

the State of the lands affected by such right of way shall be subject to the easement obtained under the provisions of this act.

Construction of act.

SEC. 5. Nothing contained in this act shall be deemed to in any way conflict with any existing law of this State relating to the method of acquiring rights-of-way for irrigation ditches.

Passed the Senate February 28th, 1907.

Passed the House March 6th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 162.

[S. B. 297.]

HORTICULTURE.

AN ACT creating the office of state commissioner of horticulture, providing for the promotion and protection of the fruit growing and horticultural interests of the state of Washington, and providing penalties for the violation of certain provisions of this act.

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

Governor shall appoint—When.

SECTION 1. That there is hereby created the office of Commissioner of Horticulture. The said Commissioner of Horticulture shall be appointed by the Governor: *Provided*, That any person before being appointed to said office must furnish a certificate from the State College of Washington, certifying that he is a skilled horticulturist.

Oath.

SEC. 2. Before entering upon the discharge of his duties the said Commissioner of Horticulture shall take and subscribe an oath that he will support the constitution of the United States, and the constitution and laws of the State of Washington, and that he will faithfully discharge the duties of his office, which said oath, together with the aforesaid certificate, shall be filed with the Secretary of State. He shall also furnish a bond in the sum of five thousand (\$5,000) dollars conditioned upon the faithful performance of his duties as said Commissioner of Horticulture.

Bond.

He shall also furnish a bond in the sum of five thousand (\$5,000) dollars conditioned upon the faithful performance of his duties as said Commissioner of Horticulture.

SEC. 3. The office of the Commissioner of Horticulture shall be at the city of Tacoma, which office shall be opened to the public at least between the hours of 9 a. m. and 12 m., and between the hours of 1 p. m. and 5 p. m. every day except on Saturdays when it may close at 4 p. m. and excepting legal holidays, and days when he may be necessarily absent attending to official duties in other parts of the State.

Office at Tacoma.

SEC. 4. The official term of said Commissioner of Horticulture shall begin on the first day of the first April following the election of the Governor of the State, and continue for four years, and until his successor is appointed and qualified. The term of the present Commissioner of Horticulture shall expire March 31, 1909.

Term.

SEC. 5. That said Commissioner of Horticulture shall receive an annual salary of two thousand (\$2,000) dollars, payable monthly in the same manner as the salaries of other State officers; also his incidental expenses such as his actual traveling expenses, not to exceed seven hundred and fifty dollars per year. In addition to the foregoing provisions said Commissioner may expend such amount for stationery and postage, clerk hire, publishing bulletins, printing, stationery, office exhibits, and office room rent as the Legislature may provide. Said sums shall be paid on warrants drawn by the State Auditor on the presentation of proper vouchers therefor. When from illness or other cause the said Commissioner is temporarily unable to perform his duties, he may designate one of the deputy commissioners to discharge the duties of such office until such disability is removed. The appointment of such deputy may be revoked by the Commissioner of Horticulture at will. The Commissioner of Horticulture shall be responsible for the acts of such deputy: *Provided*, That no charge or claim shall be made against the State or any of its funds for any extra compensation to such deputy, on account of so temporarily acting as Commissioner of Horticulture.

Salary.

Expenses.

Deputy to act—when.

SEC. 6. Said Commissioner may be removed from office by the Governor, at any time, for cause, such as inefficiency, neglect of duty or immoral conduct, but in no case for

Removal from office.

political reasons. Vacancies occurring in the office of Commissioner of Horticulture during a term shall be filled by the Governor making an appointment for the unexpired term, in the same manner as prescribed in section 1 of this act for full term appointments.

Duties.

SEC. 7. It shall be the duty of the Commissioner of Horticulture to supervise the horticultural industries of the State, and to cause the enforcement of the laws of this State relative to the growing and marketing of fruits, the production of and traffic in nursery stock, the destruction and control of insect pests, fungous and bacterial diseases, the enforcement of the provisions relating to the licensing of firms, persons or corporations engaging in the business of selling or importing fruit trees, plants or nursery stock into this State, the collection and publication of statistics pertaining to horticulture, the supervision and direction of the horticultural inspection service, and the dissemination of horticultural knowledge, and the performance of such other duties as may be prescribed by law. He shall have printed and distributed to the county horticultural inspectors in each county, forms for the statements and reports required of county horticultural inspectors and deputy inspectors in section 18 of this act.

