

entering the same in the poll book as absent voters, and shall modify the election returns of such precinct accordingly. Such ballots shall become a part of the returns of such precinct and shall be kept or destroyed accordingly: *Provided, however,* No such ballot shall be canvassed or counted unless received by the auditor within six days from the date of said general or primary election.

Repealing  
clause.

SEC. 7. That section 6 of chapter 159 of the Laws of 1917 be and the same is hereby repealed.

Passed the House March 4, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 144.

[H. B. 203.]

### INSPECTION, WEIGHING AND GRADING GRAIN, HAY AND OTHER PRODUCTS.

AN ACT amending section 12 of chapter 189, Session Laws of 1919, and providing a system of discounts in the grading of grains, and declaring an emergency.

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

SECTION 1. That section 12 of chapter 189 of the Session Laws of 1919, be and the same is hereby amended to read as follows:

Grain and  
hay grade  
standards.

Section 12. The commission shall fix and establish standard grades to apply to all grain and hay, bought or handled by public or terminal warehouses in this state. The commission shall adopt as state grade standards all grades for grain and hay now or hereafter established by the United States Department of Agriculture. Standards for grain and hay not provided for by the United States De-

partment of Agriculture shall be established or changed only after a public hearing, notice thereof to be given by publication in three newspapers of the state, at least ten days prior to such hearing. The commission may by resolution authorize the weighing and grading, upon request of any interested party, of commodities of commerce, other than grain or hay, such as grain or hay products, rice, beans and other similar articles, nitrates and other fertilizers, sulphur and other chemicals used in the arts or in manufacturing, when same are received from or delivered to any rail or water carrier in the state in commercial transportation, and may authorize the certification of the weights and grades thereof. Fees for such service, sufficient to cover the cost thereof, shall be fixed by the commission. Grades may be established or changed by the commission and rules and regulations governing warehousemen be promulgated after a public hearing, notice thereof to be given by publication once each week for two successive weeks in at least three newspapers of general circulation in the state, two of which, at least, shall be in eastern Washington. All interested persons desiring to be heard shall be permitted to give testimony and such other witnesses may be subpoenaed as the commission may deem necessary, which witnesses shall be entitled to the same fees and mileage as are provided for witnesses in civil actions. The commission shall after such hearing, make and issue reasonable rules and regulations governing the dockage which shall be made on inferior grades and in all executory contracts thereafter entered into where the price or amount to be paid therefor depends upon terminal weight or grade, such rules and regulations shall control the dockage in so far as the same affects the price to

Other commodities.

Hearings on change of grades, etc.

be paid, and such rules and regulations shall become part of the contract of sale unless expressly agreed to the contrary in such executory contract.

Furnishing  
copies of  
grades, and  
rules and  
regulations.

It shall be the duty of the chief inspector, immediately after the establishment of grades for grain, hay, grain and hay products and peas, and the promulgation of rules and regulations fixing dockage, as herein provided, to supply each public and terminal warehouseman, which the records in his office show is then or thereafter engaged in operating such warehouses, with a copy of such grades, rules and regulations. It shall be the duty of every public or terminal warehouseman to keep such copy on file in a convenient place in every such warehouse and, if an office is maintained in connection with such warehouse, a copy of such grades, rules and regulations shall be kept on file in such office and a placard notice posted in a conspicuous place in every such warehouse and such office, reading as follows:

“A COPY OF WASHINGTON GRADES, RULES AND REGULATIONS IS ON FILE HERE FOR INFORMATION OF INTERESTED PARTIES.”

Discount or  
differentials.

Every such warehouseman shall exhibit such copy of grades, rules and regulations to any interested party applying therefor at any such warehouse or office and permit such interested party to examine and consult such copy. In all contracts hereinafter entered into for the sale of unscoured wheat, pertaining to the classes soft red winter, common white, and white club wheat, under the official grain standards of the United States department of agriculture, and under rules adopted in Washington by the public service commission where the price or amount to be paid depends upon the weight or grade, no discount or differential shall be made on account of

test weight per bushel if the grain delivered under said contract weighs not less than 58 pounds to the measured bushel: *Provided, however,* That the grain so delivered grades number two or better under the standards above described. For wheat weighing in excess of 58 pounds to the measured bushel and grades number two or better, there shall be paid a premium over the price at country point for said grade at a rate of not less than eight-tenths of one per cent for each pound test weight over the minimum of said grade when test weight is the determining factor and in case of delivery on contract of grain of lower grade on account of test weight per bushel the discount or differential shall be at a rate not to exceed eight tenths of one per cent of the price for said grade at country point for each pound test below the minimum test weight for the grade on which the contract is based unless the test weight be below 55 and at a rate not to exceed one and six-tenths per cent of the price at country point for each pound test below 55 down to and including wheat having a test weight of 51 pounds per measured bushel. The discount on mixed wheat may not exceed two per cent below the purchase price paid at country point for the same grade of the class of wheat which predominates in the mixture. Said discounts, together with the rules and regulations above provided, shall become part of every contract of sale of wheat of the classes named.

SEC. 2. That if any clause, sentence, paragraph, or part of this act shall, for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

Partial  
invalidity.

Emergency. SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

Passed the House March 3, 1921.

Passed the Senate March 9, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 145.

[H. B. 305.]

### PREVENTION OF FRAUD IN TRADING IN HAY, GRAIN AND OTHER PRODUCTS.

AN ACT for the prevention of fraud in the grain and hay trade and trade in grain and hay products, peas, beans, rice, soya beans, peanuts, copra, jute, raw rubber and similar articles, nitrates and other fertilizers, sulphur and other chemicals for the establishment and preservation of standards for grain, hay, grain and hay products, peas, beans, rice, soya beans, peanuts, copra, jute, raw rubber and other similar articles, nitrates and other fertilizers, sulphur and other chemicals; regulating warehousemen, shippers and buyers of such commodities; defining the duties of railroads; regulating track and elevator scales and track connections with industries; providing penalties for the violation thereof and amending sections 4, 8, 16, 22, 24, 25 and 29, chapter 189 of the Laws of 1919, and declaring an emergency.

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

SECTION 1. That section 4 of chapter 189 of the laws of 1919 be amended to read as follows:

Section 4. The chief inspector, with the approval of the commission, shall appoint such number of deputies, inspectors, samplers and weighers, who shall be designated as inspectors, as may be necessary to properly and thoroughly inspect and weigh the commodities included in the provisions of this act and such other employees as may be necessary. One of such inspectors in each of the cities of Seattle, Ta-

Appointment  
of deputies,  
etc.