

ther, That this act shall apply only to indebtedness attempted to be incurred prior to the passage hereof.

SEC. 4. The words corporate authorities used in this act shall be held to mean the legislative or managing body of any county, city or town.

SEC. 5. Whereas, an emergency exists for the immediate taking effect of this law: therefore, this act shall take effect immediately.

Passed the senate February 28, 1895.

Passed the house March 1, 1895.

Approved March 4, 1895.

CHAPTER XXIX.

[H. B. No. 7.]

FOR THE PROTECTION OF OYSTERS.

AN ACT providing for the protection of oysters, prescribing a penalty for the violation thereof, and declaring an emergency.

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

Planters'
rights.

SECTION 1. When any person has, acting in good faith, planted oysters on any 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 for wrongfully taking the oysters thereby marked if he knew the grounds to have been planted with oysters.

Grounds to
be staked.

Deep water
planting.

SEC. 2. 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 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 for wrongfully taking the oysters thereby marked if he knew the grounds to have been planted with the oysters.

SEC. 3. Nothing in this act shall be construed as giving any prior or exclusive right of purchase or lease from the State of Washington of any shore and tide lands or deeper lands when the same may or shall be disposed of by the state or offered by the state for sale or lease, nor shall it be construed as in any way removing, diminishing or affecting any such rights heretofore provided for by any act, or hereafter to be provided for by any act, neither shall this act be in any way amendatory of an act entitled "An act to protect persons who have planted oysters upon tide and shore lands prior to March 26, 1890," approved March 7, 1891.

Right to purchase not conferred.

SEC. 4. 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 subject on conviction to a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), one-half of the fine to be paid to the informer, and, at the discretion of the court, to imprisonment for not less than six months nor more than three years; but if the offense be committed later than one hour after sunset or earlier than one hour before sunrise, the minimum penalty shall be a fine of two hundred and fifty dollars (\$250) and imprisonment. The penalties provided in this section shall not prevent the re-

Removing oysters, penalty therefor.

covery by the injured party in civil action of damages for any unlawful removing of oysters.

Evidence,
how secured.

SEC. 5. In any trial for violation of the provisions of this act, if the accused be found having in his possession oysters for which he cannot account, or for which he gives an account which is shown by evidence to be false, that fact shall be sufficient evidence to secure conviction, but the court trying the case may not convict on such evidence when in its judgment it would lead to a verdict doing injustice to the accused.

SEC. 6. Whereas, planters of oysters are not adequately protected in the possession of their property, an emergency is hereby declared, and this act shall be in force from and after its passage and approval by the governor.

Passed the house February 13, 1895.

Passed the senate February 27, 1895.

Approved March 7, 1895.

CHAPTER XXX.

[H. B. No. 9.]

PROHIBITING CERTAIN METHODS OF GATHERING OYSTERS.

AN ACT prohibiting certain methods of gathering oysters, providing a penalty for violation thereof, and offering a reward for conviction of the offender, and declaring an emergency.

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

SECTION 1. It shall at all times be unlawful to gather with any tool or implement whatsoever, any oysters from any natural bed of oysters, except the person so gathering shall be on and working from a boat or water craft of some kind, said water craft being afloat during the time he is gathering.

SEC. 2. It shall at all times and places be unlawful, in gathering oysters from any natural bed of oysters, to use a common garden rake or any instrument of similar construction and operation.