

Seventeenth
class.

teen hundred dollars; county sheriff, fourteen hundred dollars; county attorney, eleven hundred dollars; county superintendent of common schools, one thousand dollars; county commissioners, four dollars per day; county surveyor, five dollars per day; county assessor, four dollars per day; county coroner, such fees as are allowed by law.

[Amends
Rem.-Bal.,
§ 4046,
Pierce's
Code, 1912,
115 § 33.]

SEC. 4. That section 4046 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Fourteenth
class.

Section 4046. County auditor, fifteen hundred dollars; county clerk, fourteen hundred dollars; county treasurer, fifteen hundred dollars; county sheriff, fifteen hundred dollars; county attorney, fourteen hundred dollars; county superintendent of common schools, twelve hundred dollars; county commissioners, four dollars per day; county assessor, fifteen hundred dollars; county coroner, such fees as are allowed by law.

Passed the House March 4, 1913.

Passed the Senate, March 12, 1913.

Approved by the Governor March 19, 1913.

CHAPTER 120.

[H. B. 404.]

GAME CODE.

AN ACT relating to the protection, propagation, introduction, purchase, and restoration of game birds, game animals, and game fish, creating a chief game warden and a chief deputy game warden, county game commissioners, creating the office of county game wardens, relating to licenses for hunting and fishing, fixing the season for the taking, regulating the transportation and possession of game animals, game birds and game fish, providing penalties and repealing sections 5323, 5327, 5328, 5333, 5337, 5354, 5356, 5361, 5362, 5363, 5364, 5365, 5367, 5371, 5372, 5379, 5380, 5384, 5385, and 5389 of Remington & Ballinger's Annotated Codes and Statutes of Washington and all other laws in conflict herewith.

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

SECTION 1. A county game commission is hereby created, the said game commission to consist of three resi-

dents of each county, and there shall be a county game commission for each county in this state.

County
game
commission
created.

SEC. 2. There shall be appointed by the governor a chief game warden who shall reside west of the Cascade Mountains and a chief deputy game warden who shall reside east of the Cascade Mountains. The chief game warden and chief deputy game warden shall each receive not to exceed the sum of eighteen hundred dollars (\$1,800.00) per year and their necessary traveling expenses while engaged in their official duties, to be paid out of the money received from the state game and fishing licenses to be collected under the provisions of the laws of this state, provided there are sufficient funds received into the state game fund hereafter created with which to make such payments. Traveling expenses shall be first paid, and if there is not sufficient money to pay the full salaries hereby provided for the funds in said fund shall be paid pro rata to the said chief game warden and chief deputy game warden. The county game commission shall be appointed on the recommendation of the board of county commissioners of each county and the appointment of such commissioners for all counties west of the Cascade Mountains shall be made by the chief game warden, and the appointment of all game commissioners east of the Cascade Mountains shall be made by the chief deputy game warden. The said appointments shall be made upon the recommendation of the county commissioners, but in case the county commissioners fail to recommend such county game commissioners for appointment upon the request of said state game wardens within ten days after written notice so to do, then and in that case the chief game warden may appoint in counties west of the Cascade Mountains, and the chief deputy game warden may appoint for counties east of the Cascade Mountains. The game commission for each county shall appoint a county warden. Each county warden shall receive a salary of not less than twenty-five dollars (\$25.00) per month nor more than one hundred and twenty-five dollars (\$125.00) per month,

Governor
to appoint
chief game
warden and
deputy.

Compensa-
tion.

County
game
commission,
appoint-
ment.

County
wardens.

Salaries.

the amount of which shall be fixed by the county game commission of each county and shall be paid solely out of the money received from county game licenses and fines, and no salary shall be fixed by said commission in excess of the amounts of the receipts herein provided for. The county [state] game warden and the chief deputy game warden shall have general supervision and control of the county game wardens and county deputy wardens, and may transfer them on official business from one county to another whenever in their judgment it is advisable so to do.

SEC. 3. It shall be the duty of each county warden to make a report annually to the state game warden or the chief deputy game warden, in whose jurisdiction he may reside, and the chief deputy game warden shall make a report annually to the chief game warden, and the chief game warden shall biennially make a report to the governor of the state, which said report shall contain all the information concerning the acts of the county game wardens, and all such other acts connected with the enforcement of the game laws as may come to his notice. The chief game warden and the chief deputy game warden, the game commissions and the county wardens shall have jurisdiction to enforce all of the laws of the state relating to game birds, game animals and game fish. The county game commission shall have an office in the office of the county commissioners at the county seat.

SEC. 4. Said county game commission shall enforce the laws of the state within their respective counties 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 con-

County
warden
to report
annually.

Duties of
county game
commission.

Propagation.

Statistics.

