

all contracts for the construction of said bridge shall be awarded by the state highway committee, and the state highway engineer shall have full charge, supervision and control of the construction of said bridge: *Provided, further,* That said bridge when constructed shall be operated and maintained by the city of Hoquiam or the county of Grays Harbor, or both, as is now, or may be hereafter, provided by law, and without any expense or responsibility on the part of the State of Washington.

Highway committee to award contract.

No responsibility on state for bridge maintenance.

Passed the Senate December 30, 1925.

Passed the House January 6, 1926.

Approved by the Governor January 15, 1926.

CHAPTER 154.

[S. B. 152.]

FOREST PRODUCTS AND BOOMING EQUIPMENT.

AN ACT relating to forest products and booming equipment, regulating the branding, transportation, reclaiming and sale or other disposition thereof, providing penalties for violations thereof and repealing certain acts in relation thereto.

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

SECTION 1. The words and phrases herein used, unless the same be clearly contrary to or inconsistent with the context of this act or the section in which used, shall be construed as follows:

Terms construed.

(1) "Person" shall include the plural and all corporations, foreign and domestic, copartnerships, firms and associations of person.

"Person."

(2) "Waters of this State" shall include any and all bodies of fresh and salt water within the jurisdiction of the state capable of being used for the transportation of forest products, and all rivers and lakes and their tributaries, harbors, bays, bayous and marshes.

"Waters of this state."

"Forest products."

(3) "Forest products" shall be taken to mean and include logs, spars, piles, and poles, boom sticks and shingle bolts and every form into which a fallen tree may be cut before it is manufactured into lumber or run through a sawmill, shingle mill or tie mill, or cut into cord wood, stove wood or hewn ties.

"Catch brand."

(4) "Catch brand" shall be taken to mean a mark or brand used by a person as an identifying mark upon forest products and booming equipment previously owned by another.

"Booming equipment."

(5) "Booming equipment" shall include boom sticks and boom chains.

Owner must mark forest products and booming equipment.

SEC. 2. Every person who shall put into any of the waters of this state, or ship on any common carrier railroad for the purpose of floating or rafting in any of said waters, any forest products, or use any booming equipment as a part of his operation in securing, rafting or floating forest products, shall have a mark or brand, previously selected by him and registered in the manner hereinafter provided, plainly impressed or cut in a conspicuous place on each stick or piece of forest products so shipped on any common carrier railroad or put into any of said waters and on each piece of booming equipment so used.

Selection of mark or brand.

SEC. 3. Every person so selecting a mark or brand, before using it, shall make application for the registration thereof in the office of the secretary of state by depositing in the office of said secretary of state an impression burned in a piece of leather of appropriate size or a drawing thereof, together with, in duplicate, a written statement duly signed and verified by him or his agent, and containing a description of said mark or brand and declaring that such mark or brand is not, and at the time of its adoption by him was not in use, to his knowledge, by any other person, and that he has selected it in good faith for marking or branding forest products

Drawing and description of mark to be filed.

Not then in use by others.

to be transported on the common carrier railroads, or floated or rafted in the waters, of this state or booming equipment to be used by him as a part of his operations in securing, rafting or floating forest products, and the secretary of state, upon the receipt of such application and the fee hereinafter provided, if he finds that said mark or brand is not identical with any other mark or brand registered in his office or does not so closely resemble one registered therein as to be confounded therewith, shall file in his office said impression or drawing and one copy of said written statement and register said mark or brand in a book to be provided by him and kept for the purpose and known as the "Forest Products Brand Register," entering therein the name of the owner, character of the mark or brand, date of registration, and such other details as he may see fit to enter therein, and shall return to the applicant the other copy of said written statement, with a certificate attached thereto and signed by him or his deputy to the effect that said mark or brand has been duly registered in accordance with the provisions of this act and that the applicant is the registered owner thereof. The secretary of state, in the event of his refusal to register a mark or brand on account of confliction with, or resemblance to, one already registered, shall immediately give notice of that fact to the applicant, who may select another mark or brand and apply for its registration in the manner of an original application.

To be filed with secretary of state.

Registration of mark or brand.

Certificate of registration.

Registration refused.

Notice.

Selection of another mark.

SEC. 4. Every mark or brand registered under this act shall be assignable in law; and the secretary of state, upon presentation to him, in duplicate, of an assignment transferring said mark or brand to a person therein named and duly executed and acknowledged by the owner thereof and the payment of the fee hereinafter mentioned, shall file one copy of such assignment in his office and make an entry

Registered marks assignable.

