

1919, pages 132-133 (sections 2736-2744 of Remington's Compiled Statutes; sections 6298-6306 of Pierce's 1919 Code), are hereby repealed.

Passed the Senate January 20, 1927.

Passed the House February 11, 1927.

Approved by the Governor February 21, 1927.

CHAPTER 165.

[S. B. 77.]

PREVENTION AND ERADICATION OF DISEASES OF DOMESTIC ANIMALS.

AN ACT relating to and providing for the prevention and eradication of diseases of domestic animals, providing for compensation to the owner of bovine animals slaughtered by reason of being suspected of having tuberculosis, defining the powers and duties of certain officers, providing penalties for violations of this act, creating liens for and providing for the recovery of costs and charges and expenses incurred in the enforcement of this act in certain cases, and repealing certain acts and parts of acts in relation thereto.

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

SECTION 1. The director of agriculture shall have general supervision of the prevention of the spread and the suppression of infectious, contagious, communicable and dangerous diseases affecting the domestic animals within, in transit through, or about to be imported into this state, and, through and by means of the division of dairy and live stock, shall have the power to establish and enforce quarantine of and against any and all such animals affected with any such disease or diseases or that may have been exposed to others thus affected, whether within or without the state, for such length of time as he may deem necessary to determine whether any such animal is infected with any such disease: *Provided*, That no bovine animal that has been in this state

Powers and duties of director of agriculture.

Bovine animals.

more than six months shall be quarantined for tuberculosis without having been first subjected to the tuberculin test as in this act provided.

No quarantine without test.

SEC. 2. The word "quarantine" as used in this act shall mean the placing and restraining of any animal or animals by the owner or agents in charge thereof, either within a certain described and designated enclosure or area within this state, or the restraining of any such animal or animals from entering this state, as may be directed in writing by the director of agriculture, or his duly authorized representative. Any animal or animals so quarantined within the state shall at all times be kept separate and apart from other domestic animals and not allowed to have anything in common therewith.

"Quarantine" defined.

Quarantine districts.

SEC. 3. It shall be unlawful for the owner or owners of any domestic animal quarantined, or their agents or employes, to break such quarantine or to move, or to allow to be moved, any such animal from within the quarantined area, or across the quarantine line, as established, or to sell, exchange or in any other way part with the products of such animals, without first obtaining a permit in writing from the director of agriculture, or his duly authorized representative. Any owner or owners of any quarantined animal or any agent of such owner or owners, who fails to comply with or violates any such quarantine or who negligently allows any such quarantined animal to escape from quarantine, and any other person who removes any quarantined animal from such quarantine shall be guilty of a misdemeanor.

Breaking quarantine.

Sale of products of quarantined animals prohibited.

Penalty.

SEC. 4. The director of agriculture shall have power to promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper to prevent the introduction or spreading of infectious, contagious, communicable

Director of agriculture to promulgate rules to prevent introduction or spreading of disease, etc.

or dangerous diseases affecting domestic animals in this state, and to promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper governing the inspection and test of all domestic animals within or about to be imported into this state, and to promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper for the inspection, testing and quarantine of all domestic animals within or about to be imported into this state, and to promulgate and enforce inter-county embargoes and quarantine to prevent the shipment, trailing, transporting or movement of bovine animals from any county that has not had a county-wide test of bovine animals for tuberculosis, into a county which has had such county-wide test, unless such animals are accompanied by a negative certificate of tuberculin test made within sixty days last prior to the movement of such animal into such county, issued by a duly authorized veterinary inspector of the state department of agriculture, or the United States Bureau of Animal Industry, or an accredited veterinarian.

Importation
without
permit un-
lawful.

SEC. 5. It shall be unlawful for any person, or any railroad or transportation company, or other common carrier, to bring into this state any horses, cattle, or swine, for work, feeding, breeding or dairy purposes, without first having such animals examined and found free from glanders, farcy, tuberculosis, actinomycosis, rinder pest, foot and mouth diseases, contagious abortion, contagious keratitis, scabies, maladie du coit, swine plague and hog cholera and without having obtained a permit so to do from the director of agriculture or his duly authorized representative: *Provided*, That this section shall not apply to domestic animals imported into this state for immediate slaughter, or to range stock

Exception.

cattle imported into this state for range pasturage, or beef cattle imported for the purpose of feeding in transit, but it shall be unlawful to sell such cattle for dairy purposes, and it shall be unlawful for any person to sell for dairy or breeding purposes any animal imported into this state for immediate slaughter.

