

## CHAPTER 166.

[H. SUB. B. No. 271.]

## CREATING A STATE OYSTER COMMISSION; A STATE OYSTER FUND, AND MAKING AN APPROPRIATION THEREFOR.

AN ACT to create a State Oyster Commission, to define its duties and powers, to provide for the protection and management of the State oyster land reserves, to create a fund to be known as the Oyster Fund, providing for the issue of license to take oysters from the State oyster land reserves, providing for a penalty for violation of the provisions of this act, making an appropriation and declaring an emergency.

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

Commission. SECTION 1. There is hereby created a State oyster commission to consist of the Governor, Commissioner of Public Lands and the Fish Commissioner.

Records. SEC. 2. The Commissioner of Public Lands shall be the secretary of said commission, which secretary shall keep a true, full and correct record of all meetings of said commission. Said records shall be kept in the office of the Commissioner of Public Lands and shall be public records open for inspection of the public during office hours.

Meetings. SEC. 3. The said commission shall regularly meet on the first Tuesday in January, April and October, of each year, at the office of said commission, and at such other times as the chairman of said commission may call and direct.

Quorum. SEC. 4. A majority of said commission shall constitute a quorum to do business on all questions arising or coming before said commission. A decision of a majority of the members of said commission shall be valid as the act, ruling, judgment or decision of said commission.

Duties and powers. SEC. 5. It shall be the duty of the State oyster commission, and they shall have power to:

1. Examine all existing oyster reserves and to do or cause to be done such things as may be deemed advisable, to conserve, protect and develop said reserves as now established and that may be hereafter established, and to make such rules and regulations as may be found neces-

sary or desirable to carry into effect the provisions of this act.

2. To immediately examine all tide or oyster lands belonging to the State (except tide lands of the first class and lands hereinabove provided for) and to survey, plat and establish thereon what shall be and constitute oyster reserves for the future. Examination.

3. To cause a survey or re-survey of all the State oyster land reserves now existing or to be established by the said commission, to be made before the first day of October, 1903, or as soon thereafter as possible, and shall have each angle of the boundary line indicated by a stone of not less than one hundred pounds in weight and marked with the letters S. R. cut thereon in letters not less than three inches long and one-half inch deep, and to cause all oyster reserves to be platted, said plats to be filed in the office of the Commissioner of Public Lands and in the office of the Auditor of the county wherein said reserves are located; and in cases where the adjoining lands are used in whole or in part by private individuals for the production of oysters, stakes shall be kept standing on all of the angles of the boundary, the tops of which shall be at least four feet above high tide. Survey.

4. Said commission may, when it seems to them advisable, close any portion of any of the reserves against the removal of oysters for any period of time, not longer than two years at one time: *Provided*, That such closed periods may be thereafter renewed, from time to time, not exceeding in all four years, by the commission. May close reserves.

5. To care for and protect all reserves and to reseed and replant such as are in need of seed. Protection of reserves.

6. To employ such patrolmen and deputies as may be necessary for the protection of oyster reserves and collect licenses and payment for seed oysters and to define their duties. Patrolmen.

SEC. 6. The tide land within all oyster reserves established and surveyed and platted by said State oyster commission shall be forever reserved from sale or lease. Not to be sold or leased.

SEC. 7. Any person, persons or corporation may secure a license from the State oyster commission to take from the oyster land reserves oysters to be used for seed purposes. License to take oysters.

only, and upon the terms and conditions hereinafter provided for.

License to specify time for taking seed.