Plant
diseases
and in-
sect pests.

SEC. 8. For the purpose of preventing the introduction and spread of plant diseases and insect pests among fruit trees, plants and nursery stock, and for the treatment and disinfection of plants, parts of plants, storage places, packing materials and packages, the Commissioner of Horticulture shall prescribe such remedies as he shall deem best, describe and formulate such remedies with their proper mode of application, with such additional instruction as he may consider necessary into a circular or bulletin, which he shall have printed and distributed free of cost to the applicants for such information within the State; he shall include also in said bulletin the rules and regulations under which a person, firm or corporation may lawfully sell, import into this State, and sell or authorize to be sold fruit trees, plants or nursery stock, and the penalty to be incurred for the violation of these rules.

SEC. 9. The Commissioner of Horticulture shall hear and promptly decide all appeals from the county and special inspectors, and his decision shall have full force and effect until set aside by the courts of the State. In all cases of appeal he shall disregard technicalities, and decide each and every case on its merits. All appeals from the inspectors to the Commissioner of Horticulture shall be under forms and regulations prescribed by the said Commissioner.

Appeals
from county
inspectors.

SEC. 10. The Commissioner of Horticulture shall approve or reject all bonds required by law to be submitted to him, and he shall file and safely keep all bonds and other papers by law required to be filed with him, and shall upon the expiration of his term of office, turn over the same to his successor. He shall examine all fruit, specimens of trees, shrubbery or plants submitted to him for examination and report his findings to the person seeking such information. He shall from time to time as may deem best for the best interests of the horticultural industries of the State, publish bulletins which shall be sent free to citizens of the State; such bulletins to contain a brief resume of the discoveries of science, of interest to horticulture, or any other matter which the Commissioner shall deem of importance to such interests. And unless there be urgent or special need thereof, no bulletins shall contain any matter that has appeared in any previous bulletin.

Commis-
sioner shall
approve
bonds.

Publication
of bulletin.

SEC. 11. There shall be kept and maintained in the office of the said Commissioner of Horticulture in the city of Tacoma an exhibit of the fruits of the State of Washington.

Exhibit
of fruits.

SEC. 12. The Commissioner of Horticulture may employ one office clerk at a monthly salary of not to exceed seventy-five dollars, who shall be continually in the office of the said Commissioner during office hours.

Clerk-
Salary.

SEC. 13. Three deputy commissioners shall be appointed by the Commissioner of horticulture to serve during his term of office, one in each of the counties of King, Pierce and Spokane, which deputies, prior to their ap-

Deputies.

pointment shall furnish to the Commissioner of Horticulture such a certificate as is required of the Commissioner of Horticulture by section 1 of this act, and each deputy commissioner shall file his bond with the Secretary of State in the sum of \$2,000, conditioned on the faithful performance of the duties of his office. In compensation for services rendered, each of such deputy commissioners shall receive a salary of one hundred dollars per month, and no extra allowance shall be made for personal expenses in his county. It shall be the duty of deputy commissioners to inspect, regulate, and supervise the traffic of fruits. They shall also perform inspection service in regulating nursery traffic, and in the inspection of orchards, trees and ornamental plantings, and such other duties as may be prescribed by law. Such deputy commissioners shall, in the absence of the Horticultural Commissioner, have the full powers of said Horticultural Commissioner within the respective counties within which they reside. The Commissioner of Horticulture may detail to a deputy commissioner the power to follow diverted shipments or supposed infected material to whatever points it may be consigned to, within the State, and also to serve in other localities when it appears of urgent necessity. All deputy commissioners shall keep a daily record of their services in each county where employed, and report the same daily to the Commissioner of Horticulture. The deputy commissioners shall be paid in the same manner in which the Commissioner of Horticulture is paid.

