

SEC. 3. That the purpose of providing for constructing and maintaining such sewer, drain or sewer system, and issuing bonds to pay therefor, such cities and towns are hereby authorized to proceed in all ways in accordance with, and apply all the provisions of, an act of the legislature of this state, entitled "An act relating to internal improvements in cities, authorizing the issuance and collection of bonds upon the property benefited by local improvements, and declaring an emergency," approved March 9th, 1893, and of any and all other laws now in force or which may be hereafter enacted relating to the levy and collection of special assessments and taxes. ^{Powers enlarged.}

SEC. 4. Whereas, in many cities and towns no adequate provision is made in the charter or laws providing for the organization and government of such cities and towns for the construction of sewers and drains, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its approval by the governor. ^{Emergency.}

Passed the House March 8, 1899.

Passed the Senate March 9, 1899.

Approved March 14, 1899.

CHAPTER CXXVII.

[H. B. No. 431.]

RELATING TO HORTICULTURE.

AN ACT to amend sections 4, 12 and 14, Chapter 109, page 308, Session Laws of 1897, entitled "An act to promote and protect the fruit growing 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" approved March 17, 1897, and declaring an emergency.

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

SECTION 1. That section 4 of an act entitled "An act ^{Amendment.} to promote and protect the fruit growing and horticultural

tural interests of the State of Washington, to provide for the appointment of a commissioner of horticulture, to repeal certain laws in conflict therewith," approved March 17, 1897, be, and the same is hereby amended to read as follows: "Section 4. Fruit culturists in any

County society. county in this state are hereby authorized and empowered to organize into a county horticultural society, and the better to promote and protect the horticultural interests of the county, the society will nominate a

Inspector. qualified person for county inspector of fruits, trees and plants, and of insect pests destructive to the fruit interests of the county. The nomination shall be made to the board of commissioners (of the county wherein said society is organized) who are hereby authorized to appoint such person as county fruit inspector, deliver to him a certificate of his appointment, and mail a duplicate copy of such certificate to the said state commissioner of horticulture. In case horticulturists in any county fail to organize, or any county horticultural society to nominate, or the county commissioners of any county to appoint, as aforesaid, the said commissioner of horticulture is hereby authorized to appoint a county inspector at his discretion, after having given notice to the county commissioners that he will do so at the expiration of sixty days, in case such appointment has not been made during that time. Said county

Term of office. inspectors shall be appointed for a term of two years and shall be entitled to a per diem of two dollars and fifty cents for each day's actual service, to be paid by the county in which said inspector is appointed. Any

Removal. county inspector shall be removed for incompetency or neglect of duty, or other sufficient cause, upon complaint filed with the board of county commissioners, signed by the proper officers of the horticultural society in the county in which such inspector is sought to be removed, and countersigned by the state horticultural commissioner. In order to furnish information to the

Reports. office of the state commissioner regarding the condition of orchards throughout the state and to determine the compensation of said county inspectors, they shall

make monthly reports to the state horticultural commissioner on blanks furnished by the said commissioner, upon which evidence the said state horticultural commissioner shall issue a certificate showing the number of days' work performed in each month, upon which the said county inspectors shall receive payment from the county in which inspection has been made."

SEC. 2. That section 12 of the same act be and the same is hereby amended to read as follows: "Sec. 12. It is hereby made the duty of the county fruit inspector, if from his personal observation, complaint or other credible information, he has reason to suspect that any person, company or corporation has an orchard, trees or nursery of trees, vines or garden, fruit packing house, store room, or that any other place or material in his county is infected with, or is a repository for eggs, larvæ of any noxious insects, injurious to fruits and plants, or that any trees, fruits or plants are in transit to his county from outside of this state, or about to be disseminated within his county, which are known or are suspected to be from localities that are infested with any disease or pests injurious, or that may become injurious, to the fruit interests of his county or state, he shall without delay inspect the premises, property or materials so suspected, and if the same is found to be infected as aforesaid he shall notify, in writing (prescribing the manner of disinfection), the owner, his agent, or the person in charge of the same, to treat and disinfect the said premises or property within five days unless further time is granted by the inspector. If any person so notified shall neglect or fail to disinfect said premises or property in the manner and in the time prescribed in said notice, the person so notified and failing to disinfect the infected property or premises shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars (\$5) nor more than fifty dollars (\$50) and costs of action in court, which fine and costs shall be a judgment lien upon said

Duty of inspector.

Penalty.

premises or property. After the expiration of said five days and the failure on the part of the owner or person in charge to disinfect the said premises or property as aforesaid, then, to prevent the spread of insect pests or disease, it will be the duty of the county inspector to enter on such premises or property and disinfect the same. The cost of such disinfection shall be a lien against said premises or property, the payment of which shall be collectible with cost, in any court of the state."

Powers of
inspector.

SEC. 3. That section 14 of the same act be, and the same is hereby amended to read as follows: "Section 14. The county fruit inspector shall, in the performance of his duty as such inspector, have on any day (except Sundays) free access to orchards, nurseries, gardens, hop fields, packing houses, fruit stands and store rooms where fruit may be kept; fruit boxes, full or empty, or any other materials or place suspected of being infected with insect pests or diseases injurious to the fruit interests of the state. If he find any nursery, orchard, garden or other place or material infested with insects or fungus growth, larvæ 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 infested, 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 infested material, shall not within five days unless further time is granted by the inspector disinfect the same in the manner by the county inspector required, or shall not have appealed from the decision of the county inspector to the commissioner of horticulture, if the premises infested be an orchard or nursery of fruit trees, a garden, fruit stand or store room, and the person or persons in charge thereof having 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 any of the said premises so neglected, and the

cost thereof shall be a legitimate charge and lien, with interest until paid, upon the real property of the owner of such premises so disinfected; such lien shall be collectible, with costs of suit, in any of the courts of the state as other lawful claims are collectible. If the infested property be transportable material the county inspector shall notify in writing the person in charge thereof to disinfect the same within twenty-four hours, and prescribe the manner of disinfection. If the person in charge of said infested materials neglect or refuse to disinfect the same as notified, or fail to appeal, then the inspector shall destroy such infested materials as fruits, fruit boxes, baskets, wrappings and portable fruit stands by burning the same. If an appeal be taken the inspector shall (after the twenty-four hours' notice) take immediate possession of such movable property and safely keep the same until the appeal is decided; if the decision of the commissioner be in favor of the appellant the property shall be returned to him; on an adverse decision the property will be destroyed by the inspector. All appeals from the action or demands of the county inspector shall be taken to the said state commissioner of horticulture.

SEC. 4. An emergency exists, and this act shall take Emergency. effect immediately.

Passed the House February 27, 1899.

Passed the Senate March 9, 1899.

Approved March 14, 1899.