Sale of imported cattle for dairy or breeding purposes restricted.

SEC. 6. It shall be unlawful for any person to willfully hinder or obstruct or resist the director of agriculture or any duly authorized representative, or any peace officer acting under him or them, when engaged in the performance of the duties or the exercise of the powers conferred by this act, and it shall be unlawful for any person to willfully fail to comply with or violate any rule, regulation or order promulgated by the director of agriculture or his duly authorized representatives under the provisions of this act.

Obstructing officers.

Violation of departmental regulations.

SEC. 7. Whenever a majority of any board of health, board of county commissioners, city council or other governing body of any incorporated city or town, or trustees of any township, whether in session or not, shall, in writing or by telegraph, notify the director of agriculture of the prevalence of or probable danger of infection from any of the diseases of domestic animals mentioned in section 5 of this act, the director of agriculture personally, or by the supervisor of dairy and live stock, or by a duly appointed and deputized veterinarian of the division of dairy and live stock, shall at once go to the place designated in said notice and take such action as the exigencies may in his judgment demand, and may in case of an emergency appoint deputies or assistants, with equal power, whose compensation shall be five dollars per day and actual traveling expenses.

Notice by local authorities of probable danger of infection.

Investigation.

May appoint assistants.

Compensation.

SEC. 8. It shall be the duty of every person registered to practice veterinary medicine, surgery and dentistry in this state to immediately report to

Registered veterinarians to report to

director any
disease
among
domestic
animals.

the director of agriculture in writing the discovery of the existence or suspected existence among domestic animals within the state of any of the diseases mentioned in section 5 of this act.

Authority of
director to
order de-
struction of
diseased
animal.

SEC. 9. Whenever in the opinion of the director of agriculture, upon the report of the supervisor or a duly appointed and qualified veterinarian of the division of dairy and live stock, the public welfare demands the destruction of any animal found to be affected with any of the diseases mentioned in section 5 of this act, he shall be authorized to by written order direct such animal to be destroyed by or under the direction of the supervisor or a duly appointed and qualified veterinarian of the division of dairy and live stock: *Provided*, That this section shall not apply to bovine animals found affected with tuberculosis.

Bovine ani-
mals ex-
cepted.

Cooperation
with the
United
States.

SEC. 10. The governor and the director of agriculture shall have the power to co-operate with the government of the United States in the prevention and eradication of diseases of domestic animals and the governor shall have the power to receive and receipt for any moneys receivable by this state under the provisions of any act of congress and pay the same into the hands of the state treasurer as custodian for the state to be used and expended in carrying out the provisions of this act and the act or acts of congress under which said moneys are paid over to the state.

Application
of owners
for tubercu-
lin infection
tests.

SEC. 11. On the written application of the owners of the majority of bovine animals, as shown by the last assessment roll, in any county, to the director of agriculture for the examination and testing of bovine animals in such county to ascertain whether the same are infected with tuberculosis, it shall be the duty of the director of agriculture to cause such examination and test of all the bovine animals with-

in such county to be made as soon thereafter as consistent with the departmental policies of tuberculous eradication.

When tests made.

The director of agriculture, or any duly authorized veterinary inspector of the department of agriculture, may cause an examination and test to be made of any bovine animal exposed to or suspected of having tuberculosis.

Examination of animal exposed to tuberculosis.

All such examinations and tests shall be made subject to the rules and regulations of the department of agriculture.

Examinations subject to rules.