Special
inspectors.

SEC. 14. The Horticultural Commissioner may appoint from time to time, as necessary, special inspectors, not more than four in number, whose duty it shall be, under direction of the State Horticultural Commissioner, to perform the duties of county horticultural inspectors in counties where no county horticultural inspectors have been appointed. Such special inspectors, prior to their appointment shall furnish to the Commissioner of Horticulture such a certificate as is required of the Commissioner of Horticulture, by section 1 of this act. Such special inspectors shall make monthly reports to the State Horti-

cultural Commissioner in the same form as required to be made by county horticultural inspectors to county commissioners, and in addition shall specify in detail in said report as to the time spent by them in each county. Said special inspectors shall receive a per diem of five dollars per day and in addition shall be paid their actual necessary traveling expenses. Said salary and expenses shall be paid in the same manner in which the Commissioner of Horticulture is paid. It shall be the duty of the Commissioner of Horticulture, each month, to furnish under oath to the State Auditor a statement, showing the amount of the per diem and expenses of each inspector, properly chargeable against each county, and upon notification from the State Auditor, each such county by its board of county commissioners shall at once remit the amount thereof to the State Treasurer who shall turn the same into the general fund.

Compensation.

SEC. 15. An annual "Inspectors Institute" shall be held during the month of January at the State College of Washington, at Pullman. The Commissioner of Horticulture and the president of the State College, jointly, shall fix the date of such institute and prepare the program therefor. The State Horticultural Commissioner by written notice shall direct the attendance of all county inspectors. The State Horticultural Commissioner shall preside over the proceedings of the said institute, which shall continue four days. The purpose of these institutes is improvement and conference, the study of subjects of experimentation, by the scientists of the college along entomological and horticultural lines, and it shall be the duty of all county inspectors, State and deputy State commissioners to attend such institute meetings unless prevented by illness. Failure to attend on the part of an inspector or deputy commissioner shall work a forfeiture of his office. Inspectors and deputy State commissioners attending such institutes shall be allowed their actual traveling expenses to be paid by the respective counties, in the case of county inspectors and by the State in the case of deputy State commissioners.

Inspectors' Institute.

SEC. 16. The board of county commissioners of each county may appoint a horticultural inspector for such

County inspectors.

Bond.

Compensation.

county, subject to an examination as to his qualifications as hereinafter provided. Each county inspector, before entering upon the discharge of his duties, shall take and subscribe the oath required in section two of this act, and shall also furnish a bond in the sum of one thousand (\$1,000) dollars conditioned upon the faithful performance of his duties as such county inspector. Said horticultural inspector shall receive such salary as the board of county commissioners of the county in which the service is performed may direct.

SEC. 17. Deputy county horticultural inspectors may, upon the request of the county horticultural inspector, be appointed by the board of county commissioners, which said deputy horticultural inspectors shall, before appointment, pass an examination as hereinafter provided for county horticultural inspectors: *Provided*, That in case of emergency the board of county commissioners may appoint temporary deputy horticultural inspectors without examination, which said temporary deputy horticultural inspectors shall not serve to exceed thirty days without passing an examination. Deputy horticultural inspectors shall receive such compensation as the board of county commissioners shall fix in each case, but in no case to exceed four dollars per day for each day actually spent in the duties of his office. In addition thereto each deputy horticultural inspector shall be allowed his actual necessary traveling expenses, upon itemized vouchers, when engaged away from his home neighborhood.

Inspectors shall report to Commissioner.

SEC. 18. Each county horticultural inspector and deputy horticultural inspector shall make a monthly report upon forms prepared by the State Horticultural Commissioner, to the county commissioners of their county, setting forth the number of days' work performed and the character thereof, and a summary of his expense vouchers, which shall be transmitted therewith, and shall make oath to the correctness of said report and of said vouchers, and no salary or expenses shall be paid for any month until such report shall have been filed and approved. All reports of deputy horticultural inspectors shall first be approved by

the county horticultural inspector before being considered by the board of county commissioners. Each county horticultural inspector shall once each month, make report to the State Horticultural Commissioner of the condition of the orchards of his county, and giving such other reasonable information as shall be required, upon forms furnished by said State Horticultural Commissioner. A notification to the board of county commissioners from the State Horticultural Commissioner that any county inspector has neglected or refused to make such report shall *ipso facto* suspend said county horticultural inspector from office until such report is made.

