

STATE OF WASHINGTON.

TRESPASS LAWS

ENACTED BY THE

LEGISLATIVE SESSION OF 1889-90.

OLYMPIA, WASH.:
O. C. WHITE, STATE PRINTER.
1890.

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TRESPASS LAWS.

TRESPASS; TO DEFINE.

AN ACT to define and punish trespass.

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

SECTION 1. If any person other than an officer on lawful business shall go or trespass upon any inclosed lands or premises not his own, and shall fail, neglect or refuse to depart therefrom immediately, and remain away until permitted to return, upon the verbal or printed or written notice of the owner or person in the lawful occupation of said lands or premises, such trespasser shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not less than five nor more than fifty dollars, and shall be committed in default of payment of the fine and costs imposed to the jail of the county in which the offense is committed one day for each two dollars of the said fine and costs: *Provided*, That any and all lands and premises enclosed by a lawful fence shall be deemed and considered enclosed lands within the meaning of this section: *And provided further*, That all precipices, embankments, streams, lakes or ponds, or other natural obstructions which equally secure them from trespass of any domestic animals, or shall be made so by artificial means, constituting any part of such enclosure shall, for all purposes of this section, be deemed lawful fences.

SEC. 2. If any person other than an officer on lawful business shall trespass upon any unenclosed lands or premises not his own by the erection of any house, tent, or by continuing to camp or live thereon, after receipt from the owner or person in the lawful occupation of said lands

or premises of verbal, written or printed notice to vacate such lands or premises, such trespasser shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in section one of this act.

SEC. 3. If any person shall wilfully enter upon the garden, orchard or other improved land of another, or in his possession, with intent to cut, take, carry away, destroy or injure the trees, grain, grass, hay, fruit or vegetable products there growing and being, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one nor more than six months, or by fine not less than five nor more than fifty dollars.

SEC. 4. If any person shall wilfully cut down, destroy or injure any tree standing or growing upon any lands of this state, whether known as school lands or otherwise, or shall wilfully take or remove from any such lands any timber or wood previously cut or severed from the same, or shall dig, quarry, take or remove any mineral, earth or stone from such lands, except as provided by law, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than fifty nor more than one thousand dollars.

SEC. 5. If any person shall wilfully cut down, destroy or injure any standing or growing tree upon the lands of another, or shall wilfully take or remove from any such lands any timber or wood previously cut or severed from the same, or shall wilfully dig, take, quarry or remove from any such lands any mineral, earth or stone, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than fifty nor more than one thousand dollars.

SEC. 6. Any person who shall break or rob in any manner, or who shall attempt to break or rob any flume, rocker, quartz mill, quartz vein, or lode, bed-rock sluice, sluice-box or mining claim not his own, or who shall trespass upon

such mining claim with the intent to commit a felony, shall, upon conviction thereof, be punished by imprisonment in the penitentiary of this state not less than one nor more than five years, or by fine not less than one hundred dollars nor more than one thousand dollars, or by both such imprisonment and fine, as the court or judge thereof may direct.

SEC. 7. Any malicious, willful, reckless or voluntary injury to, or mutilation of, the grounds, buildings or other property of the United States within this state shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added, for an aggravated offense, imprisonment not exceeding six months in the county jail or workhouse, to be prosecuted before any court of competent jurisdiction.

SEC. 8. If any person shall wilfully break down, injure or remove, or destroy any free or toll bridge, railway, plank road, macadamized road, telegraph posts, or wires, or any gate upon any such road, or any lock, or embankment of any canal, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than two years, or by fine not less than fifty nor more than one thousand dollars.

SEC. 9. If any person shall maliciously or wantonly set on fire any prairie or other grounds, other than his own or those of which he is in the lawful possession, or shall wilfully or negligently permit or suffer the fire to pass from his own grounds or premises to the injury of another, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

SEC. 10. If any person shall maliciously or wantonly cut down, destroy or injure any bush, shrub, fruit or other tree not his own, standing or growing for fruit, ornament or other useful purpose, or shall wilfully break the glass in or deface any building not his own, or shall wilfully break

down or destroy any fence or hedge belonging to or inclosing land not his own, or shall wilfully throw down, or open and leave down, or open any bars, gate or fence or hedge belonging to or inclosing land not his own, or shall maliciously or wantonly sever from the land of another any produce thereof, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than ten dollars nor more than five hundred dollars.

SEC. 11. If any person shall wilfully break down, injure, remove or destroy any monument erected or used for the purpose of designating the boundary of any town tract or parcel of land, or any tree marked for that purpose, or shall wilfully break down, injure, remove or destroy any milestone, board or post, or any guide or finger-board, erected or placed upon any road or highway, or shall wilfully alter or deface the inscription upon any such stone, post or board, or shall wilfully extinguish any lamp, or break, injure, destroy or remove any lamp, lamp-post, sign or sign-post, or any railing or posts erected upon any street, highway, sidewalk, court or passage, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than ten dollars nor more than five hundred dollars.

SEC. 12. Printed or written notices having attached thereto, by authority, the name of the owner or person in lawful occupation of said lands and premises, and requiring all persons to forbear trespassing on said lands or premises, and to depart therefrom, posted in three conspicuous places on said lands or premises, shall be held and deemed to be sufficient *prima facie* evidence of notice, as mentioned in sections one and two of this act.

SEC. 13. [Vetoed by the governor.]

SEC. 14. Inasmuch as the existing laws of this state relative to trespass are defective and insufficient, this act shall

take effect and be in force from and after its approval by the governor.

SEC. 15. All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

Approved March 15, 1890.

TRESPASS ON PUBLIC LANDS DEFINED.

AN ACT defining trespass on the public lands of the state, and providing punishment therefor.

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

SECTION 1. Every person who wilfully commits any trespass by cutting down, destroying or injuring any kind of wood or timber, or any tree standing or growing upon the state, school or granted lands, or by carrying away any kind of wood or timber lying on such lands, or by maliciously injuring or severing anything attached thereto or the produce thereof, or by digging, taking or carrying away any earth, soil, stone or mineral therefrom, shall be guilty of larceny.

SEC. 2. Whereas, the best interests of the state are in immediate need of the protection to be afforded by the provisions of this act; therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1890.