

CHAPTER XV.—LIVE STOCK.

STOCK BREEDERS; PROTECTION OF.

AN ACT to protect stock breeders in the State of Washington, and declaring an emergency.

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

SECTION 1. That in order to secure to the owner or owners of sires payment for service, the following provisions are enacted: That every owner of a sire having a service fee, in order to have a lien upon the female served, and upon the get of any such sire, under the provisions of this act, for such service, shall file for record with the county auditor of the county where said sire is kept for service a statement, verified by oath or affirmation, to the best of his knowledge and belief, giving the name, age, description and pedigree, as well as the terms and conditions upon which such sire is advertised for service: *Provided*, That owners of sires who are not in possession of pedigrees for such sires shall not be debarred from the benefits of this act.

SEC. 2. The county auditor, upon the receipt of the statement as specified in section one of this act, duly verified by affidavit, shall issue a certificate to the owner or owners of said sire, which shall be posted by the owner in a conspicuous place where said sire may be stationed, which certificate shall state the name, age, description, pedigree and ownership of such sire, the terms and conditions upon which the said sire is advertised for service, and that the provisions of this act, so far as relates to the filing of the statement aforesaid, has been complied with.

SEC. 3. The owner or owners of any such sire receiving such certificate, by complying with sections one and two

of this act, shall obtain and have a lien upon the female served for the period of one year from the date of service, or upon the get of any such sire for the period of one year from the date of birth of such get: *Provided*, Said owner or owners shall file for record a statement of account, verified by affidavit, with the county auditor of the county wherein the service has been rendered, of the amount due such owner or owners for said service, together with a description of the female served, within six months from the date of service or date of birth, as the case may be: *Provided further*, That the lien upon the get of any such sire shall be a preferred lien.

Owner must file statement of account.

Foreclosure.

SEC. 4. Liens under this act to be foreclosed in the same manner as liens upon other personal property are foreclosed.

Fees.

SEC. 5. For filing certificate, making copy of such affidavit, and the certificate of date of such filing, the clerk of record shall be entitled to the same fees as are provided by law for similar service in regard to chattel mortgages.

SEC. 6. Whereas, an emergency exists, therefore this act shall be in force from and after its passage.

Approved February 14, 1890.

BREEDING ANIMALS; LICENSING OF; ACT REPEALED.

AN ACT to repeal Chapter 70 of the laws enacted by the Legislature of the Territory of Washington, approved February 2, A. D. 1888, relating to licensing of animals kept for breeding purposes for hire.

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

SECTION 1. That an act entitled "An act relating to licensing of animals kept for breeding purposes for hire," approved February 2, A. D. 1888, is hereby repealed.

SEC. 2. Whereas, an emergency exists; therefore, this act shall be in force from and after its approval by the governor.

Approved February 28, 1890.

BULLS; TO PROHIBIT THE RUNNING AT
LARGE OF.

AN ACT to prevent bulls from running at large during certain seasons, and providing remedies therefor.

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

SECTION 1. It shall be lawful for any person having cows or heifers running at large in this state to take up or capture and castrate, at the risk of the owner, at any time between the first day of March and the fifteenth day of June, any bull above the age of ten months found running at large out of the enclosed grounds of the owner or keeper, and if the said animal shall die, as a result of such castration, the owner shall have no recourse against the person who shall have taken up or captured and castrated, or caused to be castrated, the said animal: *Provided*, Such act of castration shall have been skilfully done by a person accustomed to doing the same: *And provided further*, That if the person so taking up or capturing such bull, or causing him to be so taken up or captured, shall know the owner or keeper of such animal, and shall know that said animal is being kept for breeding purposes, it shall be his duty forthwith to notify such owner or keeper of the taking up of said animal, and if such owner or keeper shall not within two days after being so notified pay for the keeping of said animal at the rate of fifty cents per day, and take and safely keep said animal thereafter within his own enclosures, then it shall be lawful for the taker-up of

Limit of age.