SEC. 19. Before appointment, each candidate for appointment as county horticultural inspector or deputy horticultural inspector, shall pass an examination, which examination shall be as follows: A committee, not less than two nor more than five, as fixed by the board of county commissioners, shall be appointed by the county horticultural society or association. In case there is more than one general county horticultural society or association, each of such county horticultural societies or associations, shall appoint one member of said committee. In case there is no county horticultural society or association then the county commissioners shall appoint said committee who shall be practical horticulturists. Said examination shall be divided into two parts, technical and practical, and shall be conducted by said committee, at the county seat, after 20 days' published notice. The questions for the technical portion of said examination shall be prepared by the president of the State College at Pullman, or under his direction, and the sufficiency of the answers thereto shall be passed upon by him or by some member or members of the faculty of the State College under his direction. The questions for the practical portion of said examination shall be prepared by the committee and shall require a statement as to the experience of the applicant in horticultural work; his physical and mental ability to perform the duties of his office, and references as to his character, ability, practical knowledge of horticulture and efficiency. All ques-

Examina-
tion of in-
spectors.

tions shall be answered by the candidate in writing except the references which shall be furnished by him, in authentic form, from the persons or corporations to whom he shall refer, and shall not be less than five in number, and the committee may require such additional references as they deem advisable. The said committee shall pass upon the sufficiency of the answers and information given in the practical part of said examination. The grading of said examination shall be upon the basis of 100 credits, of which the technical portion shall count 50, and the practical portion 50, and no candidate shall be appointed to the office of county horticultural inspector or deputy inspector who shall not receive a total of seventy-five or more credits at such examination. The said committee shall certify in writing, under oath that the questions were answered by the candidate in writing in their presence, without aid or assistance from any person or persons whatsoever, and the candidate shall certify in writing under oath that the answers written by him were written in the presence of the committee without aid or assistance from any person or persons whatsoever, and said certificate shall be attached to the questions and answers, and after said answers have been properly passed upon, shall be filed with the State Horticultural Commissioner.

Inspectors
to cooperate
with hor-
ticultural
societies.

SEC. 20. It shall be the duty of county horticultural inspectors to co-operate with and assist all horticultural societies and associations and their officers and committees in the performance of their duties; to promote and assist in the organization of such horticultural societies and their auxiliary sub-organizations; to foster and promote impartially the horticultural interests throughout the county; to gather data, information and statistics which may be of value to horticultural interests and to report the same to the State Horticultural Commissioner, and to the county horticultural societies and associations; to co-operate with the commercial bodies of his county in the interest of advertising, immigrating and information; to furnish to the county press matter of information to the

horticultural interests, and to perform such other duties as may be required of him by law.

SEC. 21. County horticultural inspectors and deputies who shall be appointed under and by authority of this act, are hereby authorized, directed and empowered to enforce the provisions of this act to prevent the introduction and spread of plant diseases and insect pests to any locality within or outside his jurisdiction.

County inspectors shall enforce act.

SEC. 22. If from his personal observation, or upon the complaint of any person, the county horticultural inspector has reason to suspect that any person, company or corporation has an orchard, tree, or nursery of trees, vines or garden, fruit packing house, storeroom, or that any other place or material in his district, is infected with fungous or bacterial diseases or insect pests in any state or condition of development, which may be or may become injurious to fruit or plants, or that any trees, fruits or plants are in transit to his district from outside the State, or about to be disseminated or distributed within his district, which are known to be, or are suspected to be from localities that are infected with any disease or pest, or that may become injurious to the fruit interests of his district or state, he shall without delay inspect the premises, property or materials so suspected, and if the same is found to be infected as aforesaid, he shall notify the owner, his agent, or the person in charge of the same, not to remove or allow the removal of any part of such property until the same has been disinfected, prescribing the manner of disinfection, and he shall direct the owner, agent or person having such property in his charge to treat and disinfect the said premises and property within forty-eight hours.

