

CHAPTER LXIX.

[S. B. No. 119.]

CRIMES AND PUNISHMENTS.

AN ACT defining certain crimes and declaring their punishment, and amending the Code of 1881 and certain other statutes in relation to the same subject.

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

SECTION 1. That section seven hundred and eighty-six of the code of Washington of 1881 be amended so as to read as follows: Every person who shall purposely, and of deliberate and premeditated malice, or in the perpetration, or attempt to perpetrate, any rape, arson, robbery or burglary, or by administering poison, or causing the same to be done, kill another, shall be deemed guilty of murder in the first degree, and upon conviction thereof shall suffer death, but this shall in no case prevent the exercise of the pardoning power of the governor or the authority to commute the punishment from that of death to imprisonment for life. Murder.

SEC. 2. Section seven hundred [and] ninety-three of the code of Washington of 1881 is amended to read as follows: Every person who shall unlawfully kill any human being without malice express or implied, either voluntarily upon a sudden heat, or involuntarily, but in the commission of some unlawful act, shall be deemed guilty of manslaughter. Manslaughter.

SEC. 3. Sections 1230 and 1231 of the code of Washington of 1881 are consolidated into one section and amended to read in one section as follows: A libel is the defamation of a person made public by any words, printing, writing, sign, picture, representation or effigy tending to provoke him to wrath, or expose him to public hatred, contempt or ridicule, or to deprive him of the benefits of public confidence and social intercourse; or any defamation, made public as aforesaid, designed to blacken and vilify the memory of one who is dead, and tending to scandalize or provoke his surviving relatives or friends. Every person who makes, composes or dictates a libel, or procures the same to be done, or who publishes or willfully Libel.

Punishment. circulates such libel, or in any way knowingly and willfully aids or assists in making, publishing or circulating the same, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Malicious injury to railroad tracks.

SEC. 4. Section 789 of the code of Washington of 1881 is amended to read as follows: Any person who shall willfully and maliciously displace any switch or rail, or disturb, injure or destroy any part of a track or bridge of any railroad, or place any obstruction thereon, with intent that any person or property passing over said railroad shall thereby be injured, and thereby endangering and not destroying human life, or thereby causing injury or destruction of property, upon conviction thereof shall be punished by imprisonment in the penitentiary for a term of not less than one nor more than ten years, and shall be kept at hard labor.

Arson.

SEC. 5. Section 826 of the code of Washington of 1881 is amended to read as follows: A married woman who shall commit the crime of arson may be convicted thereof, and punished therefor, though the property set fire to may belong partly or wholly to her husband.

Larceny.

Penalty.

SEC. 6. Section 835 of the code of Washington of 1881 is amended to read as follows: If any agent, clerk, officer, servant or person to whom any money or other property shall be intrusted, with or without hire, shall fraudulently convert to his own use, or shall take and secrete the same with intent fraudulently to convert the same to his own use, or shall fail to account to the person so intrusting it to him, he shall be deemed guilty of larceny, and on conviction thereof shall be imprisoned in the penitentiary not more than ten years or less than one year, or be imprisoned in the county jail for any length of time not exceeding one year.

Altering or defacing receipts.

SEC. 7. Section 836 of the code of Washington of 1881 is amended to read as follows: If any warehouseman, miller, storage, forwarding or commission merchant, or his or their servants, agents or clerks, shall willfully and fraudulently make or alter any receipt or other written evidence of the delivery into the warehouse, mill, store or

other building belonging to him, them, or either of them, or his or their employers, of any grain, flour, pork, beef or wool, or other goods, wares or merchandise which shall not have been so received or delivered into such mill, warehouse, store or other building previous to the making and altering such receipt or other written evidence thereof, he shall, upon conviction thereof, be imprisoned in the penitentiary not more than two years nor less than six months, or imprisoned in the county jail for any length of time not exceeding one year, and fined in any sum not exceeding one thousand dollars. Penalty.

SEC. 8. That it shall be unlawful for any person or persons to take up saw logs, hewn or other timber of value found adrift on any bay, harbor or river in the county of Snohomish, Whatcom, Skagit or Island, in this state, that it shall be marked with any mark or brand, without permission of the owner or agent thereof: *Provided*, The person claiming such mark or brand shall have had a copy thereof recorded in the county wherein he resides. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not exceeding three hundred dollars, and stand committed until paid. Unlawful taking of saw-logs or timber adrift. Penalty.

