

## CHAPTER 155.

[H. B. 139.]

## MOTOR TRUCKS.

AN ACT relating to the operation of motor trucks from points outside of city limits to points inside thereof, and preventing cities from imposing a tax, license or other fee for so doing.

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

SECTION 1. That hereafter it shall be unlawful for any city or town in this state to impose a tax, license or other fee upon trucks operating exclusively between points outside of such city's or town's limits, and to points therein.

Preventing cities imposing tax, license, or fee.

Passed the House February 12, 1935.

Passed the Senate March 14, 1935.

Approved by the Governor March 21, 1935.

## CHAPTER 156.

[S. H. B. 500.]

## BRANDING OF LIVESTOCK.

AN ACT relating to the branding and identification of livestock; providing for the administration of same; providing penalties for the violation thereof; providing for the publishing of records of such tattoo marks and brands; providing for fees for the registration thereof; making an appropriation; and providing for the cancellation of existing brands.

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

SECTION 1. The state director of agriculture through the division of dairy and livestock shall be ex officio state recorder of brands.

State director of agriculture.

SEC. 2. No brand or brands similar thereto shall be used by more than one person, firm, association or corporation, nor shall any brand be recorded in

Use of brand.

Brand  
recorded.

this state elsewhere than in the office of the state director of agriculture.

Date when  
branding  
unlawful  
with un-  
recorded  
brand.

SEC. 3. No evidence of ownership of stock by brands shall be permitted in any court of this state unless the brand shall have been recorded as provided by this act. On and after September 1, 1935, it shall be unlawful for any owner or agent of owners to brand any livestock in the State of Washington with an unrecorded brand.

Certificate of  
description,  
etc., of  
brand.

SEC. 4. On and after the passage of this act any person, firm, association or corporation desiring to adopt any brand, either a fire or tattoo brand, or other brand on any species of livestock, shall make and sign a certificate setting forth a facsimile and description of the brand, giving definitely its location on the animal together with a statement of the desire to adopt same, and shall file same with the director of agriculture, division of dairy and livestock, who shall record same in a book kept by him for that purpose and issue a certificate to the person, firm, association or corporation adopting the same; and from and after the issuance of such certificate the person, firm, association or corporation shall have the exclusive right to such brand within the state, subject to the conditions hereinafter prescribed. Such person, firm, association, or corporation, upon filing a brand, shall pay to the director of agriculture, division of dairy and livestock, for recording the same, as herein provided, a fee of three dollars (\$3): *And provided*, That on or before the first day of September, 1935, every person, firm, association or corporation whose stock brand has been heretofore recorded, shall cause the same to be re-recorded in the office of the supervisor of dairy and livestock and pay a fee of three dollars (\$3) to said official, as required by law. On and after the first day of September, 1935, no person, firm, association or corporation shall claim or own any stock brand,

Filing of  
same.

Fee for.

Stock  
brands.

Recording  
of.  
Fee for.

or tattoo mark which has not been re-recorded in accordance with the provisions of this section and any failure to re-record a brand or tattoo mark as required by such provisions, shall be deemed an abandonment of the same, and any other person, firm, association or corporation shall be at liberty to adopt and use any brand or tattoo mark so abandoned: *Provided, however,* That no person, firm, association or corporation shall be at liberty to claim or use such abandoned brand or tattoo mark until after the same shall have been recorded in his or its own name, in the manner prescribed in this act: *Provided further,* That the director of agriculture, through the division of dairy and livestock, shall determine the right of applicants to the use in case of dispute as to the right of any person, firm, association or corporation to the use of such tattoo mark or brand: *And provided further,* That in so doing he shall be guided in the recognition of prior rights by the length of time such applicant has used such tattoo mark or brand, also the number of animals now branded by each of the applicants with such tattoo mark or brand and the priority of applicant for the recording or use of such tattoo mark or brand.

Abandonment.

Claiming after recorded.

Determination of right of applicants.

Reception of prior rights.

SEC. 5. On or before the first day of September, 1940, and each five (5) year period thereafter it shall be the duty of the director of agriculture, division of dairy and livestock, to notify by registered letter the owner or owners of all recorded brands or tattoo marks then of record in the State of Washington, to renew the same. A fee of one dollar (\$1) shall be charged for renewing brands and tattoo marks. Upon receipt of said fee the director of agriculture, division of dairy and livestock, shall give a renewal certificate which shall give the holder and owner thereof the exclusive right to continue the use of said brand or tattoo mark within the State of Washington. If any owner or owners of a brand or tattoo

Notice for renewal of brands.

