

CHAPTER LII.

[H. B. No. 234.]

GAME LAW PROVIDING FOR THE PROTECTION OF CERTAIN ANIMALS AND BIRDS.

AN ACT for the protection of game animals and birds, and song birds, and to define and punish as misdemeanors all violations thereof, vesting the county commissioners with authority to appoint game wardens, defining their duties, fixing their compensation and defining the duties of certain county, precinct and municipal peace officers, and repealing sections 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 271, 272 of the Penal Code of the State of Washington.

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

Large game—
closed season,
November 1
to September 1.

SECTION 1. Every person who shall, within the State of Washington, at any time between the first day of November of any year and the first day of September of the following year, hunt, pursue, take, kill, injure or destroy any moose, elk, caribou, antelope, mountain sheep or goat, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Hours
prohibited.

SEC. 2. Every person who shall, within the State of Washington, at any time between the first day of December of any year and the first day of September of the following year, hunt, pursue, take, kill, injure or destroy any deer, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided. Every person who shall hunt, pursue, take, kill, injure or destroy any deer between one hour after sunset and one-half hour before sunrise of any day of the year, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Use of dogs
prohibited.

SEC. 3. Every person who shall at any time hunt, pursue, take, kill, injure or destroy any moose, elk, caribou, antelope, mountain sheep or goat, or deer, with dogs, or who shall knowingly allow dogs to chase or destroy said animals, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Number
limited.

SEC. 4. Every person who shall, within the State of Washington, during the season when it is lawful to kill same, kill more than four deer, or more than two elk,

moose, antelope, caribou, mountain sheep or goat, or who shall kill any spotted fawn, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

SEC. 5. Every person who shall, within the State of Washington, fire-hunt for deer, moose, elk, antelope, caribou, mountain sheep or goat, or trap, ensnare or set up any traps, swivel, pivot or spring guns, pitfalls, or other devices for the purpose of trapping, ensnaring or killing deer, elk, moose, caribou, antelope, mountain sheep or goat, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Shall not fire-hunt, trap, nor ensnare.

SEC. 6. Every person who shall, within the State of Washington, at any time, take, kill or destroy any deer, moose, elk, caribou, antelope, mountain sheep or goat for the skin, hide or horns of such animal, or who shall kill any of said animals unless the carcass thereof is used or preserved for food, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Killing for hides prohibited.

SEC. 7. Every person who shall hunt, pursue, take, kill, injure or destroy any grouse, partridge, prairie chicken, sage hen, native pheasant or ptarmigan, between the first day of December of any year and the fifteenth day of August of the following year, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Certain game birds—closed season, December 1 to August 15.

SEC. 8. Every person who shall hunt, take, kill, injure or destroy any swan, sand hill crane, mallard duck, canvas back duck, widgeon, teal, wood duck, spoon bill, gray or black duck, sprig tail, or other game duck, rail, plover, or other game water fowl, between the first day of January and the fifteenth day of August of any year, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Certain others—January 1 to August 15.

SEC. 9. Every person who shall, within the State of Washington, at any time, trap, net or ensnare, or attempt to trap, net or ensnare, any quail or Bob White, prairie chicken, grouse, pheasant, partridge, sage hen, ptarmigan or wild pigeon, or have in his possession any live quail or

Shall not trap nor ensnare.

Bob White, prairie chicken, grouse, pheasant, wild pigeon, partridge, sage hen or ptarmigan, except for the purpose of propagation, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Use of sink boxes, sneak boats, etc., prohibited.

SEC. 10. Every person who shall use any sunk box or sink boat or sneak boat for the purpose of shooting wild ducks, geese, swan, or other water fowl, or who shall use any battery, swivel or pivot gun, or any gun other than one to be held in the hands and fired from the shoulder, at any time, for the purpose of shooting wild ducks, geese, swan, brant or other water fowl; or who shall build any structure in any of the waters of this state for the purpose of shooting therefrom wild ducks, geese, swan, or other water fowl; or who shall at any time between one hour after sunset and one-half hour before sunrise fire off any gun or build any fire or flash any light, or burn any powder or other inflammable substance upon the shores of any feeding grounds frequented by wild ducks, geese, swan or other water fowl, with intent thereby to shoot, kill, injure, destroy or disturb any of such water fowl, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Also, certain structures.

Also, certain expedients.

Nest robbing prohibited.