SEC. 8. No license shall be granted to take seed from any oyster land reserve except between the first day of April and the fifteenth day of June of each year, and at no time before five o'clock in the morning, or after eight o'clock in the evening; and no person, persons or corporation shall take from the State oyster land reserves an amount of oysters to exceed five hundred sacks to each acre prepared for seeding, and all seed taken from the State's oyster land reserves under the provisions of this act must be used upon lands situated in the State of Washington and described in the application for license. Any person, company or corporation desiring to take oysters from the State's oyster land reserves for the purpose of seeding his, her or their oyster beds, may make application to the State oyster commission for a license so to do, said application to be made upon forms to be provided by said State oyster commission in substance as follows: It shall show the date when made; the name of the person, company or corporation making the same; a description of the land upon which the oysters are to be placed, said description of land to show county, township, name of bay or inlet where land is located; state the amount of land prepared for seeding, and how prepared; whether the same is diked or not; whether it is hard ground or mud, and if mud ground, whether any crust or shell, sand or other substance, has been formed to protect the seed oysters. The applicant must state in application the number of sacks of oysters desired to be taken under the license, which amount must not exceed five hundred sacks per acre for all ground properly prepared to receive them. Where the applicant desires the license to be made in the name of any other person than himself or themselves or his or their agent, he shall so state. And no person, firm or corporation shall take oysters from any of the reserves in this State, without first having procured a license so to do. The applicant must agree to pay to the State oyster commission, under such rules as they may prescribe, the sum of twenty-five cents per sack on Puget Sound and ten cents per sack in all other places for all oysters taken under the

Application for seed oysters—what to show.

Applicant to pay for seed.

license and in all other things to comply with the rules and regulations governing the taking of oysters from the oyster land reserves as set forth in the license; and that all oysters taken in pursuance of the license shall be put on the ground described in the application. Every applicant shall declare upon oath or affirmation that the application is made in good faith, and that all things stated therein are true.

SEC. 9. When application is made to the State oyster commission for permission to take oysters from the State oyster land reserves, and such application is made according to the provisions of this act, the said commission shall grant such applicant a license to go upon any of the State's oyster land reserves that are not closed to operation, and take therefrom oysters for the use set forth in the application and for no other. Said license shall contain the privileges and prohibitions provided for in this act, and such rules and regulations as may have been adopted by the commission for the regulation of the business of taking oysters from the oyster land reserves. <sup>Granting of license.</sup>

SEC. 10. Whenever the word sack is used in this act it shall be considered to mean a quantity equal in weight to one hundred and twenty pounds. <sup>Definition of word "sack."</sup>

SEC. 11. Every person applying for a license under the provisions of this act shall pay to the State oyster commission five dollars before the license shall be issued. <sup>License fee.</sup>

SEC. 12. There hereby is created a fund to be known as the oyster fund, and all moneys received from the disposal of seed oysters on the reserves or any part thereof or any of the products thereof, or for license to operate thereon and appropriation herein made shall go into this fund, and all expense incurred on account of the State oyster land reserves shall be paid from this fund, by warrants drawn upon the funds in the same manner as is pursued in other State funds. <sup>Oyster fund.</sup>

SEC. 13. If any person or persons shall take oysters from any of the State oyster land reserves contrary to the provisions of this act, or shall go upon said reserves and rake up, or otherwise prepare oysters to facilitate the taking of same, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than one <sup>Penalty for violations.</sup>

hundred dollars, and imprisonment for a term of not more than one year, and forfeit any license he or she may then hold.

Appropriation.

SEC. 14. For the purpose of carrying out the provisions of this act, the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general fund of the State into the oyster fund: *Provided, however,* That within two years from the date of the passage of this act, the amount hereby appropriated shall be reimbursed by the oyster fund to the general fund and thereafter fifty per cent. of the amount received for licenses and receipts for seed shall be paid into the State general fund.

Emergency.

SEC. 15. An emergency exists and this act shall take effect immediately.

Passed the House March 3, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 16, 1903.

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## CHAPTER 167.

[H. B. No. 138.]

### PROVIDING A BOUNTY FOR KILLING OF SEALS AND SEA LIONS.

AN ACT providing for the payment of a bounty for the killing of the common seal (*phoca vitulina*) and sea lions, and making an appropriation therefor.

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

Rate of bounty.

SECTION 1. There shall be paid a bounty in the sum of one dollar for the killing of each common seal (*phoca vitulina*) and the sum of two dollars and fifty cents for the killing of each sea lion, when killed within the waters of the State of Washington, or within the waters of the Pacific ocean within one marine league of the Washington shore: *Provided, however,* That no more than twenty-five hundred dollars shall be paid in any year as a bounty under the provisions of this act.