

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.

SEC. 3. Nothing in this act shall apply to gathering oysters by the hand, using no implement or tool for gathering purposes.

SEC. 4. Any person violating any provision of this act shall, on conviction thereof, be fined in any sum not less than one hundred dollars (\$100), nor more than four hundred dollars (\$400), and, at the discretion of the court, shall also be imprisoned in the county jail not less than two months (2), nor more than six months (6); one-half of the aforesaid fine to be paid by the state to the informer.

SEC. 5. Whereas, there is no law governing the subject as provided in the foregoing sections of this act, an emergency is declared to exist, and this act shall be in force and take effect immediately.

Passed the house February 4, 1895.

Passed the senate February 27, 1895.

Approved March 7, 1895.

CHAPTER XXXI.

[H. B. No. 170.]

RELATING TO NATURAL OYSTER BEDS.

AN ACT relating to beds of natural oysters, and declaring an emergency.

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

SECTION 1. It shall be unlawful to gather oysters or to remove them from any natural oyster bed or natural oyster bed reserve in any of the rivers, bays or waters of the State of Washington at any time from the fifteenth day of June to the thirty-first day of October, inclusive, of each year except under the supervision of the fish commissioner of the State of Washington, or of the United States, for purposes of propagation, experimental or other scientific purposes: *Provided*, That nothing in this section shall be construed to interfere with the provisions of section 2594

Legal period
for gathering.