

Mortgage  
only lien.

against the owner of a homestead, except by mortgage, shall be a lien against such homestead in the hands of a *bona fide* purchaser for a valuable consideration.

Statutes  
repealed.

SEC. 3. That sections 342, 343, 344, 345, 346 and 2415 of the Code of Washington Territory of 1881; chapter LXXXVIII (88) of the Laws of 1887-8, page 162; (sections 529 and 562 of Remington's Compiled Statutes; sections 7849 and 7850 of Pierce's 1919 Code) are hereby repealed.

Passed the House January 18, 1927.

Passed the Senate February 3, 1927.

Approved by the Governor March 3, 1927.

---

## CHAPTER 194.

[S. B. 72.]

### WEIGHTS AND MEASURES.

AN ACT relating to weights and measures; establishing standards therefor; prescribing the powers and duties of certain officers in relation thereto; fixing penalties for violations of this act; and repealing certain acts and parts of acts in relation thereto.

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

National and  
state  
standards.

SECTION 1. The weights and measures, received from the United States under a resolution of Congress approved June 14, 1836, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or renewal thereof, and such as shall be supplied by the state in conformity therewith and certified by the National Bureau of Standards, shall be the state standards, by which all county and municipal standards of weights and measures shall be tried, approved and sealed.

All weights, measures, scales, scale beams, patent balances, steelyards, automatic or computing scales, or other instruments for weighing or measuring, by which any merchandise, commodity, or thing is bought or sold by weight or measure, or offered or exposed for sale, shall conform to the state standards herein prescribed.

Weighing and measuring instruments to conform to state standards.

Any weight, measure, scale, scale beam, patent balance, steelyard, automatic or computing scale or other instrument or device for weighing or measuring which does not conform to such state standards is hereby declared to be a false weight or measure.

False weight or measure.

SEC. 2. The director of agriculture through and by means of the division of weights and measures shall take charge of the state standards, cause them to be kept in a safe and suitable place in the office of the division of weights and measures, from which they shall not be removed except for repairs or for certification, and shall take all other necessary precautions for their safe keeping; shall maintain the state standards in good order and shall submit them at least once in ten years to the National Bureau of Standards for certification; shall at least once in five years try and prove by the state standards all weights, measures and other apparatus which may belong to any county or city, and shall seal such when found to be accurate, by stamping on them with seals which he shall have and keep for that purpose, the letter "W" and the last two figures of the year in which the same are sealed; shall have and keep a general supervision of the weights, measures and weighing and measuring devices offered for sale, sold or in use in the state; shall, upon the written request of any citizen, firm, corporation or educational institution in the state, test or calibrate weights, measures, weighing or measuring devices and instruments or appliances used as standards in this state; shall

Division of weights and measures in charge of the state standards.

Duties.

County and city weighing and measuring instruments to be tested.

Supervision of devices used or sold in state.

Tests upon request.

Annual test of instruments determining quantities of supplies sold to state.

Report.

Appointment of special deputies.

Annual report to the Governor.

Inspection of standards used by state and cities.

Inspect work of city sealers.

Track scales of common carriers excepted.

Make regulations for state and city sealers.

City standards.

at least once annually, test all scales, weights, measures, weighing or measuring devices or instruments used in determining the quantities of the receipts or disbursements of supplies for the maintenance of which moneys are appropriated by the legislature, and report in writing his findings to the director of business control or the supervising board, and to the executive officer, of the institution concerned, and at the request of such director, board or executive officer, shall appoint in writing one or more employes, then in the actual service of each institution, who shall act as special deputies for the purpose of checking the receipts or disbursements of supplies; shall keep a complete record of the standards, balances and other apparatus belonging to the state and take receipt for the same from his successor in office; shall annually, on the first day of October, make to the governor a report of the work done by his office; shall inspect all standards and apparatus used by the state and cities having a population of more than fifty thousand, at least once in two years, and keep a record of the same; shall at least once in two years visit the various cities in the state having a population of fifty thousand, in order to inspect the work of the city sealers, and in the performance of such duties may inspect the weights, measures, and weighing or measuring devices or instruments of any citizen, firm or corporation, except track scales used by common carriers by railroad, and shall have the same powers as the city sealer of weights and measures; shall issue, from time to time, regulations for the guidance of state and city sealers, which regulations shall govern the procedure to be followed by such officers in the discharge of their duties.