Charge for renewal.

Forfeited of  
brand.

mark which is on record shall fail or refuse to pay such renewing fee within six (6) months after being notified as herein provided, such brand shall become forfeited and no longer be carried in said records.

Certified  
copy of the  
record.

SEC. 6. At any time after the recording of any brand or tattoo mark as provided in this act the owner thereof may procure from the director of agriculture, division of dairy and livestock, a certified copy of the record of such brand or tattoo mark by paying therefor the sum of fifty cents (50c).

Property  
of one  
causing  
record to  
be made.

Recording  
of sale.

Fee for.

SEC. 7. Any brand or tattoo mark recorded in compliance with the requirements of this act shall be the property of the person, firm, association or corporation causing such record to be made and shall be subject to sale, assignment, transfer, devise and descent as personal property. Instruments of writing evidencing the sale, assignment or transfer of such brand must be acknowledged and shall be recorded by the director of agriculture, division of dairy and livestock, in a book kept for that purpose, upon the payment to him of a fee of one dollar (\$1). The recording of such instrument shall have the same force and effect as to third parties as the recording of instruments affecting real estate and a certified copy of the record of any such instrument may be introduced in evidence the same as is now provided for certified copies of instruments affecting real estate.

Fees to  
credit of  
general  
fund.

SEC. 8. All fees paid to the director of agriculture, division of dairy and livestock, as provided by this act, shall be deposited with the state treasurer to the credit of the general fund, who shall issue a receipt for such monies to the director of agriculture, as provided by law.

SEC. 9. In all suits at law or in equity, or in any criminal proceedings when the title or right of possession is involved, the brand or tattoo mark of any

animal shall be prima facie evidence that the animal belongs to the owner or owners of the brand or tattoo mark and that such owner is entitled to the possession of the said animal at the time of the action: *Provided*, That such brand or tattoo mark has been duly recorded, as provided by law; proof of the right of any person to use such brand or tattoo mark shall be made by a copy of the record of same, certified to by the director of agriculture, division of dairy and livestock, in accordance with the provisions of this act, or the original certificate issued to him by said director of agriculture, division of dairy and livestock.

Prima facie evidence.

SEC. 10. It shall be the duty of the director of agriculture to publish, on or before December 31, 1935, a book to be known as the "Washington State Brand Book" which shall include all the brands and tattoo marks recorded, segregated by counties, with the name and address of the owner or owners, and a copy of the state brand law and biennially thereafter there shall be added supplementary sheets containing amendments to the law and additional brands recorded or brands abandoned which were previously recorded.

"Washington State Brand Book."

Contents of.

SEC. 11. The director of agriculture is hereby authorized to make and promulgate rules and regulations for the enforcement of this act but no such rules and regulations shall be inconsistent with the provisions herein prescribed.

Making and promulgating of rules.

SEC. 12. There is hereby appropriated the sum of three thousand dollars (\$3,000) from the general fund, or so much thereof as may be necessary for the administration of this act, but in no case to exceed the amount of actual receipts as fees collected therefrom.

Appropriation.

SEC. 13. All legislation in conflict herewith is hereby repealed.

Repeals conflicting laws.

Partial  
invalidity.

SEC. 14. 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.

Passed the House March 11, 1935.

Passed the Senate March 13, 1935.

Approved by the Governor March 21, 1935.

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## CHAPTER 157.

[H. B. 511.]

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

AN ACT relating to inspection, grading and weighing of commodities, requiring all license fees and inspection fees collected under chapter 189 of the Laws of 1919, as subsequently amended by amendatory acts thereof, to be deposited in the grain and hay inspection fund, and amending sections 13 and 22 of chapter 189 of the Laws of 1919, as subsequently amended by amendatory acts thereof.

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

SECTION 1. That section 13 of chapter 189 of the Laws of 1919, as amended by section 1 of chapter 74 of the Laws of 1921, as amended by section 2, chapter 46, Laws of 1931, as amended by section 1, chapter 25, of the Laws of the Special Session of 1933 (being section 6991 of Remington's Revised Statutes of Washington), be amended to read as follows:

Section 13. The director of agriculture shall fix the fees for inspection, grading and weighing of the commodities included in the provisions of this act, which fees shall not exceed eight cents (8¢) a ton for sack grain and six cents (6¢) a ton for bulk grain. The fees for inspection, grading and weighing of such commodities shall be a lien upon such

Amends  
§ 1, ch. 25,  
Laws of  
1933.

Director of  
agriculture.

Fixing of  
fees.

Inspection,  
grading,  
weighing of  
commodi-  
ties.