

and the deputy state treasurer shall hold office at the pleasure of the state treasurer and shall respectively, before entering upon the duties of their office, take and subscribe, and file with the secretary of state, the oath of office provided by law for other state officers, and shall give surety bonds in such sum as the state treasurer shall deem sufficient for the faithful performance of their duties, which bonds shall be approved and filed as other state officials' bonds. The state treasurer shall be held responsible on his official bond for all official acts of the assistant state treasurer and the deputy state treasurer.

Passed the House February 9, 1921.

Passed the Senate February 23, 1921.

Approved by the Governor March 2, 1921.

CHAPTER 37.

[S. B. 151.]

GAME AND GAME FISH.

AN ACT relating to the protection, propagation, introduction, purchase, disposition and restoration of game birds, game animals, fur-bearing animals and game fish; creating certain officers, defining their powers and duties; relating to licenses for hunting, fishing and trapping; authorizing the closing, opening and shortening of hunting and fishing seasons; regulating the transportation and possession of game animals, game birds, game fish and fur-bearing animals; providing penalties for violation and repealing Sections 5347, 5351, 5395-2, 5395-3, 5395-4, 5395-8, 5395-25, 5395-27, 5395-33, 5395-35, 5395-36, 5395-38, 5395-41 and 5395-42 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and Section 7 of Chapter 164, of the Session Laws of 1917, and all other laws in conflict therewith.

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

SECTION 1. The Director of Fisheries and Game through and by means of the Division of Game and Game Fish, shall have the management and author-

ity to regulate the propagation and preservation of all game animals, game birds, game fish, and harmless birds and animals, and the collection of game fish spawn and the distribution of the same; also the distribution of fry and adult fish in any of the rivers, lakes and streams of the State, and the right to import such spawn and fry and adult fish as may be deemed advisable; and when so propagated, taken or imported, to distribute the same to the various counties as necessities and adaptabilities may require; also the right to purchase, sell, lease or exchange real or personal property; also the right at any season of the year to take any specimen or specimens of game animals, game birds or game fish, or migratory birds for informative, scientific or research purposes.

The county game commission shall be appointed on the recommendation of the board of county commissioners of each county, but in case the county commissioners fail to recommend such county game commissioners for appointment upon the request of the supervisor of game and game fish within ten days after written notice so to do, then and in that event the supervisor of game and game fish may appoint such commissioners.

The game commissioners for each county shall appoint a county warden. Each county warden shall receive a salary to be fixed by the Game Commission of each county which salary shall be paid out of the county game fund, and no salary shall be fixed by said commission in excess of the available funds.

The Director of Fisheries and Game, through and by means of the supervisor of game and game fish, shall have general supervision and control of the county game wardens and county deputy wardens, and may transfer them on official business from one county to another whenever in his judgment it

is advisable so to do. The expenses of such transfer are to be borne from the game fund of the county to which the transfer is made.

The Director of Fisheries and Game shall classify such fish as game fish which are so identified by science, and which are not specifically so classified by statute. He shall give notice of such classification by publication in a newspaper of general circulation, published at the State Capital, and from and after the date specified in said notice the fish so classified shall only be taken in accordance with the provisions of this act governing the taking of game fish.

The Director of Fisheries and Game, through and by means of the supervisor of game and game fish, shall have the power to authorize the importation of game birds, animals and fish, and authority to regulate and license the sale and transportation thereof within the State of Washington. The license fee for an importer shall be twenty-five dollars (\$25.00) per annum. The license fee for the keeper of a hotel, restaurant, boarding house, club or any retail dealer shall be five dollars (\$5.00) per annum, and each carcass shall be separately tagged as provided by Chapter 72 of the Session Laws of 1919.

