

CHAPTER 31.

[H. B. 170.]

FISHERIES CODE.

AN ACT establishing a fish code for the preservation, protection and perpetuation of salmon and other food fishes; regulating the taking of salmon and other food and shell fish, licensing appliances therefor; providing for license fees and charges; providing for the acquisition and holding fishing locations, licensing dealers, cannors and packers of salmon and other varieties of food and shell fish; providing for the construction, maintenance and operation of fish hatcheries and nurseries; and providing for and regulating private hatcheries; creating a fish commission; providing for a fish commissioner, a superintendent of hatcheries and inspectors; fixing their compensation, defining their duties; providing for the propagation, protection and disposition of oyster beds in the State of Washington; regulating the entire food and shell fish industry of the state; providing for a compact between the states of Oregon and Washington, relative to waters under concurrent jurisdiction of said states, and providing for ratification thereof by Congress in compliance with section 10 of article 1 of the constitution of the United States; repealing certain sections of Remington & Ballinger's Annotated Codes and Statutes of Washington, and repealing all acts and parts of acts in conflict with this act; fixing penalties for the violation of this act and declaring an emergency.

This act repeals Rem.-Bal. §§ 5150-5275, excepting §§ 5241-5244, 5264.

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

SECTION 1. *Short Title.*

This act shall be known as the "Fisheries Code of Washington."

Title.

SEC. 2. *Fish Commission.*

The governor, state treasurer, and commissioner shall constitute a board to be known as the state fish commission of which the governor shall be chairman and the state fish commissioner secretary.

State Fish Commission.

SEC. 3. *Duties of Commission.*

It shall be the duty of said commission:

To establish and maintain such state fish hatcheries and cultural stations as in its judgment may be necessary for the propagation, protection and preservation of fish and shell fish.

Duties.

Fish hatcheries.

Oyster reserves.

To cause the commissioner to examine all oyster reserves and to do or cause to be done such things as may be deemed advisable to conserve, protect and develop said reserves.

Clam and mussel reserves.

To examine the clam and mussel beds located on lands belonging to the state, and with the approval of the state board of land commissioners to withdraw such lands from sale and lease and make reserves thereof.

Shrimp, clam and mussel beds.

To take such steps as are advisable for the conservation, protection and development of such reserves; also to do those things that may be necessary for the protection and development of the shrimp, clam and mussel beds on state lands.

Expenses.

The members of such board shall receive no compensation as such board, but shall be allowed actual traveling expenses.

SEC. 4. *State Fish Commissioner.*

Fish commissioner, appointment and term of office.

There shall be appointed by the governor, by and with the advice and consent of the Senate, an officer to be known as the state fish commissioner and who shall be *ex-officio* state game warden, who shall hold office for four years from and after the first day in April following his appointment, and until his successor is appointed and qualified.

Salary and expenses.

He shall receive a yearly salary of three thousand dollars (\$3,000.00), and actual expenses of travel, two-thirds of which salary shall be paid from the fisheries fund and one-third from the state game fund.

"Commissioner" defined.

The term "commissioner" when used in this act shall mean the state fish commissioner.

SEC. 5. *Bond of Commissioner.*

Bond.

The commissioner shall give a bond to the state, with a surety company authorized to do business in this state as surety, in the sum of five thousand dollars (\$5,000), conditioned for the faithful performance of his duties.

SEC. 6. *Duties of Commissioner.*

Powers and duties of commissioner.

The commissioner shall devote his time to the duties of his office and shall enforce the laws for the propagation, protection and preservation of food, shell, game and com-

mercial fishes. He shall purchase, construct, charter and operate the boats necessary to properly patrol the waters of the state in the enforcement of the laws. He shall have charge and control of and operate and maintain the fish hatcheries now or that may hereafter be owned by the state. He shall select and purchase suitable lands for hatchery purposes and build hatcheries thereon when so directed by the fish commission. He shall make an annual typewritten and a biennial printed report on the first day of December of each year to the governor, containing a detailed statement of his actions under this act, of the operation and results of the laws pertaining to the fish industry, the methods of taking the fish, the number of fish hatched and where distributed, the amount of expense incurred by his department, and full and complete statistics of the fishing business and suggestions as to needed legislation. He shall designate which are the food, shell, game and commercial varieties, when such designations are not specifically made by the laws of this state.

Reports.

SEC. 7. *Power to Inspect.*

The commissioner shall have power to inspect all canneries, boats, nets, wheels, traps and all other appliances, and all property used in catching, packing, curing, preparing or storing food or shell fish, or in the fish industry, and may enter on any property at any time for any such purpose.

Inspection of canneries and appliances.

SEC. 8. *Authority to Arrest.*

The commissioner and those authorized by him shall have authority to arrest, without writ, order or process, any person in the act of violating any of the provisions of this act, and they are hereby made peace officers for such purpose. If any person knowingly or wilfully resists or opposes such officer in the discharge of his said duties, he shall be guilty of a gross misdemeanor.

Powers as peace officer.

Penalty for resisting.

SEC. 9. *Commissioner May Administer Oaths.*

The commissioner may administer oaths in any matter connected with the duties of his office, and may require

Administration of oaths.

any report, statement or application made or submitted to him to be made under oath.

SEC. 10. *Commission May Prohibit Fishing.*

Power to prohibit fishing.

The commission may prohibit fishing for both food and game fish in any river or stream, or any part thereof, should they consider it necessary for the protection of the food and game fishes mentioned in this act. When the commission shall desire to close any river or stream to fishing they shall publish in a weekly newspaper in such county or counties through which such stream or river flows for not less than two successive issues a notice stating that from a certain date, which shall not be less than fifteen days from the date of said notice, to a date also to be fixed in said notice, said stream or river, or the portion thereof therein described, shall be closed to fishing. It shall be unlawful to take any of the food and game fishes mentioned in this act, by any means whatever, from any stream or river during the closed period defined in such notice, except the Columbia river where the same forms a state boundary.

Notice of closing waters.

SEC. 11. *To Designate Mouths of Rivers.*

Designation of river mouths.

The commissioner shall designate the mouths of rivers by driving piles or establishing monuments. In the designation of the mouths of the rivers of this state the commissioner shall be guided by the shore head lands on either side of the river and his designation shall be final. He shall designate by the erection of monuments and signs the fishing limits of rivers, and when the mouth of a river has been so designated the commissioner shall cause a plat of the same, showing its location, to be filed in his office for public inspection, and shall also furnish the auditor of the county in which the mouth of said river or stream is located with a copy of said plat, which the auditor shall keep on file for public inspection.

SEC. 12. *Commissioner to Employ Assistants.*

The commissioner may employ the following assistants to serve under his direction and during his pleasure:

(1) A general superintendent of hatcheries, who shall receive a yearly salary of eighteen hundred dollars (\$1,800.00). Hatchery superintendent.

(2) One fishery inspector, who shall be designated as deputy fish commissioner, at a salary of eighteen hundred dollars (\$1,800.00) yearly, and other necessary inspectors who shall receive a compensation of not to exceed four dollars (\$4.00) per day for each day actually employed. Fishery inspector.

(3) The necessary employes for the conduct of the commissioner's office; for the operation of the department's patrol boats; for the maintenance and operation of the hatcheries, fish cultural and experimental stations; the patrolmen necessary for the protection of the state oyster, clam and shrimp reserves; and the employes necessary, in the judgment of the commissioner, to conduct the business of the fisheries department. Employees.

(4) The employes of the commissioner shall be reimbursed their necessary traveling expenses, and the salaries and compensation of all employes not specifically designated shall be fixed by the commissioner. Compensation of employes.

SEC. 13. Bonds of Employes of Commissioner.

Each employe, if required by the commissioner, shall give a bond to the state with a surety company authorized to do business in this state as surety in the sum of two thousand dollars (\$2,000.00) conditioned for the faithful performance of his duties, subject to the approval of the commissioner, the cost of bond to be paid by the state. Bonds of employes.

SEC. 14. Duties of Inspectors.

Each inspector shall perform the duties to which he may be assigned by the commissioner, and shall have the power to perform each and every act and thing permitted, provided or directed to be done by law by the commissioner in the enforcement of the laws relating to the duties of his office. Inspectors' powers and duties.

SEC. 15. Terms defined.

Wherever the word "salmon" occurs in this act it shall be construed to include and apply to the sockeye, silver, chinook, steelhead, chum and humpback salmon, and the "Salmon" defined.

so-called salmon trout and each and every species of the genus *oncorhynchus* commonly known as salmon.

SEC. 16. *Definitions.*

"Person or persons" defined.

The term "person or persons" when used in this act shall be taken to include partnerships, associations and corporations. The term "seine" in this act is intended to cover all forms of nets known as seines, purse seines or purse nets, trawls, beam trawls, stow nets, drag nets, smelt drag bag nets, bag nets, draw nets, reef nets, and dredge nets.

"Seine" defined.

SEC. 17. *Puget Sound Defined.*

"Puget Sound" defined.

Wherever the term "Puget Sound" occurs in this act it shall be construed to include all tide waters of the Strait of Juan de Fuca, the tide waters of Georgia Strait, the tide waters of Washington Sound, the tide waters of Puget Sound, and all other tide waters emptying into the same, and all the bays, inlets and estuaries thereof.

SEC. 18. *Districts Defined.*

Districts defined.

For all purposes necessary for the administration of this act, the several portions of the state shall be divided into four districts, as follows:

(1) The Puget Sound district, which shall consist of Puget Sound, as by this act defined, and its tributaries.

"Puget Sound."

(2) The Columbia river district, which shall consist of all the waters of the Columbia river and its tributaries within the confines of this state.

"Columbia river."

(3) The Grays Harbor district, which shall consist of all the waters of Grays Harbor and its tributaries, and the Pacific Ocean within three miles of the shore line north of the south entrance of Grays Harbor and south of Cape Flattery, and all the rivers and streams emptying therein.

"Grays Harbor."

(4) The Willapa Harbor district, which shall consist of the waters of Willapa Harbor and its tributaries, the Pacific Ocean within three miles of the shore line between the south entrance of Grays Harbor and North Head, and all the rivers and streams emptying therein.

"Willapa Harbor."

SEC. 19. *Fishing—Where Permitted.*

Appliances permitted.

The use of pound nets, traps, traps fished at both ends of lead, fish wheels and other fixed appliances, purse nets,

drag seines and other seines for catching salmon, and the use of set nets and gill nets is hereby authorized in all the waters of this state, except as prohibited by this act.

SEC. 20. *Fishing—Where Prohibited—Puget Sound.*

It shall be unlawful to construct, own, operate or maintain any pound net, trap, fish wheel, or other fixed appliance for the purpose of catching salmon or other food fishes within any river or stream flowing into Puget Sound, or within Puget Sound within a distance of three miles of the mouth of any river, measured by the most direct water course, or within the part of Puget Sound known as Deception Pass or within one-half mile of the western entrance thereof, or within any salt water at a greater depth than sixty-five feet at low tide.

