

valuation thereof, as last placed upon it for the purpose of general taxation, exclusive of improvements thereon. So much of the cost of such improvement as shall not be charged to property within the improvement district above provided for shall be paid equally by the county and the city or town. The board of county commissioners of any county is authorized and empowered to pay the portion of the cost chargeable to such county for the improvement of any arterial street under the provisions of this act from the general road and bridge fund of the county, or from the district road and bridge fund of the district with which such arterial street connects. The city council or other governing body of any city or town is authorized to pay the part of the cost of improving any arterial street under the provisions of this act, which shall be a charge against such city or town from the general fund of such city or town or from any special fund which shall be available for that purpose.

County and city to join in expense.

County to pay from road and bridge fund.

City to pay from general fund.

Limitation of act.

SEC. 4. This act shall not be construed as providing for the maintenance of said arterial highways within the limits of any municipality.

Passed the Senate February 17, 1913.

Passed the House March 5, 1913.

Approved by the Governor March 11, 1913.

### CHAPTER 52.

[S. B. 61.]

#### CREATING THE DEPARTMENT OF WEIGHTS AND MEASURES.

AN ACT relating to weights and measures, establishing standards therefor; providing for the enforcement thereof; prescribing penalties for the violation of this act, and repealing sections 9511 to 9523, inclusive, of Remington and Ballinger's Annotated Codes and Statutes of Washington.

[This act repeals Rem.-Bal., §§ 9511-9523; Pierce's Code, 1912, 529 §§ 1-25.]

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

SECTION 1. The weights and measures, received from the United States under a resolution of Congress approved

(For Federal act, see vol. 5, Stat. L., p. 133.)

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.

National standards adopted as state standards.

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.

State standards to govern.

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 standards.

SEC. 2. There is hereby created a department of weights and measures in and for the State of Washington. The secretary of state shall be ex-officio superintendent of weights and measures and the head of the department herein created. He shall appoint a deputy superintendent of weights and measures and one inspector whose terms of office shall expire with that of the superintendent. The deputy shall receive a salary of twenty-four hundred dollars per annum, and the inspector shall receive a salary of fifteen hundred dollars per annum. There shall be allowed for maintenance of the department of weights and measures such sums as shall be appropriated by the legislature.

Department of Weights and Measures established.

Deputy superintendent and inspector authorized.

The superintendent shall take charge of the state standards, cause them to be kept in a safe and suitable place in the office of the superintendent, from which they shall not be removed except for repairs or for certification, and he shall take all other necessary precautions for their safe keeping. He shall maintain the state standards in good order and shall submit them at least once in ten years to

Duties of superintendent.

Standards to be tested.

the National Bureau of Standards for certification. He 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. He 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. He 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 apparatus used as standards in this state. He, or his deputy, or his inspectors, by his direction, shall, at least once annually, test all scales, weights and measures used in checking the receipts or disbursements of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and he shall report in writing his findings to the supervising board and and to the executive officer of the institution concerned, and at the request of such board or executive officer, the superintendent of weights and measures 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. He shall keep a complete record of the standards, balances and other apparatus belonging to the state and take receipt for same from his successor in office. He shall annually, on the first day of October make to the governor a report of the work done by his office. The state superintendent, or his deputy, or inspectors, at his direction, shall inspect all standards and apparatus used by the counties and cities at least once in two years, and shall keep a record of the same. He or his deputy or inspectors, at his direction, shall at least once in two years visit the various cities and counties in the state, in order to inspect the work of the local sealers, and in the performance of such duties

County and  
city stand-  
ards tested.

Institution's  
measures  
tested  
annually.

Annual  
report.

County and  
city stand-  
ards tested  
biennially.

he may inspect the weights, measures, balances or any other weighing or measuring appliances of any citizen, firm or corporation, and shall have the same powers as the local sealer of weights and measures. The superintendent shall issue from time to time, regulations for the guidance of county and city sealers, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties. The state superintendent of weights and measures shall forthwith, on his appointment, give a bond in the penal sum of \$5,000.00 with sureties to be approved by the governor for the faithful performance of the duties of his office, and for the safety of the standards entrusted to his care, and for the surrender thereof immediately to his successor in office or to the person appointed by the governor to receive them.

