

CHAPTER LI.

[S. B. No. 49.]

AMENDING THE ACT RELATING TO THE STATE BOARD
OF HORTICULTURE.

AN ACT relating to the state board of horticulture, amending sections six, seven, eight and ten of the act approved February 16, 1891, entitled "An act to create a state board of horticulture and appropriate money therefor, and declaring an emergency, and providing a penalty for a violation of the provisions of this act."

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

SECTION 1. Section 6 of said act is hereby amended to read as follows: Sec. 6. For the purpose of preventing the spread of contagious diseases among fruit, fruit trees and orchards, and for the prevention, treatment, cure and extirpation of fruit pests, fungus growths and the disease of fruits, fruit trees and orchards, and for the disinfection of grafts, scions or orchard debris, empty fruit boxes or packages, and other suspected material or transportable articles dangerous to orchards, fruits and fruit trees, said board shall make regulations for the inspection and disinfection and quarantining thereof, which regulations shall be circulated in printed form by the board among the fruit growers and fruit dealers of the state, and shall be published three times in each of three papers of general circulation, located in three different parts of the state, and shall be posted in three conspicuous places in each county, one of which shall be at the county court house thereof. Any violation of said regulations shall be deemed a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), to be a charge upon the real property of the person convicted and on the property, on account of the infection of which, or the failure to disinfect which, said conviction is had.

SEC. 2. Section 7 of said act is hereby amended to read as follows: Sec. 7. Each member of the board shall be an inspector of fruit pests for his respective district. He shall inspect or cause to be inspected, at least once a year each

Duties of
the board.Notices, how
given.

Penalties.

District in-
spectors,
duties of.

county of his district and inspect and investigate the needs and requirements of the horticultural and kindred industries of his district. And for the purpose of carrying out this provision each of said inspectors in his own district shall have power to appoint in each county of said district a deputy inspector with full powers to act in the place of said inspector for said district, such appointment of deputies may be made and revoked at the pleasure of the said inspector, and for such length of time only as he shall deem absolutely necessary. The deputy inspector shall receive for his services the sum of two dollars and fifty cents (\$2.50) per day for each day actually and necessarily employed. It shall be the duty of each member to see that the laws of the state pertaining to horticulture and also the rules and regulations of the board, be made known and are strictly enforced, to prevent the spread of fruit pests and diseases of trees and plants injurious to the horticultural interests of the state, and for the disinfection of fruits, trees, plants, vines, grafts, scions, orchard debris, empty fruit boxes and other material. Each member of the board, upon his own motion, or upon complaint made to him by any person, shall inspect orchards, gardens, hop fields, nurseries, storerooms, fruit stands or other places suspected or believed to be infected by fruit pests, or infested with contagious diseases injurious to trees, plants, or fruits. He shall make a full report to the board at each meeting in April and October of each year, as to the condition of his respective district, in regard to the horticultural interests therein; but no member shall devote more than sixty days' time each year upon his own motion, unless exceedingly urgent necessity demands it, which must be determined by the board. Each member shall receive the same compensation when attending to the duties of inspector in his district, and mileage actually paid out shall be allowed, as received when attending the meetings of the board. The secretary, under the direction of the board, may exercise throughout the state any power in this act conferred on each member of the board, as inspector of pests.

Deputies' salaries.

Reports submitted, when.

Inspection, when made.

SEC. 3. Section 8 of said act is hereby amended to read as follows: Sec. 8. Whenever a member of the board,

upon his own motion, shall make complaint, or when complaint is made by any person to a member of the board, or a member of the board suspects that any person or persons, company or corporation has an orchard, trees or nursery of trees, vineyard or garden, fruit packing house, storeroom, or that any other place in the state is infested with any noxious insects, the eggs or larvæ of any such insects, or that any package of trees, plants or fruits are in transit to this state, or about to be disseminated, which are known or suspected to be from localities that are infested with any disease or pest, injurious, or that may become injurious, to the fruit interests of the state, such member, if he has not already inspected the premises or property, shall inspect the premises or property so complained of, or suspected as aforesaid, and if the same is found to be infested as aforesaid, such member shall notify in writing the owner or his agent, or the person in charge of the same, to treat and disinfect said premises or property within a time and in a manner to be prescribed in said notice. If any person so notified shall neglect or refuse to disinfect said premises or property in the manner and in the time prescribed in said notice, the person so notified shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), in addition to the cost of the action, which fine and cost shall be a lien and charge upon said premises or property, and if the party convicted shall thereafter neglect or refuse to disinfect said premises or property, said failure, neglect or refusal for the period of five days shall be deemed a new offense, and shall subject the party committing it to conviction in like manner and with like penalty and costs as in the first offense. The penalty and costs of such action or actions, upon being docketed in the superior court, shall be a judgment lien upon all real property of the party convicted, and shall bear legal interest until paid: *Provided, however,* That the court may, in its discretion, upon conviction, declare the premises and property infected a nuisance and order the same abated, the costs of

Penalty for
failure to
disinfect.

the same to become a judgment against the real property as before mentioned.

