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1901

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THE FISH LAWS

OF THE
STATE OF OREGON

COMPILED AND PUBLISHED

BY THE
SECRETARY OF STATE

BY AUTHORITY OF S. J. R. NO. 14.

TWENTY-FIRST LEGISLATIVE ASSEMBLY

1901



SALEM, OREGON
W. H. LEEDS, STATE PRINTER
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INDEX.

AFFIDAVIT—	PAGE.
Accompanying application shall state what	12
ALSEA RIVER, BAY AND TRIBUTARIES—	
Close season for salmon in	22
Unlawful to use trap, weir, dam or wheel in	5, 22
When and where salmon may not be caught in	3
ANSWER—	
Who may make, in proceedings to condemn fishing appliances	20
APPEAL—	
From decision of circuit court in case of violation of fish law	21
From decision of fish warden, how taken and tried	15
APPLICATION FOR LICENSE—	
Shall be accompanied by affidavit	12
Shall be made to fish warden	11
APPROPRIATION—	
For construction of fishway at Oregon City	30
For construction of hatcheries	28, 29
For planting and propagating certain food fishes	27
Of funds for constructing hatcheries on coast streams	29
ATTORNEY-GENERAL—	
Board of Fish Commissioners may apply to for legal advice	17
BEAVER CREEK—	
Unlawful to use trap, weir, dam, or wheel in	5
When and where salmon may be caught in	4
BOARD OF FISH COMMISSIONERS—	
Costs shall not be awarded against, when	21
May apply to Attorney-General for legal advice	17
May close stream, when	18
May reimburse owner of hatchery, when	8
May stock waters of the state with fish	18
May take salmon for purposes of propagation	19
Necessary traveling expenses to be paid	18
Powers and duties of	6, 7
Procedure in closing stream	18
Procedure in opening stream	18
Shall audit bills of fish warden	7, 17
To serve without compensation	18
Who constitute	6
BOAT. See Fishing Boat.	

7931-07

	PAGE.
BOND—	
Not required of state on appeal	21
BURDEN OF PROOF IN PROSECUTIONS	6
CANNERIES—	
How classified	12, 13
License fees for	13
CHETCO RIVER—	
Rights of tide land and riparian owners on	23
Unlawful to use trap, weir, dam and wheel in	5
When and where salmon may be caught in	4
CHINESE STURGEON LINES—	
Unlawful to use, where	26
COAST STREAMS—	
When and where salmon may not be caught in	4
COLUMBIA RIVER AND ITS TRIBUTARIES—	
Chinese sturgeon lines not to be used in part of	26
When salmon may be caught in	1
COOS BAY—	
Unlawful to use trap, weir, dam and wheel in	5
When salmon may not be caught in	4
COQUILLE RIVER—	
Unlawful to use trap, weir, dam and wheel in	5
COSTS—	
Not to be taxed against Board of Fish Commissioners	21
Not to be taxed against fish warden	16
DAMS—	
Fishway to be provided over	9
Unlawful to use in certain streams	5
DEALERS IN SALMON—	
Fees for license for	14, 15
How classified	14, 15
Shall obtain license	11
Shall report purchase to fish warden	10, 11
DEPUTY FISH WARDEN—	
Appointment, powers and duties of	6, 7
Bond of	7
Compensation and expense of	7
May arrest without warrant	17
DISTRICT ATTORNEY—	
Shall institute action to condemn fishing appliance, when	20
Shall prosecute for violation of fish law	17
Shall satisfy judgment, when	8
DRUGS—	
Unlawful to use in water, when	9
DYNAMITE—	
Unlawful to use for killing fish	9
EASTERN LOBSTERS—	
Appropriation for planting and propagating	27
Unlawful to take	27

EASTERN OYSTERS—	PAGE.
Appropriation for planting and propagating.....	27
Unlawful to take	27
ELK CREEK—	
Unlawful to use trap, weir, dam and wheel in.....	5
When and where salmon may not be caught in.....	4
ELK RIVER—	
Rights of tide land and riparian owners on.....	23
Unlawful to use trap, weir, dam and wheel in.....	5
When and where salmon may be caught in.....	4
EXPLOSIVES—	
Unlawful to use for destroying salmon.....	9
FEEES—	
For licenses	12, 13
For licenses for dealers in salmon.....	14, 15
Shall not be collected from Board of Fish Commissioners at institution of action.....	21
FINES—	
How disposed of.....	25
One-half of, to be paid to informer.....	27
Shall be paid into hatchery fund.....	8
FINES AND PENALTIES.....	6, 21-27, 31
FISH—	
Unlawful to place in waters of this state without authority of Board of Fish Commissioners.....	19
FISHERY BOUNTY FUND.....	31
FISHING APPLIANCES—	
How and when condemned and sold.....	20
May be seized by fish warden, when.....	19
Not to be used in part of Rogue River.....	22
Subject to execution.....	19
FISHING BOATS—	
How and when condemned and sold.....	20
How numbered.....	16
May be seized by fish warden, when.....	19
Subject to execution.....	19
FISHING DAMS—	
Unlawful to use in certain streams.....	5
FISHING DEVICE—	
How numbered.....	16
Not to be left in streams during close season.....	6
FISH LADDER. See Fishway.	
FISH TRAP—	
Fee for license for.....	12
How and when condemned and sold.....	20
How numbered.....	16
May be erected by whom.....	9
May be seized by fish warden, when.....	19
Not to be left in streams during close season.....	6

	PAGE.
Not to be placed within six hundred feet of fishway.....	25
Persons operating shall obtain license for.....	11
Shall show light, when.....	16
Subject to execution.....	19
Unlawful to take salmon within two miles of certain.....	9
Unlawful to use in Alsea River, bay and tributaries.....	22
Unlawful to use in certain streams.....	5
FISHWAY—	
Must be provided in mill dam.....	9
Unlawful to obstruct.....	25
Unlawful to take fish within six hundred feet of.....	10, 25
FISHWAY AT OREGON CITY—	
Artificial obstructions may be removed from.....	31
Unlawful to take fish within fifty feet of.....	31
Unlawful to prevent passage of fish through.....	31
FISH WARDEN—	
Appointment of.....	6
Authorized to inspect places of business and books.....	15
Authorized to enter property and make inspection.....	17
Bills for expenses of, to be audited by Fish Commissioners.....	7
Bond of.....	7
Compensation and expenses of.....	7
Costs not to be taxed against.....	16
Duties of.....	16
How removed.....	6
Is not bound by statement contained in application.....	15
May arrest without warrant.....	17
Report of, shall contain what.....	17
Shall deposit money received from sale of salmon with State Treasurer.....	6
Shall examine mill dams.....	9
Shall issue license to fishermen, dealers and packers.....	11
Shall keep record of applications for licenses.....	15
Shall report to Board of Fish Commissioners.....	17
Shall take and sell fish unlawfully caught.....	6
FISH WHEEL—	
Fee for license for.....	12
How and when condemned and sold.....	20
How numbered.....	16
May be seized by fish warden, when.....	19
Not to be left in stream during close season.....	6
Not to be used in certain streams.....	5
Persons operating shall obtain license for.....	11
Position of, in river during close season.....	10
Subject to execution.....	19
Unlawful to use in Alsea River, bay, etc.....	22
Unlawful to use in certain streams.....	5
FOULHOOKS—	
Unlawful to use, where.....	5
GAFFS—	
Unlawful to use, where.....	5

GAS—	PAGE.
Unlawful to use, where.....	9
GILL NET—	
Fee for license for.....	12
How and when condemned and sold.....	20
How numbered.....	16
May be seized by fish warden.....	19
Persons operating shall obtain license for.....	11
GOVERNOR—	
Is member of Board of Fish Commissioners.....	6
HATCHERIES—	
Appropriation for construction of.....	28, 29
Expense of constructing and operating, to be paid out of hatchery fund.....	7
May be constructed and operated in adjoining states, when.....	8
On coast streams, appropriation for construction of.....	29
Owners of hatcheries may be reimbursed for expenses, when.....	8
Sites for, to be selected by fish commissioners.....	7
Where located.....	29
HATCHERY FUND—	
Certain money to be transferred to.....	8
Expense of constructing and operating hatcheries to be paid out of.....	7
Fines to be paid into.....	8
How used.....	8
Money received from sale of fishing appliances to be paid into.....	21
Per diem and expenses of water bailiff to be paid out of.....	7
Portion of may be expended for hatchery in adjoining state.....	8
HOQUARTON SLOUGH—	
When and where salmon may be caught in.....	3
INDIANS—	
Certain Indians not subject to fish law.....	5
JUSTICES OF THE PEACE—	
Shall have concurrent jurisdiction in case of violation of fish law.....	19
Shall have jurisdiction of certain acts.....	25, 31
JUDGMENT—	
Shall not be awarded against Board of Fish Commissioners.....	21
Under fish law, how satisfied.....	8
KILCHIS RIVER—	
When and where salmon may not be caught in.....	3
KLAMATH RIVER AND ITS TRIBUTARIES—	
Unlawful to use trap, weir, dam and wheel in.....	5
KLAMATH RIVER—	
When and where salmon may be caught in.....	4
LICENSE—	
Application for, to be accompanied by affidavit.....	11, 12
Fees for.....	12, 13
For cannery.....	13
For dealers in salmon.....	14
May be issued to whom.....	11
Persons fishing for salmon or sturgeon shall obtain.....	11

