

of Spokane and Stevens, jointly, shall, during the remainder of his term of office, and until his successor is elected and qualified, remain the judge of said court in and for the County of Spokane.

Elections subsequent to 1906.

SEC. 5. At the general election to be held in the State of Washington, in the year 1908, and every four years thereafter, there shall be elected in the said County of Spokane three Superior Judges, in the County of Stevens one Superior Judge.

Emergency.

SEC. 6. An emergency exists and this act shall take effect immediately.

Passed the Senate February 7, 1905.

Passed the House February 15, 1905.

Approved by the Governor February 16, 1905.

CHAPTER 23.

(H. B. No. 30)

RELATIVE TO DETENTION, REGISTRATION AND SALE OF ESTRAYS.

AN ACT in relation to estrays, providing for their detention, registration and sale, and prescribing penalties for its violation.

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

Records of County Auditors—how arranged.

SECTION 1. It shall be the duty of the County Auditors of the several counties of the State to keep a book of suitable dimensions to be called the "Record of Estrays." The book shall be divided into two parts; the first part shall be designated "Estrays Lost," and the second part "Estrays Found." The part designated "Estrays Lost," shall be ruled and spaced substantially as follows: The first column to contain the name of the owner; the second, his address; the third, the date lost or strayed; fourth, the kind of animal and age; fifth, the color; sixth, brands; seventh, ear marks; eighth, other marks of identification; ninth, customary range; tenth, page registered in "Estrays Found." The part designated "Estrays Found" shall be ruled and spaced substantially as follows: The first column to contain the

Estrays lost

name of the finder; the second, his address; third, the date found; the fourth, fifth, sixth, seventh, and eighth, columns to be the same as in "Estrays Lost;" the ninth column to designate the place where the owner may claim and obtain the animal; and the tenth the page registered in "Estrays Lost;" eleventh, the date sold; twelfth, to whom sold; thirteenth, price obtained; fourteenth, publication fee; fifteenth, other costs; sixteenth, balance. If the animal be breechy or vicious such fact shall also be noted in the third column. The part designated "Estray Lost" shall be so arranged that the names of the owners shall be registered in alphabetical order, and thumb indexed so that each letter may be readily found. The part designated "Estray Found," shall be so arranged, that the names of the finders will be registered in alphabetical order, and indexed as specified for the part designated "Estrays Lost." In addition to the foregoing each portion of said two parts of said record of Estrays, shall contain an alphabetical index reference to the following: the age and kind of animal, the color, brands, ear marks; said index to refer to the page and the number of the line in which the particular animal is referred to. It shall be the duty of the Auditor of each county to keep said index up to date, and as complete as practicable.

Breechy
animals.

Estrays found

SEC. 2. Any person losing an animal shall register the same with the County Auditor of his county under "Estrays Lost," for which the Auditor shall collect a fee of fifty cents, for each animal registered, and deliver to the owner a receipt with his seal attached which receipt shall describe the animal registered.

Registration,
by person
losing animal.

SEC. 3. Any person about whose premises any animal may be in the habit of running at large at any time between the first day of October and the first day of March, may take up such animal and shall within ten days thereafter cause the same to be registered with the County Auditor of his county under "Estrays Found," giving the information required by the record as fully as practicable, and the Auditor shall charge against such estrays the said fee of fifty cents for each animal so registered. Breechy or vicious animals may be taken up and registered as herein provided in any month.

Registration,
by finder.

SEC. 4. Immediately upon registering any animal as found, the Auditor shall examine the record of "Estrays Lost" and if the animal found appears thereon, he shall

Auditor to notify owner.

immediately notify the owner by mailing him a notice addressed to the post office designated opposite his name on the record, which notice shall contain the information appearing in the fourth, fifth, sixth, seventh and eighth columns of the record, and shall require the owner to appear within twenty days from the date of such notice and pay all charges and take the said animal into his possession.

The several County Auditors shall keep on hand blank forms of such notice which shall be substantially as follows :

Form of notice.

.....To.....
Washington.
 You are hereby notified that your (here state the kind of animal), color....., branded....., earmarked....., otherwise marked....., has been taken up by....., and is now at....., and unless you pay all charges against the said estray and take possession thereof within twenty days from this date, the same will be sold according to law.
 Dated this.....day of....., 190...
 P. O. Address.....
Auditor.

Fee.

SEC. 5. The owner of any estray upon learning that the same has been found, shall pay to the Auditor the fee for registering the estray as found, and take his receipt therefor with his official seal attached, which receipt shall describe the animal registered, and upon exhibiting such receipt and making out his title, and paying the finder the sum of one dollar for taking up the animal and reporting the same to the Auditor, and the further sum of ten cents per day for keeping the estray, from the time of registering the same as found, shall be allowed to take possession of the animal. The claimant's possession of the Auditor's receipt showing payment of the fee for registering the same as lost, and of the Auditor's receipt, showing payment of the fee for registering the same as found, shall be proof of ownership sufficient to justify the finder in surrendering possession of the estray. Any taker-up of an estray who shall work such animal, or otherwise use the same so as to derive benefit therefrom shall forfeit all pay for the keep thereof.

Animals found not to be worked.

Disposition of fees.

SEC. 6. All fees collected by the Auditor hereunder, and all sums derived from estray sales shall be turned into the current expense fund of the county.

