

# GAME AND FISH

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## CHAPTER 161.

[H. B. No. 300—Committee on Game and Fish.]

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### GAME AND FISH LAW.

AN ACT Relating to Game and Fish, for the Propagation, Protection, and Preservation of Wild Birds, Wild Animals and Fish, Creating a State Game and Fish Board, Providing for Game Wardens, Game and Fish Commissioners and for Open Seasons for Taking or Killing Certain Game Birds, Game Animals, Fur-Bearing Animals and Fish. Providing for Resident and Non-resident Licenses and Providing Penalties for the Violations Thereof and to Repeal Sections 10262, 10263, 10264, 10264a, 10265, 10266, 10267, 10268, 10269, 10270, 10271, 10272, 10273, 10274, 10275, 10276, 10277, 10278, 10279, 10280, 10281, 10282, 10283, 10284, 10285, 10286, 10287, 10288, 10289, 10290, 10291, 10292, 10293, 10294, 10295, 10296, 10297, 10298, 10299, 10300, 10301, 10302, 10303, 10304, 10305, 10306, 10307, 10308, 10309, 10310, 10311, 10312, 10313, 10314, 10315, 10316, 10317, 10318, 10319, 10320, 10321, 10322, 10323, 10324, 10325, 10326, 10327, of the Compiled Laws of North Dakota for 1913.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. OWNERSHIP OF GAME IN STATE.] The ownership of and title to all wild birds, fish and fur-bearing wild animals in the State of North Dakota is hereby declared to be in the state, and no fish, wild birds, or wild animals which are protected by law shall be caught, taken, killed, or trapped, in any manner or at any time, or had in possession, except the person so taking, catching, killing, trapping or having in possession shall consent the title of said fish, wild birds, or wild animals shall be and remain in the State of North Dakota for the purpose of regulating and controlling the use and disposition of the same after such catching, taking, killing or trapping; any person catching, taking, killing, trapping or having in possession any wild birds or animals at any time, or in any manner shall be deemed to consent that the title to the same shall be and remain in the state for the purpose of regulating the use and disposition thereof, and such possession shall be deemed consent of such person as aforesaid, whether said game or fish were taken within or without the state.

§ 2. GAME WARDEN DISTRICTS.] The State of North Dakota shall be divided into two districts to be known as "Game District No. 1" and "Game District No. 2." Game District No. 1 shall consist of the following counties and their further sub-divisions: Benson, Bottineau, Burke, Cavalier, Divide, Eddy, Grand Forks,

McHenry, McKenzie, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh, Ward, Williams; Game District No. 2 shall consist of the following counties and further sub-divisions: Adams, Barnes, Billings, Bowman, Burleigh, Cass, Dickey, Dunn, Emmons, Foster, Golden Valley, Griggs, Hettinger, Kidder, LaMoure, Logan, McIntosh, McLean, Mercer, Morton, Oliver, Ransom, Richland, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Traill, Wells.

§ 3. BOARD OF CONTROL, GAME AND FISH COMMISSIONER, TERMS, APPOINTMENTS, MEETINGS, COMPENSATION, RULES AND REGULATIONS.] The North Dakota Game and Fish Board is hereby created, consisting of three members and the Game and Fish Commissioner to be appointed by the Governor. One member of such board shall be appointed for two years commencing on or before the first day of April, 1915, and two members shall be appointed for four years. Thereafter such appointments shall be made for a term of four years, commencing on the expiration of each term. Vacancies arising from any cause shall be filled by the Governor. Said board shall hold its first meeting on the second Tuesday of the month succeeding its appointment and shall organize by electing one member of said board president, one vice-president and one secretary. A quorum of said board shall consist of two members. The North Dakota Game and Fish Board after its organization may hold its meetings at any point in the state at such time and place as the president may designate, and there must be at least four regular meetings each year. The president of the board shall have the power to call special meetings whenever, in his judgment, it becomes necessary. The president and the vice-president of the board shall receive as compensation for their services the sum of five dollars per day for each day in attendance at and necessary for going to and returning from such meetings, and all expenses actually and necessarily incurred incident to such meetings, and the secretary of the board shall receive not to exceed the sum of twelve hundred dollars per year and actual expenses necessarily incurred in the performance of his official duties, which sums shall be paid by the State Treasurer out of the game and fish fund, upon vouchers of the board duly certified by the president and secretary thereof. Each member of the North Dakota Game and Fish Board shall give bonds to the state in the sum of five thousand dollars, to be approved by the Governor, and the member chosen as secretary shall maintain an office, keep a record of the acts of the board, formulate its reports and keep a record of its expenditures. The board shall establish rules and regulations and employ the most efficient and practical means to carry out the provisions of this Act. It shall require of the Chief Wardens monthly and annual reports in full, a copy of which shall be mailed to each member of such board, stating the number of deputy wardens appointed, their addresses, number of arrests, convictions and fines and other

matters necessary to the enforcement of the provisions of this Act. In the performance of their duties as members of the Game and Fish Board, as Game Wardens, as Game and Fish Commissioners, all such persons after having been legally appointed as provided in this Act, and during the terms for which they are in active service, shall each of them be exempt from any or all liability to any persons for acts done or permitted or property destroyed under and by virtue of the authority of the law.

§ 4. POWERS AND DUTIES OF THE BOARD.] Said board shall enforce the laws of this state, involving the protection and propagation of all game animals, game birds, fish and harmless birds and animals.

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

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

3. The power to purchase and lease, for the state, control, construct, mark, designate and manage all state fish hatcheries, state game farms, game refuges, game reserves and game reservations that are now, or may hereafter be owned, leased or controlled for such purposes.

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

5. The taking of fish from public waters of the state for the propagation and stocking of other waters therein. The taking alive at any time, by any means, under the personal supervision of any member of the board, or someone appointed by them, any birds or animals for propagating purposes, or for the exchange with other states for game birds and animals of other species.

6. The seizure and disposition of all wild birds, wild animals and fish, either taken, killed, transported or possessed contrary to law, of all dogs, guns, seines, nets, boats, lights, automobiles, vehicles or other instrumentalities unlawfully used or held with intent to use in pursuing, taking or attempting to take, concealing or disposing of the same, and for these purposes it is hereby authorized and empowered to make all such rules and regulations for carrying out the provisions of this Section as said board may deem most expedient.

§ 5. REPORTS AND RECORDS.] Said board shall, on or before December 31st of each even-numbered year, submit to the Governor a detailed report of its actions, including the amount of money received from all sources, and inventory of all birds, game, fish, dogs, guns, seines, nets and other property seized and sold, the names of the purchasers, and the amount received, and statement of its disbursements. The books and vouchers of said board shall be subject to examination by the Public Examiner at all times.

§ 6. CHIEF GAME WARDENS.] The board shall appoint a Chief Game Warden for each of the game districts mentioned in Section 2 of this Act who shall devote all his time to the discharge of his duties, and shall receive compensation therefor the sum of fifteen hundred dollars per year and actual expenses necessarily incurred in the discharge of his official duties. He shall act as such Chief Game Warden during the biennial period in which he is appointed, (biennial period for appointments shall be construed as ending April 1st of odd-numbered years) and be subject to the board's direction. He shall not be engaged in or have any other business that will in any way interfere with his duties as such Chief Game Warden. It shall be his duty to devote all his time to the practical and actual work of enforcing the provisions of this Act in seasons requiring the actual work of deputy wardens in the field. Before entering upon the discharge of his duties he shall give a bond to the State of North Dakota with securities or security to be approved by the Governor, in the penal sum of five thousand dollars, conditioned for the faithful performance of his duties and the accounting of all state property coming into his hands.

