

Act cumulative.

ever abandon same for the purposes contemplated in this act the said right-of-way shall revert to the state.

SEC. 5. Nothing contained in this act shall be deemed to in any way conflict with any existing law of this state relating to the method of acquiring rights-of-way for ditches, flumes, pipe lines or transmission lines for the purposes herein specified.

Passed by the Senate March 5, 1909.

Passed by the House March 10, 1909.

Approved March 17, 1909.

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## CHAPTER 189.

[S. B. 208.]

### RELATING TO SHEEP.

AN ACT relating to the prevention of disease in sheep, and prescribing penalties for the violation of its provisions, and declaring an emergency.

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

Deputy inspectors.

Qualifications.

SECTION 1. The State Veterinarian shall have the power to appoint in each county of the state, where the sheep industry obtains, one or more deputy inspectors, at least one of whom must be a resident of the county from which appointed. Such deputies shall be subject to removal at any time by the State Veterinarian. They shall be practical sheep men, or veterinarians, who, before entering upon the performance of their duties, shall take the oath of office required of county officials and shall give bond to the State of Washington in the sum of two hundred dollars, for the faithful performance of the duties of such deputies, such bond to be approved by the State Veterinarian and placed on file in his office, and it shall be the duty of that official to have general supervision over all his deputies, and to counsel and advise with them in adjusting any difference that may arise in the enforcement of the provisions of this act.

SEC. 2. It shall be the duty of the State Veterinarian and of the deputies under his direction, to investigate all cases of contagious and infectious diseases among sheep within the state which may come to his or their knowledge, and to make official visits of inspection to any locality where such diseases exist or where they have reason to believe such disease may exist, and to inspect or cause to be inspected any sheep within the state, and all sheep brought into the state from any other state, territory or foreign country, and he or they shall have authority to order a quarantine of any infected premises, and in case such disease shall become prevalent in any locality within the state, the State Veterinarian may issue a proclamation forbidding any sheep being transferred from said locality without certificate issued by himself or one of his deputies showing such animals to be in good health, and the expense of herding, feeding and caring for all sheep quarantined under these provisions shall be paid by the owner thereof. The State Veterinarian and his deputies shall have the power to administer oaths and to examine witnesses in so far as the same may be necessary in the performance of their duty.

Duties of inspectors.

Transferring to new locality may be prohibited.

SEC. 3. Whenever the Governor of the state has reason to believe that scab or other contagious or infectious diseases of sheep have become prevalent in any locality or localities of any other state or territory, or that conditions exist that render sheep from such localities likely to convey disease or whenever the State Veterinarian shall certify in writing to the Governor that conditions exist in localities in any other state or territory which may render any of the sheep coming therefrom likely to convey disease, the Governor shall by proclamation declare such locality as presumably infected, and prohibit importation therefrom of any sheep into this state, except under such restriction as the State Veterinarian may deem proper. Any person, persons, firm or corporation who, after publication of such proclamation, has or received in charge any sheep from any of the prohibited districts and transports, conveys or

Governor may prohibit importations.

drives the same to and within the limits of this state, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one thousand dollars nor less than five hundred dollars. And such offending person, persons, firm or corporation shall likewise be liable for all damage sustained by any person, persons, firm or corporation by reason of the importation into this state of such sheep from prohibited districts: *Provided, however,* That nothing herein contained shall prohibit the transportation of animals from such prohibited districts through the state by railroad trains or steamboat lines under such restrictions as may be prescribed by the law of this state or by the government of the United States.

Transporta-  
tion through  
state.

**SEC. 4.** The Governor shall, through the Secretary of Agriculture of the United States government, request the co-operation of the United States Bureau of Animal Industry in controlling and eradicating contagious and infectious diseases in sheep, and when said bureau, through its duly authorized representatives, agents, or employes, shall be thus engaged, they shall possess the same power and authority in this state as the State Veterinarian and his deputies under and by virtue of this act; and all dipping and other treatment required for the control and eradication of such diseases within this state shall be performed in the manner prescribed by the United States Bureau of Animal Industry, and the dips, remedies and appliances used shall be those approved by the said Bureau of Animal Industry.

