rangements have otherwise been made for the expenses of providing the requirements of subdivisions (1), (2), or (3), or any one or more of them, the superintendent may consent to any or all of such arrangements.

Repeal.   SEC. 2. Section 1, chapter 152, Laws of 1951, section 4, chapter 94, Laws of 1955 and RCW 72.08.342 are each repealed.

Passed the House February 6, 1957.

Passed the Senate February 20, 1957.

Approved by the Governor February 28, 1957.

CHAPTER 22.
[S. B. 13.]

ANIMALS.

AN ACT relating to animals; amending section 1, chapter 148, Laws of 1919, as amended by section 10, chapter 31, Laws of 1951, and RCW 16.28.010 and 16.28.040; amending section 33, chapter 165, Laws of 1927, as amended by section 8, chapter 17, Laws of 1953, and RCW 16.36.110, 16.40.130 and 16.44.180; repealing sections 2550 and 2551, Code 1881 and section 1, chapter 72, Laws of 1891 (uncodified); repealing sections 7 and 10, chapter 27, Laws of 1893 (uncodified); repealing section 15, chapter 146, Laws of 1901 (uncodified); repealing section 17, chapter 75, Laws of 1937 (uncodified); providing penalties, and declaring an emergency.

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

Division and amendment.   SECTION 1. Section 1, chapter 148, Laws of 1919, as amended by section 10, chapter 31, Laws of 1951 (heretofore divided and codified as RCW 16.28.010 and 16.28.040) is divided and amended as set forth in sections 2 and 3 of this act.

RCW 16.28.010 enacted without amendment.   SEC. 2. (RCW 16.28.010) The term "animal" as used in this chapter means cattle and hogs.

RCW 16.28.040 amended.   SEC. 3. (RCW 16.28.040)   Any person about whose premises any animal may be in the habit of

running at large at any time between the first day of October and the first day of March east of the Cascade range and between the first day of December and the first day of March, west of the Cascade range, and at any time of the year within a district in which livestock shall not run at large, established as provided by RCW 16.24.030, may take up such animal and shall within ten days thereafter cause the same to be registered with the sheriff of his county under "estrays found," giving the information required by the record as fully as practicable, and the sheriff shall charge against such estrays the said fee of fifty cents for each animal so registered. Breachy or vicious animals may be taken up and registered as herein provided.

Registration by finder.

SEC. 4. Section 33, chapter 165, Laws of 1927, as amended by section 8, chapter 17, Laws of 1953 (heretofore divided and codified as RCW 16.36.110, 16.40-.130 and 16.44.180) is divided and amended to read as set forth in sections 5, 6 and 7 of this act.

Division and amendment.

SEC. 5. (RCW 16.36.110) A violation of or a failure to comply with any provision of this chapter shall be a misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of RCW 16.36.005, 16.36.020, 16.36.103, 16.36.105, 16.36.107, 16.36.108 or 16.36.109 may be enjoined from continuing such violation.

RCW 16.36.110 enacted without amendment.

SEC. 6. (RCW 16.40.130) Every person who shall violate or fail to comply with any of the provisions of this chapter for which violation or failure to comply no specific penalty is provided in this chapter shall be deemed guilty of a misdemeanor.

RCW 16.40.130 amended.
Penalty.

SEC. 7. (RCW 16.44.180) Every person who shall violate or fail to comply with any of the provisions of this chapter for which violation or failure to com-

RCW 16.44.180 amended.
Penalty.

ply no specific penalty is provided in this chapter shall be deemed guilty of a misdemeanor.

Repeal.

SEC. 8. The following acts or parts of acts are repealed:

(1) Sections 2550 and 2551, Code 1881 and section 1, chapter 72, Laws of 1891 (uncodified);

(2) Section 7, chapter 27, Laws of 1893 (uncodified);

(3) Section 10, chapter 27, Laws of 1893 (uncodified);

(4) Section 15, chapter 146, Laws of 1901 (uncodified); and

(5) Section 17, chapter 75, Laws of 1937 (uncodified).

Emergency.

SEC. 9. This act is necessary for the immediate preservation of the public peace, health and safety, for the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate January 28, 1957.

Passed the House February 21, 1957.

Approved by the Governor March 1, 1957.

Explanatory note.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

The Statute Law Committee in reviewing Title 16 of the Revised Code of Washington has noted several instances where a session law section had been divided into two or more RCW sections and the legislature has subsequently amended one or more, but less than all, of the RCW sections derived from the session law section. This bill is designed to enact such RCW sections, thereby ratifying the division of the session law sections and curing any possible defect arising from the former amendment of less than the whole session law section.

The bill also proposes the repeal of certain sections which appear to be obsolete.

In all sections the RCW language is used as the basic language and the additions and deletions merely restore to the various sections the language of the original session laws in lieu of the revised language, retaining, however, the forms of capitaliation, punctuation, etc., which are permissible under the present code revision act.

Sections 1 through 3. 1919 c 148 § 1 was divided and codified by the 1941 Code Committee as RCW 16.28.010 and 16.28.040. RCW 16.28.010 was subsequently amended by 1951 c 31 § 10.

Secs. 4 through 7. Chapter 165, Laws of 1927 was divided into three RCW chapters (16.36, 16.40, and 16.44) and section 33, the penalty section,

was repeated as a part of each chapter, being codified as RCW 16.36.110, Explanatory
16.40.130, and 16.44.180. note.

Chapter 17, Laws of 1953 added several new sections to chapter 16.36 RCW, and amended RCW 16.36.100 to impose additional penalties. This bill preserves the 1953 language of RCW 16.36.100 and restores the 1927 language to RCW 16.40.130 and 16.44.180.

Sec. 8.

Subdivision 1. Code 1881 §§ 2550, 2551 and section 1, chapter 72, Laws of 1891 (uncodified) provided for the registration of animal brands in the office of the county auditor. They appear to be superseded by chapter 156, Laws of 1935 (chapter 16.56 RCW) which requires brands to be recorded with department of agriculture.

Subdivision 2. Chapter 27, Laws of 1893 is an early law relating to cruelty to animals. It appears to be superseded by chapter 146, Laws of 1901 (chapter 16.52 RCW). 1893 c 27 § 5 providing for search and seizure in the case of exhibitions of fighting animals or birds was repealed by 1909 p 906 § 52 and by 1927 c 43 § 1. 1893 c 27 § 7, herein proposed for repeal provides:

"After such seizure of said fowls, birds, dogs or other animals *as provided for in section five of this act,* application shall be made to a trial, justice or municipal court for an order of forfeiture of the same . . . " (emphasis supplied.)

The repeal of section 5 therein referred to appears to render section 7 inoperative and the repeal of section 7 is thus recommended. The present law as to exhibitions of fighting animals is covered in chapter 16.52 RCW, and is also declared a public nuisance (RCW 9.66.010).

Subdivisions 3 and 4. 1893 c 27 § 10 and 1901 c 146 § 15 relate to the disposition of fines collected for violation of 1893 and 1901 cruelty prevention laws. They appear to be superseded by the general statute on this subject, 1909 p 323 § 9 (RCW 10.82.070, formerly 9.01.140). As to supersession of prior laws for the disposition of fines, see, *Slayden v. Carr,* 94 Wash. 412.

Subdivision 5. 1937 c 75 § 17 appropriated money for the administration of chapter 75, Laws of 1937 and chapter 156, Laws of 1935 relating to the branding and slaughtering of livestock. The appropriation was of course only valid during the biennium 1937-1939, and is now obsolete.