§ 7. GAME AND FISH COMMISSIONER.] The Governor shall appoint a State Game and Fish Commissioner who shall devote all his time to the discharge of his duties, and shall receive as compensation therefor the sum of fifteen hundred dollars per annum and actual expenses necessarily incurred in the discharge of his duties, which shall be paid from the state game and fish fund if no special appropriation has been made. He shall act as such Game and Fish Commissioner during the biennial period in which he is appointed, and when the board is not in session he is hereby authorized to exercise in its name all the rights, powers and authority vested in said board relating to and pertaining to the propagation and distribution of game and fish.

§ 8. OTHER EMPLOYEES.] The board may also appoint and remove at pleasure not to exceed one State-wide Deputy Game Warden for each game district, and one regular Deputy Game Warden for each judicial district, such Judicial District Game Wardens to serve for a period not to exceed four months during each year, which months shall be designated by the Game and Fish Board, unless in the opinion of the board an emergency exists which requires special work for which the board may authorize the Chief Game Wardens to assign the judicial district wardens for extra duty for such periods and places as conditions require, for the better protection of the game of the state. *Provided*; further, the Chief Game Warden in each district may appoint one or more special State-wide Game Wardens in each county in their respective districts, who shall serve for such a time and in such manner as the Chief Game Warden may direct. They shall serve as such special State-wide Game Wardens without compensation, except as provided in Section 21 of this Act. Such regular Deputy Game Wardens as

are appointed by the board, shall receive as full compensation for their services, not to exceed one hundred dollars per month and actual expenses incurred in the performance of their duties. Each Deputy Game Warden shall devote his whole time to the work, under the direction of the Chief Game Warden of the district for which he is appointed. At the close of each week he shall mail to the Chief Game Warden an itemized statement of his expenses, and attach thereto vouchers for all moneys so expended by him, together with a statement showing his daily activities during said week. The salaries and expenses of all employees shall be paid from the state game and fish fund. Each Deputy Game Warden shall, without delay, report to the Chief Game Warden of his district all violations known to him and convictions secured, and give a detailed statement of the same. The board shall also appoint a Deputy Game and Fish Commissioner, who shall act as assistant to and under the direction of the State Game and Fish Commissioner, in the care of the state fish hatchery and in the distribution, breeding and capture of such game birds, animals and fish as the board may direct, for which he shall receive not to exceed fifteen hundred dollars per year and actual expenses necessarily incurred in the discharge of his official duties. He shall devote his entire time to the work and reside at a location designated by the board.

§ 9. OTHER OFFICIALS, ATTORNEYS.] The Attorney General, State's Attorneys, Sheriffs, Constables and other peace officers are hereby required and it is made their duty to enforce the provisions of this Act. Such attorneys shall appear for said board in all civil actions in which it or its wardens may be interested officially, and shall appear in the prosecution of criminal actions arising under this Act.

§ 10. EXECUTION OF WRIT.] All members of the Board of Control and all wardens and commissioners and deputies appointed by such board, shall have full power and authority to serve and execute all warrants and processes of law issued by the court in enforcing the provisions of this Act, or any other law of this state relating to the preservation and propagation of game and fish, in the same manner as any Constable or Sheriff may serve and execute the same, and any person not drawing a salary from the game and fish fund shall be entitled to fees in all cases wherein fines are paid, and for the purpose of enforcing the provisions of this Act they may call to their aid any Sheriff, Deputy Sheriff, Constable or police officer or any other person, and it shall be the duty of all Sheriffs, Deputy Sheriffs, Constables or police officers and other persons, when called upon, to enforce and aid in enforcing the provisions of this Act. The Chief Wardens, any member of the board, and any deputy shall have the power to arrest without warrant any person or persons found in the act of violating any

law enacted for the purpose of protecting or propagating game and fish.

§ 11. BONDS FOR DEPUTY WARDENS.] Each District Game Warden and Game and Fish Commissioner shall give bonds to be approved by the board and filed with the Secretary of State, conditioned for the faithful discharge of their respective duties, to the amount of one thousand dollars. Special Deputy Wardens and other persons employed by the board, shall give bonds when required.

§ 12. DUTIES OF CHIEF GAME WARDENS.] It shall be the duty of each Chief Game Warden to keep a complete and correct record of all his transactions, in a record book for that purpose, showing dates of appointments of deputies, names of persons violating the game and fish laws, date of arrest, amount of fines and costs (separately) imposed, and the names of the justice or magistrate before whom the persons appeared. All such records shall be open to the public when requested and the State Chief Game Warden shall make full report of all matters of record to the Game and Fish Board; such report to be made annually on the fifteenth day of December of each year, and in said report to make such recommendations as in his judgment are necessary for the better protection, preservation and propagation of wild birds and wild animals and fish, and the enforcement of laws governing the same.

§ 13. TERMS DEFINED. AGENCY NO EXCUSE.] The words "sell" and "sale" as used in this Act shall be construed as meaning any sale or offer to sell, or having in possession with intent to sell, use or dispose of the same contrary to law. The word "person" shall be deemed to include partnerships, associations and corporations, and no violation of any provision of this Chapter shall be excused for the reason that the prohibited act was done as the agent or employee of another, nor that it was committed by or through an agent or employee of the person so charged. The word "possession" shall be deemed to include both actual and constructive possession, as well as the control of the article referred to. The term "waters of this state" shall be held to include all the boundary waters of the state, and the provisions of this Act shall be deemed to extend and be in force and effect over, upon and in all thereof. The term "any part thereof" or "the parts thereof" whenever used in this Act shall be deemed to include the hides, horns, hoofs of any animal so referred to, and the plumage and skin and every other part of any bird so referred to.

§ 14. INSPECTION OF HOTELS, RESTAURANTS, COLD STORAGE PLANTS AND OTHER PLACES.] The members of the Game and Fish Board and any Game Wardens shall from time to time inspect hotels, restaurants, cold storage houses or plants, meat markets, ice boxes, cars and ice houses, commonly used for storing meats, game or fish for private parties, including all buildings used for such purposes, and tents, conveyances, vehicles, automobiles, wagons and

camp which they have reason to believe contain game, for the purpose of determining whether game is kept therein in violation of the provisions of this Act. Any person in possession or control or in charge of any hotel, restaurant, cold storage plant, meat market, ice box, car, ice house, tent, camp or vehicle of any nature, or any part thereof, who refuses or fails to permit a member of the Game and Fish Board or Game Warden or deputy to enter any such places or any part thereof, or any receptacle therein, for the purpose of making such inspection is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or over fifty dollars and costs of prosecution, or imprisonment in the county jail for a term of not less than ten days or over twenty days for the first offense, or both at the discretion of the court, and upon conviction for a second offense, shall be punished by imprisonment in the county jail for a period of not less than twenty or over thirty days.

§ 15. CONTRABAND GAME. SEIZURE AND SEARCH.] Any bird, animal, fish, or any part thereof, caught, killed, shipped or had in possession or under control, contrary to any of the provisions of this Act, is hereby declared to be contraband. The board, all Game Wardens, Sheriffs and their deputies, Constables and police officers, shall seize and take possession of any and all birds, animals, or fish, or any part thereof, which has been caught, taken, killed or had in possession or under control or shipped contrary to any provision of this Act. Any court having jurisdiction may upon complaint showing probable cause for believing that any bird, animal, fish, or any part thereof, caught, taken, killed, or had in possession or under control by any person, or shipped or transported contrary to the provisions of this Act, is concealed or illegally kept in any building, car or receptacle, shall issue a search warrant and cause a search to be made in any such place for any such birds, animals, fish or any parts thereof, and may cause any building, inclosure or car to be entered, and any apartment, chest, box, locker, crate, basket, package or any other receptacle whatever to be broken open and the contents thereof examined. All such officers taking or seizing such birds, animals or fish or any part thereof shall at once report all facts attending the same to the board. The same penalty shall attach as Section 14 of this Act.

§ 16. WITNESSES.] In any prosecutions under the provisions of this Act, the participant in the violation thereof may testify as a witness against any other person violating the same without incriminating himself in so doing. The evidence so given shall not be used in any criminal proceedings for such violation.