Prohibited fishing.

Puget Sound and tributary streams.

It shall be unlawful to use any purse net, purse seine, drag seine or other like seine or net within two miles of the mouth of any such river, measured by the most direct water course, or within any such river.

It shall be unlawful, except with hook and line, to take any of the food fishes mentioned in this act in the Skagit river above the Great Northern Railway bridge across the same at Mount Vernon, and in the Snohomish river above the Snohomish wagon bridge, or above the wagon bridge at Riverton in the Duwamish river, and in all other rivers and streams flowing into Puget Sound.

Skagit, Snohomish and Duwamish rivers.

SEC. 21. *Chambers Creek.*

It shall be unlawful at any time to take any fish with any appliance whatsoever, except with hook and line, in Chambers creek, in the county of Pierce, and within fifteen hundred feet of the Northern Pacific Railway bridge located across the mouth of said creek.

Chambers creek.

SEC. 22. *Waters of Thurston and Mason Counties and Oyster Beds.*

It shall be unlawful at any time to take any fish with any fishing appliance whatsoever, except with hook and line and smelt drag bag nets, within the limits of Eld Inlet, Budd Inlet, Henderson Inlet and Totten Inlet situated in Thurston and Mason counties: *Provided*, Within that part

Eld, Budd, Henderson and Totten Inlets.

of Budd Inlet lying in township eighteen (18), north of range two (2) west, Willamette Meridian, and sections thirty-three (33), thirty-four (34) and thirty-five (35) of township nineteen (19), north of range two (2) west of the Willamette Meridian, or over any oyster beds of the state no fishing appliance whatsoever shall be used except hook and line: *Provided further*, That if any salmon shall be caught by an appliance other than hook and line within said waters the same shall be immediately liberated and turned alive into the water.

SEC. 23. *Willapa Harbor.*

Willapa
Harbor
tributaries.

It shall be unlawful to take or fish for salmon, except with hook and line, in any of the following tributaries of Willapa Harbor above tide water in said rivers, viz.:

North river, Willapa river, south fork of Willapa river, Nasel river, Palix river, Nema river, Bear river, Cedar river, and Smith creek, and for the purposes of this act the head of tide water shall be:

On North river, where the north boundary line of section 23, of township 15 north, range 10 west of the Willamette Meridian crosses said river.

On Willapa river where Louderback's slough empties into the said Willapa river in the eastern portion of section 20, township 14 north, range 8 west of Willamette Meridian.

On the south fork of the Willapa river, the draw bridge of the Northern Pacific Railway Company, being the center of lots 8 and 11 of section 24, township 14 north, range 9 west of the Willamette Meridian.

On the Nasel river, at the gap in the main log boom.

On Cedar river, the mouth of said river, or the line between townships 14 and 15 north, ranges 10 and 11 west of the Willamette Meridian.

On Palix river, where the south line of section 22, township 15 north, range 10 west of the Willamette Meridian crosses said river.

On North Nema river, at the school house on lot 3 of section 22, township 12 north, range 10 west of the Willamette Meridian.

On South Nema river, at what is known as Carruther's Landing, being on the east and west half section line extending through section 27, township 12 north, range 10 west of the Willamette Meridian.

On Bear river, at Masny's Landing, or the half section line extending east and west through sections 7 and 8 of township 10 north, range 10 west of the Willamette Meridian.

On Smith creek, at the mouth thereof, being where lots 1 and 2 of section 35, township 15 north, of range 10 west of the Willamette Meridian abut upon the entrance of Willapa Harbor.

SEC. 24. *Grays Harbor.*

It shall be unlawful to take or fish for salmon, except with hook and line, in the following tributaries of Grays Harbor: Tributaries
of Grays
Harbor.

In Chehalis river, above point one-half mile below the mouth of Wynooche river, and one-half mile above the mouth of the Humptulips river, and one-half mile above the mouth of the Elk river, and one-half mile above the mouth of Johns river,

From and after the passage of this act it shall be unlawful to erect any fish trap, pound net or fish wheel in any of the streams emptying into Grays Harbor, Willapa Harbor, or any of the streams of these districts, as by this act defined: *Provided, however,* The right to erect fish traps, pound nets or fish wheels on locations existing in said district in 1914 is hereby recognized.

SEC. 25. *Columbia River.*

It shall be unlawful to take or fish for salmon, except with hook and line, in the Kalama river, Lewis river, Wind river, Little White Salmon river, Big White Salmon river, Wenatchee river, Methow river, Little Spokane river, Colville river, and Yakima river, and in the Columbia river, within one mile below the mouths of the above named rivers. No fish trap shall be located on or within three miles below the mouth of Lewis river, but fishing with gill nets is permitted in the Columbia river to a point within Columbia
river and
tributaries.

one mile below the mouth of said rivers and a quarter of a mile out from where the same empties into the Columbia river.

SEC. 26. *Set Net Not Fixed Appliance.*

Set nets.

A set net is not a fixed appliance within the meaning of this act, but it shall be unlawful to erect or maintain any set net within the limits of the end and lateral passage ways prescribed in this act for fixed appliances.

SEC. 27. *Trap, Pound Net and Set Net Location—How Acquired.*

Locations,
procedure
to acquire.

Any person, firm or corporation occupying or desiring to occupy any fishing location where it may be lawful to construct a pound net, trap or set net in the waters of the state, shall cause such location to be accurately surveyed by a competent civil engineer, unless a survey thereof has already been made, in which event such existing survey may be used, and shall cause a location map to be made of such location from the actual survey thereof, which shall contain a plat and description of said fishing location sufficient for its ascertainment and identification on the premises. It shall also contain a certificate by the claimant, or by his agent or attorney, stating that he claims the fishing location shown thereon, specifying the date and number of the license under which the same is held and containing the postoffice address of the claimant. Such map, with the certificate thereon, shall be filed in the office of the county auditor of the county in which such fishing location is situated, and a duplicate copy thereof in the office of the commissioner. From and after the date of filing in the office of the county auditor, such map shall constitute full and complete notice that such location is owned, held, occupied and claimed by the person, firm or corporation designated thereon as the claimant. It shall be the duty of the county auditor and the commissioner in whose offices any such map may be offered for filing to receive and keep the same on file. They shall also keep an index to all such maps, showing the hour and date of filing, names of the claimants and serial number of the

maps, in the order filed, all of which shall be endorsed on the maps when filed. No informality or omission on the part of such public officers shall impair or prejudice the right of any claimant of such fishing location.

From and after filing such map the claimant of the location thereon shown, his heirs, administrators, successors and assigns shall have the exclusive right to hold, occupy and fish such location, to renew the license therefor, and to mortgage, sell and transfer the same during the time that he or they in other respects shall comply with the law pertaining thereto.

Rights of locators.

It shall not be necessary to file any map or plat of any location heretofore made under existing laws in any case where any map has heretofore been filed: *Provided*, That all pound net, fish trap, set net or other fishing locations heretofore made by locators or owners thereof in accordance with existing laws shall be unaffected and unimpaired by any of the provisions of this section; and any location legal when established shall continue valid under the provisions of this act and the locators or owners of such previously established locations shall continue to occupy, own, hold and enjoy the same, and may mortgage, sell, transfer and lease the same, with the right to renew their licenses therefor in the same manner and with the same legal effect as though said locations had been established under the provisions of this act. Any person, firm or corporation being the owner, holder or occupant of any trap or pound net location in the Columbia river, Grays Harbor, or Willapa Harbor, shall, within 90 days after this act takes effect, file with the auditor of the county in which their said locations are situated, a location map as hereinbefore provided in this section, and a copy of the same in the office of the commissioner.

Previous locations unimpaired.

Maps to be filed of locations in Columbia river, Grays and Willapa harbors.

From and after filing such map the claimant of the location thereon shown, his heirs, administrators, successors and assigns shall have the exclusive right to hold, occupy and fish such location, to renew the license therefor, and to mortgage, sell, lease and transfer the same during the time

that he or they in other respects shall comply with the law pertaining thereto.

SEC. 28. *Drag Seine Locations—How Acquired.*

Drag seine
locations.

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 the same is operated. No drag seine location the title to which is in the state shall occupy a greater length of the shore line than twice the length of the seine covered by the license therefor.

SEC. 29. *Set Net Locations—How Acquired.*

Set net
locations.

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 net is operated. There shall be a lateral passageway of at least three hundred feet and an end passageway of thirty feet between all set nets. It shall be unlawful in the use and operation of a set net to create any artificial eddy or erect any structure or obstruction for such purpose.

SEC. 30. *Failure to Renew License.*

Abandonment
of location.

The failure to renew the license or to have made lawful application therefor for any fish trap, pound net, fish wheel or other fixed appliance in any of the waters of this state on the first day of April of any year shall constitute abandonment of the location.

SEC. 31. *Fixed Appliances—Columbia River, Willapa Harbor and Grays Harbor—How Constructed.*

Fixed ap-
pliances in
Columbia
river, Willapa
and Grays
Harbors.

No lead of any pound net, trap, fish wheel, or other fixed appliance used for catching salmon in the Columbia river and its tributaries, Willapa Harbor and its tributaries, and Grays Harbor and its tributaries shall exceed eight hundred feet in length, and there shall be an end passage-way of at least thirty feet and a lateral passageway of at least nine hundred feet between all such pound nets, traps, fish wheels, or other fixed appliances. The lead of any pound net or trap may be extended to high water

mark only on the tide lands owned by the state, providing such extension does not exceed the length provided in this act. Should the locator or owner neglect to construct his appliances for two consecutive fishing seasons covered by this license, said location shall be deemed abandoned.

SEC. 32. *Fixed Appliances in Puget Sound—How Constructed.*

No lead of any pound net or fish trap in Puget Sound shall exceed twenty-five hundred feet in length, and there shall be an end passageway of at least six hundred feet and a lateral passageway of at least twenty-four hundred feet between all pound nets, traps and other fixed appliances. The lead of any pound net or trap may be extended to high water mark on the tidelands owned by the state, or on other tidelands with the consent of the owners thereof: *Provided*, Such extension shall not exceed the length of the lead provided in this act. Should the locator or owner of any pound net or fish trap location fail to construct a fishing appliance thereon for four consecutive years, his location shall be deemed abandoned, even though he shall have complied in other respects with the laws pertaining thereto.

Fixed
appliances in
Puget Sound.

SEC. 33. *Passageways—How Determined.*

For the purpose of determining end passageways, 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 passageways shall be measured at right angles from such base lines: *Provided, however*, This section shall not affect any location lawfully existing under previous statutes, and any and 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 passageways at the option of the location owner and holder thereof.