SEC. 9. Section 856 of the code of Washington of 1881 is amended to read: In any case where the intent to defraud is necessary to constitute the offense of forgery, or any other offense that may be prosecuted, it shall be sufficient to allege in the indictment or information an intent to defraud, without naming therein the particular person or body corporate intended to be defrauded; and on the trial of such indictment it shall be deemed sufficient, and shall not be deemed a variance, if there appear to be an intent to defraud the United States, or any. state, territory, county, city, town or village, or any body corporate, or any public officer in his official capacity, or any copartnership or member thereof, or any particular person; and persons of skill shall be competent witnesses to prove a forgery. Forgery. Fraud.

SEC. 10. Section 1204 of the code of Washington of 1881 is amended to read as follows: Any owner or other legal occupant of any inclosed premises used for meadow, pas-

Trespass.

ture, cultivation or other use may post at the usual place or places of entering upon the same written or printed notices, forbidding persons to trespass upon said inclosed premises for the purpose of hunting or pursuing game without first obtaining the consent of the owner or legal occupant thereof. Any person entering said lands for said purposes while said notices are so posted shall be deemed guilty of a misdemeanor, and for every such offense shall be punished by a fine of ten dollars, one-half of which shall be paid to the owner or legal occupant of such premises, and the other half into the school fund in the county in which the act of trespass is committed. For the carrying out of the provisions of this section the owner or legal occupant of the premises may arrest the trespasser upon his premises, taken in the act, without a warrant, and take him before the nearest justice of the peace for trial, or may have a warrant issued as in other cases of misdemeanor; and any natural barrier, as a river, lake or other obstruction to the passage of stock shall, for the purposes of this act, constitute an inclosure.

Destruction of timber.

SEC. 11. Every person who shall cut down, girdle, destroy, or injure any tree, timber or shrub on the street or highway in front of any person's house, village, town or city lot, or on the commons or public grounds of any village, town or city, or on the street or highway in front thereof, without lawful authority, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than fifty dollars, or by imprisonment in the county jail not more than twenty days, or by both such fine and imprisonment.

Penalty.

SEC. 12. Section 848 of the code of Washington of 1881 is amended to read as follows: Any person or persons who shall purposely and maliciously break down, destroy or injure any fence, gate, sign-board, mile-post, car or other useful structure upon the line of any railroad, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding two hundred dollars, or be imprisoned in the county jail not exceeding one year, or by both fine and imprisonment.

SEC. 13. Section 1225 of the code of Washington of 1881 is amended to read as follows: If any person shall

maliciously, with intent to injure any other person, by himself or any other person, kindle a fire on his own land, or the land of another person, and by means of such fire the buildings, fences, crops or other personal property or wooded timber lands of any other person shall be destroyed or injured, he shall, on conviction, be punished by a fine not less than twenty dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than three months nor more than twelve months, according to the aggravation of the offense.

Malicious kindling of fires.

Penalty.

SEC. 14. Section 1224 of the code of Washington of 1881 is amended to read as follows: If any person shall, without malice, kindle a fire in any field, pasture, inclosure, forest, prairie or timber land, not his own, without the consent of the owner, and the same shall spread and do damage to any buildings, fences, crops, cordwood, bark or other personal property, not his own, or to any wood or timber land, not his own, he shall, on conviction, be punished by a fine of not less than ten nor more than five hundred dollars, and costs, according to the aggravation of the offense, and shall stand committed till the fine and costs are paid.

Damage by fire.

Penalty.

SEC. 15. Section 1227 of the code of Washington of 1881 is amended to read as follows: Any person who shall enter upon the lands of another person for the purposes of hunting or fishing, and shall, by the use of fire-arms or other means, kindle any fire thereon, shall be punished by a fine not less than ten nor more than five hundred dollars, if such fire be kindled without malice, and if such fire be kindled maliciously and with intent to injure any other person, such offender shall be punished by a fine not less than twenty nor more than one thousand dollars, or by imprisonment in the county jail not less than three months nor more than twelve months.

SEC. 16. It shall be unlawful to cut or damage, break or destroy, any dyke or dam erected or maintained in this state for the protection of lands from overflow; and any person or persons so offending, upon conviction thereof, shall be fined any sum not exceeding three hundred dollars for each and every offense, which fine shall be paid over to

the school fund of the county wherein the offense is committed. The person or persons so offending shall not, by the provisions of this section nor by any judgment under this section, be exempted from any suit for damages brought by any person or persons injured by the cutting, breaking, damaging or destroying of such dyke or dam.