§ 17. LIMITATIONS TO PROSECUTIONS.] All prosecutions under this Act shall be commenced within two years from the time the offense is committed.

§ 18. EXCHANGE SPECIMENS.] The board may secure by purchase or otherwise, and exchange specimens of game birds, game

animals or fish with the Game Commission or State Game Warden of other states for breeding purposes.

§ 19. FINES, DISPOSITION OF.] All fines collected under any of the provisions of this Act shall be paid in to the county treasury of the proper county to be added to the state school fund.

§ 20. DISPOSITION OF OTHER MONEYS.] All moneys collected by the board upon licenses issued by it, by the sale of game seized and sold and from all other sources except fines, shall be paid into the general fund for the State of North Dakota, to be credited to the Game and Fish Commission fund, to be used for the purpose of enforcing the provisions of this Act; *provided*, that any surplus money accumulating to the credit of the Game and Fish Commission fund may be used for the propagation of game and fish.

§ 21. REWARDS.] The following rewards may be paid by the board out of any fund subject to its order to any person or persons making complaint thereof upon the arrest and conviction of any person violating any of the provisions of this Act, or any enactments involving deer, antelope, moose, or elk, beaver or otter, the sum of twenty-five dollars; any game bird or fish or other violation ten dollars; *provided*, however, that this Section shall not apply to any Game Warden regularly employed and receiving salary from the said board.

§ 22. PERMITS.] The Game and Fish Board may issue permits to breed or domesticate any of the protected game birds and animals; permits to any holder of a resident hunting license to ship not to exceed in any one season ten protected game birds to other points within the state than his home, such permits to be attached to the shipment; permits to any holder of a resident hunting license to retain in his possession or in cold storage for his own private use for a longer period than five days after the close of the regular open season, not to exceed twenty pinnated or sharp tailed grouse or any combination of the same; or thirty wild ducks or wild geese or any combination of the same; but in no case shall the total of all birds combined, for any one person exceed fifty in number; permits to properly authenticated persons to make collections of protected birds and animals for scientific purposes. All holders of permits for domesticating protected game birds and animals must report to the secretary by the first of December of each year the result of their experiments and increase, if any. The board may, at its discretion also issue permits for the shipment within or without the state of any such live protected game and animals, *provided* the permit is attached to the shipment. All applications for permits must be made to the secretary of the Game and Fish Board in writing and state the name and address of the applicant, the number of his license and designate the location where such protected game birds and animals are to be kept or collected. It shall be unlawful for any one to retain, ship or collect protected game birds or animals without having first procured permits as herein provided. Any



person violating the provisions of this Act shall be guilty of a misdemeanor.

§ 23. NESTS AND EGGS.] No person shall at any time take or have in possession or under control, or needlessly break up or destroy or in any manner interfere with any nest, or the eggs of any kind of birds, the killing of which is at any and all times prohibited.

§ 24. MANNER OF TAKING.] No person shall at any time catch, take or kill any of the birds or animals mentioned in this Act in any other manner than by shooting them with a gun held to the shoulder of the person discharging the same, except as herein otherwise especially provided.

§ 25. TRAPS, SNARES, BLINDS, LIGHTS, ETC.] No person shall at any time set, lay, prepare, or have in possession, any trap, snare, artificial light, net, bird line, swivel gun or contrivance whatever for the purpose of catching, taking or killing any of the protected game birds and animals in this Act mentioned, except that natural blinds, which are stationary, and decoys and boats anchored or tied in natural blinds may be used in hunting wild ducks and wild geese; no person shall shoot from any sunken boat, nor from any artificially disguised boat, nor from any moving boat, nor from any boat in open waters of the state, nor shall any person use or cause to be used any floating battery, electric, steam or gasoline or other boat or floating vessel or rifle for the purpose of driving or raising any game birds from their resting or feeding places in any waters of this state, nor to use rifles in pursuing or hunting ducks or geese nor to use any vehicle or automobiles for the purpose of disturbing geese while feeding or resting. Shooting from any vehicle or automobile is strictly prohibited.

§ 26. HOURS FOR SHOOTING.] No person shall hunt, pursue, catch, shoot at, or in any way molest any of the game birds or animals mentioned in this Act within the borders of the state during the time elapsing between actual sunset and sunrise.

§ 27. DOGS, USE OF.] No person shall hunt, pursue, catch, take or kill deer, antelope, moose or elk with any dog or dogs. No person shall train or run any dog or dogs owned or controlled by them, known as "bird dogs" including pointers, setters, droppers or spaniels, or allow same to run loose in fields or upon land in which game birds may be found, or are apt to be frequented by game birds between the first day of April and the first day of August (both inclusive) following of each year.

§ 28. ENTERING GROWING GRAIN.] No person shall at any time enter into any field with grain thereon, growing, standing, shocked grain or bunched flax or corn not his own with intent to take or kill any bird or animal, nor permit any dog with which he shall be hunting to do so for such purposes, without permission from the owner or person in charge thereof.

§ 29. TRESPASSING—SIGNS.] It shall be unlawful for any person

or persons to enter upon the premises of another for the purpose of hunting or pursuing game or to hunt or pursue game upon the premises of another without having first obtained permission of the person legally entitled to grant the same; *provided*, that the owner of said land or premises shall have placed at a conspicuous point alongside of the public highway a sign giving notice that no hunting will be permitted on said land or premises. Any person or persons entering upon the premises of another without permission as provided, who shall at the time of so entering have in his or her possession any gun or firearm shall prima facie be presumed to have entered said premises for the purpose of hunting game within the meaning of this Act. Any person violating the provisions of this Act shall upon conviction thereof be punished by a fine of not less than ten or more than fifty dollars, or by imprisonment in the county jail for not less than one and not more than ten days, or both such fine and imprisonment.

§ 30. GAME KILLED IN ANOTHER STATE.] No person shall at any time have in his possession or under his control within this state, any bird, animal or fish, or any part thereof, which has been caught, taken or killed unlawfully outside of this state at a time when it is unlawful to have in possession or under control such birds, animals or fish, or parts thereof, if caught, taken or killed in this state, or which have been unlawfully taken or killed outside of this state or unlawfully shipped therefrom into this state.

§ 31. POSSESSION OF GAME AND FISH PRESUMPTION.] The possession or having under control by any person of any bird, animal or fish, or any part thereof, the killing of which is at any time herein prohibited, shall be prima facie evidence that it was the property of this state at the time it was caught, taken or killed, in this state; also that such possession or having under control at any time, when the killing, taking or possession thereof is by this Act declared to be unlawful, shall be prima facie evidence that such taking and killing occurred during the closed season, to disprove which it shall be necessary for the party in possession thereof to show that at the time it was caught, taken or killed outside or within this state, and that he was lawfully in possession thereof.

§ 32. SKINS.] Nothing in this Act shall be construed as prohibiting the buying, shipping, or having in possession at any time the skins of fur-bearing animals killed within or without the state, heads or trophies, or hides of moose, deer, caribou, or antelope killed within or without the state upon proof that the hide was taken at a time when such taking and killing was lawful.

§ 33. GAME BIRDS. SEASON FOR KILLING.] No person shall hunt, take, kill, ship, convey or cause to be shipped or transported by common or private carrier, to any person either within or without the state, expose for sale, sell to anyone, have in possession with intent to sell, or have in possession or under control at any time, any turtle dove, snipe, prairie chicken, pinnated, white-

breasted or sharp-tailed grouse, quail, partridge, Chinese ring-neck or English pheasant, Hungarian partridges, wild duck of any variety, wild goose of any variety, brant of any variety, or aquatic fowl whatever, or any part thereof, except: First, that any snipe, prairie chicken or pinnated grouse, white-breasted or sharp-tailed grouse, wood cock, golden plover may be killed or had in possession between the seventh day of September and the first day of November, both inclusive, following. Second, that any wild duck of any variety or any wild goose or brant of any variety may be killed and had in possession between the seventh day of September and the first day of December, both inclusive, following. After the seventh day of September, 1918, it shall be lawful to kill and have in possession crane of any variety or swan, between the seventh day of September and the first day of December, both inclusive, following. Any person violating the provisions of this Section shall be punished by a fine of not less than twenty-five or more than fifty dollars for each bird, and cost of prosecution, or by imprisonment in the county jail for not less than twenty days nor more than thirty days, or by both fine and imprisonment in the discretion of the court, for each and every bird killed or destroyed contrary to the provisions of this Section.