SEC. 2. It shall be the duty of each county warden to make a report annually on March 1st each year to the Director of Fisheries and Game, which report shall be made on blanks to be provided by the Director of Fisheries and Game, and shall contain such information as he may deem advisable, and the Director of Fisheries and Game shall biennially, as of March 1st, make a report to the Governor of the State, which said report shall contain all the information concerning the acts of the county game wardens; also report on such game and game fish as may have been propagated and distributed under his direction, and all such other acts connected with

Annual
report by
county
wardens.

the enforcement of the game laws as may come to his notice.

The Director of Fisheries, through and by means of the supervisor of game and game fish, the various game commissions, and the county wardens shall have jurisdiction to enforce all of the laws of the state relating to game birds, game animals, game fish and fur-bearing animals.

Enforcement of laws.

The county game commission shall be provided with a furnished office in the court house in each county, at the county seat.

SEC. 3. Said county game commission shall enforce the laws of the state within their respective counties involving the protection, propagation and disposition of all game birds, game animals, game fish, fur-bearing animals, and harmless birds and animals. Said county game commission shall have charge of the regulation, disposition, and distribution of:

County game commission powers.

1. The classification, propagaion [propagation] and preservation of such varieties of game, game fish and fur-bearing animals as it shall deem to be of public value.

2. The collection and diffusion of such statistics and information as shall be germane to the purpose of this act.

3. The construction, control and management of all county game and game fish hatcheries, including the control of grounds owned or leased for such purposes; also the right to purchase, sell, lease or exchange real or personal property: *Provided*, That whenever any county game commission desires to establish a game fish hatchery it shall be the duty of the Director of Fisheries and Game, through and by means of the supervisor of game and game fish, to supervise the erection of such hatchery and the planting of any fish fry or spawn taken from such hatchery: *And. provided further*, That no person

in the State of Washington shall plant any game fish, game fish fry or spawn in any of the bodies of water in the State of Washington without the written consent of the Director of Fisheries and Game, or the Supervisor of Game and Game Fish.

4. The receiving from the United States Fish Commissioner or other source, and the gathering, purchase and distribution to the waters of this state of all game fish, spawn or fry.

5. The taking of game and game fish in the State of Washington and the propagation and distribution of same.

6. The seizure and disposition of all game birds, game animals, fur-bearing animals, game fish or parts thereof either taken, killed, transported or possessed contrary to law, and of all dogs, guns, seines, nets, boats and lights unlawfully used or held with intent to use in pursuing, taking, attempting to take, concealing or disposing of the same.

The superior courts of the respective counties shall, upon petition of the game commission, fix the time, manner and notice of sale of such property as may be abandoned, forfeited or confiscated, and described in the petition, the proceeds of such sale to be placed to the credit of the county game fund.

7. The county game commission in their respective counties shall have the power and authority to set aside any of the state, school or granted lands, all waters lying below extreme low tide, all waters of meandered streams, rivers and lakes lying beyond the outer harbor area, and such other lands as the individual owners thereof from time to time give their consent and approval in writing, also such of the National Forest Reserve areas as the chief forester of the National Forest Service of the United States shall consent in writing to be set aside as game preserves wherein no game bird, game animal, or fur-bearing animal or any one or more of them,

can be hunted, pursued, trapped, caught or killed within the boundaries thereof, for such time and so long as they may see fit and proper; to acquire in Class A counties by gift, purchase, lease or condemnation, such lands, water supply and rights of way therefor, as may be deemed necessary for the use of said commission for hatchery sites, trap sites and sanctuaries, and to acquire the rights of way to the nearest public highway; said rights to be exercised in the same manner and by the same procedure as provided by the laws of this state for municipal corporations.