Passageways.

Existing
rights
protected.

SEC. 34. *Set Nets, Puget Sound—How Constructed.*

It shall be unlawful to fish for salmon in Puget Sound with any set net of greater length than five hundred feet, or in the form of a pound net, or with pots or hearts con-

Set nets in
Puget Sound.

nected therewith, or that is used or held in any other way than in a substantially straight line.

SEC. 35. *Length of Appliances in Rivers Limited.*

Appliances
in rivers.

No fishing appliance or device of any kind whatsoever, either by lead or any part thereof, shall occupy more than one-third the width of the waters of any stream or river.

SEC. 36. *Nets—Size Mesh.*

Size of
meshes.

It shall be unlawful to use any pound net, trap, fish wheel or other fixed appliance for catching salmon or other food fish with meshes under three inches, stretch measure. It shall be unlawful to operate in any of the waters of Puget Sound any purse seine, drag seine or other like seine or net of a greater length than five hundred feet with meshes less than two and one-half inches stretch measure, during the year 1915, and after January first, 1916, with meshes less than three inches stretch measure. It shall also be unlawful to operate in any of the said waters any gill net of a greater length than five hundred feet with meshes less than five inches stretch measure.

Size of nets
and meshes
in Puget
Sound.

It shall be unlawful to use any gill net more than 1,200 feet in length or more than thirty-six meshes deep in Willapa Harbor or any of its tributaries.

Gill nets in
Willapa
Harbor.

SEC. 37. *Closed Season for Smelt and Herring.*

Smelt and
herring.

It shall be unlawful to catch or fish for smelt or herring with any purse, drag or like seine of less than 1¼-inch mesh, stretch measure between 8 p. m. and 6 a. m. of any day.

Closed
season.

It shall be unlawful to catch or fish for smelt or herring in the waters of Puget Sound with any appliance between 4 o'clock p. m. Friday and 4 o'clock a. m. Sunday of each week.

SEC. 38. *Herring Spawning Grounds.*

Puget Sound
spawning
grounds for
herring.

The commissioner shall immediately after this act takes effect proceed to definitely locate and chart at least 5 of the most productive of the herring spawning grounds in the waters of Puget Sound and its tributaries in the state of Washington and particularly at Hadlock, Holmes Harbor, Deception Pass, Jackson Cove, Hales Pass, and

Birch Bay Point, and shall mark the boundary of not fewer than 5 of the most productive of such spawning grounds to be designated by the commissioner by driving at least one pile or erecting at least one monument at either side at right angles with the shore of such spawning grounds, and thereafter it shall be unlawful to take herring in, over or upon the spawning grounds thus marked during the spawning season of such fish upon such grounds, such spawning season to be ascertained by the commissioner and to be promulgated by the commissioner and notice thereof shall be given by posting a copy of such rule printed on cloth upon the pile or monument marking the boundaries of such spawning grounds.

Marking boundaries.

SEC. 39. *Closed Season for Shrimp.*

It shall be unlawful for any person to take shrimp between the first day of January and the last day of March of any year, both dates inclusive, by any means whatsoever in the waters of Puget Sound or its tributaries.

Shrimp closed season.

SEC. 40. *Appliances Used Unlawfully May Be Confiscated.*

Any fishing appliance or part thereof found in the waters of this state wherein the same are prohibited, the same being placed therein for the purpose of illegal fishing is hereby declared a public nuisance and shall be subject to abatement as a public nuisance, and it shall be the duty of the commissioner to enforce the provisions of this section; and any and all appliances used in violation of any of the provisions of this act, viz.: boats, traps, nets, fish wheels or other appliances, shall be subject to execution for the payment of any fines imposed on the owner thereof. Such appliance may be seized by the commissioner and may be forfeited to the state, and the superior courts of the state of Washington shall have exclusive jurisdiction of all such cases.

Illegal appliances public nuisances.

Confiscation.

SEC. 41. *Fishing Without License Prohibited.*

It shall be unlawful to catch, take or fish for food fish with any appliance or by any means whatsoever except with hook and line commonly called angling or trolling

Necessity of license.

unless license so to do has first been obtained from the commissioner.

Prima facie evidence of prohibited fishing.

The presence in any of the waters of this state of any craft of any nature whatever equipped with any of the appliances required to be licensed by the laws of this state for the taking of fish, or of any fishing appliance for which licenses are required shall be *prima facie* evidence that the owners thereof are engaged in fishing.

Penalty.

Any person who shall engage in fishing with any appliance whatsoever without having first obtained a license or made lawful application therefor shall be deemed guilty of a misdemeanor and the commissioner is hereby authorized to seize said appliance and the same shall be confiscated to the state.

SEC. 42. *Indians Fishing on Reservations.*

Rights of Indians on reservations.

Nothing in this act shall prevent any Indian from taking fish at any time without a license for the consumption of himself or family with a drag seine not more than three hundred feet in length or with a set net, in any of the salt waters bordering any Indian reservation and within one-half mile thereof, or with a set net extending not more than one-third across the waters of any river or stream flowing through or bordering on any such reservation and within five miles of the boundaries thereof. *Provided, however,* That this section shall not apply to the Nooksack river.

Nooksack river excepted.

SEC. 43. *Licenses—To Whom Not Issued.*

Who are not entitled to licenses.

No license for taking or catching salmon or other food or shell fish required by this act shall be issued to any person who is not a citizen of the United States of the age of eighteen years or over, unless such person has declared his intention to become a citizen, and is and has been an actual resident of the state for one year immediately preceding the application for such license. Nor shall any license be issued to a corporation unless it is authorized to do business in this state. Nothing herein contained shall be construed to prevent the issuance of licenses to Indians, providing such applicants possess the qualifications of residence hereinbefore required, nor prevent the renewal of

licenses for fixed appliances by persons now holding the same.

SEC. 44. *Fact of Citizenship and Residence—How Determined.*

When required by the commissioner any person desiring to fish for any food fish in any of the waters of this state, may go before a county clerk of any county of this state or the commissioner, and furnish satisfactory proof of his citizenship, or of the fact that he has declared his intention to become such, and file his own affidavit and the affidavit of two or more persons to the effect that he now is and for a year prior thereto has been an actual bona fide resident of this state, and thereupon such clerk or commissioner shall issue to him a certificate briefly reciting those facts, and thereafter in any prosecution against such person for a violation of the provisions of this act such certificate or a duly authenticated copy of the records in the office of the clerk or commissioner relative thereto shall be *prima facie* evidence of his citizenship and residence as in this act required. But in all prosecutions under this act the burden of proof shall be upon the defendant to establish the fact of his citizenship and residence. But nothing herein contained shall delay the issuance to any applicant of a license for a fish trap, fish wheel or pound net, which are required by the provisions of this act to be issued on the first day of April of each year.

Determina-
tion of
citizenship
and residence.

Burden of
proof in
prosecutions.

Issuance of
licenses not
to be delayed.

SEC. 45. *Certificates—No Fee for Issuing—Registry.*

For taking the affidavits and issuing the certificates herein provided for, no fee shall be charged. The clerk or commissioner shall keep in his office a record of all certificates issued pursuant to this act.

Certificates,
registry and
fees.

SEC. 46. *Licenses—How Transferred.*

Any license may be assigned or transferred to any person or corporation entitled to hold a license under the provisions of this act, and notice shall be given of such transfer or assignment within thirty days from the date thereof to the commissioner, who shall endorse the date of such notice on the license. If such notice be not given the license

Transfer
of licenses.

Notice of
assignment.

shall be void. And any assignee of a license for operating any such appliance who shall fail within thirty days to give notice to the commissioner of the assignment of such license is guilty of a misdemeanor.

Penalty for failure.

SEC. 47. *Blank Licenses—How Provided.*

Blank licenses.

The commissioner shall prepare in blank and consecutively number all licenses required under the provisions of this act, all of which shall expire at the close of the thirty-first day of March following their issuance, and shall be renewed annually thereafter upon application and payment of license fees required by this act.

Renewal.

SEC. 48. *Fisheries Fund.*

Fisheries fund.

All license fees and fines collected under the provisions of this act unless otherwise provided herein, shall be paid into the state treasury and placed in a fund to be known as the fisheries fund, which shall not be used for any purpose other than for the propagation, protection and perpetuation of food and shell fishes and the administration and enforcement of the laws relating thereto. All unexpended balances thereof shall continue in such fund unless otherwise disposed of by the legislature. The commissioner is directed to expend such funds, as nearly as may be, in the localities from which they are collected.

License fees and fines payable to.

Expenditure of fund.

SEC. 49. *Remittances to State Treasurer.*

Deposit of collections.

All moneys collected by the commissioner shall be deposited in a bank, to be designated by the state fish commission, which bank shall give a surety bond to the state of Washington in a sum designated by the fish commission, said bond to contain such conditions and provisions as may be required by it.

Remittance to state treasurer.

The commissioner shall make daily remittances to the state treasurer of all moneys collected by him from any source whatever, together with a statement showing from whence the moneys are derived. A duplicate of this statement shall be sent to the state auditor.

Audit of expenses.

SEC. 50. *Expenses.*

All expenses incurred under the provisions of this chapter shall be audited by the state auditor, upon bills being

presented, properly certified by the fish commissioner, and the said auditor shall from time to time, draw warrants upon the state treasurer for the amount.

SEC. 51. *Licenses—How Issued, Fees therefor.*

Licenses herein required shall be issued to any qualified person or corporation by the commissioner upon application therefor and the payment of the license fees herein required:

For each pound net or fish trap license for taking salmon at both ends on Puget Sound, one hundred dollars; License fees. Salmon.

For each pound net or fish trap license on Puget Sound for the taking of salmon fifty dollars;

For each first class pound net or fish trap license for the taking of salmon on the Columbia river twenty-five dollars;

For each second class pound net or trap license on the Columbia river fifteen dollars.

A first class trap is hereby defined to be a trap on the Columbia river that during the preceding season caught fish of the value of one thousand dollars or more, and a second class trap a trap on the Columbia river that caught during the preceding season fish of the value less than one thousand dollars; Fish traps defined.

For each pound net or fish trap license for taking salmon in Willapa Harbor and Grays Harbor fifteen dollars;

For each brush weir license for the taking of smelt and herring twenty-five dollars; Smelt and herring.

For each stationary fish wheel license for the taking of salmon thirty-five dollars; Salmon.

For each scow fish wheel license for the taking of salmon twenty-five dollars;

For each purse seine license twenty-five dollars; no purse seine shall be of greater length than 1,800 lineal feet measured on cork line when wet;

For each gill net license for the taking of salmon on Puget Sound of a length not to exceed six hundred feet, five dollars; and for each additional lineal foot in length, one

cent; no gill net shall be operated on Puget Sound of a greater length than three thousand feet;

For each gill net license for the taking of salmon on the Columbia river, Grays Harbor and Willapa Harbor seven and fifty one-hundredths dollars;

For each reef net five dollars;

For each drag seine license three cents per lineal foot;

For each set net license for the taking of salmon three and seventy-five one-hundredths dollars.

