

to such a corporation for becoming surety on such bond, not exceeding one per centum per annum on the amount of said bond, as the head of department, court, judge or officer by whom, or the court or body by which he was appointed, allows; and hereafter the state, or any county, city, town or school district may, in its discretion, pay out of its general funds the cost of any official bond furnished by any officer of the state or of such county, city, town or school district, when the same is executed by such surety corporation, not to exceed, however, one per centum per annum on the amount of said bond; and in all actions and proceedings the party entitled to recover costs may include therein such reasonable sum as may have been paid to such corporation for executing or guaranteeing any bond or undertaking therein, as may be allowed by the court or judge before whom the action or proceedings is pending."

Sec. 2. An emergency is hereby declared to exist, and this act shall take effect immediately.

Passed the House February 16, 1899.

Passed the Senate March 3, 1899.

Approved March 7, 1899.

## CHAPTER XLIII.

[H. B. No. 137.]

### MANUFACTURE AND SALE OF DAIRY PRODUCTS— PENALTY.

AN ACT regulating the manufacture of dairy products, to prevent deception or fraud in the sale of the same or imitation thereof, providing for the appointment of a dairy commissioner and defining his duties, creating a state board of dairy commissioners and defining their duties, imposing certain duties upon the chemists of state institutions, providing penalties for violations of this law, making an appropriation.

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

SECTION 1. It shall be unlawful for any person to sell or offer for sale, or furnish or deliver to any creamery,

Unlawful to  
sell impure  
milk.

cheese factory, corporation, person or persons whatsoever, as pure, wholesome and unskimmed, any unmerchantable, adulterated, skimmed, impure or unwholesome milk.

SEC. 2. In all prosecutions or other proceedings under this or any other law of this state, relating to the sale or furnishing of milk, if it shall be proven that the milk sold or offered for sale, or furnished or delivered or had in possession with intent to sell or offer for sale, or to furnish or deliver, as aforesaid, as pure, wholesome or unskimmed milk, contain less than three per centum of pure butter fat, or less than eight per centum of milk solids other than fat, when subject to chemical analysis or other satisfactory tests, or that it, or any part of it, was drawn from cows known by the person complained of, to have been within fifteen days before or four days after parturition, or to have any disease or ulcers, or other running sores, then and in either case, the said milk shall be held and judged to be unmerchantable, adulterated, impure or unwholesome, as the case may be, and if it shall appear that cows kept for the production of milk or cream, for market or for sale or exchange, or for manufacturing their milk into articles of food, are kept in a crowded or unhealthy condition, or are being fed on distillery waste or other substance in a state of putrefaction or rotteness, or upon any substance of an unhealthful nature, the milk or cream from same is hereby declared impure and unwholesome. Any milk or cream from the same that has been exposed to or contaminated by emanations, discharges or exhalations from persons or animals, or to which has been added any borax, boracic acid, salycillic acid, or any other poisonous substance which prevents or tends to prevent the normal bacterial actions of milk, is hereby declared to be impure and unwholesome.

Must contain  
3 per cent. of  
pure butter  
fat.

Cows must be  
healthy.

Stables  
wholesome.

Certain foods  
not to be  
used.

Uncontaminated  
by  
chemicals.

SEC. 3. The Washington state dairy commissioner is hereby authorized and directed to procure and issue to the cheese manufacturers of the state, and under any regulations as to the custody and use thereof as he may

Cheese must  
be stamped.

prescribe, a uniform stencil brand bearing a suitable device or motto and the words "Washington State Full Cream Cheese." Every brand issued shall be used on the outside of the cheese, and shall have a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufactory using the said brand, and the name or names of the persons at each manufactory authorized to use the same. It shall be unlawful to use or permit such stencil brand to be used upon any other than full cream cheese or packages containing the same, and such cheese only as shall contain thirty per centum of pure butter fat and have been manufactured from pure and wholesome milk, from which no portion of the butter fat shall have been removed by skimming or by other process, and in the manufacture of which neither butter nor any substance for butter, or any animal or vegetable fats or oils, have been used, or any fat which has been extracted from milk in any form and returned for the purpose of filling said cheese, shall be stamped with the "state brand." All cheese containing less than thirty per centum of pure butter fat shall be marked "skimmed cheese" in full-face capital letters not less than one inch high, with such ink as is not easily removed by moisture. The manufacture or sale of any cheese containing less than fifteen per centum of pure butter fat, or so-called "filled cheese," is hereby prohibited: *Provided*, That nothing in this section shall be construed to apply to Edam, Brickstein, Pineapple, Limburger, Swiss or hand-made cheese, or any other fancy cheese: *Provided further*, That cheese not made in this state, but which shall be sold or offered for sale in this state, shall be so stamped as to indicate its true character: *And provided further*, That no cheese shall be stamped "full cream" which does not in every particular comply with the requirements of "Washington full cream" cheese, as hereinbefore set forth, except as to place of manufacture.