Destruction of buildings or fences.

SEC. 17. Any person or persons who shall willfully and maliciously disturb, or in any wise injure or destroy, the dwelling house or other building or any fence inclosing or being on the claim of any settler upon the unsurveyed public lands in this state, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than one hundred dollars for each and every offense, to which may be added imprisonment in the county jail not exceeding ninety days.

Disposing of intoxicants on election day.

SEC. 18. Sections 907 and 908 of the code of Washington are consolidated into one section and amended to read as one section as follows: Any person who shall barter, sell, give away, or in any manner dispose of any intoxicating liquors on the day of any general or special election of state, county or municipal officers within the state, district, county or corporation in which said election is held, and before the polls have closed, shall upon conviction thereof be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days, or both, in the discretion of the court.

Penalty.

Allowing minors to play at cards without written permission of parents.

SEC. 19. Section 941 of the code of Washington of 1881 is amended to read as follows: If any person shall allow any minor to play at cards in his house, without the written permission of the parent or guardian, he shall be liable to the same penalties as for furnishing to such minor spirituous liquors.

Renting room or building for a gaming house.

SEC. 20. Section 915 of the code of Washington of 1881 is amended to read as follows: Every person who shall let or rent any room or building for a gaming house or house of ill-fame, or for rent or hire shall permit to be dealt or carried on upon his premises any game prohibited by the last preceding section, shall be deemed guilty of a

misdemeanor, and upon conviction thereof shall be fined Penalty.
in any sum not exceeding one hundred dollars.

SEC. 21. Section 1254 of the code of Washington of 1881 is amended to read as follows: All notes, bills, Evidences of money invalid if won at gaming. bonds, mortgages or other securities, or other conveyances, the consideration for which shall be money, or other things of value, won by playing at any unlawful game, shall be void and of no effect as between the parties to the same and all other persons, except holders in good faith without notice of the illegality of such contract or conveyance.

SEC. 22. Section 914 of the code of Washington of 1881 is amended to read as follows: Every white man, Gaming. negro, half-breed Indian, Kanaka or Chinaman who shall play at any game of cards or any game of chance with any Indian for fun, pleasure, luck, money or anything of value whatever, or for anything whatever, and every white man, negro, half-breed Indian, Kanaka or Chinaman who shall run horses, on a wager of any kind or for pastime, with an Indian, shall be subject, on conviction thereof, for each and every offense, to a fine of not less than fifty dol- Penalty. lars and not exceeding five hundred dollars, or to imprisonment not exceeding six months, or to both such fine and imprisonment; and it is hereby made the duty of any Duty of officers. prosecuting attorney having knowledge of the violation of this section to prosecute the offender, and of every sheriff or constable having such knowledge to report the same to a justice of the peace in the county in which such offense was committed, or to the prosecuting attorney or grand jury for such county.

SEC. 23. Section 880 of the code of Washington of 1881 is amended to read as follows: Every person who shall bribe or attempt to bribe, or offer any present, bribe or reward to any judge, justice of the peace, juror, commissioner, referee, auditor, arbitrator or person summoned as a juror, or to any executive, judicial or ministerial officer, or member of the legislature, for the purpose of influencing him in the exercise of any of the powers in him vested, or the performance of any duty of him required, shall on conviction thereof be imprisoned in the county Bribery of officers. jail any length of time not exceeding one year, and fined Penalty.

in any sum not exceeding two thousand dollars, or fined only.

Pernicious literature.

SEC. 24. If any person shall import, print, publish, sell, lend, give away, distribute, or show, or have in his possession with intent to sell, or give away, or to show or advertise, or otherwise offer for loan, gift, sale, or distribution, any obscene or indecent book, magazine, pamphlet, newspaper, story paper, writing paper, picture, engraving, drawing or photograph, or if any person shall design, copy, draw, photograph, print, utter, publish, or otherwise prepare any of the articles mentioned in this section, or shall write or print, or cause to be written or printed, a notice of any kind, giving information, or shall give information stating when, where and how, or of whom, or by what means, any of the articles mentioned in this section could be purchased or obtained, or if any person sells, lends, gives away, or shows, or has in his possession with intent to sell or give away, or to show, or advertise, or otherwise offers for loan, gift, sale, or distribution, to any minor child, any book, pamphlet, magazine, newspaper, or other printed paper, devoted to the publication or principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust, or crime or if any person exhibits upon any street or highway, or in any other place within the view or which may be within the view of any minor child, any book, magazine, pamphlet, newspaper, writing paper, picture, engraving, drawing, photograph or other article coming within the description of the articles mentioned in this section, or any of them, or if any person, in any manner hires, uses or employs any minor child to sell or give away, or in any manner to distribute, or who, having the care, custody, or control of any minor child, permits such child to sell, give away, or in any other manner to distribute, any book, magazine, pamphlet, newspaper, story paper, writing paper, picture, engraving, drawing, photograph or other article or thing coming within the description of articles and matter mentioned in this section, or any of them, upon conviction thereof shall be punished by imprisonment in the penitentiary not exceeding three years, or by a fine not

