

GAME AND FISH

CHAPTER 121.

[H. B. No. 269—Lazier.]

ISSUANCE OF PERMITS FOR BREEDING OR DOMESTICATION OF CERTAIN FUR BEARING ANIMALS.

An Act Relating to the Issuance of Permits for Breeding or Domestication of Certain Fur Bearing Animals.

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

§ 1. BREEDING OF MINK, MUSKRAT, SKUNK AND RACCOON. APPLICATION TO BE MADE TO GAME AND FISH BOARD. BOND TO BE GIVEN.] The game and fish board of this state may issue permits to breed or domesticate mink, muskrat, skunk and Raccoon upon application to it which shall contain:

1. The name and address of the applicant.
2. A description of the premises upon which the applicant shall keep such domesticated animals.

The approximate number and kinds of animals in possession at the time of making the application and whether they are wild or domesticated.

The application shall be accompanied by a fee of five dollars. The board may thereupon issue a permit to the applicant to keep such animals. Any person so holding such permit shall annually on the first day of January, report to the board any increase or decrease had upon the original number applied for. The board shall keep a record of all persons holding such permits.

Any person desiring to breed and domesticate such fur-bearing animals may apply to the game and fish board for a permit to catch and take for the purpose of breeding and domesticating only and such animals within certain described territory and within a described portion of the closed season and upon such applicant giving a bond to the State of North Dakota in the sum of five hundred dollars (\$500.00), with two or more sureties to be approved by said board, conditioned, among other things, that said applicant will only within the time prescribed and within the territory mentioned in the application, take and catch such animals for the purpose of breeding and domesticating, and that such applicant will not catch, take or use such animals for any other purposes and will not sell or otherwise dispose of the same, or of the carcasses, fur and hides thereof, the said board may issue to such applicant a permit to so catch and take such animals. At the end of the time stated in such permit the person named therein shall forthwith report to the game and fish board the kind and number of such

animals so caught and taken and receive a permit for their retention and domestication, as in this act provided.

§ 2.] Any person, who under the authority of this act, shall have in his lawful possession, any such fur bearing animals, shall be deemed to have a property right therein and to be the owner thereof, and any person who shall enter the enclosure where such animals are confined, or who shall catch, take or molest such animals when in such enclosure, shall be subject to the same liabilities, penalties and punishments as though the animals in question were ordinary domestic animals the subject of property rights in this state.

Any such animals or their furs or hides may be sold or shipped within or without the state upon receipt of written permission to do so from the board.

Approved March 10, 1917.

CHAPTER 122.

[S. B. No. 46—Lindstrom.]

SEASON FOR KILLING GAME BIRDS.

An Act to Amend and Re-enact Sections 33 and 52 of Chapter 161 of the Session Laws of North Dakota for the year 1915, Relating to the Season for Killing Game Birds.

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

§ 1. That Section 33 of Chapter 161 of the Session Laws of North Dakota for the year 1915 be amended and re-enacted so as to read as follows:

§ 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 partridge, 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 sixteenth day of September and sixteenth day of October, both inclusive, following. Provided, however, that no prairie chicken, turtle dove, snipe, Chinese ring-neck or English pheasant, Hungarian partridges shall be placed in cold storage. 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 sixteenth day of September and the first day of December, both, inclusive, following.

After the sixteenth day of September, 1918, it shall be lawful to kill and have in possession crane of any variety or swan, between the sixteenth day of September and the first day of December, both inclusive, following. Any person violating the provision 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.

§ 2. That Section 52 of Chapter 161 of the Session Laws of North Dakota for the year 1915 be amended and re-enacted so as to read as follows:

§ 52. BAG LIMIT OF GAME BIRDS.] No person shall in any one day take, catch, kill or destroy to exceed five each pinnated grouse (prairie chicken), sharp-tailed grouse (white breasted) grouse, turtle dove, plover of any variety or five of the same combined, or have in possession at any one time to exceed ten of each, of all combined; nor more than fifteen each of wild duck of any variety, wild geese of any variety, quail, 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.

Approved March 8, 1917.

CHAPTER 123.

[H. B. No. 315—Larson.]

PRIVATE GAME PRESERVES.

An Act Providing for Private Game Preserves.

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

§ 1. That any person owning or having control by lease, or otherwise, of lands within the State of North Dakota, may establish thereon a private game preserve for the propagation and domestication of deer, elk, and antelope. Such private game preserve shall not be less than two acres in extent and shall be so inclosed as to prevent escape of said animals. For the purpose of stocking such preserves antelope, elk or deer, may be imported or purchased from persons owning such animals, but no such animals

shall be captured or be permitted to be placed in such private game preserve which are now running wild in this state, unless permission is specifically granted by the State Game and Fish Board. The animals in such private game preserves shall not be subject to the provisions of the game laws of the State of North Dakota.

§ 2. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 10, 1917.

GARNISHMENT

CHAPTER 124.

[H. B. No. 345—Fraser.]

GARNISHMENT PROCEEDINGS.

An Act Relating to Garnishment Proceedings in the District Court and County Courts of Increased Jurisdiction; Providing for Witness Fees; Requiring the Filing of Summons and Affidavit; Prescribing the Manner of Making Defense and Claim for Exemptions.

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

§ 1. WITNESS FEES.] In all garnishment proceedings in the District Court and County Courts of increased jurisdiction, the plaintiff, when the garnishment summons is served upon the garnishee, shall tender to the garnishee his traveling fees and fees for one day's attendance which fee shall be the same as witness fees in the District Court. If the same be not paid or tendered to the garnishee, he shall not be obliged to appear and answer or file any affidavit, or be otherwise liable as garnishee in the action. The return of service shall show that such fee was duly tendered to the garnishee at the time of service.

§ 2. FILING PAPERS WHEN ACTION DISMISSED.] The garnishment summons and affidavit of garnishment shall be filed in the office of the clerk of the court in which such action is commenced within ten days after service thereof on the garnishee, or the garnishment proceedings shall be deemed discontinued.

§ 3. DEFENDANT MAY DEFEND GARNISHMENT PROCEEDINGS; CLAIM FOR EXEMPTION, WHEN HEARD.] The garnishee may at his option defend the principal action for the defendant if the latter does not but shall be under no obligation so to do; provided that in all cases where the defendant claims the debt or property garnished to be exempt, such claim of exemption may be heard and determined by the court at any time after the claim is made on three days' notice to the opposite party.

Approved March 10, 1917.