

taken by members, a copy of the notice of appeal shall be served upon the claimant or annuitant as the case may be. Upon the taking of an appeal, the secretary shall certify to the clerk of the superior court all papers and documents filed in the matter of the claim, together with a transcript of the record of the action of the board thereon, the notice of appeal and the appeal bond, and the matter shall be set down for hearing *de novo* before the court without a jury and heard in the manner provided by law for setting and hearing appeals from justices of the peace, except as hereinabove provided. Appeals from the decisions of the superior court may be taken to the supreme court of this state in the manner provided by law for taking appeals in equity cases.

Partial  
invalidity.

SEC. 25. If any part of this act shall be adjudged to be invalid or unconstitutional, such adjudication or [of] invalidity or unconstitutionality shall not affect the validity or constitutionality of the act as a whole, or of any part thereof not adjudged invalid or unconstitutional.

Passed the Senate February 15, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 16, 1917.

---

## CHAPTER 164.

[S. S. B. 315.]

### AMENDMENTS OF GAME LAW.

AN ACT relating to game and game birds, standardizing the time of sunset in the State of Washington, and amending sections 5395-4, 5395-24, 5395-25, 5395-26, 5395-27, 5395-33 and 5395-35 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5395-4 of Rem. & Bal. Code be amended to read as follows:

County game  
commission,  
duties.

Section 5395-4. Said county game commission shall enforce the laws of the state within their respective coun-

ties involving the protection and propagation of all game birds, game animals, game fish and harmless birds and animals. Said county game commission shall have charge of:

1. The propagation and preservation of such varieties of game and game fish 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: *Provided*, That whenever any county game commission desires to establish a game fish hatchery it shall be the duty of the state fish commissioner to supervise the erection of such hatchery and the planting of any fish fry taken from such hatchery: *And provided further*, That no person in the State of Washington shall plant any game fish or game fish fry in any of the bodies of water in the State of Washington without the written consent of the state fish commissioner.

Fish  
hatcheries.

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

5. The taking of game fish from the public waters of the state for propagation and stocking of other waters therein.

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

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,

Game  
preserves.

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, as game preserves wherein no game bird or game animals or game fish can be caught or killed within the boundaries thereof, for such time and so long as they may see fit and proper.

Payment  
of expenses.

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 a fee or dues to one organization of game wardens and game commissioners in the State of Washington, the purpose of which organization is the protection and propagation 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 fund shall be audited by the state game warden. The chief game warden and chief deputy state game warden shall also have authority, when occasion demands, each to appoint not more than two (2) deputy state game wardens and assign them to such places in the state as in their judgment they deem necessary. Such special deputies shall receive a per diem of not to exceed three dollars (\$3.00) per day and necessary traveling expenses. Such per diem and traveling expenses shall be paid from the state game fund.

Deputy state  
game  
wardens.

Opening and  
closing of  
seasons,  
alteration.

9. Upon written application by the full membership of any county game commission to the state game warden, permission may be granted by the state game warden to shorten, close or open the season on any of the upland game birds of the state, in their respective counties. Notice of the time fixed for the opening and closing of the

season and the kind or kinds of birds included must be given by publication in a newspaper published and of general circulation in the county affected, not more than four weeks nor less than two weeks prior to the opening of said season or seasons, and by mailing a copy of said notice to each officer or person authorized to issue hunting licenses.

SEC. 2. That section 5395-24 of Rem. & Bal. Code be amended to read as follows:

Section 5395-24. It shall be unlawful at any time for any person to set, lay, prepare, or have in his possession, any trap, snare, artificial light, net, bird lime, swivel-gun or set-gun, or any contrivances whatever for the purpose of catching, taking or killing any of the game animals, or game birds in this state, except that decoys and blinds may be used in hunting wild ducks, geese or brant: *Provided*, That it shall be lawful at any time or in any place to hunt, take, shoot, kill or destroy any cougar, coyote, coon, wild cat, civet cat, lynx, skunk, mink, muskrat or weasel or other predatory animals on which a bounty is offered or paid: *Provided, further*, That nothing in this act shall be construed to prevent any person from trapping any of the fur-bearing animals which are not protected under the laws of the State of Washington upon his paying to the auditor of the respective county the sum of five dollars (\$5.00) as a license fee therefor: *Provided, further*, That it shall be unlawful for any person in the State of Washington to use a steel trap of a larger size than what is commonly known and called a number four (4) trap: *Provided, further*, That every person who sets out a trap of any kind larger than a No. 4 shall post a notice above said trap in plain sight, stating such fact, which notice shall be in English, and on a placard at least 6x10 inches in size: *Provided, further*, That this section shall not apply to the trapping of coyotes, muskrat, mink, skunk, marten, civet cats and weasels: *Provided, further*, That it shall be unlawful to hunt, take, or kill game squirrels commonly known as either gray squirrels, fox squirrels

Prohibited devices for taking game.

Licenses for trapping fur-bearing animals.

Size of traps.