SEC. 4. The dairy commissioner shall furnish blanks

Stamp or  
brand to  
consist of.

Use of  
stamps.

"Skimmed  
cheese."

"Filled  
cheese."

Exceptions.

to all proprietors or managers of creameries, cheese factories, or milk dairies that ship milk and all the vendors and peddlers of milk within the state, for the purpose of making a report of the amount of milk and dairy goods handled, and all owners or managers of such creameries and cheese factories, and all milk dairies, milk vendors or milk peddlers, shall fill out the blank, giving a full and accurate report of the business done during the year, and send it to the dairy commissioner before the first day of November of each year, every person or corporation who shall engage in the business of purchasing or dealing in milk shall attach in a permanent manner to each can furnished by him or it to the producer a tag containing in plain figures a correct statement of the capacity thereof. Any neglect or failure or false statement on the part of any proprietor or manager of such creamery, cheese factory, dairy or milk vendor or milk peddler, shall be considered a misdemeanor, and upon conviction thereof shall be punished by a fine as provided in section 13: *Provided*, That any information thus furnished shall be published only in such form as to show totals and averages, and not the details of the business of any individual or concern.

Blanks to be furnished.

Reports to be made.

Cans tagged.

Penalty.

SEC. 5. No person, by himself, his agents or his servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell or serve for patrons, guests, boarders or inmates of any hotel, eating house, restaurant, public conveyance or boarding house or public or private hospital, asylum, school or eleemosynary or penal institution, any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced directly and wholly at the time of manufacture from unadulterated milk or the cream from the same, with or without harmless coloring matter, which shall be in imitation of yellow butter produced from pure, unadulterated milk or the cream from the same: *Provided*, That nothing in this act shall be construed to prohibit the manufacture and

Sale and use of impure dairy articles prohibited.

Certain imitations may be sold and used, when.

sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to resemble butter, or the use of the same by patrons, guests, boarders or inmates of any hotel, eating house, restaurant, public conveyance or boarding house, when signs are displayed in a conspicuous place that may be easily read from any part of the room.

SEC. 6. It shall be unlawful for any person to sell, or offer for sale or exchange, or have in his possession for sale, any cheese containing any substance except salt, rennet and harmless coloring matter, other than that produced from pure milk or cream, or both, or from pure skimmed or pure half-skimmed milk.

Governor to appoint dairy commissioner.

SEC. 7. There shall be appointed by the governor, by and with the consent and advice of the senate, one competent person who shall be denominated the dairy commissioner, whose term of office shall continue four years from and after the first Monday in April after his appointment, subject to removal for cause by the governor, or until his successor be appointed and qualified.

Commissioner's bond.

SEC. 8. Before entering upon his duties said dairy commissioner shall file with the secretary of state a good and sufficient bond in the sum of five thousand dollars (\$5,000) conditioned for the faithful discharge of his duties under this act.

Deputies to be appointed.

SEC. 9. Said dairy commissioner may appoint one or more deputies whenever he is unable to perform all the duties of his office without assistance. They shall hold office at the pleasure of the dairy commissioner who may summarily remove any such deputy whenever in his judgment the public service calls for such removal: *Provided*, No deputy shall be employed at the cost of the state for more than thirty days in any one year: *Provided*, That not more than six deputies be appointed.

Duties of commissioner.

SEC. 10. It shall be the duty of the dairy commissioner to devote his entire time and attention to the dairy interests of the State of Washington, to enforce all laws

that now exist or that may be hereafter enacted in this state regarding the production, manufacture or sale of dairy produce, and personally to inspect any articles of milk, butter, cheese, or imitations thereof, made or offered for sale within the state, which he may suspect or have reason to believe to be impure, unhealthful, adulterated or counterfeit; and to prosecute or cause to be prosecuted any person or persons, firm or firms, corporation or corporations engaged in the manufacture or sale of any adulterated or counterfeit dairy products contrary to law.

SEC. 11. It shall be the duty of the chemist of any state institution to correctly analyze, without extra compensation, and without other charge to the state than necessary traveling expenses, any and all substances that the dairy commissioner may send to any of them and to report to him without unnecessary delay the result of any analysis so made, and when called upon by said dairy commissioner, any such chemist shall assist him in prosecuting violators of the law, by giving testimony, either expert or otherwise.

Duties of chemists connected with state institutions.

