

Limit of  
bounty.

This act a  
contract.

payable to the party or parties to whom the said sum or sums are due: *Provided*, That no greater sum than fifty thousand dollars shall be paid out of the state treasury as a bounty in any one year.

SEC. 4. The benefits of this act shall accrue to any person, firm or corporation that shall erect and complete a sugar manufactory or manufactories within the state prior to November first, 1899, and the bounty herein provided shall be paid said person, firm or corporation for a period of three years from the time such factories shall have been completed and in operation. This act shall be taken and considered to be a contract and irrevocable with all such persons, firms, or corporations as shall complete the erection of such manufactory or manufactories prior to November first, 1899.

Passed the Senate February 16, 1897.

Passed the House March 3, 1897.

Approved by the Governor March 16, 1897.

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## CHAPTER LXXXII.

[S. B. No. 259.]

### REGULATING THE CATCHING OF SALMON.

AN ACT prohibiting the maintenance, construction and use of fixed appliances and seines for the catching of salmon in certain waters and in parts of certain waters in the State of Washington, and regulating the licensing and use of the same in certain other of the waters of said state, including the Columbia river, and for licensing of the use of all salmon fishing gear and salmon canneries, and providing for the disposition of the funds arising therefrom, and repealing an act of the legislature of the State of Washington, approved March 10, 1893, entitled "An act regulating fish traps, pound nets, weirs, set nets, fish wheels or other fixed appliances for catching salmon on the waters of the Columbia river and its tributaries and Puget Sound; for providing for the licensing thereof, and the disposition of the funds arising therefrom, and declaring an emergency."

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

Trap limits  
defined.

SECTION 1. Hereafter it shall be unlawful to construct, own, operate and maintain within any of the rivers of this

state flowing into Puget Sound, or Gray's Harbor, and within said bodies of water a distance of three miles from the mouth of any such river, and also within that arm of Puget Sound and body of water known as Deception Pass, or within one-half mile of the west entrance thereof, and in any of the other salt waters of this state of greater depth than sixty-five feet at low tide, any pound net, trap, weir, fish wheel, or other fixed appliance for the purpose of catching salmon. And for the purpose of enforcing the provisions of this section, the fish commissioner shall indicate the mouths of said rivers by driving piles therein, between which piles an arbitrary line shall be drawn. It shall also be unlawful hereafter to use any purse net, drag seine or other seine within three miles from the mouth of any of said rivers, or within said rivers.

Fish commissioner to indicate locations.

SEC. 2. Any person violating any of the provisions of section one of this act shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars. Any such fishing appliance or part thereof found in any of the waters of this state wherein the same are prohibited by the terms of said section, the same being placed therein for the purposes of illegal fishing, is hereby declared to be a public nuisance and shall be subject to abatement as a public nuisance, and it shall be the duty of the fish commissioner to enforce the provisions of this section.

Penalty.

To abate as a public nuisance.

SEC. 3. The use of pound nets, traps, weirs, fish wheels and other fixed appliances, and purse nets, drag seines and other seines for catching salmon is hereby authorized in all the waters of this state wherein the same is not prohibited by section one of this act, subject to the regulation and license herein provided for or otherwise required by law, and the use of set nets and gill or drift nets, subject to said license and regulation for said purpose, is authorized in all the waters of this state, except as otherwise provided by law: *Provided, however,* That none of said appliances shall be constructed, operated or maintained upon any of the waters of this state or the Columbia river or its tributaries by any person whomsoever, without such person shall have first obtained a license so to do from the fish commis-

Where pound nets, traps, etc., may be used.

Must first obtain a license.

sioner of this state of the proper district, who is hereby authorized to issue said licenses under the regulations provided by law. A separate license shall be required for each trap, pound net, weir, set net, fish wheel or any other fixed appliance, and for every purse net, drag seine or other seine, gill net or drift net, which license shall be numbered and dated, and shall specify the number of the pound net, trap, set net, weir, fish wheel, other fixed appliance, seine, gill net or drift net, which shall be designated by the said commissioner, and it shall also contain the name of the person to whom such license shall be granted.

No license to other than citizens of the United States.

