

thorizing and providing for the recall and discharge of any elective public officer and election of his successor.”

Proclamation.

SEC. 4. If it shall appear from the ballots cast at the said election that a majority of the qualified electors voting upon the question of the adoption of the said amendment have voted in favor of the same, the governor shall make proclamation of the same in the manner provided by law, and the said amendment shall be held to have been adopted and to have been a part of the constitution from the time of such proclamation.

Passed by the House March 8, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 17, 1911.

## CHAPTER 109.

[H. B. 460.]

### RELATING TO RIGHTS-OF-WAY OVER STATE LANDS OF PRIVATE LOGGING COMPANIES.

[See §§6831 to 6832, Rem.-Bal.]

AN ACT relating to rights-of-way and easements over state lands of private logging companies, reserving rights for rights-of-way over state lands hereafter granted, providing for the moving of timber, stone, mineral and other products over state lands hereafter granted, providing penalties for the violation of the act and providing for certain rights-of-way and easements reverting to the state.

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

Containing valuable products.

SECTION 1. That all state lands hereafter granted, sold or leased containing timber, stone, mineral or other products or when other state lands contiguous or in proximity thereto contain valuable timber, stone, mineral or other products, shall be subject to the right of the state, or any grantee or lessee thereof hereafter acquiring such other lands, or acquiring the timber, stone, mineral or other products thereon, to acquire the right of way over such lands so granted, for private railroads, skid roads, flumes, canals, watercourses or other easements for the purpose of and to be used in the transporting and moving of such

timber, stone, mineral or other product from such other lands, over and across the lands so granted or leased, upon the state or its grantee paying to the owner of the lands so granted, sold or leased reasonable compensation therefor. In case the parties interested cannot agree upon the damages incurred, the same shall be ascertained and assessed in the same manner as damages are ascertained and assessed against a railroad seeking to condemn private property.

May  
condemn.

SEC. 2. Every grant, deed, conveyance, lease or contract hereafter made to any person, firm or corporation over and across any state lands for the purpose of right of way for any private railroad, skid road, flume, canal, watercourse or other easement to be used in the hauling of timber, stone, mineral or other products of the land, shall be subject to the right of the state or any grantee thereof or other person owning or hereafter acquiring any lands containing valuable timber, stone, mineral or other products contiguous to or in proximity thereto, or hereafter acquiring the timber, stone, mineral or other product situate upon state lands so contiguous or in close proximity to the said lands, over which said right of way or easement is acquired having such timber, stone, mineral or other product transported or moved over such railroad, skid road, flume, canal, watercourse or other easement after the same is or has been put in operation upon paying therefor just and reasonable rates for transportation or for the use of such railroad, skid road, flume, canal, watercourse or other easement and upon complying with just, reasonable and proper rules affecting such transportation, which rates, rules and regulations shall be under the supervision and control of the railroad commission of Washington.

Subject  
to right  
of state.

Railroad  
commission  
to control.

SEC. 3. Any person, firm or corporation hereafter acquiring the right of way or other easement over state lands or over any tide or shore land belonging to the state or over or across any navigable water or stream for the purpose of transporting or moving timber, stone, mineral or other products, and engaged in such business thereon, shall accord to the state or any grantee thereof hereafter acquir-

Right to  
transport.

ing lands containing valuable timber, stone, mineral or other products contiguous and in proximity thereto, or any person, firm or corporation hereafter acquiring the timber, stone, mineral or other products situate upon state lands so contiguous and in proximity to the lands over which said right of way or easement is operated, proper and reasonable facilities and service for the transportation and moving of such timber, stone, mineral and other products under reasonable rules and regulations and upon payment of just and reasonable charges therefor, or, if such right of way or other easement is not then in use to have the right to use such right of way or easement for transporting and moving such products under such reasonable rules and regulations and upon payment of just and reasonable charges therefor.

Reasonable charges.

SEC. 4. Should the owner or operator of any private line of railroad, skid road, flume, canal, watercourse or other easement operating over lands hereafter acquired from the state, as in this act set out, fail to agree with the state or with any subsequent grantee thereof as to the reasonable and proper rules regulations and charges concerning the transportation of timber, stone, mineral or other products, from lands contiguous or in proximity of the lands over which the right of way or easement is granted, for carrying and transporting such products or for the use of the railroad, skid road, flume, canal, watercourse or other easement in transporting such product, the state or such person, firm or corporation owning and desiring to ship such products may apply to the railroad commission and have the reasonableness of the rules, regulations and charges inquired into and it shall be the duty of the railroad commission to inquire into the same in the same manner and it is hereby given the same power and authority to investigate the same as it is now authorized to investigate and inquire into the rules and regulations and charges made by railroads and is authorized and empowered to make such order as it would make in an inquiry against a railroad, and in case such railroad, skid road, flume, canal,

Appeal to commission.

Commission make order.

watercourse or other easement is not then in use, may make such reasonable, proper and just rules and regulations concerning the use thereof for the purposes aforesaid as may be just and proper and such order shall have the same force and effect and be binding upon the parties to such hearing as though such hearing and order was made affecting a railroad.

Order  
binding.

SEC. 5. In case any person, firm or corporation owning and operating any private railroad, skid road, flume, canal, watercourse or other easement over and across lands hereafter acquired from the state obtained subject to the provisions of this act shall fail to comply with any rule, regulation or order made by the railroad commission after an inquiry as provided for in the preceding section, such person, firm or corporation shall be subject to a penalty not exceeding one thousand dollars for each and every violation thereof, and in addition thereto such right of way, railroad, skid road, flume, canal, watercourse or other easement and all improvements and structures on such right of way and connected therewith, shall revert to the State of Washington and may be recovered by it in an action instituted in any court of competent jurisdiction.

Failure  
to comply.

Penalty.

Rights  
revert to  
state.

Passed by the House March 4, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 17, 1911.

## CHAPTER 110.

[H. B. 311.]

### RELIEF OF C. A. IVES.

AN ACT for the relief of C. A. Ives.

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

SECTION 1. That the commissioner of public lands is authorized and directed to resurvey lots 1 and 2 in section 36, township 15, north, range 3 west W. M., and to correct the application numbered 3207, made by C. A. Ives to