Powers of local inspector.

Instructions to be issued.

Bond.

SEC. 3. The board of county commissioners of each county and the common council of each city required to appoint a sealer under this act, shall procure at the expense of the county or city, and shall keep at all times a complete set of weights and measures and other apparatus of such materials and construction as the said superintendent of weights and measures may direct. All such weights, measures and other apparatus having been tried and accurately proven by him, shall be sealed and certified to by the state superintendent as hereinbefore provided; and shall be then deposited with and preserved by the county or city sealer as public standards for such county or city.

County and city to provide standards.

Whenever the board of county commissioners of a county or the common council of such city shall neglect for six months so to do, the county auditor of the county, or the city clerk or comptroller of said city, on notification and request by the superintendent of weights and measures, shall provide such standards and cause the same to be tried, proved, sealed and deposited at the expense of the county or city.

County or city neglecting, superintendent to order.

SEC. 4. The county auditor of each county shall be *ex-officio* sealer of weights and measures in such county

Auditor *ex-officio* sealer.

and shall, for the purpose of carrying out the provisions of this act, appoint a deputy sealer of weights and measures who shall possess the same powers and perform the same duties as to the county auditor in respect to this act. Such deputy shall be paid a reasonable salary, and no fee shall be charged by the inspector or by the county for the inspection or testing of weights, measures, or weighing or measuring device. Where not otherwise provided by law, the county sealer shall have the power, within his county, to inspect, test, try and ascertain if they are correct all weights, scales, beams, measures of every kind, instruments or mechanical device for measurements and tools, appliances or accessories connected with any or all such instruments or measures kept for the purpose of sale, sold or used or employed within the county by any proprietor, agent, lessee or employee in proving the size, quantity or extent, area or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, for hire or award; and he 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 in the process of delivery, in order to determine whether the same contains the amount represented, and whether they are being offered for sale or sold in a manner in accordance with law. He shall at least twice in each year, and as much oftener as he may deem necessary, see that the weights, measures and all apparatus used in the county are correct. He may for the purpose above mentioned, and in the general performance of his official duties, enter and go into or upon, and without formal warrant, any stand, place, building or premises, or stop any vendor, peddler, junk dealer, coal wagon, wood wagon, ice wagon, delivery wagon or any dealer whatsoever, and require him, if necessary to proceed to some place which the sealer may specify, for the purpose of making the proper tests. Whenever the county sealer finds a violation of the statutes relating to weights and measures, he shall

Duties of  
auditor.

Police  
powers.  
(See also § 7  
*infra.*)

Arrests.

cause the violator to be prosecuted. Whenever the sealer compares weights, measures or weighing or measuring instruments, and finds that they correspond or causes them to correspond with the standards in his possession, he shall seal or mark such weights, measures or weighing or measuring instruments with appropriate devices to be approved by the state superintendent of weights and measures. He shall condemn and seize and may destroy incorrect weights, measures or weighing or measuring instruments which cannot be repaired; and such as are incorrect and yet may be repaired he shall mark or tag as "Condemned for repairs"—in a manner prescribed by the state superintendent of weights and measures. The owner or users of any weights, measures or weighing or measuring instruments of which such disposition is made, shall have the same repaired or corrected within ten days and they may neither use nor dispose of the same in any way, but shall hold the same at the disposal of the sealer. The county sealer shall keep a complete record of the work done by him, and shall make an annual report to the board of county commissioners and an annual report duly sworn to not later than the first of October to the state superintendent of weights and measures on blanks to be furnished by the superintendent. The deputy county sealer of weights and measures shall forthwith, on his appointment give a bond in the penal sum of one thousand dollars (\$1,000.00) with sureties to be approved by the appointive power for the faithful performance of the duties of his office, and for the safety of the local standards, and such appliances for verification as are committed to his charge and for the surrender thereof immediately to his successor in office, or to the person appointed by the proper authority to receive them.

Destruction  
of false  
weights.

Owner may  
correct  
weights or  
measures.

Auditor to  
report to  
state super-  
intendent.

Bond of  
deputy  
county  
sealer.

