

CHAPTER 233.

[H. B. 405.]

LEASING OF HARBOR AREAS FOR BOOMING PURPOSES.

AN ACT providing for the leasing of any timber, and providing for the leasing of any harbor areas and lands of the State of Washington to any persons or corporations for booming purposes.

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

SECTION 1. That the Commissioner of Public Lands is hereby authorized to lease any harbor areas and lands of the State of Washington, to any persons or corporations, whether the same be reserved from lease or sale by any existing acts or not, for booming purposes; excepting lands and harbor areas within the limits of any incorporated city or town and within two miles therefrom for a period not exceeding five years: *Providing, however,* That no lease shall be granted for any oyster reserve containing oysters in merchantable quantities and further that the Commissioner of Public Lands shall have power to prescribe rules and regulations for the use of any lands so leased, and to declare a forfeiture for any violation of such rules and regulations.

Commissioner of public lands authorized to lease.

Lease of oyster reserve.

Passed the House March 14th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 234.

[H. B. 343.]

REGULATING THE SALE OF MILK AND CREAM IN CITIES.

AN ACT regulating the sale of milk and cream in cities of this state, providing for the appointment of an inspector of milk, defining his duties, providing for the issuing of permits for the sale of milk and cream, and providing penalties for the violation of the provisions of this act.

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

SECTION 1. The board of health or health officer of any city of the first class of the State of Washington

Inspectors of milk.

shall annually appoint one or more inspectors of milk for their respective cities. All inspectors hereafter appointed shall be graduates of a recognized dairy school or shall have completed a course in dairying in a college where such instruction is given. Each inspector shall be sworn before entering upon the performance of his official duty and shall publish a notice of his appointment for two weeks in a newspaper published in said city, and shall be under the direction and supervision of the board of health of such city. He shall receive such compensation as the city council of such city may determine.

Qualifica-
tions.

Compensa-
tion.

Office and
records.

Samples of
milk may
be taken.

Analysis of
samples.

Permits to
sell milk.

SEC. 2. Such inspector shall keep an office and shall record in books kept for the purpose, the names and places of business of all persons engaged in the sale of milk within the limits of said city. He may with the approval of the city council employ collectors of samples of milk who shall be sworn before entering upon their duties. The inspectors or collectors may enter all places in which milk is stored or kept for sale and all carriages used for the conveyance of milk and may take therefrom samples for analysis. They shall upon request made at the time such sample is taken, seal and deliver to the owner or person from whose possession the milk is taken, a portion of each sample, and a receipt therefor shall be given to the inspector or collector. Inspectors shall cause such samples to be analyzed or otherwise satisfactorily tested as to its quality and purity. Such sample shall be kept by such inspector under ice so that the temperature of said sample shall not be over the degree of 40 degrees Fahrenheit until such analysis is made, and shall record and preserve as evidence the result thereof, and no evidence of the result of such analysis or test shall be received if the inspector or collector upon request refuses or neglects to seal and deliver a portion of the sample taken as aforesaid, to the owner or person from whose possession it is taken.

SEC. 3. Whoever in such city in which an inspector of milk is appointed conveys milk in carriages or otherwise for the purpose of selling it in such city shall annually before the first day of June obtain a permit from the in-

spector of milk of such city to sell within the limits thereof, said permit to be furnished without cost upon the production of a license from the State Dairy and Food Commission. A permit shall be issued only in the name of the owner of the carriage or other vehicle. They shall for the purposes of this chapter be conclusive evidence of ownership and shall not be sold, assigned or transferred without the consent of the city council of such city. Each permit shall contain the number thereof, the name, residence, place of business, number of carriage or other vehicle used by the person obtaining a permit, the name of every driver or other person employed by him in carrying or selling milk. Each person obtaining a permit shall before engaging in the sale of milk cause his name, the number of his permit and his place of business to be legibly placed on each side of all carriages or vehicles used by him in the conveyance and sale of milk, and he shall report to the inspector any change of driver or other person who may be employed by him occurring during the term of his permit. And it shall be unlawful for any person under an assumed name or representing himself to be the person named in permit above mentioned to engage in the business of selling or conveying milk or cream, and upon conviction thereof shall be subject to the penalty prescribed in this section.

Number to
be placed on
vehicles.

Whoever without first being permitted to sell milk or dispose of it for sale from carriages or other vehicles or has in his custody or possession with intent to sell, or whoever violates any of the provisions of this section, shall for the first offense be punished by a fine of not less than \$25 nor more than \$100.00, and for a second offense by a fine of not less than \$50, nor more than \$300.00, and for a subsequent offense by a fine of \$50.00 and by imprisonment for not less than thirty days nor more than sixty days.

Penalty.

SEC. 4. Every person before selling milk or cream or offering it for sale in a booth, store, stand or market place in any such city in which an inspector of milk is appointed,

Registra-
tion of
places of
business.

shall register in the book of such inspector his name and proposed place of sale.

Penalty
for failure
to register.

Whoever refuses or neglects to register shall be punished by a fine of not less than \$25.00 nor more than \$100.00.

Selling
impure
milk.

