

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 willfully 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.

Penalty.

Chinese lines prohibited.

SEC. 3. 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 fish commissioner and any deputies are hereby 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, or lines of similar character, in the waters of this state. Any person violating any of the provisions of this section shall be fined in a sum not less than twenty-five dollars and not more than one hundred dollars.

SEC. 4. Chapter 73, being "An act for the protection of sturgeon in the waters of this state," approved March 16th, 1897, is hereby repealed.

Passed the Senate March 3, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

CHAPTER CXXXVI.

[H. B. No. 488.]

DEEP WATER OYSTERS.

AN ACT to encourage and protect the culture of deep water oysters in the State of Washington, and declaring an emergency.

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

Lands to be leased.

SECTION 1. All lands in the waters of the State of Washington lying below extreme low tide, not covered

by natural oyster beds, and not in front of any incorporated city or town nor within two miles on either side thereof shall be subject to lease, for the purpose of planting and cultivating thereon artificial oyster beds, under the provisions of this act.

SEC. 2. All persons who, prior to the passage of this act, in good faith entered upon lands not in front of any incorporated city or town, nor within two miles thereof on either side, and planted and cultivated thereon artificial oyster beds, and who continue to occupy and work the same, and who are now in possession of and working said oyster beds in good faith, shall have the prior right to lease for a period of six months from and after the passage of this act.

SEC. 3. Applications for the lease of land for the cultivation of deep sea oysters under the provisions of this act shall be made to the commissioner of public lands and shall be accompanied by a map or plat of the lands so to be leased. The commissioner of public lands shall upon receipt of such application direct the fish commissioner to immediately inspect the lands applied for and report to the commissioner of public lands his findings as to the following facts:

First. Whether the land or any portion thereof is a natural oyster bed.

Second. Whether it be necessary in order to secure adequate protection to any natural oyster bed to retain to the public domain the land the application for the lease of which has been made or any part thereof.

Third. Whether the land or any portion thereof having been a natural oyster bed within ten years past may reasonably be expected to again become such within ten years in the future.

SEC. 4. In case all of the above three questions be answered negatively, the commissioner of public lands shall immediately issue to the applicant therefor a lease for the term of twenty (20) years of the lands so applied for at an annual rental of twenty-five cents per acre. Should the fish commissioner answer one or more of

Hearing. the above three questions affirmatively, the commissioner of public lands shall investigate the matter at a public hearing in the county where the lands in question are situated. Due notice of such hearing shall be given by the said land commissioner by publishing a notice to that effect in some paper of general circulation in the county, at the expense of the applicant, not less than one week and not more than four weeks before the date of hearing. Unless at such hearing it be conclusively shown to the commissioner of public lands that in the matters at issue the fish commissioner was in error, he shall refuse to lease such lands or such portion thereof as may be determined by the foregoing restrictions. Application for the lease of lands thus withheld may not be made again within six years, except that the person last making application may repeat the application during the three months next preceding the expiration of the six years.

New application.

Description.

SEC. 5. All applications for the lease of oyster lands under this act shall, in addition to the surveyor's description by metes and bounds, make description in such local geography as shall suffice to convey a knowledge of its location with reasonable accuracy to persons acquainted with the vicinity.

Affidavit.

SEC. 6. All applications for lease of oyster lands under the provisions of this act shall be for an area not to exceed forty acres to any one person, and such application shall be accompanied by an affidavit under oath, that the party making such application leases said lands for the purpose of oyster culture only.

When to revert.

SEC. 7. It shall be expressly provided in the lease of any such oyster land that if at any time after the granting of said lease the lands described therein shall cease to be used for the purposes of an artificial oyster bed, it shall thereupon revert to, and become the property of the State of Washington, and that the same is leased to the lessee only for the purposes of cultivating oysters thereon, and the State of Washington hereby reserves the right to enter upon and take possession of said

tract or tracts, if at any time the same is used for any other purpose than the cultivation of oysters.

SEC. 8. 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 and the manner of taking oysters from said tide land beds.

SEC. 9. Survey and description of all tracts applied Survey. for shall be in duplicate, one of which shall be filed with and be recorded by the county auditor of the county in which said lands are situated in a book kept by him for such special purpose, and a duplicate description in the office of the commissioner of public lands.

SEC. 10. If from any cause any tract or tracts, parcel Abandonment of lease. or parcels of land leased under the provisions of this act, shall become unfit and valueless for the purpose of oyster culture, the party having so leased or being in possession of the same, may, upon certifying such fact under oath to the commissioner of public lands and to the auditor of the county wherein such lands are situated, also upon filing under oath a certificate of abandonment of such tract or tracts, parcel or parcels of land, in the office of each of said officials, such party shall then be entitled to lease other lands as hereinbefore provided.

SEC 11. The fish commissioner of the State of Wash- Dredging. ington 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 fish commissioner may prescribe.

SEC. 12. An emergency is hereby declared to exist and this act shall take effect from and after its passage.

Passed the House March 2, 1899.

Passed the Senate March 8, 1899.

Approved March 13, 1899.