§ 34. DEER, SEASONS FOR KILLING.] No person shall hunt, shoot, catch, kill, trap or in any manner destroy any deer within the boundary limits of the State of North Dakota before the tenth day of November, 1920, and after the tenth day of November, 1920, it shall be unlawful to kill any doe or female deer or male fawn or "spike" buck, and it shall be unlawful to hunt, shoot, catch, kill, or in any manner destroy any male deer except antlered bucks, not to exceed one in number in any one season, from the tenth day of November to the thirtieth day of November, both inclusive, of succeeding years. Residents of the state are required to take out a special deer hunting license therefor, which shall be sold in the same manner and under the same conditions as other resident licenses and the charges therefor shall be one dollar each. No person who has not resided within the State of North Dakota for six months preceding the date of his application shall hunt, shoot, kill, catch, take or in any manner destroy any deer without first having secured a non-resident hunting license as provided in Section 38 of this Act, and then only one male, antlered deer between the tenth day of November and the thirtieth day of November, both inclusive, of each year after the tenth day of November, 1920. Any person violating the provisions of this Section shall be guilty of a misdemeanor, and upon conviction therefor shall be fined one hundred dollars for each deer, and costs of prosecution, or by imprisonment in the county jail for not less than thirty days nor more than sixty days, or by both such fine and imprisonment, in the discretion of the court, for each and every deer killed contrary to the provisions of this Act.

§ 35. LICENSES FOR RESIDENT AND NON-RESIDENT HUNTERS, PROFESSIONAL DOG TRAINERS, AND TAXIDERMISTS—HOW PROVIDED.] All persons are prohibited from hunting, taking or killing any protected game or bird in this state without having first procured a hunting license, as prescribed in this Act. It shall be unlawful for any person over sixteen years of age to take, trap, kill or capture in any manner any mink or muskrat without having first procured a license therefor. It is hereby provided, however, that no license is required for any resident of this state to hunt, fish or trap on lands owned by him or actually cultivated by him, or any member of his family residing permanently with him, during the open season as provided for in this Act. All persons who accept money for training dogs, commonly used for hunting purposes, are hereby declared to be professional dog trainers and must secure licenses for that purpose. All persons are prohibited from practicing taxidermy for pay without first having secured a license therefor. The expiration of all licenses shall be on the following dates each subsequent to their issuance; hunting licenses on the first day of December, trapping licenses on the fifteenth day of April, professional dog trainers' licenses on the sixth day of September, taxidermist licenses on the thirty-first day of December. The North Dakota Game and Fish Board shall provide the necessary blank forms for applications and licenses of all kinds and distribute them among those authorized to sell said licenses.

§ 36. RESIDENT LICENSES—COST—HOW ISSUED—APPLICATIONS—FORMS—GAME AND FISH SHIPMENTS.] Applications for resident hunting licenses shall show the applicant is a bona fide resident of the state and for six months has been a resident of the county in which a license is sought, shall give his residence, post office address, shall contain a description of his person as to his height, weight, color of his hair and eyes, and shall be verified by some freeholder of the county, other than the applicant, acquainted with the facts as set forth in the application; and it is provided further that if any person selling licenses is in doubt as to the question of the residence of the applicant an affidavit on that point may be required additional to the usual application. Resident hunting, trapping, professional dog training and taxidermist licenses may be sold by the County Auditors, members of the Game and Fish Board and by all bonded Game Wardens. When sold by members of the Game and Fish Board or the bonded appointees of the board the gross receipts must be sent to the secretary of the board at the end of each month and by him transmitted to the State Treasurer who shall credit the amount to the game and fish fund. No such resident license shall be transferable. Resident hunting licenses shall be sold for one dollar each, resident trapping licenses for one dollar each, resident professional dog trainers' licenses for one dollar each, taxidermist licenses for one dollar each. Resident licenses, when issued, shall describe the licensee, designate his place of residence and have

printed upon it in large figures the year for which issued and the words "Not Transferable." Any resident of the state having procured a resident hunting license as required, and being lawfully in possession of any protected game birds or animals mentioned in this Act, may ship by common carrier or when same is accompanied by the person legally in possession of said protected game birds, animals, or fish, may carry on the same train or other conveyance, to his home address in the county in which he resides not to exceed a two days' bag limit of any protected game birds or animals. Any common carrier is hereby permitted to receive for shipment any such protected game birds or animals or fish, in proper seasons only, when same is plainly marked with a suitable tag bearing the name of the licensee, his address and the number of his license, when shown the license by the actual licensee or agent, and when the shipments are not enclosed in any box, trunk, can, bag or any receptacle that may prevent easy inspection of contents. Any resident of the state who shall hunt, trap, practice taxidermy for pay, or train dogs professionally without having first procured a license therefor as provided in this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail not less than ten days nor more than thirty days for each offense, or by both such fine and imprisonment, and each violation of this Act shall be a distinct and separate offense.

§ 37. NON-RESIDENT LICENSES—COST—HOW ISSUED—APPLICATIONS—FORM—GAME SHIPMENTS.] Every person, not a resident of this state for six months prior to application for any license provided herein is prohibited from hunting, taking or killing any protected game bird, or animal unless he shall have first procured a non-resident hunting license for which he shall pay the sum of twenty-five dollars. Every person not a resident of this state for six months is prohibited from taking, trapping, killing or capturing in any manner any mink or muskrat unless he shall have first procured a non-resident trapping license for which he shall pay the sum of twenty-five dollars. Every person not a resident of this state for six months is prohibited from acting as a professional dog trainer, unless he shall have first obtained a non-resident professional dog trainers' license for which he shall pay the sum of twenty-five dollars. Such non-resident licenses may be sold by any member of the Game and Fish Board or bonded Game Wardens or bonded Game and Fish Commissioners or County Auditors, when countersigned by the secretary of the North Dakota Game and Fish Board. When sold by members of the Game and Fish Board, or bonded appointees the gross receipts must be sent to the secretary of the board at the end of each month and by him transmitted to the State Treasurer, who shall credit such amounts to the game and fish fund, to be used for the enforcement

of the game laws as provided in this Act. Said non-resident licenses shall describe the licensee, designate the place of residence, and have printed on them in large letters the year for which issued and the words "Non-resident License" and "Non-transferable." Any non-resident having procured such non-resident hunting license may carry with him on leaving the state not to exceed twenty pinnated grouse or sharp-tailed grouse, or twenty of the same combined, or thirty wild ducks, wild geese or brant, or a total of fifty of all birds combined. After November tenth, 1920, he may also take one male, antlered deer or any part thereof. Any common carrier is hereby permitted to carry any such protected game birds and animals when same is accompanied and carried on the same train or conveyance by the person who displays a non-resident license identifying him and who is legally in possession of the same, *provided* that the same is plainly marked with a suitable tag, bearing the name and address of the licensee, and number of his non-resident hunting license and there is attached thereto a special tag provided on the non-resident license form, and when the protected game birds or animals are not concealed in any box, trunk, bag, can or receptacle that prevents easy inspection of its contents. Any non-resident of this state who shall hunt, trap, fish or train dogs professionally, without first having procured a non-resident license therefor as provided in this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than twenty days nor more than forty days, or by both such fine and imprisonment, for each and every offense. Each violation of this Section shall be a distinct and separate offense.

