

For indexing house journal.....	\$200 00
For indexing senate journal.....	200 00
For transportation and salaries state veterinarian and deputies....	500 00
For surveying boundary lines between Oregon and Washington on Columbia river, per concurrent resolution No. 9.....	1,200 00
Expense state board equalization.....	400 00
For experimental station at Puyallup.....	5,000 00
For completing road from Republic to Marcus.....	4,000 00
For state mining bureau, traveling expenses, etc.....	1,500 00
For Whatcom normal school, improving and grading grounds.....	3,000 00
For care of capitol, at \$100 per year.....	200 00
For removal of library.....	500 00
Rent of state offices, \$10,200 per year.....	20,400 00
For deficiency in maintenance fund, Western Washington hospital for the insane.....	876 83
FOR STATE PRINTING OFFICE.	
For printing and binding.....	\$36,000 00
For desk supply fund.....	4,000 00
Total.....	\$40,000 00
From state normal [school] fund, for relief of Jasper N. Warren as custodian of the normal school building at New Whatcom, to March 31st, 1899.....	\$300 00

Passed the House March 9, 1899.

Passed the Senate March 9, 1899.

Approved March 13, 1899.

## CHAPTER CXVII.

[H. B. 379.]

### RELATING TO FOOD FISHES.

AN ACT providing for the protection and propogation of the food fishes in the waters of the State of Washington, regulating the catching and sale thereof, establishing licenses, fixing penalties, repealing conflicting laws, and declaring an emergency.

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

Prohibited  
waters.

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, and within said bodies of water within a distance of three miles from the mouth of any such rivers, 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 at a greater depth than sixty-five feet at low tide, any pound net, trap, weir, fish wheel, or other fixed appliance, set lines excepted, for the purpose of catching salmon or other food fishes, 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. It shall also be unlawful hereafter to use any purse net or other like seine within three miles and any drag seine within one mile from the mouth of any of said rivers or within said rivers: *Provided*, That nothing in this or any other act shall prevent any Indian residing in this state, from taking salmon or other fish by any means at any time for the use of himself and family.

SEC. 2. 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, subject to the regulation and license hereinafter 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 no fishing 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 commissioner of this state, who is hereby authorized to issue said license under the regulations provided by law. A separate license shall be required for each trap, pound net, weir, fish wheel or any other fixed appliance, and for every purse net, purse seine, drag seine or other seine, gill net, drift net or set net, which license shall be numbered and dated, and shall specify the number of the pound net, trap, weir, fish wheel or other fixed appliance, seine, gill net, drift net or set net, which number shall be designated by the said commissioner, and said license shall also contain the name of the person to whom

License.

such license shall be granted. 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, nor shall any license be issued to any corporation, unless such corporation shall be authorized to do business in this state: *Provided*, That nothing in this act shall be construed to prevent the issuance of licenses to women, minors of the age of eighteen years or more, or Indians, who possess the qualifications of citizenship and residence hereinbefore required, nor to prevent the renewal of any licenses by persons now holding the same: *Provided*, Licenses issued by the State of Oregon shall be deemed valid as to gill nets for use on the Columbia river as though issued by the fish commissioner of this state. No more than three licenses shall be issued to any one person, firm or corporation. Licenses may be assigned or transferred to any person or corporation entitled to hold licenses under the provisions of this act: *Provided*, That notice is given to the fish commissioner of said transfer or assignment by the transferee within twenty days from the date of said transfer or assignment: *And provided further*, If such notice of transfer is not given such license shall be void. 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.

SEC. 3. Any person owning, 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

Who may be licensed.

Certain Oregon licenses valid.

Transfer.

Size of mesh.

License number to be posted.

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. All pound nets or traps shall conspicuously show at night time, between sunset and sunrise, a bright white light.

SEC. 4. No lead of any pound net, trap, fish wheel or other fixed appliance used or operated in the waters of the Columbia River or its tributaries, Willapa Harbor, or Gray's Harbor 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 passageway of at least nine hundred feet, between all pound nets, traps, weirs, fish wheels or other fixed appliances hereafter constructed and placed within the waters of the Columbia River and its tributaries, Willapa Harbor and Gray's Harbor within this state, and there shall be an end passage way of at least six hundred feet and a later[al] passage way 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, for the purpose of determining end passage way a line shall be drawn parallel to the general direction of the shore line for one-half mile on either side of a proposed location, which parallel line shall intersect the outer end of any location theretofore made, and maintained as by law

provided, and a new location shall be driven at least six hundred feet distant at right angles from such base line.

Fisherman's  
license.

Who may  
receive.

Fee.

