

CHAPTER 151.

[S. B. 337.]

PROTECTION AND PROPAGATION OF GAME BIRDS, FISH,  
AND ANIMALS.

AN ACT relating to game birds, game animals, game fish, the propagation, introduction and protection of the same, amending sections 5395-41, 5395-44, 5391-1, 5364-1, 5363½, 5358, 5349, 5395-4, 5395-23, 5395-24, 5395-25, 5395-26, 5395-27, 5395-28, 5395-31, 5395-33 and 5395-34 of Remington & Ballinger's Annotated Codes and Statutes of Washington and repealing sections 5395-37 and 5395-39 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and making an appropriation.

Amends Rem.-  
Bal. §§ 5349,  
5363½,  
5364-1,  
5391-1,  
5395-4,  
5395-23—  
5395-28,  
5395-31,  
5395-33,  
5395-34,  
5395-41.  
Amendment  
of §§ 5358,  
5395-44, and  
repeal of  
§§ 5395-37,  
5395-39,  
vetoed.

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

SECTION 1. That section 5395-41 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-41. No person shall, within the State of Washington, catch, take, attempt to take, kill, or have in his possession, or have under control for any purpose whatever, except as in this act provided, any of the game fish hereinafter mentioned within the periods mentioned, to-wit: Any variety of trout except Dolly Varden or bull trout, or any species of bass, crappie, perch, sunfish, bream or pike, between the 30th day of November and the 1st day of April of the following year: *Provided*, That the above named fish may be taken from the waters of Lake Chelan, situated in Chelan county, at any season of the year in any lawful manner: *Provided further*, That no person shall take between the 30th day of November and the 1st day of April of the year following more than ten (10) pounds of game fish in any one day or more than twenty (20) pounds in any one week from the waters of Lake Chelan: *Provided further*, That in the county of Pierce no person shall take, catch or kill any bass, perch, crappie, sunfish, bream or pike between the 1st day of May and the 15th day of June: *Provided, further*, That it shall be unlawful to take, catch or kill any bass from

Closed season  
for certain  
game fish.

Limit of  
catch.

Penalty.

Silver Lake, situated in Cowlitz county, between the 15th day of March and the 1st day of June. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Vetoed  
E. L.

SEC. 2. That section 5395-44 of Remington & Balingler's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-44. No person shall at any time catch, take, kill, or have in his possession or under his control any trout of any variety whatever, which are less than six (6) inches in length, or any bass which is less than eight (8) inches in length. Any person catching such game fish shall at once return the same to the water from whence they were taken with as little injury as possible, and it shall be unlawful at any time in streams above any waterfall or natural barrier to fish with salmon eggs as bait east of the Cascade mountains. Any person violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 3. That section 5391-1 of Remington & Balingler's Annotated Codes and Statutes of Washington be amended to read as follows:

Notice of closing streams or lakes.

Section 5391-1. Whenever the chief game warden, or the chief deputy or any of the county game commissions of the respective counties of the state shall consider that the protection of the game fishes mentioned in this act shall require it, the chief game warden or the chief deputy game warden, anywhere in the state, or the county game commissions, within their respective counties, may close to fishing any stream, river or lake, or portions thereof, for such time and in such manner as they may declare, in the following manner, to-wit: They shall post in the office of the county auditor of the county or counties in which the stream or streams or lakes desired to be closed are situated, a notice that on a date set out in said notice, which date shall not be less than thirty (30) days from the date of the notice, said stream or streams, or lakes will be closed to public fishing, and shall cause a like notice to be published weekly, in some newspaper published in said county

or counties, for not less than four (4) successive issues. Any person fishing in that part or portion of said lake, stream or streams after it shall have been closed, as by this act provided, shall be guilty of a misdemeanor. Penalty.

SEC. 4. That section 5364-1 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5364-1. Whenever any species of game birds shall have been liberated in any county of this state by the county game commissions, such commissions may, with the consent of the owners of the land, close all or any portion of the county by giving notice thereof by publication for three successive weeks in a newspaper published in the county and thereafter it shall be unlawful to hunt, take, kill or molest any such species of birds within such designated area for not to exceed three (3) years after the date of the first publication of such notice. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. Liberation of game birds.  
Notice of closing county to hunting.  
Penalty.

SEC. 5. That section 5363½ of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5363½. It shall be unlawful to hunt, pursue, catch, or kill any of the geese, brant, or other waterfowl upon the Columbia or Snake rivers within this state or within one-fourth mile of the shores throughout the following named counties: Klickitat, Walla Walla, Franklin, Yakima, Kittitas, Douglas, Columbia, Garfield, Benton, Grant and Whitman counties. Geese and waterfowl on Columbia and Snake river.