Inspection.

May require disinfection.

SEC. 23. If any person so notified as provided in section 22 of this act shall permit the removal of, or fails to disinfect in the manner and in the time prescribed, any orchard, tree, nursery of trees, vines or garden, fruit packing house, storeroom or material so infected with fungous or bacterial diseases or insect pests in any state or condition of development as set forth in said section,

Failure to disinfect—Penalty.

he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars, and costs.

Inspector
may disin-
fect, when.

SEC. 24. If after the expiration of forty-eight hours from receipt of notice provided in section 22 of this act, the owner or person in charge of such infected orchard, tree, nursery of trees, vines or garden, fruit packing house, storeroom, or other place shall have failed and neglected to disinfect the said premises or property as in said section provided, it shall be the duty of the county inspector to enter on such premises or property and disinfect the same. Each county inspector shall keep an accurate account of the expenses incurred by him in carrying out the provisions of this section, with respect to each parcel of land or property entered upon therefor, and shall offer or send by mail a statement of such expenses, including a description of the premises, verified by oath, to the owner, possessor or occupier of such land or property, requiring him to pay the amount. In case such owner, possessor or occupier shall fail to pay the same within thirty days after such application, said claim shall be presented to the board of county commissioners of the county in which said expenses were incurred, and the same, if found correct, shall be paid in the same manner as other claims and expenses of such county inspectors. The board of county commissioners to which said claim is presented shall order the said claim to be a tax upon the premises described therein, and the same shall be levied as a tax upon said premises or property and entered upon the tax rolls for the current year and collected together with penalty and interest as other taxes are collected, and when so collected paid into the fund from which the said expense and claim was paid to such county inspector.

Payment
of expenses.

Shipment
of infected
stock.

SEC. 25. Any nursery trees, shrubs or plants which have been shipped from and to any place within the State or from without the State to any point in the State, for distribution or for planting, and which are infected with any injurious insect, larva or fungus growth or other disease, shall be disinfected under the direction of the in-

spector of the county where such trees and plants are taken, and the cost of such disinfection shall be charged to the owner of said articles, and shall be a lien on such trees, shrubs or plants until paid, and the person in possession of such articles being held subject to such lien shall have a legal claim against the person or persons from whom he purchased or received such trees, shrubs, or plants, for reimbursement of the costs thereof including costs of collection, and shall have recourse against the bondsmen of the person, firm or corporation furnishing such trees, plants or shrubs.

SEC. 26. The county horticultural inspector shall, in the performance of his duties as such inspector, have on any day except Sunday, free access to orchards, nurseries, gardens, hop fields, packing houses, and storerooms where fruit may be kept, fruit boxes full or empty, or any other material or place suspected of being infected with insect pests or diseases injurious to the fruit interests of the State. If he finds any nursery, orchard, garden, or other place or material infected with any insect pest or plant disease, he shall forthwith notify the owners, occupants, or persons in possession thereof in writing, that the same is infected, prohibit their removal, and direct the manner in which the same shall be disinfected. If the owner, occupant, or person in possession of said orchard, garden, storeroom, fruit stand, or other place or infected material shall not within three days or within the time limited in such notice, for so doing, disinfect the same in the manner by the inspector provided, or shall not have appealed from the said decision of the inspector to the Commissioner of Horticulture, the inspector shall then enter on and disinfect part of or all of said premises so neglected, and the expenses of such disinfection shall be presented and collected in the manner provided in section 24 of this act.

SEC. 27. If the infected property referred to in section 26 of this act be transportable material the inspector shall notify the person in charge thereof not to remove the same and to disinfect same within twenty-four hours, and prescribe the manner of disinfection. If the person in charge

Access to
orchards,
etc.

Appeal.