SEC. 5. Any person, other than minors under eighteen years of age, who desires to work as a fisherman in any of the waters of this state on or with any of the fishing appliances mentioned in this act, whether said person be the owner of an appliance or an employe of an owner, shall obtain a fisherman's license from the fish commissioner of this state as follows: Such applicant shall present in writing to the fish commissioner his application, which application shall be accompanied by the affidavit of said applicant that he is a citizen of the United States, or has declared his intention to become such one year prior to the making of such application and that he is and has been, for six months next preceding such application, a *bona fide* resident of the State of Washington, or of any adjoining state, and shall pay to the said fish commissioner a license fee of one dollar when said application is presented, and thereupon a license shall issue to such applicant authorizing him to engage in taking and catching fish in any of the waters of the state not prohibited under the provisions of this act. In addition to the license aforesaid, any licensed fisherman desiring to engage in the business of operating a fish trap, pound net, set net, gill net, fish wheel, seine or other appliance not prohibited by law, for the purpose of catching fish, shall make application in writing to the said fish commissioner, specifying with convenient certainty the character of the appliance that applicant desires to obtain a license for, together with the number of his individual license as provided in this act, and upon the payment of a license fee as hereinafter provided, the fish commissioner shall issue to such person a license to operate the character of appliance desired in said application.

SEC. 6. All licenses provided in sections two and three of this act shall be issued as follows: Upon application therefor by any person, an annual license

shall be issued by the fish commissioner for fixed and other appliances for catching salmon or other food fishes as herein provided, which shall entitle the holder to operate said appliances for the term of one year in the waters of this state, 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 on or before the tenth of each month, and by him turned into the fish hatchery fund, to-wit:

	License fees.
For each drag seine not exceeding two hundred and fifty feet in length .....	\$2 50
For each drag seine more than two hundred and fifty feet in length, and not exceeding five hundred feet in length..	5 00
For each drag seine exceeding five hundred feet in length, and not exceeding ten hundred feet in length.....	10 00
For each drag seine more than one thousand feet in length, and not exceeding fifteen hundred feet in length.....	15 00
For each drag seine more than fifteen hundred feet in length, and not exceeding two thousand feet in length.....	20 00
For each drag seine more than two thousand feet in length, and not exceeding twenty-five hundred feet in length..	25 00
For each drag seine more than twenty-five hundred feet in length .....	30 00
For each first class pound net, trap or weir on the Columbia river.....	20 00
For each second class pound net, trap or weir on the Columbia river.....	10 00
For each first class purse seine .....	50 00
For each second class purse seine.....	25 00
For each gill net or drift net .....	2 50
For each set net.....	2 50
For each pound net, trap or weir on Willapa Harbor and Gray's Harbor .....	10 00
For each pound net, trap or weir (except on the Columbia river, on Willapa Harbor or Gray's Harbor).....	50 00
For each scow fish wheel .....	15 00

Stationary fish wheels shall pay \$25.00 for first class wheels and \$10.00 for second class wheels; all classifications of wheels, pound nets and purse seines to be determined by the fish commissioner: *Provided*, Where any trap or pound net is so constructed as to take fish at each end of its main lead it shall obtain and pay for a license especially permitting the taking of fish at both ends, for which it shall pay a license fee double

Double  
license fee.

Additional  
fees.

Sworn  
statement.

Packer's  
license.

Statement to  
be furnished.

the amount of a pound net or trap taking fish at one end only. In addition to the foregoing license charges there shall also be paid by the owners of each trap, pound net or fish wheel operated in the waters of the state, the sum of one dollar for each one thousand fish taken by such trap, pound net or fish wheel, and the said additional fee shall be paid on or before the tenth day of each month. It shall be the duty of every person owning or operating any trap, pound net or fish wheel to furnish to the fish commissioners on or before the tenth day of each month a sworn statement giving the number and location of such trap or pound net and a detailed statement of the actual number of fish caught at such trap or pound net, and in addition to answer such questions as the fish commissioner shall propound with reference thereto, which statement shall be filed with and retained by the fish commissioner.

SEC. 7. Every person, firm or corporation engaged in the business of buying and selling, packing and preserving or otherwise dealing in salmon other than canners thereof, shall pay as a license the sum of thirty cents per ton gross weight or in the round of said fishes bought and sold, packed or preserved or otherwise dealt in: *Provided*, No person engaged in the business aforesaid shall pay less than two dollars and fifty cents per annum. It shall be the duty of each person, firm or corporation affected by the provisions of this section to render to the fish commissioner of the State of Washington, on or before the tenth day of each month, on blanks to be furnished by the said fish commissioner, a detailed statement showing gross amount of fresh fish in the round bought and sold, packed and preserved or otherwise dealt in during the preceding month, and each person shall pay to the said commissioner the amount due under the provisions hereof, on or before the tenth of each month, and a failure or neglect to do so shall constitute a misdemeanor, and upon conviction thereof the offender may be punished as hereinafter provided.