	PAGE.
Required of dealers and packers.....	11
Shall contain what.....	16
To fishermen, dealers and packers, by whom issued.....	11
LIGHT—	
Shall be displayed on trap, weir, etc.....	16
LIME—	
Unlawful to deposit in waters.....	9
LOBSTERS—	
Unlawful to have Eastern.....	27
LOWER TEN-MILE CREEK—	
Unlawful to use trap, weir, dam and wheel in.....	5
When and where salmon may not be caught in.....	4
MASTER FISH WARDEN. See Fish Warden.	
MEDICATED BAIT—	
Unlawful to use, where.....	9
MIAMI RIVER—	
When and where salmon may not be caught in.....	2
MILL DAM—	
Unlawful to erect, without providing fishway.....	9
Unlawful to take fish within six hundred feet of fishway in.....	10
NECANICUM RIVER—	
Unlawful to use trap, weir, dam and wheel in.....	5
When and where salmon may not be caught in.....	4
NEHALEM RIVER—	
Unlawful to use trap, weir, dam and wheel in.....	5
When and where salmon may not be caught in.....	4
NESTUCCA BAY—	
* Unlawful to use trap, weir, dam and wheel in.....	5
When and where salmon may not be caught in.....	4
NET—	
Not to be placed within six hundred feet of fishway.....	25
Right to exclusive use of, in certain streams.....	23
Subject to execution.....	19
NETARTS BAY—	
Artificial oyster beds in.....	28
Natural oyster beds in.....	28
OYSTERS—	
Artificial beds of, in Netarts Bay.....	28
Natural beds of, in Netarts Bay.....	28
Unlawful to have Eastern oysters.....	27
PACIFIC OCEAN—	
When and where salmon may not be caught in.....	1, 2
PACKER OF SALMON—	
Shall obtain license.....	11
Penalty for violation of fish law.....	3, 21
“PERSON”—	
Defined.....	21

INDEX.

ix

PISTOL RIVER—	PAGE.
Rights of tide land and riparian owners on	23
Unlawful to use trap, weir, dam and wheel in.....	5
When and where salmon may not be caught in	4
POUND NET—	
Fee for license for.....	12
How and when condemned and sold	20
How numbered	16
May be seized by fish warden	19
Not to be left in stream during close season.....	6
Persons operating shall obtain license for.....	11
Shall show light, when.....	16
POWDER—	
Unlawful to use for killing fish.....	9
RACK—	
May be erected, by whom.....	9
Unlawful to take salmon within two miles of certain	9
RESISTING AN OFFICER.....	17
ROGUE RIVER—	
Rights of tide land and riparian owners on	23
Unlawful to take fish in certain parts of	22
ROGUE RIVER AND ITS TRIBUTARIES—	
Gaffs, spears, and foulhooks may be used in.....	5
Unlawful to use trap, weir, dam and wheel in.....	5
Where salmon may be caught in.....	2
SALMON—	
Defined.....	1
Persons fishing for, shall obtain license, when.....	11
Unlawfully caught, how disposed of.....	6
Unlawful possession of, is evidence of guilt.....	9
Unlawful to have in possession, or to sell during close season	9
Unlawful to take, in certain parts of Rogue River	22
SALMON RIVER—	
Unlawful to use trap, weir, dam or wheel in.....	5
When and where salmon may not be caught in.....	4
SAWDUST AND PLANER SHAVINGS—	
Not to be deposited in stream	10
SECRETARY OF STATE—	
Certain vouchers to be filed with	29
Is member of Board of Fish Commissioners	6
Shall draw warrant for State Biologist, when.....	28
Shall draw warrant, when.....	17
Shall issue warrant for transferring certain moneys to hatchery fund.....	8
SEINE—	
Fee for license for.....	12
How numbered.....	16
Not to be left in stream during close season.....	6
Not to be placed within six hundred feet of fishway.....	25
Person operating shall obtain license for.....	11
Right to exclusive use of, in certain streams.....	23

SET NET—	PAGE.
Fee for license for.....	12
How and when condemned and sold.....	20
How numbered.....	16
Length of, in certain streams.....	5
May be seized by fish warden, when.....	19
Not to be left in water during close season.....	6
Persons operating shall obtain license for.....	11
SILETZ RIVER—	
Unlawful to use trap, weir, dam and wheel in.....	5
When and where salmon may not be caught in.....	4
SIUSLAW RIVER—	
Unlawful to use trap, weir, dam and wheel in.....	5
When and where salmon may not be caught in.....	4
SIXES RIVER—	
Right of tide land and riparian owners on.....	23
Unlawful to use trap, weir, dam and wheel in.....	5
When and where salmon may not be caught in.....	4
SPAWNING SALMON—	
Unlawful to take, except for certain purposes.....	5
SPEARS—	
Unlawful to use.....	5
STATE BIOLOGIST—	
Duties of.....	27
Expenses of, how paid.....	27, 28
STATE TREASURER—	
Is member of Board of Fish Commissioners.....	6
Shall deposit certain money in hatchery fund.....	6
STURGEON—	
Close season for.....	26
Shall be returned to water, when.....	26
Unlawful to fish for, without license.....	11
Unlawful to fish for, with Chinese sturgeon lines.....	26
Unlawful to take under four feet in length.....	26
TIDE LANDS—	
Rights of certain owners of.....	23
TILLAMOOK BAY AND ITS TRIBUTARIES—	
Unlawful to use trap, weir, dam or wheel in.....	5
When and where salmon may not be caught in.....	2, 3
TRASK RIVER—	
When and where salmon may not be caught in.....	3
UMPQUA RIVER AND ITS TRIBUTARIES—	
Unlawful to use trap, weir, dam or wheel in.....	5
When and where salmon may not be caught in.....	3
UPPER TEN MILE CREEK—	
Unlawful to use trap, weir, dam or wheel in.....	5
When and where salmon may not be caught in.....	4
WALLOWA COUNTY—	
How and when salmon may be caught in.....	24

WALLOWA LAKE—	PAGE.
Unlawful to deposit fish offal in.....	25
Unlawful to take fish from, except with hook and line.....	24
WALLOWA RIVER—	
Unlawful to deposit fish offal in.....	25
WASHINGTON—	
License issued in state of, when valid.....	11
“WATER BAILIFF”—	
Authority of.....	7
Compensation of.....	7
May be appointed by Board of Fish Commissioners.....	7
WEIR—	
Fee for license for.....	12
How numbered.....	16
Not to be left in stream during close season.....	6
Persons operating shall obtain license for.....	11
Shall show light, when.....	16
Subject to execution.....	19
Unlawful to use in certain streams.....	5
WHEEL. See Fish Wheel.	
WILLAMETTE RIVER AND ITS TRIBUTARIES—	
Unlawful to use trap, weir, dam and wheel in.....	5
When salmon may be caught in.....	2
WILSON RIVER—	
When and where salmon may be caught in.....	3
WINDCHUCK RIVER—	
Rights of tide land and riparian owners on.....	23
Unlawful to use trap, weir, dam and wheel in.....	5
When and where salmon may not be caught in.....	4
YAQUINA BAY—	
Unlawful to use trap, weir, dam and wheel in.....	5
YAQUINA RIVER—	
When and where salmon may be caught in.....	4
YOUNG SALMON—	
Unlawful to take or fish for.....	5



OREGON FISH LAWS, 1901.

AN ACT

[H. B. 219]

To provide for the better protection of chinook, steeheads and all other anadromous species of salmon and other fish; and for the better protection of the fishing industry in this state and the regulation and control thereof; to regulate the time and appliances for the taking of the same; to provide for the creation of a Board of Fish Commissioners and other officers pertaining to the fishing industry in this state; to provide for the construction and maintenance of fish hatcheries in the State of Oregon and adjoining states; and to repeal certain laws in this act designated, and all acts and parts of acts in conflict therewith.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. Whenever the word "salmon" is used in this act the same shall be deemed and held to include chinook, steelheads and all other anadromous species of salmon and trout.

Section 2. It shall be unlawful to take or fish for salmon in any rivers or their tributaries in the State of Oregon, or any waters over which the State of Oregon has concurrent jurisdiction, except as hereinafter provided.

COLUMBIA RIVER AND ITS TRIBUTARIES.

Section 3. It shall be unlawful to take or fish for salmon in the Columbia River, or within three miles outside of the mouth thereof, or at any point west of the confluence with the Des Chutes River, by any means whatever after the passage of this act, between 6 A. M. on the first day of March and 6 A. M. on the fifteenth day of April, or between 6 A. M. on August 15 and 6 A. M. on September 10, or between the hours of 6 P. M. on Saturday and 6 P. M. of the Sunday following in any week from April 15 until August 15.

Section 4. It shall be unlawful to take or fish for salmon at any time by any means whatever, except with hook and line commonly called angling, or to take or fish for salmon in any manner whatever during the spawning season on any spawn-

ing bed or shallow where salmon are wont to lie and deposit their spawn, in the Columbia River or any of its tributaries east of its confluence with the Des Chutes River.

WILLAMETTE RIVER AND ITS TRIBUTARIES.

Section 5. It shall be unlawful to take or fish for salmon in the Willamette River and its tributaries, north of the falls at Oregon City, by any means whatever, except with hook and line commonly called angling, from March 1 to April 15, and from June 15 to November 1, or from 6 P. M. on Saturday until 6 P. M. on Sunday of any week in any year; or to take or fish for salmon by any means whatever, after the passage of this act, except with hook and line commonly called angling, in the Willamette River or its tributaries south of the falls at Oregon City.

ROGUE RIVER AND ITS TRIBUTARIES.

Section 6. It shall be unlawful to take or fish for salmon in Rogue River and its tributaries, except with rod and line commonly called angling, from 6 P. M. Saturday to 6 P. M. the Sunday following, in any week of any year; or from March 1 to April 1, and from August 15 until September 20, east of its confluence with the Illinois River, or from March 1 to April 1, and from August 1 to September 1, west of its confluence with the Illinois River; or at the mouth of said Rogue River where it empties into the Pacific Ocean, or within three miles outside thereof, from May 1 to August 1.

TILLAMOOK BAY AND ITS TRIBUTARIES.

