

district, for the faithful performance of their duties as such board of drainage commissioners in the penal sum of five hundred dollars, with two or more sureties, to be approved by the board of county commissioners, and shall hold such office until the next general election for the election of officers in such drainage district, and until their successors are elected and qualified. Each board of commissioners thereafter, which may be constituted either by appointment or election, shall enter into a like bond and of like effect before entering upon their duties, which bond shall be approved by the judge of the superior court of the county in which said district is located, and shall be filed in said court. ^{Approval of bond.}

SEC. 5. An emergency exists and this act shall take effect immediately. ^{Emergency.}

Passed the House February 20, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 13, 1905.

CHAPTER 176.

(H. B. No. 168)

AMENDING ACT RELATIVE TO FRUIT GROWING AND HORTICULTURE.

AN ACT to amend sections four, five, six, seven, eight, twelve, fourteen and fifteen of an act entitled, "An act to promote the fruitgrowing and horticultural interests of the State of Washington, to provide for the appointment of a commissioner of horticulture; to repeal certain laws in conflict therewith, and to provide penalties and punishment for its violation, making an appropriation therefor.

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

SECTION 1. That section four of said act be amended to read as follows: Section 4. Fruit culturists in any county in this State are hereby authorized and empowered to organize into a horticultural society, and the better to promote and protect the horticultural interests of the county, the society will nominate three qualified persons for county inspector of fruits, fruit trees, orchards, plants, boxes, barrels ^{Societies, how organized.}

Examinations
for position
of inspector.

Compensation.

Removal
from office.

Monthly
report.

and other packages in which fruits or fruit trees have been shipped. The nomination shall be made to the board of commissioners (of the county wherein said society is organized), who are hereby authorized and required to appoint such person as county fruit inspector for a term of two years, deliver to him a certificate of appointment, and mail a duplicate copy of said certificate to the commissioner of horticulture: *Provided however,* That county inspectors shall be required to pass a satisfactory examination before the state horticultural commissioner, or the faculty of the agricultural college before they are authorized to perform the duties of their office. In counties where no horticultural society exists, the county commissioners shall select and appoint a suitable person to act as county inspector, and report their action to the commissioner of horticulture for confirmation. All county fruit inspectors shall be entitled to such pay for their services as the board of county commissioners of the county in which their work was performed may direct. Any county inspector shall be removed by the commissioner of horticulture for incompetency, neglect of duty, or other sufficient cause, upon complaint filed with him signed by the proper officers of the horticultural society in the county in which such inspector is sought to be removed: *Provided,* That no such removal shall be made without giving such inspector a hearing and ten days' notice of the time and place thereof, such hearing to be had before the commissioner of horticulture. In order to furnish to the office of the commissioner of horticulture information regarding the condition of orchards throughout the State, and to determine the compensation of such county inspectors, they shall make monthly reports to the commissioner of horticulture under oath upon blanks furnished by said commissioner. All county fruit inspectors shall make a monthly report to the county commissioners of their county, setting forth the number of days' work performed and character thereof, and make oath to the correctness of such statement and furnish necessary vouchers upon which the county commissioners shall determine the accuracy of their accounts; such monthly report and rendition of account shall be sworn to by the county inspector before the clerk of the county court. Any county inspector who shall in said report under oath falsely state the number of days' work he has actually performed in any month, shall be deemed guilty of perjury

and upon conviction thereof shall be liable to the penalty provided by law therefor.

SEC. 2. That section five of said act be amended to read as follows: Section 5. No person, firm, corporation or tree dealer shall engage or continue in the business of selling as agent, solicitor or otherwise within the State or importing fruit trees, plants or nursery stock into the State without first having obtained a license to carry on such business in this State, as in this act provided. License to sell trees, etc.

SEC. 3. That section six of said act be amended to read as follows: Section 6. Any person, firm, corporation or tree dealer, agent or solicitor may obtain a license to engage or continue in the business of selling and importing fruit trees, plants or nursery stock into this State, by submitting his application therefor, to the commissioner of horticulture, together with a satisfactory bond of one thousand dollars made in conformity with the laws of the State of Washington. All bonds submitted shall be made in conformity with the laws of the State of Washington, such bond to be approved by and filed with the said commissioner, conditioned that the principal and his or their agents will faithfully obey the provisions of this act, the laws of the State of Washington, and that the said principal pays the costs of inspection and destruction of all infected nursery stock or other material or goods imported into and sold within such district of this State by the said principal, his or their agent. Any person or persons shall have legal recourse against the bond for any damages accruing from the sale of or delivery of infected nursery stock. All licenses issued by the commissioner of horticulture shall bear the name of the solicitor, agent or salesman and shall not be transferable. Any solicitor or agent falsely representing any nursery, firm, corporation or tree dealer shall be deemed guilty of a misdemeanor and subject to a fine of not less than fifty nor more than one hundred dollars, and such conviction shall *ipso facto* work a forfeiture of his license. Any license granted to any person, firm, corporation or tree dealer shall be suspended in its operation by the commissioner of horticulture upon the report of the inspector that said person, firm, corporation or tree dealer has introduced infected stock into the State of Washington, and if upon examination by the commissioner such report of the inspector shall be found to be supported by facts, such license shall at once be revoked. The License and bond. Recourse for damages against bond. Suspension of license.