SEC. 3. The director of agriculture, and the council or other governing body of each city having a population of more than fifty thousand, shall procure

and keep at all times a complete set of weights, measures, weighing and measuring devices and other apparatus, of such materials and construction as the director of agriculture may direct. All such weights, measures, devices and other apparatus having been tried and accurately proven by the director of agriculture through and by means of the division of weights and measures, shall be sealed and certified to by the director; and shall then be deposited with and preserved by the city sealer as public standards for such city, and by the director for use as public standards in any county in the state.

Apparatus sealed and certified by director of agriculture.

Whenever the council or other governing body of any such city shall neglect for six months so to do, the city clerk or comptroller of said city, on notification and request by the director of agriculture or the supervisor of weights and measures, shall provide such standards and cause the same to be tried, proved, sealed and deposited at the expense of such city.

Failure of city to provide standards.

SEC. 4. The director of agriculture, the supervisor of weights and measures, and the duly appointed and deputized sealers, testers and inspectors of the division of weights and measures, shall have the power to inspect, test, try, and ascertain if they are correct, all weights, scales, beams, and other instruments or mechanical devices for ascertaining the quantity of any article by weight, and all measures, and other instruments or mechanical devices for ascertaining the size or dimensions of any article, or the quantity thereof, by measurement, and all tools, appliances and accessories connected with any such weighing or measuring instrument or device, kept for the purpose of sale or sold, or used or employed by any person or corporation, or any agent, lessee or employe, in ascertaining the weight, size, quantity, extent, dimension or area of any article for distribu-

State sealer.

Powers and duties.

tion or consumption, offered for sale, or sold or purchased, or stored or transported, except track scales used by common carriers by railroad; and shall have the power to and shall, from time to time, weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale, or sold, or purchased, or in the process of delivery, in order to determine whether the same contain the amount represented, and whether they are being offered for sale or sold, or have been purchased, in the manner provided by law; and may, for the purposes above mentioned and in the performance of official duty, without formal warrant, enter into or upon any stand, place, building or premises, and stop any vendor, peddler, junk dealer or the person in charge of any coal wagon, wood wagon, ice wagon or delivery wagon, or any dealer whatsoever, and require him, if necessary, to proceed to some specified place, for the purpose of making proper tests. Whenever any such officer finds a violation of any statute relating to weights or measures, he shall cause the person violating such statute to be prosecuted. Whenever any such officer inspects, tests and tries any weight, measure or weighing or measuring instrument or device and ascertains that it is correct and corresponds, or causes it to correspond, with the standards in his possession, he shall seal or mark such weight, measure or weighing or measuring instrument or device with appropriate devices to be approved by the director of agriculture, and shall condemn and seize and may destroy any incorrect weight, measure or weighing or measuring instrument or device which cannot be repaired, and shall mark or tag any such weight, measure or weighing or measuring instrument or device found to be incorrect and that may be repaired with the words "condemned for repairs" in a manner prescribed by the director of agriculture. The owner or user of any

Shall cause  
prosecution  
for  
violations.

Condemn  
incorrect  
instrument.

weight, measure or weighing or measuring instrument or device which shall have been so marked or tagged "condemned for repairs", shall have the same repaired or corrected within ten days and shall not use or dispose of the same in any way, but shall hold the same subject to the orders of the officer condemning the same.

SEC. 5. There shall be, in each city of the first class having a population of more than fifty thousand, a city sealer of weights and measures, to be appointed by the mayor, or other chief executive officer, from a list to be furnished by, and under the rules of, the civil service board, where such board exists; otherwise he shall be appointed by the mayor or other chief executive officer by and with the advice and consent of the council or other governing body. He shall perform in said city the duties and shall have like powers as the director of agriculture acting by and through the division of weights and measures: *Provided, however,* That in every case where any city of the first class has heretofore made, or may hereafter make provision by charter or ordinance for the enforcement of proper legal weights and measures, vesting general supervision and direction in any official at the head of any department of such city, such official for the purpose of this act, shall be *ex-officio* sealer of weights and measures in such city, and he and his subordinates shall have the duties and powers of city sealers of weights and measures, and the powers of such cities relative to weights and measures shall be additional to the powers granted such city by law and charter: *And provided further,* That the director of agriculture and the officers of the division of weights and measures shall exercise no powers and discharge no duties in any city of the first class having its own sealer of weights and measures, except as in this act hereinabove provided.

