

Organization
and meet-
ings.

1890," approved March 18, 1901 (being section 8147 of Pierce's Code), be amended to read as follows: Sec. 6. The board of geological survey shall meet for organization within thirty days after the passage of this act. The regular meetings of the board shall be on the first Wednesday in April and the first Wednesday in November of each year. *The said board of geological survey is hereby authorized to make provisions for topographic, geologic and hydrographic surveys of the State of Washington in co-operation with the United States geological survey in such manner as in the opinion of the said board will be of the greatest benefit to the agricultural, industrial and geological requirements of the State of Washington: Provided, That the Director of the United States Geological Survey shall agree to expend on the part of the United States upon said surveys a sum equal to that expended by the said board.*

Passed the House February 26, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 158.

[H. B. No. 180.]

COMPELLING RAILWAY COMPANIES TO FENCE RIGHTS-OF WAY AND PROTECTING OWNERS OF STOCK INJURED OR KILLED THROUGH FAILURE TO COMPLY THEREWITH.

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:

Track to be
fenced.

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 of 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 rights-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 standard 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 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 suitable cattle guard at the place where the stock was injured or killed.

Passed the House February 13, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.