Hatcheries.

trol 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 fish or fish fry in any of the bodies of water in the State of Washington without the written consent of the state fish commissioner.

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.

Plant fish.

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

Take fish for propagation.

6. The seizure and disposition of all game birds, game animals and game fish, either taken, killed, transported or possessed contrary to law, 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.

Confiscate game and game fish.

7. The county game commission in their respective counties shall have the power and authority by giving notice thereof by publication for three successive weeks in a newspaper published at the county seat of such county describing such lands to be set aside as a game preserve, to set aside certain parts or portions of their respective counties as game preserves wherein no game bird or game animal 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: *Providing, however*, That no game preserve or preserves so set aside by said county game commission shall consist of more than three (3) townships in any one county.

Create game preserves.

SEC. 5. Said county game commission shall, on or before December 1st of each year, submit to the county auditor a detailed report of their actions, including the

Fiscal report to county auditor.

amount of money received from all sources, an inventory of all game, fish, guns, dogs, seines, nets, and other property seized and sold or destroyed, with the names of the purchasers and the amount received, and an itemized statement of their disbursements. The books and vouchers of said county game commission shall be subject to examination by the public examiner at all times.

SEC. 6. *Employes.*

Deputy
county
wardens.

The county game commission may appoint and employ a sufficient number of deputy game wardens and office assistants as may be necessary to carry out the purposes of this chapter, and fix their periods of service and compensation.

SEC. 7. *Execution of Writs.*

Service of
process.

The state game wardens, the county game commission and county game warden, and all deputy game wardens appointed by them, shall have full power and authority to serve and execute all warrants and process of the law issued by the courts in enforcing the provisions of this act, or any other law of this state, relating to preservation and propagation of game and game fish, in the same manner as any constable or sheriff may serve and execute the same; and for the purpose of enforcing any game laws of this state they may call to their aid any sheriff, deputy sheriff, constable or police officer, or any other person, and it shall be the duty of all sheriffs, deputy sheriffs, constables or police officers and other persons, when so called upon, to enforce and aid in enforcing any game laws of this state. The state game wardens, the county game commission, the county game warden and deputy game warden shall have the power to arrest without a warrant any person or persons found in the act of violating any law enacted for the purpose of protecting or propagating game or game fish.

Powers of
police
officers.

SEC. 8. *Bonds.*

Official
bonds.

All appointees shall give bonds to be approved by the county game commission, and said bonds filed in the office of the county auditor, conditioned for the faithful dis-

charge of their respective duties as follows: Each regular deputy [county] game warden one thousand dollars.

SEC. 9. *Terms Defined—Agency No Excuse.*

The words "sell" and "sale" as used shall be construed as meaning a sale or offer to sell or having in possession with intent to sell, use or dispose of the same contrary to law. The word "person" shall be deemed to include partnership, associations and corporations, and no violation of any of the provisions of the game law shall be excused for the reason that the prohibited act was done as the agent or employe of another, or that it was committed by or through an agent or employe of the person charged. The word "possession" shall be deemed to include both actual and constructive possession as well as control of the article referred to. The terms "waters of the state" shall be held to include all the boundary waters of the state, and the laws of this state shall be deemed to extend and be in force and effect over, upon and in all waters thereof. The terms "any part thereof" or "the parts thereof" whenever used shall be deemed to include the hides, horns, and hoofs of any animal so referred to, and the plumage and skin and every other part of any bird so referred to. The term "fur-bearing animals" shall not be deemed to include deer, elk, moose, caribou, mountain goat, mountain sheep, or gray squirrel.

Definitions.

SEC. 10. *Inspection of Hotels, Etc.*

The state game wardens or any member of the county game commission, the county game warden or any deputy game warden may, at his discretion, from time to time inspect hotels, restaurants, cold storage houses or plants and ice houses commonly used in storing meats, game or fish for private parties, including all buildings used for a like purpose, for the purpose of determining whether game or game fish are kept therein in violation of the laws of this state. Any person in possession or control, or in charge of any hotel, restaurant, storage plant or building referred to, or any part thereof, who refuses or fails to permit the state game wardens, the county game warden or

Search.

any deputy game wardens to enter any such building, or any part thereof, or any receptacle therein, for the purpose of making such inspection, is guilty of a gross misdemeanor.

Penalty.

SEC. 11. *Contraband Game, Seizure and Search.*

Seizure.