8. The county game commissioners shall be paid out of the county game fund their actual traveling expenses when actually engaged in the transaction of their official duties, and may expend from the county game fund of their respective counties a sum not to exceed twenty dollars (\$20.00) as annual dues to the State Association of County Game Commissioners and Game Wardens, the purpose of which organization is the protection, propagation and distribution of game animals, game birds, and game fish, and for the prosecution of violations of the laws of this state relating thereto. All payments made under the provisions of this act shall be made by county or state warrants respectively and all claims against the said county game fund shall be audited by the county game commission in their respective counties, and all claims against the state game funds shall be audited by the supervisor of game and game fish, who shall have authority when occasion demands, to appoint deputy state game wardens and assign them to such places in the state as in his judgment may be necessary. Such special deputies may be employed for such length of time and at such salaries together with their necessary traveling expenses, as may be fixed by the supervisor of game and game fish. Such salaries and traveling ex-

penses for the special deputy game wardens shall be paid from the state game fund.

The State Association of County Game Commissioners and Game Wardens shall meet at least once each year on dates and at places to be fixed by themselves.

The expenses of the game commissioners and game wardens in attending an annual meeting of said Association shall be paid from the game fund of the respective counties.

At each annual meeting there shall be selected from the membership of the county game commissioners of said Association an advisory committee of five (5) members, which committee shall serve until the next annual meeting of the Association. Said advisory committee shall sit with the Director of Fisheries and Game in the apportioning of any moneys which may be appropriated from the State Game Fund, for the assistance of those counties which the Director of Fisheries and Game, and said committee shall deem to be in need of financial assistance for the proper carrying on of the work of said county game commission, and each member of said advisory committee shall have an equal voice with the Director of Fisheries and Game in the apportioning of said fund.

The Director of Fisheries and Game through and by means of the supervisor of game and game fish shall have authority to call the advisory committee into consultation at any time and place he so desires, relative to the conduct, management, propagation and distribution of game birds, game animals and game fish.

All traveling expenses of the advisory committee in attending all meetings shall be paid from the state game fund.

9. Upon written application by the full membership of any county game commission to the Director

of Fisheries and Game, permission may be granted by the Director of Fisheries and Game through and by means of the supervisor of game and game fish to entirely close or to shorten to such time as they deem expedient, the open season fixed by statute, or after the season has been closed or shortened as aforesaid, to reopen the same for all or any portion of the time fixed by statute, which they may deem expedient, or [for] any of the game birds, fur-bearing or game animals and game fish of the State, in their respective counties; and shall have authority to fix the daily, weekly or season bag limit on all game birds, game fish and game animals. All applications to open, close or shorten the season shall be made at least thirty (30) days prior to the date proposed for the opening of the season. The county game commission shall cause to be published a notice of the closing or shortening of the open season or of the reopening of the season closed as aforesaid, and the number fixed as the bag limit shall be given by publication in a newspaper published and of general circulation in the county affected, not less than three weeks prior to the opening of the season so fixed, which notice shall also be posted in the office of the auditor of such county, and the respective game commissions are hereby authorized to give any other notice thereof as they may deem advisable: *Provided, however,* that the provisions of this paragraph shall not apply to migratory birds as mentioned in Section 7 [6] of this act: *Provided,* that no deer or upland game birds shall be removed from Island or San Juan counties without first having obtained from the County Game Warden or deputy County Game Warden a permit for such removal. Paying a fee therefor as follows:

For permit to remove 1 deer.....	\$10.00.
For permit to remove grouse or pheasant	.20c each
For permit to remove quail.....	.05c each

Provided further, That any person violating any of the rules and regulations of the county game commission when approved by the director of fisheries and game thru the Supervisor of Game and Game Fish shall be guilty of a misdemeanor.

Official
bonds.

SEC. 4. All appointees of the county game commission shall give bonds in amounts to be approved by the county game commission, and said bonds filed in the office of the county auditor, conditioned for the faithful discharge of their respective duties, and to account for all funds and property coming into their hands.

Penalty.