SEC. 12. The dairy commissioner or his deputies shall have power, in the performance of their official duties; to enter any creamery, cheese or condensed milk factory, store, salesroom, warehouse, or any place or building where he has reason to believe that any dairy products or imitations of dairy products are kept, made, prepared, sold, or offered for sale or exchange; and to open any cask, tub, package or receptacle of any kind, containing or supposed to contain any such article, and to examine, or cause to be examined and analyzed, the contents thereof; he may seize or take any such article for analysis: *Provided*, That if the person from whom such sample is taken shall request him to do so, he shall at the same time and in the presence of the person from whom such property was taken, seal up two samples of the article seized or taken, one of which shall be for examination or analysis under the direction of said commissioner,

Powers of commissioner and deputies.

and the other of which shall be delivered to the person from whom the article is taken.

Penalties for violations.

SEC. 13. Any person who shall violate any of the provisions of this act, or who shall obstruct the dairy commissioner in the performance of his duties under this act by refusing him entrance to any place enumerated in the preceding section, or by refusing to deliver to him any dairy products or imitations thereof upon demand, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100), or by imprisonment for not less than one month or more than six (6) months, or by both such fine and imprisonment.

Compensation of commissioner.

SEC. 14. The dairy commissioner shall receive an annual salary of twelve hundred dollars (\$1,200) and his necessary expenses in the discharge of his duties under this act: *Provided*, That such expenses shall not exceed one thousand dollars (\$1,000).

Duty of attorney general and prosecuting attorneys.

SEC. 15. It shall be the duty of the attorney general or the prosecuting attorney in any county of the state, when called upon by the dairy commissioner, to render any legal assistance in their power to execute the laws and to prosecute cases arising under the provisions of this act: *Provided*, That the dairy commissioner may employ special counsel when necessary.

Board of dairy commissioners.

SEC. 16. The secretary of state, the professor of agriculture of the agricultural college and the dairy commissioner are hereby created a state board of dairy commissioners *ex officio*.

Compensation of members of board.

SEC. 17. The state board of dairy commissioners shall receive no compensation for their services as such board, but shall be allowed necessary traveling expenses. All accounts for expenditure incurred or made pursuant to the provisions of this act shall be approved and certified by said state board of dairy commissioners before presentation to the state auditor.

Commissioner shall report biennially.

SEC. 18. The state board of dairy commissioners shall biennially, on December first, report to the governor of this state a full account of their actions under this act;

also the operations and results of this and any other laws pertaining to the dairy industry of the state; a full account of all expenses and disbursements of the board; as full and complete statistics as it is in their power to collect pertaining to the manufacture, imports and exports of dairy products within the state for the biennial term; and shall make suggestions as to the need of further legislation on this subject.

SEC. 19. All expenses incurred under the provisions of this act shall be audited by the state auditor upon bills being presented, properly certified by the board of dairy commissioners, and the said auditor shall, from time to time, draw warrants upon the state treasurer for the amounts thus audited. Auditing expenses.

SEC. 20. To carry out the provisions of this act, there is hereby appropriated out of the general fund of the state for the term beginning April 1, 1899, six thousand dollars (\$6,000). Appropriation.

SEC. 21. One-half of all fines collected under the provisions of this act shall be paid to the state treasurer and placed to the credit of the general fund and the remainder to be paid forthwith into the treasury of the county in which the conviction is obtained. Disposition of fines.

SEC. 22. All clerks, bookkeepers, express agents, railroad officials, employes, or employes of common carriers shall render to the dairy commissioner and his deputies all the assistance in their power in tracing, finding, or discovering the presence of any article named in this act. Any refusal or neglect on the part of such clerks, bookkeepers, express agents, railroad officials, employes, or employes of common carriers to render such friendly aid, shall be a misdemeanor, punishable by fine of not less than twenty-five (\$25) nor more than one hundred dollars (\$100), or by imprisonment for not less than one month or more than six months, or by both such fine and imprisonment for each and every offense. Certain persons must assist commissioner.

SEC. 23. No person shall sell or offer for sale any cream taken from impure or diseased milk, or any cream that contains less than eighteen per centum of Penalty for refusal. Unlawful to sell impure cream.



pure butter fat. Any person violating 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 twenty-five dollars (\$25) nor more than one hundred dollars (\$100), or by imprisonment for not less than one (1) month nor more than six (6) months, or by both such fine and imprisonment.

License for  
wagons, carts,  
etc.