Smelt or
herring.

Any person may use a jigger in the taking of smelt or herring for the use of himself and family without any license therefor.

For each bag net license for the taking of smelt or herring one dollar;

For each smelt drag bag net on Puget Sound one dollar;

For each license for beam trawl ten dollars;

For each license for set lines having more than one hundred hooks, one dollar.

Districts to
be specified
in license.

The license issued by the commissioner for the appliances hereinbefore mentioned shall specify the district wherein the license is to be used and no license for one district shall be used in another.

For each license to take crabs one dollar;

Crabs, clams
and mussels.

For each license to take clams and mussels one dollar;

Oysters for
seeding.

For each license to take oysters from the state reserves for seed purposes under regulations to be promulgated annually by the state fish commission, five dollars;

Trout from
private
hatcheries.

For each person, firm or corporation engaged in the business of buying and selling, packing and preserving or otherwise dealing in trout or other food fish obtained from private hatcheries of this state, two and fifty-one-hundredths dollars:

For each private trout hatchery twenty-five dollars;

Fish dealers.

For each retail fish dealer a license of one dollar;

For each wholesale dealer in fish and for each person engaged in freezing, salting, smoking, kippering, preserving in ice or otherwise, a license of ten dollars;

For each fish broker not operating as a packer or canner a license of fifty dollars; Fish brokers.

For each person using scows, boats or other water craft in buying, handling or transporting food fish except persons, firms and corporations operating canneries, packing or curing establishments that pay an annual license fee to the state of Washington where the fish are disposed of for canning, curing, preserving or selling within the state of Washington, a license of one dollar; Persons using boats.

For each person, firm or corporation using scows, boats or other water craft in the buying of fish on the Columbia river for each scow, boat or other water craft a license fee of fifty dollars; this requirement shall not apply to scows, boats, or other water craft used in buying fish for and transporting fish to canneries and packing plants that pay an annual license fee to the state of Washington or Oregon, of not less than one hundred dollars. Water craft on Columbia river.

Every person, firm or corporation engaged in canning salmon, shell or other food fish shall procure a license from the commissioner before commencing the season's packing and shall on or before the 15th day of November of each year pay to the commissioner as an annual license fee for all salmon, shell or other food fish packed by him subsequent to the 31st day of March of each year and prior to November 15th of each year, and on the 31st day of March of each year shall pay to the commissioner for all salmon, shell or other food fish packed by him subsequent to November 15th and prior to the 31st day of March of each year two cents per case for each case of steel-head, blue-back, Quinault, or sockeye salmon, and one cent for each case of other varieties of salmon, except that he shall pay for each case of Chinook salmon packed on the Columbia river prior to the 26th day of August of each year four cents per case, and for each case of Chinook salmon packed on the Columbia river after the 26th day of August of each year two cents per case, for each case of clams, clam nectar, crabs, shad, shrimp and other food and shell fish one cent per case. Canneries.

"Case of fish"
defined.

For the purpose of this act a case of fish is defined to consist of forty-eight one-pound cans, bottles, or their equivalent in weight. The owner or licensee of any cannery before beginning the operation of the same in any year and at the time of making application for his license shall execute a good and sufficient bond to the commissioner in such sum as he may require conditioned that he will pay or cause to be paid to the commissioner the license fees or charges for salmon, shad, crab, clam and other food and shell fish packed by him at the time and in accordance with the requirements of the foregoing section, such bond to contain such other provisions as may be required by the commissioner.

Bond of
canneryman.

Tonnage tax.

Each person, firm or corporation buying, selling or otherwise dealing in salmon and other food fish at wholesale caught in the state of Washington, shall pay to the commissioner on or before the 15th day of November of each year one dollar (\$1.00) per gross ton for each ton or fraction thereof so bought, handled, preserved or cured during the preceding calendar year: *Provided*, That no person, firm or corporation engaged in the canning business shall be required to pay such tax upon any fish caught or bought and canned by them, and no person, firm or corporation shall be required to pay such tax upon any fish caught and sold by him. Nor shall such tax or charge be paid upon any fish ultimately canned, nor shall more than one tonnage tax be collected upon any particular quantity of fish.

Buyer's
permit.

Every person engaged in buying fish except for canning purposes shall obtain a permit from the commissioner for each representative of such buyer. And each person, firm or corporation so buying, selling or otherwise dealing in salmon and other food and shell fish at wholesale, or freezing, salting, smoking, kippering, preserving in ice, curing, mild curing, or otherwise shall, before beginning operations in any year first obtain a license from the commissioner and at the time of the application for such license shall execute a good and sufficient bond in such sum as may be

Dealer's
license.

required and subject to the approval of the commissioner, conditioned that on or before the 10th day of the following month they will pay, or cause to be paid to the commissioner the said license fee or charge for all salmon and other food and shell fish handled during the preceding month.

Bond by
dealer.

For the purpose of ascertaining the amount of the license fee required in each instance the commissioner shall determine the class and character of each appliance.

All gill net licenses issued by the state of Oregon shall be valid in the concurrent waters of the Columbia river in this state. The commissioner when issuing licenses for the Columbia river district shall furnish to the fisheries department of Oregon the name of all licensees and the number of their licenses.

Oregon
licenses.

Every person, firm or corporation operating in the Puget Sound, Willapa Harbor or Grays Harbor districts any of the fishing appliances hereinbefore mentioned (except gill nets, set nets and drag seines) and every person, firm or corporation operating in the Columbia river district any of such fishing appliances (except gill nets and set nets), which by the terms of this act are required to be licensed shall in addition to the license fees by this act provided pay to the state for the food and shell fish taken from the waters thereof, as follows:

Royalty
payable by
licensees.

For each one thousand or fraction thereof of Chinook salmon caught in the Columbia river prior to the 26th day of August of each year at the rate of five dollars per thousand and for Chinook salmon caught in the Columbia river after the 26th and for tye, king, black mouth or spring salmon at the rate of three dollars per thousand. For each one thousand or fraction thereof of Chinook, tye, king, black mouth or spring salmon in Willapa Harbor, Grays Harbor and Puget Sound at the rate of three dollars per thousand.

Salmon.

For each 1,000 or fraction thereof of steelhead salmon at the rate of \$3.00 per thousand.

For each 1,000 or fraction thereof of sockeye or blue back salmon, at the rate of \$1.50 per thousand.

For each 1,000 or fraction thereof of silverside or Cohoe salmon, chum or fall salmon, at the rate of \$1.00 per thousand. For each one thousand or fraction thereof of humpback or pink salmon at the rate of fifty-one-hundredths dollars (\$.50) per thousand.

For each 100 pounds or fraction thereof of smelt, herring or shad, 3 cents.

Smelt, herring, shad.

For each 100 pounds or fraction thereof of shrimp, 15 cents.

Shrimp.

For each sturgeon, 7½ cents.

Sturgeon.

For each gross of crabs, 10 cents.

Crabs.

For each ton of clams, gross weight in shells, 75 cents.

Clams.

SEC. 52. Reports to Commissioner.

Every owner of any fishing appliance which by the terms of this act is required to be licensed shall report to the commissioner under oath on blanks to be furnished by the commissioner, upon request, on the first day of March, July, and November of each year for the four months preceding the date on which the report is made, stating the number of salmon, specie stated separately, the number of crabs, sturgeon, pounds of smelt, herring, shrimps, clams and shad and other food fish caught during the preceding four months period together with the name of the persons, firm or corporation to whom such fish were sold with the number or quantity delivered to each purchaser, and shall at the same time remit the license charges and the additional fees as by this act provided; and every person, firm or corporation engaged in preserving, salting, smoking, kippering, mild-curing, curing, freezing, preserving in ice or otherwise, and in buying, selling or otherwise dealing in food and shell fish caught within the waters of this state as wholesalers or retailers either as principal, agent or employee shall on the same dates and for the same period make reports to the commissioner stating the quantity in pounds of all fish preserved or cured and all purchases and sales made during the preceding period for which the report is made, the varieties stated separately, together with the name of the person, persons, firms or corporations from

Reports and payments by licensees.

whom purchased and the place from which the fish were taken and the appliance with which the same were taken and at the same time shall remit to the commissioner the license charges and additional charges as provided by this act, and any person, firm or corporation who shall fail to make the reports in this paragraph provided and at the same time make payments of the amounts of money due the state shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than fifty nor more than five hundred dollars or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment and the amounts owing by any such persons for license charges and additional charges shall become and constitute a first lien on the fishing appliances of any such person and also a lien on the real and personal property of the person owing such sum or sums, from and after a notice of such lien on behalf of the state shall have been filed in the office of the county auditor in which the person owing such amount or amounts shall reside; the notice of lien to be filed by the commissioner shall be sufficient if it shall state the amount for which the lien is claimed and the person owing the same.

Penalty for failure.

Lien for charges.

SEC. 53. License Number and Lights to Be Displayed.

Each fixed appliance for taking food fish shall have displayed thereon in a conspicuous place in black figures not less than six inches in length, painted on a white ground, the license number under which the same is operated.

Display of license number.

Each gill net, and set net used for the purpose of taking food fish shall have branded on the corks at each end of such net, in figures not less than one-half inch in length, the license number under which the same is operated.

Each boat or vessel used to operate any seine or net for food fish shall have displayed upon the bow thereof in black figures, not less than six inches in length, painted on a white ground, the license number under which such seine or net is operated, preceded by a capital "W". Each pound net or trap on the Columbia river, Grays Harbor

Lights.

and Willapa Harbor shall between sunset and sunrise conspicuously display a bright light.

SEC. 54. *Closed Season—Puget Sound.*

Closed
season for
salmon.

Puget Sound
and
tributaries.