**SEC. 5.** Whenever it becomes necessary by reason of the prevalence of scabies, or exposure of scabies, of the sheep of any county or counties in this state, the State Veterinarian shall have full authority to issue an order compelling the dipping of all the sheep in such district or localities, whether all the sheep at the time be affected with or exposed to scabies or not; and such dipping shall be done under the supervision of the deputy sheep inspector or federal inspectors, and shall be done in some dip or dips approved by the United States Bureau of Animal Industry; and the dipping shall be performed in a manner

Sheep to be  
dipped.

in accordance with the rules and regulations of said Bureau of Animal Industry. After dipping, when the official in charge shall be satisfied that the sheep are in a sound and healthy condition, the owner shall be entitled to receive a certificate to that effect signed by the said official; and the said certificate shall be in such form as the State Veterinarian shall adopt; such certificate shall permit the sheep to move in and through all counties in this state so long as they remain free from disease and exposure thereto.

SEC. 6. The State Veterinarian and his deputies and the officials of the United States Bureau of Animal Industry shall have authority to inspect and quarantine and treat sheep affected with a contagious, infectious or communicable disease or diseases, or suspected of being so affected, or that have been exposed to any such disease; and it shall be the duty of the deputy inspector to inspect once each year all the sheep that may be within his county; and his fees and expenses for the inspection of such sheep shall be as hereinafter provided for in this act: *Provided, however,* That where it is necessary to inspect the same band of sheep more than once during any one year the owner or agent in charge of such sheep shall not be charged by the deputy inspector any fees or expenses for the second inspection, unless such inspection should reveal the said sheep to be actually affected with or exposed to scab or scabies, and in such event the owner or agent in charge of such sheep shall pay the fees and expenses of the deputy inspector as hereinafter provided for.

SEC. 7. Whenever upon examination by such State Veterinarian, his deputy, or deputies or federal inspector, as the case may be, any sheep, band or flock of sheep, or any portion of them kept or herded in any county of the State of Washington, shall be found infected with scab or any other contagious or infectious disease, the entire band or flock in which said infected sheep are running or ranging shall be considered as infected and treated as such, and said State Veterinarian, his deputy or deputies, or the federal inspector, as the case may be, shall immediately quarantine the entire band or flock and forthwith notify the owner or

person in charge of said sheep in writing, to dip said sheep twice for said disease within the period of thirty days from said notice; the first dipping not to exceed fifteen days from the receipt of said notice, and the second dipping to be within the period of from ten to fourteen days thereafter; and also during such period, to keep such sheep free from contact with other sheep by such means as said inspector shall specify until after the second dipping: *Provided*, That in case the owner shall regard it unsafe to dip the same on account of their condition, especially ewes heavy with lamb, or by reason of the inclemency of the weather, the official in charge may authorize such owner or person in control to place such sheep in a corral, field, feedyard or appropriate range, where such sheep shall be kept under quarantine regulations and free from contact with other sheep until such time as they are in condition to dip. Any person or persons so allowed to keep sheep in such corral, field, feedyard, or range, or who shall wilfully or knowingly take or permit to be taken any such sheep therefrom, except as permitted or directed by the inspector in charge, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500.

Penalty.

Traveling  
permit.

Notice to  
parties along  
route.

SEC. 8. Any person, persons, firm or corporation within this state who shall desire to move his or their sheep which are infected with scab or other infectious or contagious disease from place to place within this state, shall first obtain from the State Veterinarian or one of his deputies a traveling permit. Upon receipt of the application for such a permit the State Veterinarian or one of his deputies shall examine the sheep, and such permit shall only be granted for the purpose of removing said sheep to the nearest suitable point where there are available dipping works or where such works can be constructed, at which place said sheep shall be dipped under the direction of such official.