Protection of squirrels.

or black squirrels at any time in the State of Washington. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

SEC. 3. That section 5395-25 of Rem. & Bal. Code be amended to read as follows:

Section 5395-25. 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 in any of the

Grouse,  
pheasants,  
quail.

Open season  
west of  
Cascades.

counties lying west of the summit of the Cascade mountains, it shall be lawful to hunt, pursue, take, kill and possess ruffed grouse, native pheasant, Chinese pheasant, blue grouse, ptarmigan and any species of quail between the first day of October and the fifteenth day of October, both dates inclusive, of the same year: *Provided*, That it shall be unlawful to hunt, pursue, take, kill or possess any species of quail in the counties of San Juan, Clallam, Clarke, Jefferson, Skagit, Snohomish, Skamania and Whatcom before the first day of October, 1919: *And provided further*, That it shall be unlawful at any time in the

Exception.

counties of Clallam, Kitsap and Skamania to hunt, pursue, take, kill or possess any Chinese pheasant: *Provided, further*, That in the counties lying east of the summit of the

Open season  
east of  
Cascades.

Cascade mountains, except in the counties of Walla Walla, Asotin, Garfield and Columbia, it shall be lawful to hunt, pursue, take, kill and possess ruffed grouse (native pheasant) and blue grouse between the first day of September and the fifteenth day of November, both dates inclusive, of the same year: *Provided, further*, That native pheasant shall not be so taken or killed in Yakima or Kittitas county: *Provided, further*, That in the counties of Walla Walla, Asotin, except in the precincts of Clarkston, South Clarkston and West Clarkston in said county of Asotin,

Exception.

and Garfield it shall be lawful to hunt, pursue, take, kill and possess ruffed grouse (native pheasant) and blue grouse from August fifteenth to October first, both dates inclusive of the same year, any species of quail from October first to October tenth, both dates inclusive of the same year: *Provided, further*, That it shall be unlawful to hunt, pursue, take, kill and possess any species of quail in the counties of Chelan, Columbia, Garfield, Okanogan, Whitman, Walla Walla, Franklin and Adams until the first day of October, 1919: *Provided, further*, That it shall be unlawful to hunt, pursue, take, kill or possess prairie chickens in the counties of Lincoln, Spokane, Whitman, Asotin, Columbia, Garfield, Walla Walla, Adams, Franklin, Grant and Douglas until the fifteenth day of September, 1919: *Provided, further*, That it shall be lawful to hunt, pursue, take, kill and possess Chinese pheasants in Benton, Yakima and Stevens counties between the first day of October and the fifteenth day of October, both dates inclusive, of the same year: *Provided, further*, That it shall be lawful to hunt, pursue, take, kill and possess prairie chickens in Stevens county between the fifteenth day of September and the first day of October, both dates inclusive of the same year: *Provided, further*, That it shall be unlawful to hunt, pursue, take, kill and possess Chinese pheasants in Spokane county until October first, 1919. In Kittitas county Hungarian partridge, sage hens and male Chinese or English pheasants may be taken from the first day of October to the tenth day of October, both dates inclusive, of the same year. In Okanogan and Ferry counties sharptail grouse (western prairie chickens) may be taken from the fifteenth day of September to the first day of November, both dates inclusive, of the same year. In Spokane, Stevens and Lincoln counties Hungarian partridge may be taken from the first day of October to the fifteenth day of November, both dates inclusive, of the same year. In Spokane county bob-white quail may be taken from the first day of October to the first day of November, both dates inclusive, of the same year. It shall

Penalty.

be unlawful to hunt, pursue, take, kill or possess blue grouse, in Spokane county until the first day of October, 1919. Any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 4. That section 5395-26 of Rem. & Bal. Code be amended to read as follows:

Bag limit for upland birds.

Section 5395-26. Every person who shall, during the season when it is lawful to hunt the same, kill, or have in possession, more than five (5) prairie chickens, grouse, partridge, Hungarian partridge, native pheasant, Chinese, English, golden, Mongolian, silver, blackneck or Japanese pheasant, or more than ten (10) quail or any or all kinds in any one day, shall be guilty of a misdemeanor: *Provided*, That no person shall in any one day kill, or have in possession, more than five (5) of the game birds mentioned in this section, it being the intention thereof to limit the bags of one day to five (5) birds, no matter how many varieties of these protected upland birds are included in the bag: *Provided, further*, That ten (10) quail may be killed, or had in possession, in one day during the season when it is lawful to hunt the same, but the limit of upland game birds, if quail are included in the same for one day, shall never exceed ten (10) upland birds, but in no event more than five (5) of the above named birds other than quail, and the limit of the bag for one week shall never exceed twenty-five (25) upland birds: *Provided*, That in Kittitas county, but two (2) male Chinese or English pheasants can be taken in one day in a bag limit of five (5) upland birds. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 5. That section 5395-27 of Rem. & Bal. Code be amended to read as follows:

Geese, ducks, brant.

Closed season.

