

SEC. 3. After the passage of such resolution, and at any time before the next general election of officers for such city or town, it shall be lawful for the legislative authority of such city or town, by ordinance, to provide for the lease of such water works, or gas or electric light works, upon such terms and conditions as such ordinance may prescribe, and after the passage of such resolution, the legislative authority of such city or town shall, by ordinance, submit to the qualified electors thereof at the general city election, the question whether such water works, or gas or electric light works shall be sold or not; and if at such election a majority of said electors voting upon said question shall vote in the affirmative, it shall be lawful for such legislative authority to provide for the sale of, and to sell such water works, or gas or electric light works, upon such terms and conditions as such ordinance may prescribe.

SEC. 4. Whereas, certain cities and towns in this state have heretofore sold or leased their water works and electric light works, all such sales and leases are hereby ratified and confirmed in so far, only, as that no question as to the validity of such sales or leases shall be hereafter raised upon the ground that at the date of such sales or leases there was no lawful authority for the making of the same in the charter of such city or town.

Passed the House March 10, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 17, 1897.

CHAPTER CVII.

[H. B. No. 162.]

RELATING TO OYSTER BEDS.

AN ACT to secure to the public the continued use of natural oyster beds.

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

Board of oyster
land commis-
sioners.

SECTION 1. It shall be the duty of the governor to appoint, upon petition of the county commissioners of any

county, a board to be known as the "Board of Oyster Land Commissioners." Said board shall consist of three persons, who shall be residents of the county in which they serve. They shall also have been engaged in the cultivation of oysters for at least five years, and shall be, during their terms of office, so engaged. If a member of the board shall at any time cease to fulfill the foregoing conditions of eligibility, the governor shall, on determination of the fact, declare the place vacant and fill the same by appointment. The official term of one member shall expire the first day of January succeeding his appointment; the official term of another shall expire the first day of the second January following his appointment; the official term of the third member shall expire the first day of the third January following his appointment. Their successors shall be appointed for terms of three years each. The board first appointed shall enter at once on its duties, and the governor, in appointing the members thereof, shall specify the length of time for which the several members are appointed. The board shall elect its own chairman and other officers.

How constituted.

Terms of office.

SEC. 2. In case of application to purchase oyster lands, the state commissioner of public lands shall, at the time of publication of notice of application to purchase, require the county board of oyster land commissioners to immediately inspect the land applied for and report to the commissioner of public lands their findings as to the following facts:

Oyster land applications.

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

Findings.

Second: Whether it be necessary in order to secure adequate protection to any natural oyster bed, to retain in the public domain the land the application for the purchase of which has been made, or any portion 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. 3. In case one or more of the above three questions be answered affirmatively, the commissioner of public lands

Hearings to determine whether natural beds or not.

shall investigate the matter at a public hearing in the county where the lands in question are situated.

The commissioner of public lands shall publish notice of such hearing in some paper of general circulation in the county, at the expense of the applicant, not less than one week nor 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 county oyster land commissioners were in error, they shall refuse to sell such lands or such portion thereof as may be determined by the foregoing restrictions.

Limitation to re-apply.

Application for the purchase of lands thus withheld from sale 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.

No compensation except mileage.

SEC. 4. For performing the duties prescribed in section two of this act the members of the board of oyster land commissioners shall receive no compensation except a mileage of ten cents per mile, each way to and from between their residences and the lands inspected, said mileage to be paid by the intending purchaser.

Descriptions, how definite.

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

And mapping of natural beds.

SEC. 6. It shall be the duty of the commissioner of public lands, upon the advice of the county oyster land commission and in his discretion, to cause to be surveyed and platted any natural beds of oysters, together with such adjacent lands as may be necessary to the protection and continuance of said natural oyster beds. One copy of the plat shall be filed with the records of the commissioner of public lands, and one in the office of the auditor of the county in which the lands are situated.

Reservation of natural oyster beds.

SEC. 7. On completion of the survey provided for in the last foregoing section, the commissioner of public lands shall declare such lands to constitute a natural oyster

bed reserve, and to be thereby perpetually reserved from sale, lease or conveyance by the state to any other party.

SEC. 8. The term "natural oyster bed" shall in the How defined. foregoing parts of this act be construed as meaning a natural bed upon which are natural oysters in sufficient quantities to be of practical value as a source of oyster supply. Neither in the foregoing parts of this act nor elsewhere shall it be material to the definition of the term "natural bed of oysters" that the bed must have been planted originally by the unaided processes of nature, but it shall be equally considered a natural bed if originally seeded with oysters or shells by human industry while the land was in the public domain and not used for private purposes, or having been used for private purposes, was later abandoned.

SEC. 9. The creation of any "natural oyster bed reserve" Requirements of application. shall not be construed to declare that lands in the vicinity but not included in the reserve, are not natural oyster beds, and persons purchasing oyster lands or tide lands shall be required, as in other cases, to show that the lands which are applied for do not contain any natural oyster bed or otherwise violate the condition of sale by the state. No part of this act shall be construed to remove any heretofore existing restrictions of the sale of oyster lands or tide lands. Laws restricting and regulating the taking of oysters from natural beds shall apply equally to beds within and without the natural oyster bed reserve.

SEC. 10. The sum of one thousand dollars, or so much Appropriation. thereof as may be needed, is hereby appropriated out of any funds of the state not otherwise appropriated, for carrying into effect section six of this act.

