

CHAPTER CXLVIII.

[S. B. No. 212.]

LICENSING COMMISSION MERCHANTS.

AN ACT to regulate the sale of farm, dairy, orchard or garden produce on commission.

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

SECTION 1. It shall be unlawful for any person, firm or corporation to engage in the business of selling farm, dairy, orchard or garden produce on commission within this state without first taking out a license therefor as herein provided. Licensing.

SEC. 2. Any person, firm or corporation desiring to engage in the business of selling farm, dairy, orchard or garden produce on commission shall file with the secretary of state his sworn statement, giving his full name if an individual, the full names of all the partners if a partnership, and the date of incorporation and where incorporated if a corporation; also the place where the proposed business is to be conducted, the actual amount of capital that will be employed in the business, and the character of produce to be dealt in by the applicant. Name filed, when.

SEC. 3. Such applicant shall also deliver to the secretary of state the state treasurer's receipt for the sum of five dollars, and the sum so collected shall go into the general fund. Fees.

SEC. 4. It shall thereupon be the duty of the secretary of state to deliver to such applicant a license to carry on the business of a commission merchant until the 31st day of December of the year in which said license is issued: *Providing*, Such person is, in the judgment of the secretary of state, a proper person to carry on such business. License to issue, when.

SEC. 5. It shall be unlawful for persons engaged in the business of commission merchants to enter into any combination, conspiracy or pool for the purpose of artificially raising or depressing the market prices of any farm, dairy, orchard or garden produce, or of excluding from Pool prohibited.

the market the produce of any particular locality grown or manufactured by any person.

Consignments registered and sales noted.

SEC. 6. Every person, firm or corporation engaged in the business of handling or selling produce hereinbefore mentioned on commission shall keep an accurate set of books, in which shall be truly stated the amount and character of any consignment received by him, with the date of receipt, the name of the consignor or his agent, and the condition of the shipment when received, and when the same shall be sold or any portion thereof; the name of the person to whom sold, together with the amount and date of sale, shall be entered on the books, which books shall be open to the inspection of any consignor or his agent during business hours.

Consignor notified, when.

SEC. 7. It shall be the duty of any person, firm or corporation making any sale of produce on commission to make a true account and return thereof to the consignor within seven days after the making of such sale, in which statement shall be shown the quantity of each kind of produce sold, the price received and the name and address of the person to whom sold.

Consignor paid, when.

SEC. 8. It shall also be the duty of every person, firm or corporation engaged in the business of selling farm, dairy, orchard or garden produce on commission to pay to the consignor within thirty days the full amount of money due him, to the consignor upon any such sale or any sale of the whole or any part of any consignment of produce: *Provided*, That in case the consignor and consignee do not live in the same town, such payment shall be deemed to be made whenever such commission merchant shall deposit in the postoffice, postage prepaid, a good and valid draft, check or order for the amount of such sale, enclosed in an envelope and addressed to the consignor at his place of residence. No check, draft or order shall be deemed to be good or valid within the meaning of this law unless the amount of money specified therein shall be paid to the payee or his order thereon upon demand.

Consignor to recover, when.

SEC. 9. If any person, firm or corporation shall make any sale of the produce hereinbefore mentioned upon commission and shall fail or neglect to pay the amount received

upon such sale as hereinbefore provided, the consignor of such produce shall be entitled to recover from the person making such sale double the amount thereof in a civil action, and such person, firm or corporation shall also be subject to the penalties hereinafter imposed.

SEC. 10. Any person who shall violate any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding the sum of two hundred and fifty dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment at the discretion of the court. Penalty for violations.

SEC. 11. The secretary of state shall revoke any license issued under the provisions of this act whenever the person, firm or corporation holding the same shall be convicted of any violation of this law, or whenever in his judgment such person, firm or corporation is conducting said business in a manner detrimental to the interest of the public. License revoked, when.

Passed the senate February 20, 1895.

Passed the house March 13, 1895.

Approved March 21, 1895.

CHAPTER CXLIX.

[S. B. No. 209.]

DEFINING CRIMES AGAINST PUBLIC DECENCY.

AN ACT defining crimes against public decency and good morals, providing punishment therefor, and repealing sections 192 and 193 of the Penal Code of Washington.

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

SECTION 1. Incest is the sexual commerce of persons related within the degrees wherein marriage is prohibited. Incest defined.

SEC. 2. Persons being within the degrees of consanguinity or affinity, within which marriages are prohibited by law, who intermarry with each other, or who commit forni- Punishment for.