Any game bird, game animal, game fish or any part thereof, caught, killed, shipped or had in possession or under control, contrary to any of the laws of this state, is hereby declared to be contraband. The state game wardens, the county game commission, the county game warden or any deputy game warden, sheriffs and their deputies, constables and police officers, shall seize and take possession of any and all game birds, game animals or game fish, or any parts thereof, which have been caught, taken or had in possession or under control or shipped contrary to any of the laws of this state. Any court having jurisdiction shall, upon complaint showing probable cause for believing that any game bird, game animal, game fish, or any part thereof, caught, taken, killed or had in possession, or under control by any person, or shipped or transported contrary to the laws of the state, is concealed or illegally kept in any building, car or receptacle, issue a search warrant and cause a search to be made in any such place for any game birds, game animals, game fish, or any part thereof, and may cause any building, inclosure or car to be entered and any apartment, chest, box, locker, crate, basket, package, or any other receptacle, whatsoever kind or description, to be broken, opened and the contents thereof examined. All such officers taking or seizing any such game birds, game animals, game fish, or any part thereof, shall at once report all the facts attending the same to the county game commission.

SEC. 12. *Contraband Device.*

All nets, seines, lanterns, snares, devices, contrivances and materials while in use, or had and maintained for the purpose of catching, taking, or killing, or attracting, or deceiving any game bird, game animal, or game fish, contrary to any of the laws of this state, within this state, or

Devices
declared
nuisances.

upon or within the boundary thereof, including fish houses, inclosures or other sheltering structures or appliances erected or maintained in any waters, or on the shores of any lake, pond or stream is hereby declared to be a public nuisance. The state game wardens, the county game commission and their deputies, sheriffs and their deputies, constables and police officers, shall, without warrant or process, take, seize, abate or destroy any and all of the same while being used, had or maintained for such purpose, and no liability shall be incurred therefor to any person.

Wardens
to take
possession.

SEC. 13. *Witnesses.*

In any prosecution under the laws of this state a participant in the violation thereof may testify as a witness against any other person violating the same, without incriminating himself in so doing. The evidence so given shall not be used in any criminal proceedings against such witness.

Immunity
of witness.

SEC. 14. *Exchange Specimens.*

The state game wardens or the county commission may secure by purchase or otherwise, or by exchange, specimens of game birds, game animals, or game fish, with the game commission or game wardens of other counties and states for propagating purposes and not otherwise, and may also grant permission under the seal of said commission to any accredited representative of any incorporated society of natural history to collect for scientific purposes only, nests, eggs, game birds, game animals or game fish protected by the laws of this state. Such specimens shall not be sold or transferred.

Specimens
may be
secured.

SEC. 15. *Dispositions of Fines.*

All fines collected and bonds forfeited under any of the game laws of this state shall be paid into the county treasury of the county wherein the conviction was had and placed to the credit of the county game fund to be used only for the protection and propagation of game birds, game animals and game fish.

Fines, dispo-
sition of.

SEC. 16. *Disposition of Other Moneys.*

Other
moneys.

All moneys collected by the county game commission upon licenses issued by it, including moneys received for fines and other sources, shall be paid into the county treasury and credited to the game fund, and be used for the purpose of propagating and enforcing the game laws of this state within their respective counties.

SEC. 17. *Rewards.*

One-half
of fine as
reward.

Every person, other than a regular salaried game warden or peace officer, entering a complaint that any of the provisions of this act are violated and a conviction thereon is secured shall be entitled to one-half of the fine imposed and collected by the court in such action: *Provided*, That said reward to the informer shall not exceed the sum of twenty-five dollars (\$25.00).

SEC. 18. *Obstructing Commission.*

Interference
with officer.

No person shall obstruct the state game warden, the county game commission, or any county game warden or deputy game warden, while engaged in gathering game fish spawn; nor shall any person place in any stream or river any logs or other debris at any time when said state game wardens, county game commission and their employes are gathering spawn, or about to gather spawn or catch fish for that purpose, in any such stream or river or body of water: *Provided*, This does not apply to log or shingle bolts for commercial purposes. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor. The state game wardens, or the county game commission may institute a civil action in the name of the state of Washington to recover from any person or persons obstructing them in the performance of their duties, or who shall place such debris in such stream to the damages resulting therefrom, in addition thereto may in such action enjoin such party or parties from doing the acts prohibited.

Penalty.

(See also
§ 20 *infra*.)

Civil pro-
ceedings.

SEC. 19. *Oath.*

The state game wardens, the county game commission, county game warden and any deputy game warden is here-

by authorized to administer oaths, and may require any statement to them or him in applications for licenses, or in any report submitted to them or him in any manner connected with the discharge of their duties, to be made under oath. Any person failing or refusing to make any such statement under oath or falsely making an oath shall be guilty of a misdemeanor.

Oath of officers.

Penalty.

SEC. 20. *Penalty for Resisting Commission and Wardens.*

Any person who shall resist or obstruct the state game wardens, the county game commission, county game warden or deputy game wardens, or other peace officers of this state, in the discharge of their duties while enforcing the game laws, shall be guilty of a gross misdemeanor.

Obstructing officer.

(See also § 18 *infra*.)

