

Emergency. SEC. 6. An emergency exists and this act shall take effect immediately.

Passed the House March 2, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor March 18, 1901.

CHAPTER CLIII.

[H. B. No. 83.]

PROVIDING FOR ESTABLISHMENT OF PRIVATE FISH HATCHERIES.

AN ACT providing for establishing private fish hatcheries, and for the control, sale and disposition of fish spawn, fry and fish raised in private hatcheries, defining the duties of the fish commissioner in relation thereto, providing a penalty for the violation thereof, and repealing all laws in conflict therewith.

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

Private hatcheries, how established.

SECTION 1. 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 inclosed waters wherein the same are so cultivated and maintained at any time and for any purpose.

May take fish at any time.

Suitable passageway for migratory fish, logs, etc.

SEC. 2. Any person, firm or corporation establishing a private fish hatchery and inclosing the waters of a river or stream, as provided in section 1 of this act, shall provide and furnish a suitable passage-way 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, cord wood, fencing posts or rails, without unreasonable delay, when such inclosure is upon a river or 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 waters 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 excepted from the operation of this section, and shall not be required to furnish any passage-way for fish or for boats, logs, fencing or other material. Proviso.

SEC. 3. 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. What constitutes conducting of private hatchery.

SEC. 4. No fish spawn, fry or fish from any 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 fish way and passage be approved by the fish commissioner, and the same duly licensed as a private fish hatchery. No sale without approval of fish commissioner.

SEC. 5. 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 then vendees after having first complied with the terms of this act and the regulations of the fish commissioner in relation thereto. May sell at any time.

SEC. 6. Each private fish hatchery before it shall be entitled to the benefits of this act, shall pay an annual license fee of \$25 to the fish commissioner. Annual license fee.

SEC. 7. It shall be the duty of the superintendent or person in charge of any private fish hatchery to make a quarterly report to the state fish 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 section 8 of this act to render to the fish commissioner of the State of Washington a quarterly report giving a detailed statement showing the amount of spawn, fry and number of fish Quarterly report to fish commissioner.

Detailed statement.

received from any private hatchery and giving the name and post-office address of the superintendent or manager of the same.

Packers and
sellers to pro-
cure license.

SEC. 8. Every 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, shall procure a license for such business from the fish commissioner of the state and shall pay an annual license fee of \$2.50.

Unlawful to
take without
permission.

SEC. 9. 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 act, without permission of the owner or proprietor of such hatchery.

Moneys
collected.

SEC. 10. All moneys collected for licenses and fines under the provisions of this act shall be turned into the state treasury and placed in the fish and game protection fund.

Penalty for
violation.

SEC. 11. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine of not more than \$500 or by both such fine and imprisonment.

Tags on fish
sold.

SEC. 12. The state fish commissioner shall have authority to require tags, branding or other device attached to all fish sold from private hatcheries.

Repealing
clause.

SEC. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Passed the House February 28, 1901.

Passed the Senate March 13, 1901.

Approved by the Governor, March 18, 1901.