Penalty.

exceeding two thousand dollars: *Provided, however,* That if such obscene or indecent matter is circulated in any school or institution of learning, or in any charitable or reformatory institution, or in any jail or penitentiary, supported in whole or in part by public money, or moneys raised by taxation, then the minimum of imprisonment shall not be less than thirty days, and in all such cases imprisonment shall follow conviction.

SEC. 25. Section 1266 of the code of Washington of 1881 is amended to read as follows: Any person who shall keep open any play house or theatre, race ground, cockpit, or play at any game of chance for gain, or engage in any noisy amusements, or keep open any drinking or billiard saloon, or sell or dispose of any intoxicating liquors as a beverage, on the first day of the week, commonly called Sunday, shall upon conviction thereof be punished by a fine not less than thirty dollars nor more than two hundred and fifty dollars. All fines collected for violation of this section shall be paid into the common school fund.

Gaming or disposing of intoxicants on Sunday.

Penalty.

SEC. 26. Sections 2067 and 2068 of the code of Washington of 1881 are consolidated into one section and amended to read as one section as follows: It shall be unlawful for any person or persons of this state to open on Sunday for the purpose of trade or sale of goods, wares and merchandise, any shop, store or building, or place of business whatever: *Provided,* That this section shall apply to hotels only in so far as the sale of intoxicating liquors is concerned, and shall not apply to drug stores, livery stables or undertakers. Any person or persons violating this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars.

Trade on Sunday.

Exceptions.

Penalty.

SEC. 27. Sections 2069 and 2070 of the code of Washington of 1881 are consolidated into one section [and] amended to read as one section as follows: It shall be the duty of any and all public officers of this state knowing of any violation of this chapter, to make complaint under oath to the nearest justice of the peace of the county in which the offense was committed. Any public officer who shall refuse or willfully neglect to inform against and

Duty of public officers.

prosecute offenders against the last preceding section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, and the court before which such officer shall be tried shall declare the office or appointment held by such officer vacant for the remainder of his term.

Obstructing public highways.

SEC. 28. Any person or persons who shall, by driving stock along or near public highways, cause such highway to be obstructed with stones, earth or other debris, and shall permit such obstruction to remain for more than twenty-four hours, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding two hundred dollars.

Penalty.

Malicious injury to public highways, canals or telegraph posts or wires.

SEC. 29. If any person shall willfully break down, injure or remove or destroy any free or toll bridge, railway, plank road, macadamized road, or any gate upon any such road, or any lock or embankment of any canal, or any telegraph post or wire, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than two years, or by fine not less than fifty nor more than one thousand dollars.

Penalty.

Discharging ballast in navigable water less than twenty fathoms deep.

SEC. 30. Section 918 of the code of Washington of 1881 is amended to read as follows: Every master or mate, or other officer or other person, belonging to or in charge of any vessel, who shall discharge or cause to be discharged the ballast of such vessels into the navigable portions or channels of any of the inlets, bays, harbors or rivers within or bordering on this state, where the water is less than twenty fathoms deep, shall on conviction thereof be fined in any sum not less than seventy-five dollars nor more than five hundred dollars: *Provided*, That nothing in this section shall be so construed as to prevent any such person from discharging ballast from such vessel on the beach at or above ordinary high tide in all waters where the tide ebbs and flows, and that no ballast shall be discharged on any of the flats included within the boundary of any city or town site or extension thereof.

Penalty.

SEC. 31. Section 845 of the code of Washington of 1881 is amended to read as follows: Any person who shall will-

fully or maliciously cut, carve, otherwise deface or injure any guide board, bridge, building, column, monument or structure, grounds or trees, belonging to the public or any incorporated charitable, religious or scientific institution, shall on conviction thereof be fined in any sum not greater than five hundred nor less than ten dollars.

Malicious defacing of guide boards, buildings, etc.