SEC. 5. Every person who shall within the State of Washington hunt, pursue, take, kill, injure, destroy or possess any ruffed grouse, Hungarian partridge, prairie chicken, sage hen, Chinese, English, golden, Mongolian, silver, black-neck or Japanese pheasant, blue grouse, Franklin grouse, wild turkey, scaley partridge, Reeves pheasant, or any species of quail or any species of upland game birds, except as herein provided, shall be guilty of a misdemeanor: *Provided,* That it shall be lawful to hunt, pursue, take, kill or possess the above named game birds between the first day of September and the 1st day of December, both dates inclusive of the same year, unless such season be shortened or closed by the unanimous action of the Director of Fisheries and Game through and by means of the supervisor of game and game fish and the county game commission of the respective counties.

No person shall, within the State of Washington take or needlessly destroy the nest or the eggs of any game bird or any wild bird other than a game bird, or have such nest or eggs in his possession, except as permitted by this act. Any person or persons violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 6. Every person who shall between the sixteenth day of January and the thirtieth day of September, both dates inclusive of the same year, hunt, pursue, take, kill, injure, destroy or possess any species of migratory birds commonly known as wild goose, brant, wild duck, coot, rail, plover, snipe, sandpiper, curlews, avocets, stilts, turnstone, oyster catcher, phalaropes, or other species of birds, black-breasted and golden plover, jacksnipe or Wilson snipe, or greater or lesser yellow-legs, or who shall hunt, pursue, take or kill any of the birds above mentioned in this section after sunset or one-half hour before sunrise, shall be guilty of a misdemeanor.

Migratory
birds.

SEC. 7. No person shall, between the first day of January and the 31st day of December of the same year, catch, take, kill or have in his possession more than 50 game fish in any one day, nor more than twenty pounds and one game fish in any one day, nor more than thirty pounds and one game fish in any one calendar week, nor in any other manner than by angling for them with hook and line held in the hand or attached to a rod so held, and no person shall have in his possession any game fish caught, taken or killed in any of the waters of this state, except as provided in this chapter. No person shall fish in any stream or lake above any natural barrier or waterfall, where salmon do not run, with fresh salmon eggs used as a decoy or bait. Any person violating this section shall be guilty of a misdemeanor.

Limit for
fish.

SEC. 8. No person shall, within the State of Washington, hunt, catch, take, kill, ship, convey or cause to be shipped or transported by common or private carrier to any person either within or without the state, purchase, expose for sale, have in possession with intent to sell, sell to any person or have

Limit for
game.

in possession or under control at any time, any elk, moose, caribou, deer, fawn, mountain sheep or mountain goat, or any part thereof, including the hides, horns or hoofs except as herein provided: *Provided*, That one buck deer only may be killed in the counties lying east of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties between October first and November 15th of the same year: *Provided*, That in the above described section of the state, it shall be unlawful at any time for any person to have in his possession, dead or alive, any female deer: *And provided further*, that no person may kill more than two deer from October first up to and including November first of the same year in the counties lying west of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties, and any deer lawfully killed or any part thereof may be had in possession by any person during the said time. No person shall kill or have in his possession during said time more than two deer or parts thereof: *Provided*, That only one buck deer may be killed in the counties of Whatcom, Skagit, Clallam and Snohomish, and that in said counties of Whatcom, Skagit, Clallam and Snohomish it shall be unlawful at any time for any person to have in his possession, dead or alive, any female deer: *And provided further*, That any person who is lawfully in possession of any deer or any parts thereof, may ship or cause to be shipped, any such deer, or any part thereof, from place to place within the state: *And provided further*, That after the year 1925 male antlered moose and elk may be killed between October first and fifteenth of the same year, and such male elk or moose, or part thereof, may be had in possession by any person during the time aforesaid, but no person shall kill or have in possession during said time more than one male antlered elk or moose,

or part thereof: *And provided further*, that any person desiring to retain any game bird, game animal or game fish, or any part thereof, for human consumption or ornamental purposes, after the close of the season when the same was lawfully taken, may do so by furnishing the county game commission of the county wherein he desires to retain the same, a true and correct description thereof, giving the number, kind or kinds, and designating the place where the same is stored with reasonable certainty. The game commission or game warden shall have authority to tag or stamp the same for the purpose of identification, without materially damaging the same.