Penalty.

SEC. 21. *Game Property of State.*

No person shall at any time or in any manner acquire any property in, or subject to his dominion or control, any of the game birds, game animals, or game fish, or any parts thereof, of the game birds, game animals or game fish herein mentioned, but they shall always and under all circumstances be and remain the property of the state; except, that by killing, catching or taking the same in the manner and for the purposes herein authorized, and during the periods when the killing is not herein prohibited, the same may be used by any person at the time, in the manner and for the purposes herein expressly authorized; and whenever any person kills, catches, injures, takes, ships, or has in his possession, or under control, any of the game birds, game animals, or game fish, or any parts thereof, mentioned in this chapter, at a time or in a manner prohibited by this chapter, such person shall thereby forfeit and lose all right to the use and possession of such game bird, game animal, or game fish, or any parts thereof, and the state shall be entitled to the sole possession thereof: *Provided*, That the state wardens, or the game commission of each county shall grant permission to persons to have in their possession and allow the sale and shipping of game birds or game animals for propagation only. Any person

Ownership of game.

State owns game.

Penalty. violating any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 22. *Nest and Eggs.*

Disturbing nests. No person shall at any time take or have in his possession or under control, break or destroy or in any manner interfere with any nest, or the eggs of the kinds of birds the killing of which is at any or all times prohibited.

Penalty. Any person guilty of violating this section shall be guilty of a misdemeanor.

SEC. 23. *Hunting Deer With Dogs.*

Taking deer in water or hunting with dogs, penalty. Any person who shall at any time shoot or kill in any manner a deer when such deer is in any river or lake, or body of salt water, or shall hunt or chase deer with dogs, shall be deemed guilty of a gross misdemeanor and upon conviction thereof shall be punished as hereinafter provided.

Penalty. Any person who shall at any time shoot or kill in any manner a deer when such deer is in any river or lake, or body of salt water, or shall hunt or chase deer with dogs, shall be deemed guilty of a gross misdemeanor and upon conviction thereof shall be punished as hereinafter provided.

SEC. 24. *Trap or Insnare.*

Prohibited appliances. 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 line, 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.

Penalty. Any person violating any of this section shall be guilty of a misdemeanor.

SEC. 25. *Grouse, Pheasant, Quail, Etc.*

Closed season. 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 pheasants, or any species of quail or any species of imported upland game birds, between the 1st day of December and the 1st day of October of the following year, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided:

Closed season is between dates named. Hungarian partridge to Oct. 1920.

Provided, That it shall be unlawful for any person to pursue, take, or kill in the State of Washington, any Hungarian partridge prior to the 1st day of October, 1920:

And provided further, That in all counties of the State of Washington lying east of the western boundary of the counties of Okanogan, Chelan, Kittitas, Yakima and Klickitat, it shall be unlawful to hunt, pursue, take, kill, injure, destroy or possess any Chinese, native pheasant, prairie chicken, or turtle dove, between the 1st day of November and the 15th day of September of the following year: *And it is further provided*, That it shall be unlawful to kill or have in possession any quail between the last day of November and the first day of October of the following year: *And provided further*, That it shall be unlawful to kill or have in possession any blue grouse between the first day of December and the first day of September of the following year: *Provided further*, That in all counties except Spokane county lying east of the western boundary of the counties of Okanogan, Chelan, Kitsap [Kittitas], Yakima and Klickitat it shall be unlawful to hunt, pursue or kill, or have in possession any species of quail until the first day of October, 1915: *Provided, further*, That in the counties of Kittitas and Yakima it shall be unlawful to kill or have in possession any western prairie chicken, eastern prairie chicken, native pheasant, Hungarian partridge, bob white quail, California valley quail, scaley partridge or sage hen until the first day of October, 1915: *Provided*, That in the counties of Kittitas and Yakima it shall be lawful to hunt, take, pursue, kill or have in possession, California mountain quail during the month of September of any year: *Provided further*, That in the counties of Kittitas and Yakima it shall be unlawful to hunt, take, pursue, kill or have in possession Chinese pheasants except from the first day of October to the 15th day of October of any year: *Provided further*, That in the counties of Kittitas and Yakima it shall be unlawful to kill or have in possession any native pheasant or ruffed grouse until the first day of October, 1915: *Provided*, That in all the counties lying east of the western boundary of Okanogan, Chelan, Kittitas, Yakima and Klickitat it shall be unlawful to hunt, take, pursue, or kill or have in

Eastern.
Washington.

Quail in
Eastern
Washington.