Every inspector and veterinarian of the department of agriculture making examinations and tests, as provided in this section, shall be a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state and shall, before making any examination and test, furnish and file with the department of agriculture a good and sufficient bond in the penal sum of two thousand dollars (\$2000.00), payable to the state of Washington, conditioned that he will faithfully and honestly perform and discharge any work which he is authorized to undertake under this act: *Provided*, That the veterinary inspectors of the United States Bureau of Animal Industry may be appointed by the director of agriculture to make such examinations and tuberculous tests as herein provided, and when so employed they shall act without bond or compensation, and shall possess the same power and authority in this state as a veterinary inspector of the department of agriculture.

Veterinary inspector to be licensed.

Furnish bond.

Federal veterinary inspectors act without bond or compensation.

Should the owner or owners of any bovine animals desire to select a duly licensed and accredited veterinarian, approved by the director of agriculture, for making such examination and tests in accordance with the provisions of this act, the owner or owners shall pay all expenses in connection with such examination and tests.

Owners may select veterinary inspector.

Expenses of test.

Indemnity or quarantine optional.

Appraisal.

SEC. 12. If, on the completion of any examination and test as provided in the preceding section, the inspector or veterinarian making the examination and test, shall believe that the animal is infected with tuberculosis, the owner of the animal shall have the option of indemnity or quarantine; if he selects indemnity the owner and inspector shall appraise the suspected animal, and in the appraisal of such animal due consideration shall be given to its breeding, dairy or meat value. In the event of their failing to agree upon the value, the inspector shall apply to the judge of the superior court of the county where the animal is located to appoint a third appraiser, and the decision of the majority of the appraisers shall be final.

Sale.

Certificate as to price paid.

Supervision of slaughter.

Post mortem.

Meat inspection regulations.

Report.

Reimbursement of owner.

The owner, or his agent, of any bovine animal thus appraised shall market the animal within thirty days from date of appraisal and shall obtain from the purchaser a report in quadruplicate, upon blank forms to be furnished by the inspector, certifying to the amount of money actually paid for the animal or animals. The animal or animals shall be slaughtered under the supervision of a veterinary inspector of the department of agriculture, or the United States Bureau of Animal Industry, or a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state. The veterinary inspector or veterinarian shall hold a post mortem examination and determine whether or not the animal shall be passed to be used for food. The post mortem examination must conform with the meat inspection regulations of the United States Bureau of Animal Industry. Upon the receipt of said report, in quadruplicate, certifying to the amount of money actually paid for the animal or animals, and if the owner has complied with all lawful quarantine laws and regulations, the department of agriculture shall cause to be paid to the owner or owners of the

animals one-third of the difference between the appraised value of each animal so slaughtered and the value of the salvage thereof: *Provided*, That in no case shall any payment by the department of agriculture be more than twenty-five dollars (\$25.00) for any grade female, or more than fifty dollars (\$50.00) for any pure bred registered bull or female, and in no case shall any indemnity be paid for grade bulls or for steers, and that no indemnity shall be paid for animals slaughtered on account of tuberculosis to any person who has not owned such animal for six months prior to the date such examination or test is made, and the state shall not be required to pay the owner of any animal imported into this state within six months prior to the inspection and test the sums hereinabove provided for but the owner of such animal shall receive the proceeds of the sale of such slaughtered animal: *And provided further*, That the right to indemnity shall not exist nor shall payment be made for any animal owned by the United States, this state, or any county, city, town or township in this state. Every appraiser appointed by the judge of the superior court as hereinabove provided shall receive his actual and necessary traveling expenses and a per diem of three dollars (\$3.00) for the time actually spent to be paid by the state. The expenses of herding, caring for, feeding, transporting and slaughtering animals under the provisions of this section shall be paid by the owner thereof.

Maximum payment.

No indemnity if imported into state.

Proceeds of sale of slaughtered imported animals.

No indemnity to U. S., state or municipal corporations.

Compensation of appraisers.

SEC. 13. Whenever any appropriation made by the legislature for the purpose of carrying out the provisions of sections 11 and 12 of this act during any biennium shall be exhausted, no further animals shall be slaughtered under the provisions of said sections.

Appropriation exhausted—no further slaughter.