Section 7. It shall be unlawful to take or fish for salmon in the tributaries of Tillamook Bay, above tidewater, at any time by any means whatever, except with hook and line, commonly called angling; or in any of the waters of Tillamook Bay or its tributaries from 6 P. M. Saturday until 6 P. M. the Sunday following in any week of any year; or in said bay or in any of the tributaries thereof below the points hereinafter named, between 6 A. M. on the first day of February and 6 P. M. on the fifteenth day of July of each year, or between 6 A. M. on the twentieth day of November and 6 P. M. on the first day of December of each year; or in any of the following named streams, being tributaries of the Tillamook Bay, from July 1 to November 15, above the points

specified on each stream, namely: Miami River, at the intersection of said stream by the south line of section 11, in township 1 north of range 10 west of Willamette Meridian; Kilchis River, at the intersection of said stream by the east line of section 12, in township 1 south of range 10 west of Willamette Meridian; Wilson River, at the intersection of said stream by the quarter section line running north and south through section 20, in township 1 south of range 9 west of Willamette Meridian; Hoquarton Slough, at the intersection of said slough by the west line of section 24, in township 1 south of range 10 west of the Willamette Meridian; Trask River, at the intersection of said river by the quarter section line running east and west through section 26, in township 1 south of range 10 west of the Willamette Meridian; Tillamook River, at the intersection of said stream by the west line of section 7 in township 2 south of range 9 west of the Willamette Meridian.

ALSEA RIVER, BAY AND ITS TRIBUTARIES.

Section 8. It shall be unlawful to take or fish for salmon in the tributaries of Alsea Bay above tidewater at any time by any means whatever, except by hook and line commonly called angling; or to take or fish for salmon in any of its bays or tributaries below tidewater from 6 P. M. Saturday to 6 P. M. the Sunday following in any week of any year, or from the first day of March until the twentieth day of August, and from the twentieth day of November until the twentieth day of December of each year.

(See act of February 25, 1901, page 22.)

UMPQUA RIVER AND ITS TRIBUTARIES.

Section 9. It shall be unlawful to take or fish for salmon in the Umpqua River or its tributaries from 6 P. M. Saturday until 6 P. M. the Sunday following in any week of any year, by any means whatever, except with hook and line commonly called angling; or in any of the bays or tributaries thereof below the points hereinafter named, from March 1 to June 1, and from November 20 to December 15; or to take or fish for salmon by any means whatever, except for the purpose of propagation, above the points specified on each stream, viz: North Fork, at the north boundary line of the town of Winchester; South Fork, at the south boundary line of the town of Roseburg.

COOS BAY, COQUILLE RIVER AND THEIR TRIBUTARIES.

Section 10. It shall be unlawful to take or fish for salmon in the tributaries of Coos Bay, Coquille River at any time by any means whatever, except with hook and line commonly called angling, or in any of the waters of Coos Bay and Coquille River or their tributaries from 6 P. M. Saturday to 6 P. M. the Sunday following in any week of any year, or from 6 A. M. on the first day of February and [to] 6 P. M. on the first day of August, or between 6 A. M. on the twentieth day of November and 6 P. M. on the fifteenth day of December.

It shall be unlawful to take or fish for salmon at any time, except with hook and line commonly called angling, on the south fork of the Coquille River above the junction of the same, at what is known as "Hoffman's Bridge," or on the north or east fork of said river above the junction of said north and east forks. It shall be unlawful to take or fish for salmon at any time, except with hook and line, commonly termed angling, in north or south fork of Coos River above the junction of the two streams.

COAST STREAMS.

Section 11. It shall be unlawful to take or fish for salmon in any of the following named streams, or any of their tributaries, above tide water, at any time by any means whatever, except by hook and line, commonly called angling; or any of their bays or tributaries, below tidewater, from 6 P. M. Saturday to 6 P. M. the Sunday following in any week of any year, or between 6 A. M. on the first day of February and 6 P. M. on the first day of August, or between 6 A. M. on the twentieth day of November and 6 P. M. on the fifteenth day of December, viz.: Windchuck River, Chetco River, Pistol River, Elk River, Sixes River, Lower Ten-Mile Creek, Upper Ten-Mile Creek, Siuslaw River, Beaver Creek, Yaquina Bay and River, Siletz River, Salmon River, Nestucca Bay and River, Nehalem River, Elk Creek, Necanicum River, and Klamath River; *provided*, that this section shall not be construed to apply to the Necanicum River or Creek below the lowermost bridge that now crosses said creek or river.

TRAPS, WEIRS, FISHING DAMS, AND FISH WHEELS.

Section 12. It shall be unlawful for any person or persons to construct, maintain or operate any trap, weir, fishing dam, or fish wheel in any of the following named streams, or to operate any set net or other fixed appliance which shall extend more than one-third across any of the waters thereof: Willamette River and its tributaries, Rogue River and its tributaries, Umpqua River and its tributaries, Tillamook Bay and its tributaries, Alsea Bay and its tributaries, Windchuck River, Chetco River, Pistol River, Elk River, Sixes River, Coquille River, Coos Bay, Lower Ten-Mile Creek, Upper Ten-Mile Creek, Siuslaw River, Beaver Creek, Yaquina Bay, Siletz River, Salmon River, Nestucca Bay, Nehalem River, Elk Creek, Necanicum River, Klamath River and tributaries; *provided*, that the provisions of this section shall not be construed to apply to that portion of the Necanicum Creek or River below the lowermost bridge which is now constructed on said creek or river, or their tributaries.

PROTECTION OF YOUNG SALMON IN TIDEWATERS.

Section 13. It shall be unlawful to take or fish for the young of salmon under twelve inches in length in the waters of the State of Oregon, or in the waters of any of the rivers or bays over which the State of Oregon has concurrent jurisdiction, in any manner whatever, or to take, fish for, or destroy, by any manner at any time whatever, or expose for sale, or have in possession, except for the purpose of propagation, any gravid or spawning salmon.

GAFFS, SPEARS AND FOULHOOKS.

Section 14. It shall be unlawful at any time whatever to take, fish for or pursue salmon in any of the rivers and their tributaries in the State of Oregon, or in any waters over which the State of Oregon has concurrent jurisdiction, with spear, gaff or foulhook, or other device, whether used with rod and line or otherwise, for the purpose of foulhooking salmon; *provided*, that nothing in this act shall be construed to affect the operations and rights of the North American Indians who have not severed their tribal relations; and, *provided further*, that the provisions of this section shall not apply to the waters of Rogue River and its tributaries.

FINES AND PENALTIES.

Section 15. Any person or persons fishing for, taking or catching salmon in violation of this act, or fishing for salmon by leaving or having in any of the waters of this state, or in any of the waters over which this state has concurrent jurisdiction, or who shall leave or cause to be left or have or permit any fish trap, weir, pound net, set net, fish wheel, seine, or any device intended for or which is capable of being used to catch fish, in any of the said waters, in a condition to take or catch fish, during the closed season provided for in this act, or purchasing salmon so unlawfully caught, or having in his or their possession any salmon so caught, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than \$50 nor more than \$500 for each and every offense. In the prosecution of all actions under any of the provisions of this act, the burden of proof shall be upon the defendant to show that the salmon in his or their possession during the above prohibited time were caught by hook and line. All salmon so unlawfully caught or taken shall be immediately taken possession of by the fish warden, and shall be by him confiscated and sold at the ruling market price. Any person shall be authorized to purchase the same from the fish warden, and the fish warden shall thereupon deliver to the party purchasing the same a certificate of such sale, and such certificate shall be a complete defense to any prosecution for having in his or their possession such salmon in violation of any of the provisions of this act. The money arising from the sale of such salmon by said fish warden shall be deposited with the State Treasurer, and shall be by him deposited in the hatchery fund.

BOARD OF FISH COMMISSIONERS.

Section 16. The Governor, Secretary of State and State Treasurer are hereby created a Board of Fish Commissioners. It shall be the duty of such fish commissioners to appoint one Master Fish Warden and also one deputy, who shall be known as deputy fish warden, who shall have the same power and authority for enforcement of the law as the Master Fish Warden. They shall hold their offices at the pleasure of the Board of Fish Commissioners, who may summarily remove them whenever in their judgment they shall deem such a change for any cause advisable. Before entering upon the

duties of his office, the said Master Fish Warden shall file with the Secretary of State a bond, to be approved by the board, in the sum of \$25,000, with two or more sureties, conditioned for the faithful performance of his duties as prescribed in this act. His compensation shall be \$2,500 per year, to be paid quarterly from the general fund, and he shall be allowed for hire of patrol boat and his actual traveling expenses, office and other necessary expenses in the performance of his duties, the sum of \$1,700 per year, to be paid from the said fund.

The deputy fish warden shall, before entering upon his duties, execute a bond with one or more sureties to be approved by the board in the sum of \$1,000 to the State of Oregon, conditioned for the faithful performance of his duties. The deputy fish warden shall devote his entire time and attention to the fish industry of the state, under the direction of the board and supervision of the Master Fish Warden, and shall receive a salary of \$1,000 per year, payable quarterly from said fund, and he shall be allowed for his actual traveling expenses while in the performance of his duties, the sum of \$500 per annum.

The Board of Fish Commissioners is hereby authorized to appoint a special deputy for any stream in the state, who shall be known as "Water Bailiff," and who shall reside in the vicinity of said stream for which he is appointed. Such water bailiff shall have the power to enforce the fish laws in any part of the state, under the direction of the master or deputy wardens. The special deputy shall receive the sum of \$3.00 per day while in the actual performance of his duties, and shall receive for his actual traveling expenses, upon vouchers for the same, not to exceed \$2.00 per day while in the performance of his duties, the same to be paid out of the "hatchery fund."

Section 17. It shall be the duty of such fish commissioners to select and locate, or direct the selection and location of, suitable sites for the construction of fish hatcheries, and direct the fish wardens to construct thereat such hatcheries as in the judgment of the board will be to the best interests of the fishing industry. Said commissioners shall have the right to pay out all moneys in the hatchery fund provided by law for the construction and operation of fish hatcheries; also to audit all bills of the fish wardens before the same are paid, and to generally exercise a supervisory control over the fish wardens and all fish hatcheries of the state.