SEC. 9. It shall be unlawful for any person to hunt, pursue, catch, kill or take any of the game or fur-bearing animals, game birds or game fish protected by the laws of this state during the season when it is lawful to hunt, pursue, take or kill the same without such person having procured before the time of such hunting, pursuing, catching or killing, a hunting, fishing or trapping license therefor duly issued to him by the county auditor.

License
required.

The licenses provided for in this act shall be issued by the county auditors of the respective counties, and shall be as follows:

(a) A resident citizen of this state may obtain a hunting and fishing license by paying the county auditor the sum of one dollar and fifty cents (\$1.50), which shall entitle the holder thereof to hunt or fish within the county where such license is issued until the first day of March next following the date of its issuance, at any time when it is otherwise lawful to hunt or fish. Any county auditor shall issue a hunting and fishing license for any one or more counties of the state and shall transmit the fees to the auditors of the counties for which the licenses

were issued at the close of each month's business, together with the record thereof.

(b) Any person who is a resident citizen of this state may obtain from any county auditor a state hunting and fishing license by the payment of seven dollars and fifty cents (\$7.50) which license shall entitle the holder thereof to hunt and fish in any part of the state until the first day of March next following the date of its issuance, when it would otherwise be lawful to hunt or fish within said state.

(c) A citizen non-resident of the State of Washington may obtain a hunting and fishing license by paying to the county auditor the sum of ten dollars (\$10.00) which shall entitle the holder thereof to hunt and fish in any county in the state up to and including the first day of March next following the date of its issuance, when it would otherwise be lawful to hunt or fish in said county.

(d) *Provided, however,* that a county fishing license shall entitle the holder thereof to fish on either side of any stream or river, when the said stream or river shall constitute the boundary between two counties.

(e) Any alien may obtain a hunting and game fishing license by paying to the county auditor the sum of ten dollars (\$10.00) which shall entitle the holder thereof to hunt and catch game fish in any county in the state up to and including the first day of March next following the date of its issuance, when it would otherwise be lawful to hunt or fish in said county: *Provided,* such alien is authorized to carry firearms under the laws of this state, which permit shall be exhibited to the county auditor at the time of applying for such license.

(f) The county auditor shall, upon application and the payment of two dollars and fifty cents (\$2.50) issue to any citizen non-resident of this state a license to take, catch, or kill any game fish in any

lawful manner within the county where the license is issued, whenever it is lawful to take, kill or catch any game fish.

(g) Licenses issued under the provisions of this act shall be non-transferable, and any person hunting or fishing shall, upon demand of any warden, or deputy warden, exhibit his license, and a failure or refusal to exhibit such license shall be *prima facie* evidence that such person has no license.

(h) Any person hunting or fishing without having obtained the license or not having same in his possession as herein provided for, or doing any other act which by this act is declared to be unlawful, in cases where no other specific penalty is provided, shall be guilty of a misdemeanor.

(i) *Provided, however,* that nothing in this act shall prevent any woman, or minor under the age of sixteen (16) years, who is an actual resident of this state, from fishing at any time when it is otherwise lawful to fish.

SEC. 10. In applying for any license under this act the applicant shall make a written application which shall describe the applicant as to citizenship, age, weight, height and complexion, and the license issued shall contain the said description as contained in said application, and in all cases other than that of a non-resident the application shall be accompanied by a statement to the effect that he is an alien or a resident citizen of the State of Washington, giving his place of residence, and any person who falsely states that he is a resident of the State of Washington when he is not such, shall be guilty of a misdemeanor.

Application
for license.

SEC. 11. It shall be unlawful to hunt, take, kill or trap, snare or destroy any black, brown, or cinnamon bear between the first day of May and the first day of September of any year, except when such

Bear.

bear becomes predatory, or destructive of domestic animals.