§ 38. RESIDENT HUNTING LICENCES TO ACTUAL SETTLERS WHO ARE RECENT ARRIVALS.] Resident licenses may be issued by and in the discretion of the secretary of the Game and Fish Board to actual settlers who may not have been in the state or county the required time immediately preceding the application for the license, provided a satisfactory affidavit of some bona fide resident of the state setting forth the actual conditions, accompanies the application.

§ 39. COUNTY AUDITORS—BONDS—REPORTS—FEES.] The bonds required under the general and special laws of the State of North Dakota to be given by County Auditors shall hereby be construed as applying to all the duties required of such County Auditors under the provisions of this Act, including the liability for all moneys required to be collected or received under the terms of this Act for the sale of licenses or otherwise, and for each license sold by him each County Auditor shall collect the charges authorized under this Act and retain as his compensation for the additional duties prescribed of such officer by this Act, for all licenses sold by him,

the fee of ten cents for each resident license, and the fee of one dollar for each non-resident hunting license and fifty cents for each non-resident trapping license, and the remainder he shall transmit to the State Treasurer, who shall credit the same to the game and fish fund to be used under the direction of the Game and Fish Board as provided in this Act. The retention by such County Auditor of such specified fees for his personal use is hereby legalized and authorized. Each County Auditor shall keep all applications for licenses on file, subject to the inspection by members of the Game and Fish Board and all Wardens, at all times, prior to the first day of December of each year, at which time all applications and unused or mutilated licenses of whatever nature shall be forwarded to the secretary of the Game and Fish Board, together with a complete report of all license sales during the previous twelve months. Each County Auditor shall transmit to the State Treasurer on the fifteenth days of September, December and April of each year, whatever license funds, less his personal fees, he may have received since preceding remittances, and at the same time notify the secretary of the Game and Fish Board of the amount of such remittances.

§ 40. FORFEITURE OF LICENSES.] All persons convicted of violations of the provisions of this Act, shall, in addition to the fines and imprisonment provided, also forfeit any licenses held by them for privileges they have violated and no license shall be issued to such person for the remainder of such season.

§ 41. MISREPRESENTATIONS OR ALTERATIONS.] Any person who makes any misrepresentation in his application for license, or makes any alterations in licenses already procured, shall, upon conviction thereof, be fined not less than fifty dollars, nor more than one hundred dollars and costs of prosecution, or imprisonment in the county jail for a term of not less than twenty-five days or by both such fine and imprisonment.

§ 42. NO DUPLICATE LICENSES.] No official issuing licenses shall have the authority to issue duplicate licenses to those who have lost their licenses without the re-payment of the license fee.

§ 43. COMMON CARRIERS.] Any agent, servant, or employe of any transportation company or common carrier who shall receive for shipment or transport any protected game birds or animals from any person without a license showing him to be lawfully in possession of such game birds or animals, shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars, or by imprisonment in the county jail not less than ten nor more than thirty days.

§ 44. DUTY OF COMMON CARRIER.] No transportation company or common carrier shall receive for transportation or attempt to transport any protected game bird or animal or fish except during the open season for same, as provided for in this Act.

§ 45. MINK AND MUSKRAT.] No person shall take, catch or

kill any mink or muskrat between the fifteenth day of April and the fifteenth day of November, (both inclusive) following; *provided* that when any of the animals mentioned in this Section are doing damage to, or destroying property, the person whose property is being destroyed may kill them at any time. No person shall at any time destroy a muskrat house.

§ 46. BEAVER AND OTTER.] No person shall take, kill, catch, or trap any beaver or otter except that it is hereby provided, that upon the request of any freeholder accompanied by an affidavit to that effect, that beaver on his lands are doing damage to, or destroying property, said beaver may be removed or killed, or their dams destroyed, under the direction of members of the Game and Fish Board or bonded Game Wardens; *provided* further, that when any such beaver are killed, the hides shall be preserved and sold and the money forwarded to the secretary of the board to be transmitted by him to the State Treasurer, who shall credit such amounts to the state game and fish fund. Any violation of this Act shall be a misdemeanor and any person or persons convicted thereof shall be fined not less than one hundred nor more than two hundred dollars, and costs of prosecution, or imprisonment not less than ten days nor more than thirty days, or by both such fine and imprisonment at the discretion of the court.

§ 47. TURNING MONEY OVER—NEGLECT—PENALTY.] Any person who shall fail, refuse or neglect to turn over as provided in this Act, any moneys collected or authorized to be collected under the provisions of this Act, or who shall fail, neglect or refuse to turn over and deliver all applications, mutilated and unused licenses and permits shall be fined not less than one hundred dollars, nor more than five hundred dollars and costs of prosecution, and civil action may be begun by the board against his bondsmen to recover any money not turned over according to the provisions of this Act.

§ 48. TAXIDERMISTRY. HOW REGULATED.] Hereafter it shall be unlawful within the State of North Dakota for any person who shall engage in conducting a taxidermist business, as the term is commonly understood, to prepare or mount any skins or dead bodies of any protected game birds or animals for profit, without having first secured a license therefor, which shall be granted to any person by the Game and Fish Board. All taxidermists must keep a register in which a list of names of all persons who furnish them with raw or unmounted specimens shall be kept, together with the species of bird or animal received, and by whom sent, and shall exhibit this register, together with all unmounted skins in his possession to any member of the Game Board or bonded Game Warden upon request, and each taxidermist must make reports of his work, giving the name of all specimens mounted and the names and addresses of the person for whom the work is done, to the secretary of the Game and Fish Board on the first of each month. Upon con-



viction of any holder of a taxidermist license for violating any of the provisions of this Section his license shall be forfeited for the remainder of that year and he shall be punished by a fine of not less than ten nor more than twenty-five dollars and costs of prosecution.

§ 49. PROFESSIONAL DOG TRAINERS. HOW REGULATED.] It shall be unlawful for any person to train in open fields, any dogs, commonly used for hunting purposes, between the first day of April and the first day of August. All persons who train dogs, commonly used for hunting purposes, and receive pay therefor are hereby declared to be professional dog trainers and must procure licenses therefor. It shall be unlawful for any person training dogs to shoot, kill, maim, or wound any protected game bird, or to carry any shot gun or rifle while training dogs. All applications for professional dog trainers' licenses must state the locality in which they wish to train and upon conviction for any violation of the game laws of the state, the licenses shall also be declared forfeited for that season.

§ 50. HARMLESS BIRDS. GAME BIRDS DEFINED.] No person shall kill, catch, take, ship or cause to be shipped to any person within or without the state, purchase, offer or expose for sale, sell to anyone, have in possession with intent to sell, or have in possession or under control at any time, living or dead, any wild birds other than a game bird, nor any part thereof, irrespective of whether said wild bird was captured or killed within or without the state, and for the purposes of this Act the following only shall be considered game birds: The anatidæ, commonly known as geese, brant, river and sea ducks; the limeolæ, commonly known as plover, snipe, woodcock; the gallinæ, commonly known as pinnated grouse, (prairie chicken) sharp-tailed grouse (white-breasted grouse), pheasants of all varieties, quail, ruffed grouse or partridge; the gruidæ or cranes of all varieties; the raillidæ or rails and coots; the columbidæ or pigeons or doves; *provided* that black birds, crows, English sparrows, sharp-shinned hawks and Cooper hawks and great horned owls and cormorants may be killed and had in possession at any time, but nothing herein contained shall be construed to prevent the keeping and sale of imported song birds as domestic pets.