Blue
grouse.

possession any blue grouse between the first day of December and the first day of September of any year: *Provided*, That in the county of Asotin it shall be unlawful to hunt, kill or have in possession any Chinese pheasants until October 1st, 1915: *Provided*, That in the county of Okanogan it shall be unlawful to hunt, pursue, take, kill, injure or destroy any species of partridge, sage hen, quail or any imported game bird, until the first day of October, 1915: *Provided, however*, That in all counties of the state lying west of the summit of the Cascade Mountains blue grouse may be killed during the last fifteen days of the month of September. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor: *And provided further*, That it shall be unlawful after the passage of this act for any person to take or kill within the State of Washington any sage grouse, commonly known as sage hen; any band-tailed pigeon, commonly known as wild pigeon, or any wood duck (*aix sponsa*); and in the counties of Whatcom, Skagit, Snohomish, King, Pierce, San Juan and Island, to take any ruffed grouse, commonly known as native pheasant.

Sage hen,
wood duck,
and native
pheasant,
unlawful
to take
any time.

SEC. 26. *Bag Limit.*

Every person who shall, during the season when it is lawful to hunt the same, kill more than five prairie chickens, grouse, partridge, Hungarian partridge, native pheasant, Chinese, English, golden, Mongolian, silver, blackneck or Japanese pheasant, or more than 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 more than five of the game birds mentioned in this section it being the intention thereof to limit the bags of one day to five birds, no matter how many varieties of these protected upland birds are included in the bag: *Provided further*, That 10 quail may be killed 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 upland birds, but in no event more than five of the above-named birds other than

Five upland
game birds,
ten quail.

quail and the limit of the bag for one week shall never exceed twenty-five upland birds. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Weekly limit.

Penalty.

SEC. 27. *Ducks, Geese and Brant.*

Every person who shall, within the State of Washington, hunt, pursue, take, kill, injure, destroy or possess any goose, brant, mallard duck, canvassback duck, widgeon, spoon bill, gray duck, sprig tail, or any game duck, whether mentioned or named herein, or any snipe, curlew, plover, rail, or any surf or shore game birds, between the 1st day of February and the 1st day of October of the same year, shall be guilty of a misdemeanor: *Provided*, That in the counties of Okanogan, Ferry, Stevens, Douglas, Grant, Lincoln, Spokane, Adams and Whitman, it shall be unlawful to kill geese, brant, or any species of game duck and curlew, plover, rail or any species of surf or shore game birds between the 1st day of February and the 15th day of September of the same year: *Provided*, That it shall be unlawful to kill or have in possession at any time any species of swan. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Closed season for water fowl.

(Dates named are included in open season.)

Penalty.

SEC. 28. *Bag Limit.*

Every person who shall, in the State of Washington, during the season when it is lawful to hunt the same, kill more than twenty (20) ducks, geese, or brant, in any one week, shall be guilty of a misdemeanor, it being the intention hereof to limit bags in any one week to twenty of the above mentioned birds, no matter how many varieties of those birds are included in said bag; and for the purposes of this act the week shall be deemed to begin at midnight on Wednesday night, and any person violating the provisions of this act shall be guilty of a misdemeanor.

Twenty ducks.

Penalty.

SEC. 29. *Possession Limited.*

Every person, company, club, partnership, firm or corporation, boarding house keeper, hotel keeper, restaurant keeper, market keeper or cold storage plant, their owners, proprietors, officers, managers, agents or servants, who

Sale prohibited.

shall offer for sale or for market, or barter for, or exchange or keep in their possession any time of the year, any deer, moose, caribou, antelope, mountain sheep or mountain goat of any kind, or the various kinds of quail or the various kinds of Chinese, English or Mongolian pheasants, grouse, native pheasants, ptarmigan, partridge, Hungarian partridge, prairie chicken, sage hen or any kind of wild duck, goose, brant, rail, plover or game shore birds, or any portion of the meats of said animals or birds, shall be guilty of a misdemeanor. Possession by the above named persons or corporations of any of the animals or game birds mentioned or named herein or any of the meats of the same shall be presumptive evidence that said animals or birds or the meats of the same was unlawfully taken by the person having possession of the same, and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That any person may have in his possession, or in cold storage, for his own use only the number and kind of animals and birds permitted to be taken by this act, during the time when the same may be taken, provided the same were taken by the person so having them in his possession or obtained by gift for his use only, or otherwise taken as provided in the previous section of this act. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Possession
evidence
of sale.

Penalty.

SEC. 30. *Sale of Game.*

It shall be unlawful for any person at any time to sell or offer for sale any of the game birds, game animals or song birds protected by the laws of the State of Washington. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Sale.

Penalty.

SEC. 31. *Other States—Game Unlawful.*

Every person who shall at any time have in his possession or under control within this state any game birds, game animals or game fish, or any part thereof, which has been caught, taken or killed outside of this state at a time when it is unlawful to have in possession or under control such game birds, game animals or game fish, or parts thereof,

Unlawful
possession
of foreign
game.

if caught, taken or killed in this state, or which have been unlawfully taken or killed outside of this state or unlawfully shipped therefrom into this state shall be guilty of a misdemeanor. Penalty.