In such removal only that route shall be used which such official shall designate in his permit, and before moving said sheep the owner or person in charge shall first notify all parties herding said sheep along or over said route that

the infected sheep must travel, of the fact that they are to pass and the time at which they will pass over said route, and such route shall be considered as quarantined, and any person, persons, firm or corporation injured or damaged by reason of the moving of said sheep shall be entitled to recover from the owners thereof in civil action the amount of such damages: *Provided, however,* That no party shall be entitled to recover damages who shall voluntarily herd <sup>Quarantined ground.</sup> or cause to be herded any sheep on such quarantined ground, and any sheep so voluntarily herded on such ground shall be considered as affected as in this act provided for infected sheep within this state. Any person, persons, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500.

SEC. 9. Any person, persons, firm or corporation, their agent or employes, who shall drive or herd, or cause to be driven or herded, or bring or cause to be brought, by road or trail, into the State of Washington from any other state, any sheep shall immediately upon crossing the said line and before proceeding into the state a distance greater than two miles, make written application to the State Veterinarian or his nearest deputy, for the inspection of said sheep, and said application shall be delivered in person or by telegraph or telephone or registered letter. The notice must state the time and place when and where the said sheep crossed the line, the locality from which they came, the name and residence of the owner or owners thereof, and of the person in control of the same, the number, the brands and character of the animals. The State Veterinarian on receiving such notice shall at once proceed, either by himself or his deputies to inspect the sheep, and if upon inspection he shall deem it necessary to prevent or avoid infection, he shall cause said sheep to be <sup>Inspection of imported sheep.</sup> quarantined not more than three miles from where they entered the state for such period as may be necessary, not to exceed thirty days. And if he shall regard it necessary, shall cause said sheep to be dipped not to exceed three

times if infected, or once if exposed, before they are released from such quarantine. Any person, persons, firm or corporation, their agent or employes, who shall ship into the state by railroad or steamboat lines from any other state any sheep, shall immediately upon unloading the same at any point within this state notify personally or by telephone or by telegraph or registered letter the State Veterinarian; and thereupon the said official or one of his deputies shall proceed to inspect said animals, and if upon inspection he shall deem it necessary to prevent or avoid infection he shall cause said sheep to be quarantined not more than three miles from the point where they are unloaded for such period not to exceed thirty days as may be necessary, and if he shall deem it necessary shall cause said sheep to be dipped not to exceed three times if infected, or once if exposed, before they are released from such quarantine: *Provided further, however,* That such sheep are not for immediate slaughter or en route through the state on railroad trains or boat lines to other states, and that any sheep held in quarantine under this section may be released therefrom at any time for the purpose of immediate slaughter: *And provided further,* That if in the opinion of the State Veterinarian it is unnecessary to inspect sheep coming into this state from certain districts or localities from other states he may issue an order dispensing with such inspection and restriction. Any person, persons, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100 nor more than \$500. Such fine shall be a lien upon the sheep and may be foreclosed as personal property liens are foreclosed under the existing laws of this state or may be enforced as a judgment against the offending party.

SEC. 10. If any other owner or person in charge of any sheep shall neglect or refuse to dip the same as required by the terms of this act upon request of the State Veterinarian or any of his deputies or any federal official clothed with power under this act, or to permit the same to

Sheep for  
immediate  
slaughter.

Owner re-  
fusing  
officers  
to dip.

be dipped by them, it shall be the duty of such official to seize such animals and dip the same, and he is hereby given authority so to do, and when in his opinion they are restored to health and free from possible infection he shall notify in writing the owner or person in charge of the sheep of the amount of the costs, charges and expenses incurred by him, and the same shall be paid within ten days of the receipt of such notice and the same shall be collected as in this act provided for the collection of like charges.

Expenses charged to owner.

