

FISHERY LAWS OF THE STATE OF WASHINGTON, 1895.

OLYMPIA, WASH., AUGUST 10, 1895.

(Richard Rathbun).

Saw Hon. J. H. Price, Secretary of State. He said that the fishery laws of the state had not been printed up to date, but he showed me, in manuscript, a pamphlet from Mr. Crawford, the State Fish Commissioner, which they had not yet been able to publish on account of lack of funds. It was entitled "Laws for the protection of fish; compiled by the Fish Commissioner, 1895; Olympia, Washington."

The contents are as follows, parts of some laws being quoted:

An Act to amend section 274, chapter 11, Penal Code of Washington relative to the protection of food fishes, and declaring an emergency (Approved March 19, 1895).

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

Section I.-- That section 274, chapter 11, of the penal code of Washington be, and the same is hereby, amended to read as follows:
Section 274. It shall not be lawful to take or fish for salmon in the Columbia River or its

tributaries by any means whatever in any year hereafter between the first day of March and the 10th day of April, or between the 10th day of August and the 10th day of September. (The remainder of section relates to what constitutes a violation of the law, the penalty, etc. During the close season specified it is prohibited to possess or offer for sale or transportation, chinook salmon, silver salmon, steel-head or blue back salmon).

Section 2. Laws in conflict repealed.

Section 3. Declaring an emergency to exist Continuous with the 3rd section above referred to, Mr. Crawford inserts sections 2 to 7, fishery laws of Washington, approved March 3, 1891; section 8, approved March 10, 1893; section 9, 10, 11 and 12, approved March 3, 1891; sections 13 to 16, approved February 11, 1890.

TITLES.

To regulate salmon and sturgeon fishing, approved March 6, 1891.

To protect trout, approved March 6, 1891.

Amending the act relative to the taking of trout, approved March 20, 1895.

To regulate and license the catching of salmon; approved February 10, 1893.

Salmon and other food fishes; approved February 21, 1893.

Authorizing the Fish Commissioner to make research; approved March 9, 1893.

Protection of salmon and other food fishes; approved March 9, 1893.

Requiring all cans, cases or packages of fish to be plainly marked, approved March 3, 1893.

Authorizing arrest by the Fish Commissioner or deputies; approved March 9, 1893.

Authorizing appointment of special deputies by the Fish Commissioner; approved March 9, 1893. (End of contents of unpublished pamphlet).

To regulate and license the catching of salmon (approved February 10, 1893).

An Act regulating fish traps, pound nets, weirs, set nets, fish wheels, or other fixed appliances for catching salmon in the waters of the Columbia River and its tributaries, and Puget Sound; for providing for the licensing thereof and the disposition of the funds arising

therefrom, and declaring an emergency.

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

Section I. No person or persons shall own, operate or construct and own or cause to be constructed and operated, any pound net, trap, set net, weir, fish wheel, or other fixed appliance for catching salmon on the waters of the Columbia River and its tributaries, and Puget Sound, in the State of Washington, without first obtaining from the Fish Commissioner a license for each trap, pound net, weir, set net, fish wheel, or any other fixed appliances which license shall be numbered and dated and shall specify the number of the pound net, trap, set net, weir, fish wheel or other fixed appliance or appliances, which shall be designated by the Commissioner; and it shall also contain the name of the person or persons to whom such license shall be granted. No license shall be issued to any one who is not a resident and citizen of this State. No more than 3 licenses shall be issued to any one person or corporation and no person, persons or corporations shall own

or operate more than 3 traps, pound nets, weirs, set nets, fish wheels, or other fixed appliances: Provided, That to non-residents now owning weirs, traps, pound nets, fish wheels and other fixed appliances, in actual use after the season of 1892, licenses may be issued. Any person violating any provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not less than fifty and in any sum above that less than one hundred dollars. Licenses may be assigned or transferred to any resident and citizen of this state when any of the aforementioned appliances for fishing are sold or transferred, but notice must be given to the Fish Commissioner of said transfer or assignment within 20 days of the date of said transfer or assignment.

Section 2. (Provides that the mesh of all pound nets, trap nets, set nets, weirs, fish wheels and other fixed appliances for catching salmon on the Columbia River and its tributaries shall not be less than 3 inches stretched measure. Penalty, \$50 to \$100).

Section 3. (A license fee of \$10 annually is charged for each pound net, trap, weir, fish

wheel, or other fixed appliance, and \$2.50 for each set net).

Section 4. No lead of any pound net, trap, set net, fish wheel, or other fixed appliance, used or operated in the waters of the Columbia River or its tributaries in this State for catching salmon shall exceed 800 feet in length, and in the waters of Puget Sound, 2500 feet in length.

Section 5. (provides that each fixed appliance shall have its license number conspicuously placed, and that each pound net, trap or weir, bordering upon the channels shall show a bright white light between sunset and sunrise).

