

CHAPTER CXXXIV.

[H. B. No. 294.]

FOR THE PROTECTION OF GAME ANIMALS AND
BIRDS, AND SONG BIRDS.

AN ACT for the protection of game animals and birds, and song birds, and to define and punish as misdemeanors all violation 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 in relation to game, and amending sections 7345, 7348, 7351, 7352, 7358, 7363, 7364 and 7366 of Ballinger's Codes and Statutes of Washington, and imposing a license upon hunters and creating a game protection fund.

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

SECTION 1. That section 7345 of Ballinger's Annotated Codes and Statutes of Washington be and the Amendment. same is hereby amended to read as follows: "Section 7345. Every person who shall at any time, within the State of Washington, hunt, pursue, take, kill, injure or destroy any female of the moose, elk, caribou, antelope, Game animals. when unlawful to kill. mountain sheep or mountain goat species, or who shall 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 male of the moose, elk, caribou, antelope, mountain sheep or mountain goat species, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

SEC. 2. That section 7348 of Ballinger's Annotated Codes and Statutes of Washington be amended to read Amendment. as follows: Sec. 7348. Every person who shall, within the State of Washington, during the season when it is lawful to kill the same, kill more than four deer or more than one male of the elk, moose, or antelope, or more than two males of the caribou, mountain sheep or mountain goat species or who shall kill any spotted fawn, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided. Limited number to be killed.

SEC. 3. That section 7351 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Sec. 7351. 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 15th day of August of the following year shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That no person shall kill on one day more than ten of the game birds mentioned in this section: *Provided further*, That in the counties of Kittitas and Yakima it shall be unlawful to hunt, pursue, take, kill or destroy any prairie chickens, sage hen from and after the passage of this act and before the 15th day of August, 1903.

Amendment.

Game birds,
when unlawful
to kill.Proviso as to
certain
counties.

SEC. 4. That section 7352 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Section 7352. 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 March and the 15th day of August of any year, 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 more than twenty-five of the game birds mentioned in this section.

Amendment.

Game ducks,
when unlawful
to kill.Proviso as to
number killed.

SEC. 5. That [section] 7358 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Section 7358. Every steamboat company, railroad company, express company, or other common carrier, their officers, agents and servants and every other person who shall transfer, carry or take out of this state, or who shall receive for the purpose of transferring from this state any of the wild game birds or animals enumerated in this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided: *Provided*,

Amendment.

Common
carriers.

however, That upon the granting of a similar privilege Proviso.
 by the Legislature of the State of Oregon or Idaho to
 the citizens or residents of the State of Washington,
 nothing in this section shall be construed to prevent
 any citizen or resident of the State of Oregon or Idaho Residents of
 Oregon and
 Idaho may
 take game out
 of state, when.
 from personally taking with him any game to the limit
 of one day's hunt, killed by himself, in the State of Wash-
 ington, when it is lawful to take and kill the same; but
 this provision shall be strictly construed, and the burden
 of the proof shall be upon the person taking with him
 such game to establish the fact that the same was per-
 sonally killed by himself: *Provided*, that nothing in this Proviso.
 section shall be construed to prevent any steamboat com-
 pany, express company, railroad company, or other com-
 mon carrier, their officers, agents and servants, from
 receiving any of the game birds or animals enumerated
 in this act from transferring them from one point to
 another point within this state when said game birds
 or animals are accompanied by the affidavit of the ship- Affidavits of
 shippers.
 per that the same is not shipped for sale or profit.

SEC. 6. That section 7363 of Ballinger's Annotated Amendment.
 Codes and Statutes of State of Washington be and the
 same is hereby amended to read as follows: Sec. 7363.
 The county commissioners of the respective counties
 in the State of Washington are hereby empowered and
 authorized to, and shall, upon application in writing of
 one hundred resident free holders and taxpayers of said
 county, appoint a suitable person, who shall be a quali- Appointment
 of game
 warden—
 powers of.
 fied 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 pre-
 scribed in the following section. Such game warden, Salary of
 warden.
 so appointed, shall receive a salary of not more than
 fifty dollars (\$50) per month, to be paid in the same
 manner as other county officers.