SEC. 11. Every person who shall, within the State of Washington, at any time, destroy or remove from the nest the egg or eggs of any wild duck, geese, or other water fowl; or the egg or eggs of any Mongolian or native pheasant, grouse, ptarmigan, prairie chicken, sage hen, partridge, quail or Bob White, or of any other wild fowl, or have in his possession, sell or offer for sale, any such egg or eggs, or willfully destroy the nest of any such wild fowl, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Sale of game regulated.

SEC. 12. Every person who shall, within the State of Washington, at any time between the first day of November of any year and the first day of October of the following year, offer for sale or for market, or sell, barter or exchange any moose, elk, caribou, antelope, mountain sheep or goat, deer or other wild game animal, or any wild duck, goose, swan, brant, sand hill crane, snipe, rail, plover or

other game water fowl, or any grouse, pheasant, ptarmigan, partridge, sage hen, or other game bird, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That no person shall on any one day kill, have for sale or offer for sale, barter or exchange more than two of the game animals or ten of the game birds in this act mentioned.

SEC. 13. Every person, agent or employé of a company or corporation, hotel keeper, restaurant keeper, boarding house keeper or keeper of a market who shall buy, or offer for sale, or keep or have stored for sale, at any time between the first day of November of any year and the first day of October of the following year, any moose, elk, caribou, antelope, mountain sheep or goat, deer or other wild game animal, or any part or portion of the meat of such wild game animal, or any swan, brant, sand hill crane, duck, snipe, rail, plover or other wild game water fowl, or any Oriental, Chinese or Mongolian pheasant, valley or mountain quail, pheasant, grouse, ptarmigan, partridge, sage hen, or other game bird, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Purchase and possession forbidden in certain cases.

SEC. 14. Every person, agent or employé of a company or corporation who shall at any time transport or ship out of the state, or keep stored for the purpose of transporting or shipping out of the state, any of the wild game birds or animals enumerated in the preceding sections, or any of the wild game birds or animals of this state, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

SEC. 15. Every person who shall hunt, pursue, take, kill, trap, ensnare, injure or destroy any imported or Oriental pheasant, golden, silver, ring-necked, copper, bronze, Chinese or Mongolian pheasant, or California, valley or mountain quail or Bob White quail at any time after the passage of this act and before the fifteenth day of October, in the year one thousand nine hundred, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That thereafter and after the fifteenth day of October, A. D.

Certain birds may not be killed at any time before 1900.

1900, the hunting and killing of all varieties of imported or Oriental pheasants, valley, mountain, California or Bob White quail shall be governed by the law here enacted for the hunting and killing of native pheasants and grouse: *Provided further*, That it shall be lawful to hunt and kill California, valley, mountain and Bob White quail in any of the counties of this state lying westward of the eastern boundary of the counties of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania between the fifteenth day of October and the first day of December of any year.

Territory east of Cascades excepted.

Song birds protected.

SEC. 16. Every person who shall, at any time, take, kill, injure or destroy, trap, ensnare, molest or disturb, or have in his possession, sell, or offer for sale, any nightingale, skylark, black thrush, gray singing thrush, goldfinch, greenfinch, bullfinch, red breasted robin, English robin, black starling, grosbeak, meadow lark, mocking bird, wild canary bird, or other song bird, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Also their nests.

SEC. 17. Every person who shall at any time, take from the nest of any song bird, the egg or eggs of such birds, or disturb, molest or destroy the nest of the song birds of this state shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Penalty defined.

SEC. 18. Every person convicted of any of the misdemeanors defined in the foregoing sections of this act, shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred (\$100) dollars, together with the costs of the prosecution in such action, and in default of the payment of said fine, shall be imprisoned in the county jail one day for each two dollars (\$2) of such fine; and upon the trial of any person, agent or employé of a company or corporation, proof of the possession of the wild animals, birds, or song birds, when it is unlawful to take, kill or have same, shall be *prima facie* evidence that the said wild game animal, game bird, or song bird, was unlawfully taken or killed by the person having possession of same.

Possession *prima facie* evidence.

SEC. 19. The county commissioners of the respective counties in the State of Washington are hereby empowered

and authorized to and may, upon application in writing of one hundred resident freeholders and taxpayers of said county, appoint a suitable person, who shall be a qualified elector and taxpayer of said county, as game warden for such county, who shall be vested with all the authority of a sheriff to perform the duties prescribed in the following section. Such game warden, so appointed, shall receive a salary of not more than twenty-five dollars (\$25) per month, to be paid in the same manner as other county officers.

Game warden appointed in certain cases.