license fee for nurserymen and tree dealers shall be five dollars, and for their agents or salesmen who shall be furnished an authentic copy, two dollars and fifty cents. Said money shall be collected by the state horticultural commissioner and paid to the treasurer of the State of Washington. All licenses shall expire on the first day of April, 1905, and on the first day of April every second year thereafter.

Fees.
Notice of
invoicing—
what to show.

SEC. 4. That section seven of said act be amended to read as follows: Section 7. It shall be the duty of every person, firm, corporation or tree dealer licensed to do business under this act, to notify the horticultural commissioner of his intention to ship an invoice of fruit trees, plants or nursery stock from one point to another within the State, or to import an invoice of similar goods from without to any point within the State, whether for the purpose of sale or for personal use. Such notice shall contain the name and address of both consignor and consignee, and a descriptive invoice of the goods to be shipped, the freight or express office at which the goods are to be delivered, and the name or title of the transportation company from which the consignees received such goods. A copy of such notice shall also be mailed to the county fruit inspector in the county in which the point of destination is located. Such notices shall be mailed not later than the date of such shipment. Upon receipt at destination of any invoice of fruit trees, plants or nursery stock, it shall be the duty of the freight agent, express agent, or other transportation company's employee having such invoice of fruit trees, plants or nursery stock in charge to notify the county fruit inspector within whose jurisdiction said invoice is received of the receipt of said invoice, naming consignor and consignee and that said invoice is ready for inspection, notification to be by telegraph or telephone, and to hold said invoice for inspection by the county fruit inspector before delivering said invoice of fruit trees, plants or nursery stock to the consignee; excepting, that said invoice need not be held more than twenty-four hours after notification is made to the county fruit inspector. The said inspection not to be made by the county fruit inspector until the freight, express or other transportation charges are paid, unless the freight agent, express agent, or other transportation company's employee in charge of said invoice consents to said inspection being made before said charges are paid.

Inspection.

SEC. 5. That section eight of said act be amended to read as follows: Section 8. Any person, firm, corporation or tree dealer who shall sell within this State, or import into this State, any fruit, scions, fruit trees, plants or nursery stock in violation of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined for each offense in any sum not less than fifty nor more than one hundred dollars. ^{Penalty for violation.}

SEC. 6. That section twelve of said act be amended to read as follows: Section 12. Whenever from any cause there shall be an absence of an inspector in any county, the county commissioners of such county shall be notified by the commissioner of horticulture to appoint a county fruit inspector. And in case of their failure to do so, the commissioner of horticulture shall have power to order an inspector from an adjoining county in his district to perform the duties required by this act in the county needing the services of such inspector, and the expense of such inspection shall be chargeable to and paid for by the county in which the said services are rendered in the manner hereinbefore provided. Whenever any county fruit inspector requires assistance in the discharge of his duties, he shall make written application to the county commissioners for the temporary appointment of an assistant, stating the length of time for which such assistant will be required, and all appointments of such assistant shall be left discretionary to the board of county commissioners. Assistant county inspectors shall have the same powers to perform the same duties as county inspectors, and such assistant shall be entitled to the same compensation, and to be paid in the same manner as county inspectors. ^{Procedure, during inspector's absence.} ^{Assistance for inspector.}

SEC. 7. That section fourteen of said act be amended to read as follows: Section 14. Any person or persons who shall bring into the State, have in their possession or offer for sale or distribute or give away fruit trees, shrubs, fruit or other material infested with any kind of insect pest injurious to fruit, fruit trees or plants, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than sixty days nor more than one year: *Provided*, That for each repeated offense the person or persons convicted may be punished by a fine of not less than two hundred dollars nor ^{Inspection of infected shrubs.}