It shall be unlawful to take or fish for salmon except with hook and line in Puget Sound and in any of the rivers and streams emptying into it between the hours of four o'clock p. m. on Friday and four o'clock a. m. Sunday of each week of the months of July and August of each year, except with gill and set nets as herein provided. It shall be unlawful to take or fish for salmon with gill or set nets in any of said waters between the hours of six o'clock a. m. Saturday and six o'clock p. m. Sunday of each week of July and August of each year. It shall be unlawful to take or fish for salmon except with hook and line in any of the waters of Puget Sound or any river or any stream flowing into the same north of a line extending from Brace Point in King county to Point Southworth in Kitsap county and north of a line extending from Foul Weather Bluff in Kitsap county to Tala Point in Jefferson county, from November tenth to December tenth both dates inclusive in each year; and it shall be unlawful to take or fish for salmon in the tributary thereof known as Hood Canal and in any river or stream flowing into the same south of the lines above described between the twentieth day of November in each year and the first day of January of the year following, both dates inclusive; and it shall be unlawful to take or fish for salmon except with hook and line in Carr's Inlet or any of the waters southerly and westerly thereof or in any of the rivers or streams emptying into such waters, and for the purposes of this act such waters are bounded as follows: Beginning at Gordon Point in Pierce county and running thence northwesterly to Hyde Point on McNeil's Island, thence northeasterly to Gibson Point on Fox Island, thence northwesterly along the south shore of Fox Island to Green Point in Pierce county, between the 10th day of November of each year and the 15th day of April of the year following, both dates inclusive; and it shall be unlawful to take or fish for salmon in any of the

waters between the waters bounded and described in the preceding clause and a line beginning at Brace Point in King county and running thence westerly to Point Southworth in Kitsap county or in any of the rivers or streams emptying into such waters between the first day of January and the first day of February, both dates inclusive. And it shall be unlawful to take or fish for salmon, except with hook and line in any of the said described waters or in any of the waters of Puget Sound or in any of the rivers or streams flowing into such waters between the 1st day of March and the 15th day of April, both dates inclusive, of each year. The commissioner shall designate by the erection of monuments and signs all of the above mentioned boundary points.

In the event that the Dominion of Canada or the Province of British Columbia shall enact and enforce laws prohibiting the taking of sockeye salmon above the Westminster bridge at all times and in Georgia straits and all the waters of the Fraser river and its tributaries between the twenty-fifth day of August and the fifteenth day of September of each year, then it shall be unlawful to take or fish for sockeye salmon in any of the waters of Puget Sound between the twenty-fifth day of August and the fifteenth day of September, both dates inclusive, of each year, and any sockeye salmon taken between the last named dates in the waters of Puget Sound shall be liberated, and nothing in this paragraph of this section shall be construed to prevent any person, firm or corporation from operating its fishing appliances for the catching of other varieties of salmon between the last named dates.

Contingent
Canadian
regulations.

If the Province of British Columbia or the Dominion of Canada shall prohibit and prevent the taking of salmon in Georgia straits and the Fraser river during a forty-eight hour weekly period in each even numbered year, beginning at six o'clock p. m. Friday and ending not earlier than six o'clock p. m. Sunday, then and in that event, it shall be unlawful to take or fish for sockeye salmon by any means whatever, except with hook and line, in any of the waters

of that portion of Puget Sound last described, between the hours of eight o'clock p. m. Thursday and eight o'clock p. m. Saturday of each week in each even numbered year. In the event that this proviso becomes effective and during the years while in effect, it shall supersede and render in-operative the thirty-six hour closed period in this section first provided as to and in the waters above described.

If it shall be adjudicated that the foregoing proviso be unconstitutional and invalid for any reason, such adjudication of invalidity of such proviso or any part of this act shall not affect the validity of the act as a whole or any part thereof.

SEC. 55. *Certain Nets Prohibited — Skagit River — Puget Sound.*

Nets and seines prohibited.

Skagit river.

It shall be unlawful to use any gill net, seine or other net, the meshes of which are less than eight and one-half inches, stretched measure, in the Skagit river between July first and September first, both dates inclusive, of each year.

Puget Sound.

It shall be unlawful to use any drag seine, purse seine, gill net, set net or other like seine or net, the meshes of which are less than three inches, stretched measure, in Puget Sound, for any purpose whatsoever, during the months of May, June and July.

SEC. 56. *Closed Season, Columbia River.*

Closed season.

Salmon and sturgeon in Columbia river.

It shall be unlawful to take or fish for salmon or sturgeon in the Columbia river, its tributaries and in any of the waters or sloughs thereof, west of the north and south line between sections 14 and 15, township 2 north, range 15 east of the Willamette meridian and within three miles outside the mouth of the Columbia river, by any means whatever, between twelve o'clock noon on the first day of March and twelve o'clock noon on the first day of May, and between twelve o'clock noon on the twenty-fifth day of August, and twelve o'clock noon on the tenth day of September, and between six o'clock p. m. on Saturday of each week and six o'clock p. m. of the Sunday following, from the first day of May to the twenty-fifth day of August, both dates inclusive, of each year.

It shall be unlawful to take or fish for salmon or sturgeon in the Columbia river and any of its tributaries above the north and south line between sections 14 and 15, township 2 north, range 15 east of the Willamette meridian, by any means whatever between twelve o'clock noon on the fifteenth day of March and twelve o'clock noon on the first day of June, and between twelve o'clock noon on the twenty-fifth day of August and twelve o'clock noon on the tenth day of September.

It shall be unlawful to take or fish for salmon in the Snake river and any of its tributaries by any means whatever in any year between twelve o'clock noon on the first day of April and twelve o'clock noon on the first day of June and between twelve o'clock noon on the first day of August and twelve o'clock noon on the fifth day of September of each year.

Salmon.

Snake river.

SEC. 57. *Closed Season for Grays Harbor and Willapa Harbor.*

It shall be unlawful to take or fish for salmon in Grays Harbor or Willapa Harbor or in any of the rivers or streams flowing into the same between the 15th day of March and the 15th day of April and between the first day of December and the first day of January, all dates inclusive, in each year.

Grays and
Willapa
Harbors.

SEC. 58. *Right to Take Fish for Sale Limited to Citizens.*

It shall be unlawful for any person to fish or take for sale or profit any salmon or other food or shell fish in any of the rivers or waters of this state or over which it has concurrent jurisdiction in civil and criminal cases, unless such person be a citizen of the United States or has declared his intention to become such and is and has been for twelve months immediately prior to the time he engages in such business an actual resident of this state or an adjoining state, but this section shall not apply to Indians.

Fishing by
aliens
prohibited.

SEC. 59. *Closed Season, Strait of Juan de Fuca.*

It shall be unlawful to take or fish for salmon between the first day of June and the first day of July, both dates

Strait of
Juan de Fuca.

inclusive, by any means whatsoever in the waters of the Pacific ocean within a distance of three miles of the west shore of Clallam county and west of a line drawn from Tatoosh light in Clallam county to Carmanah light on Vancouver island, constituting the headlands marking the entrance to the Strait of Juan de Fuca and it shall be unlawful for any person to bring into the State of Washington any salmon caught west of Clallam county and the line above described between the dates mentioned in this section: *Provided, however,* That this section shall be inoperative unless the Dominion of Canada or the Province of British Columbia shall by law, rule, order or regulation adopt provisions concerning the water herein described similar in intent and purpose to those contained in this section in which event the provisions contained herein shall continue to be and remain in full force and effect.

Proviso as
to British
Columbia.

SEC. 60. *Sturgeon—Protection of Sturgeon—Closed Season.*

Hereafter it shall be unlawful for any person to take, capture or kill in any of the waters of the Columbia river or its tributaries any sturgeon between 12 o'clock meridian, the first day of March and 12 o'clock meridian on the first day of May, and between 12 o'clock meridian on the 25th day of August and 12 o'clock meridian on the tenth day of September and six o'clock p. m. on Saturday of each week and six o'clock p. m. on the Sunday following, from the first day of May to the 25th day of August, both dates inclusive.

Closed.
season.

Sturgeon.

SEC. 61. *Protection of Young Sturgeon—Penalty.*

It shall be unlawful at any time to take or kill young sturgeon under four feet in length, or fish for the same by any device or appliance whatever in the waters of the Columbia river or tributaries thereof, and any person or persons fishing with gill nets, fish wheels, or other fishing apparatus whatever in the waters of the Columbia river or tributaries thereof, who on lifting, drawing, taking up or removing any of said nets, or other fishing apparatus, shall find young sturgeon under four feet in length en-

Taking young
sturgeon
prohibited.

tangled or caught therein, shall immediately with care and the least possible injury to the fish, disentangle and let loose the same and transmit the fish to the water without violence. Any person or persons violating any of the provisions of this section, or having in their possession young sturgeon under four feet in length, either for consumption or sale, or who is known to wilfully destroy the same for so offending, shall be guilty of a misdemeanor. Penalty.

SEC. 62. *Chinese Lines Prohibited—Penalty.*

It shall be unlawful to cast, extend, set, use or continue or assist in casting, extending or using any Chinese sturgeon lines, or lines of a similar character, in the waters of this state. The commissioner or any of his deputies is authorized to seize and destroy any such lines found in said waters, and they are hereby authorized to arrest forthwith any person or persons detected in setting or using any Chinese sturgeon lines of similar character, in the waters of this state. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. Chinese lines.

SEC. 63. *Traps, How Closed—Penalty.*

Throughout the weekly closed season prescribed in this act, each pound net or fish trap shall be closed by an apron placed across the outer entrance to the heart of the trap or pound net, which apron shall extend from above the surface of the water to the bottom of the water, and shall be securely connected to the piles on either side of the heart of such trap or pound net, fastened by rings not more than two feet apart on taut wires stretched from the top to the bottom of the piles. And such apron or the appliances by which it is raised and lowered shall be provided with such signals or flags visible at a distance of at least one-half mile from the trap which shall disclose that the trap is closed, which signal or flag shall be of the form and character as may be prescribed by the commissioner under regulations to be issued by him. Mode of closing traps.

For the purpose of enforcing this regulation, the owner or operator of the fish trap or pound net shall constantly Watchman charged with duty.

maintain, during the weekly closed season, a watchman, whose duty, among other things, it shall be to cause such pound net or trap to be closed as above provided. Any owner or operator of a pound net or fish trap, or any watchman violating any of the provisions of this section, either by failing to do any act or thing required, or by doing any act or thing prohibited by this section, shall be deemed guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not less than two hundred and fifty dollars, nor more than two thousand dollars.

Penalty for violation of act.

SEC. 64. *Taking Fish from Lawful Owner.*

It shall be unlawful to take from any building, scow, livebox, trap, wheel, seine, or net, any caught or impounded fish with the intent of depriving the owner of said fish and any person so doing shall be guilty of a gross misdemeanor.

Larceny of fish.

Penalty.

SEC. 65. *Unlawful Purchase of Fish.*

It shall be unlawful for any person, firm or corporation to purchase any food fishes of any variety unlawfully taken from waters of this state during any of the closed seasons prescribed in this act, and any person who purchases any such fish during such periods shall be guilty of a misdemeanor.

Purchase during closed season.

Penalty.

SEC. 66. *Taking or Sale of Young Salmon or Salmon Trout Prohibited.*

Any person who by any means, except with hook and line, shall catch or take any salmon or salmon trout of any variety, less than fifteen inches in length, and who shall not immediately return the same alive to the water, or who shall buy or sell or offer for sale or have in his possession any such fish, shall be guilty of a misdemeanor.