City sealer  
of weights  
and  
measures.

Duties and  
powers.

Ex-officio  
sealer in  
cities of the  
first class.

State sealer  
no jurisdic-  
tion in city  
having a  
sealer.

Penalties for using false weight or measure and for other violations.

SEC. 6. Any person, who, by himself, or his servant or agent or as the servant or agent of another, shall use or retain in his possession a false weight or measure or weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed by or under the direction of the director of agriculture or a city sealer within one year, in the buying or selling of any commodity, or thing, or in the storage thereof, or in the transportation thereof, except track scales used by common carriers by railroad; or who shall dispose of any condemned weight, measure or weighing and measuring device contrary to law, or remove any tag placed thereon by any authorized officer under the provisions of this act; or any person who, by himself, or by his servant or agent, or as the servant or agent of another, shall sell or offer or expose for sale, or purchase or store or transport less than the quantity he represents, or sell or offer or expose for sale or purchase, store or transport any such commodities in a manner contrary to law; or any person who by himself or by his servant or agent or as the servant or agent of another shall sell or offer for sale, or have in his possession for the purpose of selling, any device or instrument to be used to or calculated to falsify any weight or measure, shall be guilty of a misdemeanor upon the first conviction, but upon a second and each subsequent conviction he shall be guilty of a gross misdemeanor.

Supervisor and others made special policemen.

May arrest without warrant.

SEC. 7. The director of agriculture, the supervisor of weights and measures and all duly appointed sealers, testers and inspectors of the division of weights and measures and all duly appointed and qualified city sealers of weights and measures, are hereby made special policemen, and are authorized and empowered to arrest, without warrant, any violator of the statutes in relation to weights and meas-

ures, and to seize for use as evidence, and without warrant, any false weight, measure or weighing or measuring device or packages or amounts of commodities found to be used, retained or offered or exposed for sale, or sold, or purchased, stored or transported contrary to the provisions of this act.

May seize evidence without warrant.

SEC. 8. Any person who shall hinder or obstruct, in any way, the director of agriculture, the supervisor of weights and measures, any duly appointed and deputized sealer, tester, or inspector of the division of weights and measures, or any city sealer, in the performance of his official duties, shall be guilty of a misdemeanor.

Penalty for obstructing officers.

SEC. 9. A standard package or container of butter in this state shall contain sixteen (16) ounces net weight or thirty-two (32) ounces net weight, and a standard package or container need have no statement of the net weight of its contents, but it shall be unlawful to offer for sale or sell butter in any package or container where the net weight thereof is more or less than the standards herein prescribed without having said package or container labeled in plain English words or figures with the correct net weight of its contents expressed in pounds and ounces together with the name of the manufacturer or jobber.

Standards specified.

Butter container.

Label to show correct weight if not standard.

SEC. 10. It shall be unlawful for any person to manufacture, sell or offer or expose for sale, any bread except in the following weights, which shall be the net weights twelve hours after baking; one pound, one and one-half pounds, two pounds, three pounds, four pounds and five pounds, or other pound weights: *Provided*, That variations at the rate of one ounce per pound over, and one ounce per pound under, the above specified unit weights are permitted in individual loaves, but the average weight of not less than twelve loaves of any one unit of any one

Specified weights of bread.

Variations permitted.



kind shall not be less than the weight hereinabove prescribed.

Standard  
sack of  
potatoes.

SEC. 11. A standard sack of potatoes in this state shall contain one hundred (100) pounds net weight, and a standard sack of potatoes need have no statement of the weight of its contents, but it shall be unlawful to sell or offer for sale potatoes by the sack, in sacks containing more or less than the standard of one hundred (100) pounds, unless each such sack shall be labeled in plain English words and figures with its true net weight.

Berry boxes.

SEC. 12. A standard berry box for selling or offering for sale blackberries, currants, strawberries, cranberries, blueberries, gooseberries, cherries and similar berries in packages containing less than one bushel, shall be a dry quart containing 67.2 cubic inches or a dry pint containing 33.6 cubic inches, and it shall be unlawful to sell or offer for sale or use for the purpose of selling or offering for sale any of the berries named in this section, berry boxes of any other interior capacity than 67.2 or 33.6 cubic inches, unless the same be labeled in plain English words or figures with the correct interior capacity expressed thereon in cubic inches: *Provided*, That nothing in this section shall be construed to prevent the sale or offering for sale of any of the articles therein mentioned by weight.