Section 18. All moneys received and all fines collected under this act shall be paid to the state treasury within thirty days after collection, to be placed in the fund known as the "hatchery fund," said fund to be used for hatchery purposes under the direction of the Board of Fish Commissioners. All moneys now in the several hatchery funds shall be transferred to said hatchery fund provided for in this section, and the Secretary of State shall issue his warrant making such transfer. Upon the payment of any judgment that may have been obtained against any person or persons for the violation of any of the provisions of this act, the same shall be satisfied by the district attorney, upon presentation of the receipt of the chairman of the Board of Commissioners.

Section 19. When there shall be in operation on any river of this state, for the purpose of stocking said river or its tributaries with salmon, owned by any person or persons or corporation, the Board of Fish Commissioners, upon proper evidence that said salmon hatchery shall have been operated in any year in such a manner as to produce a benefit to such stream equal to that derived from the same amount of money expended at hatcheries maintained and operated by the Board of Fish Commissioners, the said Board of Fish Commissioners shall pay over to such person or persons or corporation not to exceed sixty per cent. of the moneys received by such board for licenses from persons engaged in fishing or packing fish on such river or its tributaries; the same to be used by such person or persons, firm or corporation in propagating salmon in such river or its tributaries.

CONSTRUCTION AND OPERATION OF HATCHERIES IN ADJOINING STATES.

Section 20. That the State Board of Fish Commissioners is hereby authorized to construct, maintain or operate salmon hatcheries in an adjoining state, and to expend a portion of the money in the "hatchery fund" for that purpose; *provided*, that no hatchery shall be constructed or operated on any stream in an adjoining state that is not a tributary of the Columbia River, or whose waters do not flow into said Columbia River.

RACKS OR OTHER OBSTRUCTIONS FOR HATCHERY PURPOSES.

Section 21. The Fish Commissioner and the Fish Commission of the United States government, or any individual operating hatcheries in this state, are hereby authorized to erect racks, traps, or other obstructions across any of the streams in this state for the purpose of obtaining salmon for propagating purposes, and it shall be unlawful for any person or persons to injure or destroy any such racks, traps or obstructions by any means whatever, or take, kill, destroy or molest any salmon within two miles below any such rack, trap or obstruction across any stream in this state.

Section 22. It shall be unlawful for any person or persons to throw, or cast, or pass, or cause or permit to be thrown, or cast or passed, in any waters of the state in which salmon fish of any kind, or other food fishes, are wont to be, any lime, drug, powder, medicated bait, gas or coculus indicus, or any other substance deleterious to fish, or to explode or cause to be exploded in any waters of this state any powder, hercules powder, giant powder, dynamite, nitroglycerine, or any explosive substance whatever, for the purpose of catching, killing or destroying any salmon or any food fish.

Section 23. It shall be unlawful for any person or persons to receive, or have in his or their possession, or sell or offer for sale, or transportation, or transport, during the closed season named in this act, any chinook, steelhead, blueback, silverside or other species of salmon, caught or taken during any of the close seasons named in this act; and in all prosecutions under this section the possession by any person during the close season named in this act of any chinook, steelhead, blueback, silverside or other species of salmon shall be construed as *prima facie* evidence that the same were unlawfully caught during the close season.

Section 24. It shall be unlawful for any person to construct any mill dam or artificial obstruction across any stream in this state frequented by salmon or trout, or to maintain any such mill dam or obstruction heretofore erected without providing [a passage way] for such fish over such obstruction, such passage way for fish to be constructed as near the main channel as may be practicable. It shall be the duty of the fish warden to examine, from time to time, all mill dams and artificial obstructions to all rivers and streams in the state frequented by salmon or other migratory fish, and if in his opinion there is not a free passage for fish over any mill dam or

artificial obstruction to notify the owner or occupant thereof to provide the same within a reasonable time with a durable and efficient fish way, of such form and capacity and in such location as shall be determined by the fish warden. If such fish way is not completed to the satisfaction of said fish warden within the time specified, the owners or occupants of such mill dam or artificial obstruction shall be deemed guilty of a misdemeanor, and on conviction shall be punished as in this act hereinafter provided. It shall be incumbent upon the owners and operators of all mill dams or artificial obstructions, where the fish warden requires such fish way to be provided, to keep the same in repair and open and free from obstructions to the passage of fish at all times, and any owner or operator of any dam or artificial obstruction who neglects or refuses to keep such fish way in repair and open and free from obstruction to the passage of fish shall be guilty of a misdemeanor, and upon conviction shall be punished as in this act hereinafter provided; and the continuance from day to day of the neglect or refusal after notification in writing by the fish warden, shall constitute a separate offense; and it shall be unlawful for any person to willfully or knowingly destroy, injure or abstract from such fish way, or to take or catch any salmon or other migratory fish within six hundred feet of any fish way.

Section 25. It shall be unlawful for any proprietor or operator of any saw mill in this state, or any employee therein, or any other person, to cast sawdust, planer shavings or other lumber waste made by any lumber manufacturing concern, or suffer or permit such sawdust, shavings or other lumber waste to be thrown or discharged in any manner into the waters of this state or the Columbia River, or to deposit the same where high waters will take the same into any of the waters of this state or the Columbia River.

Section 26. It shall be unlawful for any person to place or cause to be placed in any of the rivers or waters of this state, or in any river or water over or upon which this state has concurrent jurisdiction, any fish wheel in a condition to take salmon, or in a position less than three feet above the surface of any such river or water, or covered or concealed in such manner that the position of the same cannot be clearly discerned from the nearest river bank, during any part of the closed season specified in this act.

Section 27. It shall be the duty of all persons who purchase from fishermen or takers or catchers of fish, for the

purpose of selling them again for profit, to report to the fish warden, on or before the fifteenth day of November of each year, the number of every species of fish, stated separately, so purchased by them, and, if purchased by weight, the number of pounds of each species.

Section 28. It shall be unlawful for any person or persons to take or fish for salmon fish or sturgeon in any of the waters of this state, or in any of the waters upon which this state has concurrent jurisdiction, by any means whatever, except with hook and line commonly called angling, without first having obtained a license therefor.

Section 29. It shall be unlawful for any person or persons to operate or maintain, or leave in a condition to take fish, in any of the waters of this state at any time hereafter, any fish traps, weir, pound net, set net, gill net, fish wheel, seine or any device or apparatus or gear used in catching salmon fish or sturgeon, without first having obtained from the fish warden a license therefor as hereinafter provided.

Section 30. It shall be unlawful for any person or persons, firm or corporation to engage in the business of packing or dealing in salmon fish or sturgeon within the State of Oregon without first having obtained a license therefor from the fish warden as hereinafter provided. All licenses issued under the provisions of this act shall expire on the thirty-first day of December following the issuance of such license.

Section 31. It shall be unlawful for any person to take, catch or fish for salmon fish or sturgeon in any waters of this state unless such person be a citizen of the United States or has declared his intention to become such, and has been a *bona fide* resident of the State of Oregon for the period of six months; *provided*, that a license issued by the State of Washington, such state having concurrent jurisdiction on the Columbia River with this state, shall be deemed valid as to gill nets and as to gill-net fishermen for use on the Columbia River, as though issued by the fish warden of this state.

Section 32. Any person, desiring to obtain a license to take or catch salmon fish or sturgeon in any of the waters of this state, in any manner whatever, either working upon as employer or employee of any pound net, set net, fish trap, gill net, fish wheel, seine or any other device or apparatus used for the purpose of catching salmon fish or sturgeon, whether such person is the owner of such appliance or otherwise, shall present in writing to the fish warden his application, which

application shall be accompanied by the affidavit of said applicant that he is a citizen of the United States or has declared his intention to become such, and that he is and has been for the six months next preceding such application a *bona fide* resident of the State of Oregon, and shall also be accompanied by the affidavit of at least three freeholders residing within the State of Oregon that they are and for the six months preceding the time of making such affidavit have been freeholders residing in the State of Oregon and acquainted with such applicant, and know that such applicant is a citizen of the United States or has declared his intention to become such, and is and has been for the six months next preceding the making of such affidavits by said freeholders a resident of the State of Oregon, and shall deposit with the said fish warden a license fee of \$1; and thereupon a license shall be issued to such applicant, authorizing him to engage in taking and catching fish in any of the waters of the district, as hereinafter provided for. In addition to the license aforesaid, any licensed fisherman, desiring to engage in the business of operating a fish trap, pound net, set net, gill net, fish wheel, or seine or other appliance not prohibited by law for the purpose of catching fish, shall make application in writing to the said fish warden, specifying with convenient certainty the character of the appliance that the applicant desires to obtain license for, together with the number of his individual license as provided in this act, and, upon payment of a license fee as hereinafter provided, said fish warden shall issue to such person a license to operate the character of appliance desired in said application; *provided*, that such license shall be good only in the district for which same is issued.