SEC. 6. That section 5349 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5349. The chief game wardens are authorized and empowered to issue permits for the collection of birds, their nests and eggs for scientific purposes only. Before any such permit shall issue the applicant therefor shall file an application in writing stating his name, age, place of residence, which application shall be accompanied by a Permits for collecting birds and eggs for scientific purposes.

certificate signed by the president or the curator of the museum of either the University of Washington or [or] the State College of Washington, certifying that the applicant is a person of good moral character and is possessed of sufficient scientific knowledge of ornithology to warrant the issuance of such permit and the applicant shall file a bond running to the State of Washington with good and sufficient surety to be approved by the state game warden in the penal sum of one thousand dollars, and conditioned for the faithful compliance with all of the provisions of this section: *Provided, however,* That the state game wardens may issue permits to any accredited representative of any museum or institute of natural history of the United States or of any state presenting credentials under the seal of such museum or institute. All permits issued as hereinabove provided shall be valid for a period of one year from the first day of April in the year in which they are issued. It shall be unlawful for any person having a permit issued under the provisions of this section to sell or offer for sale any specimens collected but the holder of any such permit may exchange such specimen with any state university or any museum or institute of natural history of the United States or any state or with any individual holding a similar permit from the authorities of another state.

Sale of  
specimens  
prohibited.

Every person violating any of the provisions of this section shall forfeit his permit and the bond required for the issuance of the same and shall be prohibited from being issued a similar permit for the period of five years.

Penalty.

SEC. 7. That section 5358 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5358. Every person who shall use any sink box or sink boat or sneak boat for the purpose of shooting wild ducks, geese, swan or other water fowl, or who shall use any battery, swivel or pivot gun, or any gun other than one to be held in the hands and fired from the shoulder, at any time, for the purpose of shooting wild ducks,

Vetoed.  
E. L.

geese, swan, brant or other water fowl; or who shall build any structure in any of the waters of this state for the purpose of shooting therefrom wild ducks, geese, swan, or other water fowl; or who shall at any time between sunset and before sunrise fire off any gun or build any fire or flash any light, or burn any powder or other inflammable substance upon the shores of any feeding grounds frequented by wild ducks, geese, swan or other water fowl, with intent thereby to shoot, kill, injure, destroy or disturb any of such water fowl, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

SEC. 8. That section 5395-4 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-4. Said county game commission[s] shall enforce the laws of the state within their respective counties involving the protection and propagation of all game birds, game animals, game fish and harmless birds and animals. Said county game commission shall have charge of:

Duties of  
county game  
commission.

1. The propagation and preservation of such varieties of game and game fish as it shall deem to be of public value.

2. The collection and diffusion of such statistics and information as shall be germane to the purpose of this act.

3. The construction, control and management of all county game and game fish hatcheries, including the control of grounds owned or leased for such purposes: *Provided*, That whenever any county game commission desires to establish a game fish hatchery it shall be the duty of the state fish commissioner to supervise the erection of such hatchery and the planting of any fish fry taken from such hatchery: *And provided further*, That no person in the State of Washington shall plant any fish or fish fry in any of the bodies of water in the State of Washington without the written consent of the state fish commissioner.

4. The receiving from the United States commissioner or other person, and the gathering, purchase and distribution to the waters of this state of all game fish, spawn or fry.

5. The taking of game fish from the public waters of the state for propagation and stocking of other waters therein.

6. The seizure and disposition of all game birds, game animals and game fish, either taken, killed, transported or possessed contrary to law, and of all dogs, guns, seines, nets, boats, lights or other instrumentalities unlawfully used or held with intent to use in pursuing, taking, attempting to take, concealing or disposing of the same.

7. The county game commission[s] in their respective counties shall have the power and authority to set aside any of the state, school or granted lands, all waters lying below extreme low tide, all waters of meandered streams, rivers and lakes lying beyond the outer harbor area, and such other lands as the individual owners thereof from time to time give their consent and approval in writing, as game preserves wherein no game bird or game animal or game fish can be caught or killed within the boundaries thereof, for such time and so long as they may see fit and proper.

