

Emergency. SEC. 3. Whereas, no law now in force makes any provision for the assessment, levy and collection of taxes in cities of the third class, where the same have neglected or failed to do so, therefore an emergency exists, and this act shall be in force from and after its approval by the governor.

Approved February 9, 1891.

CHAPTER IX.

[H. B. No. 21.]

STATE BOARD OF HORTICULTURE.

AN ACT to create a state board of horticulture, and appropriate money therefor, and declaring an emergency.

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

SECTION 1. That there is hereby created a state board of horticulture, to consist of seven members, who shall be appointed by the governor, one from the state at large, and one from each of the six horticultural districts, which are hereby created, to wit: *First:* The first district, which shall comprise the counties of Skamania, Clarke, Cowlitz, Klickitat, Lewis, Wahkiakum and Pacific. *Second:* The second district, which shall comprise the counties of Pierce, Thurston, Chehalis, Mason, Kitsap, Jefferson and Clallam. *Third:* The third district, which shall comprise the counties of King, Snohomish, Skagit, Whatcom, Island and San Juan. *Fourth:* The fourth district, which shall comprise the counties of Yakima, Kittitas, Douglas and Okanogan. *Fifth:* The fifth district, which shall comprise the counties of Walla Walla, Franklin, Columbia, Garfield and Asotin. *Sixth:* The sixth district, which shall comprise the counties of Whitman, Adams, Lincoln, Spokane and Stevens.

Residence of
members.

SEC. 2. The members shall reside in the districts for which they are appointed. They shall be selected with

reference to their study of, and practical experience in, horticulture and the industries dependent thereon. They shall hold office for a term of four years, and until their successors are appointed and qualified: *Provided, however,* That three of the board first appointed, to be determined by lot, shall retire at the expiration of two years. All vacancies in the board shall be filled by appointment of the governor, and shall be for the unexpired term.

SEC. 3. The board is authorized to employ a secretary, ^{Secretary of board.} prescribe his duties, and shall elect from their number a treasurer, who shall give a bond to the governor of the State of Washington, in the sum of ten thousand dollars (\$10,000) for the faithful performance of his duties. The secretary and treasurer shall hold their appointments at the pleasure of the board. Before entering upon the discharge of his duties, each member of the board shall take ^{Oath of office.} and subscribe an oath to support the constitution of the United States and of the State of Washington, and to faithfully discharge the duties of his office, which said oath shall be filed with the secretary of state.

SEC. 4. The board may receive, manage, use and hold ^{Property of board.} donations and bequests of money and property for promoting the objects of its formation. It shall meet on the second Monday of April and October of each year, and as much oftener as it may deem expedient for the consultation on and for the adoption of those measures that will best promote the horticultural industries of the state. It may, but without expense to the state, select and appoint competent and qualified persons to lecture in each of the districts named in section one of this act, for the purpose of encouraging and improving practical horticulture, and imparting instructions in the best methods of treating the diseases of fruits and fruit trees, cleansing orchards, and exterminating orchard pests.

SEC. 5. The office of the board shall be located at such ^{Office of board.} a place as the majority thereof may determine. It shall be kept open to the public, subject to the rules of the board, every day, excepting Sunday and legal holidays, and shall be in charge of the secretary during the absence of the board.

Regulations.

SEC. 6. For the purpose of preventing the spread of contagious diseases among fruit and fruit trees, and for the prevention, treatment, cure and extirpation of fruit pests and the diseases of fruits and fruit trees, 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 may suggest regulations for the inspection and disinfection 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 at least ten days in two daily papers of general circulation in the state, and shall be posted in three conspicuous places in each county in the state, one of which shall be at the county court house thereof.

Inspector.

SEC. 7. The said board shall elect from their own number or appoint from without their number, to hold office at the pleasure of the board, a competent person especially qualified by practical experience in horticulture, who shall be known as "inspector of fruit pests." It shall be the duty of said inspector to visit horticultural districts of the state, to see that all the regulations of said board 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, grafts, scions, orchard debris, empty fruit boxes and packages, and other material, be made known to the people of the state. He shall,

Duties.

whenever required, and under the direction of the board, and may also upon his own motion and complaint of interested parties, inspect orchards, nurseries and other places suspected or believed to be infected with fruit pests, or infected with contagious diseases injurious to trees, plants or fruits, and he shall report the facts to said board. The inspector shall, from time to time, and whenever required by said board, report to it such information as he may secure from observation, experience and otherwise, as to the best method of diminishing and eradicating fruit pests and diseases from orchards, and also suggestions in practical horticulture, the adaptation of produce to soil, climate and markets, and such other facts and information as shall be

calculated to improve the horticultural interests of the state.

