN ACT to amend section 274, chapter XI, Penal Code of Washington, relative to the protection of food fishes, and declaring an emergency.

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

SECTION 1. That section 274, chapter XI, Penal Code of Washington, be and the same is hereby amended to read as follows: Section 274. It shall not be lawful to take or fish for salmon in the Columbia river or its tributaries, by