Penalty.

SEC. 32. Any malicious, willful, reckless or voluntary injury to or mutilation of the grounds, buildings or other property of the United States within this state shall subject the offender or offenders to a fine not greater than five hundred dollars nor less than twenty dollars, to which may be added, for an aggravated offense, imprisonment not exceeding six months in the county jail or workhouse, to be prosecuted before any court of competent jurisdiction.

Injury to U. S. property.

Penalty.

SEC. 33. Every person who uses any weight or measure, knowing it to be false, by which use another is defrauded or otherwise injured, is guilty of a misdemeanor. A false weight or measure is one which does not conform to the standard established by the laws of the United States.

False weights and measures.

SEC. 34. No person or persons shall sell, supply, or offer for sale or exchange any oleaginous substance, or any compound of the same, purporting to be butter or cheese, or having the semblance of butter or cheese, other than that produced from wholesome and unadulterated milk, or cream of the same, unless the said oleaginous substance, and the package containing the same, shall be marked so as to plainly indicate its true character and distinguish it from pure and genuine dairy products; and in any public dining or eating room where imitation dairy product or products are commonly or knowingly used as an article of food, the bill of fare used in such dining or eating room shall state the fact in the same sized type as is used in printing the body of said bill of fare; or if no bill of fare is used, then, in a conspicuous place of said dining or eating room, easily seen by any one entering said room, shall be posted a notice stating the name or names of such imitation dairy products: *Provided*, That the addition of harmless coloring matter to any product manufactured from pure, unadulterated milk, or the cream thereof, shall come within the provisions of this act: *Provided further*,

Imitation of butter or cheese.

Impure milk.

That milk drawn from cows within fifteen days before and five days after parturition shall be construed to be unclean, impure and unwholesome. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by not less than one month nor more than three months' imprisonment in the county jail, or by both such fine and imprisonment.

Willfully misrepresenting pedigree of breeding animals.

SEC. 35. Any person who is the owner, agent or keeper, or in any way interested in the ownership or the keeping of any stallion, bull, ram or boar, that may be kept for the use of the general public for pay, and who shall knowingly and willfully misrepresent the pedigree or blood of any such stallion, bull, ram or boar, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars, and shall be liable for all damages that may be sustained by reason of such misrepresentation.

Penalty.

Fraudulent banking or corporation sign.

SEC. 36. Any person or persons now or hereafter engaged in the business of banking who shall put up or cause to be put up, or exhibit, any sign or advertisement, purporting thereby to be an incorporated bank, or shall do business under a corporate name, when they are not such, shall on conviction thereof be adjudged guilty of a misdemeanor, and punished by a fine not exceeding two hundred dollars.

Penalty.

Fire-hunting for game.

SEC. 37. Sections 1288 and 1289 of the code of Washington of 1881 are consolidated into one section, amended to read as one section as follows: Every person who shall fire-hunt for deer, moose or elk, except within the bounds of his own inclosure, or by the permission of the owner of any other inclosure, shall upon conviction thereof be fined twenty dollars for each and every offense, one-half of said fine to go to the informer and the other half into the common school fund of the county where such act is done.

Penalty.

Unlawful killing of game.

SEC. 38. Section 1 of an act entitled "An act for the protection of fish and game," approved February 2, 1888, is amended to read as follows: Every person who shall, within the State of Washington, between the first day of

January and the fifteenth day of August, pursue, hunt, take, kill or destroy any elk, moose, deer, fawn, mountain sheep or mountain goat, shall be deemed guilty of a misdemeanor. Every person who shall take, kill or destroy any elk, moose, deer, fawn, mountain sheep or goat, at any time, unless the carcass of such animal is used or preserved for food by the person slaying it, shall be deemed guilty of a misdemeanor. Every person who shall, between the first day of January and the fifteenth day of August, sell or offer for sale any hides or horns of any elk, moose, deer, fawn, mountain sheep or goat, shall be deemed guilty of a misdemeanor.

SEC. 39. Section 2 of said act approved February 2, 1888, is amended to read as follows: Every person who shall, within the State of Washington, chase, pursue, drive or hunt any elk or moose with dog or dogs, at any time except during the months of October, November and December, shall be guilty of a misdemeanor.

Hunting game
with dogs.—
Close season.

SEC. 40. Section 6 of said act approved February 2, 1888, is amended to read as follows: Every person who shall, within the State of Washington, at any time, trap, net or ensnare, or attempt to trap, net or ensnare, any quail, prairie chicken, grouse or pheasant, except for the purposes of propagation, shall be deemed guilty of a misdemeanor.

