

CHAPTER 139.

(H. B. No. 367)

CHANGING NAME OF SCHOOL FOR DEFECTIVE YOUTH.

AN ACT to change the name of the State Institution located at Vancouver, Washington, from "State School for Defective Youth" to "State School for the Deaf and the Blind."

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

SECTION I. That the name of the State institution located at Vancouver, Clarke County, Washington, now known as the State School for Defective Youth, is hereby changed to the State School for the Deaf and the Blind, by which name said institution shall hereafter be called and known.

Passed the House March 8, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 9, 1905.

CHAPTER 140.

(H. B. No. 216)

AMENDING ACT OF 1899 RELATIVE TO PROPAGATION OF FOOD FISHES.

AN ACT to amend Sections four and nine of an act of the Legislature of the State of Washington, approved March 13, 1899, entitled, "An act providing for the protection and propagation 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," and declaring an emergency.

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

SECTION I. That section four of an act of the Legislature of the State of Washington, approved March 13, 1899, and entitled "An act providing for the protection and propagation 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, and the same is, hereby amended to read as follows: Section 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 Grays 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 passage way 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 Grays Harbor within this State, and there shall be an end passage way of at least six hundred feet and a lateral 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 ways, base lines shall be drawn at right angles with the general course of locations first originally established and intersecting the ends thereof, and the end passage ways shall be measured at right angles from such base lines: *Provided*, This amendment of section four shall not affect any locations lawfully existing under previous statutes when this act takes effect; and any or all such fishing appliances may be maintained upon such existing locations as though this act had not been passed, or they may be changed to conform to the provisions hereof as to end passages at the option of the location owners and holders thereof.

SEC. 2. That section nine of said act be, and the same is, hereby amended to read as follows: Section 9. Every person, firm or corporation who at the time this act takes effect shall be lawfully occupying any set net, pound net or fish trap location in the waters of Puget Sound in the State of Washington under any provisions of the statutes of this State, or who thereafter may desire to so occupy any unoccupied or unclaimed fishing location where it may be lawful to construct a set net, pound net or fish trap in said waters, shall within sixty days after this act takes effect in the case of existing locations, and at the time they are sought to be made in the case of new locations, cause all such locations to be accurately surveyed by a competent civil engineer,

Size of nets.

Base lines at right angles.

Survey of locations, when.

unless such like survey thereof of any location has already been made, in which case such existing survey may be used; and such occupant or claimant shall cause a location map to be made of each fishing location from the actual survey thereof, said map to contain a plat and description of said fishing location sufficient for its ascertainment and identification on the premises; such map must be certified by the engineer who made the survey, to be a true and correct map of the fishing location as shown, which is platted thereon from his survey thereof, made on behalf and at the request of the occupant or claimant (naming him). Such map shall also contain a certificate of the occupant or claimant of said location, stating that he claims the fishing location shown on the map, and specifying the date and number of the license under which said location is held; such last mentioned certificate may be signed by the occupant or claimant or by his agent or attorney in his behalf, and shall contain the post-office address of the occupant or claimant. Such map with the certificates thereon shall be filed in the office of the county auditor of the county in which such fishing location is situated, and shall from the date of its filing constitute full and complete notice that the location shown upon said map is owned, held, occupied and claimed by the person, firm or corporation designated thereon as occupant or claimant. A duplicate copy of such map shall also be filed (for information only) with the Fish Commissioner of the State of Washington, or of the district within which such location is situated. And it shall be the duty of all county auditors and fish commissioners, in whose office any such maps may be offered for filing, to receive and safely keep same on file in their respective offices. They shall also keep a proper and convenient index of all such maps, showing the time and dates of the filing, the names of the occupants or claimants on whose behalf such maps are filed, and the serial numbers of the maps in the order filed, all of which must be endorsed on the respective maps when filed; but no informality or omission on the part of any such public officer shall impair or prejudice the rights of any occupant or claimant of or to any such fishing location. Every person, firm or corporation being the owner, holder or occupant of any one or more existing set net, fish trap or pound net locations when this act takes effect, shall have the exclusive and preference right for ninety days thereafter within which to file such maps

Map—what
to contain—
where filed.

Duty of
county
auditors and
fish com-
missioners.

Preference
right to file
maps.

with the respective county auditors. From and after the filing of any such map in the office of any county auditor, the occupant or claimant of the fishing location thereon shown, and his heirs, successors and assigns shall have the exclusive right to occupy, maintain and fish such location, to renew the licenses therefor, and to mortgage, sell and transfer such right, during such time as he or they shall comply with the requirements of the laws of the State of Washington, pertaining thereto in other respects. It shall not be necessary hereafter to drive any location piles to indicate fish traps or pound net locations within the waters of Puget Sound in the State of Washington, and all such existing piles shall be removed from such location by the owners and occupants thereof, within ninety days from the date this act takes effect. Upon the construction of any fish trap or pound net, the number of the license under which same is held shall be posted in a conspicuous place thereon and there maintained until such trap is removed: *Provided however*, If the locator fails to construct his appliance during the fishing season covered by his license, said location shall be deemed abandoned. At the close of each annual fishing season on Puget Sound the owner and holder of each set net, fish trap or pound net shall remove from the location all piles and structures of every kind. 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 erecting a permanent monument near 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 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: *Provided however*, That in the Columbia river and its tributaries, Willapa Harbor and its tributaries, Grays Harbor, and its tributaries, any person or corporation, after

Location
piles—not
necessary.

Number of
license to be
posted.

Drag seines.

Set nets.

Space to be
occupied
limited.

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 the 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 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 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.

Description.

Lateral passage ways.

Emergency.

SEC. 3. An emergency exists and this act shall take effect immediately.

Passed the House March 3, 1905.

Passed the Senate March 8, 1905.

Approved by the Governor March 9, 1905.