

GAME AND FISH

CHAPTER 134.

(H. B. No. 107—Lazier.)

GAME AND FISH.

An Act to Amend and Re-enact Sections 22, 27, 28, 36, 48 and 51 of Chapter 161 of the Laws of North Dakota for the Year 1915 and to Amend and Re-enact Sections 33 and 52 of Chapter 161 of the Laws of North Dakota for the Year 1915 as Amended by Chapter 122 of the Laws of North Dakota for the Year 1917 and to Amend and Re-enact Section 46 of Chapter 161 of the Laws of North Dakota for the Year 1915, as Amended by Chapter 63 of the Laws of North Dakota for the Year 1917, and to Amend and Re-enact Section 10298 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 162 of the Laws of North Dakota for the Year 1915.

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

1. AMENDMENT.) That Section 22 of Chapter 161 of the Laws of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

Sec. 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 points other than his home within the state, or to points outside of the state, 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, thirty wild ducks or wild geese or any combination of the same; 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.

2. That Section 27 of Chapter 161 of the Session Laws of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

Sec. 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 or droppers 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 November (both inclusive) following of each year.

3. AMENDMENT.) Section 28 of Chapter 161 of the Laws of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

Sec. 28. ENTERING FIELDS.) No person shall at any time enter into any enclosed field, not his own, with intent to take or kill any bird or game without permission from the owner or person in charge thereof.

4. AMENDMENT.) Section 33 of Chapter 161 of the Laws of North Dakota for the year 1915 as amended by Chapter 122 of the Laws of North Dakota for the year 1917 is hereby amended and re-enacted to read as follows:

Sec. 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 any one, 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, or any part thereof, except: First, that any snipe, prairie chicken, grouse, wood cock or golden plover may be killed or had in possession between the sixteenth day of September and the sixteenth day of October, both inclusive following, provided, however, that no snipe, prairie chicken, grouse, wood cock or golden plover shall be placed in cold storage; second, that any wild duck, 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. Any person violating the provisions of this section shall be punished by fine of not less than \$25.00 or more than \$50.00, 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.

5. AMENDMENT.) Section 36 of Chapter 161 of the Laws

of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

Sec. 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 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 and fifty cents each, resident trapping licenses for two dollars 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 word "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 or animals 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 day's bag limit of any protected game birds or animals. 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.

6. AMENDMENT.) Section 46 of Chapter 161 of the Laws of North Dakota for the year 1915 as amended by Chapter 63 of the

Laws of North Dakota for the year 1917 is hereby amended and re-enacted to read as follows:

Sec. 46. BEAVER AND OTTER.) No person shall take, kill, catch, trap or destroy or dynamite any beaver or otter except as herein provided, that any person having procured a trapping license may take, kill, catch, or trap beaver between and including the tenth day of January and the tenth day of March of each year. Any violation of the preceding provision shall be a misdemeanor and any person or persons convicted thereof shall be punished by a fine of not less than \$75.00, nor more than \$100.00 and costs of prosecution or by imprisonment in the county jail not less than ten nor more than thirty days or by both such fine and imprisonment.

If the owner or owners of any premises upon which there may be any beaver shall post in a conspicuous place upon such premises a notice forbidding trapping thereon, it shall be unlawful, except for the owners of said premises or any member of his family to take, kill, catch or trap beaver upon such premises and any person or persons violating this provision shall be guilty of a misdemeanor.

7. That Section 48 of Chapter 161 of the Laws of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

Sec. 48. TAXIDERMIST. 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 first having 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. Upon conviction 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.

8. AMENDMENT.) Section 51 of Chapter 161 of the Laws of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

Sec. 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 July to the fifteenth 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, violated or attempted violation by such person of the provisions of this Act. Any person convicted of violation or attempted violation of any provision 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.

Sec. 9. AMENDMENT.) That Section 10298 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 162 of the Laws of North Dakota for the year 1915 is hereby amended and re-enacted so as 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, 1921, and after November 10th, 1921, 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 therefore 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 March 13, 1919.

CHAPTER 135.

(S. B. No. 182—Ward.)

USE OF NETS AND SEINES.

An Act to Amend and Re-enact Sections 72 and 80 of Chapter 161 of the Session Laws of North Dakota for the Year 1915, Relating to the Use of Nets and Seines and the Manner of Taking Fish.

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

Sec. 1. That Section 72 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:

Sec. 72. NETS. SEINES.) 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, except as provided by law. 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.

Sec. 2. That Section 80 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:

Sec. 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 game fish; provided, that any person or persons may take with nets, seines, drag nets, dip nets and traps any such fish as buffalo, bullhead, suckers, carp, catfish, redhorse or sturgeon from the waters of this State provided it is done under the direction of the Game Board or Chief Game Wardens or their authorized agent. Any person or persons desiring to do such seining must notify the members of the Game Board or Chief Game Wardens (of their district) and the members of the Game Board or Chief Game Wardens are authorized to issue a permit allowing seining, provided the parties making application so that this Game Board or Chief Game Wardens or their duly authorized agent may be present at such seining; and if any other fish than the above mentioned kind are caught they shall be returned to the waters with as little harm as possible; provided, further, that seines, nets, drag nets, dip nets or traps may be used by any person without a permit in Des Lacs Lake, Mouse River and the Missouri River, and any species or variety of fish may be taken from the Mouse River or the Missouri River and bayous or backwaters of the Missouri River. But no person or persons shall use a seine, net or trap within a

thousand feet of the mouth of any stream emptying into the above named rivers; provided, further, that pickerel are hereby considered a game fish and are therefore protected; but the members of the Game Board of Chief Game Wardens shall have the power and authority to allow seining of pickerel at such time and place as in their judgment it shall be beneficial to the waters of the State.

Approved March 7, 1919.

GARNISHMENT

CHAPTER 136.

(S. B. No. 206—Whitman.)

WITNESS FEES IN GARNISHMENT PROCEEDINGS.

An Act to Amend Section 1, Chapter 124, Session Laws, 1917, Relating to Witness Fees in Garnishment Proceedings.

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

Sec. 1. That Section 1, of Chapter 124 of the Session Laws of 1917 be and the same hereby is amended to read as follows:

Sec. 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, provided, however, that where the garnishee is a foreign corporation and services made upon the Secretary of State or Commissioner of Insurance that it shall not be necessary to tender traveling fees either from the home office of the corporation or from the Capitol of this State, but that in lieu thereof, there shall be paid by the plaintiff to the Secretary of State or Commissioner of Insurance, the sum of \$2.10 to be remitted to the garnishee; return of service shall show the fact that the fee herein provided was duly tendered to the garnishee at the time of service.

Approved February 28, 1919.