No license shall be issued to any person who is not a citizen of the United States, unless such person has declared his intention to become such, one year prior thereto; and is and has been for one year immediately prior to the time of the application for license an actual resident of the State of Washington, or to any corporation, unless such corporation shall be authorized to do business in this state: *Pro-*

Exceptions.

*vided*, That nothing in this act shall be construed to prevent the issuance of licenses to women, minors or Indians, who are residents of this state, and who have resided in this state for one year next preceding the application for license, nor the renewal of any licenses by persons now holding the same. No more than three licenses shall be issued to any one person or corporation. Licenses may be assigned or transferred to any person or corporation entitled to hold licenses under the provisions of this act when any of the aforesaid mentioned appliances for fishing are sold or transferred; but notice must be given to the fish commissioner of said transfer or assignment by the transferee within twenty days from the date of said transfer or assignment.

Limitation of licenses and assignments thereof.

No person or corporation shall own, operate or construct, or cause to be constructed or operated any pound net, trap, weir, fish wheel or other fixed appliance for the catching of salmon on the waters of the Columbia river or its tributaries, or in any of the waters of the State of Washington, the meshes of which are less than three inches stretch measure. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars

Meshes not less than three inches.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars

Fines.

nor more than one hundred dollars for each and every offense.

SEC. 4. Any person operating or using any pound net, trap, weir, fish wheel or other fixed appliance for taking salmon, shall cause to be placed in a conspicuous place on said pound net, trap, weir, fish wheel or other fixed appliance, the number designated by the fish commissioner at the time of issuing the license for the operation thereof; said number to consist of black figures, not less than six inches in length, painted on white ground; any person owning or operating or using any seine, purse net, gill net or set net for the purpose of taking salmon, shall cause to be branded the corks of each end of the seine, purse net, gill net or set net, and upon the cork nearest the center thereof, the number designated by the fish commissioner at the time of issuing the license for the operation of said seine or net, said number to consist of figures not less than one-half inch in length, and shall also cause to be placed upon each side of the bow of the boat used to operate such seine or net such license number, preceded by a capital "W" the same to consist of black figures not less than six inches in length, painted on white ground.

License number to be conspicuously displayed.

Seines and nets to be branded.

Boats to be numbered.

SEC. 5. No lead of any pound net, trap, set net, fish wheel or other fixed appliance used or operated in the waters of the Columbia river or its tributaries in this state for catching salmon shall exceed eight hundred feet in length, and in the waters of Puget Sound two thousand five hundred feet in length. There shall be an end passage way of at least thirty feet, and a lateral passage way of at least nine hundred feet, between all pound nets, traps, set nets, weirs, fish wheels or other fixed appliances hereafter constructed and placed within the waters of Columbia river and its tributaries within this state, and there shall be an end passageway of at least six hundred feet and a lateral passageway of at least twenty-four hundred feet between all pound nets, traps, weirs or other fixed appliances hereafter constructed and placed within the waters of Puget Sound in this state. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any

sum not less than fifty dollars nor more than one hundred dollars for each and every offense.

Boats, seines, nets, etc., may be confiscated by state.

SEC. 6. Any and all appliances used in violation of any of the provisions of this act, viz., boats, traps, nets, weirs, fish wheels, or other appliances, shall be subject to execution for the payment of the fines herein provided. Such appliances may be seized by the fish commissioner and shall be forfeited to the state, and the proceeds turned into the fish hatchery fund, and the superior court of the state shall have exclusive jurisdiction in all such cases.

SEC. 7. Upon application therefor by any person, an annual license shall be issued by the fish commissioner for fixed and other appliances for catching salmon as herein provided, which shall entitle the holders to fish only in the waters of this state and in the waters over which this state has concurrent jurisdiction, wherein such appliances are not prohibited by law. The following fees for such licenses shall be collected by the fish commissioner and paid over to the state treasurer the first of each month, and by him turned into the fish hatchery fund, to wit:

License fees.	For each drag seine not exceeding 250 feet in length.....	\$2 50
	For each drag seine more than 250 feet and less than 500 feet in length.....	10 00
	For each drag seine upwards of five hundred feet in length,	15 00
	For each purse seine.....	25 00
	For each gill net or drift net.....	2 50
	For each set net.....	1 00
	For each pound net, trap or weir on the Columbia river.....	15 00
	For each pound net, trap or weir on Willapa harbor.....	10 00
	For each pound net, trap or weir (except on the Columbia river or on Willapa harbor).....	25 00
	For each scow fish wheel.....	15 00

Stationery fish wheels shall pay \$25.00 for first class wheels, and \$15.00 for second class wheels; the classification to be determined by the fish commissioner.