Trapping game
birds.

SEC. 41. Section 7 of said act approved February 2, 1888, is amended to read as follows: Every person who shall within the State of Washington, remove or destroy any egg or eggs from the nest of any mallard duck, widgeon, wood duck, teal, butter-ball, spoon bill, gray duck, black duck, sprig-tail, blue-bill, red-head or canvas-back duck, or prairie chicken, blue or dusky grouse, mountain grouse, ruffed grouse, or pheasant, sage-hen, quail or partridge, or willfully molest or destroy the nest of any such fowls or birds, shall be guilty of a misdemeanor.

Destroying
eggs of wild
water fowls
and other wild
birds.

SEC. 42. Section 8 of said act approved February 2, 1888, is amended to read as follows: Every person who shall, within the State of Washington, at any time during the months of November, December, January, February and March, take, catch, kill or have in their possession any brook trout, mountain trout, bull trout or salmon trout,

Unlawful tak-
ing of fish.

shall be guilty of a misdemeanor. Every person who shall take, catch, kill or have in their possession any of the food fishes implanted in the creeks, rivers, lakes or bogs of the State of Washington, except for propagating the same, for a period of three years after the same shall have been implanted, shall be guilty of a misdemeanor.

Possession
prima facie
evidence.

SEC. 43. Section 10 of said act approved February 2, 1888, is amended to read as follows: Every person who shall, within the State of Washington, have in his possession any of the animals, fowls, birds or fish mentioned in section one, two, three, four, five or eight of the act hereby amended, at any time when by any of said sections it is made unlawful to take or kill the same, shall be guilty of a misdemeanor; and proof of the possession by any person of any of the aforesaid animals, fowls, birds or fish when it is unlawful to take or kill the same, shall be *prima facie* evidence that the animals, fowls, birds or fish were unlawfully taken or killed by the person having possession of the same, within the county wherein the same may be found: *Provided*, That nothing in this chapter shall prohibit any person from taming or keeping for the purpose of propagation or curiosity any of the animals, fowls or birds mentioned therein.

Killing game
birds at night.

SEC. 44. Section 11 of said act approved February 2, 1888, is amended to read as follows: Every person who shall, within the State of Washington, take, kill, shoot at or injure or destroy any mallard duck, widgeon, teal, butterball, spoon-bill, wood-duck, gray duck, black duck, blue-bill, read-head, sprig-tail or canvass-back duck, at any season of the year, between the hours of eight o'clock P. M. and five o'clock A. M., shall be guilty of a misdemeanor.

Use of blinds or
other devices
prohibited.

SEC. 45. Section 13 of said act approved February 2, 1888, is amended to read as follows: Every person who shall, within the State of Washington, use any sink-box, floating blind, rafts, sneak-boat, punt or any other device for approaching any of the water fowl mentioned in this chapter, while the same are resting on the waters of this state, shall be guilty of a misdemeanor: *Provided*, That nothing in this chapter shall be construed to prevent the shooting of any of the water fowl mentioned therein from

shore blinds, or over decoys, with any gun which is fired from the shoulder of the shooter.

SEC. 46. All acts and parts of acts in force at the time of the passage of this act relating to the same subject are continued in force so far as not repugnant to the provisions of this act, and the provisions of this act, so far as they are the same as those of acts and parts of acts upon the same subject in force at the time of the passage hereof, are to be construed as continuations of such provisions. All persons guilty of violations of any act heretofore in force, relating to the same subject as this act, may be prosecuted and convicted of such violations as if this act had not been passed.

Approved March 2, 1891.

CHAPTER LXX.

[H. B. No. 93.]

DISPOSING OF MONEY IN CERTAIN CASES.

AN ACT to provide for the disposal of money in certain cases, and declaring an emergency.

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

SECTION 1. That whenever any money may be or come into the possession of any public officer, as such, to which, as such, said officer has no right, or to which he shall cease as such officer to have any right, and no other person has or appears to have any right or claim thereto, and no provision is made by law for the disposal of such money, otherwise than as provided by this act, such public officer shall pay such money to the state treasurer and take his receipt therefor, and such receipt shall fully protect such officer so paying the same in any suit or action in relation thereto.

SEC. 2. That the state treasurer shall add all money received by virtue of the provisions of this act to the permanent school fund, and the same shall be and constitute a part of such fund.

Permanent
school fund.