8. The county game commisisoners shall be paid out of the county game fund their actual traveling expenses when actually engaged in the transaction of their official duties, the said accounts to be approved by the chief game warden for those counties lying west of the summit of the Cascade mountains, and by the chief deputy game warden for those counties lying east of the summit of the Cascade mountains. The chief game warden and chief deputy state game warden shall also have authority, when occasion demands, each to appoint not more than two (2) deputy state game wardens and assign them to such places in the state as in their judgment they deem necessary. Such special deputies shall receive a per diem of not to exceed three dollars (\$3.00) per day and necessary traveling expenses. Such per diem and traveling expenses shall be

Traveling  
expenses of  
game com-  
missioners.

Appointment  
of deputy  
game wardens

Compen-  
sation.

paid from the state game fund. It shall be unlawful for any county game warden or his deputy to hunt, take, pursue or kill any game bird, game fish or game animal at any time while in the discharge of his official duties. Any such officer violating the provisions of this section shall be guilty of a misdemeanor.

Unlawful hunting and fishing by wardens.

Penalty.

SEC. 9. That section 5395-24 of Remington & Balinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-24. It shall be unlawful at any time (for any person) to set, lay, prepare, or have in his possession, any trap, snare, artificial light, net, bird lime, swivel gun or set gun, or any contrivances whatever for the purpose of catching, taking, or killing any of the game animals, or game birds in this state, except that decoys and blinds may be used in hunting wild ducks, geese or brant: *Provided, however,* That nothing in this act shall be construed to prevent any person from trapping any of the fur-bearing animals which are not protected under the laws of the State of Washington: *Provided, further,* That it shall be unlawful for any person in the State of Washington to use a steel trap of a larger size than what is commonly known and called a number four (4) trap: *Provided,* That every person who sets out a trap of any kind larger than a No. 4 shall post a notice above said trap in plain sight, stating such fact, which notice shall be in English, and on a placard at least (6x10) inches in size: *Provided, further,* That this section shall not apply to the trapping of coyotes: *Provided, further,* That it shall be unlawful to hunt, take or kill game squirrels commonly known as either gray squirrels, fox squirrels or black squirrels at any time in the State of Washington. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Prohibited appliances for taking game.

Posting notice of trap set.

Protection of squirrels.

Penalty.

SEC. 10. That section 5395-25 of Remington & Balinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-25. Every person who shall within the State of Washington, hunt, pursue, take, kill, injure, de-

Hunting grouse, pheasant, quail, etc.

Open season  
for various  
localities.

stroy or possess any ruffed grouse, Hungarian partridge, prairie chicken, sage hen, Chinese, English, golden, Mongolian, silver, blackneck or Japanese pheasant, blue grouse, Franklin grouse, wild turkey, scaley partridge, Reeves pheasant, or any species of quail or any species of upland game birds, except as herein provided, shall be guilty of a misdemeanor: *Provided*, That in any of the counties lying west of the summit of the Cascade mountains, it shall be lawful to hunt, pursue, take, kill, and possess ruffed grouse, native pheasant, Chinese pheasant, blue grouse, ptarmigan and any species of quail between the 15th day of September and the 31st day of October, both dates inclusive: *Provided*, That English, Mongolian and Reeves pheasants may be killed in all counties west of the Cascade mountains, except in Mason and Thurston counties, from October 1st to October 15th: *Provided further*, That in the counties lying east of the summit of the Cascade mountains, except in the counties of Walla Walla, Asotin, Garfield and Columbia. it shall be lawful to hunt, pursue, take, kill and possess ruffed grouse (native pheasant) and blue grouse between the 1st day of September and the 15th day of November, both dates inclusive: *Provided*, Native pheasants shall not be so taken or killed in Yakima county: *Provided, further*, That in the counties of Walla Walla, Asotin, except in the precincts of Clarkston, South Clarkston and West Clarkston, in said county of Asotin, Garfield and Columbia, it shall be lawful to hunt, pursue, take, kill and possess ruffed grouse (native pheasant) and blue grouse from August 15th to October 1st, both dates inclusive of the same year, any species of quail from October 1st to October 10th, both dates inclusive of the same year; prairie chickens from September 15th to November 1st, both dates inclusive, of the same year: *Provided further*, That it shall be lawful to hunt, pursue, take, kill and possess Chinese pheasants in Benton, Yakima and Spokane counties between the 1st day of October and the 15th day of October, both dates inclusive, of the same year; sage hens from October 15th to November 1st, both dates inclusive, of the same year;



and in Kittitas county, Hungarian partridge, Chinese pheasant, sage grouse and sharp tail grouse (western prairie chicken) may be taken from the 1st day of October to the 10th day of October, both dates inclusive, of the same year. In Whitman, Okanogan, Ferry, Lincoln, Walla Walla, Adams, Asotin, Columbia and Garfield counties sharp tailed grouse (western prairie chicken) may be taken from the 15th day of September to the 1st day of November, both dates inclusive, of the same year. In Spokane county, Bob White quail and Hungarian partridges may be taken from the 1st of October to the 15th day of November, both dates inclusive, of the same year. In Douglas county, sharp tailed grouse (western prairie chicken) may be taken from the 1st day of September to the 1st day of November, both dates inclusive, of the same year.