Taking or sale of young salmon or salmon trout.

Penalty.

SEC. 67. *Possession Unlawful—Fish Illegally Caught.*

It shall be unlawful to buy, sell or have in possession any of the food fishes mentioned in this act caught or taken in any of the waters of this state wherein it is unlawful to catch or take the same.

Possession of fish unlawfully caught.

SEC. 68. *Salmon Canned Within Sixty Hours.*

It shall be unlawful to can or preserve for food any salmon that has been removed from the water for a longer

Canning salmon.

period than sixty hours, unless such fish have been kept artificially chilled.

SEC. 69. *Taking Fish Except for Food or Bait Prohibited.*

It shall be unlawful to take or fish for, or have in possession, any food fish of any kind, character or description, unless the same are to be used for food or bait.

Fish for food or bait.

SEC. 70. *Unlawful to Destroy Food Fish.*

It shall be unlawful for any person, firm or corporation wantonly to waste or destroy salmon or other food fishes taken or caught on any of the waters of the State of Washington, and no person engaged in the canning, preserving or curing of food fish shall purchase or engage a greater quantity of fish than he is able to can, preserve or cure within sixty hours after the same are taken from the water, unless such fish have been kept artificially chilled.

Wasting or destroying food fishes.

SEC. 71. *Taking Salmon Below Dam or Fish Rack Prohibited.*

It shall be unlawful to catch, kill or in any manner destroy any salmon on or within one mile below any rack, dam or other obstruction erected across any river or stream.

Catching salmon below dams.

SEC. 72. *Spearing, Shooting Fish Prohibited.*

It shall be unlawful to shoot, gaff, snag or snare any food fish in any of the waters of the state.

Shooting or spearing fish.

SEC. 73. *Taking Salmon for Propagation—By Whom.*

Nothing in this act shall be construed to prevent the commissioner or the proper officers of the United States, or any person with the consent and under the direction of the commissioner from taking salmon for propagation in any manner at any time.

Salmon for propagation.

SEC. 74. *May Remove Fish Below Hatcheries.*

The commissioner may take or remove or cause to be taken or removed in any manner, at any time, any fish of any kind, character or description within one mile below any hatchery or rearing pond.

Removal of fish below hatcheries.

SEC. 75. Dolly Varden Trout May Be Taken.

Bull or Dolly
Varden trout.

It shall be lawful to take, kill, capture or destroy at any time, in any lawful manner, or to possess or market, the *Salvelinus malma*, commonly known as the Dolly Varden or bull trout.

SEC. 76. Fish Not to Be Planted Without Consent of Commissioner.

Consent for
planting fish.

It shall be unlawful to liberate, release, implant, or place any fish of any kind or description in any stream, river, pond, lake, or other waters of the state, either fresh or salt, without first obtaining the written consent of the commissioner.

SEC. 77. Canals and Ditches to Be Screened.

Intakes of
canals and
water pipes
to be
screened.

Every ditch, channel, canal or water pipe used for conducting water from any lake, river or stream where any state fish hatchery is located, for irrigation, manufacturing, domestic or other purpose, shall be provided at its entrance or intake with a fish guard so fixed as to prevent the passage of fish into such ditch, channel or water pipe and subject to the approval of the commissioner, which shall be constantly maintained at all times when water is taken or admitted into such ditch, channel, canal or water pipe. Every owner, manager, agent, or person in charge of such ditch, channel, canal or water pipe who shall fail to comply with the provisions of this section shall be guilty of a gross misdemeanor.

Penalty.

Each day the end of ditch, channel, canal or water pipe is not equipped with this covering as provided, shall constitute a separate offense. If within thirty days after notice to equip any such ditch, channel, canal or water pipe such person shall fail to do so the commissioner is hereby authorized to take possession of same in the name of the State of Washington and to close same to the entrance of any water until such time as the ditch shall be properly equipped, and the expense incident thereto shall constitute a lien upon the ditch, channel, canal or water pipe and upon the real or personal property of person or persons, firm or corporation owning same.

Each day
separate
offense.

Authority
to close
intakes.

Notice of such lien shall be filed and recorded in the office of the county recorder in the county in which such action is taken.

Lien for expense.

SEC. 78. *Dams to Be Provided With Fishways.*

Every dam or other obstruction across or in any stream shall be provided with a durable and efficient fishway, which shall be maintained in a practical and effective condition in such place, form and capacity as the commissioner may approve, for which plans and specifications shall be furnished by the commissioner upon application to him, and which shall be kept open, unobstructed and supplied with a sufficient quantity of water to freely admit the passage of fish through the same. Every owner, manager, agent or person in charge of such dam or obstruction who shall fail to comply with the provisions of this section shall be guilty of a misdemeanor.

Fishways in dams.

Penalty for failure.

If any person, firm or corporation shall fail to construct and maintain such fish ladder or fishway or to remove such dam or obstruction in a manner satisfactory to the commissioner, then within thirty days after written notice thereof shall have been served upon the owner, his agent or the person in charge thereof, the commissioner may construct a suitable fish ladder or fishway, or remove such dam or obstruction, and the actual cost in case of construction of fishway thereof shall constitute a lien upon the dam and upon all the personal property of the person or persons, firm or corporation owning the same.

Construction by commissioner.

Liens.

Notice of such lien shall be filed and recorded in the office of the county auditor of the county in which such dam or obstruction is situated. Such lien may be foreclosed in any action brought in the name of the State of Washington.

Record and foreclosure.

If any person or corporation shall fail to make any such fishway or remove such dam or obstruction in a manner satisfactory to the commissioner, then within thirty days after written notice thereof shall have been served on the owner, his agent or the person in charge, such dam or obstruction shall thereby become a public nuisance and

Dam as public nuisance.

Height of
dams.

the commissioner may take possession of same in his own name or in the name of the State of Washington and destroy same and no liability shall attach for such destruction. No dam or obstruction shall be erected in any stream in this state to a height that in the judgment of the commissioner shall make a fish ladder of fishway there-over impracticable.

SEC. 79. *Dams to Be Provided With Hatchery.*

In the event that any person desires to construct a dam in any of the streams of this state to a height that will make a fish ladder or fishway thereover impracticable, in the opinion of the commissioner, then such person may make an application to the commissioner for a permit to construct such dam, and the commissioner is hereby authorized to grant such permit in his discretion, upon the condition that the person so applying for such permit shall convey to the State of Washington a site of the size and dimensions satisfactory to the commissioner, at such place as may be selected by the commissioner, and erect thereon a hatchery and hatchery residence, according to plans and specifications to be furnished by the commissioner, and enter into an agreement with the commissioner, secured by a good and sufficient bond, to furnish all water and lights, without expense, to operate said proposed hatchery; and no permit for the construction of any such dam shall be given by the commissioner until the person applying for such permit shall have actually conveyed said land to the state and erected said hatchery and hatchery residence in accordance with the said plans and specifications. The provisions of this section shall not apply to cases where dams have been heretofore constructed in streams to a height where the construction of a fish ladder is impracticable, provided an agreement has been entered into and executed, with reference to the construction and maintenance of such dam between the commissioner and the owners thereof.

SEC. 80. *Use of Explosives Prohibited.*

Explosives.

It shall be unlawful to use or discharge, in any of the waters of this state, any explosive substances of any kind,

character or description for the purpose of catching, killing or destroying fish.

SEC. 81. It shall be unlawful to cast or pass or to suffer or permit to be cast or passed into any waters of this state either fresh or salt, within such distance from any incorporated city or town, any dead fish, heads or offal or other waste from any fish cannery, as the commissioner of public health may determine.

Casting
waste and
dead fish
in waters.

SEC. 82. *Polluting Waters Prohibited.*

It shall be unlawful to cast or pass, or to suffer or permit to be cast or passed into any waters of this state, either fresh or salt, any sawdust, planer shavings, wood pulp or other waste, lime, gas, coculus indicus, chemical substances or any refuse or waste material substance or matter at any time whatsoever deleterious to fish or shell fish.

Pollution
of waters.
See post,
ch. 58, § 1.

SEC. 83. *Attorney General to Prosecute—When.*

If any person violates any of the provisions of this act, and the prosecuting attorney of the county wherein such violation occurs shall, after information has been given him by the commissioner, refuse or neglects within five days thereafter to file an information against such alleged violator, it shall be the duty of the attorney general, and he is hereby given the authority when requested by the commissioner to file an information direct in the superior court of said county and in the place and stead of said prosecuting attorney to prosecute the case.

Neglect of
prosecuting
attorney.

Attorney
general to
prosecute.

SEC. 84. *Attorney General—May Assist Commissioner.*

The commissioner shall have authority to apply to the attorney general for his official opinion upon any question touching the construction and interpretation of the statutes, and the duties of the commissioner under the statutes for the protection of fish and shell fish, wherein he shall need legal advice; and the attorney general shall furnish from his office such official legal assistance as he may deem necessary in the conduct of any suit brought

Duty of
attorney
general.

by the commissioner, in pursuance of the provisions of this act.

SEC. 85. *Venue.*

Actions,
where
brought.

If any person shall fail to make any report or return to the commissioner, action against him shall lie in the superior court of the county in which he resides.

PRIVATE FISH HATCHERIES.

SEC. 86. *Riparian Proprietor May Establish Private Hatchery.*

Private
hatcheries.

Any riparian proprietor may establish a private fish hatchery for the cultivation of food fishes, and for such purpose and use may, within the limits of his own premises, inclose the waters of any river or stream or lake in this state, subject to the conditions and regulations hereinafter provided, and any person lawfully conducting any such private fish hatchery and engaged in the artificial propagation, culture and maintenance of fishes may take them in his own enclosed waters wherein the same are so cultivated and maintained at any time and for any purpose.

Rights of
riparian
owners.

SEC. 87. *Private Hatchery—Passageway for Migratory Fish—Passageway for Boats, Etc.—Exceptions.*

Passageway
for fish, boats
and logs.

Any person, firm or corporation establishing a private fish hatchery and inclosing the waters of a river or stream, as provided in the preceding section, shall provide and furnish a suitable passageway along said hatchery for migratory fishes naturally frequenting such waters, above and below such hatchery, and shall so place and construct said inclosure as to allow the passage of boats, saw logs, shingle bolts, cordwood, fencing posts or rails, without unreasonable delay, when such inclosure is upon a river or a stream navigable and generally used for the navigation of boats, or for the floating down of logs, fencing posts, or rails: *Provided*, That if the person, firm or corporation inclosing the water of a river or stream, as herein provided, is the sole riparian proprietor thereof from such inclosure to and including the source of such river or stream, such person, firm or corporation shall be ex-

Exception
as sole
riparian
owner.

cepted from the operation of this section, and shall not be required to furnish any passageway for fish or boats, logs, fencing or other material.