SEC. 14. Whenever the commissioner of agriculture shall have reason to believe that any bovine

Quarantine
at state line
for examina-
tion.

animal about to be imported into this state is infected with tuberculosis he shall have the power and authority to quarantine such animal at the state line, and make an examination and test thereof as in this act provided and if any such animal shall be found to be infected with tuberculosis it shall not be permitted to enter this state.

Importation
forbidden.

May not
exhibit ani-
mal until
certificate of
health filed.

SEC. 15. It shall be unlawful for any person to exhibit at any state, county, district or other fair, or live stock exhibition within this state, any bovine animal over one year old, unless within six months prior to such exhibition it has been subjected to a tuberculin test and received a certificate of health from a qualified veterinarian, and it shall be unlawful for the officers or any person in charge of any such fair or exhibition to accept any such animal for exhibition until such certificate of health has been filed with the proper officer of the fair or exhibition.

Sheep in-
spection.

Investigating
diseases.

May prohibit
importation.

SEC. 16. It shall be the duty of the director of agriculture to cause to be investigated by qualified representatives of the division of dairy and live stock all cases of contagious, infectious and communicable diseases among sheep within this state which may come to his or their knowledge, and to make official visits of inspection of any locality where such diseases exist or where they have reason to believe that such diseases may exist, and to inspect or cause to be inspected by a duly qualified veterinarian any sheep within the state, and all sheep brought into the state, from any other state, territory or foreign country, and he or they shall have authority to order a quarantine of any infected premises, and in case any such disease shall become prevalent in any locality within the state, the director of agriculture may issue a proclamation forbidding any sheep from being transferred from said

locality without a certificate issued by him or under his direction by a representative of the division of dairy and live stock showing such animals to be in good health. The expenses of herding, feeding and caring for sheep quarantined under the provisions of this section shall be paid by the owner thereof. The director of agriculture, the supervisor and all inspectors and veterinarians of the division of dairy and live stock shall have the power to administer oaths and examine witnesses in so far as the same may be necessary in the performance of their duties.

Owner to pay expense of quarantine

Director may administer oaths.

SEC. 17. Whenever the governor has reason to believe, or the director of agriculture shall certify to the governor, that scabies or other contagious, infections or communicable diseases of sheep have become prevalent in any locality or localities of any other state or territory or foreign country, or that conditions exist that render sheep from such locality likely to convey disease, the governor shall by proclamation declare such locality as presumably infected, and prohibit importation therefrom of any sheep into this state, except as under such restrictions as the director of agriculture may deem proper. Any person, persons, firm or corporation, who, after publication of such proclamation, having in charge or receiving any sheep from any of the prohibited districts, transports, conveys or drives the same to or within the limits of this state shall be guilty of a misdemeanor and shall be punished by a fine of not less than five hundred nor more than one thousand dollars, and shall be liable for all damages sustained by any person, persons, firm or corporation by reason of the importation into this state of such sheep from prohibited districts: *Provided, however,* That nothing contained in this section shall prohibit the transportation of animals from such prohibited districts through the state by

Governor may prohibit importation.

Penalty for violation.

Interstate transportation under restriction.

railroad or steamboat under such restrictions and regulations as may be prescribed by the law of this state or by the government of the United States.

Cooperation
of United
States
Bureau to be
requested.

SEC. 18. The governor shall, through the secretary of agriculture of the United States government, request the co-operation of the United States Bureau of Animal Industry in controlling and eradicating contagious, infectious and communicable diseases in sheep, and when said bureau, through its duly authorized representatives, agents or employes, shall be thus engaged, they shall possess the same power and authority in this state as the director of agriculture and the supervisor and veterinary inspectors of the division of dairy and live stock by virtue of this act; and all dipping and other treatment required for the control and eradication of such diseases within this state shall be performed in the manner prescribed by the United States Bureau of Animal Industry, and the dips, remedies and appliances used shall be those approved by said bureau.

Dipping for
scabies
ordered.