Assignment to be filed with secretary of state.

Certificate of registration to assignee.

in said forest products brand register of the fact of such assignment and the date thereof and the name of the assignee and such other details as he may see fit to enter therein, and shall return to the assignee the other copy of said assignment, with a certificate attached thereto and signed by him or his deputy to the effect that said mark or brand has been duly registered in accordance with the provisions of this act and assigned to said assignee, and that said assignee is the registered owner thereof. Said assignee, upon the due registration of said assignment as herein provided, shall be and become the owner of said mark or brand with the full right of exclusive use to the same extent as though he had been the original owner.

Right of assignee to exclusive use.

Certificate of secretary of state as evidence of registration and ownership.

SEC. 5. The certificate of the secretary of state, attached to the original or copy of said written statement or assignment and signed by him or his deputy as herein provided, shall be received in all the courts of this state as evidence of the due and proper registration of said mark or brand and of the ownership thereof without proof of the signature thereto.

Impression of mark presumption of ownership of products.

SEC. 6. All forest products and booming equipment having impressed thereupon a registered mark or brand as herein provided shall be presumed to belong to the person appearing on the records in the office of said secretary of state as the owner of said mark or brand: *Provided*, That all forest products having impressed thereupon also a registered catch brand shall be presumed to belong to the owner of such registered catch brand, unless there shall be impressed thereupon more than one registered catch brand, in which event they shall be presumed to belong to the owner whose registered catch brand was placed thereupon latest in point of time.

Impression of registered catch brand.

Presumption.

Cancellation of registration.

SEC. 7. The secretary of state, upon the petition of the owner of a registered mark or brand, may cause the registration thereof to be cancelled, and, in

the event of such cancellation, said mark or brand shall be open to registration by any person subsequently applying therefor.

SEC. 8. The fees to be paid to the secretary of state shall be as follows: Fees.

For filing an application to register a mark or brand and registering the same, including the certificate, \$3.00;

For filing an application for an assignment of a registered mark or brand and registering such assignment, including the certificate, \$3.00;

For every other certificate of registration, including a copy of said written statement or assignment, \$2.50;

For each copy of any drawing, reasonable expense of preparing the same.

SEC. 9. Every person, desiring to use a catch brand as an identifying mark upon forest products or booming equipment purchased or lawfully acquired by him from another, shall, before using it, make application for the registration thereof in the office of the secretary of state in the manner prescribed for the registration of other marks or brands as herein required, and the provisions contained in the foregoing sections in reference to registration, certifications, assignment and cancellation and the fees to be paid to the secretary of state shall apply equally to catch brands: *Provided*, That the certificate of said secretary of state shall designate said mark or brand as a catch brand and provided that the mark or brand selected by the applicant as a catch brand shall be enclosed in the letter C, which letter C shall identify said mark or brand as, and shall be used only in connection with, a catch brand.

Catch brand may not use until application for registration.

Catch brand to be so designated in certificate.

How catch brand to be used.

SEC. 10. The owner of any mark or brand registered as herein provided, by himself or his duly authorized agent or representative, shall have

Right of owner of registered brand to enter upon tidelands, mill yards, etc., to retake his marked property.

a lawful right, at any time and in any peaceable manner, to enter into or upon any tidelands, marshes and beaches of this state and any mill, mill yard, mill boom, rafting or storage grounds and any forest products or raft or boom thereof, for the purpose of searching for any forest products and booming equipment having impressed thereupon or cut therein a registered mark or brand belonging to him and to retake any forest products and booming equipment so found by him.

SEC. 11. Every person:

Unlawful to float or raft if registered brand not impressed on products and equipment.

1. Who shall put into any of the waters of this state, or ship on any common carrier railroad for the purpose of floating or rafting in any of said waters, any forest products, or use any booming equipment as a part of his operation in securing, rafting or floating forest products, without having plainly impressed or cut in a conspicuous place on each stick or piece of forest products so put into any of the waters of this state or shipped on any common carrier railroad, and on each piece of booming equipment so used, a mark or brand previously registered as required by the terms of this act; or,

Boom companies and log patrol companies excepted.

2. Except boom companies and log patrol companies organized as corporations for the purpose of catching or re-claiming and holding or disposing of forest products for the benefit of the owners, and authorized to do business under the laws of this state, who shall have or take in tow or into his custody or possession or under his control, without the authorization of the owner of a registered mark or brand thereupon, any forest products or booming equipment having thereupon a mark or brand registered as required by the terms of this act, or, with or without such authorization, any forest products or booming equipment required to be branded under the terms of this act

Towing or possessing without authority of owner of registered brand unlawful.