The following annual license fees for fishing appliances shall be paid by those owning or operating the same :

For each drag seine not exceeding five hundred feet in length.....	\$ 10 00
For each additional foot in length the further sum of.....	02
For each gill net.....	2 50
For each set net.....	1 00
For each pound net, trap, or weir.....	15 00
For each scow fish wheel.....	15 00
For each stationary fish wheel.....	25 00

Section 33. Any person or firm or corporation engaged in the business of canning fresh salmon in hermetically sealed tins or cans in this state shall pay a license fee as follows :

Those of the first class	\$ 100 00
Second class	150 00
Third class	200 00
Fourth class	250 00
Fifth class	300 00
Sixth class	350 00
Seventh class	400 00
Eighth class	450 00

Canners of the first class are those whose pack of salmon fish for the season next preceding the year that [license] is applied for does not exceed ten thousand cases of salmon, forty-eight pounds to the case. Those of the second class are canners whose pack for the year next preceding the year the license is applied for exceeded ten thousand cases, but did not exceed fifteen thousand cases of salmon, forty-eight pounds to the case. Those of the third class are canners whose pack during the year next preceding the year the license is applied for exceeded fifteen thousand cases, but did not exceed twenty thousand cases, forty-eight pounds to the case. Those of the fourth class are those whose pack preceding the year the license is applied for exceeded twenty thousand cases, but did not exceed twenty-five thousand cases, forty-eight pounds to the case. Those of the fifth class are canners where the pack during the year next preceding the year the license is applied for exceeded twenty-five thousand cases, but did not exceed thirty thousand cases, forty-eight pounds to the case. Those of the sixth class are canners whose pack the season next preceding the year the license is applied for exceeded thirty thousand cases, but did not exceed thirty-five thousand cases, forty-eight pounds to the case. Those of the seventh class are those whose pack for the year next preceding the year the license is applied for exceeded thirty-five thousand cases, but did not exceed forty thousand cases, forty-eight pounds to the case. Those of the eighth class are those whose pack during the season next preceding the year the license is applied for exceeded forty thousand cases, forty eight pounds to the case. Where more than one cannery or plant is operated by the same person, firm or corporation, each shall be licensed separately and according to its class. Any person, firm or corporation desiring to engage in the business of canning salmon in this state shall make an application in writing to the Board of Fish Commissioners for a license therefor, which application shall describe the locality of the salmon cannery as near as practicable, and shall be accompanied by the affidavit of the applicant, stating the number of cases of salmon that were packed in such cannery the year next preceding the year the license is to

be issued, and shall deposit with said application the license fee, according to the class in which said cannery should be listed. No license shall be issued until such affidavit is made and filed and such license paid ; *provided*, that if any person, firm or corporation desires to obtain a license for a cannery which had not been operated the year preceding such application, such cannery shall be considered of the first class, and a license fee provided for such class shall be paid.

Section 34. Any person, firm or corporation engaged in the business of buying, selling, packing, preserving or otherwise dealing in salmon fish or sturgeon, other than canners thereof as provided in act, shall be and are classified as follows : First class dealers, handling not less than ten tons of fish and not exceeding twenty tons ; second class dealers, handling twenty to thirty tons fish ; third class dealers, handling from thirty to forty tons fish ; fourth class dealers, handling forty to fifty tons fish ; fifth class dealers, handling fifty to one hundred tons fish ; sixth class dealers, handling one hundred to two hundred tons fish ; seventh class dealers, handling two hundred to three hundred tons fish ; eighth class dealers, handling three hundred to four hundred tons fish ; ninth class dealers, handling four hundred to five hundred tons fish ; tenth class dealers, handling five hundred to seven hundred and fifty tons fish ; eleventh class dealers, handling seven hundred and fifty tons fish or over. Any person, firm or corporation desiring to obtain a license for the purpose of engaging in the business of buying, selling, preserving or otherwise dealing in salmon fish or sturgeon, other than canners as provided in [this] act, shall file with the Board of Fish Commissioners an application therefor, describing with convenient certainty the locality at which the applicant proposes to engage in business, and the general character of such business, whether cold storage or otherwise, and shall accompany such application with an affidavit of the applicant stating the total number of tons of salmon fish or sturgeon handled by such applicant the year preceding the year the applicant desires a license, and shall deposit with the Board of Fish Commissioners the license fee as hereinafter provided. Such persons aforesaid of the first class shall pay an annual fee of \$10 ; of the second class, \$15 ; of the third class, \$20 ; of the fourth class, \$25 ; of the fifth class, \$50 ; of the sixth class, \$100 ; of the seventh class, \$150 ; of the eighth class, \$200 ; of the ninth class, \$250 ; of the tenth class, \$350 ; of the

eleventh class, \$450; *provided*, that any person, firm or corporation that has not engaged in dealing in salmon fish or sturgeon, either or both, as aforesaid, desiring a license, shall be listed as of the ninth class, and shall pay a license fee accordingly. Persons desiring to engage in the business of retailing salmon fish or sturgeon for home consumption shall be listed of the first class, and shall pay a license therefor accordingly.

Section 35. The fish warden [shall] keep and preserve a record of all applications for license filed. The fish warden is not bound by statements therein made as to the amount of fish packed or handled, but for the purpose of ascertaining the true class in which any cannery or dealer in salmon fish or sturgeon, as herein provided, should be listed, such fish warden or any of his deputies has full authority and is hereby authorized to inspect the cannery and places of business of such parties, and the books of such parties showing the amount of their pack or the amount handled (but the information derived therefrom shall not be made public), and if in the opinion of the fish warden the facts set forth in the affidavit of the applicant for a license are untrue, and the canner, packer or dealer as herein provided, is not properly classed, he shall immediately class the same and list the same properly, and cancel the license already issued, and demand from such canner, packer or dealer, as herein specified, a new license fee necessary to bring it within the class it should have been listed in in the first instance. But any person, firm or corporation feeling aggrieved by the decision of the fish warden may appeal from the decision of the fish warden to the circuit court of the State of Oregon for the county in which his or its business is situated. Such appeal is taken by serving a written notice of such appeal on the fish warden, or his deputy residing in the county, and filing same with proof of service indorsed thereon, within ten days from receiving notice of such relisting by such fish warden, together with a bond with one or more sufficient sureties to be approved by the clerk of the circuit court, conditioned to pay whatever judgment may be rendered against him on the appeal, in the office of the clerk of the circuit court of the State of Oregon for the county in which said business is located; and the case be tried in the said circuit court as a suit in equity, and judgment entered by the court accordingly, and the decision shall be final, and the judgment of the court shall

be enforced as other judgments are, and shall have like force and effect. No costs shall be taxed against the fish warden in any event. Nothing in this section shall be construed to prevent the Board of Fish Commissioners, or any one of the deputies, from giving in evidence at the trial of such appeal any fact or information derived by them from inspection of the books or papers of any canner, packer or dealer in fish, or from offering in evidence in any court the affidavit of any person required by this act.

Section 36. Each license issued under the provisions of this act shall be numbered and dated by the fish warden, and the number of pound net, gill net, fish wheel, seine, trap, or other appliance licensed, and the number of district where the appliance is located, and shall also contain the name of the person or persons to whom such license is granted.

Section 37. Any person operating or using any pound net, trap, weir, fish wheel, or fixed appliance for taking salmon, shall cause to be placed in a conspicuous place on said net, trap, weir, fish wheel, or other fixed appliance, the number, preceded by an "O," designated by the fish warden at the time of issuing the license for operating thereof; said number to consist of black figures not less than six inches in length, painted on white ground; and each pound net, trap, or weir shall, during the fishing season, between sunset and sunrise, show conspicuously a bright, white light. Any person owning or operating or using any seine, gill net, or set net for the purpose of taking salmon, shall cause to be branded on the corks of each end of the said net or seine, and upon the cork nearest the center thereof, the number designated by the fish warden at the time of issuing the license for the operation of said net or seine; said number shall consist of figures not less than one-half inch in length; and shall also cause to be placed upon the bow of the boat used to operate the said seine or net such license number, preceded by an "O," the same to consist of black figures not less than four inches in length, painted on white ground.

Section 38. The fish warden shall keep proper books showing the licenses issued, to whom issued, and amounts received, and all moneys disbursed and paid out for any cause. It shall also be his duty to devote his entire time and attention to the fishing interests and fishing industries of the state; see that all laws for the protection, preservation, and propagation of all food fishes, and oysters and shell fishes, in the waters and streams of this state are enforced.

Section 39. Said fish warden shall annually, on December 1, report to the Board of Fish Commissioners of this state a full account of his actions, also of the operations and results of the law pertaining to fish and shell fish industries, the methods of taking fish, the number of young fish hatched and where distributed, amount of expense incurred; and make suggestions as to the needs to further legislation, if any, and full statistics of the fishing and shell fish industries, and amount of all money received and disbursed.

Section 40. The fish warden or his deputies shall have authority to arrest without writ, rule, order, or process any person or persons detected by him or them in the act of committing a crime in violation of the fish laws of this state; and they are hereby made peace officers of this state for that purpose, and shall have authority to execute all criminal process issued for the arrest or detention of any person complained against for the violation of any of the fish laws of this state. Any person who knowingly or willfully resists or opposes such officer in discharge of his said duties shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as in this act hereinafter provided.

Section 41. The fish warden is hereby authorized to inspect all canneries, cold storage houses, boats, nets, wheels, traps and other fishing apparatus, and all property used in the catching and packing of fish, for the purpose of enforcing the provisions of this act, and to that end said fish warden is authorized to enter into said property and make inspection thereof.

Section 42. The Board of Fish Commissioners shall have the authority to apply to the Attorney-General for his official opinion upon any question touching the construction and interpretation of the statutes and duty of the Board of Fish Commissioners wherein they shall need legal advice. And it shall be the duty of the prosecuting attorneys of the several districts to prosecute in their respective districts, on information and complaint of such Board of Fish Commissioners, fish warden or any of his deputies, any person violating any of the provisions of this act.

Section 43. The salaries of the fish wardens, and the necessary expenses incurred by them in the performance of their duties, and all the expenses incurred under the provisions of this act, shall be audited by the Board of Fish Commissioners, upon bills being presented properly certified by

the fish wardens ; and the Secretary of State shall, upon the approval of such bills, draw his warrant upon the State Treasurer in payment of the same from the general fund.

Section 44. Said Board of Fish Commissioners shall receive no compensation for their services as such board, but shall be allowed necessary actual traveling expenses. All accounts for expenditures incurred or made pursuant to the provisions of this section shall be audited and approved by said commission before presentation to the Secretary of State.

Section 45. The Board of Fish Commissioners is authorized by this act to propagate and stock the various waters and streams of this state with salmon, sturgeon, trout or other food fishes, not inimical to or destructive of salmon ; and for the purpose of protecting the same they are hereby authorized to close any stream or any designated portion thereof in this state frequented by salmon, or any stream which they have stocked, and prevent any person taking or fishing for or catching any salmon or food fishes therein. Should the Board of Fish Commissioners desire to close any stream or designated portion thereof frequented by salmon, or any stream or designated portion thereof which they have stocked with food fish, they shall cause notice thereof to be filed in the office of the county clerk in each county in which such stream or designated portion thereof lies, and shall publish such notice in some public newspaper published at the county seat in such county or counties for four successive weeks. Such notice shall designate as nearly as practicable the streams or designated portion thereof to be closed, and shall state that on and after a date therein stated it will be unlawful to fish for or take or catch any salmon or other food fishes therein (which date shall not be less than thirty days from the date of the first publication), and shall cause like notices to be published for such time in three conspicuous places on the banks of such streams or designated portion thereof. Upon the completion of the publication of such notice, the same, with proof of the publication and posting thereof, shall be filed with the original notice in the office of the county clerk, and it shall be unlawful at any time after the expiration of the date specified in said notice for any person to fish for, catch or take any salmon, or any food fishes stocked therein, until notice shall be filed and likewise published by the Board of Fish Commissioners of the opening of such stream or designated portion thereof to the public for fishing.

