

State Auditor
to credit for
1897.

on its tax roll account for the year 1897, \$7,368.07 : General state fund, \$3,360.87; general school fund, \$3,490.14; state interest fund, \$258.53; state military fund, \$258.53, on account of said Spokane county by clerical error [having] paid into the state treasury the above named amounts in the above mentioned sums over and above its just proportion of the taxes for said year.

Credit for 1898.

SEC. 2. The State Auditor is hereby authorized and directed to credit Spokane county, Washington, on its tax roll account for the year 1898, \$7,374.57 in the following funds, to-wit: General state fund, \$3,277.59; general school fund, \$3,550.72; state interest fund, \$273.13; state military fund, \$273.13, on account of said Spokane county by clerical error having paid into the state treasury the above named amounts in the above mentioned sums over and above its just proportion of the taxes for said year.

Passed by the Senate March 8, 1901.

Passed by the House March 13, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CIX.

[S. B. No. 181.]

TO REGULATE THE PURCHASE, SALE AND TRANSFER OF STOCKS OF GOODS.

AN ACT to regulate the purchase, sale, transfer and encumbrance of stocks of goods, wares or merchandise in bulk, and prescribing penalties for the violation thereof.

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

Duty of parties
regarding
goods.

SECTION 1. It shall be the duty of every person who shall bargain for, or purchase any stock of goods, wares or merchandise in bulk, for cash, or on credit, before paying to the vendor, or his agent, or representative, or delivering to the vendor, or his agent, any part of the

purchase price thereof, or any promissory note, or other evidence therefor, to demand of and receive from such vendor, or agent, or if the vendor or agent be a corporation, then from the president, vice-president, secretary or managing agent of such corporation, a written statement, sworn to substantially as hereinafter provided, of the names and addresses of all the creditors of said vendor, to whom said vendor may be indebted, together with the amount of the indebtedness due or owing, and to become due or owing, by said vendor to each of such creditors; and it shall be the duty of said vendor, or agent, to furnish such statement, which shall be verified by an oath to the following effect:

Names of creditors.

STATE OF WASHINGTON, }
 COUNTY OF } ss.

Before me personally appeared (vendor, or agent, as the case may be), who being by me first duly sworn upon his oath doth depose and say that the foregoing statement contains the names of all of the creditors of (the name of the vendor) together with their addresses, and that the amount set opposite each of said respective names is the amount now due and owing, and which shall become due and owing by (vendor) to such creditors, and that there are no creditors holding claims due, or which shall become due for or on account of goods, wares or merchandise purchased upon credit or on account of money borrowed to carry on the business of which said goods are a part, other than as set forth in said statement, and in this affidavit, are within the personal knowledge of affiant.

Form of oath.

Subscribed and sworn to before me this day of, 190..
 (Title of officer taking oath.)

SEC. 2. Whenever any person shall bargain for, or purchase any stock of goods, wares or merchandise in bulk, for cash, or on credit, and shall pay any part of the purchase price, or execute or deliver to the vendor, thereof, or to his order, or to any person for his use, any promissory note, or other evidence of indebtedness for said purchase price, or any part thereof, without first having demanded and received from said vendor, or from his agent, the statement provided for in section 1 of this act and verified as there provided, and without paying, or seeing to it that the purchase money of the said property, is applied to the payment of the *bona fide* claim of the creditors of the vendor as shown upon such

Credit purchases.

Statement of vendor.

Applied to payment of claim.

verified statement, share and share alike, such sale, or transfer shall be fraudulent and void.

When acting for any vendor. SEC. 3. Any vendor of any stock of goods, wares or merchandise in bulk, or any person who is acting for, or on behalf of any vendor, who shall knowingly or willfully make or deliver, or cause to be made or delivered a statement as provided for in section 1 of this act which shall not include the names of all the creditors of such vendor with the correct amount due, and to become due to each of them or which shall contain any false or untrue statement, shall be deemed guilty of Perjury. and upon conviction thereof, shall be punished by imprisonment in the penitentiary for not less than one nor more than five years, or shall be fined in any sum not exceeding one thousand dollars.

Sale of goods. SEC. 4. Any sale or transfer of a stock of goods, wares or merchandise out of the usual or ordinary course of business or trade of the vendor, or whenever substantially the entire business or trade therefore [therefor] conducted, by the vendor, shall be sold or conveyed or whenever an interest [in] or to the business or trade of the vendor is sold or conveyed, or attempted to be sold or conveyed shall be deemed a sale and transfer in bulk in contemplation of this act: *Provided, however,* That [if] such vendor produces and delivers a written waiver of the provisions of this act from his creditors as shown by such verified statements then and in that case the provisions of this section shall not apply.

Act not to apply to executors, etc. SEC. 5. Nothing in this act contained shall apply to executors, administrators, receivers, or any public officer acting under judicial process.

Passed the Senate February 28, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 16, 1901.