SEC. 24. Every person who conveys milk in carriages, carts or other vehicle for the purpose of selling the same in any city or town in the State of Washington, shall annually on the first day of June, or within thirty (30) days thereafter, procure from the state dairy commissioner a license to sell milk within the limits of said city or town, and shall pay to the said dairy commissioner the sum of one dollar (\$1) for each carriage, cart or other vehicle to be used as provided for in section 29. Licenses shall be issued only in the names of the owners of carriages, carts and other vehicles and shall, for the purpose of this act, be conclusive evidence of ownership. No license shall be sold, assigned or transferred; each license shall contain the name, residence, place of business, number of carriages, carts or other vehicles used, and the number of the license. Each licensee shall, before engaging in the sale of milk, cause his name, the number of the license and his place of business to be legibly placed on each outer side of all carriages, carts or other vehicles used by him in the conveyance or sale of milk. Whoever, without being first licensed under the provisions of this section, sells milk or exposes it for sale from carriages, carts or other vehicles, or has the same in his custody or possession with intent to sell, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25) for each offense, nor more than one hundred dollars (\$100), or by imprisonment for not less than one month or more than six months or by both such fine and imprisonment: *Provided*, That nothing in this section shall ap-

Penalty for  
violation.

Exception.

ply to persons handling or using the milk from not more than two cows.

SEC. 25. Every person before selling milk or offering it for sale in a store, booth, stand or market place in any town or city, shall procure a license from the state dairy commissioner and shall pay to said commissioner the sum of one dollar (\$1) yearly, within thirty days after June 1. Any person who neglects to procure such license shall be deemed guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each and every offense or by imprisonment for not less than one month or more than six months or by both such fine and imprisonment.

License for sale at store or stand.

Penalty.

SEC. 26. No person shall sell or expose for sale in any store or place of business or in any wagon or other vehicle used in the transportation or sale of milk from which cream has been removed or milk commonly called "skimmed milk" without first marking the can or package containing said milk with the words "skimmed milk" in large plain black letters, each letter being at least one inch high and one-half inch wide, said words to be on the side not below the middle of said can or package, where they can be easily seen. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each and every offense, or by imprisonment for not less than one month or more than six months or by both such fine and imprisonment.

"Skimmed milk" must be so labeled.

Penalty.

SEC. 27. That all moneys received for licenses or from the sale of any and all goods confiscated by the dairy commissioner under this act shall be received by said commissioner and deposited the first of every month with the state treasurer, to be placed in the general fund.

License money to be turned into the state treasury.

Possession of prohibited articles *prima facie* proof of violation of this act.

SEC. 28. Possession by any person or firm of an article or substance the sale of which is prohibited by this act shall be considered *prima facie* evidence that the same is kept by such person or firm in violation of the provisions of this act, and the commissioner shall be authorized to seize upon and take possession of such articles or substances, and upon the order of any court which has jurisdiction thereof, he shall sell the same for any purpose other than to be used for food, the proceeds to be paid to the state treasurer and placed to the credit of the general fund.

Commissioner must provide uniform brand "Washington creamery butter."

SEC. 29. The state dairy commissioner is hereby authorized and directed to procure and issue to the manufacturers of creamery butter of the state and under such regulations as to the custody and use thereof as he may prescribe a uniform brand bearing a suitable device or motto, and the words "Washington Creamery Butter." Every brand issued shall be used on the wrapper of each package and also on the outside of every package used by him, and shall contain a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufacturer using the said brand. It shall be unlawful to use or permit such brand to be used upon any other than Washington creamery butter or packages containing the same. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) or by imprisonment for not less than one month or more than six months, or by both such fine and imprisonment.

Manufactory to be numbered.

Penalty.

"Renovated butter."

SEC. 30. No person, firm or corporation shall manufacture, sell or offer for sale or have in his possession with intent to sell butter known as process butter, unless the package in which the butter is sold has marked on the side of it the words "renovated butter" in capital letters one inch high and one-half inch wide with ink which is not easily removed: *Provided*, That it

shall be unlawful for any retailer to sell said butter and unless a card is displayed on the package from which he is selling butter with the following words printed thereon so that it may be easily read by the purchaser "renovated butter," or if it is sold in packages on which a wrapper is used the words "renovated butter" shall be plainly printed on each and every wrapper: *Provided further*, That all process butter shipped from other states shall be subject to the same regulations as provided in this section. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined for each and every offense not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) or by imprisonment for not less than one month or more than six months, or by both such fine and imprisonment. Penalty.

SEC. 31. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 32. An emergency exists, and this act shall take effect immediately.

Passed the House February 16, 1899.

Passed the Senate March 1, 1899.

Approved March 7, 1899.

## CHAPTER XLIV.

[H. B. No. 108.]

### INVESTMENT OF THE PERMANENT SCHOOL FUND IN STATE BONDS.

AN ACT authorizing the issuance of state bonds and the investment of the permanent school funds therein, and declaring an emergency.

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

SECTION 1. Whenever there shall be in the hands of the state treasurer, belonging to the state permanent school fund, money to the amount of five thousand dollars or more, of which no investment can be made in State treasurer may invest permanent school fund in state bonds.