*Provided, however,* That nothing in the above shall be construed to prevent two or more counties from combining the whole or any part of their districts as may be agreed upon by the auditors thereof with one set of standards and one sealer, upon the written consent of the state superintendent of weights and measures.

Counties  
may  
combine.

**CITY SEALER.** SEC. 5. There shall be a city sealer of weights and measures in cities of the first class to be appointed by the mayor from a list to be furnished by the civil service board, and under the rules of said board, where such board exists, otherwise he shall be appointed by the mayor by and with the advice and consent of the common council or city commission. He shall perform in said city the duties and have like powers as a county sealer in a county. In those cities in which no sealer is required by the above, the county sealer of the county shall perform in said cities the duties and have like powers as in the county.

County sealer to act, when.

County and city may combine.

*Provided, however,* That nothing in the above shall be construed to prevent any county and a city situated therein from combining the whole or any part of their districts, as may be agreed upon, with one sealer, subject to the written approval of the state superintendent of weights and measures.

Provisions heretofore made in cities.

*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 the *ex-officio* sealer of weights and measures in such city, and he and his subordinate or 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 or charter: *And provided further,* That the county sealer shall exercise no powers and discharge no duties in any city of the first class having its own sealer of weights and measures.

County sealer has no jurisdiction in certain cities.

Wrongs.

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 a sealer of weights and measures within one year, in the

buying or selling of any commodity, or thing; or who shall dispose of any condemned weight, measure or weighing or measuring device contrary to law, or remove any tag placed thereon by the sealer; 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 less than the quantity he represents; or sell or offer or expose for sale 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 and shall be punished by a fine of not less than twenty (20) dollars nor more than two hundred (200) dollars, or by imprisonment in the county jail not more than three months, or both such fine and imprisonment upon a first conviction, but upon a second conviction he shall be punished by a fine of not less than fifty (50) dollars, nor more than five hundred (500) dollars, or by imprisonment in the county jail not more than six months, or both such fine and imprisonment.

Penalties.

SEC. 7. The superintendent of weights and measures, his deputy and inspectors, and the county and city sealer of weights and measures, are hereby made special policemen, and are authorized and empowered to arrest, without formal warrant, any violator of the statutes in relation to weights and measures, and to seize, for use as evidence, and without formal 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 in violation of law.

Powers of policemen to officers. (See also § 4 *supra*)

SEC. 8. Any person who shall hinder or obstruct, in any way, the superintendent of weights and measures, his deputy or inspectors, or any county or city sealer, in the performance of his official duties, shall be guilty of a misdemeanor, and shall be punished upon conviction thereof, in any court of competent jurisdiction, by a fine of not

Obstructing officers.

Penalty.

less than twenty (20) nor more than two hundred (\$200) dollars or by imprisonment in the county jail for not more than 90 days or by both such fine and imprisonment.

Butter  
standards.

SEC. 9. A standard package or container of butter in the State of Washington 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.

Whenever butter is sold or offered for sale in a package or container the net weight of which is more or less than the standards herein prescribed, such package or container shall be 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.

Bread.

A standard loaf of bread in the State of Washington shall contain sixteen (16) ounces net weight or thirty-two (32) ounces net weight, and no bread shall be sold within the state except it be a whole, half or quarter loaf, containing thirty-two (32) ounces, sixteen (16) ounces, or eight (8) ounces net weight, unless the same be labeled in plain English words or figures with its correct net weight expressed in pounds and ounces together with the name and address of the manufacturer.

This section shall not apply to rolls or to fancy bread weighing less than four (4) ounces nor to stale bread sold in quantity.

Potatoes.

A standard sack of potatoes in the State of Washington shall contain one hundred (100) pounds net weight, and a standard sack of potatoes need have no statement of the weight of its contents.

Whenever potatoes are sold by the sack, in sacks containing more or less than the standard, such sack shall be labeled in plain English words or figures with its true net weight.

Berries.

All sales of blackberries, currants, strawberries, raspberries, cranberries, blueberries, gooseberries, cherries and similar berries in packages containing less than one bushel,

shall be sold by the dry quart containing 67.2 cubic inches or the dry pint containing 33.6 cubic inches, and all berry boxes sold, used or offered for sale within the state shall be of the interior capacity of 67.2 or 33.6 cubic inches, unless the same be labeled in plain English words or figures with its correct interior capacity expressed thereon in cubic inches.