Provided, That it shall be lawful to sell or otherwise dispose of the carcass and pelt, and to trap bear as other fur-bearing animals are trapped.

Predatory
and
destructive
animals.

SEC. 12. The English or European hawk sparrow, jays, magpies, kingfishers, crows and such hawks, falcons and owls as are destructive of domestic fowls and game birds, are not included among the birds protected by this act. *Provided*, That the game commissions of the respective counties may, acting through those authorized by them, destroy game birds and game or fur-bearing animals, when same become predatory and destructive of property.

Shooting
restrictions.

SEC. 13. It shall be unlawful at any time to shoot from any air craft or from, across or along any public highway or railway, or while in any motor or steam driven or horse drawn vehicle or railroad speeder propelled by motor or man power, at any game bird or game animal within the State of Washington, and in any prosecution it shall not be necessary to prove that the defendant in so shooting actually killed a game bird or game animal: *Provided*, That it shall be lawful to kill predatory animals and predatory birds at any time, in any place and in any manner. Any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor.

Dogs in
wooded
sections.

SEC. 14. It shall be unlawful for any person to have with him either loose or in leash any dog in any wooded section of any county of the state during the time in each year when it is lawful to hunt deer in such county, without having first obtained and being in force a written permit so to do, issued by the unanimous vote or action of the game commissioners of such county. *Provided*, that this section shall not apply to the counties lying east of the

eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties.

SEC. 15. Any person who hunts for any of the protected game animals, game birds or game fishes with a jack light or other artificial light of any class, kind or description, or is found after sunset in any wooded section or other place where deer may reasonably be expected, with any torch, lamp, lantern, electric, acetylene, gas or any other artificial light in his possession shall be guilty of a misdemeanor: *Provided*, that if the defendant show to the satisfaction of the court that he was not hunting deer by himself or in company with another, and was using such artificial light for a lawful purpose, he shall be discharged.

Use of
artificial
light
prohibited.

SEC. 16. No person over the age of sixteen (16) years shall trap any fur-bearing animal at any time, without first having paid to the county auditor in each county in which he is trapping, the sum of five dollars (\$5.00) and procured a license therefor, which license shall expire on the 28th day of February following its issue; *Provided*, That land owners and lease holders trapping upon their own premises shall be exempt; *Provided further*, that muskrats and moles may be trapped or killed in any manner at any time when injuring any field, garden, dyke, ditch, dam, embankment or public highway, by applying to the county game warden for a written permit so to do; *Provided further*, that all sums paid to the county auditor for trapper's licenses shall be placed to the credit of the county game fund.

Trapping
fur-bearing
animals.

SEC. 17. It shall be unlawful for any person to shoot at any migratory bird with a rifle, while such bird is in any lake, river or stream, or while such bird is upon any island or bar in any river or lake. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Shooting at
migratory
birds.

Penalty for
violations.

SEC. 18. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten nor more than one hundred dollars, together with the cost of prosecution, or by imprisonment for not exceeding thirty days in the county jail or both at the discretion of the court, for each offense. The killing of every single bird, animal or fish, protected by the laws of this state, shall constitute a separate offense. All fines collected under the provisions of this act shall be turned over to the treasurer of the county in which such action is brought, and by him placed in the county game fund.

Repealing
clause.

SEC. 19. Sections 5347, 5351, 5395-2, 5395-3, 5395-4, 5395-8, 5395-25, 5395-27, 5395-33, 5395-35, 5395-36, 5395-38, 5395-41, and 5395-42 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and Section 7 of Chapter 164, of the Session Laws of 1917, and all other acts or parts of acts inconsistent with the provisions of this chapter are hereby repealed.

Emergency.

SEC. 20. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed by the Senate March 1, 1921.

Passed by the House March 1, 1921.

Approved by the Governor March 2, 1921.