SEC. 11. Any person, persons, firm or corporation who shall drive or cause to be driven, bring or cause to be brought, ship or cause to be shipped into this state from

Importing diseased sheep, penalty.

any other state any sheep infected with scab or any other infectious or contagious disease and knowing of the condition of the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$250 nor more than \$1,000, and in case the offending party is a corporation, its officers shall be liable in the same manner as individuals would be liable. Any transportation company which shall convey from point to point within this state any sheep infected with scab or any other contagious or infectious disease, knowing the condition of the same, shall be deemed guilty of a misdemeanor and shall be punished as in this section above provided. All corrals, yards, pens, sheds, chutes, cars or boats of such company which shall have been occupied by infected sheep shall immediately thereafter, and within forty-eight hours be disinfected by said company, and failure on its part so to do shall likewise be deemed a misdemeanor and punished as in this section above provided. Such disinfection shall be done in accordance with the rules of the United States Bureau of Animal Industry relating to the disinfection of such places, boats and cars, and the State Veterinarian, his deputy, and the officials of said Bureau of Animal Industry shall each have authority to enforce the provisions of this section, and when such company shall neglect for a period of forty-eight hours to so disinfect, such officials may take possession of such corrals, yards, pens, sheds, chutes or boats, and proceed to disinfect them

Cars and corrals to be disinfected.

at the expense of such company, such expense to be recovered by an action in the name of the State Veterinarian in any court of competent jurisdiction.

Trade in  
diseased  
sheep  
prohibited.

SEC. 12. It shall be unlawful to sell, exchange, give away or in any manner part with to another, any sheep infected with a contagious or infectious disease, or any animal which has, or which the owner of or his agent or employe or the party in possession thereof has reason to believe has, within thirty days next preceding such transfer, been exposed to any infectious or contagious disease, without first notifying the proper purchaser or purchasers of said sheep that it is so infected, or that it has been so exposed; and any violation of the provisions of this section shall constitute a misdemeanor, and the penalty upon conviction shall be a fine of not less than \$100 nor more than \$500.

Quarantined  
area to be  
defined.

SEC. 13. In all cases where quarantine of sheep is authorized by the provisions of this act, the State Veterinarian and his deputies and the officials of the United States Bureau of Animal Industry are each and all empowered to designate and specify the place, limits and boundaries of any quarantine area or territory, and they are hereby given authority over the same until the purpose of such quarantine shall have been effected, and any person, persons, firm or corporation owning or having in his or their possession sheep within such quarantined area, who shall permit or allow any of such sheep to go beyond the limits of the same, without permit from the official in charge, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100 nor more than \$500, and all of the officials above named are hereby clothed with full authority to control sheep and territory in quarantine, and to take and hold possession thereof as provided by the terms of this act, and for all purposes thereof.

Notice of in-  
fected sheep.

SEC. 14. It shall be the duty of any person, persons, firm or corporation owning or having in his or their control any sheep which have become infected with scab or any other infectious, communicable or contagious disease,

or which have been exposed in any manner to such disease, to immediately report the same to the State Veterinarian by registered letter, telegraph, telephone or in person within ten days after the said condition has come to his or their knowledge, and failure to do so, or any attempt on the part of any person, persons, firm or corporation to conceal the existence of such disease, or to willfully or maliciously obstruct or hinder the inspector or his deputies in the discharge of his or their duties shall be deemed guilty of a misdemeanor and shall subject the offender to a fine, upon conviction, of not less than \$100, nor more than \$500.

SEC. 15. The expense of inspection, feeding, holding, dipping, treating and taking of all sheep inspected, quarantined, dipped or otherwise treated under the provisions of this act, including the fees and expenses of any deputy sheep inspector arising in connection with the same, must be paid by the owner of such sheep and such charge shall be a lien upon such sheep for such charges and expenses, which lien shall be prior and paramount to any and all other liens, demands or other claims against such sheep, and the State Veterinarian or his deputies may retain possession of such sheep until such charges and expenses have been paid. Such lien shall be enforced at any time after ten days from the date when said charge shall be incurred and shall not be dependent upon possession of said sheep and may be foreclosed in the name of the State Veterinarian in the manner provided for the foreclosure of other liens upon personal property; or in lieu of foreclosing such lien said State Veterinarian may bring an action in his own name in any court of competent jurisdiction to recover the amount of such charges and expenses: *Provided, however,* That when work is done by the State Veterinarian in person he shall charge no fees.