Nothing in the above section shall be so construed as to prevent the sale of any of the articles therein mentioned by weight.

A standard sack of coal in the State of Washington 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. Coal.

Whenever coal is sold or offered for sale by the sack, in sacks containing more or less than one hundred (100) pounds net weight, such sack shall be labeled in plain English words or figures with the true net weight of its contents expressed in pounds.

It shall be unlawful for any person, firm or corporation or their agents, servants or other employees 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. Penalty.

All milk, cream or buttermilk sold in the State of Washington, in bottles shall be sold only in bottles containing one-half pint, one pint, one quart, one-half gallon or one gallon standard liquid measure. Milk, etc.

All vinegar sold, exposed or offered for sale in the State of Washington, in bottles, shall be sold in bottles containing one-half pint, one pint, one quart, one-half gallon or one gallon standard liquid measure and when so sold need have no statement of the net measure of its contents. Vinegar.

Whenever vinegar is sold in the State of Washington in bottles containing more or less than mentioned in the foregoing section, such bottles shall be labeled in plain English words and figures with its true net measure.

It shall be unlawful for any person, firm or corporation

Net weight  
or measure  
to govern.

in the State of Washington to buy any commodity upon the basis of weight or measure except the same be bought upon the basis of the true net weight or measure, and unless the scales or measures so used shall bear the seal of a sealer of weights and measures and conform to the standards adopted by the State of Washington.

Ice.

Every vendor of ice in the State of Washington shall at the time of actual delivery of any ice sold, weigh the quantity of ice delivered, and for that purpose shall use a steelyard balance or other apparatus for weighing such ice, which shall have been duly adjusted and sealed by a duly appointed sealer of weights and measures in accordance with the provisions of the laws of the State of Washington, and all ice delivered to consumers within this state shall be sold by avoirdupois weight unless it is otherwise specially agreed upon between the buyer and the seller.

Ice tongs  
to show  
weight.

Each and every pair of ice tongs used in the delivery of ice within said state shall have prominently and conspicuously stamped thereon the exact and true avoirdupois weight of said tongs.

Products  
must be  
weighed or  
measured.

It shall be unlawful for any vendor, or his servant, agent or other employee in the State of Washington, to offer to sell, 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 officially tested and approved weights, measures, scales, scalebeams, patent balances, steelyards, automatic or computing scales or other instruments for weighing or measuring, 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.

Wood.

It shall be unlawful for any vendor of firewood in the State of Washington, or his servant, agent or other employees to sell or offer for sale the same in the state 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 is hereby fixed and established at one hundred twenty-eight (128) cubic feet.

It is hereby expressly provided that mill wood in twenty-four (24) inch lengths or shorter shall not be subject to the provisions of this act.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor. Penalty.

SEC. 10. Nothing contained in this act shall be construed as withdrawing or superseding the powers and duties of the public service commission of Washington with respect to track scales and other weighing devices used by common carriers, but the standards herein established shall be used in testing the track scales and weighing devices of such carrier. Public Service Commission's powers not abrogated.

SEC. 11. Sections 9511-9523, inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington are hereby repealed. Repeal, Rem.-Bal., §§ 9511-9523; Pierce's Code, 1912, 529 §§ 1-25.

Passed the Senate January 28, 1913.

Passed the House February 25, 1913.

Approved by the governor, March 11, 1913.

## CHAPTER 53.

[S. B. 212.]

### AUTHORIZING LIENS FOR SERVICE OF SIRE.

AN ACT relating to liens for service of sires and amending section 3163 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

[Amends Rem.-Bal., § 3163; Pierce's Code, 1912, 309 § 157.]

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

SECTION 1. That section 3163 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 3163. The owner or owners of any such sire receiving such certificate, by complying with the last two preceding sections of this chapter, shall obtain and have a lien upon the female served for the period of one year from the date of service, or upon the get of any such sire for the period of one year from the date of birth of such get: *Provided*, Said owner or owners shall file for record

Lien upon mare and get.