SEC. 32. *Possession Unlawful.*

It shall be unlawful to have in possession or under control by any person, any game birds, game animals or game fish or any parts thereof, the killing of which is at any time prohibited; the same shall be *prima facie* evidence that it was the property of this state at the time it was caught, taken or killed, and that it was caught, taken or killed in this state when the killing, taking or possession thereof is by this chapter declared to be unlawful, that such taking or killing occurred during the closed season. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor. Evidence of violation of statute.
Penalty.

SEC. 33. *Deer, Elk, Moose, Mountain Goat and Mountain Sheep.*

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 deer, mountain sheep and mountain goat may be killed between October 1st and December 1st of the same year, and any deer, mountain goat and mountain sheep, or any part thereof, may be had in possession by any person during the said time, but no person shall kill or have in possession during said time more than two deer, nor more than one mountain goat or mountain sheep, or parts thereof: *Provided*, That in the county of Okanogan every person who shall at any time between the first day of November and the first day of September of the following year hunt, pursue, take, kill, injure, destroy or possess any deer, shall Closed season.
Open season is from and including Oct. 2 to and including Nov. 30.
Okanogan county.

be guilty of a misdemeanor: *And provided further*, That every person who shall within the county of Okanogan during the season when it is lawful to kill the same, take or kill, more than one deer, or shall kill any female deer, or spotted fawn, shall be guilty of a misdemeanor: *And provided further*, That any person who is lawfully in possession of any deer, mountain goat or mountain sheep, or any part thereof, may ship, or cause to be shipped in the manner provided for by this chapter, but not otherwise. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor: *And provided further*, That after the year 1925 male antlered moose and elk may be killed between October 1st and 15th of the same year, and any 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 when any deer, mountain goat, mountain sheep or any parts thereof are lawfully in possession of any person as provided for in this chapter such person may continue in the possession of the same for five days after the time herein limited for the killing of said animal: *And provided further*, That no cow, female elk or moose can be killed or had in possession at any time. Any person violating any of the provisions of this section shall be deemed guilty of a gross misdemeanor.

Elk and
moose.

Possession.

Penalty.

State game
fund.

SEC. 34. There is hereby established a fund to be known as the state game fund which shall consist of all moneys received for state hunting and game fish licenses, and all such other sums as the legislature may from time to time appropriate and set aside for the purposes provided for in this act. Said state game fund shall also consist of ten per cent. of all moneys received by the county officers for county hunting and game fish licenses, and from fines and costs which shall be paid into the state treasury, and constitute a part of said state game fund, said payments to be made quarterly on the last day of each quarter of the year, beginning on the first day of March. Such state

game fund shall be used for the payment of the salaries and expenses of the state game wardens provided for by this act, and their necessary traveling and office expenses, and for propagation, protection, introduction, purchase and distribution of any game, animals, birds or fishes. Ninety per cent. of all moneys received in any county from the sale of county hunting and game fish licenses, and from fines and costs, shall be expended in the said county from which the same are collected, and shall be so spent in the payment of salaries and expenses of the county game wardens or special deputies appointed in said county by the county game commission, and for the protection, introduction, propagation and purchase of animals, birds and game fishes in said county, and in the enforcement of the game and game fish laws within said county from which said moneys are received. All payments made under the provisions of this act shall be made by warrant in the usual manner, and shall be audited by the state and county officers in the same maner as other claims against the State of Washington and the various counties are audited.

County
funds,
how used.

SEC. 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.

License
required for
game or
fish.

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.

State
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.

Non-
resident.

(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.

Boundary
stream.

(d) *Provided, however,* That a county fishing license shall entitle the holder thereof to fish on either side of any stream or river, when the said stream or river shall constitute the boundary between two counties.

County non-
resident
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.

License to
be exhibited.

(f) Licenses issued under the provisions of this act shall be non-transferrable, 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.

(h) *Provided, however,* That nothing in this act shall prevent any woman, or minor under the age of sixteen

(16) years, who is an actual resident of this state, from fishing at any time when it is otherwise lawful to fish.

Females
and minors
exempt.

SEC. 36. In applying for any license under this act the applicant shall make a written application which shall describe the applicant as to age, weight, height and complexion, and the license issued shall contain the said description as contained in said application, and in all cases other than that of a non-resident the application shall be accompanied by a statement to the effect that he is a resident of the State of Washington, his place of residence, and any person who falsely states that he is a resident of the State of Washington when he is not such, shall be guilty of a misdemeanor.

Application
for license.

Penalty.