SEC. 7. That section 7364 of Ballinger's Annotated Amendment.
 Codes and Statutes of Washington be and the same is
 hereby amended to read as follows: Sec. 7364. It is Duty of game
 warden.
 hereby made the duty of every game warden so ap-
 pointed, and every sheriff, deputy sheriff, constable,

Who constitute ex officio game wardens.

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, or any forest rangers appointed by the United States government, 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, and it shall be their duty to inspect all depots, warehouses, cold storage rooms, storerooms, 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 alleged offenders.

Proceedings instituted upon finding sufficient evidence.

Amendment.

SEC. 8. That section 7366 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Section 7366. Any game warden appointed under the provisions of this act, any sheriff, deputy sheriff, city marshal, constable or police officer, forest ranger, 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 enforced, 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.

Power to make arrests.

Actions to be in name of state.

SEC. 9. Hereafter it shall be unlawful and it is hereby prohibited for any resident or non-resident of this state of the age of sixteen years or over, to hunt for, pursue, take, catch or kill any of the animals, fowls, or birds protected by the laws of this state without having in his possession at the time of such taking, catching or killing a license therefor duly issued to him by the county auditor in the county in which the said person is then hunting, which county officer is hereby authorized to issue such license under the provisions of this act; such license shall be numbered and dated and shall contain the name and postoffice address of the person to whom such license shall be granted. All licenses provided for in this act shall be issued as follows upon application therefor by any resident or non-resident of this state an annual license shall be issued by the county auditor for the purpose of hunting for, pursuing, taking, catching or killing any of the animals, fowls, or birds protected by the laws of this state which shall entitle the holder to hunt for, pursue, take, hunt, catch or kill any of the said animals, fowls or birds within the county wherein said license is issued for the term of one year in any manner and wherever such hunting is not prohibited by law, a fee of one dollar for each license issued to a resident of this state or of Oregon or Idaho and a fee of ten dollars issued to any other non-resident of this state shall be collected by the county auditors and paid over to the county treasurer and by said treasurer placed in the game protection fund. All fines collected under the provisions of this act or collected under the provisions of any of the game laws of this state shall be turned over to the county treasurer and placed by him in the game protection fund which fund shall be applied to the payment of salaries of game wardens so far as the same will apply: *Provided*, That in addition to the license hereinafter paid upon the killing of any male elk the person killing the same shall pay into the county treasury in which such elk is killed the further sum of twenty dollars which shall be placed in the game protection fund;

Unlawful to hunt without license.

Licenses.

Fee for license.

Fee for non-residents.

Fines collected to go to county treasurer.

Applied to payment of salaries.

Further penalty.

and upon failure so to do the person killing said elk shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars together with the cost of prosecution in such action.

Passed the Senate March 4, 1901.

Passed the House March 14, 1901.

Approved by the Governor, March 18, 1901.

CHAPTER CXXXV.

[H. B. No. 338.]

DECLARING QUALIFICATION OF ELECTORS AND GOVERNING REGISTRATION OF VOTERS, AND AMENDING FORMER ACT.

AN ACT declaring the qualification of electors and governing the registration of voters, and amending sections 1445, 1455, 1456, 1454, 1393, 1391 and 1373 of Ballinger's Annotated Codes and Statutes of Washington, and carrying into effect the provisions of section 1, article VI, of the Constitution of the State of Washington.

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

SECTION 1. All male persons over the age of twenty-one years, possessing the following qualifications shall be entitled to vote at all elections: All persons who at the time of the taking effect of this act are qualified electors of this state; all other male persons who are over the age of twenty-one years, citizens of the United States who have lived in the state one year and in the county ninety days and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote, and who shall be able to read and speak the English language: *Provided*, That indians not taxed shall never be allowed the elective franchise.

SEC. 2. That section 1445 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: "Section 1445. In

Guilty of
misdemeanor.

Who may vote.

Qualifications.

Proviso.

Amendment.