SEC. 19. Whenever it becomes necessary by reason of the prevalence of scabies, or exposure to scabies, of the sheep of any county or counties in this state, the director of agriculture shall have full authority to issue an order compelling the dipping of all the sheep in such county, counties or localities, whether all the sheep at the time be affected with or exposed to scabies or not; and such dipping shall be done under the supervision of a duly appointed and qualified veterinary inspector of the division of live stock or a federal inspector, and shall be done in some dip or dips approved by the United States Bureau of Animal Industry, and be performed in a manner in accordance with the rules and regulations of said bureau. After dipping, when the official in charge shall be satisfied that the sheep are in a sound and healthy condition, the owner shall be entitled to

Supervision.

receive a certificate to that effect signed by said official in such form as the director of agriculture may prescribe and such certificate shall permit the sheep to move in and through all counties in this state so long as they remain free from disease and exposure thereto.

Certificate of health to permit sheep to move.

SEC. 20. The director of agriculture and the supervisor and veterinary inspectors of the division of dairy and live stock and the officials of the United States Bureau of Animal Industry shall have authority to inspect, quarantine and treat sheep affected with any contagious, infectious or communicable disease or diseases, or suspected of being so affected, or that have been exposed to any such disease.

Authority for inspection, quarantine and treatment.

SEC. 21. Whenever upon inspection as provided in the preceding section, any sheep, or band or flock of sheep, or any portion of them kept or herded in any county of the state shall be found infected with scabies or any other contagious, infectious or communicable disease, the entire band or flock in which said infected sheep are running or ranging shall be considered as infected and treated as such and the officer making the inspection shall immediately quarantine the entire band or flock and forthwith notify the owner or person in charge of such sheep in writing, to dip said sheep twice for said disease within the period of thirty days from said notice; the first dipping not to exceed fifteen days from the receipt of said notice; and the second dipping to be within the period from ten to fourteen days thereafter; and also notify the owner or person in charge of such sheep in writing to keep such sheep free from contact with other sheep, during such period, by such means as the officer shall specify until after the second dipping: *Provided*, That in case the owner or person in charge shall regard it unsafe to dip such sheep on account of their condition, especially ewes heavy with lamb, or by reason of the inclemency

Infected sheep quarantined.

Notice to dip.

of the weather, the official in charge may authorize such owner or person in charge to place such sheep in a corral, field, feedyard or appropriate range, where such sheep shall be kept under quarantine regulations and free from contact with other sheep until such time as they are in condition to and are dipped as hereinabove provided. Any person or persons so allowed to keep sheep in such corral, field, feedyard or range, who shall wilfully or knowingly take or permit to be taken any sheep therefrom, except as permitted or directed by the officer in charge, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Breaking quarantine.

Penalty.

Application to move infected sheep.

Permit to remove to dipping works.

Route to travel.

Rules.

SEC. 22. It shall be unlawful for any person, persons, firm or corporation within this state, to move his or their sheep which are infected with scabies or other contagious, infectious or communicable disease from place to place within this state without first obtaining from the director of agriculture or his authorized representative a traveling permit. Upon the receipt of an application for such traveling permit the director of agriculture or one of his authorized representatives shall examine the sheep, and such permit shall only be granted for the purpose of removing said sheep to the nearest suitable point where there are available dipping works or where such works can be constructed, at which place said sheep shall be dipped under the direction of the official making the examination. In such removal only that route shall be used which such official shall designate in the permit, and before moving said sheep the owner or person in charge shall first notify all parties herding sheep along or over said route that the infected sheep must travel, of the fact that they are to pass and the time at which they will pass over said route, and such route

shall be considered as quarantined, and any person, persons, firm or corporation injured or damaged by reason of the moving of said sheep shall be entitled to recover of the owners thereof in a civil action the amount of such damages: *Provided, however,* That no party shall be entitled to recover damages who shall voluntarily herd or cause to be herded any sheep on such quarantined ground, and any sheep so voluntarily herded on such ground shall be considered as affected as in this act provided for infected sheep within this state. Any person, persons, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Route
traveled
quarantined.

Damages by
moving
sheep.

When
recovery
barred.

Violation.

Penalty.