more than eight hundred dollars, or by imprisonment not to exceed two years. Any person or persons who shall sell, offer for sale, distribute or give away any tree or trees, root or roots, grass, cuttings, or scions infected with insect pests, spores or fungus growths, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than fifteen days nor more than thirty days. A repetition of the offense shall subject the offender to increased penalty not over the maximum above stated. Any nursery trees, shrubs or plants which have been shipped from and to any place within the State for distribution or for planting, and which are infected with any injurious insect, larvae or fungus growth, shall be disinfected under the direction of the inspector of the county where such trees and plants are taken, and the cost of such disinfection shall be charged to the owner of said articles and shall be a lien on such trees, shrub or plants until paid, and the person in possession of such articles being held subject to lien shall have a legitimate claim against the party from whom he received the articles for reimbursement of costs, including costs of collection, and shall have recourse against the party from whom he received the articles for reimbursement of costs, including cost of collection, and shall have recourse against the bond of the person furnishing the articles, and such claim may be enforced in any court of competent jurisdiction of the State. That any agent, tree dealer or salesman who shall solicit orders for fruit trees and nursery stock shall leave with the person giving such order, a duplicate of the same, and attach thereto a certificate to be signed by such salesman or agent, naming the nursery from which such nursery stock will be supplied and its location.

SEC. 8. That section fifteen of said act be amended to read as follows: Section 15. The county fruit inspector shall, in the performance of his duties as such inspector, have on any day except Sunday, free access to orchards, nurseries, gardens, hop fields, packing houses, fruit sheds and store rooms where fruit may be kept; fruit boxes full or empty, or any other material or place suspected of being infected with insect pests or disease injurious to the fruit interest of the State. If he find any nursery, orchard, garden or other place or material infected with insects or fungus

Lien.
Access to
orchards, etc.

growth, larvae or spores injurious to the fruit interests, he shall forthwith notify in writing, the owners, occupants or persons in possession thereof that the same is infected, prohibit their removal and direct the manner in which the same shall be disinfected, if the owner, occupant or person in possession of said orchard, garden, store room, fruit stand or other place or infected material shall not within ten days disinfect the same in the manner by the county inspector provided, or shall not have appealed from the decision of the county inspector to the commissioner of horticulture, if the premises infected be an orchard, or nursery of fruit trees, a garden, fruit stand or store room, and the person or persons in charge thereof have neglected or refused to disinfect the said premises within the time specified in said notice, nor have appealed as aforesaid; then the county inspector shall enter on and disinfect part or all of said premises so neglected, and the cost thereof shall be a legitimate ^{Costs to be} [legitimate] charge and lien with interest until paid upon _{a lien.} the real property of the owner of such premises so disinfected; such lien shall be collectable with costs, in suit in any of the courts of the State as other lawful claims are collectable. If the infected property be transportable material, the county inspector shall notify the person in charge thereof not to remove the same and to disinfect the same within twenty-four hours, and describe the manner of disinfection. If the person in charge of said infected material neglect or refuse to disinfect the same as notified, or fail to appeal, then the inspector shall destroy such infected material or fruits, fruit boxes, baskets, wrappings, portable fruit stands, by burning the same. If an appeal be taken the In- ^{Appeal.} spector shall after twenty-four hours notice take immediate possession of such movable property, and safely keep them until the appeal be decided. If the decision of the commissioners be in favor of the appellant, the property shall be returned to him; on an adverse decision the property must be destroyed by the inspector. All appeals from the action or demand of the county inspector shall be taken to the state commissioner of horticulture. That no county fruit ^{Inspectors not} inspector shall act as solicitor or agent for the sale or distri- _{to solicit} _{sales of} _{trees, etc.} bution of any nursery stock, supplies or machinery for use in orchards, nor engage in the purchase or marking of fruit from any orchard save his own. When satisfactory evidence that any county fruit inspector has violated the provisions

of this section, the horticultural commissioner shall remove such inspector and report the removal to the county commissioners of his (the inspector's) county.

Appropriation. SEC. 9. There is hereby appropriated out of any funds in the State treasury, not otherwise appropriated, the sum of thirteen hundred dollars for the purpose of defraying the expenses of printing the minutes of the state horticultural association, and for the expense of its secretary, and to maintain an exhibit, and pay freight and express charges, upon fruits and exhibits sent to said commissioners of horticulture.

Passed the House March 7, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 13, 1905.

CHAPTER 177.

(H. B. No. 272)

FOR THE REGULATION AND LICENSING OF PEDDLERS AND VENDORS OF MERCHANDISE.

AN ACT relating to peddlers and vendors of merchandise, providing for licensing the same and prescribing a penalty for violation thereof.

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

SECTION 1. That every person, firm or corporation who peddles out, or, after shipment to the State, canvasses and sells by sample to users or consumers, clocks, agricultural implements or machinery, stoves, ranges, windmills, lightening rods, wagons, buggies, carriages, surreys, and other similar vehicles, washing machines, sewing machines, churns, or groceries shall pay in advance a license tax of two hundred dollars (\$200.00) for each calendar year, or portion thereof, to be paid in each county in which said occupation is pursued.

\$200 per year.

License.

SEC. 2. Such license mentioned in Section 1 of this act shall be paid to the county auditor of the county in which such business or occupation is to be pursued or conducted.