Any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor. Penalty.

SEC. 11. That section 5395-26 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-26. Every person who shall, during the season when it is lawful to hunt the same, kill more than five (5) prairie chickens, grouse, partridge, Hungarian partridge, native pheasants, Chinese, English, golden, Mongolian, silver, blackneck or Japanese pheasant, or more than ten quail or any or all kinds in any one day, shall be guilty of a misdemeanor: *Provided*, That no person shall in any one day kill more than five (5) of the game birds mentioned in this section, it being the intention thereof to limit the bags of one day to five (5) birds, no matter how many varieties of these protected upland birds are included in the bag: *Provided, further*, That ten (10) quail may be killed in one day during the season when it is lawful to hunt the same, but the limit of upland game birds, if quail are included in the same, for one day shall never exceed ten upland birds, but in no event more than five of the above named birds other than quail, and the limit of the bag for one week shall never exceed twenty-five (25) upland birds: Bag limit for game birds.

*Provided further*, That in Kittitas county the bag limit for Chinese or English pheasants, Hungarian partridges, sage grouse, and sharp tail grouse (western prairie chicken) shall not be more than three (3) birds of any one variety, or three of any mixed bag. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Penalty.

SEC. 12. That section 5395-27 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Closed season for geese, brant and ducks.

Section 5395-27. Every person who shall within the State of Washington hunt, pursue, take, kill, injure, destroy or possess any species of wild goose, brant, wild duck, coot or rail between the 16th day of January and the 1st day of October of the same year, or who shall hunt, pursue, take, kill, injure, destroy or possess any species of plover, snipe, sandpiper, curlews, avocets, stilts, turnstone, oyster-catcher, phalaropes, or other species of birds, except black breasted and golden plover, jack snipe or Wilson snipe, or greater or lesser yellow legs, which may be hunted, pursued, taken, killed and possessed between the 1st day of October and the 15th day of December, both dates inclusive, of the same year, or shall hunt, pursue, take or kill, injure, or destroy, any of the birds mentioned in this section after sunset or before sunrise, shall be guilty of a misdemeanor.

Closed season for shore birds.

SEC. 13. That section 5395-28 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Bag limit for waterfowl and shore birds.

Section 5395-28. Every person who shall, in the State of Washington, during the season when it is lawful to hunt the same, kill more than twenty (20) ducks, geese or brant, any golden plover, jack or Wilson snipe, greater or lesser yellow legs, in any one week, or have in possession or under control more than thirty (30) ducks, geese, or brant at any time, shall be guilty of a misdemeanor, it being the intention hereof to limit bags in any one week to twenty (20) of the above mentioned birds, no matter how

many varieties of those birds are included in said bag; and for the purposes of this act the week shall be deemed to begin at midnight on Saturday night, and any person violating the provisions of this act shall be guilty of a misdemeanor. Penalty.

SEC. 14. That section 5395-31 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-31. Every person who shall at any time have in his possession or under control within this state any game birds, game animals or game fish, or any parts thereof, which have been caught, taken or killed outside of this state at a time when it is unlawful to have in possession or under control such game birds, game animals or game fish, or parts thereof, if caught, taken or killed in this state, or which have been unlawfully taken or killed outside of this state, or unlawfully shipped therefrom into this state, shall be guilty of a misdemeanor: *Provided, however,* That nothing in this act shall prevent the bringing into this state, by a resident of the State of Washington, any elk, mountain goat, mountain sheep, caribou or deer when the same have been lawfully killed in any state, territory, or Canada, if accompanied by an affidavit that the same was lawfully killed, and is not transported for sale or profit, together with the shipping receipt from the originating point. Possession of imported game at unlawful season.

SEC. 15. That section 5395-33 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-33. No person shall, within the State of Washington, hunt, catch, take, kill, ship, convey or cause to be shipped or transported by common or private carrier, to any person, either within or without the state, purchase, expose for sale, have in possession with intent to sell, sell to any person or have in possession or under control at any time, any elk, moose, caribou, deer, fawn, mountain sheep or mountain goat, or any part thereof, including the hides, horns or hoofs except as herein pro- Importation of elk, deer, etc., lawfully killed outside state.