Section 5395-27. Every person who shall, east of the summit of the Cascade mountains, between the thirty-first day of December and the fifteenth day of September, both dates inclusive of the same year, or who shall west of the Cascade mountains, 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 wild goose, brant, wild duck, coot or rail, except that those certain oyster feeding or fish or fish spawn feeding ducks or birds commonly known as scooters, blue bills, mergansers, kingfishers and grebes, may be killed in any manner at any time, or who shall within the State of Washington between the sixteenth day of January and the first day of October of the same year, hunt, pursue, take, kill, injure, destroy or possess any species of plover, snipe, sandpiper, curlews, avocets, stilts, turnstone, oyster-catcher, phalaropes, or other species of birds, except black-breasted and golden plover, jacksnipe or Wilson snipe, or greater or lesser yellow-legs, which may be hunted, pursued, taken, killed and possessed between the first day of October and the fifteenth day of December, both dates inclusive, of the same year, or shall hunt, pursue, take or kill, injure or destroy, any of the birds mentioned in this section after sunset or before sunrise, shall be guilty of a misdemeanor.

Plover,  
snipe, etc.

Night  
hunting.

SEC. 6. That section 5395-33 of Rem. & Bal. Code be amended to read as follows:

Section 5395-33. 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 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 deer 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 fifteenth of the same year: *Provided*, That no person may kill more than one deer during the open season in the counties lying east of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties between Octo-

Deer, elk,  
moose, moun-  
tain sheep  
and goats.

Open season  
and bag  
limit.



ber first and November fifteen of the same year: *Provided*, That only one deer may be killed by any individual in Kittitas county between October fifteenth and December first, both dates inclusive of said year: *And provided further*, That no person may kill more than two deer and one mountain goat 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, mountain goat 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 more than one mountain goat, or parts thereof: *Provided*, That in the counties of Whatcom, Skagit, and Snohomish it shall be unlawful for any individual to kill during the open season more than one buck deer or one mountain goat: *Provided, further*, That it shall be unlawful for any person to kill or have in his possession any deer in the counties of San Juan and Island prior to January 1st, 1921: *And provided further*, That any person who is lawfully in possession of any deer, mountain goat or any part thereof, may ship or cause to be shipped, any such deer, or mountain goat, 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

Shipments.

Retention of  
game out  
of season.

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. 7. 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 any such bear becomes predatory, and destructive of domestic animals. Bears.

SEC. 7½. That section 5395-35 of Rem. & Bal. Code be amended to read as follows:

Section 5395-35. It shall be unlawful for any person to hunt, pursue, catch, kill or take any of the game 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 or fishing license therefor duly issued to him by the county or state authorities. Licenses  
for hunting  
and fishing.

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 of this state may obtain a hunting and fishing license by paying the county auditor the sum of one dollar (\$1.00) 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. County  
license.

(b) Any person who is a resident of this state may obtain from any county auditor a state hunting and fishing license by the payment of five dollars (\$5.00), 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, whenever it is otherwise lawful to hunt or fish within said state. State  
license.

Non-resident's state license.

(c) A 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 in either side of any stream or river, when the said stream or river shall constitute the boundary between two counties.

County license.

(e) The county auditor shall, upon application and the payment of two dollars (\$2.00), issue to any 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.

Licenses non-transferable.

(f) Licenses issued under the provisions of this act shall be nontransferable, 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.

Penalty.

(g) Any person hunting or fishing without having obtained the license 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.

Women, minors and civil war veterans.

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

(i) *Provided, however,* That nothing in this act shall prevent any honorably discharged Union soldier who served in the civil war in the United States and who is an

actual resident of this state, from hunting or fishing at any time when it is otherwise lawful to hunt or fish.

Passed the Senate March 3, 1917.

Passed the House March 7, 1917.

Sections 1, 2, 3, 4, 5, 6, 7 and 7½ approved by the Governor March 17, 1917.

Sections 8, 9 and 10 vetoed by the Governor March 17, 1917.

---

## CHAPTER 165.

[S. B. 30.]

### LIENS FOR RENT DUE.

AN ACT providing for a lien for rent due and to become due, and for the enforcement thereof.

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

SECTION 1. Any person to whom rent may be due, his executors, administrators, or assigns, shall have a lien for such rent which is paramount to, and has preference over, all other liens except liens for taxes, general and special liens of labor and mortgages or conditional bills of sale duly recorded prior to tenancy upon personal property of the tenant which has been used or kept on the rented premises, except property of third persons delivered to or left with the tenant for storage, repair, manufacture or sale, and such property exempt from execution by the laws of the State of Washington. Such liens shall not be for more than two months' rent due or to become due, nor for any rent or any installment thereof which has been due for more than two months; that no writing or recording shall be necessary to create such lien; and if such property be removed from the rented premises and not returned to the owner, agent, executor, administrator, or assign said lien shall continue and be a superior lien on the property so removed for ten days from the date of its removal, and said lien may be enforced against the property wherever

Property  
subject.

Extent  
of lien.