

sons and agencies participating in the administration of any such agricultural plan, with such requirements, and may make, or cause to be made, such investigations as it determines to be necessary or proper to assure the correctness of and to make possible the verification of such reports.

Partial
invalidity.

SEC. 12. Should any provision, clause, paragraph, section or parts of this act be held invalid, it is hereby declared to be the legislative intent that the remainder of this act shall be in full force and effect and that the terms hereof are feasible and that the same would have been enacted without such provision, clause, paragraph, section or parts, had such invalidity been apparent.

Conflicting
laws
repealed.

SEC. 13. All laws and parts of laws insofar as they conflict with this act are hereby repealed.

Passed the House March 5, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 176.

[S. B. 70.]

FAIR TRADE ACT.

AN ACT to protect trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name.

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

Title.

SECTION 1. This act may be known and cited as the "Fair Trade Act."

Contracts.

SEC. 2. No contract relating to the sale or resale of a commodity which bears, or the label or container of which bears, or the label or content of which bears, or the vending equipment through which such commodity is sold bears, the trade-mark,

brand, or name of the producer or owner of such commodity and which is in free and open competition with commodities of the same general class produced by others shall be deemed in violation of any law of the State of Washington by reason of any of the following provisions which may be contained in such contract:

1. That the buyer will not resell such commodity except at the price stipulated by the vendor.

2. That the vendee or producer require in delivery to whom he may resell such commodity to agree that he will not, in turn, resell except at the price stipulated by such vendor or by such vendee.

Such provisions in any contract shall be deemed to contain or imply conditions that such commodity may be resold without reference to such agreement in the following cases:

1. In closing out the owners' stock for the purpose of discontinuing dealing in any such commodity: *Provided, however,* That such stock is first offered to the producer of such commodity at the original invoice stock price, at least ten (10) days before such stock shall be offered for sale to the public.

2. When the goods are damaged, defaced or deteriorated in quality, and notice is given to the public thereof.

3. By any officer acting under the orders of any court.

SEC. 3. Wilfully and knowingly advertising, offering for sale or reselling any commodity at less than the price stipulated in any contract entered into pursuant to the provision of section 1 of this act, whether the person so advertising, offering for sale or selling is or is not a party to such contract, is unfair competition and is actionable at the suit of any person damaged thereby.

Unfair
competition.

SEC. 4. This act shall not apply to any contract or agreement between producers or between wholesalers or between retailers as to sale or resale prices.

Exemptions.

SEC. 5. The following terms, as used in this act, are hereby defined as follows:

"Producer." "Producer" means grower, baker, maker, manufacturer or publisher.

"Commodity." "Commodity" means any subject of commerce.

Partial
invalidity.

SEC. 6. If any provision of this act is declared unconstitutional it is the intent of the Legislature that the remaining portions thereof shall not be affected but that such remaining portions remain in full force and effect.

Passed the Senate February 12, 1937.

Passed the House March 3, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 177.

[S. B. 18.]

WATER AND WATER POWER DISTRICTS.

AN ACT relating to water and water power districts and amending section 11588 Remington's Revised Statutes.

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

SECTION 1. That section 11588 Remington's Revised Statutes be amended to read as follows:

Section 11588. *Adoption of Plan—Submission—Election—Notice—Indebtedness.* It shall be the duty of the water district commissioners of every water district before creating any improvements hereunder or submitting to vote any plan for incurring any indebtedness, to consider and determine upon and adopt a comprehensive scheme or plan of water supply for such district for the purposes authorized in this act, and for such purpose, the water district commissioners shall investigate the several portions and sections of such water district for the purpose

Amends
§ 11588, Rem.
Rev. Stat.
(§ 7249-20,
P. C.)

Plan for
purchase of
fire-fighting
equipment.