

CHAPTER 108.

[H. B. 174.]

PROTECTION OF HORTICULTURE.

AN ACT relating to horticulture and horticultural products, providing for the condemnation of infected premises and shipments therefrom, and amending Section 2848, Remington's Compiled Statutes.

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

SECTION 1. That Section 2848, Remington's Compiled Statutes, be amended to read as follows: Amends
§ 2716.
Pierce's
Code.

Section 2848. In case the officer making the inspection provided for in the preceding section shall find that the premises or property inspected is infected, he shall condemn the same and serve upon the owner or upon the person having possession or charge of said premises or of said property a notice in writing that the same is condemned and ordering the disinfection of any and all thereof which is capable of disinfection and the destruction of such property as is incapable of disinfection, which notice shall describe the premises or property ordered to be disinfected or destroyed with reasonable certainty and shall specify the time within which the same shall be so disinfected or destroyed; and shall give notice that unless the premises or property ordered disinfected or destroyed is disinfected or destroyed as directed, in the manner and within the time specified in said notice, the same will be done by the officer giving the notice and the expense thereof charged against the premises and the owner of said premises or property. In case said premises or property is in the possession or charge of any person upon whom service can be made, the officer making the inspection shall serve a copy of such notice upon such person and, in case the premises or property is in possession or charge of any other person than the owner

Premises
infected.

Condemned.

Notice to
disinfect or
destroy.

Service of
notice.

thereof, or service cannot be had upon any person in possession or charge thereof, the officer shall serve said notice upon the owner of said premises or property by mailing or telegraphing him a copy thereof, if his home or postoffice address are known to the officer or can with reasonable diligence be ascertained. In case personal service of said notice cannot be had upon any person in possession or charge of said premises or property and the name and address of the owner of such premises or property are not known and cannot with reasonable diligence be ascertained, said notice shall be served by posting the same in a conspicuous place upon the premises where the property to be disinfected or destroyed is situated, as the case may be. In case the name and postoffice address of the owner are not known and cannot with reasonable diligence be ascertained and in the absence of fraud and gross neglect, service of such notice upon the person in possession or charge of said premises or property shall be construed to be substituted personal service upon the owner, and, in case service of such notice upon a person in possession or charge of such premises or property cannot be had and the name and postoffice address of the owner is not known and cannot with reasonable diligence be ascertained and in the absence of fraud and gross neglect, such posting of the notice upon the premises shall be construed to be constructive personal service upon the owner of such premises or property. Upon the giving of such notice as hereinabove provided it shall become and be the duty of the owner and person having possession or charge of the premises or property described in the notice to, within the time specified in said notice, disinfect said premises or disinfect or destroy said property, as the case may be: *Provided*, That in the case of nursery stock, fruit or vegetables about to be shipped or any shipment

thereof, or which is offered for sale, or held for the purpose of delivery upon any shipment or sale thereof, if the officer making the inspection shall find that only a part thereof is so affected that it cannot be successfully disinfected, he shall state in such notice that the owner or person in charge thereof has the privilege of separating the same into two or more of the following classes, to-wit, such as does not need disinfection, such as can be successfully disinfected, and such as cannot be successfully disinfected, and in such case it shall be the duty of the owner and person in charge of such property to, within the time specified in said notice, disinfect such nursery stock, fruit or vegetables as can be successfully disinfected and destroy such as cannot be successfully disinfected: *And Provided Further*, That in the case of fruit or vegetables that cannot be successfully disinfected the inspector may grant the owner or person in charge thereof the privilege of manufacturing the same into by-products or of shipping the same to a by-product factory located within the State of Washington and issue a permit in writing so to do, and in such case it shall be unlawful for the person receiving such permit to sell or dispose of such infected fruit without having first manufactured the same into a by-product or shipped the same to a by-product factory, or to divert any such shipment when made, and it shall be unlawful for the consignee of any fruit or vegetables shipped to a by-product factory, to sell or dispose of the same without first manufacturing it into a by-product. It shall be unlawful for any person to ship, deliver, sell, barter, give away or otherwise dispose of or part with the possession of or for any common carrier to transport, any nursery stock, fruit or vegetable which has been found infected and condemned until all of the requirements of said notice and order have been complied with, and permission given in

Segregation of partly infected products.

By-products from infected fruit and vegetables.

Unlawful to ship or sell.

Unlawful
for common
carrier to
receive
without
inspector's
certificate.

writing so to do by an inspector. It shall be unlawful for any common carrier to ship or transport or receive for shipment any fruit in bulk or as culls unless the same shall be accompanied by a permit to ship to a by-product factory or by an inspector's written statement that same is free from infection.

Passed the House December 11, 1925.

Passed the Senate December 31, 1925.

Approved by the Governor January 12, 1926.

CHAPTER 109.

[H. B. 151.]

CRIMINAL PROCEDURE.

AN ACT relating to criminal procedure, and amending Sections 2059 and 2285 of Remington's Compiled Statutes.

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

Amends
§ 9272,
Pierce's
Code.

SECTION 1. That Section 2059 of Remington's Compiled Statutes be amended to read as follows:

Joining of
two or more
charges in
indictment.

Section 2059. When there are several charges against any person, or persons, for the same act or transaction, or for two or more acts or transactions connected together, or for two or more acts or transactions of the same class of crimes or offenses, which may be properly joined, instead of having several indictments or informations the whole may be joined in one indictment, or information, in separate counts; and, if two or more indictments are found, or two or more informations filed, in such cases, the court may order such indictments or informations to be consolidated.

Consolidation of
indictments
or informations.

Amends
§ 8720,
Pierce's
Code.

SEC. 2. That Section 2285 of Remington's Compiled Statutes of Washington be amended to read as follows:

Two or
more
convictions.

Section 2285. Whenever a person shall be convicted of two or more offenses before sentence has