Section 46. It shall be unlawful for any person, without written authority from the Board of Fish Commissioners, to place in any water of this state any species or variety of fish whatever.

Section 48. Justices of the peace shall have concurrent jurisdiction with the circuit courts of this state of all offenses mentioned in this act.

Section 49. Nothing in this act shall be construed so as to prevent the taking of salmon at any time of the year by the Board of Fish Commissioners, or accredited officers of the United States government, for propagation.

Section 50. Any and all gear and appliances used in violation of the provisions of this act, including boats, traps, nets, weirs, fish wheels or other appliances, shall be subject to execution for the payment of fines and costs herein provided for.

Section 51. That all fish traps, pound nets, gill nets, set nets, fish wheels, fishing boats and vessels used in fishing, and apparatus, and any and all appliances or devices which shall be used or employed by any person or persons or corporations, including all such fishing appliances fished or operated by any person who has not obtained a license, or a license to operate such appliance, in fishing for or catching salmon fish at or during any of the waters in this act prohibited, and which by this act is made unlawful, whether being operated by any person or left in a condition to take fish, or abandoned but left in condition to take fish, shall be seized and be confiscated, condemned and sold, and the proceeds of such sale shall be paid to the State Treasurer, and by him deposited in the hatchery fund for the district in which such appliance is seized. And it is hereby made the duty of the fish warden to seize and take into his possession all such fishing appliances hereinbefore mentioned, which shall be operated wrongfully or unlawfully by any person, or left by any person in a condition to take fish, or abandoned by any person but left in a condition to take fish, shall be seized and be confiscated, condemned and sold, and the proceeds of such sale shall be paid to the State Treasurer and by him deposited in the hatchery fund for the district in which such appliance is seized. And it is hereby made the duty of the fish warden to seize and take into his possession all such fishing appliances hereinbefore mentioned, which shall be operated wrongfully or unlawfully by any person, or left by any person in a condition to take fish, or abandoned by any person but left in a

condition to take fish, at or during any time or in any of the waters in this act prohibited, and which is made unlawful by this act; and immediately upon such seizure the prosecuting attorney for the district in which such appliance is seized shall institute an action in the circuit court for that county to have such appliance confiscated, condemned and sold; such petition shall contain a true description of the appliance sought to be confiscated, condemned and sold, as nearly as practicable, together with all marks, brands or any special features thereof, calculated to designate same from other appliances of like nature, and, if a fixed appliance, the number; and shall allege facts showing that the same was used in violation of the provisions of this act. The petition shall be duly verified by the oath of the fish warden or one of the deputies, and in such action the State of Oregon shall be plaintiff, and the owner of such appliance, if known, shall be the defendant, and if unknown then such unknown owner shall be designated as "John Doe," whose true name is unknown; and such like proceedings shall be had and such action shall be prosecuted to final determination as in actions at law, excepting that the summons shall be issued by the clerk of the court, and shall require the defendant, if known, to appear and answer within fifteen days after the service of such summons upon him, and if he fails so to appear and answer, judgment of confiscation shall be entered as prayed for in the petition. Such summons shall contain a brief description of the appliance sought to be confiscated; and if such defendant shall be unknown or cannot be found, the summons shall require such unknown owners to appear within four weeks after the first publication thereof as hereinafter provided; such summons shall be served upon the defendant, if known, personally in any county in the state; and if unknown and cannot be found, the summons shall be published for four weeks in some newspaper published in the county where the action is instituted. All persons owning or claiming any interest in such fishing appliance will be permitted to answer, setting forth their various interests, but it will be no defense to a judgment of confiscation that the owner or mortgagee or lienor of such appliance did not consent to have the same unlawfully operated. Upon the trial of said cause the matter to be determined shall be whether or not the appliance seized was unlawfully employed, or suffered or permitted to be unlawfully employed, in violation of the provisions of this act, or used or operated without a license or by one not licensed;

and if judgment shall be entered that the same was used or employed, or suffered or permitted to be used or employed, in violation of any of the provisions of this act, a judgment shall be rendered confiscating such appliance and ordering the same to be sold at public auction to the highest bidder for cash, and execution shall issue upon such judgment as in an ordinary action at law, and like proceedings shall be had under such execution as now provided by law. The money arising from the sale of such appliance shall be immediately deposited with the State Treasurer, and by him deposited in the hatchery fund for the district in which such appliance was seized. No fees shall be charged or collected from the Board of Fish Commissioners at the institution or during the prosecution of such action, and no judgment will be awarded against them or the State of Oregon for costs and disbursements. Should the Board of Fish Commissioners deem themselves aggrieved by the ruling or decision of the court at any time after the institution of said action, the right of appeal is hereby given the State of Oregon, to be prosecuted in the same manner as appeals in ordinary civil actions, excepting that no fee shall be charged the state and no bond shall be required on appeal.

Section 52. The term "person" or "persons" used in this act shall be deemed to include partnerships and corporations.

Section 53. Any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50 and not more than \$1,000, and costs of the action, or by imprisonment in the county jail not less than twenty-five days nor more than one year, or by both such fine and imprisonment; [provided], in case of fine only, that he be imprisoned in the county jail until such fine and costs of action be paid, and he shall be credited on such fine and costs the sum of \$2.00 for each day imprisoned.

Section 54. Inasmuch as it is of great importance to the commercial interests of the state that the salmon of its rivers and waters should be fully protected, an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its approval by the Governor.

Filed in the office of Secretary of State February 28, 1901.

AN ACT

[H. B. 179]

To amend an act approved February 17, 1899, and entitled an act as to the times of catching salmon in Alsea River, bays and tributaries; and to prohibit the building or use and operation of any salmon fish traps or fish wheels on the Alsea Bay, river or tributaries; and to provide penalties for the violation of the same.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That section 1 of an act approved February 17, 1899, and entitled "An Act as to the times of catching salmon in the Alsea River, bays and tributaries," be and the same is amended so as to read as follows :

[§ 1.] That it shall be unlawful for any person or persons to take or fish for salmon in the waters of the Alsea River, bays and tributaries from the first day of July until the twentieth day of August, or from the twentieth day of November until the twentieth day of December of each year.

Section 2. It shall be unlawful for any person, association or corporation to build, construct or operate any fish trap or fish wheel or any mechanical contrivance for the purpose of catching salmon in any of the waters of the Alsea Bay, river or its tributaries.

Section 3. Any person, association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than \$50 nor more than \$500.

Approved February 25, 1901.

AN ACT

[S. B. 107]

To protect salmon, salmon trout, mountain and brook trout, in the Rogue River and its tributaries, and to repeal all acts and parts of acts in conflict herewith.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. It shall be unlawful for any person or persons to take or fish for salmon, salmon trout, mountain or brook trout in Rogue River above where the Illinois River flows into the Rogue River, with any appliance whatever, excepting hook and line or gig.

Section 2. Any person or persons violating the provisions of this act shall, upon conviction thereof, be punished by a

fine of not less than \$25 nor more than \$200, or by imprisonment in the county jail not less than ten days nor more than six months. Justices of the peace shall have concurrent jurisdiction with the circuit court in enforcing this act.

Section 3. Inasmuch as the law does not provide sufficient protection for salmon in Rogue River, this act shall be in force from and after its approval by the Governor.

Approved February 17, 1899.

AN ACT

[S. B. 171]

For the better protection of salmon fisheries of Curry County.

Be it enacted by the Legislative Assembly of the State of Oregon :

Section 1. It shall be lawful to fish for and take or catch salmon fish in the waters of Sixes, Elk, Pistol, Chetco and Windchuck rivers, or any of their tributaries or bays, or in any other stream of Curry County, Oregon, except Rogue River, from September 1 to November 20, inclusive, in each year ; and in Rogue River and its tributaries and bays to the east of the confluence with the Illinois River, and inclusive of the Illinois River and its tributaries, it shall be lawful to fish for and catch or take salmon fish from January 1 to July 31, inclusive, in each year ; and in Rogue River and its tributaries and bays west of its confluence with the Illinois River it shall be lawful to fish for and catch or take salmon fish from April 10 to August 10, inclusive, and from September 1 to November 10, inclusive, in each year.

[NOTE.—The close season as defined in this section is changed by the act of February 28, 1901, but the section is allowed to remain, as it contains other matter referred to in the next section.—SECRETARY OF STATE.]

Section 2. The owner or owners of tide lands, and riparian owners above tidewater, on each of said rivers, as appurtenances thereto, shall have the exclusive right and privilege of fishing for salmon fish with seines and nets, and hauling and landing seines and nets on said lands, and no person or persons shall anchor said nets, or put or place any obstruction or obstructions whatever in the water fronting said tide lands in any place or places where said tide lands are used for hauling or landing seines.

Section 3. It shall be unlawful for any person or persons or corporation to violate any of the provisions of this act, or

to fish for or catch or take salmon fish in any of said rivers, except during the seasons and in the manner herein provided, and any person or persons or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than \$50 nor more than \$500, and costs of the action, or by imprisonment in the county jail not less than twenty-five days or more than six months, or both such fine and imprisonment, in the discretion of the court; in case of fine only, that he be imprisoned in the county jail until such fine and costs of action be paid, and he shall be credited on such fine and costs the sum of \$2.00 for each day imprisoned.

Section 4. That all laws and parts of laws in conflict with any of the provisions of this act be and the same are hereby repealed.