Destruction
of infected
stock.

of said infected material shall neglect or refuse to disinfect the same as notified, or shall fail to appeal from the said decision of the county inspector, then the inspector shall destroy such infected material or fruits, fruit boxes, baskets, wrappings, or portable fruit stands, by burning the same. If any appeal shall have been taken, the inspector shall after twenty-four hours' notice, take immediate possession of such movable property, and keep the same until the said appeal is decided. If the decision of the Commissioner be in favor of the appellant, the property shall be returned to him; on an adverse decision the property must be destroyed by the inspector as in this section provided. All appeals from the action or demand of the inspector shall be taken to the Commissioner of Horticulture.

Inspectors
not to solicit
sales of
trees, etc.

SEC. 28. No inspector or deputy shall act as solicitor or agent for the sale or distribution of any nursery stock, supplies, or machinery for use in orchards, nor engage in the purchasing or marketing of fruit from any orchard save his own. When satisfactory evidence is given that any inspector or deputy has violated the provisions of this section the board of county commissioners shall remove such inspector or deputy.

License
to dealers.

SEC. 29. No person, firm or corporation shall engage or continue in the business or selling as agent, solicitor, or otherwise within the State or importing fruit trees, plants or nursery stock into the State without first having obtained a license to carry on such business in this State, as in this act provided.

Applica-
tion.

SEC. 30. Any person, firm or corporation may obtain a license to engage or continue in the business of selling or importing fruit trees, plants, or nursery stock into this State, by submitting his application therefor, to the Commissioner of Horticulture, together with a satisfactory bond of one thousand dollars made in conformity with the laws of the State of Washington. All bonds submitted shall be renewed every second year. Such bonds shall be approved by and filed with the said Commissioner, conditioned that the principal and his or their agents will faith-

Bond.

fully obey the provisions of this act, the laws of the State of Washington, and that said principal will pay the costs of disinfection or destruction of all infected nursery stock or other material or goods imported into and sold within such district of this State by said principal, his or their agents. Any person or persons in any way injured or damaged by reason of the sale of or delivery of infected nursery stock, or any other violation of the provisions of this act, shall have recourse against the bondsmen of such person, firm or corporation for such damages. All licenses issued by the Commissioner of Horticulture shall bear the name of the solicitor, agent or salesman and shall not be assignable, except upon written approval of the Commissioner of Horticulture. Any solicitor or agent falsely representing nursery stock to the detriment of the purchaser shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not less than fifty nor more than one hundred dollars, and such conviction shall *ipso facto* work a forfeiture of his license.

Actions on
bond.

SEC. 31. Any license granted to any person, firm or corporation may be suspended in its operation by the Commissioner of Horticulture upon the report of any inspector that said person, firm or corporation has introduced infected stock into the State of Washington, upon satisfactory proof being furnished to that effect. The license fee for nurserymen and tree dealers shall be five dollars, and for their agents or salesmen, two dollars and fifty cents. Said license fees shall be collected by the Commissioner of Horticulture and paid into the State treasury. All licenses shall expire after two years from date of issue unless renewed upon the same terms originally provided for in this section. The expiration of a bond shall cancel a license issued thereon. Licenses issued between December 1, 1906, and April 1, 1907, may be extended in their operation to December 1, 1907, without additional fees.

Suspension
of licenses.

Fees.

SEC. 32. It shall be the duty of every person, firm or corporation licensed to do business under this act to notify the Commissioner of Horticulture of his intention to ship an invoice of fruit trees, plants or nursery stock from

Notice of
shipments.