Section 6. (Time allowed in which to apply for license).

Section 7. There shall be an end passage way of at least 30 feet, and a lateral passage way of at least 900 feet between all pound nets, traps, set nets, weirs, fish wheels, or other fixed appliances hereafter constructed and placed within the waters of the Columbia River and its tributaries within the State, and there shall be an end passage-way of at least 600

feet and a lateral passage-way of at least 2400 feet between all pound nets, traps, set nets, weirs, fish wheels, or other fixed appliances hereafter constructed and placed within the waters of Puget Sound in this State: Provided, That this section shall not affect the pound nets, traps, weirs, fish wheels or other fixed appliances heretofore constructed and placed within the waters of the Columbia River and its tributaries within the State of Washington: Provided, That this section shall not affect the pound nets, traps, weirs, fish wheels, or other fixed appliances numbered, operated and fished in the year 1892 within the waters of the Columbia River and its tributaries, except that the owners of the same shall within 30 days after the taking effect of this Act, at their option, either shorten the lead to any pound net, trap, weir, fish wheel, or other fixed appliance so owned, used or operated, so that there shall be an end passage-way of at least 30 feet between all pound nets, traps, set nets, weirs, fish wheels, or other fixed appliances, or so to move the said pound nets, traps, set nets, weirs, fish wheels, or other fixed

appliances, so that there shall be a lateral passage-way of at least 60 feet between the same. (Remainder of section provides for conviction and penalty .

Section 8. (Appliances used illegally subject to execution).

Section 9. The term person or persons when used in this Act shall be taken to include partnerships, associations and corporations.

Section 10/ (Jurisdiction of justice of the peace).

Section 11. (Disposition of moneys collected).

Section 12. The fishing season on the Columbia River commencing in April, an emergency is declared to exist, therefore this Act shall take effect and be in force from and after its approval by the Governor.

Protection of Salmon and other food fishes.

An Act to protect salmon and other food fishes in the waters of Puget Sound and in all streams flowing into Puget Sound, and declaring an emergency.

Be it enacted by the Legislature of the

State of Washington:

Section 1. It shall not be lawful to take or fish for salmon by any means whatever in the month of April; nor from the 1st day of October to the 15th day of November, in any year hereafter in any of the streams flowing into Puget Sound. [Any person] violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not less than fifty dollars nor more than ninety-five dollars, for each and every offence.

Section 2. Every person who, by seine or any means whatever except by hook and line, shall catch young salmon of 10 inches in length or less in the waters of Puget Sound or in any of the streams flowing into Puget Sound, and who shall not return the same immediately, alive, to the water, or who shall sell or offer for sale any such fish, or shall wilfully destroy any small fish not merchantable, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not less than \$25.00 or more than \$75.00 for each

and every offence.

Section 3. (Declares an emergency).
(Approved March 9, 1893).

FISH LAWS OF WASHINGTON.

The following is extracted from the laws with which Mr. Crawford, the State Fish Commissioner, commences his unprinted pamphlet for 1895. Sections 1, 2 and 3, approved March 19, 1895, which have been already quoted, precede the following without any intervening explanation:

Section 2. It shall be unlawful to catch, kill or in any manner destroy any salmon on or within one mile below any rack or other obstruction formed across any river or stream for the purpose of obtaining fish for propagation. (Balance of section devoted to penalty, etc.).

Section 3. It shall not be lawful for any person or persons to take or fish for, salmon on the waters of Shoal Water Bay and the rivers that are tributaries flowing into said Bay; and also on the waters of Grays Harbor and the rivers with their tributaries flowing into

said Grays Harbor, from the 15th day of November until the 15th day of December during any year hereafter. (Penalties, etc.).

Section 4. (Repealing).

Section 5. (Just the same).

Section 6. It shall not be lawful for any pound net, set net, trap, weir, wheel, or other fixed appliances for taking fish to extend more than one-half of the way across the breadth of any stream, channel or slew or any waters mentioned in this Act at the time and place of such fishing. (Penalties).

Section 7. It shall not be lawful to cast or pass or allow to be cast or passed into any waters of this State into which salmon or trout are wont to be, any lighting gas, coculus, indicus, or any other substance deleterious to the fish, or to explode or cause to be exploded any powder, hercules powder, dynamite, nitro-glycerine, or any other ~~explosive~~ explosive substance for the purpose of catching, killing or destroying salmon or other food fish. (Penalty \$50 to \$250). (Approved March 3, 1891).

Section 8. Any person or persons now owning or maintaining, or who shall hereafter

construct or maintain any dam or other obstruction across any stream in the state in which food fish are wont to ascend, without providing a fish-way or ladder, determined and approved by the Fish Commissioner of this State, and suitable to enable fish to pass over, through or by said obstruction, upon construction thereof, shall be guilty of a misdemeanor and punished by a fine of not less than \$100 nor more than \$250, and said dam may, in the discretion of the court, be abated as a nuisance. Any person who, at any time, shall catch or take any food fish in the State of Washington within 100 yards of any fish-way or fish ladder, whether such fish-way or ladder is lawful or not, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not less than \$50 nor more than \$250. (Approved March 10, 1893).

