

SEC. 2. Any such corporation, company, firm or person, violating any of the provisions of the preceding section shall, for the first offense, upon conviction thereof, be fined in any sum not more than fifty dollars, nor less than ten dollars; and for a second and any subsequent offense, such corporation, company, firm or person shall, upon conviction thereof, be fined in any sum not more than five hundred dollars nor less than ten dollars, and to which may be added imprisonment in the county jail for any period not exceeding sixty days. It is hereby made the special duty of prosecuting attorneys to enforce the provisions of this act, and he may summon any minor under eighteen years of age who may have or had had in his possession any cigarettes, and compel him to testify before the mayor of a city or a justice of the peace as to where and of whom he obtained such cigarettes.

Penalty for violation.

Special duties of prosecuting attorneys.

Conflicting laws repealed.

SEC. 3. All laws in conflict with the provisions of this act are hereby repealed.

Passed the House February 28, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXXIII.

[H. B. No. 173.]

RELATIVE TO TAKING UP AND SALE OF LOGS.

AN ACT to prevent and punish the taking up, selling, disposing of or appropriating to one's own use, logs and other timber by a person not the owner thereof; and to prevent anyone knowingly purchasing any such logs, fixing rule of evidence in prosecutions for violation thereof, providing for the retaking of such logs and other timber and for punishment for the prevention or obstruction of such retaking, providing for recovery of a forfeit by the owner for any unlawful taking, repealing sections 3135, 3291, 3292, 3293, 3294, 3295, 7126 and 7127 of Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That it shall be unlawful for any corporation except boom companies who are compelled to

catch and hold logs, spars, piles, boom sticks, shingle bolts, and other timber of value, or any person, or persons, to take up, and it shall be unlawful for any corporation, person or persons to sell, dispose of, or appropriate to its, his or their own use, any saw logs, hewn or other timber of value found on the bank or banks of, or adrift on any bay, harbor, river, stream, bayou, marsh, ditch or other waters in this state that shall be marked with any mark, or brand, without permission of the owner thereof or his agent: *Provided*, The person or persons claiming such mark or brand shall have had a description and diagram thereof recorded in the office of the auditor of any county in this state as provided by law, and knowledge of the ownership of all such timber for the purpose of this act shall be conclusively presumed upon proof that said timber was properly marked, and that the description and diagram of marks had been theretofore duly recorded as aforesaid.

Unlawful to take up, sell, or dispose of logs that are marked or branded.

Exception and proviso.

Recording of description of brand.

SEC. 2. That it shall be unlawful, for any person knowingly to purchase from any one taking up any saw logs, spars, piles, boom sticks, shingle blots, hewn or other timber of value found adrift on any bay, harbor, river, stream, bayou, marsh, ditch or other waters in this state, that shall be marked with any mark or brand without permission of the owner thereof or his agent.

When unlawful to purchase.

SEC. 3. Any person or persons violating any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding three hundred (\$300) dollars.

Violation and penalty therefor.

SEC. 4. The owner of any such log, spar, pile, boom stick, shingle bolt or other timber of value who has a mark or brand recorded, as provided by law, or who claims ownership of or the right to possession of such logs, spars, piles, or other timber, by, through, or under a person having such recorded mark or brand may at any time lawfully, by himself or his agent enter in a peaceable manner into or upon any mill or mill boom,

Lawful owner may search for, enter mill, etc., and retake same.

or raft of logs, spars, piles or other timber on any of the waters of this state, in search of any such log, spar, pile, boom stick, shingle bolt or other timber, which he may have lost, and re-take the same; and any person who shall wilfully prevent or obstruct such search when such search is being made in good faith, or prevent the re-taking of such log, spar, pile, boom stick, shingle bolt or other timber, shall be deemed guilty of a misdemeanor and on conviction thereof, shall be fined in any sum not exceeding one hundred dollars.

Obstruction or prevention of such retaking.

Penalty.

Persons who take up shall forfeit ten times value thereof to owner.

SEC. 5. Any person or persons, or corporation who shall take up or cause to be taken up and manufactured into lumber or shingles, any saw log, piling, shingle bolt, or other timber of another, as provided in this act, which saw log, piling, shingle bolt, or other timber, shall have been previously branded with the mark or marks of the owner or owners thereof, and the diagram and description of which shall have theretofore been duly recorded in the auditor's office of any county in this state as hereinbefore provided, without the permission or request of said owner, shall forfeit to the owner of said timber ten times the value thereof to be recovered in an action at law; and every employee or agent of the person, persons or corporation who shall aid or assist in taking up such timber, or who shall aid or assist in such manufacture, shall be jointly or severally liable with his principal for such penalty.

Persons who are jointly liable.

Sections repealed.

Sec. 6. Section 3135, 3291, 3292, 3293, 3294, 3295, 7126 and 7127 of Ballinger's Annotated Codes and Statutes of Washington are hereby repealed.

Passed the House March 11, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 16, 1901.