Cannery fees. There shall also be paid by each cannery in this state the following license:

For each cannery packing from 10,000 to 20,000 cases.....	\$50 00
Each cannery packing from 20,000 to 30,000 cases.....	60 00
Each cannery packing from 30,000 to 40,000 cases.....	75 00
Each cannery packing over 40,000 cases.....	100 00

(Rates on all canneries to be based upon pack of each preceding year.)

*Provided, however,* That any person or corporation, after

having obtained a license as provided for in this act, shall indicate locations for traps or pound nets made under such license, by driving at least three substantial piles thereon, which must extend not less than ten feet above the surface of the water at high tide, one of said piles to be driven at each end of the location claimed, and upon said terminal piles there must be posted the license number, and if the locator fails to construct his appliance during the fishing season covered by his license, such location shall be deemed abandoned.

Must indicate locations.

SEC. 8. Any person or corporation owning, operating or maintaining or using any pound nets, traps, set nets, weirs, fish wheels, or other fixed appliances, or any seines, gill nets or drift nets for the purpose of catching salmon within or upon any of the waters of this state without first having obtained a license so to do, as provided for in this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than one hundred dollars, and any assignee of a license shall be deemed without a license to operate, own, maintain or use such appliances unless notice of such assignment, as required by this act, has been given to the fish commissioner.

Failure to obtain license a misdemeanor.

SEC. 9. All moneys collected for licenses and fines under the provisions of this act shall be turned into the state treasury and placed in the fish hatchery fund.

Fish hatchery fund.

SEC. 10. The act of the legislature of the State of Washington approved February 10, 1893, entitled "An act regulating fish traps, pound nets, weirs, set nets, fish wheels or other fixed appliances for catching salmon on the waters of the Columbia river and its tributaries and Puget Sound, for providing for the licensing thereof, and the disposition of the funds arising therefrom, and declaring an emergency," and each and every part thereof, is hereby repealed, except that all licenses now existing under said act shall be continued in full force and effect the same as if said act remained unchanged and in full force and effect, until the expiration of said licenses, and which said licenses shall be renewed upon application and upon the payment of license fees as provided by this act.

Definition  
of salmon.

SEC. 11. Whenever the term salmon is used in this act it shall be construed to include and apply to chinook, steelhead, blueback, silverside, and all other species of salmon.

SEC. 12. Nothing in this act shall be construed so as to prevent the taking of salmon by the fish commissioner or proper officers of the United States for propagating purposes.

Reports must  
be made to  
state fish  
commissioner.

SEC. 13. It shall be the duty of all persons who purchase salmon from fishermen, or takers or catchers of salmon, for the purpose of selling them or the product of the same for profit, to report to the fish commissioner, on or before the 15th day of November of each year hereafter, the number of every species of fish, stated separately, so purchased by them, or if purchased by weight, the number of pounds of each species, and the average price per pound; such statement or report shall be made under oath.

Fish commis-  
sioner may  
administer  
oaths.

SEC. 14. The fish commissioner is hereby authorized to administer oaths, and may require any statement made to him in application for license, or in any report submitted to him, or in any matter connected with the discharge of his official business, to be made to him under oath.

Terms  
defined.

SEC. 15. The term "person or persons," when used in this act, shall be taken to include partnerships, associations and corporations. The term "seine," in this act, is intended to cover all forms of nets known as seines, purse seines or purse nets, trawls, beam trawls, stow nets, draw nets, bag nets, drag nets, drift nets and dredge nets.

SEC. 16. An emergency exists, and this act shall be in effect immediately.

Passed the Senate March 10, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.