Penalty for im-
porting dis-
eased stock.

SEC. 4. Section 10 of said act is hereby amended to read as follows: Sec. 10. Any person or persons who shall bring into the state, sell, offer for sale, distribute or give away fruit trees, plants, shrubs, fruit or other material infested with the injurious insect popularly known as the San José scale (*Aspidiotus perniciosus*), or any other live or injurious insect of this species, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200), or by imprisonment in the county jail not less than sixty days nor more than one year: *Provided*, That for each repeated offense the person or persons convicted, as aforesaid, may be punished by a fine of one hundred dollars (\$100), or by imprisonment not to exceed two years. Any person or persons who shall sell, offer for sale, distribute or give away any tree or trees, root or roots, grafts, cuttings or scions, infested with the injurious insect popularly known as the woolly aphis (*Lanigera*) shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200), or by imprisonment in the county jail not less than thirty days nor more than one year. Any nursery trees, shrubs or plants which have been shipped to any place within the state for distribution, or for planting, and which are infested with any injurious insects, shall be disinfected under the direction of a member of the board, or some person designated by such member, and the cost of said disinfection shall be charged to the owner of said articles, and shall become a lien on said trees, shrubs or plants until paid: *Provided*, That if the cost of said disinfection is more than five dollars (\$5) the expenses shall not exceed the rate of five cents per tree; and said lien to be foreclosed upon like notice as in the case of the sales of personal property on execution.

Diseased
stock; dis-
position of.

SEC. 5. No person, firm or corporation, shall engage or continue in the business of selling within the state, or importing fruit trees, plants or nursery stock into this state,

without first having obtained a license to do business in this state, as in this act provided.

SEC. 6. Any person, firm or corporation, may obtain a ^{License; how obtained.} license to engage in the business of selling fruit trees, plants or nursery stock into this state, by filing with the secretary of the state board of horticulture, bond, with sureties to be approved by the said board of horticulture, in the sum of three thousand dollars (\$3,000) conditioned that the principals will faithfully obey the provisions of this act and the laws of the State of Washington, and that the said principals will pay the cost of inspection and destruction of all infested nursery stock or other material or goods imported into, or sold within this state by the said principal or his or their agent. Licenses granted under this act shall be for two years or less at the discretion of the commissioner.

SEC. 7. It shall be the duty of every person, firm or corporation licensed to do business under this act to notify the ^{Notice of nursery shipments.} secretary of the state board of horticulture of his intention to ship an invoice of fruit trees, plants or nursery stock from one point to another in this state, or from any point without this state into this state. The said notice shall contain the name and the address of both the consignor and consignee and the invoice of the goods to be shipped, the freight or express office at which the goods are to be delivered and the name or title of the transportation company from whom the consignee is to receive such goods. Such notice shall be mailed at least twenty-four hours before the day of such shipment.

SEC. 8. Any person, firm or corporation who shall sell ^{Penalty.} within this state, or import into this state, any fruit trees, plants or nursery stock in violation of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined for each offense in any sum not less than twenty-five nor more than one hundred dollars.

SEC. 9. Any person who shall offer for sale, or solicit ^{Penalty.} persons to purchase from him, any fruit trees, plants or nursery stock belonging to any firm not licensed under the provisions of this act, shall be deemed guilty of a misde-

meanor and fined in any sum not exceeding one hundred dollars (\$100). All fines imposed for violation of the provisions of this act shall be paid to the treasurer of the county wherein the violation was committed, and be placed to the credit of the school fund of such county.

SEC. 10. Inasmuch as there is great danger to the fruit and horticultural interests of the state from the importation of fruit pests and other causes, for which the law does not fully provide: therefore, an emergency exists, and this act shall take effect immediately.

Passed the senate February 20, 1895.

Passed the house March 5, 1895.

Approved March 11, 1895.

CHAPTER LII.

[S. B. No. 220.]

PENALTY FOR OBSTRUCTING RAILROADS.

AN ACT prescribing punishment for obstructing railroads, railroad trains, railroad tracks, street cars and street car tracks, and to protect the passengers and employes riding upon or persons near any train or car in this state.

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

Penalty for obstructing track.

SECTION 1. Any person or persons who shall wilfully or maliciously place any obstruction on any railroad track or road bed, or street car track in this state, or who shall loosen, tear up, remove or misplace any rail, switch, frog, guard rail, cattle guard, or any part of such railroad track or road bed, or street car track, or who shall tamper with or molest any such road, road bed or track, or who shall destroy or damage any locomotive, motor or car on said track, or who shall otherwise interfere with the maintenance or operation of such road so as to endanger the safety of any train, car, motor or engine, or so as to endanger or injure any passenger or person riding thereon, or being about the same, shall, upon conviction thereof, be punished