one point to another within the State, or to transport an invoice of similar goods from without to any point within the State, whether for the purpose of sale or for personal use, and if for sale, he shall furnish to the Commissioner of Horticulture, in writing, the name and addresses of the persons, firms or corporations to whom the same are sold. Such notice shall contain the name and address of both consignor and consignee and a descriptive invoice of the goods to be shipped, the freight or express office at which the goods are to be delivered, and the name or title of the transportation company from which the consignees are to receive the goods. A copy of such notice shall also be mailed to the county horticultural inspector in the county in which the point of destination is located. Such notice shall be mailed not later than the date of such shipment. Upon receipt at destination of any invoice of fruit trees, plants or nursery stock, it shall be the duty of the freight agent, express agent or other transportation company's employe having such shipment of fruit trees, plants or nursery stock in charge to notify the inspector within whose jurisdiction said invoice is received of the receipt of said shipment, naming consignor and consignee, and that said nursery stock is ready for inspection, notification to be by mail, telegraph or telephone, and to hold said shipment for inspection by the said inspector before delivering said plants or nursery stock to the consignee: *Provided*, That said invoice need not be held more than seventy-two hours after notification as herein provided is made, to the inspector.

Inspection.

Stock shall be labeled.

SEC. 33.. Any scions, fruit trees, plants or nursery stock sold within this State shall be labeled with the true name of the variety and the actual location of the place where grown. All boxes, crates, baskets or packages containing fruit offered or transported for sale within this State shall be marked with the name of the variety (or if the variety is unknown the said box, crate, basket or package shall be marked "variety unknown"), and with the name of the actual locality or district where grown, and no such box, crate, basket or package shall

bear the name of any other locality, place or district other than that in which said fruit was actually grown.

SEC. 34. Any person, firm or corporation who shall sell within this State, or import into this State, any scions, fruit trees, plants or nursery stock in violation of the provisions of this act, or who shall violate the provisions of section 33 of this act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined for each offense in any sum not more than one hundred dollars. Penalty.

SEC. 35. Any person who shall offer for sale or solicit persons within this State to purchase from him, any fruit trees, plants or nursery stock belonging to any person or firm not licensed under the provisions of this act, or who is not an authorized licensed agent of the firm he represents, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined for each offense in any sum not exceeding one hundred dollars. All fines imposed for the violation of the provisions of this act shall be paid to the treasurer of the county wherein the violation was committed, and be placed to the credit of the general fund of such county. Soliciting without license.

SEC. 36. Any agent, tree dealer or salesman who shall solicit orders for fruit trees or nursery stock shall leave with the person giving such order, a duplicate of the same, and attach thereto a certificate to be signed by such salesman or agent, naming the nursery from which such nursery stock will be supplied and its location. Duplicate orders.

SEC. 37. Any person who shall make any false statement in any statement or certificate required by this act under oath shall be deemed guilty of perjury and upon conviction thereof shall be liable to the penalty of law therefor. False statement perjury.

SEC. 38. Any person who shall in any manner delay or prevent the carrying out of this act by knowingly and wilfully delaying, preventing or hindering any inspection as herein provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any Hindering inspection—Penalty.

sum not more than two hundred dollars, together with the costs of such action.

Passed the Senate March 5th, 1907.

Passed the House March 7th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 163.

[S. B. 87.]

AMENDING THE CODE OF PUBLIC INSTRUCTION.

AN ACT to amend the Code of Public Instruction of the state of Washington, the same being chapter CXVIII; approved by the governor March 19, 1897, by adding two new sections to said Code, to be known as section 33½ and section 47½, and to amend sections 49, 100 and 112 of said Code of Public Instruction, and repealing all acts and parts of acts in conflict therewith.

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

SECTION 1. That the Code of Public Instruction of the State of Washington, as approved by the Governor March 19, 1897, be amended by adding thereto a new section to be known as section 33½, which section shall read as follows: Section 33½. The county superintendent shall, each year, hold one or more directors' meetings, the expense of which shall be audited and paid by the county commissioners: *Provided*, That such expense shall not exceed the sum of one hundred dollars in any one year.

Directors'
meetings.

SEC. 2. That the Code of Public Instruction be amended by adding thereto a new section to be known as section 47½ which shall read as follows: Section 47½. Whenever any board of directors shall be authorized, by the electors of their district, to erect a school building, it shall be the duty of such board, before entering into any contract for the erection of any building, to obtain the approval of the county superintendent, of the county in which the building is to be erected, of the plans and speci-

County su-
perintendent
to approve
plans of
school
buildings.