Notice to owner.

said animal to castrate the same, and the owner thereof shall pay for such act of castration the sum of one dollar and fifty cents, if done skilfully, as hereinbefore required, and shall also pay for the keeping of said animal as above provided, and the amount for which he may be liable therefor may be recovered in an action at law in any court having jurisdiction thereof: *And provided further*, That if said animal should be found running at large a third time within the same year, and within the prohibited dates hereinbefore mentioned, it shall be lawful for any person to capture and castrate him without giving any notice to the owner or keeper whatever.

Animals found
at large third
time within one
year.

SEC. 2. This act shall take effect and be in force from and after its approval by the governor, an emergency existing therefor in the fact that, without this clause, it would not become effective in time to protect stock raisers before the spring of the year eighteen hundred and ninety-one.

Approved March 14, 1890.

SWINE; TO PROHIBIT THE RUNNING AT LARGE OF.

AN ACT to restrain swine from running at large, providing penalties, and prescribing the manner of appraisement and collection of damages.

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

SECTION 1. That it shall be unlawful for the owner or owners of any swine to allow them to run at large in any county in the state.

Trespass.

SEC. 2. If any swine shall be suffered to run at large in any county of this state contrary to the provisions of this act, and shall trespass upon the land of any person, the owner or person having possession of such swine shall be liable for all damages the owner or occupant of such land

may sustain by reason of such trespass; and for a second or subsequent act of trespass by such swine, such owner or person shall be liable for treble the amount of damages done by the same, such damages may be recovered in a civil action before any justice of the peace. Owner liable.

SEC. 3. If any swine shall be found running at large contrary to the provisions of this act, it shall be lawful for any person to restrain the same forthwith and give the owner, if known, notice in writing that he has restrained said swine, and the amount of damages he claims in the premises, and requiring the owner to take said swine away and pay such damages. If such owner fails to comply with the provisions of this section within three days after receiving such notice, or if the owner of such swine be unknown, such swine shall be deemed to be strays, and shall be dealt with in the same manner and under like proceedings as required by the estray law. Lawful to restrain. Notice to owner.

SEC. 4. If the owner of such swine so restrained shall object to the damages claimed by the person having such swine in possession, and the parties cannot agree upon the same, either party may apply to any justice of the peace of the precinct, and if there be no justice of the peace in the precinct, then the nearest justice in [the] county, for the appointment of appraisers to assess the damages done by such swine, and the reasonable cost of taking up and keeping the same; and it shall be the duty of such justice of the peace to issue notice to three disinterested freeholders of the precinct to appear upon the premises where such swine may be and assess the damages as herein required. Arbitration of damages.

SEC. 5. The persons so notified, or any two of them attending, shall take an oath that they will fairly and impartially assess the damages in controversy, and they shall make out, sign and deliver to each party a written statement of their appraisal of damages in the premises, and upon the payment of the damages and expenses allowed by such appraisers the owner shall be entitled to take his swine away; and if refused, the same may maintain an action therefor, as in other cases of wrongful taking or detention of property.

SEC. 6. The justice of the peace shall be allowed a fee Justice's fees.

of fifty cents for issuing the notice and swearing the appraisers, and the constable or person serving the notice shall be allowed a fee of one dollar for each appraiser notified, and mileage to and from the place of service; each appraiser shall be allowed a fee of one dollar, which fee shall be paid by the owner of such swine before he shall be entitled to take them away. Or if such owner fails to pay such fees, the person having such swine shall pay the same and may add the same to the damages allowed him in the premises.

Not necessary
to fence.

SEC. 7. It shall not be necessary for any person to fence against swine in this state, and it shall be no defence to any action or proceeding brought or had under the provisions of this act that the party injured or taking up any swine did not have his lands enclosed by a lawful fence.

SEC. 8. Nothing in this act shall be so construed as to prevent owners or other persons from driving swine from one place to another along any public highway, the owner or owners being responsible for all damages that any person or persons may sustain in consequence.

SEC. 9. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 14, 1890.