

SEC. 2. Demands for wages and all sums due under contracts or otherwise for the performance of all or any of the services mentioned in the last preceding section shall constitute liens upon all steamers, vessels and boats, their tackle, apparel and furniture, and shall have priority over all other demands save and excepting the demands mentioned in the first three sub-divisions of section 5953 of Ballinger's Annotated Codes and Statutes of the State of Washington, to which said demands the lien hereby provided shall be subordinate: *Provided*, That such liens shall only continue in force for the period of three years from the date when such work was done or the last services performed by such stevedores, longshoremen or others.

Demands for wages.

Priority.

Proviso.

SEC. 3. The liens hereby created may be enforced by a suit, *in rem*, and the law regulating like proceedings shall govern in all such suits.

Liens.

Passed the Senate March 11, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER LXXVI.

[S. B. No. 193.]

TO PREVENT THE SPREAD OF DISEASE AMONG SHEEP AND CREATING THE OFFICE OF SHEEP INSPECTOR.

AN ACT to create the office of sheep inspector and prescribe the duties thereof; to prevent the spread of contagious and infectious diseases among sheep; to provide for the collection of damages for the spreading of disease among sheep and to repeal an act entitled "An act in relation to and to prevent the introduction or spread of disease among sheep, approved February 2, 1888," and to repeal an act entitled "An act in relation to and prevent the introduction or spread of disease among sheep" approved February 2, 1888, and declaring an emergency approved February 26, 1897, and declaring an emergency.

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

SECTION 1. The county commissioners of each county in this state may, immediately upon this act going into

County commissioners to appoint a sheep inspector to hold till 1903.

effect, appoint a qualified person as sheep inspector for and within the boundaries of their counties, who shall hold office until noon on the second Monday in January, 1903, and until his successor is appointed and has qualified as herein provided ; any vacancies by resignation, or otherwise, in said office shall be immediately filled by said county commissioners: *Provided, however,* That the county commissioners of any county may at any time remove said sheep inspector from office, and declare the said office vacant, without a hearing or without assigning any cause therefor, for such reasons alone as may cause them to deem it expedient to act in the premises.

Proviso.

Election of succeeding inspector for two years.

SEC. 2. At the regular meeting of the board of county commissioners next prior to the second Monday in January, 1903, said county commissioners may elect a sheep inspector, whose term of office shall begin at noon on the second Monday in January, 1903, and continue for a period of two years, unless sooner removed as hereinbefore provided, and until his successor is elected and has qualified, and said county commissioners shall elect a sheep inspector each two years thereafter at such meeting, who shall from time to time hold office upon the conditions above and herein provided.

Oath of office and bond.

SEC. 3. The sheep inspector before entering upon the discharge of the duties of his office shall take an oath of office, and enter into a bond with two or more sureties to be approved by the county commissioners, in the penal sum of two thousand dollars, conditioned for the faithful performance of his duties as such sheep inspector.

Powers of inspectors.

SEC. 4. Such inspector shall have the power to appoint not more than two deputies, for whose acts he shall in all cases be responsible, and by whom he may perform any act or duty required of him by law. Each inspector shall be provided with a seal of office, which shall be inscribed in substance as follows: "Sheep Inspector of county, Washington," and each official certificate, notice or report of such inspector shall be authenticated by such seal.

SEC. 5. Whenever it is shown to the sheep inspector of any county that scab or scabbies, or any contagious or infectious disease is epidemic in certain localities in any county of this state or other state, territory, province or country, the said inspector must thereupon designate such locality or localities, and prohibit the importation from such locality or localities of any sheep into his county, except under such restrictions as are provided for in this act. This action upon the part of the said inspector shall be known as and shall be deemed to be a quarantine against such locality or localities, and the sheep inspector shall file a notice of such quarantine attested under the seal of his office with the county auditor of his county, who shall provide and keep a book, which shall be properly indexed and open to the public during the office hours of said office, in which said notice shall be transcribed, said book to be designated as the "Sheep Quarantine Register" of said county, and a copy of said notice shall be posted at the front door of the court house of said county by the said inspector at the time the same is filed with the said auditor, and this shall be deemed to be full notice to all parties concerned of the existence of the sheep quarantine, and it shall be the duty of the inspector to raise the said quarantine when he discovers that the cause for its existence has ceased, and it shall be his duty from time to time to ascertain the condition in the quarantined locality or localities so as to raise said quarantine when he discovers that the cause for its existence has ceased; and upon said quarantine being raised, said inspector shall give notice of its rescission with the county auditor of his county, and post a copy of said notice at the front door of the court house of said county, and said auditor shall transcribe said notice of rescission in the same book and in the same manner as he has transcribed the notice of the quarantine.