Elk, deer, moose, mountain goat, etc.

Open  
season.

vided: *Provided*, That deer, caribou and mountain goat may be killed in the counties lying east of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties, between October 1st and November 15th of the same year: *And provided further*, That deer and mountain goat may be killed between September 15th and November 1st of the same year in the counties lying west of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties, and any deer, mountain goat or any part thereof, may be had in possession by any person during the said time. No person shall kill or have in possession during said time more than two deer, nor more than one mountain goat, or parts thereof: *And provided further*, That any person who is lawfully in possession of any deer, mountain goat, or any part thereof, may ship, or cause to be shipped, any such deer, goat, or part thereof, from place to place within the state: *And provided further*, That after the year 1925 male antlered moose and elk may be killed between October 1st and 15th of the same year, and any such male elk or moose or part thereof may be had in possession by any person during the time aforesaid, but no person shall kill or have in possession during said time more than one male antlered elk or moose, or part thereof: *And provided further*, That any person desiring to retain any game bird, game animal or game fish, or any part thereof for human consumption or ornamental purposes, after the close of the season when the same was lawfully taken, may do so by furnishing the county game commission of the county wherein he desires to retain the same, a true and correct description thereof, giving the number, kind or kinds, and designating the place where the same is stored with reasonable certainty. The game commission or game warden shall have authority to tag or stamp the same for the purpose of identification, without materially damaging the same.

Male antlered  
elk and  
moose.

Retention in  
closed season  
of game law-  
fully taken.

SEC. 16. That section 5395-34 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-34. There is hereby established a fund to be known as the state game fund which shall consist of eighty per cent. (80%) of all moneys received for state hunting and game fish licenses, and all such other sums as the legislature may from time to time appropriate and set aside for the purposes provided for in this act, said state game fund shall also consist of ten per cent (10%) of all moneys received by the county officers for county hunting and game fish licenses, and from fines which shall be paid into the state treasury, and constitute a part of said state game fund, said payments to be made quarterly on the last day of each quarter of the year, beginning on the first day of March. Such state game fund shall be used for the payment of the salaries and expenses of the state game wardens provided for by this act, and their necessary traveling and office expenses, and for propagation, protection, introduction, purchase and distribution of any game animals, birds or fishes and for such other purposes for which the legislature may appropriate the same. Ninety per cent. of all moneys received in any county from the sale of county hunting and game fish licenses, and from fines and costs, and twenty per cent. (20%) of all money received from the sale of state hunting and game fish licenses, shall be expended in the said county from which the same are collected, and shall be so spent in the payment of salaries and expenses of the county game wardens or special deputies appointed in said county by the county game commission and for the protection, introduction, propagation and purchase of animals, birds and game fishes in said county, and in the enforcement of the game and game fish laws within said county from which said moneys are received. All payments made under the provisions of this act shall be made by warrant in the usual manner and shall be audited by the state and county officers in the same manner as other claims against the State of Washington and the various counties are audited.

State game  
fund.

County  
game fund.

SEC. 17. For the payment of the salaries of special deputy state game warden and fisheries inspectors and

Appropriation, \$12,000.  
Salaries.

expenses, there is hereby appropriated from the state game fund the sum of twelve thousand dollars (\$12,000.00), or so much thereof as is necessary.

Act controls  
in case of  
conflict with  
food fish laws.

SEC. 18. The provisions of this act shall apply exclusively to game and game fish and the same shall be enforced regardless of any conflicting provisions of any food fish laws of the State of Washington now in existence or hereafter passed, and no act done under the provisions of this act shall be deemed unlawful in the event that such act conflicts with any provisions of such food fish laws.

Vetoed.  
E. L.

SEC. 19. That sections 5395-37 and 5395-39 of Remington & Ballinger's Annotated Codes and Statutes of Washington be repealed.

Passed the Senate March 1, 1915.

Passed the House March 10, 1915.

Sections 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 approved by the Governor March 18, 1915.

Sections 2, 7 and 19 vetoed by the Governor March 18, 1915.

---

## CHAPTER 152.

[S. B. 201.]

### LEASING STATE MINERAL LANDS.

AN ACT relating to the leasing of lands and tide and shore lands of the state, validating certain leases and contracts entered into thereunder and amending section 6782, Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

Amends  
Rem.-Bal.  
§ 6782.

SECTION 1. That section 6782 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Authorizing  
lease by land  
commissioner.

Section 6782. The commissioner of public lands of the State of Washington is hereby authorized to execute leases and contracts for the mining of gold, silver, copper, lead, cinnabar or other valuable minerals except coal, from any