

or person in charge, shall be *prima facie* evidence of ownership and right to enter upon or into, and make examinations of the property of the corporation.

SEC. 2. Any violation of any of the provisions of this act by any officer or agent of such corporation shall constitute a misdemeanor, and upon conviction thereof every such officer or agent shall be fined in a sum not greater than two hundred dollars for each offense. Violations and penalty.

SEC. 3. In case such corporation shall fail and neglect to furnish the statement provided for in section 1, of this act within sixty days from and after such demand, the franchise of said corporation may be annulled in any action brought by such stockholder in the name of the State of Washington, in any Superior Court in the county in which said mining property is situated or in which the principal place of business of the corporation may be located. Failure to furnish statement annuls franchise.

SEC. 4. All acts or parts of acts in conflict with the provisions of this act are hereby repealed. Repeal.

Passed the House February 13, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CXXI.

[H. B. No. 203.]

RELATING TO ARTESIAN WELLS.

AN ACT in relation to artesian wells and regulating the flow of water therefrom, and providing a penalty for the violation thereof.

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

SECTION 1. It shall be unlawful for any person, firm, corporation or company having possession or control of any artesian well within the state, whether as contractor, owner, lessee, agent or manager, to allow or permit water to flow or escape from such well between the first day of October in any year and the first day Unlawful to allow flow — from what dates.

Proviso. of April next ensuing: *Provided*, That this act shall only apply to sections and communities wherein the use of water for the purpose of irrigation is necessary or customary: *And providing further*, That nothing herein contained shall prevent or prohibit the use of water from any such well between said first day of October and the first day of April next ensuing, for household, stock and domestic purposes only, water for said last named purposes to be taken from such well through a one-half inch stop and waste cock to be inserted in the piping of such well for that purpose.

Household use not prohibited. Capping to prevent flow—for what period. Proviso. Lawful to use one-half inch stop. SEC. 2. It shall be the duty of every person, firm, corporation or company having possession or control of any artesian well, as provided in section one of this act, to securely cap the same over on or before the first day of October in each and every year in such manner as to prevent the flow or escape of water therefrom, and to keep the same securely capped and prevent the flow or escape of water therefrom until the first day of April next ensuing: *Provided, however*, It shall and may be lawful for any such person, firm, corporation or company to insert a one-half inch stop and waste cock in the piping of such well, and to take and use water therefrom through such stop and waste cock at any time for household, stock or domestic purposes, but not otherwise.

Violation and penalty. SEC. 3. Any person whether as owner, lessee, agent or manager having possession or control of any such well, violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding two hundred dollars for each and every such offense, and the further sum of two hundred dollars for each ten days during which such violation shall continue.

Failure to comply. Parties on adjacent property may enter and take possession. SEC. 4. Whenever any person, firm, corporation or company in possession or control of an artesian well shall fail to comply with the provisions of this act, any person, firm, corporation or company lawfully in the possession of land situate adjacent to or in the vicinity or neighborhood of such well and within five miles

thereof may enter upon the land upon which such well is situate, and take possession of such from which water is allowed to flow or escape in violation of the provisions of section 1 of this act, and cap such well and shut in and secure the flow or escape of water therefrom, and the necessary expenses incurred in so doing shall constitute a lien upon said well, and a sufficient quantity of land surrounding the same for the convenient use and operation thereof, which lien may be foreclosed in a civil action in any court of competent jurisdiction, and the court in any such case shall allow the plaintiff a reasonable attorney's fee to be taxed as a part of the cost. This shall be in addition to the penalty provided for in section 3 of this act.

Foreclosure of
lien.

Attorney's fee.

Passed the House March 7, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER CXXII.

[H. B. No. 285.]

RELATING TO SALE OR BARTER OF CERTAIN ARTICLES TO MINORS.

AN ACT making it unlawful to sell, barter or to give away to minors certain articles, providing penalties therefor, and repealing certain laws.

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

SECTION 1. That it shall hereafter be unlawful in the State of Washington for any corporation, company, firm or person to sell, barter, furnish or give away, directly or indirectly, to any minor under eighteen years of age any cigarette, cigarette wrappers or any substitute for either; or to procure for, or to persuade, advise, counsel or compel any minor under said age to smoke cigarettes or for any minor under said age to smoke any cigarette.

Cigarettes—
unlawful to
sell to minors.

Unlawful for
any minor to
smoke.