SEC. 7. If the person entitled to the possession of an estray shall not appear and make out his title thereto as herein provided, and pay the charges against the same as

herein specified within twenty days from the time it is registered as found, as provided in this act, it shall be the duty of the Auditor to immediately publish notice once a week for two consecutive weeks, in the paper doing the county printing, which notice shall give the name of the finder of the estray, the date when taken up; place where kept, description of the animal as shown by the record, and shall state that if the owner does not appear and make out his title and pay all charges against said estray on or before the day and hour fixed for such sale, which shall be stated in the notice, and which shall not be less than fifteen nor more than twenty days from the date of the first publication thereof, such estray will be sold at the place where kept to the highest bidder for cash. If the owner or his legal representative appear he shall pay all charges incurred up to the time of his appearance including publication fee, and sheriff's or constable's fees if any have been incurred.

Notice of sale of unclaimed estrays.

SEC. 8. Such notice for publication may be substantially as follows:

ESTRAY SALE.

Notice is hereby given that (name of finder) on the..... day of....., 19....., took up and now keeps atWashington, (kind and age of animal), branded....., earmarked....., otherwise marked , and said estray will be sold to the highest bidder Form. for cash, at the place kept, as above specified, on..... the.....day of....., 19....., at the hour ofo'clock in the.....noon of said day, unless the owner thereof or his legal representatives shall appear prior to that time and make out his title, and pay all charges against said estray.

Date of the first publication of this notice.....19...

 Auditor of.....County.

SEC. 9. Any number of estrays registered as found at the same time by the same finder may be advertised for sale in the same notice, by describing each animal. If the finder of any estray shall so request the Auditor shall advertise the sale to take place at the county seat, and in such case the notice shall so specify.

SEC. 10. At the time stated in such notice, the Sheriff or any constable, or any elector, other than the finder, deputized by the Sheriff for such purpose shall sell the same at public auction for cash to the highest bidder, and the

Sale of, to highest bidder.

finder may bid therefor at such sale, and after deducting all charges of the finder as herein provided, and the fees of the Sheriff or constable for selling, which shall be the same as a sale on execution the remainder of the proceeds shall be turned into the Auditor within ten days, by the party conducting the sale. *Provided*, that if any person other than the Sheriff or a constable conducts such sale no fees for selling shall be allowable.

SEC. 11. If the owner of the property sold or his legal representative shall within six months after the money shall have been deposited in the county treasury, furnish satisfactory evidence to the Auditor of the ownership of the said property, he or they shall be entitled to receive the amount so deposited in the county treasury, less the cost of the publication of the notice which shall be estimated and deducted by the Auditor.

Publisher's
fees.

SEC. 12. The publisher's fees for publishing the notices specified herein, shall be paid for in the manner and at the rate provided for the publication of the proceedings of the County Commissioners.

Conditional
registration.

SEC. 13. Any person knowing of any animal running at large in any month, which he believes to be an estray, may take the same into his possession and register the same as found, or may register the same without taking the animal into his possession by specifying the range where the owner may be likely to find the same, but no charges shall be allowed any finder for taking or keeping such animal and no such animal shall be advertised for sale between the first day of March and the first day of October, except breechy or vicious animals, or estrays taken up prior to said first day of March, as herein provided. The several County Auditors shall make no charge for registering estrays as found between the first day of March and the first day of October.

Sale, where
to be held.

SEC. 14. Any owner or finder of any estray may register the same as lost or found in any one or more counties of the State, but the sale must be in the county where the estray is taken up, and the finder shall pay the registration fee outside the county where the estray is taken up.

Non-compli-
ance and
penalty.

SEC. 15. If any person shall take up, keep or use any estray without complying with the provisions of this act, he shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not to exceed one hundred dollars.

SEC. 16. All acts and parts of acts in conflict herewith ^{Repeal.} are hereby repealed.

Passed the House January 31, 1905.

Passed the Senate February 13, 1905.

Approved by the Governor February 16, 1905.

CHAPTER 24.

(S. B. No. 84)

PROVIDING FOR THE SUSPENSION AND WITHHOLDING OF SENTENCE OF PERSONS UNDER AGE OF 21 YEARS.

AN ACT providing for the suspension and withholding of sentence of persons under the age of twenty-one years, who have been convicted of a misdemeanor or felony in the Superior Courts of the State of Washington.

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

SECTION 1. That if any person under the age of twenty-one years shall be convicted in the Superior Court of the State of Washington, upon trial before the court or courts and jury on a plea of not guilty, or before the court upon a plea of guilty, of any misdemeanor or felony, the court, in its discretion, may withhold and suspend sentence and order the accused to be released during good behavior; and the court shall have power to order his or her re-arrest and pronounce sentence whenever the conduct of the accused shall, in the opinion of the court, make such action proper.

SEC. 2. That the court, when sentence is withheld and suspended may order the person convicted to enter into recognizance to be approved by the court for his or her presence before the court at all times whenever the court shall require and the person so convicted shall report to the court from time to time as the court shall direct, and the court shall after five years, if the party, during said time, has been lawabiding, of good habits, sober and industrious, vacate and set aside the conviction and dismiss the case, which fact of good behavior shall be shown to the court by petition and satisfactory proof.

Passed the Senate February 1, 1905.

Passed the House February 15, 1905.

Approved by the Governor February 17, 1905.