§ 51. ILLEGAL ACTS—PENALTIES FOR GOING AFIELD WITH GUNS.] Any person traveling in any manner in any part of this state off the public highway, outside of the immediate bounds of the inhabited parts of any village, town or city in possession of any kind of a shot gun, with or without a dog or dogs commonly used or kept for the purposes of use in hunting any game birds mentioned in this Act, from the first day of June to the sixth day of September (both inclusive) each year, shall be presumed to have violated or attempted to so violate the provisions of this Act as to unlawful hunting, shooting or taking of game birds, as mentioned in this Act, the hunting, taking or shooting of which is

prohibited during said time. The use of traps, snares and all other devices used to take game birds as defined in this Act is hereby prohibited and subjects the person using the same to all penalties, prescribed in this Section for hunting, shooting, snaring, trapping or taking any of the game birds and the fact that any snares, traps or other devices used for the purpose of trapping, snaring or taking such game birds, are found in the possession of, or upon the premises of any person, shall be prima facie evidence of the guilt, violation or attempted violation by such person of the provisions of this Act. Any person convicted of violation or attempted violation of any provisions of this Section shall be punished by the fine herein prescribed. Any person convicted of the violation of any of the provisions of this Section shall be fined not less than ten dollars nor more than fifty dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or both fine and imprisonment at the discretion of the court.

§ 52. BAG LIMIT OF GAME BIRDS.] No person shall in any one day take, catch, kill or destroy to exceed ten each pinnated grouse, (prairie chicken), sharp-tailed grouse, (white-breasted) grouse, turtle dove, plover of any variety, or ten of the same combined, or have in possession at any one time to exceed twenty of each, or all combined; nor more than fifteen each of wild duck of any variety, wild geese of any variety, rails, woodcock or snipe of any variety, or of the same combined, or have in possession at any time to exceed thirty each, or all of the same combined. Any person violating any provisions of this Section shall, upon conviction, be punished by a fine of not less than twenty-five dollars, nor more than fifty dollars, for each and every bird, and cost of prosecution, or by imprisonment in the county jail for not less than twenty days nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court, for each and every bird so killed or destroyed, or had in possession contrary to the provisions of this Section.

§ 53. ANTELOPE, MOOSE AND ELK.] No person shall hunt, shoot at, catch, kill or trap or in any way destroy any antelope, moose or elk within the boundary limits of the State of North Dakota. Any person violating the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than three months nor more than six months, or by both fine and imprisonment in the discretion of the court.

§ 54. SALE OF GAME BY COMMISSION.] The Game and Fish Board is hereby authorized to sell to residents of the state, at the highest market price obtainable therefor, all furs, fish, game animals or game birds now or which may hereafter come into its posses-

sion. The proceeds thereof shall be turned into the state treasury and credited to the Game and Fish Commission fund. A record of such sales, including the name of the purchaser and the price paid, shall be kept by the Chief Game Warden of the district in which the sale is made.

§ 55. RESISTING THE BOARD OF CONTROL OR ITS WARDENS.] Whoever shall resist or obstruct the board or any member thereof, or any warden or other officer of this state in the discharge of his duties under this Act, shall be guilty of a misdemeanor, and upon conviction thereof, be punished by a fine of not less than fifty nor more than one hundred dollars and cost of prosecution, or by imprisonment in the county jail for not less than twenty nor more than thirty days for each and every offense.

§ 56. CLAIMS AGAINST THE GAME AND FISH FUND VERIFIED. How.] No bill, claim, account or demand against the game and fish fund shall be audited, allowed or paid until a full itemized statement in writing shall be filed with the secretary of the board. And where charges are made for money expended in attending meetings of the board or for money expended in the performance of official duties, all items of one dollar or more shall be covered by a sub-voucher signed by the party to whom the money was paid. The sub-voucher shall show the date, at what price and for what the money was paid. The sub-voucher shall be forwarded with the statement and said statement shall be verified by the oath of the party making it. All statements, bills or claims filed with the secretary, when duly certified to by the president and secretary of said board, shall be mailed to the State Auditor. The State Auditing Board shall audit such claims and draw warrants upon the State Treasurer for the amounts so allowed, to be paid out of the game and fish fund.

§ 57. GAME REFUGES.. HOW DONATED BY OWNERS—UNDER WHAT TERMS—LENGTH OF TIME—FOR PROTECTION OF WILD LIFE—REGULATIONS FOR CONTROL—PENALTIES.] Any person, partnership or corporation owning or having control by lease or otherwise for the required time, of lands within the State of North Dakota, may establish thereon a game refuge by filing a written application with the secretary of the Game and Fish Board giving (a) the name of the owner or lessee, or in case of the lessee, the written consent of both the owner and lessee, (b) the time for which the refuge is to be established, in no case less than ten years from the date the application is filed, (c) the extent and legal description of the land, in no case to be less than ten acres, and not to exceed in all six sections in any one township, (d) a brief dedication of the land to the State of North Dakota for the purpose of a game refuge, (4) each owner or lessee, if the latter the written agreement of both, must waive all rights of himself or members of his family to hunt, shoot, trap or kill any protected game bird or animal, during the life of the dedication of the land to the state as a game

refuge and after the filing of this application in due form and the acceptance by the State Game and Fish Board, the same shall constitute a game refuge within the meaning of this Section. A proper record subject to public inspection shall be kept by the secretary of the Game and Fish Board in which shall be registered by counties, the names and donors, the time of the dedication and the legal description of the lands so dedicated as game refuges. The Game and Fish Board may, in like manner, establish one or more game refuges on any unsold public lands of the state, which shall be registered with the game refuges on private lands, as hereinbefore set forth, the duration of the public land refuges being until they become the property of private persons or until canceled by such Game and Fish Board. It is further provided that under the same terms and conditions, the owner or owners of land surrounding or adjoining any lake within the state, may dedicate the lake to the state for breeding, resting and refuge places for waterfowl. All lands and lakes so set aside and established as game refuges shall be under the protection of the state, and it shall be unlawful to hunt with any firearms of any description, with or without dogs, commonly used for hunting purposes, within one hundred and fifty feet of the boundaries outside thereof, and any person who shall, within the limits of the one hundred and fifty feet of the outside of any game refuge, shoot, trap, kill, wound in any manner, take or capture, or drive out of the refuge for the purpose of killing or capturing any protected game bird or animal, or shall be found within the limits of any game refuge with firearms of any kind, shall, upon conviction, be punished by a fine of not less than fifty dollars nor more than one hundred dollars and by imprisonment in the county jail not less than ten days nor more than sixty days. Any person convicted of a second offense shall be punished by a fine of not less than one hundred dollars and not more than two hundred dollars and costs of prosecution and by imprisonment in the county jail not less than sixty days and not more than six months. Each game refuge shall, after it has been established as provided, be posted at each corner and along its outer line at least each eighty rods with a sign upon which shall be the words "State Game Refuge." The owner or lessee of any land or lakes so set aside as a game refuge, shall not themselves nor permit immediate members of his own family nor any other person or persons to hunt, carry firearms, therein, except that if he has reason to believe there are within the game refuge any carnivorous birds or animals, or if he finds any carnivorous birds or animals, he may, with the knowledge and a written permit from the secretary of the Game and Fish Board, hunt and kill and trap any and all such carnivorous or unprotected birds or animals found within such game refuge, as by nature injure or kill protected game birds and animals living therein.

§ 58. DEFACING WARNING SIGNS.] The board shall mark all game farms, game reservations, breeding grounds and resting places

under its protection and no person shall mutilate, destroy, tear or pull down or shoot at such designating marks or other special or general warning signs or cards for the protection of game animals and birds. It shall also be unlawful to destroy any signs on posted lands. Any violation of this Section shall be a misdemeanor.

§ 59. ILLEGAL TO HIRE ANOTHER TO HUNT.] No person shall hire another person to hunt for him. No person shall hunt for remuneration for another.