SEC. 7½. Every person, firm or corporation engaged in canning salmon shall procure a license before commencing the season's packing, as follows :

	Amount fees.
For each cannery packing less than 10,000 cases per annum.....	\$100 00
For each cannery packing from 10,000 to 15,000 cases per annum.....	150 00
For each cannery packing from 15,000 to 20,000 cases per annum.....	200 00
For each cannery packing from 20,000 to 25 000 cases per annum.....	250 00
For each cannery packing from 25,000 to 30,000 cases per annum.....	300 00
For each cannery packing from 30,000 to 40,000 cases per annum.....	400 00
For each cannery packing from 40,000 to 50,000 cases per annum.....	500 00
For each cannery packing from 50,000 to 60,000 cases per annum.....	600 00
For each cannery packing from 60,000 to 70,000 cases per annum.....	700 00
For each cannery packing from 70,000 to 80,000 cases per annum.....	800 00
For each cannery packing from 80,000 to 90,000 cases per annum.....	900 00
For each cannery packing from 90,000 to 100,000 cases per annum.....	1,000 00

Rates on all canneries to be based upon pack of each preceding year. New canneries shall pay a license of \$250 until their pack is definitely known.

SEC. 8. And it shall be unlawful to take or fish for salmon in any of the tributaries of Puget Sound during the month of April and [ from ] the 15th of October to the 15th of November in each year. It shall also be unlawful to take or fish for salmon by any means whatsoever in any of the following named rivers above tide water in said rivers: Nooksack river, Skagit river up to the town of Hamilton, Stillaguamish river, Snohomish river, White river, Nesqually river and Skokomish river; and it shall be unlawful to take or fish for salmon in the waters of Gray's Harbor or its tributaries from the 15th of March to the 15th of April, and from the 15th of November to the 15th of December in each year. And also it shall hereafter be unlawful to take or fish for salmon in any of the following named trib-

Fishing season.

Limitations  
of fishing  
ground.

utaries of Gray's Harbor from the 15th day of August to the 15th day of November of each year, above the points hereinafter described, to wit: It shall be unlawful to take or fish for salmon in the Chehalis river above a point one-half mile below the mouth of the Wynooche river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Humptulips river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Elk river; it shall be unlawful to take or fish for salmon above a point one-half mile above the [mouth of] the Johns river. The fish commissioner is hereby empowered to indicate the points above which fishing may not be done as provided hereinbefore, by driving piles at the points in said streams above designated which shall mark the points above which said fishing shall not be done. It shall be unlawful to take or fish for salmon in the waters of Willapa Harbor or its tributaries from the 15th of March to the 15th of April, and from the 15th of November to the 15th of December in each year. And also it shall be unlawful to take or fish for salmon in any of the following tributaries of Willapa Harbor above tide water in said rivers: North river, Willapa river and Nasel river. Nothing in this act shall be construed to prevent fishing with hook and line, commonly termed angling, in any of the above named rivers. It shall be unlawful to take or fish for salmon in the Columbia river or its tributaries, or within three miles outside of the mouth of said Columbia river, by any means whatever, in any year, between 12 m. the 1st day of March and 12 m. the 15th day of April, or between 12 m. the 10th day of August and 12 m. the 10th day of September; and it shall be unlawful at any time to take or fish for any salmon, by any means whatever, except with hook and line, commonly termed angling, in the Kalama river, Wind river, Little White Salmon river, Wenatchee river, Methow river, and Little Spokane river, and in the Columbia river within one mile of the mouths of the above named rivers. It shall be unlawful at any time to take any

Hours of  
fishing.

Certain waters  
prohibited.

fish with a net, trap or other device than hook and line in Chambers creek, in Pierce county, or within two hundred and fifty yards of the mouth of said creek, and the mouth of said creek shall be construed to mean the junction where the fresh and salt waters meet at low tide.