Sale by  
weight  
permitted.

Sack of coal.

SEC. 13. A standard sack of coal in this state shall contain one hundred (100) pounds net weight, and a standard sack of coal need have no statement of the net weight of its contents, but it shall be unlawful to offer for sale or sell coal in sacks containing more or less than one hundred (100) pounds net weight, unless such sacks be labeled in plain English words or figures with the true net weight of the contents expressed in pounds, and it shall be unlawful for any person, firm or corporation, or their agents,

servants or employes, to misrepresent any coal offered for sale or to sell coal of any particular name or designation, or from any particular mine, under the name or designation of another coal or mine.

SEC. 14. It shall be unlawful for any person, firm or corporation to sell milk, cream or buttermilk in this state, in bottles unless such bottles contain either one-half pint, one pint, one quart, one-half gallon or one gallon standard liquid measure. Milk bottles.

SEC. 15. Standard bottles for selling or offering for sale vinegar in this state shall contain one-half pint, one pint, one quart, one-half gallon or one gallon standard liquid measure and whenever vinegar is sold or offered for sale in such standard bottles no statement of the net measure of the contents thereof need be given thereon, but it shall be unlawful for any person, firm or corporation to offer for sale or sell vinegar in this state in bottles containing more or less than the standard amount in this section, unless such bottles shall be labeled in plain English words and figures with the true net measurement thereof stated in liquid ounces. Vinegar bottles.

SEC. 16. It shall be unlawful for any person, firm or corporation to buy at wholesale in this state any article or commodity upon the basis of weight or measure unless the same be bought upon the basis of the true net weight or measure, and unless the scales, measures or weighing or measuring devices used by the buyer in determining the quantity bought shall bear the seal of a state or city sealer of weights or measures and conform to the standards provided by this act. Purchase at wholesale to be upon basis of net weight or measure.

SEC. 17. It shall be the duty of every vendor of ice in this state, at the time of the actual delivery of any ice sold, to weigh the quantity of ice delivered and for that purpose to use a steelyard balance or other weighing device for weighing such ice, which Ice.

Weighing device to be sealed.

shall have been duly adjusted and sealed by a duly appointed state or city sealer of weights and measures in accordance with the provisions of this act, and all ice delivered to a consumer within this state shall be sold by avoirdupois weight unless it is otherwise specially agreed upon between the buyer and the seller, and each and every pair of ice tongs used in the delivery of ice in this state shall have conspicuously stamped thereon the true and exact avoirdupois weight of such tongs.

Ice tongs to have weight stamped thereon.

Commodities sold in bulk.

Officially tested device required.

SEC. 18. It shall be unlawful for any vendor, or his servant, agent or other employe, in this state, to offer for sale, or sell, or sell and deliver any commodity ordinarily and usually sold in bulk or quantity by weight or measure, unless the same be weighed, or measured, as the case may be, upon or by an officially tested and approved weighing or measuring device, and unless that portion of such commodity so offered for sale or sold by weight or measure shall be the true net weight or measure.

Firewood.

Standard cord.

Sixteen-inch wood—unit or load standard.

SEC. 19. It shall be unlawful for any vendor of firewood in this state, or his servant, agent or employe to offer for sale or sell any firewood in any quantity or by any measure except by the cord or fractional part thereof. The standard measurement of a cord of firewood in this state shall be one hundred twenty-eight (128) cubic feet: *Provided, however,* That firewood sixteen (16) inches or less in length may be sold without being measured as above provided, but if so sold by the unit or load or fractional part thereof, such wood shall be measured by throwing the same loosely or at random into a rectangular box or container and when so measured one hundred ninety-two (192) cubic feet shall constitute a unit or load of wood, and it shall be the duty of every vendor of firewood, his servant, agent or employe, with every delivery of firewood, to deliver to

the purchaser a sales ticket or bill in writing containing the vendor's name and address, and a true statement of the quantity delivered and the price thereof and the kind and condition of the same.

Written statement by vendor of quantity and price.