§ 60. TRESPASSING GAME RESERVES.] That all islands that have appeared or may appear in the waters of Devils Lake, North Dakota, are hereby reserved, appropriated and set aside as a bird reserve and it shall be unlawful for any person to hunt, shoot, kill, wound or injure any protected bird, or to rob or destroy any protected bird nest or eggs on said reserve at any season of the year. It shall also be unlawful for any person to hunt or trap on the national game reserve in Sully's Hill National Park in Benson county, near Devils Lake, or in any other national or state game reserve or game refuge that has been or may hereafter be established within the boundaries of the State of North Dakota. Every violation of this Section shall be declared a misdemeanor, and shall be punishable by a fine of not less than ten or more than fifty dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

§ 61. CARRYING AND DISPLAYING LICENSES.] All persons holding licenses under this Act shall carry them on their persons when engaged in hunting, trapping, fishing or in practicing taxidermy or training dogs professionally, for which licenses are required and shall on the request or demand of any member of the Game and Fish Board or any Game Warden of the State of North Dakota, immediately show the license to the officer making the request or demand. Failure or refusal to show such license or needless delay in showing such licenses shall be a misdemeanor.

§ 62. IMPERSONATING GAME WARDENS.] Any person who impersonates a Game Warden or claims to have such authority, without having been formally appointed as herein provided shall be guilty of a misdemeanor.

§ 63. USING LICENSE OF ANOTHER.] It shall be unlawful for any person to use the license of another for the purposes for which any licenses are required or to attempt to deceive any Game Warden or other official by claiming such license as his own. Such illegal use of licenses shall be a misdemeanor.

§ 64. ACTIONS AGAINST GAME WARDENS.] No criminal action shall be started against any Game Warden for false arrest without the approval of the State's Attorney.

§ 65. RUFFED GROUSE OR PARTRIDGE, PHEASANTS, QUAIL.] Ruffed grouse or partridge, pheasants of all kinds and quail may be propagated, bred and distributed under the direction of the Game

and Fish Board and it shall be unlawful for any person or persons to hunt, shoot, kill, take, trap, or in any manner destroy, maim or wound any of these birds, except as authorized by the Game and Fish Board. After October first, 1917, an open season on ruffed grouse or partridge shall be declared for the first ten days of each October in the counties of Bottineau, Cavalier, Pembina, and Rolette, the bag limit to be five birds only per day for each licensed hunter, and no hunter shall be permitted to have more than fifteen ruffed grouse or partridges in his possession at one time. Any violations of this Section shall be a misdemeanor.

§ 66. GREEN HIDES.] It shall be unlawful and is hereby prohibited for any person or persons to have in possession any green hides of any mink or muskrat for a longer time than five days after the closing of the season for the taking of the same, and all such hides, traps or other equipment used in the violation of this Section may be seized, confiscated and sold by any Warden and the possession of such green hides is prima facie evidence of guilt.

§ 67. ILLEGAL HUNTING. ILLEGAL OWNERSHIP OF GUNS OR RIFLES. PENALTIES.] It shall be unlawful for any person who is not a citizen of the United States or who has not declared his intention to become such, to hunt, shoot, capture, take, kill, trap, snare or in any manner destroy, wound or maim any wild bird or animal, either game or otherwise, of any description, in this state, except in defense of person or property; and to that end it shall be unlawful for any person who is not a citizen of the United States or who has not declared his intention to become such, to either own or be possessed of a shot gun or rifle of any make. Each and every person violating any provision of this Section shall, upon conviction thereof, be sentenced to pay a fine of not less than twenty-five dollars, nor more than fifty dollars and costs of prosecution, or to serve not less than ten days nor more than thirty days in the county jail, or both such fine and imprisonment at the discretion of the court; *provided* that in addition to the before-named penalty, all guns of the before mentioned kinds found in the possession or under the control of such persons not citizens of the United States or who have not declared their intention to become such, shall upon conviction of such person, or upon his signing a declaration of guilt, be declared forfeited to the State of North Dakota, and shall be sold as provided in this Act. For the purposes of this Section any person not a citizen of the United States or who has not declared his intention to become such, who shall reside or live within the boundaries of the State of North Dakota for ten consecutive days shall be considered a resident, and shall be liable to the penalties imposed for violation of the provisions of this Section. The possession of a shot gun or rifle at any place outside of buildings within this state by any person not a citizen of the United States or who has not declared his intention to become such, shall be conclusive proof of a violation of this Section and prima facie evidence

of guilt, and shall render any person convicted thereof liable to the penalty as fixed in this Section. The presence of a shot gun or rifle at any place outside of a permanent house, within a camp of any description, within this state, occupied or controlled by any person not a citizen of the United States or who has not declared his intention to become such, shall be prima facie evidence that such shot gun or rifle is owned or controlled by the person occupying or controlling the property in which such shot gun or rifle is found, and shall render any such person liable to the penalty imposed in this Section. Notice of the seizure of all guns or rifles under the provisions of this Section shall be sent to the secretary of the Game and Fish Board by the Chief Game Warden of the district in which said seizure is made, and the shot gun or rifle so seized, shall, after the conviction of the illegal owner or possessor thereof, be sold as provided under the provisions of this Act. It shall be made the duty of all members of the Game and Fish Board, all Game Wardens, all Game and Fish Commissioners, all Sheriffs, Deputy Sheriffs, Constables, police or other peace officers of the State of North Dakota to arrest, without warrant, any person whom they have reason to suspect as being unlawfully in possession of shot guns or rifles as provided in this Section. Such arrests may also be made upon Sunday. Each of the before-named officials shall have the power and authority to inspect any car, wagon, automobile, cart, conveyance, vehicle, box car, passenger car, tent, box, bag, can, locker, chest, crate, basket or other receptacle, outside of permanent buildings. Nothing in this Section shall be construed as applying to any person who shall have established a permanent residence and resided in this state continuously for three years.

§ 68. GAME AND FISH COMMISSIONER. POWERS. DUTIES.] The State Game and Fish Commissioner shall have charge of all state game farms and fish hatcheries and appurtenances. He shall supervise the breeding, propagation, capture and distribution of such game birds and animals as the Game and Fish Board directs. Both the Game and Fish Commissioner and the Deputy Game and Fish Commissioner shall have the same powers of arrest as Chief Game Wardens and State-wide Deputy Game Wardens. The Game and Fish Commissioner shall examine all state waters and wherever suitable waters are found, he shall arrange to plant, stock or deposit such fish as are available. He shall co-operate with the United States Commissioner of Fisheries, make application, receive, apportion and deposit such fish spawn or fry received throughout the public waters of this state. He shall co-operate with and assist clubs and individuals in the stocking of the lakes and streams of this state with fish. He shall, with the consent of the Game and Fish Board remove or take by any means from any of the public waters of the state containing a surplus of fish any reasonable quantity for the stocking of other public waters of the state, or to be used for hatching or propagating purposes, or for

exchange with other states for equal numbers of other species, but in no case shall the numbers so taken be so great as to perceptibly deplete such lake or stream. No individual, club, society or person shall have authority or power to remove or take from any of the public waters of the state, for exchange, propagation or scientific purposes any fish excepting only under the personal supervision of the State Game and Fish Commissioner or some one appointed by him. The State Game or Fish Commissioner may take or cause to be taken at any time by any means from any of the public waters of the state any suckers, carp or pickerel. The Game and Fish Commissioner shall make general monthly reports and detailed annual and biennial reports of his work, and a copy must be mailed to each member of the board. He shall keep a book showing the expenditures of his department and on or before the first day of December of each year report in detail all expenditures of his department during the season and make estimates for the succeeding year.

§ 69. COMMISSIONER'S BOND.] The State Game and Fish Commissioner before entering upon the discharge of duties shall give a bond to the State of North Dakota with securities or security, to be approved by the Governor, in the penal sum of five hundred dollars conditioned for the faithful performance of his duties and the accounting of all state property coming into his hands.

§ 70. FISH MAY BE TAKEN WHEN.] No person shall catch, take, kill or have in possession or under control for any purpose whatever any of the fish hereinafter mentioned, within the periods herein limited, to-wit: Any species of trout or land-locked salmon between the first day of October and the first day of May, (both inclusive), following. Any black, gray, or oswege bass between the fifteenth day of October and the first day of June (both inclusive) following. Any species of pike, crappie or perch, between the fifteenth day of October and the fifteenth day of May (both inclusive) following.