SEC. 5. Whoever by himself or by his agent or servant or as the agent or servant of another person sells, exchanges or delivers, or has in his custody or possession with intent to sell, exchange or deliver or expose or offer for sale or exchange, impure, infected or adulterated milk or milk to which water or any foreign substance has been added, or milk produced from a cow which has been fed on refuse or unwholesome food, or from a sick or diseased cow, or from a cow kept in an unclean shed, barn or barnyard, or from a cow within fifteen days before or five days after parturition or in any case before fever has left said cow, as pure milk, or milk from which the cream or a part thereof has been removed, and whoever sells, exchanges or delivers or has in his custody or possession with intent to sell, exchange or deliver, skimmed milk containing less than 9.3 per cent. of milk solids, exclusive of fat, shall for the first offense be punished by a fine of not less than \$50.00 nor more than \$100.00, and for a second offense by a fine of not less than \$100.00 nor more than \$300.00, and for a subsequent offense by a fine of fifty dollars and by imprisonment for not less than sixty days nor more than ninety days.

Penalty.

Definition
of milk.

SEC. 6. In prosecutions under the provisions of sections four and five of this act, milk, normal and of standard quality, is defined as milk, pure, healthy, wholesome and uninfected, free from any foreign substance whatsoever, including coloring matter or preservatives, free from all pathogenic bacteria or germs, pus cells, or blood cells, and which does not contain more than 400,000 bacteria or germs of all kinds to the cubic centimeter, and which has not been infected by or exposed to the infections of any contagious or infectious disease and which comes from cows healthy and free from all kinds of diseases and kept in a healthy, sanitary condition and fed upon wholesome

food, and which contains not less than 12 per cent. of milk solids and not less than 8.75 per cent. of solids exclusive of fat, or not less than 3.25 per cent. of fat. Any dealer therein who shall sell milk not normal and up to said standard shall be subject to prosecution and fine as provided in section five of this act.

SEC. 7. Whoever by himself or by his servant or agent or as the servant or agent of another, sells, exchanges or delivers, or has in his custody or possession with intent to sell, exchange or deliver milk which is not of good standard quality, free from infection and from contamination, by any unwholesome substance or substances, shall for the first offense be punished by a fine of not less than \$50, and for the second offense by a fine of not less than \$100 nor more than \$200, and for a subsequent offense, by a fine of \$50 and by imprisonment for not less than sixty days nor more than ninety days.

Selling
milk not
of standard
quality.

Penalty.

SEC. 8. No cream shall be sold, offered for sale, exchanged, delivered or shipped, transported or carried for purposes of sale, exchange or delivery, that contains less than eighteen per cent. of butter fat, or which contains any pathogenic bacteria or germs, pus cells, blood cells or more than 400,000 bacteria or germs of all kinds to the cubic centimeter, and any person who shall adulterate cream or reduce or change it in any respect by the addition of water or any foreign substance with the intention of selling or offering the same for sale or exchange, shall be punished by a fine of not less than \$50 nor more than \$100, or imprisonment for not less than thirty nor more than sixty days.

Cream.

SEC. 9. Whoever makes or causes to be made, uses or has in his possession an imitation or counterfeit of seal used by an inspector of milk, collector of samples or other person engaged in the inspection of milk, and whoever changes or tampers with the sample taken or sealed as provided in section two, shall be punished by a fine of \$100 or imprisonment for not less than three nor more than six months.

Counter-
feiting seal
of inspector.

Hindering
inspector
in perform-
ance of
duty.

SEC. 10. An inspector of milk or his servant or agent who wilfully connives at or assents to the violation of the provisions of this act, or whoever hinders, obstructs or interferes with an inspector of milk or his agent, in the performance of his duty, shall be punished by a fine of not less than \$50 nor more than \$100, or by imprisonment for not less than thirty nor more than sixty days.

Producers—
liability to
prosecution.

SEC. 11. A producer of milk shall not be liable to prosecution for the reason that the milk produced by him is not of good standard quality, unless such milk was taken upon his premises or while in his possession or under his control by an inspector or by a collector of samples or by an agent, and a sealed sample thereof given to him.

Results of
analysis
to be sent
to persons
responsible.

SEC. 12. An inspector of milk or a collector of samples or other State or city officer who obtains a sample of milk for analysis, shall within ten days after obtaining the result of the analysis, send said result to the person from whom the sample was taken or to the person responsible for the condition of such milk.

Inspector
shall make
complaint.

SEC. 13. An inspector shall make a complaint for a violation of any of the provisions of any of the sections of this act upon the information of any person who lays before him satisfactory evidence by which to sustain such complaint, and the cost of the prosecution for the violation of any of the provisions of this act shall be borne by the city in which said inspector is appointed.

Costs.

Chemists at
State insti-
tutions—
duty of.

SEC. 14. It shall be the duty of the chemist of any State institution to correctly analyze without extra compensation and without other charge to cities having milk inspectors any and all cream or milk that such inspector may send to them and to report to said inspector without unnecessary delay the result of any analysis so made: *Provided, however,* That analyses as to standard of quality of milk and for adulteration, contamination and unwholesomeness may be made by the bacteriologist or chemist employed by any such city, which analysis shall have the same force and effect as though made by an official of a State institution or said chemist.

SEC. 15. Whoever violates any of the provisions of the six preceding sections shall be punished by a fine of not less than \$25 for the first offense and not more than \$100 for each subsequent offense. Penalty.

Passed the House March 9th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 16th, 1907.

CHAPTER 235.

[H. B. 170]

AMENDING ACT RELATING TO ELECTIONS.

AN ACT relating to elections and amending section 1385 of Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. At all elections where national, state, county or municipal officers are elected, the polls shall be opened at eight o'clock A. M. and closed at eight o'clock P. M.: *Provided*, That in precincts outside of incorporated towns and cities the hour of opening of said polls shall be nine o'clock A. M., the hour of closing 7 o'clock P. M. Opening and closing of polls.

Passed the House March 14th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 16th, 1907.