SEC. 37. *Sale Prohibited.*

Any person who takes or kills or has in his possession with intent to sell, sells, offers or exposes for sale, ships by common carrier, conveys or causes to be conveyed, has in his possession with intent to ship, or to convey in any manner to any point within or without the state, any game animals, game birds or game fish, or any part thereof, including the hides and horns, or any person who buys any such game animals, game birds or game fishes or part thereof in violation of any of the provisions of this chapter or any common carrier or agent thereof, who ships or aids or abets in shipping any such game animals, game birds or game fish or any part thereof, or have possession of same with intent to ship or transport or convey to any point either within or without the state, shall be guilty of a gross misdemeanor.

Sale
prohibited.

Penalty.

SEC. 38. *Artificial Lights.*

Any person who hunts for any of the protected game animals, game birds or game fishes with a jack light or other artificial light of any class, kind or description shall be guilty of a misdemeanor.

Penalty.

SEC. 39. *Export or Import.*

Every steamboat company, railroad company, express company or common carrier, their officers, agents and ser-

Common
carrier
restrictions.

vants and every other person who shall transfer or carry from one point to another within the state or take out of the state, or who shall receive for the purpose of transferring from this state any of the wild game birds, game animals, game or game fish enumerated in this act shall be guilty of a misdemeanor: *Provided*, That nothing in this section shall be construed to prevent any steamboat company, express company, railroad or other common carrier, their officers, agents and servants from receiving any of the game birds, game animals or game fishes enumerated in this act from transferring them from one point to another point within this state when said game birds, game animals or game fish are accompanied by an affidavit in duplicate by the shipper, that the same is not shipped for sale or profit; said affidavit may be furnished if necessary at destination. Such affidavit shall describe said game animals, game birds and game fish and shall be attached to said shipment while in transit from one point to another or furnished at its destination and the duplicate must be sent to the game commission or game warden of said county.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Affidavit to accompany shipment.

Penalty.

SEC. 40. *Beavers.*

No person shall in any manner hunt for, trap, take, catch or kill any beaver in this state, or have in his possession alive or dead any beaver or any part thereof. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

Taking beaver.

Penalty.

SEC. 41. *Game Fish.*

No person shall catch, take, kill or have in his possession or have under control for any purpose whatever except as hereinafter provided, any of the game fish hereinafter mentioned within the periods mentioned, to-wit: Any variety of trout except Dolly Varden or bull trout or any variety of pike, between the 31st day of December and 1st day of May following or any black, grey or Oseego bass, croppie, perch, bullhead, or sunfish between the first day of May and the 15th of July of the same year. Any person

Trout.

Bass, etc.

violating the provisions of this section shall be guilty of a misdemeanor. Penalty.

SEC. 42. *Limit of Catch.*

No person shall catch, take, kill or have in his possession more than fifty game fish in any one day, nor more than twenty pounds and one game fish in any one day, nor more than thirty pounds and one game fish in any one calendar week, nor in any other manner than by angling for them with hook and line held in the hand or attached to a rod so held, and no person shall have in his possession any game fish caught, taken or killed in any of the waters of this state except as provided in this chapter. Any person violating this section shall be guilty of a misdemeanor. Game fish limited.
Penalty.

SEC. 43. *Private Fish Hatcheries.*

No person shall have in his possession for sale or with intent to sell, expose or offer for sale or sell to any person, any trout or other game fish at any time, or ship or cause to be shipped or have in possession with intent to ship to any person either within or without the state any such game fish, or have any such game fish in his possession during the season for taking the same: *Provided*, That nothing in this act shall be construed to be in conflict with the provisions of sections 5171-5182 inclusive of Remington & Ballinger's Annotated Codes and Statutes of Washington. Any person violating this section shall be guilty of a misdemeanor. Private hatcheries, Rem.-Bal., §§ 5171-5182; Pierce's Code, 1912, 191 §§ 39-68.
Penalty.

SEC. 44. *Size of Trout.*

No person shall at any time catch, take, kill, or have in his possession or under his control any trout or bass of any variety whatever which are less than six inches in length. Any person catching such game fish shall at once return the same to the water from whence they are taken with as little injury as possible. Any person violating the provisions of this section shall be guilty of a misdemeanor. Fish less than six inches to be thrown back.
Penalty.

SEC. 45. *Non-Resident, Possession of.*

No person shall ship, have in his possession with intent to ship or cause to be shipped beyond the borders of this Shipping out of state prohibited.

state any fish of the kind mentioned in this chapter: *Provided further*, That any non-resident of this state who is desirous of taking any fish beyond its boundaries for his personal use may carry with him on the same train or conveyance not to exceed fifty fish nor more than twenty pounds and one fish caught by him: *Provided further*, That all boxes, bags or packages of any description used in shipping or taking game fish out of the state shall be plainly marked with the name and address of the consignor and consignee, and with the description and contents of the package. Any person who violates this section shall be guilty of a misdemeanor.