§ 71. FISH PROTECTED WHEN PLANTED.] All planted fish or fish eggs placed in the public waters of this state for the purpose of propagation, breeding or growth shall be and are hereby protected for a period of five years from the time of such planting.

§ 72. NETS. SEINES. PRIMA FACIE EVIDENCE.] No person shall use, set or have in possession, or under control, or upon his premises with intent to use, or set any net or seine for the purpose of catching or taking any fish from the public waters of this state. The fact that any nets or seines are found in use, being used, in possession of, or upon the premises of any person, shall be prima facie evidence of the guilt, violation or attempted violation by such person, of the provisions of this Section. Any person convicted of the violation of this Section shall be punished by a fine of not less than ten dollars, nor more than twenty dollars, or by imprisonment in the county jail for not less than ten days nor more than



twenty days, or by both such fine and imprisonment in the discretion of the court.

§ 73. DRUGS AND EXPLOSIVES FORBIDDEN.] No person shall lay, set, or use any drug, poison, lime, medicated bait, fish berries, dynamite or other deleterious substance whatever, or lay, stretch, or place any tip-up snare, fish trap, set or trot line, wire, string, rope or cable of any sort in any of the public waters of this state, with intent thereby or therewith to catch, take, kill or destroy any fish; *provided*, that a minnow seine not exceeding twenty feet in length may be used for taking minnows for bait, from the first day of May to the fifteenth day of October.

§ 74. PROHIBITED DEVICES. DISPOSITION.] All boats, lights and other contrivances and devices used in the illegal taking, catching, killing and destroying of fish in the public waters of this state, are hereby declared to be, and are a public nuisance. The Chief Game Wardens, District Game Wardens, Special Game Wardens, all members of the Game and Fish Board, the State Fish Commissioner, Sheriffs and their deputies, police officers, and Constables shall, without warrant or process, take, seize, abate and destroy any, and all of the same while being used, had or maintained for such purpose, and no liability shall be incurred thereby to any person.

§ 75. FISHWAYS.] Any person owning, erecting, managing or controlling any dam or other obstruction across any river, creek or stream within or forming the boundary line of this state, shall construct in connection with such dam, a durable and efficient fishway in such manner and of such shape and size as the State Game and Fish Board may direct. Such fishway shall be kept in good repair by the person so owning, controlling, managing, operating or using such dam or obstruction. If any person fails to construct or keep in good repair durable and efficient fishways as herein provided, for the space of ten days after notice, the board may construct or repair the same, and the cost thereof, may be recovered from the owner or any person managing, or being in control thereof, in a civil action brought in the name of the State of North Dakota. Any money so recovered shall be credited to the state game and fish fund. All fishways heretofore or hereafter erected in any dam or obstruction across any of the streams of this state shall at all times be under the supervision and control of the board. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor.

§ 76. FISHING NEAR FISHWAYS FORBIDDEN.] No person shall catch, take or kill any fish in any lake or stream within four hundred feet of any fishway, or have in his possession or under his control any fish so caught, taken or killed.

§ 77. FISH HOUSES.] No person shall erect, have or maintain on the ice in any waters of this state, any fish house, structure, inclosure or shelter whatever to protect the person of the occupant while engaged in fishing through the ice.

§ 78. FISH SCREENS.] The board may cause to be placed in lakes having an outlet into the waters outside of the borders of this state, a fish screen of such size and construction as to prevent the escape of fish into waters outside the border of this state; *provided*, that such screen shall in no way obstruct or interfere with the natural flow of water in such outlet.

§ 79. SAWDUST DEPOSIT.] Any person who deposits any sawdust or other refuse in any lakes or streams of water wherein the state or government has deposited any fish, fish eggs or fry, or may deposit any such fry, or where any game fish naturally abound, shall be deemed guilty of a misdemeanor.

§ 80. FISH, MANNER OF TAKING.] No person shall take, catch, kill or destroy in any manner than by angling for them with a hook and line held in the hands or attached to a rod so held, nor with more than one line nor with more than one rod, nor more than one hook or an artificial lure attached thereto any protected fish; *provided*, that pickerel, suckers, red-horse, carp and bull heads may be taken with a spear or dip net at any time except that a set net seine may be used in Des Lacs Lake and a drag net seine may be used in the Mouse river anywhere in North Dakota and that a drag net seine may be used in Long Creek in Divide county, but no artificial light shall be used in taking of said fish.

§ 81. FISH MAY BE TAKEN, SIZE.] No person shall at any time catch, take or kill, or have in possession, or under control any black, gray or oswego bass, trout of any species, land-locked salmon, pike, or wall-eyed pike, that are less than ten inches in length, or perch less than six inches long, measurements in each case to be made from tip of the head or snout to the end of the tail. Any person catching any of the above named species of fish that are less than specified inches in length, shall immediately return them to the water from which they were taken with as little injury to the fish as possible.

§ 82. FISH TO BE TAKEN, NUMBER.] No person in any one day shall catch, take, kill or destroy to exceed fifteen each black, gray, or oswego bass, trout of any species, land-locked salmon, perch, crappie, or pike, or fifteen of the same combined, or have in possession at any time to exceed fifty each or all of the same combined. Any person violating any provision of this Section shall upon conviction be punished by a fine of not less than ten dollars nor more than twenty-five dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten nor more than thirty days, or by both such fine and imprisonment in the discretion of the court, for each and every fish in excess of the number legally allowed to be taken by the provisions of this Section.

§ 83. FISH, SALE OF.] No person shall have in possession for sale or with intent to sell, expose, or offer for sale, or sell to any person at any time, any species of trout, black, gray or oswego

bass or any species of pike, crappie, perch or land-locked salmon which have been caught within the borders of this state.

§ 84. GENERAL PENALTY.] Any person or persons who violate any provisions of this Act for which penalty has not been heretofore specifically provided, shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than ten dollars nor more than fifty dollars and costs of prosecution, or by imprisonment in the county jail for not less than twenty nor more than thirty days, or both at the discretion of the court.

§ 85. REPEAL.] All Acts or parts of Acts in conflict with this Act are hereby repealed.

Sections 10262, 10263, 10264, 10264a, 10265, 10266, 10267, 10268, 10269, 10270, 10271, 10272, 10273, 10274, 10275, 10276, 10277, 10278, 10279, 10280, 10281, 10282, 10283, 10284, 10285, 10286, 10287, 10288, 10289, 10290, 10291, 10292, 10293, 10294, 10295, 10296, 10297, 10298, 10299, 10300, 10301, 10302, 10303, 10304, 10305, 10306, 10307, 10308, 10309, 10310, 10311, 10312, 10313, 10314, 10315, 10316, 10317, 10318, 10319, 10320, 10321, 10322, 10323, 10324, 10325, 10326, 10327, of the Compiled Laws of North Dakota are hereby expressly repealed.

Approved, March 11, 1915.

## CHAPTER 162.

[H. B. No. 103—Isaak.]

### UNLAWFUL TO KILL DEER UNTIL NOVEMBER, 1920.

AN ACT Amending Section 10298 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Season for Killing Deer.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 10298 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended to read as follows:

§ 10298. DEER. SEASON FOR KILLING.] No person shall hunt, shoot, catch, kill, trap or in any way destroy any deer within the boundary limits of the State of North Dakota before November 10th, 1920, and after November 10th, 1920, it shall be unlawful to kill any doe or female deer, and it shall be unlawful to hunt, shoot, catch, kill, trap or in any way destroy any male deer, except from November 10th to November 30th, both inclusive. Any person violating the provisions of this Section shall be guilty of a misdemeanor, and upon conviction therefor shall be fined one hundred dollars for each deer, and costs of prosecution, or by imprisonment in the county jail for not less than thirty days nor more than sixty days, or by both such fine and imprisonment, in the discretion of the court, for each and every deer killed contrary to the provisions of this Section.

Approved, February 10, 1915.