SEC. 23. It shall be the duty of every person, persons, firm or corporation, their agents or employes who shall drive or herd or cause to be driven or herded, or bring or cause to be brought, by railroad or trail into this state from any other state, territory or foreign country, any sheep, to immediately upon crossing the state line and before proceeding into the state a distance greater than two miles, to make written application to the director of agriculture, or his nearest qualified representative, for the inspection of said sheep which application shall be delivered in person or by telegraph or telephone or registered letter. The application must state the time and place when and where the said sheep crossed the line, the locality from which they came, the name and residence of the owner or owners thereof, and of the person in control of the same, and the number, brands and character of the animals. The director of agriculture or his duly authorized representative on receiving such application shall at once proceed, either by himself or his duly authorized representative to inspect said sheep,

Importation.

Application
for inspec-
tion.

Quarantine.

Dipping
before
release.Carriers to
notify
Director of
importation.Interstate
transporta-
tion.Release from
quarantine
for slaughter.Order
dispensing
with inspec-
tion and
restriction.

and if upon inspection the officer making the inspection shall deem it necessary to prevent or avoid infection, shall cause said sheep to be quarantined not more than three miles from where they entered the state for such period as may be necessary, not to exceed thirty days, and if the officer shall deem it necessary he shall cause said sheep to be dipped not to exceed three times if infected, or once if exposed, before they are released from such quarantine. It shall be the duty of any person, persons, firm or corporation, their agents or employes, who shall ship into this state by railroad or steamboat from any other state, territory or foreign country any sheep, immediately upon unloading the same at any point within this state, to notify personally or by telegraph, telephone or registered letter the director of agriculture, and thereupon the director shall cause said sheep to be inspected, and if upon inspection the officer shall deem it necessary to prevent or avoid infection he shall cause said sheep to be quarantined not more than three miles from the point where they were unloaded for such period not exceeding thirty days as he may deem necessary and may cause said sheep to be dipped not to exceed three times if infected, or once if exposed, before they are released from such quarantine: *Provided*, That this section shall not apply to sheep enroute through the state on railroad trains or boat lines to other states: *And provided further*, That any sheep held in quarantine under the provisions of this section may be released therefrom by the officer imposing the quarantine at any time for the purpose of immediate slaughter: *And provided further*, That if in the opinion of the director of agriculture it is unnecessary to inspect sheep coming into this state from certain districts or localities in other states, territories or foreign countries he may issue an order dispensing with such inspection and restriction. Any person, persons,

firm or corporation violating or failing to comply with any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars and such fine shall be a lien upon the sheep and may be foreclosed in the manner provided by law for the foreclosure of personal property liens, or may be enforced by judgment against the offending party.

Violation.

Penalty.

SEC. 24. If any owner or person in charge of any sheep shall neglect or refuse to dip the same as required by this act upon the request of the director of agriculture or his duly authorized representative or any federal official clothed with power under this act, or to permit the same to be dipped by them, it shall be the duty of such officer to seize such animals and dip the same, and he is hereby given authority so to do, and when in the opinion of the officer the sheep are restored to health and free from possible infection he shall notify in writing the owner or person in charge of the sheep of the amount of the costs, charges and expenses incurred by him, and the same shall be paid within ten days of the receipt of such notice and shall be a lien on the sheep and may be collected in the manner provided by law for the foreclosure of personal property liens.

Owner refusing to dip.

Inspectors may dip.

Owner to pay expenses.

SEC. 25. Any person, persons, firm or corporation who shall drive or cause to be driven, bring or cause to be brought, ship or cause to be shipped into this state from any other state, territory or foreign country, any sheep infected with scabies or other contagious, infectious or communicable disease knowing the same to be so infected shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than two hundred fifty dollars nor more than one thousand dollars, and in case the offending party is a corporation its officers shall be

Importing infected sheep.

Penalty.

Violation by transportation company.

Penalty.

Disinfection of cars, etc. by carrier.

Failure to disinfect.

Penalty.

Disinfection at expense of carrier.