Approved February 17, 1899.

AN ACT

[H. B. 27]

To protect fish in Wallowa County, Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. It shall be unlawful to catch or take from any of the waters of Wallowa County, Oregon, at any season of the year, in any other manner or by any other means than with gigs, spears, grabhooks or hooks and lines only.

Section 2. It shall be unlawful to catch or take from the lake commonly known as Wallowa Lake, in Wallowa County, Oregon, or from any waters tributary thereto, at any season of the year, any kind of fish in any other manner or by any other means than with baited hook and line only.

Section 3. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than \$10 nor more than \$50, or by imprisonment in the county jail for not less than ten days nor more than twenty-five days, or by both such fine and imprisonment; *provided*, that any person or persons violating any of the provisions of this act by maintaining, operating or using any trap, fish wheel, net or seine in any of the waters mentioned in this act, shall, upon conviction thereof, be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment in the

county jail not less than twenty-five days nor more than sixty days, or by both such fine and imprisonment.

Section 4. Justices of the peace shall have concurrent jurisdiction to try all offenses under this act.

When any judgment of conviction shall be rendered under this act, and the defendant shall be adjudged to pay a fine, the judgment shall also direct the defendant to be imprisoned in the county jail until such fine be paid, for the period of one day for each dollar of such fine remaining unpaid.

Section 6. All money received for fines under this act shall be paid into the county treasury for the benefit of the county school fund.

Approved Feb 25, 1895.

(Hill's Code, p. 971.)

§ 1945. Any person or persons who shall take, catch, kill, molest, injure or destroy fish on any fish ladder, fishway or other structure or superstructure for the passage of fish, or shall, with any seine or nets, fish traps or other device obstruct the free passage of fish in the channel of the approaches to said fish ladder or way, or other structure or superstructure, for a distance of six hundred feet from the approach of said ladder or way, or within two hundred and fifty feet from the upper portion of said fish ladder or way, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$5.00 nor more than \$100 for each offense; and each additional fish after the first fish so taken, caught, killed, molested, injured or destroyed shall constitute and be deemed a new and separate offense within the provisions of this act. A justice of the peace shall have jurisdiction to try all violations of this act.

§ 1946. It shall be unlawful hereafter for any person or corporation to deposit or cause to be deposited in the Wallowa Lake, Union County, Oregon, or any of its tributaries, or in the Wallowa River, any fish offal or other offal from any fish stand or other source.

§ 1947. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each and every offense by a fine of not less than \$10 nor more than \$50, or by imprisonment in the county jail not less than ten nor more than thirty days; to be prosecuted before any court of competent jurisdiction.

AN ACT

[H. B. 13]

To protect sturgeon and to regulate the time and manner of fishing for sturgeon in the waters of the Columbia River, and declaring an emergency.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. Hereafter it shall not be lawful for any person or persons to take, capture, kill, or have in their possession after the same has been taken, captured or killed, any sturgeon, between the first day of March and the first day of November in each and every year, under a penalty of \$20 for each and every sturgeon so taken, captured, killed or had unlawfully.

Section 2. It shall not be lawful at any time to take or kill any young sturgeon under four feet in length, or fish for the same by any device or appliance whatever in the tide waters of the Columbia River; and any person or persons fishing with gill nets, fish wheels or other fishing apparatus whatever in the tidewaters of the Columbia River, 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 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 to willfully destroy the same, for so offending shall, on conviction thereof, be punished with a fine of \$10 for each and every fish so caught, sold or destroyed.

Section 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 tidewaters of the Columbia River. The fish commissioner and any of his 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 line or lines of similar character in the tidewaters of the Columbia River. Any person violating any of the provisions of this section shall be fined in a sum not less than \$25 and not more than \$100.

Section 4. Inasmuch as there is urgent need for protection of sturgeon as provided by this act, the same shall take effect and be in force from and after its approval by the Governor.

Approved February 18, 1899.

AN ACT

[H. B. 217]

To protect oysters, lobsters, and other food fishes and animals introduced into Oregon by the United States government, and placed in charge of the State Biologist; and to provide penalties for the violation of this act; to appropriate money for the expenses of the State Biologist, and declaring an emergency.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. It shall be unlawful for a period of four years from the date of the passage of this act, to buy, sell or take, or have in possession any Eastern oysters, Eastern lobsters or any other food fish or animal which may be sent into the State of Oregon, or which has been heretofore sent into the state for the purpose of introduction or propagation by the United States government under charge of the State Biologist; *provided*, that this section shall not apply to the taking or having in possession of any such fish or animal by said biologist.

Section 2. Any person who shall violate any of the provisions of section 1 of this act shall, upon conviction, be fined not less than \$10 nor more than \$50, or be imprisoned not less than five nor more than twenty-five days in the county jail. And it shall be the duty of the State Fish Commissioner, as well as peace officers, to make arrests and institute prosecutions for the violation of this act; and one-half of each fine collected shall be paid to the informer.

Section 3. There is hereby appropriated from any funds of the state, not otherwise appropriated, the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, for the expense of the State Biologist of the State of Oregon incurred in the work of planting and propagating Eastern oysters, Eastern lobsters and other food fishes and animals introduced into the State of Oregon by the United States government, under the charge of said biologist, and in the study of the spawning habit of crabs, crawfish and other food fishes and animals with a view to protective legislation, and in the listing and describing of the birds of the state, and

in the scientific study of the state's food fishes, and in the biological examination of water supplies. The funds herein appropriated shall be paid out upon the warrant of the Secretary of State, at the written request of the State Biologist.

Section 4. Inasmuch as there is urgent need for the protection of the fishes and animals hereinbefore referred to, an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage.

Approved February 25, 1901.

AN ACT

[H. B. 177]

To define the location of natural oyster beds in Netarts Bay, in Tillamook County, Oregon, and to designate and set apart a portion of said bay for the artificial plantation of oysters, and regulating the same.

Be it enacted by the Legislative Assembly of the State of Oregon:

That that portion of Netarts Bay in Tillamook County, Oregon, lying south of the quarter-section line running east and west through the center of section 19 in township 2 south of range 10 west of the Willamette Meridian, is hereby designated as natural oyster beds; and that portion of said bay lying north of said quarter-section line is hereby designated and set apart for artificial plantation of oysters; and the sizes of such artificial plantations shall be as fixed by the local regulations of any oystermen's association now existing or hereafter to be formed on said bay, not exceeding two acres in any one plantation, and every person holding a claim for the cultivation of oysters on said bay shall in all respects comply with the local regulations applicable thereto; *provided however*, that no person, firm, corporation or association shall be entitled to locate more than one such claim.

Approved February 25, 1901.

AN ACT

[H. B. 110]

To protect the salmon industry of the state and provide funds for the propagation thereof, and establish and build hatcheries.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That there be and is hereby appropriated out of any funds of the treasury of the State of Oregon not otherwise appropriated the sum of \$15,000, or so much thereof as

may be necessary, said sum of money so appropriated to be used exclusively for the erection and construction of suitable hatcheries for the propagation of salmon to be expended under the direction of the Board of Fish Commissioners, said hatcheries to be constructed in the different sections of the State of Oregon suitable for propagation.

Section 2. No part of said sum shall be used or expended for any purpose whatever other than in building and equipping hatcheries, and two of such hatcheries shall be located on the Columbia River or tributaries thereof, and two on some other suitable rivers in Oregon. Vouchers shall be filed with the Secretary of State for all expenditures, showing the purpose for which every sum of the amount herein appropriated has been expended.

Section 3. Inasmuch as there is urgent need for establishment of hatcheries for the propagation of salmon, an emergency exists, and this act shall be in force on and after its approval by the Governor.

Approved February 17, 1899.

AN ACT

[S. B. 174]

To provide for the manner of the expenditure of the unexpended balance remaining in the fund appropriated by the act entitled "An Act to protect the salmon industry in the state, and to provide funds for the propagation thereof, and establish and build hatcheries," approved February 17, 1899.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That the sum of \$7,000 out of the balance of \$10,844.82 now remaining in the fund appropriated for the erection and construction of suitable hatcheries for the propagation of salmon, by the act entitled "An Act to protect the salmon industry of the state and provide funds for the propagation thereof and establish and build hatcheries," approved February 17, 1899, shall be, and is hereby set apart for the purpose of constructing and erecting suitable hatcheries on streams flowing to the Pacific Coast south of the Columbia River, to be expended under the direction of the Board of Fish Commissioners, said hatcheries to be constructed in localities suitable for such propagation; and the balance of such appropriation shall be employed in constructing and operating hatcheries on the Columbia River and tributaries.

Section 2. As there is urgent need for the immediate use of the surplus moneys herein referred to for the purpose

above mentioned, an emergency is hereby declared to exist, and this act shall take effect from and after its approval by the Governor.

Approved February 27, 1901.

AN ACT

[H. B. 4]

To authorize and provide for the construction of a fishway over the falls of the Willamette River at Oregon City, and to appropriate money therefor.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That there be and hereby is appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of ten thousand dollars (\$10,000), or so much thereof as shall be necessary, to construct a fishway over the falls of the Willamette River at Oregon City.

Section 2. Said fishway shall be constructed in the bed of the river, on the west side of the main fall, by making excavations in the solid rock when the water is low, so that the slope will be more gradual, and when the water is higher the excavations will form a series of pools connecting with each other, all constructed and in such a manner that salmon can freely ascend from below to above the falls by passing from pool to pool.

Section 3. The plans, location and construction of said fishway shall be under the control and direction of a board consisting of the Governor, Secretary of State and State Treasurer, who are hereby authorized to purchase tools and supplies and employ a superintendent and workmen, and to construct the same. Said construction shall begin as soon as practicable after the approval of this act.

Section 4. Said board shall receive all its expenses incurred under the provisions of this act, which shall be paid in the following manner, to wit: The bills shall be approved by said board, and then presented to the Secretary of State, who shall draw warrants upon the State Treasurer for the amounts.