SEC. 88. *Private Hatchery Defined.*

Any person, firm or corporation engaged in the business of taking fish spawn and the artificial hatching thereof, or in the raising of fry and fish therefrom, in any of the waters or streams of this state, shall be deemed to be conducting a private fish hatchery under the terms of this act.

"Private hatchery" defined.

SEC. 89. *Sale of Fish From Private Hatchery Prohibited Unless Location, Etc., Be Approved, and Same Licensed.*

No fish spawn, fry or fish from private fish hatchery shall be sold under the terms of this act, unless the location and plan of such hatchery, including the character and size of a fishway and passage be approved by the commissioner, and the same duly licensed as a private fish hatchery.

Necessity of approval and license.

SEC. 90. *When Fish May Be Sold.*

The product of such fish hatchery, fish spawn, fry and fish may be sold at any time of the year by such hatchery or their vendees after having first complied with the terms of this act and the regulations of the commissioner thereto.

Sale of fish and spawn.

SEC. 91. *License Fee Twenty-Five Dollars.*

Each private fish hatchery, before it shall be entitled to the benefits of this chapter, shall pay an annual license fee of twenty-five dollars to the commissioner.

License fee.

SEC. 92. *Report to Commission.*

It shall be the duty of the superintendent or person in charge of any private fish hatchery to make a quarterly report beginning April 1, to the commissioner of the amount of spawn, fry and number of fish sold, and the name and address of the party receiving the same. It shall be the duty of each person, firm or corporation affected by the provisions of the following section to render

Reports of sales.

Reports of
dealers.

to the commissioner a quarterly report giving a detailed statement showing the amount of spawn, fry and number of fish received from any private hatchery, and giving the name and post office address of the superintendent or manager of the same.

SEC. 93. *License Fee for Business of Buying, Packing, Selling, Etc.*

Dealer's
license fee.

Every person, firm or corporation, buying and selling, packing and preserving or otherwise dealing in trout or other food fish obtained from private hatcheries in this state, shall procure a license for such business from the commissioner of the state, and shall pay an annual license fee of two dollars and fifty cents.

SEC. 94. *Unlawful to Take Fish Without Permission of Proprietor of Private Hatchery.*

Permission
for taking
fish.

No person shall take fish in any manner from the inclosed portion of any river, stream, pond or other water in which a private fish hatchery is located, or in which fish are artificially propagated, cultivated and maintained under the provisions of this chapter, without permission of the owner or proprietor of such hatchery.

SEC. 95. *Tags or Brands on Fish Sold.*

Tags on
fish sold.

The commissioner shall have authority to require tags, branding or other device attached to all fish sold for private hatcheries, and shall designate such tags or devices.

SEC. 96. *Destruction of Seals and Sea Lions.*

Authorizing
destruction
of seals and
sea lions.

The commissioner shall have the power and it shall be his duty to cause his employees to kill and destroy seals and sea lions in the waters of the State of Washington and he shall have the authority to expend such monies as may from time to time be appropriated by the legislature for such purposes and he shall keep an accurate record of the number of seals and sea lions that are so destroyed. Any person killing or causing to be killed within the waters of the Columbia river district any common seal or any sea lion, shall be entitled to receive a bounty of one dollar from the moneys appropriated for such purposes by the legislature of Oregon or the legislature of Washing-

Bounties.

ton, for each seal or sea lion so killed. All monies appropriated for such purpose by the legislature of this state shall be paid out under the supervision of the state fish commission upon vouchers approved by the commissioner, and the state fish commission shall adopt rules and regulations providing for the proof of such killing and the surrender and destruction of the scalp of such seal or sea lion. The state fish commissioner may, in his discretion, enter into an agreement with the duly authorized authorities of the State of Oregon for the joint expenditure of appropriations made by the legislatures of the states of Washington and Oregon under such regulations as may be prescribed in such agreement.

Joint agree-
ment with
Oregon.

SEC. 97. *Certificates for Scientific Purposes.*

Certificates shall be granted by the commissioner and ex-officio game warden to any properly accredited person of legal age permitting the holder thereof to collect birds, their nests and eggs or any of the game, food or shell fish of this state for strictly scientific purposes only. In order to obtain such certificate the applicant must present to the commissioner and ex-officio game warden a written statement from two well known scientific men, certifying to the good character and fitness of such applicant and must pay to the commissioner and ex-officio game warden \$1.00 for the issuance of the certificate and must file with him a properly executed bond in the sum of \$1000.00. On proof that the holder of such certificate has killed or taken the nest or eggs of any bird, or has taken any food, shell or game fish for other than scientific purposes, this bond shall be forfeited to the state and the certificate shall become void and the holder shall be held subject for each offense to a fine not less than \$10.00 and not more than \$500.00.

Certificates
to scientific
collectors.

Fees.

Bond.

Penalty for
unlawful
acts.

SEC. 98. *United States Officers May Take Fish for Propagation.*

Nothing in this act shall be construed so as to prevent the taking of salmon or other food fishes by the com-

Taking for
propagation
by U. S.
officers.

missioner or proper officers of the United States for propagation purposes.

CLAMS AND MUSSELS

SEC. 99. *Closed Season, Pacific Ocean Beach.*

Clams and
mussels.

Closed
season for
ocean beach,
Grays and
Willapa
Harbors.

It shall be unlawful for any person or persons whomsoever to take or dig clams from the sands of the beach of the Pacific Ocean in this state, or from the beaches of Grays Harbor or Willapa Harbor, or to have in their possession, if the same have been taken for the purpose of canning or for sale, between the first day of June and the thirty-first day of August of each year.

Provided, That nothing in this section shall prevent the taking of these clams for consumption of the taker or his family, or guests at all times without a license.

SEC. 100. *Closed Season, Puget Sound.*

Puget Sound.

It shall be unlawful for any person to take or dig clams or mussels from any of the tide lands abutting on Puget Sound or from the waters of Puget Sound below the line of low tide, or have them in their possession, if the same have been taken for the purpose of canning or selling, between the first day of April and the first day of September of each year: *Provided*, That nothing in this section shall prevent the taking of these clams for consumption of the taker or his family, or guests at all times without a license.

SEC. 101. *Taking or Fishing for Crabs.*

Crabs.

It shall be unlawful for any person, firm or corporation to take or have in their possession for the purpose of selling or canning any female or any male crab measuring less than six and one-half inches across its back or to take or fish from any of the waters of the state or have in its possession after the same has been taken, for the purpose of selling or canning any crab, during the months of July, August and September of each year: *Provided*, That any such person who has a crab in his possession caught during the month of June may retain the same in his possession lawfully until the fifth day of July thereafter: *Provided*, That nothing in this section shall prevent the taking of

Closed
season.

crabs for the consumption of the taker or his family or guests, at all times without a license, and it shall be unlawful for any person, firm or corporation to take or catch any crabs with beam-trawl or drag seine.

It shall be unlawful for any person, firm or corporation to take, capture or remove from any of the waters of the State of Washington any crab by the use of a spear or other sharp instrument whereby the shell of any said crab is broken or penetrated.

Spearing
prohibited.

OYSTERS.

SEC. 102. *Oysters, Duties of Commission.*

On or before the tenth day of April of each year, the state fish commission shall designate which of the oyster reserves of the state shall be opened for the taking of oysters therefrom during the ensuing calendar year.

Oysters.

Designation
of open
reserves.

It shall be the duty of the state fish commission to:

Annually fix the price which shall be charged per sack of one hundred and twenty pounds of oysters which it shall decide to sell from the oyster reserves of the state.

Price per
sack.

Annually formulate rules and regulations governing the taking of such oysters.

Regulations.

Annually designate those reserves which shall be open for sale of oysters therefrom, and it shall be unlawful to take oysters from the oyster reserves of the state unless the same shall be opened by order of the fish commission.

Sales from
reserves.

The state fish commission shall authorize the commissioner when to improve or cause to be improved any of the oyster reserves, and it is hereby declared to be the policy of the state to annually improve some portion of the reserves, to the end that all may finally become productive, and to have these reserves yield a revenue sufficient for their maintenance and betterment, and, in fixing the price at which oysters shall be sold from the reserves, the state fish commission shall take into consideration such policy; and it is further declared to be the policy of the state to maintain the oyster reserves for the purpose of furnishing a seed supply to the owners of oyster lands,

Improvement
of reserves.

Reservation
of reserves
in perpetuity.

which have heretofore been acquired and improved under previous statutes, or which may hereafter be acquired and improved under the laws of this state, and for this purpose all the oyster reserves are hereby forever reserved from sale or lease.

Marking
boundaries
of reserves.

As soon as an appropriation is made therefor, the fish commission shall cause the commissioner to erect monuments, establishing the boundaries of the several oyster reserves in the state, said monuments to be of stone or cement of not less than one hundred pounds in weight, and marked with letters "S. R." cut thereon not less than three inches long and one half inch deep.

Protection
and seeding.

It shall be the duty of the state fish commission to protect all reserves, re-seed, re-plant, and do such other things as in its judgment are necessary for their care and protection.

"Merchant-
able oyster"
defined.

For the purposes of this section, a merchantable oyster is defined to be an oyster of the age of three or more years.

SEC. 103. *License to Take Seed Oysters.*

Licenses
for taking
seed oysters.

Any person before taking any seed oysters from the reserves of this state shall secure a license from the commissioner. Such oysters are to be used for seed purposes only, and the taker must affirm in writing that they are secured to be used upon the terms and conditions hereinafter provided.

SEC. 104. *Manner of Procuring License—To Specify Time for Taking Seed.*

Restrictions
on taking.

No license shall be granted to take seed from the oyster reserves except between the dates fixed by the state fish commission and between the hours designated by it; and no person, firm or corporation shall take from the state oyster reserves an amount of oysters to exceed five hundred sacks to each acre prepared for seeding, and all seed taken from the state oyster reserves under the provisions of this act must be used upon lands situated in the State of Washington, and described in the application for license. Any person, firm or corporation desiring to take oysters from

the state oyster reserves for the purpose of seeding his, her or their oyster beds, may make application to the commissioner for a license so to do, said application to be made upon forms to be provided by said commissioner in substance as follows: It shall show the date when made; the name of person, firm or corporation making the same; a description of the land upon which the oysters are to be placed, said description of land to show county, township, name of bay or inlet where land is located; sufficient for identification upon the premises; it shall show the amount of land prepared for seeding; whether the same is diked or not; whether it is hard ground or mud, and, if mud ground, whether any crust or shell, sand or other substance has been formed to protect the seed oysters. The applicant must state in his application the number of sacks of oysters desired to be taken under the license, which amount must not exceed five hundred sacks per acre for all ground properly prepared to receive them. Where the applicant desires the license to be made in the name of any other person than himself or themselves or his or their agent, he shall so state. And no person, firm or corporation shall take oysters from any of the reserves in this state without first having procured a license so to do. The applicant must agree to pay to the commissioner, such price per sack and under such rules as may be prescribed by the state fish commission, for all oysters taken under his license, and in all other things to comply with the rules and regulations governing the taking of oysters from the oyster reserves as set forth in the license; and that all oysters taken in pursuance of the license will be put on the ground described in the application. Every applicant shall declare upon oath or affirmation that all things stated therein are true. It shall be unlawful for any person, firm or corporation so acquiring oysters under such license to use said oysters upon any other ground than that stated in his application, or for any other purpose whatsoever.