Penalty for sale of infected sheep.

liable in the same manner as individuals would be liable. Any transportation company which shall convey from point to point within this state any sheep infected with scabies or any other contagious, infectious or communicable disease, knowing the same to be so infected, shall be deemed guilty of a misdemeanor and shall be punished as in this section above provided. It shall be the duty of such transportation company whose corrals, guards, pens, sheds, chutes, cars or boats shall have been occupied by infected sheep to within forty-eight hours after the same have been so occupied cause the same to be disinfected in accordance with the rules of the United States Bureau of Animal Industry relating to the disinfection of places, boats and cars and any transportation company who shall fail or neglect to cause such disinfection shall be deemed guilty of a misdemeanor and punished as in this section above provided and the director of agriculture, his duly authorized representative, and the officers of the United States Bureau of Animal Industry shall each have authority to enforce the provisions of this section relating to disinfection and in case such transportation company fails or neglects for a period of forty-eight hours to so disinfect such cars, guards, pens, sheds, chutes or boats the officials may take possession of the same, and proceed to disinfect them at the expense of such company, such expense to be recovered in an action in the name of the state upon relation of the director of agriculture in any court of competent jurisdiction.

SEC. 26. It shall be unlawful for any person, firm or corporation to sell, exchange, give away or in any manner part with to another, any sheep infected with any contagious or infectious or communicable disease, or any sheep which has, or which the owner or his agent or employe or the person in

charge thereof, has reason to believe has, within thirty days next preceding such transfer been exposed to any contagious, infectious or communicable disease, without first notifying the person, firm or corporation to whom such sheep is transferred that it is so infected, or that it has been so exposed, and every person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars.

SEC. 27. In all cases where quarantine of sheep is authorized by the provisions of this act, the director of agriculture, the supervisor and the veterinarians and inspectors of the division of dairy and live stock and the officials of the United States Bureau of Animal Industry are each and all empowered to designate and specify the place, limits and boundaries of any quarantine area or territory, and they are hereby given authority over the same until the purpose of such quarantine shall have been effected, and any person, persons, firm or corporation owning or having in his or their possession any sheep within such quarantined area, who shall permit or allow any of such sheep to go beyond the limits of such area, without permit from the official in charge, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and each of the officials above named are hereby clothed with full authority to control sheep and territory in quarantine, and to take and hold possession thereof as provided by the terms of this act, and for all purposes thereof.

Limits of quarantine.

Breaking quarantine.

Penalty.

SEC. 28. It shall be the duty of any person, persons, firm or corporation owning or having in his or their control any sheep which have become

Duty to report to Director infection of sheep.

infected with scabies or any other contagious, infectious or communicable disease or which have been exposed in any manner to such disease, to immediately report the same to the director of agriculture by registered letter, telegraph, telephone or in person within ten days after said condition has come to his or their knowledge and any person, persons, firm or corporation failing so to do or attempting to conceal the existence of any such disease, or wilfully obstructing or hindering the director of agriculture or the supervisor or any inspector of the division of dairy and live stock or any officer of the United States Bureau of Animal Industry in the discharge of his or their duties under the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Failure or concealment.

Penalty.

Expenses of inspection, etc., to be paid by owner.

Prior lien.

SEC. 29. The expenses of inspection, feeding, holding, dipping, treating and taking of all sheep inspected, quarantined, dipped or otherwise treated under the provisions of this act, must be paid by the owner of such sheep and such charge shall be a lien upon such sheep for such charges and expenses, which lien shall be prior and paramount to any and all other liens, demands or other claims against such sheep, and the director of agriculture, the supervisor and inspectors of the division of dairy and live stock and the officers of the United States Bureau of Animal Industry may retain possession of such sheep until such charges and expenses have been paid. Such liens shall be enforced at any time after ten days from the date when such charge shall be incurred and shall not be dependent upon possession of said sheep and may be foreclosed in the name of the state upon the relation of the director of agriculture in the manner provided by law for the foreclosure of other liens upon personal property; or in

lieu of foreclosing such lien the director of agriculture may bring an action in the name of the state upon his relation in any court of competent jurisdiction to recover the amount of such charges and expenses: *Provided, however,* That no charge shall be made for the personal services of any officer performed in the enforcement of the provisions of this act in relation to the prevention and eradication of diseases of sheep.

No charge for personal services of officers.