SEC. 8. Whenever a complaint is made to any member ^{complaints.} of the board that any person has an orchard, trees, or nursery of trees, or a fruit packing house, store room, sales room, or any other place in this state, infected with any noxious insects, or the eggs or larvae of any such insects, or that any packages of trees, plants, or fruit are in transit to this state, or are in this state about to be disseminated, which are known or suspected to be from localities that are infected with any disease or pests injurious or that may become injurious to the fruit interests of the state, such member shall inspect, or cause to be inspected, the premises or property to which such complaint relates, and if the same is found to be infected as aforesaid, such member shall notify in writing the person having charge of ^{Notice.} such premises and property to appear before him at such time and place as specified in such notice, to be heard in reference to the infection of said premises or property aforesaid, and if such member, after hearing the person in charge of such premises or property, shall be of the opinion that such premises or property, or any of the same, is infected as aforesaid, he shall notify in writing the person in charge of the same, within a time to be prescribed in such notice, to treat and disinfect said premises or property, in the manner prescribed in such notice, and if the person so notified shall neglect or refuse to treat and dis-infect said premises or property, in the manner and within the time prescribed in said notice, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars; and if it appears on the trial, that any orchard, trees, nursery, building, or any other structures, premises or property in charge of the defendant referred to in said notice, or any part of such structures, premises or property, is infested or infected as aforesaid, the court shall declare whatsoever of the same ^{Penalty for neglect or refusal.} ^{Duties of court.} is so infected a nuisance, and shall order it to be abated, or may make any other order necessary to prevent its continuance, and it shall be the duty of the board, or some

member thereof, to execute such order, and the costs and disbursements of the prosecution shall be adjudged against the party convicted as aforesaid.

Duty of secretary.

SEC. 9. It shall be the duty of the secretary to attend all meetings of the board and to procure records of the proceedings and correspondence; to collect books, pamphlets, periodicals and other documents containing valuable information relating to horticulture, and to preserve the same; to collect statistics and other information showing the actual condition and progress of horticulture in this state and elsewhere; to correspond with agricultural and horticultural societies, colleges, and schools of agriculture and horticulture, and other persons and bodies as he may be directed by the board, and prepare, as required by the board, reports for publication; he shall also act as assistant to and obey the directions of the inspector of fruit pests, under the direction of the board, in the exercise of the duties of his office and shall be paid for his services as said secretary and assistant inspector, a salary of not to exceed one hundred dollars per month, and his mileage actually paid out shall be allowed when acting as assistant to the inspector of fruit pests.

Salary.

Compensation of inspector.

SEC. 10. The inspector of fruit pests shall receive as compensation for his services, when actually engaged in the duties of his office, a sum not to exceed five dollars per day, and his mileage actually paid out shall be allowed when so engaged.

Reports.

SEC. 11. The board shall biennially in the month of January report to the legislature a statement of its doings, with a copy of the treasurer's accounts for two years preceding the session thereof, and abstracts of the reports of the inspector of fruit pests, and of the secretary. The members of the board shall receive a compensation for their services, their mileage actually paid out when attending the meetings of the board, and shall be allowed five dollars a day for time actually employed.

Duties of treasurer.

SEC. 12. The treasurer shall receive all moneys belonging to the board and pay out the same only for bills approved by it, and shall render annually a detailed account to the board of all receipts and disbursements.

SEC. 13. There is hereby appropriated for the use of the ~~Appropriation~~ state board of horticulture, as set forth in this act, out of the moneys in the state treasury not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary, for the year commencing April 1st, 1891; five thousand dollars, or so much thereof as may be necessary, for the year commencing April 1st, 1892; and the state auditor shall draw his warrant upon the state treasurer in favor of the treasurer of said board for said sums, or any part thereof, when they may become available, upon proper demand being made for the same by said board.

SEC. 14. The said board shall report to the legislature, commencing January, 1893, what, if any, legislation is needed in aid of the horticultural and fruit growing interests of the state.

SEC. 15. Inasmuch as there is great danger to the fruit ~~Emergency~~ and horticultural interests of the state from pests and other causes, and no means exists whereby they can be remedied, therefore an emergency exists, and this act shall take effect from and after its approval by the governor.

Approved February 16, 1891.

CHAPTER X.

[H. B. No. 59.]

BAILIFFS IN SUPERIOR COURTS.

AN ACT to provide for the payment of bailiffs of the superior courts.

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

SECTION 1. That bailiffs of the several superior courts ~~compensation~~ of this state, appointed by the respective judges thereof, shall be paid for their services, not to exceed three dollars (\$3) per day, by the county in which the court is held.

SEC. 2. From time to time, the superior judge of the ~~duty of judge~~ county shall certify the amount due any such bailiff, and
Sig. 2.