Duties of inspector.

Quarantine.

Record notice.

Raising of quarantine.

Notice of raising.

SEC. 6. Upon notice that a quarantine has been placed on record as hereinbefore provided for against any locality or localities, the owner or person in charge

Duty of owner
of sheep.

of any sheep, which are intended to be brought into the said county from localities quarantined against, as provided in the next preceding section, must forthwith notify the sheep inspector of said county of such intention, and such owner or person in charge shall not allow any sheep from said locality so quarantined against to be brought into the said county doing the quarantining until such sheep have been quarantined and inspected by the sheep inspector as provided in the next succeeding section : *Provided*, That this section shall not apply to sheep being transported upon any railroad or steamer lines through the State of Washington to points beyond the limits of said state, and which are not allowed to graze upon the public range of said state while being so transported.

Proviso.

Sec. 7. Upon receiving notice of the intention of the owner or person in charge of any sheep as provided in the last preceding section to bring such sheep into any county of this state from any quarantined district, the sheep inspector of such county shall forthwith proceed to examine and inspect such sheep before they are brought into the state, and shall cause such sheep to be kept within certain limits designated by him for a period of sixty days, and shall cause the owner or person in charge of such sheep to dip them or otherwise treat them for the disease prevalent in the quarantined district; if at the expiration of said sixty days the said sheep inspector shall find the said sheep are free from scab or scabbies and all contagious and infectious diseases, he shall issue a certificate to the owner or person in charge of such sheep permitting them to be brought into this state. When the county doing the quarantining is not one of the border counties of this state, and sheep from the quarantined localities have been permitted to be brought into the state by the inspector of the county or counties between said quarantining county and the border of the locality quarantined against, no certificate of the intermediary counties shall be final or binding upon the inspector of the county doing the quarantining, and such certificate shall not

Examination.

Certificate.

No certificate
required when
county is not a
border county.

permit the owner or person having control of such sheep to bring them into the county quarantining upon such certificate, but in such a case the owner or person in charge of such sheep shall notify the sheep inspector of the county doing the quarantining of his intention to bring said sheep into said county, and hold said sheep on the boundary of said county until the sheep inspector of said county shall reach such sheep, which he shall do as speedily as possible; the said sheep inspector shall then cause such sheep to be kept within certain limits designated by him for a period of sixty days, and shall cause the owner or person in charge of such sheep to dip such sheep or otherwise treat them for the disease prevalent in the quarantined district; if at the expiration of said time the said sheep inspector shall find that such sheep are free from scab or scabies and all contagious and infectious diseases, he shall issue a certificate to the owner or person in charge of such sheep permitting them to be brought into his county. *Provided, however,* That if said sheep have been quarantined as provided by this act in any other county in this state after coming into this state, said sheep not having been taken out of the state in the meantime, then the sheep inspector of the county into which the said sheep are to be brought, after satisfying himself that said sheep have been duly and properly quarantined as provided for in this act in such other county or counties, and are in a healthy condition, shall endorse this fact upon the certificate already possessed by the owner or person in charge of said sheep, which shall be deemed to be a certificate from the quarantining county, and shall be sufficient to permit said sheep to be brought lawfully into said county, and to travel therein until revoked, or until such sheep become diseased.

Limits defined.

Treatment of sheep.

Issuance of certificate.

Proviso.

SEC. 8. Any person who is about to bring sheep into this state from any other state, territory, province or country, must before he brings said sheep into this state, notify the sheep inspector of the county in which he intends to first bring said sheep of the fact that he

Notice of intention to import sheep.

Duty of inspector.

is about to bring said sheep into said county, the section from whence he intends to bring said sheep, and the time, as near as he can tell, when said sheep will arrive in said county; it shall then become the duty of said sheep inspector to be on hand at the time of the arrival of said sheep, and inspect the same, and cause the same to be confined within certain limits to be designated by him the said sheep inspector. The said inspector shall also cause the said sheep to be dipped within ten days after the arrival of the said sheep in said county. The said sheep shall be kept within the boundaries prescribed, or which may be prescribed from time to time, by the said sheep inspector, for the period of thirty days after they are dipped, when the inspector shall again inspect the sheep, when he may, in his discretion, if he finds said sheep are diseased, or has any reasonable doubts as to the said sheep being in good condition, cause the same to be again dipped and treated, and if he deems the same necessary to prevent the scattering of any contagious or infectious disease, he shall require the said sheep to be confined within certain limits for an additional period of thirty days.

Period of detention.

Additional period of detention.

Unlawful to move sheep unless sound.