SEC. 30. The director of agriculture shall make a part of his annual report to the governor all matters connected with his work in the prevention and eradication of diseases of sheep under the provisions of this act.

Annual report to the Governor.

SEC. 31. It shall be the duty of the director of agriculture and the supervisor and veterinarians and inspectors of the division of dairy and live stock acting under the provisions of this act, to use every precaution to protect the sheep under their care from injury, and to select proper places for quarantining and dipping, and to enforce quarantine regulations in such manner as to make the expenses as light as possible upon the owner, consistent with public interest; and any such officer who by virtue of any power conferred upon him under this act, willfully oppresses, wrongs or injures any person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Wrongful handling of sheep by officers.

Penalty.

SEC. 32. Whenever any sheep affected with scabies or any other contagious, infectious or communicable disease shall mingle with any healthy animals belonging to another, through the fault or negligence of the owner of said diseased sheep, his agent or employes, such owner shall be liable in any action at law for all damages sustained by the owner of such healthy sheep.

Mingling infected and healthy sheep.

Owner liable.

Violation of Act.

Penalty.

Statutes repealed.

Other acts not revived.

Criminal prosecutions under acts repealed.

Recovery of expenses under repealed Acts.

SEC. 33. Every person who shall violate or fail to comply with any of the provisions of this act for which violation or failure to comply no specific penalty is provided in this act, shall be deemed guilty of a misdemeanor.

SEC. 34. That an act entitled "An Act to prevent the introduction of Texas cattle, or cattle infected with Texas fever into the Territory of Washington" passed over the governor's veto December 1, 1869, Laws of 1869, page 404; chapter CLXVII (167) of the Laws of 1895, pages 456-458; chapter CXII (112) of the Laws of 1901, pages 228-229; chapter 26 of the Laws of 1903, pages 28-29; chapter 125 of the Laws of 1903, pages 234-235; chapter 169 of the Laws of 1905, pages 338-339; chapter 189 of the Laws of 1909, pages 656-667; chapter 100 of the Laws of 1915, pages 292-296; chapter 13 of the Laws of 1917, pages 40-41; sections 89 and 90 of chapter 192 of the Laws of 1919, pages 650-653; chapter 77 of the Laws of 1921, page 218; chapter 73 of the Laws of 1923, pages 223-227; chapter 198 of the Laws of the Extraordinary Session of 1925, pages 597-601; sections 3110 to 3153, both inclusive, of Remington's Compiled Statutes; sections 2024 to 2041, both inclusive, and 2051 to 2071, both inclusive, of Pierce's 1919 Code, are hereby repealed: *Provided*, That the repeal of said acts shall not be construed as reviving any acts or parts of acts amended or repealed by any thereof: *And provided further*, That the repeal of said acts shall not operate to prevent the prosecution for the violation of any of the provisions thereof committed prior to the taking effect of this act, or to affect any proceeding pending for violations thereof at the time of the taking effect of this act, or to prevent the recovery of expenses and charges for the enforcement of any of said acts or any proceeding therefor pending at the time of the taking effect of this act, but such violations may

be prosecuted and such proceedings continued and penalties imposed and recoveries had in the same manner as though this act had not taken effect.

Passed the Senate January 20, 1927.

Passed the House February 9, 1927.

Approved by the Governor, February 21, 1927.

CHAPTER 166.

[S. B. 79.]

TRANSPORTATION BY MOTOR VEHICLES.

AN ACT relating to the operation of motor propelled vehicles for the transportation of persons, and/or, property, and amending Section 2 of Chapter 111 of the Laws of 1921.

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

SECTION 1. That section 2 of chapter 111 of the Laws of 1921, page 339, be amended to read as follows:

§ 2 ch. 111
Laws 1921.

Section 2. No corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, shall engage in the business of operating as a common carrier any motor propelled vehicle for the transportation of persons, and/or, property between fixed termini or over a regular route, for compensation on any public highway in this state, except in accordance with the provisions of this act.

Common
carrier
motor vehicle
to comply
with statute.

Passed the Senate January 24, 1927.

Passed the House February 11, 1927.

Approved by the Governor February 21, 1927.