

CHAPTER 91.

(H. Sub. B. No. 130)

PROHIBITING LIVE STOCK FROM RUNNING AT LARGE.

AN ACT to prohibit all live stock from running at large in any County and portion of the County in the State of Washington in which three-fourths of the lands therein are under fence, except in certain cases, and providing a penalty for the enforcement of the act.

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

All live stock included.

SECTION 1. It shall be unlawful for any kind or character of live stock to run at large in any county in this State in which three-fourths of the lands, outside of the incorporated cities and towns are under fence, or any portion of such county three-fourths of which portion is under fence, when such portion is separated from the balance of said county by any natural barrier such as a river, range of hills or other sufficient barrier: *Provided*, That where more than one-fourth of any district is used for grazing of cattle or horses on the public domain or on unfenced lands, such district shall be excluded from the operation of this act, notwithstanding the fact that said county may come within its provisions, and the county commissioners shall designate such townships or parts of townships which shall be excluded from the provisions of this act: *Provided further*, That an area or district of less than one township shall not be considered for this purpose.

Grazing districts.

Duty of county commissioners, as to area.

SEC. 2. It shall be the duty of the board of county commissioners of the respective counties of this State when ten or more freeholders shall make application for the enforcement of this act to at once determine whether or not three-fourths of the lands, outside of the incorporated cities and towns, in such county is under fence, or whether three-fourths of any portion of any county separated from the balance of said county by natural barrier, is under fence.

Per centum of land under fence.

SEC. 3. That the board of county commissioners, in arriving at the per centum of lands in such county or portion of county under fence, shall be governed by the records in the office of the county assessor of such county showing

the amount of lands under fence, which shall be conclusive and binding upon all residents and freeholders in such county.

SEC. 4. It shall be the duty of the county assessor of ^{County} ~~assessor.~~ each county in this State, at the time of making the assessment in each year to make a list of the lands in his county, outside of the incorporated cities and towns, under fence, and file a certified copy of such list each year at the conclusion of the assessment, with the board of county commissioners, showing the aggregate number of acres of land under fence and not under fence.

SEC. 5. It shall be the duty of the board of county commissioners, on receipt of a certified copy of such list of the lands, outside of the incorporated cities and towns, under fence and not under fence, from the county assessor, to at once determine whether or not a sufficient per centum of the lands in such county or portion of county as provided herein, is under fence, to bring said county or portion of said county within the provisions of this act, and if it is found that three-fourths of the lands of said county or portion of said county, outside of the incorporated cities and towns, is under fence, it shall be the duty of the board of county commissioners to make such entry in the records of their office and publish notice thereof for at least four successive weeks in the official paper in such county, setting forth the fact that three-fourths of the lands in such county or portion of county, outside of the incorporated cities and towns, is under fence, and that livestock found running at large in such county or portion of county on and after thirty days from the first publication of said notice shall be treated as estrays, and estrays in any county in which at ^{Treated as} ~~least three-fourths of the area, outside of the cities and towns~~ ^{estrays (see} ~~therein, shall be under enclosure or fence may be taken up~~ ^{Estrays).} at any time in the year.

SEC. 6. Any owner who permits his livestock to run at large contrary to the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars for each offense, and it shall be the duty of the prosecuting attorney in such county, when it has been determined by the board of county commissioners under the provisions of this act that three-fourths of the lands in such county or portion of county is under fence, ^{Violation and} ~~penalty.~~

on complaint of any freeholder or resident of such county to forthwith prosecute the owner of such stock found running at large for such misdemeanor.

Passed the House February 20, 1905.

Passed the Senate March 1, 1905.

Approved by the Governor March 8, 1905.

CHAPTER 92.

(H. B. No. 157)

AMENDING ACT RELATIVE TO MANUFACTURE AND SALE OF DAIRY PRODUCTS.

AN ACT relating to the sale and manufacture of dairy products, amending Section nine, and amending said act by adding Sections thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty and forty-one of an act entitled, "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 a chemist of State institutions, providing penalties for violation of this law, making an appropriation."

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

SECTION 1. That section nine of an act entitled "An act regulating the manufacture of dairy products, 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, imposing certain duties upon a Chemist of State institutions, providing penalties for violation of this law, making an appropriation," approved March 7, 1899, be and the same is hereby amended to read as follows: Section 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.