SEC. 9. No person shall move or cause to be moved any sheep from any county to another in this state unless said sheep are sound and healthy and free from scab or scabbies, and all infectious and contagious diseases, which condition shall be solely evidenced by a certificate of the inspector, or his deputy, of the county from which said sheep are to be moved, obtained within ninety days immediately preceding such removal.

Inspection of sheep.

SEC. 10. It shall be the duty of any sheep inspector, upon the request of any person, to visit and inspect any band of sheep within his county (or within five miles of the line of the state in another state or territory) and if at the time of such inspection such sheep are healthy and free from scab or scabbies, and all infectious and contagious diseases, said inspector shall cause the owner, or person in charge of such sheep, a certificate to that effect. And if he find said sheep not healthy and in-

fectured with scab or scabies, or other contagious or infectious diseases, he shall revoke any certificate which may have been issued by him showing such sheep to be in good condition, and such certificate so revoked shall thereafter be null and void, and shall be no protection whatever thereafter to the person holding the same, and such person, on demand, shall deliver the same to such inspector forthwith.

Revocation of certificates.

SEC. 11. It shall be unlawful hereafter for any person, company or corporation to bring into this state any sheep infected with the scab or scabbies, or any other infectious or contagious disease, and it shall also be unlawful for any person to bring into this state any sheep which have not been free from all evidence of scab or scabbies or any contagious or infectious diseases for at least three months prior to the time said sheep are brought into the state.

Unlawful to import infected sheep.

SEC. 12. Any person owning or having charge of any sheep infected with scab or scabbies or any infectious or contagious disease, shall keep the same and all sheep with which such sheep have been in contact, and the band or herd in which said sheep have been kept, secure from contact with other sheep, and shall not drive or permit the same to go upon any public road or highway, or any enclosed or unenclosed land, not owned or leased by such person: *Provided*, That such sheep may be moved or driven upon public roads or highways by first obtaining the written permission of the sheep inspector of the county wherein such sheep may be, which permission shall state the time within which such sheep are to be moved, the place to and from which they are to be moved, and the route to be traveled: *Provided*, That nothing contained herein shall be construed as giving any inspector any authority to grant any person any right to herd such sheep, or the band or herd with which such sheep have been kept, upon any public road or highway or any traveled trail or road.

To be kept apart from others if infected.

Proviso.

Proviso.

SEC. 13. It shall be the duty of each sheep inspector to visit and inspect every band of sheep within his county during the months of April or May each year,

Examinations
— when made.

and at such other times when he is informed in writing, or has reason to believe, that any sheep within his county are infected with scab or scabbies, or any infectious or contagious disease, he shall immediately visit such sheep and inspect the same, and upon request of sheep owners representing at least fifty thousand head of sheep he shall also inspect all the sheep in his county also between the 25th day of August and the 25th day of September of any year when so requested.

Additional
inspection.

Notice to
owner.

SEC. 14. Whenever upon inspection of any band or herd of sheep or of any sheep in any county of the State of Washington, the sheep inspector of such county shall find any of said sheep affected with scab or scabbies, or other infectious or contagious disease, he shall forthwith notify the owner, or person in charge of such sheep, in writing, to put such diseased sheep and the herd or band in which they have been kept into an enclosure, or if such sheep are on the range, to put and keep such diseased sheep and the herd or band in which they have been kept, within certain limits which shall be designated and defined in such notice by reference to natural or artificial objects, and which shall be known and designated in this act as the "sheep quarantine limits," and the inspector shall require the owner or person in charge of such sheep to proceed immediately to treat such sheep and the band or herd in which they have been kept, for the cure of such disease, by some means approved by the inspector, provided that when a dip is used the dip hereinafter provided for shall be used, and any person who shall neglect for three days after the service of such notice to put such sheep into an enclosure, or within the limits designated by such inspector, or shall refuse or neglect to proceed to treat such sheep for the cure of such disease by a remedy approved by the inspector and herein provided, within three days after the time fixed by the inspector, which must be reasonable and give ample time to said party to prepare to dip and treat said sheep, shall be deemed guilty of a

Quarantine
limits.

Failure or
neglect.

misdemeanor, and for each day of such neglect or refusal to comply with the order of said inspector after three days from the date of said notice, such person shall be deemed guilty of a separate misdemeanor, and in addition to the punishment provided for in this act, the inspector shall take charge of such sheep and place them within a proper enclosure or within proper limits and keep them there, and cause them to be treated as directed, and the expense of such seizure, keeping and treatment, together with the fees of the inspector, shall be a charge on the sheep so seized, and shall be a lien thereon prior to any other lien upon said sheep. Lien.

