

or exchange is not made, effected or induced by or upon any representation, advertisement, notice or inducement of any kind hereinbefore specified: *Provided further*, That this act shall not apply to any person giving a due bill on the sale of merchandise and redeeming the same himself in merchandise: *Provided further*, That this act shall not apply to agricultural or church fairs conducted for scientific or charitable purposes.

Passed by the House March 2, 1905.

Passed by the Senate March 8, 1905.

Approved by the Governor March 14, 1905.

CHAPTER 180.

(S. B. No. 229)

TO PREVENT FRAUDULENT SALE OF RAILWAY TICKETS TO TRAVELERS.

AN ACT entitled, "An act to prevent fraud upon travelers and prescribing where, how, and by whom railroad tickets shall be sold, and providing the terms upon which the redemption of the whole or any part of such tickets as may not have been used shall be made, and prescribing penalties for the violation of this act."

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

Certificate to
agent, from
company.

SECTION 1. It shall be the duty of the owner or owners or person or persons operating any railroad to provide every agent who may be authorized to sell its tickets or other evidence of a right to travel upon any railroad with a certificate setting forth the authority of such agent to make such sale. Such certificate shall be duly attested by the corporate seal of the owner of such railroad or of the corporation operating the same, and by the signature of the manager, secretary or general passenger agent of said railroad.

Fixed place
of business.

SEC. 2. Every agent, person, firm, or corporation engaged in selling, issuing or dealing in railroad passenger transportation in this State, must have a fixed place of business in the town or city wherein such agent, person, firm, or corporation transacts said business, and such agent, per-

son, firm or corporation is hereby required to keep the certificate mentioned in Section 1 of this act, posted in a conspicuous place in such place of business.

SEC. 3. It shall be unlawful for any person, firm, partnership, corporation or association of any kind who is not possessed of and has not posted the certificate of authority as prescribed in Sections 1 and 2 hereof, to sell or exchange or transfer or to offer for sale or exchange or transfer the whole or any part of any railroad ticket or pass or other evidence of a right to travel upon any railroad, whether the same be situated or operated or owned within or without the limits of this State. Posting of certificate, prior to sale.

SEC. 4. It shall be unlawful for any person, firm, partnership, corporation or association of any kind to set up, establish, maintain, conduct or operate within this State any office or other place of business for the sale or exchange or transfer of the whole or any part of any railroad tickets or passes or other evidence of a right to travel upon any railroad within or without the limits of this State unless such person, firm, partnership, corporation or association is possessed of and has posted the certificate of authority as prescribed in Sections 1 and 2 hereof. Fraudulent sales.

SEC. 5. In all prosecutions under Section 4 of this act, proof of the maintenance of any office or other place of business within this State upon or within or in connection with which is attached or displayed any sign bearing the words, "Railroad Ticket Office," or "Cut Rate Office," or "Railroad Tickets," or "Ticket Brokers," or any combination of such words or any other words intended or calculated to advertise to the public that the whole or any part of any railroad tickets or passes or other evidences of a right to travel upon any railroad are sold or exchanged or transferred therein without having posted within such office or place of business a certificate of authority as provided in Section 3 hereof, shall be sufficient evidence to establish a *prima facie* case against the owner, proprietor, employee or person in charge of said office or place of business. Prima facie evidence—what constitutes.

SEC. 6. Any person or persons violating any of the provisions of Sections 1, 2, 3 or 4 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the county Penalty.

jail not less than ten nor more than sixty days, or by both such fine and imprisonment.

Redemption
of tickets
sold, in whole
or in part.

SEC. 7. The owner or owners or person or persons operating any railroad in this State or any railroad doing business therein shall redeem, upon presentation by the lawful holder thereof to any of its ticket agents in this State, the whole or any part of any railroad ticket or other evidence of a right to travel upon his, its or their railroad which had been sold, within or without this State, by any such owner or owners or person or persons or any of his, its or their duly authorized agents, if, for any reason, such holder has not used the same, upon the following terms: If no part of such ticket has been used, it shall be redeemed at the full amount paid therefor; and where the ticket has been used in part only, the unused portion shall be redeemed at the remainder after deducting from the price paid for the whole ticket, the regular tariff rate between the points between which the portion of said ticket was used; *Provided*, Such ticket or part thereof is so presented for redemption within sixty days after the right to use said ticket has expired according to the terms thereof.

Penalty for
failure to
redeem ticket.

SEC. 8. If any owner or owners of or person or persons operating any railroad mentioned in Section 7 of this act shall fail, neglect, or refuse to redeem, as provided in said Section 7, the whole or any part of any railroad ticket or other evidence of a right to travel upon his, its or their railroad, he, it, or they, shall, upon conviction thereof, be punished by a fine of not less than one hundred nor more than five hundred dollars, and he, it or they shall in an action instituted by the lawful holder of such railroad ticket or other evidence of a right to travel, be liable to such holder in a sum equal to treble the value thereof.

Passed the Senate March 7, 1905.

Passed the House March 9, 1905.

Approved by the Governor March 14, 1905.