Unlawful to tow if not bearing registered brand.

with a registered mark or brand and having no registered mark or brand impressed thereupon or cut therein; or,

3. Who shall impress upon or cut in any forest products or booming equipment a mark or brand that is false, forged or counterfeit; or, False or counterfeit branding.

4. Who shall interfere with, prevent or obstruct the owner of any registered mark or brand, or his duly authorized agent or representative, entering into or upon any tidelands, marshes or beaches of this state or any mill, mill site, mill yard or mill boom or rafting or storage grounds or any forest products or any raft or boom thereof for the purpose of searching for forest products and booming equipment having impressed thereupon a registered mark or brand belonging to him or retaking any forest products or booming equipment so found by him; or, Interference with entry and retaking by registered brand owner of property prohibited.

5. Who shall impress or cut a catch brand that shall not have been registered under the terms of this act upon or into any forest products or booming equipment upon which there is or should be a registered mark or brand as required by the terms of this act or a catch brand, whether registered or not, upon any forest products or booming equipment that shall not have been purchased or lawfully acquired by him from the owner; shall be guilty of a gross misdemeanor. Catch brand unlawful use.

SEC. 12. Every person who, with an intent to injure or defraud the owner:

1. Shall falsely make, forge or counterfeit a mark or brand registered as herein provided and use it in marking or branding forest products or booming equipment; or, Forgery of mark.

2. Shall cut out, destroy, alter, deface, or obliterate any registered mark or brand impressed upon or cut into any forest products or booming equipment; or, Destroying or defacing mark.

3. Shall sell, encumber or otherwise dispose of

Penalty.

Unlawful to appropriate and dispose of marked products and equipment.

or deal in, or appropriate to his own use, any forest products or booming equipment having impressed thereupon a mark or brand registered as required by the terms of this act; or

Unlawful buying or or selling of marked or branded products or equipment. Penalty.

4. Shall buy or otherwise acquire or deal in any forest products or booming equipment having impressed thereupon a registered mark or brand;

Shall be guilty of a felony.

Sufficiency of mark or brand.

SEC. 13. A mark or brand cut in boom sticks with an ax or other sharp instrument shall be sufficient for the purposes of this act, if it substantially conforms to the impression or drawing and written description on file in the office of the secretary of state.

Act not applicable to eastern Washington.

SEC. 14. In view of the different conditions obtaining in the logging industry of this state between the parts of the state lying respectively east and west of the crest of the Cascade mountains, forest products may be put into the waters of this state or shipped on common carrier railroads without having thereon a registered mark or brand, as herein required, within that portion of the state lying east of the crest of the Cascade mountains and composed of the following counties, to wit: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima; and the penalties herein provided for failure to mark or brand such forest products shall not apply: *Provided, however,* that any person operating within the said east side portion of the state may select a mark or brand and cause the same to be registered in the office of the secretary of state pursuant to the terms of this act and use it for the purpose of marking or branding forest products and booming equipment; and, in the event of the registration of such mark or brand and the use of it in marking or branding forest

Counties comprising excluded section.

Persons of eastern section may register brand and come within purview of act.

products or booming equipment, the provisions hereof shall apply as to the forest products and booming equipment so marked or branded.

SEC. 15. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Invalidity of part of act.

SEC. 16. Act entitled "An Act to protect the title of the owners of floating logs, timber and lumber and declaring an emergency" approved March 28, 1890, (Laws of 1889-90, pages 110-112, Sections 8381 - 8394 of Remington's Compiled Statutes) and Chapter CXXIII (123) of the Laws of 1901, pages 262 to 264, are hereby repealed.

Repeals §§ 3689 to 3702, Pierce's Code.

Passed the Senate December 11, 1925.

Passed the House December 30, 1925.

Approved by the Governor January 18, 1926.

CHAPTER 155.

[S. B. 150.]

COAL MINES.

AN ACT relating to the prospecting for and mining of coal belonging to the State of Washington.

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

SECTION 1. The commissioner of public lands may execute option contracts and leases for the mining and extraction of coal from any lands belonging to the State of Washington, or to which it may hereafter acquire title, or from any lands sold or leased by the state the minerals of which have been reserved by the state, in accordance with the provisions of this act.

Option contracts for mining coal from state lands.