

in the waters of this state; and any person or persons fishing with gill nets, pound nets, set nets, fish wheel or other fishing apparatus whatever in the waters of this state, 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 entangled or caught therein, shall immediately with care and with 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 willfully to destroy the same, for so offending, shall on conviction thereof be punished with a fine of ten dollars for each and every fish so caught, sold or destroyed, and in default of paying such fine, on being convicted thereof, shall be imprisoned in the county jail for thirty days.

Disposition of
when caught.

Penalty.

SEC. 3. An emergency exists, and this act shall take effect immediately.

Passed the Senate March 10, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXIV.

[S. B. No. 231.]

TIME ALLOWANCE FOR GOOD BEHAVIOR OF CONVICTS.

AN ACT to amend section 20 of an act entitled "An act to define, regulate and govern the state penitentiary, and declaring an emergency," approved March 9, 1891, being section 1160 of the first volume of the General Statutes and Codes of Washington, as arranged and annotated by William Lair Hill.

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

SECTION 1. That section 20 of an act entitled "An act to define, regulate and govern the state penitentiary, and

declaring an emergency," approved March 9, 1891, the same being section 1160 of the first volume of the General Statutes and Codes of the State of Washington, as arranged and annotated by William Lair Hill, be amended to read as follows: "Sec. 20. The board of penitentiary directors shall require of every able-bodied convict confined in the penitentiary as many hours of faithful labor in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the penitentiary. Every convict who shall have no refraction of the rules and regulations of the penitentiary or laws of the state recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned him, shall be allowed from his term, instead and in lieu of the credits heretofore allowed by law, a deduction of two months in each of the first two years, four months in each of the next two years, and five months in each of the remaining years of his term, and *pro rata* for any part of the year where the sentence is for more or less than a year. Each convict shall be entitled to these deductions unless the board of directors shall find that for misconduct or other cause he should not receive them. But if any convict shall commit any assault upon his keeper or any foreman, officer, convict or person, or otherwise endanger life, or shall be guilty of any flagrant disregard of the rules of the penitentiary, or commit any misdemeanor, or in any manner violate any of the rules and regulations of the penitentiary, he shall forfeit all deductions of time earned by him for good conduct before the commission of such offense, or that, under this section, he may earn in the future, or shall forfeit such part of such deductions as to the board of directors may seem just; such forfeiture, however, shall be made only by the board of directors after due proof of the offense and notice to the offender, nor shall any forfeiture be imposed when a party has violated any rule or rules without violence or evil intent, of which the directors shall be sole judges. The board shall have power to restore credits forfeited, for such reasons as to them may seem proper."

Able-bodied convicts must work.

Time allowance for good behavior.

May forfeit.

Forfeiture, how ordered.

May be restored.

SEC. 2. The warden of the penitentiary shall report to

the governor at least once in three months the names of convicts who by their faithful performance of duty, good and meritorious conduct, he believes entitled to executive clemency, stating the time of conviction, for what crime convicted, length of sentence, and reasons for favorable consideration; which report shall be kept on file in the governor's office for reference.

Passed the Senate March 5, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER LXXV.

[S. B. No. 97.]

RELATING TO CLAIMS AGAINST ESTATES OF INFANTS, INSANE AND INCOMPETENT PERSONS.

AN ACT relating to claims against the estates of infants, insane and incompetent persons.

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

SECTION 1. No holder of a claim, demand or judgment against an estate of a person under guardianship shall maintain an action thereon or enforce the same, unless the claim, demand or judgment shall have been first presented to such guardian and by him rejected in whole or in part. A failure or neglect to allow a claim for thirty days after the same is presented, shall be deemed a rejection thereof.

SEC. 2. No judgment entered against the estate or person of a ward, except for the foreclosure of a mortgage or lien, shall be a lien against or upon the estate of such ward, but such judgment shall be presented and paid as other claims of the same class or grade.

Passed the Senate February 16, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.