

CHAPTER IX.

[H. B. No. 254.]

TO REGULATE AND LICENSE THE CATCHING OF
SALMON.

AN ACT regulating fish traps, pound nets, weirs, set nets, fish wheels or other fixed appliances for catching salmon on the waters of the Columbia river and its tributaries, and Puget Sound; for providing for the licensing thereof, and the disposition of the funds arising therefrom, and declaring an emergency.

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

SECTION 1. No person or persons shall own, operate or construct and own, or cause to be constructed and operated any pound net, trap, set net, weir, fish wheel or other fixed appliances for catching salmon on the waters of the Columbia river and its tributaries, and Puget Sound, in the State of Washington, without first obtaining from the fish commissioner a license for each trap, pound net, weir, set net, fish wheel or any other fixed appliances, which license shall be numbered and dated, and shall specify the number of the pound net, trap, set net, weir, fish wheel or other fixed appliance or appliances, which shall be designated by the commissioner, and it shall also contain the name of the person or persons to whom such license shall be granted. No license shall be issued to any one who is not a resident and citizen of this state. No more than three licenses shall be issued to any one person or corporation, and no person, persons or corporations shall own or operate more than three traps, pound nets, weirs, set nets, fish wheels or other fixed appliances: *Provided*, That to non-residents now owning weirs, traps, pound nets, fish wheels and other fixed appliances in actual use for the season of 1892, licenses may be issued. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty (50) and in any sum above that less than one hundred (100) dollars. Licenses may be assigned or transferred to any resident and citizen of this state when any of the aforementioned appliances for fishing are sold or transferred,

License.

Penalty.

Transfer of license.

but notice must be given to the fish commissioner of said transfer or assignment within twenty days of the date of said transfer or assignment.

Size of meshes. SEC. 2. No person or persons shall own, operate or construct and own, or cause to be constructed and operated, any pound net, trap, set net, weir, fish wheel or other fixed appliances for catching salmon on the waters of the Columbia river or its tributaries in the State of Washington, the meshes of which are less than three inches stretch measure.

Penalty. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty (50) dollars and in any sum above that less than one hundred (100) dollars for each and every offense.

Fish commissioner. SEC. 3. It shall be the duty of the fish commissioner to collect for each license issued under the provisions of this act, for each pound net, trap, weir, fish wheel or other fixed appliance, the sum of ten dollars annually, and for each set net for which license is issued, the sum of two dollars and fifty cents annually, and he shall pay all sums so collected into the state treasury monthly.

Fees.

Length of lead. SEC. 4. No lead of any pound net, trap, set net, fish wheel or other fixed appliance used or operated in the waters of the Columbia river or its tributaries in this state for catching salmon, shall exceed eight hundred (800) feet in length, and in the waters of Puget Sound, two thousand five hundred (2,500) feet in length.

Number designated. SEC. 5. Any person owning, operating or using any pound net, trap or weir shall cause to be placed in a conspicuous place on said net, trap or weir the number designated by the fish commissioner at the time of issuing the license for the construction or operation thereof, said number to consist of black figures not less than six inches in length, painted on white ground; and each pound net, trap or weir bordering upon or along the channels of the above named waters shall also show conspicuously at night, during the fishing season, between sunset and sunrise, a bright white light, and any person violating any of the provisions of sections four or five shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined in any

Light.

Penalty.

sum not exceeding one hundred dollars for each and every offense.

SEC. 6. Any person or persons who now own or who owned, used or operated any pound net, trap, weir, fish wheel or other fixed appliance in the waters of the Columbia river or its tributaries, or in the waters of Puget Sound, within this state, during the fishing season of 1892, and numbered by the fish commissioner, shall have the exclusive privilege for the period of thirty days from and after the approval of this act, to apply for and obtain a license to operate said pound net, trap, weir, fish wheel or other fixed appliance so owned, used or operated as herein provided.

Time allowed
in which to
apply for
license.

SEC. 7. There shall be an end passage way of at least thirty (30) feet and a lateral passage way of at least nine hundred (900) feet between all pound nets, traps, set nets, weirs, fish wheels or other fixed appliances hereafter constructed and placed within the waters of the Columbia river and its tributaries within this state, and there shall be an end passage way of at least six hundred (600) feet and a lateral passage way of at least twenty-four hundred (2,400) feet between all pound nets, traps, set nets, weirs, fish wheels or other fixed appliances hereafter constructed and placed within the waters of Puget Sound, in this state:

Requirements
for fixed
appliances.

Provided, That this section shall not affect the pound nets, traps, weirs, fish wheels or other fixed appliances heretofore constructed and placed within the waters of the Columbia river and its tributaries within the State of Washington: *Provided*, That this section shall not affect the pound nets, traps, weirs, fish wheels or other fixed appliances numbered, operated and fished in the year 1892, within the waters of the Columbia river and its tributaries, except that the owners of the same shall within thirty days after the taking effect of this act, at their option, either shorten the lead to any pound net, trap, weir, fish wheel or other fixed appliances so owned, used or operated so that there shall be an end passage way of at least thirty (30) feet between all pound nets, traps, set nets, weirs, fish wheels or other fixed appliances, or so to move the said pound nets, traps,

Exceptions.

set nets, weirs, fish wheels or other fixed appliances so that there shall be a lateral passage way of at least sixty (60) feet between the same; and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty (50) and in any sum above that less than one hundred dollars (\$100) for each and every offense.

Appliances
used illegally,
subject to
execution.

SEC. 8. Any and all appliances used in violation of any of the provisions of this act, viz., boats, traps, nets, weirs, fish wheels or other appliances, shall be subject to execution for the payment of the fines herein provided.

Definition.

SEC. 9. The term person or persons when used in this act shall be taken to include partnerships, associations and corporations.

Justices of
the peace.

SEC. 10. Justices of the peace shall have concurrent jurisdiction with the superior courts of all offenses mentioned in this act.

Disposition
of moneys
collected.

SEC. 11. 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, and any appropriation hereafter made for the fish commission or for fish hatchery purposes shall be first drawn from the fish hatchery fund, and the balance, if any, from the general fund.

Emergency.

SEC. 12. The fishing season on the Columbia river commencing in April, an emergency is declared to exist, therefore this act shall take effect and be in force from and after its approval by the governor.

Approved February 10, 1893.