Penalty.

SEC. 46. *Devices—Public Nuisances.*

Nets of any description being used in any of the fresh waters of this state above tide water are hereby declared and are a public nuisance, and it shall be the duty of all county game commissioners, game wardens and their deputies, police officers and constables without warrant or process, to take, seize, abet and destroy any and all of the same. And any person using same shall be guilty of a misdemeanor. The game wardens and their deputies, sheriffs and their deputies, police officers, and constables shall seize any and all nets and seines when illegally used and all game fish taken therewith and at once report the seizure to the county game commission or game warden. Every person using, aiding or abetting the use of any such nets or other devices contrary to the provisions of this section shall be guilty of a misdemeanor.

Nets, etc.,
to be
destroyed.

Penalty.

SEC. 47. *Fish Ways and Dams.*

No person shall catch, take or kill in any stream within four hundred feet of any fish way or dam or have in his possession or under his control any game fish so caught, taken or killed. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

The taking
of fish near
dams or
ladders
prohibited.

Penalty.

SEC. 48. *Explosives, Etc.*

No person, shall lay, set, use or prepare any drug, poison, lime, medicated bait, nets, fish berries, dynamite or other explosive or any other deleterious substance what-

Explosives
prohibited.

ever, or lay, stretch or place any tip-up, snare or net or trot line, or any wire string, rope or cable of any kind, class or description in any of the waters of this state with intent thereby to catch, take or kill any game fish. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. Penalty.

SEC. 49. *Providing Fish Ways.*

Any person owning, erecting, managing or controlling any dam or other obstruction across any river, creek or stream within the state or forming the boundary lines of this state, shall construct in connection with such dam, durable fishways, in such manner and in such shape and size that the free passage of all game fish inhabiting such waters shall not be obstructed. Such fishway shall be maintained in good condition and kept in good repair by the person so owning, controlling, managing, operating or using such dam or obstruction. If any person fails to construct or keep in good repair, durable and efficient fishways, as herein provided for within a period of ten days after notice, the county game commission may construct or repair the same and the cost thereof may be recovered from the owner or any persons managing or being in control thereof in a civil action brought in the name of the State of Washington. Any monies so received shall be credited to the game protection fund. All fishways heretofore or hereafter erected in any dam or obstruction across any of the streams of this state shall at all times be under the supervision of the county game commission. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor. Fish ways must be provided.
Penalty.

SEC. 50. *Casting Sawdust in Rivers or Streams.*

Every person who shall cast or discharge or permit to be cast or discharged into any waters of this state any sawdust, planer shavings, or other lumber waste, shall be guilty of a misdemeanor. Sawdust in streams.
Penalty.

SEC. 51. *Defining Offense.*

The killing of every single bird, animal or fish protected by the laws of this state shall constitute a separate offense. Offenses.

SEC. 52. *Attempt Violations.*Criminal
attempts.

Any attempt to violate any of the provisions of any section of this chapter shall be deemed a violation of such provision and any person attempting, to violate any of the provisions of this chapter shall be guilty of a misdemeanor, unless otherwise designated as a gross misdemeanor.

Penalty.

SEC. 53. *Repealing and Saving Clause.*

(Sections repealed are same as Pierce's Code, 1912, 207 §§ 11, 25, 47-55, 59, 65-67, 105, 115, 133, 135, 143, 155, 161, 163, and 175 and 177.)

Sections 5323, 5327, 5328, 5333, 5337, 5354, 5356, 5361, 5362, 5363, 5364, 5365, 5367, 5371, 5372, 5379, 5380, 5384, 5385 and 5389 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and all other acts or parts of acts inconsistent with the provisions of this chapter are hereby repealed: *Provided*, If any section of this act should be declared unconstitutional it shall not affect any other section or part of section thereof.

Passed the House March 3, 1913.

Passed the Senate March 7, 1913.

Approved by the Governor March 19, 1913.

CHAPTER 121.

[H. B. 15.]

PROPOSED CONSTITUTIONAL AMENDMENT PERMITTING RESIDENT ALIENS TO OWN REAL PROPERTY IN CITIES.

AN ACT providing for the amendment of section 33 of article 2 of the constitution of the State of Washington, relating to the ownership of lands by aliens.

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

SECTION 1. That at the general election to be held in this state on the Tuesday next after the first Monday in November, 1914, there shall be submitted to the qualified electors of the state, for their adoption and approval or rejection, an amendment to section 33 of article 2, of the constitution of the State of Washington, so that the same shall read, when so amended as follows:

Submission
of amend-
ment of sec.
33, art. 11,
Constitution.

Section 33. The ownership of lands by aliens, other than those who in good faith have declared their inten-