Showing by
applicant
for license.

SEC. 105. *Moneys to Go to State Oyster Reserve Fund.*

State oyster
reserve fund.

All moneys received from the disposal of oysters from the reserves and from sales and leases and from licenses for the taking of oysters from the reserves shall be paid into the "state oyster reserve fund" and all expenses incurred on account of the oyster reserves shall be paid from said fund: *Provided*, That moneys coming into the fund from said sales, leases, licenses, etc., from Willapa Harbor shall be expended upon the oyster reserves of Willapa Harbor, and moneys so received from Puget Sound shall be expended on the oyster reserves in Puget Sound: *And provided further*, That any moneys now in the possession of the state treasurer of the State of Washington held in a special fund pursuant to section 6822 of Rem. & Bal. Code shall be transferred to said state oyster reserve fund for the improvement and protection of the reserves on Puget Sound, and any and all moneys received pursuant to said section 6822 in the future shall be paid into said state oyster reserve fund for the improvement and protection of the reserves on Puget Sound.

Amends
Rem.-Bal.
§ 6822, by
providing
moneys from
Jefferson
county re-
serves pass to
state oyster
reserve fund.

SEC. 106. *Penalty for Violation.*

Penalty for
trespass on
state
reserves.

If any person, firm or corporation shall take oysters from any of the state oyster reserves contrary to the provisions of this act, or shall go upon said reserve and rake up, or otherwise prepare oysters to facilitate the taking of same, he shall be guilty of a gross misdemeanor, and forfeit any license he, she, or it may then hold.

SEC. 107. *Acquisition by Discovery of Oyster Beds.*

Discovery of
oyster beds.

Any person or persons, being a citizen or citizens of the United States, who shall discover any bed or beds of oysters in any bay or arm of the sea bordering upon this state, that has not been before discovered, shall, by right of said discovery, be entitled to the exclusive right or privilege of gathering or dredging oysters on said bed or beds for the term of five years. The person or persons making such discovery, who desires to avail himself of the rights and privileges hereby granted, shall be required

Marking beds.

to designate the place and area of the bed or beds so discovered, with stakes or other artificial marks, and shall make affidavit before the auditor of the county in which such discovery has been made that he located the premises so described, accompanied by a description and diagram of the same, which shall be filed in the office of said county auditor: *Provided*, That the restriction and protection of the discoveries shall be ten acres.

Limited to ten acres.

SEC. 108. *Penalty for Gathering Oysters From Beds Located by Another.*

It shall be unlawful for any person to gather oysters by any means on any bed located in accordance with the preceding section, except at the option and by the permission of the party or parties holding the same, under a penalty of five hundred dollars fine for so offending, or imprisonment, to be recovered in a civil suit to be brought in the name of the state.

Penalty for taking from another's bed.

SEC. 109. *Rights of Planters.*

When any person has, acting in good faith, planted oysters on tide or shore lands not containing any bed of natural oysters belonging to the State of Washington, and not otherwise occupied for purposes of trade or commerce, such oysters shall, pending the sale, lease or reservation of such lands by the state, be considered as personal property, and the unauthorized taking of the same shall subject the offender to civil and criminal prosecution, as in any similar case of violation of property rights: *Provided*, That the grounds holding the oysters have been kept suitably marked by stakes or other landmarks; but such stakes or other landmarks having been removed by accident or design shall not excuse any person from wrongfully taking the oysters thereby marked, if he knew the ground to have been planted with oysters.

Oysters planted on state tide lands.

Penalty for larceny.

SEC. 110. *Deep-Water Planting—Penalty.*

When any person has, acting in good faith, planted oysters on any grounds lying deeper than the level of the water, said grounds being under the jurisdiction of the State of Washington, and not otherwise occupied for the

Rights of deep-water planters.

Penalty for larceny.

purpose of trade or commerce, such oysters shall, pending the sale, lease or reservation of such lands by the State of Washington, be considered as personal property, and the unauthorized taking of the same shall subject the offender to civil and criminal prosecution, as in any similar case of violation of property rights: *Provided*, That the grounds holding the oysters have been kept suitably marked by stakes or other landmarks, but such stakes or other landmarks having been removed by accident or design shall not excuse any person from wrongfully taking the oysters thereby marked, if he knew the grounds to have been planted with oysters.

SEC. 111. *Penalty for Removing Oysters.*

Penalty for removal of oysters of another.

Any person who shall, without due authority, remove oysters belonging to any other person, either from plant beds or cull beds, or from any boat or water craft, or from any float or crate, shall be guilty of a gross misdemeanor. The penalties provided in this section shall not prevent the recovery by the injured party, in civil action, of damages for any unlawful removing of oysters.

SEC. 112. *Providing for the Return of Small Oysters to Beds.*

Penalty for destroying small oysters.

It shall be unlawful for any person to destroy oysters taken from their natural beds, by assorting or culling them on land or shore and leaving the small oysters there to die; but in all cases the small oysters must be returned to their natural beds, or to the private beds for cultivation; and, if any person shall offend against the provisions of this section, or in any way wantonly destroy the small oysters, he shall be guilty of a misdemeanor.

SEC. 113. *Oysters—Chilled in Transit.*

Shipments into state must be chilled in transit.

Penalty.

No person shall, within the state, sell, offer for sale, or have in his possession oysters, except oysters for planting purposes, which shall or may be hereafter shipped into this state unless said oysters shall have been during the entire time consumed in the shipment, kept in a chilled condition, at a temperature not greater than thirty-four

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

SEC. 114. *Not to Affect Existing Laws.*

This act shall in no manner apply to the provisions of any act heretofore enacted by the legislature of the State of Washington, providing for the sale of tide and shore lands for the purpose of oyster planting.

Sale of tide and shore lands for oyster planting.

SEC. 115. *Commissioner May Dredge for Purpose of Discovery—May Permit Others.*

The commissioner of the State of Washington may and he is hereby authorized to dredge or permit others to dredge in all the waters of the State of Washington for the purpose of discovering whether any particular waters not already reserved, leased or appropriated under existing laws, or the provisions of this act, contain oysters in a natural state, and regulate the taking thereof, under such rules as the state fish commission may prescribe.

Dredging for discovery.

SEC. 116. *Joint Compact Between the States of Washington and Oregon.*

Should Congress, by virtue of the authority vested in it under section 10, article 1, of the constitution of the United States, providing for compacts and agreements between states, ratify the recommendations of the conference committees of the States of Washington and Oregon, appointed to agree on legislation necessary for the regulation, preservation and protection of fish in the waters of the Columbia river, or its tributaries, over which said states have concurrent jurisdiction, or which would be affected by said concurrent jurisdiction, said recommendation being as follows: "We further recommend that a resolution be passed by the legislatures of Washington and Oregon, whereby the ratification by Congress of the laws of the States of Washington and Oregon shall act as a treaty between said states, subject to modification only by joint agreement by said states;" and said recommendation having been approved by resolution adopting the report of the conference committee, then, and in that event, there shall exist between the States of Washington and

Recommendations of conference committees of Washington and Oregon.

Oregon a definite compact and agreement, the purport of which shall be substantially as follows:

Joint com-
pact with
Oregon.

All laws and regulations now existing or which may be necessary for regulating, protecting or preserving fish in the waters of the Columbia river, or its tributaries, over which the States of Washington and Oregon have concurrent jurisdiction, or which would be affected by said concurrent jurisdiction, shall be made, changed, altered and amended in whole or in part, only with the mutual consent and approbation of both states.

SEC. 117. *Penalties.*

Penalties in
cases not
specified.

Any person who shall violate or who shall fail to observe, obey and comply with the provisions of this act for which no penalty is herein prescribed, shall be guilty of a misdemeanor.

SEC. 118. *Repealing Provision.*

Repeals
Rem.-Bal.
§§ 5150-5240,
5245-5263,
5267-5275.

Sections 5150 to 5240, inclusive, sections 5245 to 5263, inclusive, and sections 5267 to 5275, inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington, and all other acts and parts of acts in conflict with this act are hereby repealed.

SEC. 119. *Saving Clause.*

Construction
of re-enact-
ment of
repealed
provisions.

Any acts or parts of acts herein repealed, which are re-enacted in form or in substance in this act, shall not be construed as new acts, but as continuations and amendments of such act or parts of acts. All rights of action under existing laws, which this act in any way supersedes or repeals, if the same at the time this act takes effect shall not have been commenced, shall proceed under the provisions of this act.

Saving
clause.

Pending
actions.

Any action or proceedings pending in the courts under existing laws, which this act in any way supersedes or repeals, shall proceed without being in any way affected by this act. All licenses heretofore issued shall continue and remain in force during the time that they should continue under existing laws, and all rights and privileges under such licenses shall rest and remain in the holders thereof until the date of their expiration, and the holders thereof

Existing
licenses.

shall be entitled to all property rights accruing to them thereunder, and to the renewal of such rights by the renewals of such licenses as provided in this act.

The present commissioner and state game warden heretofore appointed under existing laws shall continue to act as commissioner and state game warden under the provisions of this act, until the date of the expiration of the term for which he was appointed, unless sooner removed for cause by proper authority.

Tenure of commissioner and game warden.

SEC. 120. *Game Fish Laws.*

The provisions of this act shall apply exclusively to food and shell fish and the same shall be enforced regardless of any conflicting provisions of any game fish laws of the State of Washington now in existence or hereafter passed, and no act lawfully done under the provisions of this act shall be deemed unlawful in the event that such act conflicts with any provisions of such game fish laws.

Scope of act.

Conflict with game fish laws.

SEC. 121. *Emergency Clause.*

This act is necessary for the immediate support of the state government, and for the immediate preservation of the public peace, health and safety, and shall take effect March 31st, 1915.

Emergency.

Passed the House February 20, 1915.

Passed the Senate February 26, 1915.

Approved by the Governor March 6, 1915.

CHAPTER 32.

[S. H. B. 13.]

STATE BANK EXAMINER.

AN ACT changing the title of the office of state examiner to state bank examiner.

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

SECTION 1. The title of the state examiner of banks and trust companies is hereby changed from "state examiner" to "state bank examiner." Whenever in any law,

Change of title.