SEC. 11. It shall be the duty of the board of oyster land Board's power to arrest and prosecute. commissioners to discover and prosecute any violation of the laws of the state protecting and regulating the oyster industry, and they are hereby constituted police officers of the state with full power to make arrests for any such violation.

SEC. 12. The board shall issue, to persons not otherwise And to issue licenses. prohibited by the laws of the state, license to take oysters from the natural beds. It shall be unlawful for any per-

son not in possession of such license to gather or remove oysters from the natural beds, either for himself or on account of another, in the county over which the board has jurisdiction; and upon conviction therefor he shall be fined in any sum not less than twenty nor more than one hundred dollars.

Penalty.

Licensee's fee.

SEC. 13. The board shall require of each applicant for license, as provided in the last foregoing section, a fee of two dollars, which shall be full compensation for their services in all respects except in mileage when examining lands as hereinbefore provided. Each applicant shall take oath to observe all the laws of the state protecting and regulating the oyster industry, and the members of the board are hereby authorized to administer such oath. No license shall be required of minors under eighteen when working with their parents. All licenses shall expire the fifteenth day of February of each year.

And oath.

Starfish, etc.,
how removed.

SEC. 14. In addition to the license the board may, in their discretion, require of all licensees an equal amount of labor, not to exceed three days each, to be applied, under the direction of the board, to the removal of starfish and other pests from the natural beds, or otherwise increasing the productiveness of the beds. This work shall not be required to be done during the season when it is lawful to take oysters from the natural beds, except at the pleasure of the licensee. The board may revoke the license of any licensee failing to perform the required work within thirty days of the time of his notification, and may withhold future license till the work is done.

Power of
revocation.

Reservation of
smaller
beds on ex-
haustion of
larger.

SEC. 15. When it shall appear that any natural oyster bed has become so depleted as to greatly impair its utility as a source of supply, or that any other natural oyster ground which is a source of small supply may, through a period of disuse, become a source of large supply, the fish commissioner may reserve it from public use for a term of years, not to exceed four, by causing to be posted in a conspicuous place at each of the three postoffices nearest said lands a plainly printed notice of such act of reservation, such notice stating the time during which and the limits within which such reservation is in force. The description

How reserved.

of the limits of such reservation need not be by surveyed metes and bounds, but may be by such local terms of description as shall be sufficient to secure general knowledge of the same by persons acquainted in the locality. In addition to the posted notice of reservation, the fish commissioner shall, when practicable, publish the same in a newspaper published in the county.

SEC. 16. The county oyster land commissioners shall constitute an advisory board to the fish commissioner in the exercise of the powers granted in the last preceding section. Also, the fish commissioner may delegate such powers to the board, within prescribed times and limits, in which case and within which limits the board shall have full executive powers for making such reservations. Such powers shall vest *de facto* in the board in case of vacancy in the office of fish commissioner for more than thirty days and until such vacancy be filled, but in such case reservation may not be made to be in force longer than one year contrary to the discretion of the succeeding fish commissioner. In the event of the abolishing of the office of fish commissioner, such powers shall vest in the persons provided by law to succeed to his powers; and if no such provision be made, such power shall vest wholly in the county board.

Board to act with fish commissioner, and vice versa.

SEC. 17. The county board may direct the manner and place of returning young oysters to the natural beds as heretofore provided in the laws of the state. Such direction shall in all cases, within reasonable bounds, be observed, and for non-observance thereof the same penalties shall attach as for not returning the oysters to natural beds or planting on private beds.

Replenishing natural beds.

SEC. 18. The county board shall hold meetings the first Tuesdays in October and February, and at such other times as the chairman may direct. He shall notify other members of the board of special meetings.

Meetings, when held.

SEC. 19. The county board shall keep a plain record of all their transactions, which shall be subject to public inspection at all reasonable times.

Records..

SEC. 20. For neglect of duty or abuse of trust and authority the governor may remove any member of the county board.

Removal.

Board may designate power to sell.

SEC. 21. The restrictions which the county board is by this act empowered to place on the sale of oyster lands shall obtain whether the control and sale of such lands remain with the state commissioner of public lands or shall be elsewhere vested.

Natural oysters, how lawfully gathered.

SEC. 22. It shall at all times be unlawful to gather with any tool or implement, or in any way whatever, any oysters from any natural oyster bed, 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. Any person violating any provision of this section shall, on conviction thereof, be fined in any sum not less than one hundred dollars nor more than four hundred dollars, and, at the discretion of the court, be imprisoned in the county jail not less than two months nor more than six months; one-half the aforesaid fine to be paid by the state to the informer.

Penalty for violation.

Passed the House March 6, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 17, 1897.

CHAPTER CVIII.

[H. B. No. 364.]

CREATING A STATE BOARD OF AUDIT AND CONTROL.

AN ACT to abolish the boards of trustees, respectively, of the Washington state reform school, the Western Washington hospital for the insane, the Eastern Washington hospital for the insane, the Washington soldiers' home, and the board of directors of the state penitentiary, as now constituted, and to create a state board of audit and control for the government, control and maintenance of said institutions.

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

Certain boards abolished.

SECTION 1. The boards of trustees, respectively, of the Western Washington hospital for the insane, the Eastern Washington hospital for the insane, the Washington state