SEC. 20. A standard wholesale package or container for cranberries in this state shall contain one thousand nine hundred forty-two (1,942) cubic inches or the equivalent of one-third of a United States cranberry barrel, and need have no statement of its cubical contents, but shall be marked in plain letters, not less than one-quarter inch in height, "One-third United States Cranberry Barrel", or the net weight of the contents thereof, but it shall be unlawful for any person, firm or corporation to offer cranberries for sale at wholesale in this state, in packages or containers, the cubical contents of which are less than the standard defined, unless each such package or container be marked in plain letters and figures, not less than one-quarter inch in height, with the cubical contents of the container in inches, or the net weight of the contents.

Cranberry standard wholesale container.

Containers less than standard to be marked.

SEC. 21. It shall be the duty of every person, firm or corporation using milk cans or other vessels for the shipping, sale or dispensing of milk to have the liquid capacity, United States standard, of every such can or vessel measured and plainly sealed or stamped thereon by a duly authorized officer of the division of weights and measures or a city sealer in the manner provided in this act, and it shall be unlawful for any person, firm or corporation to own and use milk cans or other vessels for shipping, selling or dispensing milk, or ship, sell or dispense milk by measurement for consideration in a can or vessel that has not been officially sealed and its liquid capacity plainly stamped thereon, and upon conviction of a violation of this section the person so convicted shall, in addition to other penalties provided

Capacity to be officially stamped on milk cans.

Penalty to use cans not officially sealed.

Milk sold by weight excepted. by law, forfeit all unsealed milk cans or vessels found in his possession: *Provided*, That this shall not apply where milk is sold by weight and on butter fat content.

Apple box. SEC. 22. The standard size of an apple box in this state, shall be eighteen inches long, eleven and one-half inches wide, and ten and one-half inches deep, inside measure, and the standard size of a pear box. Pear box. by the box, unless the box containing the same conform to the above standard: *Provided*, That apples or pears may be packed and sold in special boxes if the net weight and contents are stamped thereon in plain letters and figures not less than one-half inch in height, and marked "Special Box".

Net contents to be stamped if box not standard.

Gross ton and net ton of coal. SEC. 23. Two thousand two hundred forty (2240) pounds avoirdupois shall constitute a gross ton of coal, and two thousand (2000) pounds shall constitute a net ton of coal, in this state, and it shall be unlawful for any person, firm or corporation to sell and deliver less than two thousand (2000) pounds of coal for a ton, or less than the true weight of coal according to the standard provided in this section for a fractional part of a ton of coal.

Violations for which penalty not specified. SEC. 24. Every person found guilty of violating or failing to comply with any of the provisions of this act for which no specific penalty is prescribed herein, shall be deemed guilty of a misdemeanor, and for each subsequent offense he shall be deemed guilty of a gross misdemeanor.

Statutes repealed. SEC. 25. That chapter LXXXVIII (88) of the Laws of 1899, page 141; chapter 42 of the Laws of 1903, page 49; chapter 100 of the Laws of 1907, page 194; chapter 52 of the Laws of 1913. pages 144-155;

chapter 85 of the Laws of 1917, page 325; chapter 122 of the Laws of 1917, pages 489-494; chapter 102 of the Laws of 1919, pages 253-254; chapter 126 of the Laws of 1923, pages 342-346; sections 11603-11618 and 11622-11628 of Remington's Compiled Statutes; and sections 7251-7260, 7260a-7260d, 7261-7265 of Pierce's 1919 Code, are hereby repealed: *Provided*, That the repeal of said acts, or any of them, shall not be construed as reviving any act repealed or amended by any thereof: *And provided further*, That the repeal of said acts shall not operate to prevent the prosecution of the violation of any of the provisions thereof committed prior to the taking effect of this act or to affect any proceedings pending for violations thereof at the time of the taking effect of this act, but such violations may be prosecuted and such proceedings continued and penalties imposed in the same manner as though this act had not taken effect.

Statutes repealed.

No revivor by repeal.

Prosecution for violations of repealed acts prior to taking effect of this act.

Passed the Senate March 2, 1927.

Passed the House March 2, 1927.

Approved by the Governor March 7, 1927.

---

## CHAPTER 195.

[S. B. 87.]

### DAM ACROSS BONE RIVER AUTHORIZED.

AN ACT authorizing the construction of a dam for diking and drainage purposes across Bone River in Pacific County, providing for a hearing thereon and for compensation to persons injured thereby.

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

SECTION 1. A dam to prevent the overflow of lands above the same by tides and to permit the drainage of such lands is hereby authorized to be constructed across the Bone river in the southwest

Authority for dam across the Bone river in Pacific county.