

CHAPTER LXXXVII.

[H. B. No. 407.]

DEFINING AND PROVIDING PUNISHMENT FOR CRIME
OF ARSON.

AN ACT to define and punish the crime of arson and attempted arson, and declaring an emergency.

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

SECTION 1. Arson is the willful setting fire to any structure, as defined in this act, by any person, whether said structure be occupied or vacant, and whether the same be owned by the person or persons setting fire thereto or by any other person or persons, or by any corporation, or by the person or persons setting fire thereto and any other person or persons, or by the person or persons setting fire thereto and any corporation, and whether such structure be partially erected or fully completed. Arson defined.

SEC. 2. The term structure in this act shall be held to mean and shall include in meaning any house, edifice, building, cabin, tent, vessel, boat, water craft or erection capable of affording or designed to afford or intended when completed to afford shelter for any human being, any barn, stable, out house, shed, mill, mill house, dry house, hop house, distillery, manufactory, shop, store, office, office building, bank building, or any building in which property is placed or stored, or which is used or intended to be used for such purpose, or which is intended to be used for the purpose of transacting any kind of business therein, any public building, court house, jail, city hall, guard house, college building, university building, seminary, poor house, market house, pest house, public bridge, any infirmary, asylum, school house, engine house, hospital, theater, hall, church, meeting house, depot, station house, railway car, street car, round house, railroad bridge, railroad trestle, any wharf, dock or landing, or any building or shed of whatever kind or description which is used or intended to be used for the shelter of any human being, animal or thing. Structure defined.

Penalty.

SEC. 3. Every person convicted of arson shall be imprisoned in the penitentiary not exceeding ten years nor less than one year, or in the county jail not exceeding one year and be fined not exceeding one thousand dollars: *Provided*, That if any person or persons shall commit the crime of arson and thereby cause the death of any human being, the person or persons committing said crime shall be deemed guilty of murder in the first degree and shall be punished with death, if it be proved that such person or persons had reason to believe that said crime would probably produce death, otherwise such person or persons committing said crime of arson which shall cause the death of any human being shall be deemed guilty of murder in the second degree, and shall be imprisoned in the penitentiary for not exceeding thirty years.

Auxiliary participants.

SEC. 4. When any crime of arson is committed, every person who shall have aided, counseled or advised the commission of said crime shall be deemed a principal, and shall upon conviction be punished as a principal in said crime.

Married women.

SEC. 5. A married woman who shall commit the crime of arson, or who shall counsel, aid or abet in the commission of such crime may be convicted thereof and punished therefor, though the property set fire to may belong partially or wholly to the husband.

Attempted arson.

SEC. 6. Every person who attempts to commit the crime of arson and fails, or is prevented or intercepted in the perpetration thereof, shall be punished by imprisonment in the penitentiary for the term not exceeding two years, or by imprisonment in the county jail not exceeding one year, and by fine in any sum not exceeding five hundred dollars.

Attempted arson defined.

SEC. 7. Any willful preparation made by any person with a view to setting fire to any structure as defined in this act, shall be deemed to be an attempt to commit the crime of arson, and shall be punished as such.

Exceptions.

SEC. 8. No act done by any official in the discharge of his duty or by any person in pursuance of authority granted by any public authority shall be punishable under this act.

Not retro-active.

SEC. 9. The provisions of this act shall not apply to any act done or crime heretofore committed, and all acts and crimes heretofore done or committed shall be prosecuted

and punished under the laws existing at the time of the commission of said acts in the same manner as if this act had not been enacted.

SEC. 10. Whereas, the existing laws of this state defining the crime of arson and attempted arson, and prescribing punishment therefor, are defective, an emergency is hereby declared to exist for the immediate effect of this act: therefore, this act shall take immediate effect and shall be of force on its approval by the governor.

Passed the house March 11, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

CHAPTER LXXXVIII.

[H. B. No. 155.]

AMENDING THE ACT PROVIDING FOR LIENS ON SAW LOGS, ETC.

AN ACT to amend an act entitled "An act providing liens upon saw logs, spars, piles or other timber, and upon lumber and shingles, and concerning the remedy to secure and obtain such liens and the benefit thereof, and the manner and procedure of obtaining the same," approved March 15, 1893.

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

SECTION 1. That section one of an act entitled "An act providing liens upon saw logs, spars, piles or other timber, and upon lumber and shingles, and concerning the remedy to secure and obtain such liens and the benefit thereof, and the manner and procedure of obtaining the same," approved March 15, 1893, be and the same hereby is amended so as to read as follows: Section 1. Every person performing labor upon or who shall assist in obtaining or securing saw logs, spars, piles, cord wood, shingle bolts or other timber, and the owner or owners of any tugboat or towboat which shall tow or assist in towing, from one place to another within this state, any saw logs, spars, piles, cord