SEC. 15. The sheep inspector shall have the authority to corral any sheep which he may desire to examine and the person having charge of such sheep shall, when so requested, assist the said inspector in catching and examining said sheep, and any person being the owner, or in charge thereof, or assisting to care for, any sheep, who shall refuse to assist said inspector, when requested as hereinbefore provided, and any person who shall secrete any diseased sheep to prevent the inspector from examining the same, or who shall prevent the inspector from examining any sheep, or in any way interfere with such inspector discharging the duties of his office, shall be deemed guilty of a misdemeanor. Assistance rendered to inspector.

Any person who shall drive any sheep or cause any sheep to be driven upon or within the limits set apart for any quarantined sheep by a sheep inspector while the same are being occupied by such quarantined sheep, and any person who shall drive any sheep or cause any sheep within such quarantine limits to be driven out of the said quarantine limits shall be deemed guilty of a misdemeanor: *Provided, however,* That the sheep inspector shall not quarantine any sheep within three miles of any shearing corral, except corrals owned by the owners of said sheep, or leased by him. Misdemeanor to drive sheep on limits set apart. Proviso.

SEC. 16. The sheep inspector shall have the authority upon written application of the owner or person in

charge of any quarantined sheep to change the quarantine limits of such sheep for the purpose of procuring sufficient feed for such sheep, and to reestablish new quarantine limits, and this may be done from time to time in the discretion of the inspector.

Must produce certificate at toll bridges, etc.

SEC. 17. No owner of any toll bridge or ferry boat, or person in charge thereof, shall permit any sheep to cross any bridge or go upon any ferry boat in charge of such person or persons unless the person in charge of such sheep shall first exhibit to the person in charge of such bridge or boat a valid certificate issued by an inspector appointed under this act to the effect that such sheep are free from scab or scabbies or any contagious or infectious disease.

Certificate null after one year.

SEC. 18. Every certificate issued under this act to the owner of sheep continuously kept within this state shall be null and void after one year from the date thereof, and every certificate issued to the owner of any band or herd of sheep which are not continuously kept within this state during the year which such certificate was issued shall expire upon such sheep being driven out of this state at any time after said certificate has been issued.

Compensation of inspector.

SEC. 19. Every sheep inspector and deputy inspector shall be paid five dollars per day for each day when necessarily engaged in the duties of his office and five cents per mile for each mile necessarily traveled by him for such purpose, and his bills for such purposes shall be audited and paid by the county commissioners of the county from which he was appointed.

Unlawful to drive without certificate.

SEC. 20. No person shall drive any sheep or cause any sheep to be driven upon the public roads, upon the public ranges, or traveled trails or roads within this state except as herein provided, unless he has a valid certificate showing that said sheep are free from scab or scabbies or infectious or contagious disease.

Construction of this act.

SEC. 21. Nothing in this act shall be construed as exempting any person owning sheep from liability in a civil action for damages for negligently or carelessly spreading scab, or scabbies, or any other contagious or

infectious diseases, but any person so spreading or causing said disease to be spread, either personally or through his agents in charge of sheep belonging to him, shall be liable in a civil action for damages sustained by any other person for injury to such other person's sheep by the infecting of such sheep with the scab or scabbies or any other contagious or infectious disease, the same as if this act had not been passed, and no certificate issued under the provisions of this act shall be any defense or excuse in an action for damages of this character. Any damages that may be recovered in such a civil action for damages shall be a lien upon the sheep infected as stated herein by any other band or herd of sheep, for which infection such suit may have been brought, and the court in rendering judgment in any action brought for such damages shall declare such judgment to be a lien upon such sheep and direct them to be sold under special execution to pay such judgment. Damages.

SEC. 22. The liens herein provided for shall be foreclosed by an action brought in the Superior Court for the county wherein the lien originated in the name of the said county by the prosecuting attorney for said county as chattel mortgages are foreclosed by a suit in Superior Court, and upon commencing such an action in said court the prosecuting attorney shall immediately move for the appointment of a receiver to take charge of said sheep and keep the same pending the action, and it shall be the duty of the court to appoint such receiver without notice, and all the expense thereof and all the costs that are taxed in civil actions between individuals shall be taxed up in favor of the county in such a proceeding, and an attorney's fee of fifty dollars shall be taxed in such a proceeding in addition to the attorney's fee allowed by law in a civil action, and all the said costs and attorney's fees shall be paid into the county treasury and shall be credited to the same fund to which the fees collected by county officers are credited: Liens. Attorney's fee.
Provided, That the sheep inspector may employ an attorney to assist the prosecuting attorney in such case, Proviso.

when said attorney's fees will go to such attorney so employed.

