

proper. An annual exhibit shall be made of the affairs of the association. Annual exhibit of affairs.

SEC. 7. Any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument or grave stone, or other structure in any cemetery, or any fence railing or other work for the protection or ornament of a cemetery or tomb, monument or grave stone or other structure aforesaid or of any cemetery lot within a cemetery or shall wilfully destroy, cut, break or injure any tree, shrub or plant within the limits of a cemetery shall be deemed guilty of a misdemeanor and shall upon conviction thereof before any court of competent jurisdiction be punished by a fine of not less than five dollars nor more than five hundred dollars, and imprisonment in the county jail for a term not less than one nor more than thirty days, according to the nature and aggravation of the offense and such offender shall also be liable in an action of trespass in the name of said association, to pay all such damages as have been occasioned by his unlawful act or acts, which wrong, when recovered shall be applied to the reparation and restoration of the property destroyed or injured as above. Injuries prohibited. Penalties.

Passed the House February 16, 1899.

Passed the Senate March 1, 1899.

Approved March 6, 1899.

CHAPTER XXXIV.

[H. B. No. 149.]

TRESPASS ON STATE LANDS—PENALTY.

AN ACT making it unlawful to injure or damage in any way the public lands of the State of Washington, and prescribing the punishment therefor.

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

SECTION 1. If any person shall cut down, destroy, injure, or cause to be cut down, destroyed or injured, any timber standing, growing or felled upon any of the Prohibiting destruction or removal of property from public lands

lands of the State of Washington before deed shall have been issued by the state therefor as provided by law, or shall take or remove or cause to be taken or removed from any such lands, any timber, wood, clay, sand or other material or substance thereon, or shall dig, quarry, take or remove any mineral (except by contract with the state), earth or stone from such lands, or shall cause to be dug, quarried, taken or removed any mineral (except by contract with the state), earth or stone from such lands, or shall otherwise injure, deface or damage, or shall cause to be injured, defaced or damaged any such lands, he shall be deemed guilty of a misdemeanor.

Exceptions in certain cases.

SEC. 2. That nothing in this act shall be so construed as to prevent any person who shall lease said lands or hold the same under contract with the state for the purchase thereof, and occupy the same for the purpose of a home, from cutting such timber as may be necessary for domestic use or to clear land for actual cultivation: *Provided*, That such lessee or contractor may sell such timber so cut in good faith for the purpose of clearing such land for cultivation: *Provided further, however*, That before any timber may be sold by any such lessee or contractor he must first obtain the written consent of the commissioner of public lands of the State of Washington to such sale; otherwise such lessee or contractor shall not have the benefit of the provisions of this section.

Consent of commissioner to be obtained.

Penalties.

SEC. 3. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment in the county jail of the county in which such conviction was had, for a time not less than one month and not more than one year, or by both fine and imprisonment.

Passed the House February 15, 1899.

Passed the Senate March 1, 1899.

Approved March 6, 1899.