SEC. 16. The deputy inspectors provided for under this act shall be entitled to no salary, but shall receive fees and expense as follows, to-wit: For all services performed in the examination or inspection of sheep or in quarantining or dipping sheep or any duties made incumbent upon

Owner to pay expenses.

Compensation of inspectors.

"Inspection Record."

Deputy to report.

Veterinarian's report.

Wrongful handling of sheep, penalty.

them under this act, the sum of \$4 per diem for any day or part of a day so utilized by them, and in addition thereto their actual, necessary expenses attending the performance of such duties, the same to be paid by the owner of the sheep as in this act provided: *Provided, however,* That no inspector of the United States Bureau of Animal Industry shall make any charge for fees or expenses against the owner or owners of any sheep in the state for any service performed. And every deputy inspector appointed under the provisions of this act must keep a book to be known as the "Inspection Record," in which he must enter and record all his official acts and accounts as such deputy inspector, and such record shall show the names of owners of all animals so inspected, the number thereof, the reason why such inspection was made, the names of the persons to whom certificates of health were granted and the date thereof, the brands upon said sheep, all orders and directions made by him in each case, the amount of his per diem and expenses in each case, and such other matters as the State Veterinarian may require. And each deputy must, on or before the first day of October in each year, and as often as may be required by the State Veterinarian, report to him in writing, in such detail as may be required, his work and the conditions of the sheep industry in his section of the state.

SEC. 17. The State Veterinarian shall make this a part of his annual report each year to the Governor, upon all matters connected with his work for the year ending.

SEC. 18. All officers appointed under the provisions of this act shall use every precaution to protect the sheep under their care from injury and shall select proper places for quarantine and dipping, and shall so enforce quarantine regulations as to make the expenses as light as possible upon the owner, consistent with public interest; and any officer who by virtue or power conferred upon him under this act, wilfully oppresses, wrongs or injures any person, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500.

SEC. 19. Whenever any sheep suffering from scab or any infectious or contagious disease shall mingle with healthy animals belonging to another, through the fault or negligence of the owner of said diseased sheep, his agent or employes, such owner shall be liable in an action at law for all damages sustained by the owner of such healthy sheep.

Owner of infected sheep liable for damages.

SEC. 20. All fines and penalties imposed under the provisions of this act shall be collected in behalf of and in the name of the state and shall become a part of the general fund thereof, and the offenses herein declared to be misdemeanors shall be prosecuted by the several prosecuting attorneys of the state in the superior courts thereof in the same manner that misdemeanors are prosecuted under the general laws of the state. And it is hereby made incumbent upon such prosecuting attorneys to foreclose liens herein provided, when necessary, and to act in either civil or criminal matters under this act when requested to do so by the Veterinarian or his deputies.

Penalties, liens.

SEC. 21. It shall be the duty of the boards of county commissioners of the several counties in this state to furnish free to the deputy sheep inspectors all the books, blanks and other stationery necessary for them in the performance of their duties. Such books and stationery as may be needed by the State Veterinarian shall be furnished by the state.

County to furnish supplies.

SEC. 22. The official bonds provided in this act shall be given to the state as herein provided, but may be sued upon by any person injured because of the negligent or unfaithful performance of duty upon the part of the official giving such bond: *Provided*, That no action shall be instituted after six months have elapsed from the date the cause of such action accrued.

Bond may be sued on.

SEC. 23. An emergency exists and this act shall take effect immediately.

Passed by the Senate March 6, 1909.

Passed by the House March 10, 1909.

Approved March 17, 1909.