SEC. 20. It is hereby made the duty of every game warden so appointed, and every sheriff, deputy sheriff, constable, city marshal and police officer, within their respective jurisdictions in the State of Washington, to enforce all the provisions of this act, and all laws for the protection of game, birds and animals, fish and song birds, and such sheriffs, deputy sheriffs, constables, city marshals, police officers, and each of them, by virtue of their election and appointment, are hereby created and constituted *ex officio* game wardens for their respective jurisdictions, and they and each of them, and each and every game warden so appointed, under the provisions of the preceding section shall have authority to and it shall be their duty to inspect all depots, warehouses, cold storage rooms, store houses, store rooms, hotels, restaurants, markets, and all packages or boxes, held either for storage or shipment, which they shall have reason to believe contain evidence of the infraction of any of the provisions of this act. And if, upon inquiry, said officer discovers evidence sufficient in his judgment to secure a conviction of the offender, or shall have good cause to believe that sufficient evidence exists to justify the same, he shall at once institute proceedings to punish the said alleged offenders.

Duty warden defined.

SEC. 21. All moneys recovered, and all fines collected under this act shall be paid to the treasurer of the county in which the suit, action or proceeding shall have been commenced or in which the offense shall have been committed; and the prosecuting attorney, or treasurer, of such county, upon the payment of any fine or judgment, may satisfy the same of record for the state. One-half of

Fines recovered divided between state and informer.

such money, exclusive of costs, shall be paid to and belong to the informer, whether such informer be the sheriff, deputy sheriff, constable, city marshal, police officer or other person, other than the game warden provided for in section 19 of this act, who caused to be brought the action or proceeding in which such fine or penalty shall be recovered, and shall be paid to such person by the county treasurer within thirty days after the same shall be received by such treasurer, upon the certificate of the prosecuting attorney, justice of the peace or judge who prosecuted or heard said action that such action or proceeding was brought or caused to be brought by such person, and that he is entitled to one-half of said fine. And the other one-half of said fine shall be retained by the county treasurer to be applied to the payment of the game warden appointed for such county.

Authority of warden and other officers to make arrests.

SEC. 22. Any game warden appointed under the provisions of this act, any sheriff, deputy sheriff, city marshal, constable or police officer may, without warrant, arrest any person by him found violating any of the provisions of this act, or any other act or acts hereafter enacted and in force, at any time for the protection of game, fish and song birds, and take such person or persons before a justice of the peace or municipal judge having jurisdiction, who shall proceed without delay to hear, try and determine the matter, and give and enter judgment according to the allegations and proof. All such actions shall be brought in the name of the State of Washington, and shall be prosecuted by the prosecuting attorney of the respective counties.

Exceptions.

SEC. 23. The provision of this act shall not apply to persons engaged in prospecting for mines of precious minerals upon the public domain to the extent of the personal need only of such prospector.

Repealed.

SEC. 24. Sections 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 271, 272 of the Penal Code of the State of Washington are hereby repealed.

Annual license (vetoed).

SEC. 25. All professional sportsmen or members of a sportsmen's club who desire to hunt under the provisions of this act, shall first obtain an annual license from the

auditor of the county in which he proposes to hunt, and shall pay for the same the sum of \$5.

Passed the House February 9, 1897.

Passed the Senate March 2, 1897.

NOTE BY THE GOVERNOR: "Section twenty-five (25) of this bill is objected to for the reason that it appears to be an attempt to fine members of sporting clubs for belonging to the same. With this exception the bill is approved this 11th day of March, 1897."

J. R. ROGERS, *Governor*.

CHAPTER LIII.

[H. B. No. 384.]

RELATING TO HIGHWAYS FOR BICYCLE RIDERS AND FOOT PASSENGERS.

AN ACT providing for the reservation of a portion of the public highways for the accommodation of bicycles and foot passengers.

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

SECTION 1. The county commissioners of any county may, upon proper application, or where such need exists, set aside and preserve part of any public highway within their jurisdiction for the exclusive use of bicycles and pedestrians. Such reservation shall not be less than four feet in width.

Part of public highways may be reserved for bicycles and pedestrians.

SEC. 2. Any person or persons willfully trespassing upon any side path, which shall have been preserved or improved as provided in section one of this act, by driving horses, cattle or wagons thereon, or who shall in any way willfully obstruct or damage such path shall be guilty of a misdemeanor, punishable by a fine of not less than five (\$5.00) dollars nor more than fifty (\$50.00) dollars for each and every offense.

Penalty for trespass upon.

SEC. 3. All fines collected under the provisions of this act shall be distributed as follows: One-half of the amount to the common school fund of such county, and the balance, after costs of prosecution have been deducted, shall

Fines collected, disposition of.