

in the boundary limits of the state of North Dakota before November 10th, 1916, and after November 10th, 1916, 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 until November 30th, both inclusive. Any person violating the provisions of this act 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.

§ 4. Whenever a colony of beavers is causing damage to property, the state district game warden of the game district where said beavers are causing such damage, may employ an expert of the federal government, or any other suitable person, to remove such beavers to another place where such damage cannot be caused.

§ 5. EMERGENCY.] Inasmuch as an emergency exists this law shall be in force from and after its passage and approval.

Approved March 10, 1913.

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## GOPHERS

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### CHAPTER 174.

[S. B. No. 14—Englund.]

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#### EXTERMINATION OF GOPHERS.

AN ACT to Provide for the Extermination of Gophers, Compensation Therefor, Declaring the Gopher Pest a Common Nuisance and Defining the Term Gopher.

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

§ 1. EXTERMINATION OF GOPHERS.] When the county commissioners of any county in this state, where there are gophers, does not offer a bounty for the destruction of the same, then the township supervisors of any township within such county, upon a petition of ten resident land owners therein, are hereby authorized and empowered to appoint some suitable person, or persons, whose duty it shall be to

poison, kill and exterminate the gophers within such township, and any person so appointed is hereby empowered and directed to, between April first and July first, enter upon any farm, a railroad right of way, grounds, or premises where there are gophers and poison, kill and exterminate the gophers, thereon when the owner, or occupant thereof, shall neglect or refuse to do so.

§ 2. NOTICE, HOW SERVED.] It shall be the duty of the person so appointed to give anyone on whose premises are found gophers ten days' notice in writing to poison, kill or exterminate the same; and if upon the land right of way of any railroad company such notice may be served upon its agent at the station nearest to such land or right of way; or if such land is unoccupied and owned by a non-resident such notice shall be mailed to its owner's address, or if address is unknown posted upon the land or premises where such gophers are to be exterminated, and if the work of exterminating same is not done within such time the person so appointed by the township supervisors shall proceed to poison, kill and exterminate the gophers on such land or premises, *provided*, that any person authorized to exterminate gophers according to the provisions of this act shall, when poison is laid out, use every precaution to prevent the destruction of domestic fowls or animals, and of game birds, by such poison, and no person shall lay out poison in any pasture where there are stock, or within forty rods of any occupied dwelling or farm house, without the knowledge and consent of the owner or occupant thereof.

§ 3. COMPENSATION, STATEMENT AND VOUCHER TO BE CHARGED AGAINST LAND AS TAXES, AFTER DUE NOTICE.] Any person so appointed under the provisions of this act, shall receive as compensation, the sum of two dollars and fifty cents per day for ten hours' labor performed in poisoning and exterminating gophers. He shall also be reimbursed for all poison and grain used in the performance of such work. Such person shall make a sworn statement to the township of the time put in and the poison and grain used on each tract of land, *provided*, that the maximum charge against any parcel of land containing twenty acres or more, shall not be greater in any one year than at the rate of ten dollars per one hundred and sixty acres, and the minimum charge shall not be less than one dollar against any parcel of land, which amount shall be paid by such township out of its general fund and charged as taxes against each parcel of land on which the expenses were incurred. *Provided*, further, that before the township supervisors shall charge such amounts to the taxes of such person or corporation, the township supervisors shall give such person or corporation at least twenty days' notice by mail, of the time

when, and the place at which such amount will be charged against them; and such person or corporation shall have the right to appear and show cause why such amount shall not be charged against their taxes. *Provided*, further, that if such person or corporation shall feel aggrieved by the decision of the township supervisors, such person or corporation may appeal to the district court, and such appeal shall be perfected and prosecuted in the same manner as appeal in justice courts, and the county auditor shall enter such amounts upon the tax roll of the county against the land on which such work has been done, and expenses incurred, except the expenses of exterminating gophers on state lands, which shall be paid by the township; and the county treasurer of such county shall collect such amounts the same as taxes, and place the same to the credit of the respective townships from which collected.

§ 4. COUNTY COMMISSIONERS TO APPOINT IN UNORGANIZED TOWNSHIPS.] The county commissioners of any county in this state not offering bounty on gophers shall, upon a petition of ten resident land owners of any unorganized township within such county, appoint suitable person or persons to destroy and exterminate the gophers within such township, in the same manner as if appointed by the township supervisors of any organized township according to the provisions of the preceding sections of this act, and such person shall proceed to poison, kill and exterminate the gophers according to the provisions of the preceding sections, and make sworn statements in like manner to the county; and the expense so incurred shall be paid out of the general fund of such county; and the county commissioners before entering such amounts as taxes against the land on which the expenses were incurred, shall issue notices as provided for in the preceding section, which hearing shall also be subject to appeal in like manner; such amounts shall be charged upon the tax roll of the county against the land on which the expenses were incurred, and the county treasurer shall collect such amounts the same as taxes and place the same in the general fund of the county.

§ 5. GOPHERS DEFINED.] The word "gopher" as used in this act shall mean to include striped gopher, flicker tail gopher, pocket gopher and prairie dogs.

§ 6. EMERGENCY.] Whereas, this state is suffering a great annual loss to the growing crops by the gopher pest, it is hereby declared that the gophers are a common nuisance and should be exterminated, and whereas, there is now no law adequate for the destruction of gophers, this act shall be in full force and effect from and after its passage and approval.

Approved February 17, 1913.