

FISH CASE AWAITS HIGH COURT RULING

Continuance of the LaConner fish case until after the supreme court of the state has given a decision on a similar case, now pending in the higher court, has been announced. By agreement of attorneys on both sides, the case has been delayed a few days until the result of the case in the supreme court becomes known. The hearing in the high court is set for Monday.

Next step in the fish case will be the hearing on the merits. Up until this time arguments have been only on the motion to make the complaint more definite, and as to whether the state had the right to restrain without furnishing a bond.

167 FISHERMEN CHARGED.

Notice of a restraining order and an order to show cause, with summons and complaint were served the first week in October on 167 fishermen, charging them with operating within the closed area at the mouth of the Skagit river. The fishermen were alleged to have used gill nets. The fishermen were cited to appear in court on October 14, to show cause why the restraining order should not continue until the termination of the action.

The restraining order enjoined taking of salmon except with hook and line in the closed area, which includes the waters of Puget Sound and of Swinomish slough, inside Shannon point, on Fidalgo island and projected to Yellow Bluff, on Guemes island; from Clark Point, of Guemes Island, to Carter Point, on Lummi island and projected from that point to Sandy Point, on the mainland; the waters of the Puget Sound district from the northwesterly point of Whidby island to the west entrance of Deception Pass, and vicinity; from Utsalady, on Camano island, to Stick Point, within a distance of three miles outside the mouth of any river or stream flowing into Puget Sound, measured by the most direct water course.

The complaint was signed by John H. Dunbar, attorney general, and by R. G. Sharpe, assistant attorney general.

When the case next came up for hearing on October 14, a motion of prejudice was filed against Judge George A. Joiner, of the Skagit superior court, and Judge E. E. Hardin was called to the bench.

Judge Hardin dismissed the temporary injunction, restraining commercial fishermen from fishing in the closed area.

Fishermen who return to their fishing in the disputed closed area will still be violating the fisheries board ruling, according to the Skagit officials, but they will not be in contempt of court, because of Judge Hardin's ruling.