SEC. 9. Any person or corporation, after first 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 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, said location shall be deemed abandoned. After any such trap or pound net has been located, the owner thereof may file a description thereof sufficient for identification with the fish commissioner, and shall thereafter have the exclusive right to fish such location and to sell and transfer such right during such time as the locator or owner of such right shall comply with the requirements of the law pertaining thereto in other respects. Locations for drag seines may be made by driving a substantial stake or erecting a permanent monument at each end of the location claimed and posting thereon the number of the license under which such drag seine is operated: *Provided*, That no seine location the title to which is in the state shall occupy a greater space than twice the length of the seine covered by above license. Locations for set nets may be made by driving a substantial stake or erecting a permanent monument or securely anchoring a buoy on the location claimed, upon which shall be posted the number of the license under which such set net is operated: *Provided*, There shall be a lateral passage way of at least three hundred feet and an end passage way of thirty feet between all set nets. No fishing appliance or device of any kind whatsoever located or

Trap limits  
marked.

License  
posted.

Other loca-  
tions, how  
marked.

Passageway.

used upon any streams or rivers of this state shall, either by a lead or any parts of said appliance occupy more than one-third of the width of such streams or rivers.

Penalty.

SEC. 10. Any person or corporation owning, operating, maintaining or using any pound nets, traps, weirs, fish wheels or other fixed appliances, or any seines, set nets, gill nets or drift nets, for the purpose of catching salmon or other food fishes within or upon 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 any assignee of a license operating any such appliance without giving notice of such assignment as required by this act to the fish commissioner, shall be guilty of a misdemeanor.

SEC. 11. Nothing in this act shall be so construed as to prevent fishing with set nets in any of the rivers of this state except when such fishing is expressly prohibited by law or prohibited by the fish commissioner in his discretion in rivers on which are located state fish hatcheries.

Commissioner  
may close  
waters.

SEC. 12. Whenever the fish commissioner shall consider that the protection of the food fishes mentioned in this act shall require it, he may close to fishing any stream or river in this state emptying into Puget Sound, the Columbia River, Gray's Harbor or Willapa Harbor, in the manner following, to-wit: he shall post in the office of the county auditor of the county or counties through which the stream or streams desired to be closed shall run, a notice stating that on a date set up in said notice, which date shall be not less than thirty days from the date of notice, said stream or streams will be closed to public fishing, and shall cause a like notice to be published in some weekly paper published in said county or counties for not less than four successive issues. Any person fishing in said stream or streams after it shall have been closed as hereinabove provided, shall be guilty of a misdemeanor and upon conviction shall be punished as provided for the punishment of misdemeanors in this act; *Provided,*

Notice to be  
given.

Penalty.

Nothing in this section contained shall be construed to prohibit hook and line fishing for salmon in any stream or streams in this state.

SEC. 13. 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. 14. 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. 15. Nothing in this act shall be construed so as to prevent the taking of salmon or other food fishes by the fish commissioner or proper officers of the United States for propagating purposes.

Exceptions.

SEC. 16. It shall be the duty of all persons who purchase salmon or food fishes from fishermen or takers or catchers of salmon, or other food fishes, for the purpose of selling or canning them or the product of the same for profit, to report to the fish commissioner on blanks furnished by him, on or before the 15th day of November of each year hereafter, the number of each 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.

Purchases to be reported.

SEC. 17. 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.

Commissioner may administer oaths.

SEC. 18. 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, reef nets and dredge nets.

Meaning of certain terms.

SEC. 19. All reports showing the status of the business of any person required under the provisions of

Reports to be confidential.

this act to report to the fish commissioner, shall be treated by said commissioner as confidential and shall not be open to public inspection, nor shall they be published in any way by the commissioner or communicated to any person unless their publication shall be necessary in some civil or criminal proceeding against said person or persons for the purpose of enforcing the provisions of this act: *Provided*, That the fish commissioner may utilize any and all statistics furnished him in any annual, biennial or other report made by him where the use of said statistics or information will not disclose to the public the condition of business of any person: *And provided further*, That if the fish commissioner or any one in his employ shall willfully publish the said information or statistics disclosing the condition of business of any individual in violation of this section, he shall be guilty of a misdemeanor and shall be punished by a fine of any amount not exceeding one thousand dollars.

Penalty.

SEC. 20. Any person violating any of the provisions of this act, whether or not such violation is otherwise specifically declared to be a misdemeanor, either by neglecting to observe the requirements of this act or violating any of the provisions thereof, shall be deemed guilty of a misdemeanor, and shall upon conviction therefor for each and every offense, be subject to a fine of not less than ten dollars nor more than two hundred and fifty dollars.

Repeal.

SEC. 21. All acts and parts of acts in conflict with the provisions of this act are hereby repealed: *Provided*, That all licenses now existing under the laws heretofore in force shall be continued for the time such licenses may have to run or for the unexpired portion thereof, the same as if this act had not taken effect, and such licenses shall be renewed upon application upon the payment of the license fees as provided by this act.

Emergency.

SEC. 22. An emergency exists, and this act shall be in effect immediately.

Passed the House February 21, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.