Fraud on part of inspector. SEC. 23. The sheep inspector and his deputies shall in case that they or either of them or any of them, shall act fraudulently in administering this law, or enter into collusion with any person to evade it or to avoid the consequences of its violation, shall be deemed guilty of a misdemeanor and punished as hereinafter provided.

Sheep to be returned—when. SEC. 24. Sheep brought into any county in this state, or moved through the said county without a proper certificate, shall be returned under the direction of the sheep inspector to the place from which they were so illegally moved, should the same be in the county where they are found, and if such place should be without the county they shall be moved to the border of the county where they are so found, and they shall there be held by the sheep inspector until the charges for driving said sheep or conveying said sheep to said point have been paid, including five dollars per day for the inspector or his deputy while engaged in such work, and such expenses shall be a lien against said sheep, and shall be enforced as other liens herein provided for are enforced: *Provided*, That said sheep shall only remain in the hands of the inspector until the appointment of a receiver by the court to take charge of the same, and it shall be the inspector's duty to see that this is done speedily.

Charges.

Proviso.

Limits defined. SEC. 25. In establishing the quarantine limits herein provided for the same shall be established only upon the range or land leased or owned by the owner of the sheep or the person in charge thereof, except where the same can be established on public lands of the United States, not the customary range of another, or lands obtained from private parties by their consent, either by the sheep inspector or the owner of said sheep, or the person in charge thereof, and in case it shall become necessary for said sheep to be driven or transported to a place where the same may be quarantined without infringing the rights of others, the sheep inspector shall carefully provide the route to be taken by

said sheep and supervise the movement thereof, and see to it that said sheep shall not come into contact with other sheep or near enough to affect them with the scab or scabbies or any other contagious or infectious disease.

SEC. 26. It is hereby made the duty of every sheep owner and of every person having charge of sheep or herding or working with sheep in any capacity to report to the sheep inspector of the county where such sheep are located, the existence of scab or scabbies, or any other contagious or infectious disease among said sheep as soon as possible after such person has knowledge of the existence thereof, and any such person who fails to give such information to such sheep inspector, or who knowingly or willfully conceals the existence of such disease or diseases amongst the sheep owned by him, or in his charge, or being herded by him or with which he is working in any capacity, shall be guilty of a misdemeanor and punished as hereinafter provided.

Reports from sheep owners.

Failure to report.

SEC. 27. In the event of any part of this act being declared invalid or unconstitutional by any court, the remainder of the act shall be and remain in full force and effect.

Constitutionality.

SEC. 28. The word person as used in this act shall include corporations, firms, associations and companies, as well as individuals, and the word "sheep inspector," or inspectors wherever used herein shall be deemed to be and used as "sheep inspector" as established in this act, and the words "deputy" or "deputies," shall be deemed to follow the word "inspector" wherever used in this act.

General definitions.

SEC. 29. Any person who shall violate this act, or any part thereof shall be deemed to be guilty of a misdemeanor and on conviction thereof shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or be punished by confinement in the county jail for not less than thirty days, nor more than six months, and for the commission of the acts herein which are specifically declared in various parts of this [act] to be misdemeanors, aside from the general

Violations and penalty therefor.

provisions contained in this section, the person guilty thereof shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by confinement in the county jail for not less than ten days nor more than six months.

Acts hereby
repealed.

SEC. 30. The act of the Legislative Assembly of the Territory of Washington, approved February 2, 1888, entitled, "An act in relation to and to prevent the introduction or spread of disease among sheep," and the act of the Legislature of the State of Washington, approved February 26, 1897, and entitled, "An act in relation to, and to prevent the introduction, or spread of disease among sheep and repealing an act in relation to and to prevent the introduction or spread of disease among sheep, approved February 2, 1888, and declaring an emergency," are each hereby repealed, and all other acts and parts of acts in conflict with this act are hereby repealed.

Emergency.

SEC. 31. An emergency exists and this act shall take effect immediately.

Passed the Senate March 6, 1901.

Passed the House March 14, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER LXXVII.

[S. B. No. 154.]

PROVIDING FOR DRAINAGE AND SEWERAGE IN CITIES OF THE FIRST CLASS.

AN ACT authorizing cities of the first class to provide for the drainage and sewerage of such cities; the levy and collection of taxes or assessments, and the issuance of bonds to pay therefor.

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

Empowered to
construct, etc.

SECTION 1. Any city of the first class is hereby empowered to provide for the sewerage and drainage of such city; with full power to establish, construct and maintain a system, or systems, therefor; and shall have full jurisdiction and authority to manage, regulate and