Section 5. Said board, in its discretion, may advertise for plans and bids for the construction of said fishway. All bids shall be to construct a fishway at said point, and to keep the same in good order for the period of two years, payment to be made when the fishway is completed according to the plans and specifications adopted and to the satisfaction of said board. Each bid shall be accompanied by a bond, with two or more sureties, to be approved by said board, in the penal

sum of ten thousand dollars (\$10,000) that said bidders will perform said contract.

Section 6. In order to construct said fishway said board, its employees, contractors and agents are hereby authorized to remove all obstructions, whether natural or artificial, to the construction of said fishway or the passage of fish over said falls.

Section 7. After said fishway is constructed it shall be under the care of said board, which shall make any extension additions, alterations or repairs to the same that shall become necessary.

Section 8. It shall be unlawful for any one to hinder, annoy or disturb the fish entering, passing through or leaving said fishway, or to obstruct the passage of fish through the same at any time or in any manner, or for any one to place anything in said fishway or use any device for catching fish, or any wheel, or net, or hooks, or lines in said fishway or anywhere within fifty feet thereof, or to catch fish at any time anywhere within fifty feet of said fishway, or any one to do any injury to said fishway.

Section 9. Any person violating any of the provisions of this acts hall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$20 nor more than \$200, or by imprisonment in the county jail not less than ten days nor more than one hundred days, or both, in the discretion of the court.

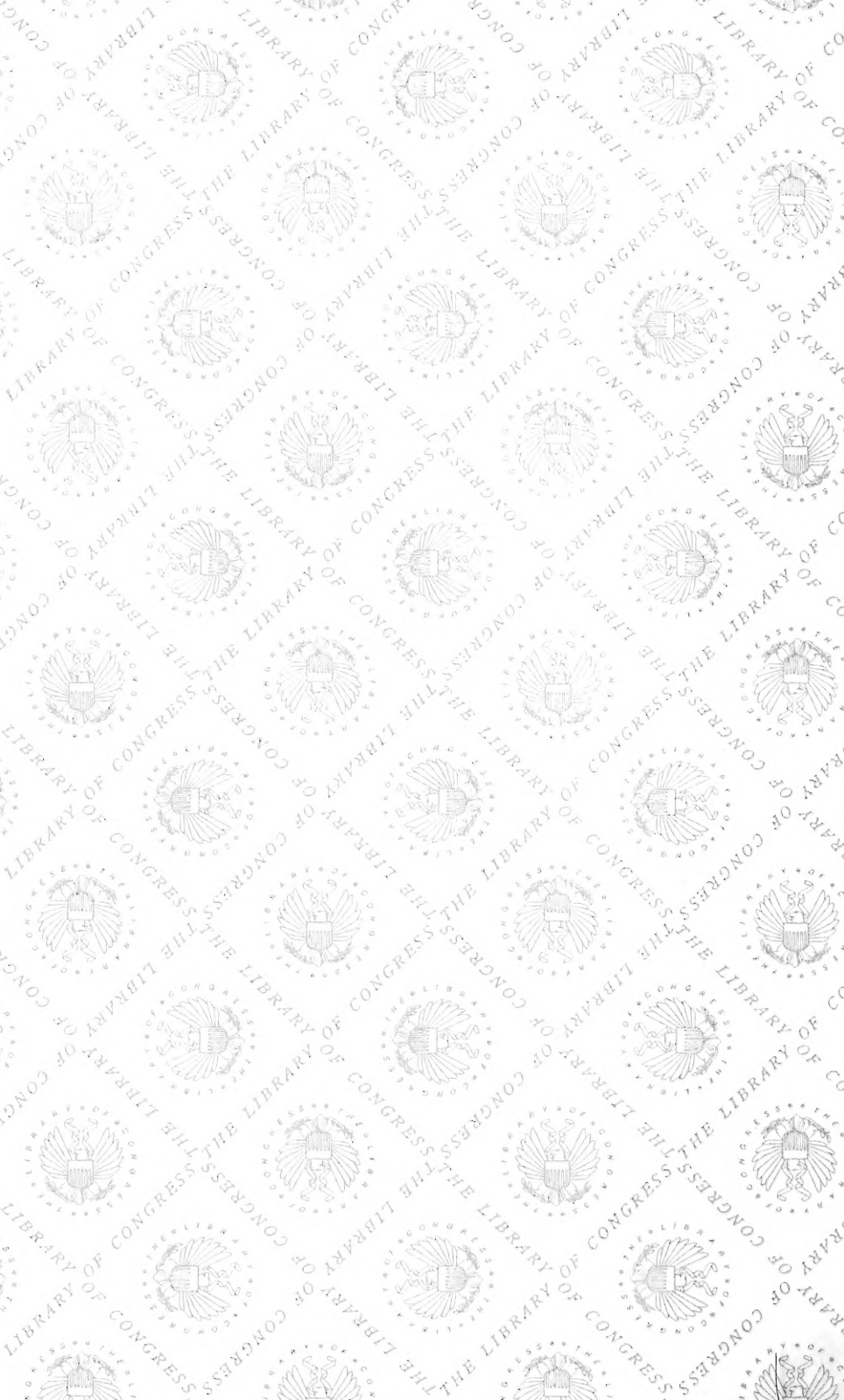
Section 10. Justices of the peace shall have concurrent jurisdiction in the first instance with the circuit courts of all offenses under this act.

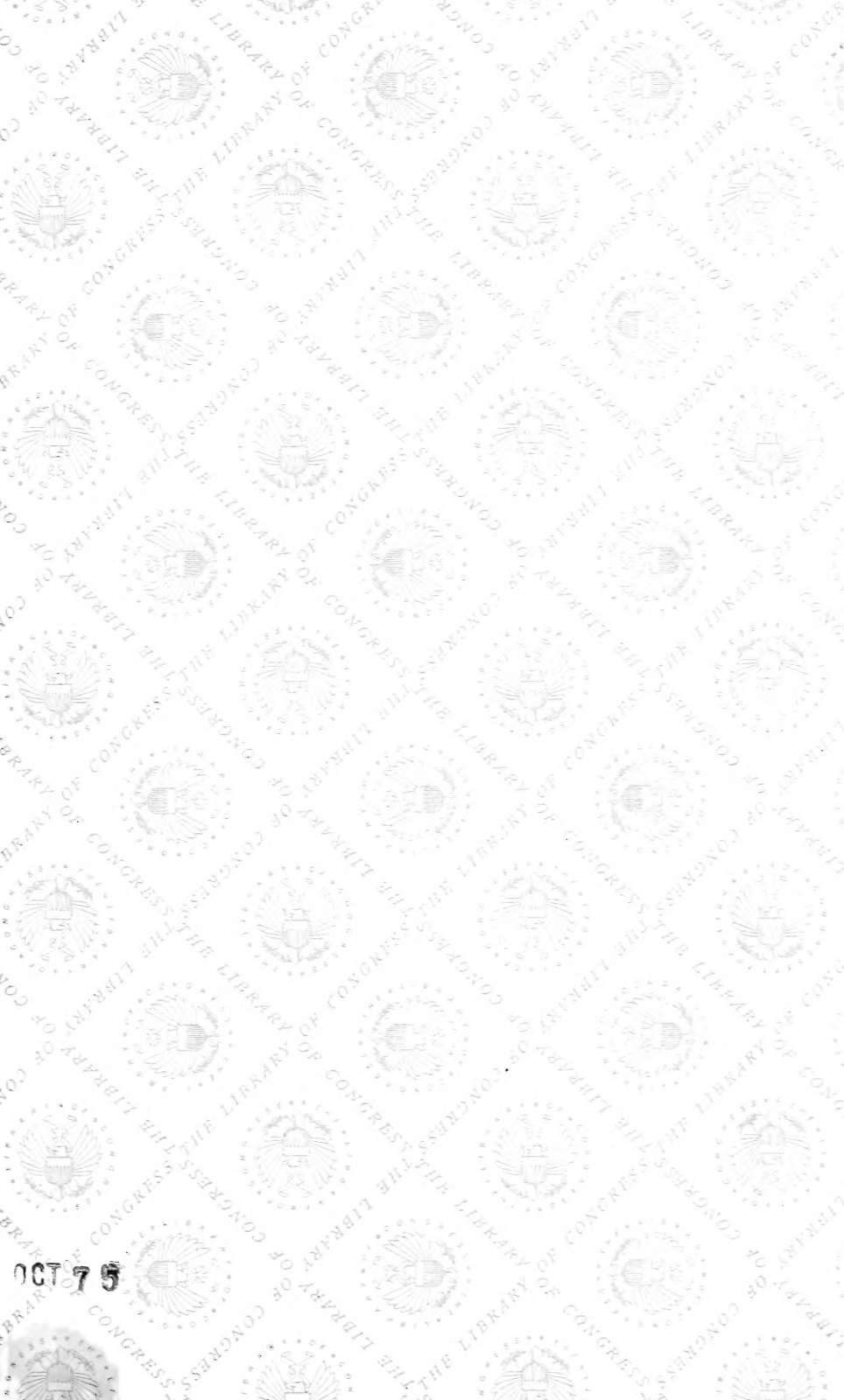
Section 11. The board provided for in section 3 shall have authority to remove any artificial obstructions placed in in the river above the falls which would prevent the free passage of fish up the river.

Filed in the office of Secretary of State February 20, 1893.

FISHERY BOUNTY FUND.

The twenty-first legislative assembly (1901) passed an act providing for the payment of a bounty for the killing of the common seal (*phoca Vitulina*), sea lion, shelldrake, shag, and cormorant, out of the moneys collected by the Fish Commissioner of the State of Oregon for licenses and fines, and appropriating annually out of such moneys not to exceed the sum of \$5,000 for the purpose of paying such bounties. This act was approved February 27, 1901, but it being the opinion of the Hon. Attorney-General that there is no authority for the enforcement of any rights which might be claimed against the State of Oregon under and by virtue of said act, for the killing of any of the animals or fowls mentioned therein, the act is not included in this compilation of the Fish Laws.





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