Section 9. It shall not be lawful for the proprietor of any saw mill in this State or any employe therein, or any other person, to cast saw dust, planer shavings or other lumber waste made by any lumber manufacturing concern, or suffer or permit such saw dust, shavings or

other lumber waste to be thrown or discharged in any manner into the Columbia River and its tributaries, and all other streams and lakes in this State where fish resort to spawn, and any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not less than \$100. nor more than \$250.

Section 10. All the moneys collected under the provisions of this act shall be put into a fund to be known as a Fish Commission Fund.

Section 11. Whenever the term salmon is used in this Act it shall be construed to include chinook, steel-head, blue back, silver sides, and all other species of salmon.

Section 12. Any person or persons owning, operating, or using any pound net or trap shall cause to be painted in a conspicuous place on said pound net or trap while the same is in use a number designated by the Fish Commissioner of this State, said number consisting of a black figure or figures not less than 6 inches in height, painted on a white ground; and shall

also conspicuously show at night time, between sunset and sunrise, a bright white light, and any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined in any sum not exceeding \$250. [Approved March 3, 1891].

Section 13. (Regarding enforcement of act and payment of fines).

Section 14. (Jurisdiction of courts).

Section 15. Nothing in this act shall be construed so as to prevent the taking of fish at any time of year and in any manner for propagation.

Section 16. (Repealing former acts inconsistent with the present one). (Approved February 11, 1890).

To Regulate Salmon and Sturgeon Fishing.

An Act to regulate the salmon and sturgeon fishing in the rivers and waters of this State, and over which it has concurrent jurisdiction.

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

Section 1. That from and after the first

day of January, 1892, it shall be unlawful for any person to fish for or take for sale or profit any salmon, sturgeon or other food fish in any of the rivers or waters of this State, or over which it has concurrent jurisdiction in civil and criminal cases, unless such a person be a citizen of the United States or has declared his intention to become such one year prior thereto, and is, and has been for 6 months immediately prior to the time he engages in such business an actual resident of the State.

Section 2. Any person desiring to fish for salmon, sturgeon or other food fish in any such rivers or waters may go before any county clerk of any county of this State and furnish satisfactory evidence of his citizenship, or of the fact that he has declared his intention to become such one year prior thereto, and file his own affidavit and the affidavit of 2 other persons to the fact that he is and has been for 6 months prior thereto an actual bona fide resident of this State, and thereupon such recorder or clerk shall issue to him a certificate briefly reciting those facts, etc., etc.

Section 3. (Penalties for violation §5. to §100).

Section 4. (Fee to be charged for a affidavit and certificate).

Section 5. Nothing in this Act shall be construed to prevent citizens of any state having concurrent jurisdiction with this State over or upon any rivers or waters, from fishing upon such rivers or waters: Provided, That this Act shall not apply to Indians. (Approved March 6, 1891).

TO PROTECT TROUT.

An Act making it unlawful to catch or kill trout during certain months, or to take, catch or kill the same in any manner whatever other than by hook and line, providing the punishment and declaring an emergency.

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

Section 1. Every person who shall, within the State of Washington, during the months of November, December, January, February, March, and April of each year take, catch, kill or have in their possession any brook trout, mountain

trout, bull trout or salmon trout, shall be guilty of a misdemeanor. Every person who shall take, catch, kill or have in their possession any of the food fishes implanted in the creeks, rivers, lakes or bays of the State of Washington except for propagating the same, for a period of 3 years after the same shall have been implanted, shall be guilty of a misdemeanor.

Section 2. Every person who shall, within the State of Washington, take, catch or destroy with any seine, net, weir, trap, or other device other than hook and line, any mountain trout, brook trout, bull trout or salmon trout, in any of the waters of the State of Washington shall be guilty of a misdemeanor.

Section 3. Emergency declared to exist.
(Approved March 6, 1891).

An Act amending Section 1 of above Act.

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

Section 1. That Section 1 of an act entitled An Act making it unlawful to catch or kill trout during certain months, or to take,

catch or kill the same in any manner other than by hook and line, providing a punishment and declaring an emergency; approved March 6, 1891, is amended to read as follows:

Section 1. Every person who shall, within the State of Washington, during the months of November, December, January, February and March of each year, take, catch, kill or have in their possession any brook trout or mountain trout, shall be deemed guilty of a misdemeanor. Every person who shall take, catch, kill or have in their possession any of the food fishes implanted in the creeks, rivers, lakes or bays of the State of Washington except for the propagation of the same, for a period of 3 years after the same shall have been implanted, shall be guilty of a misdemeanor.

Section 2. (Declaring an emergency to exist). (Approved March 20, 1895).