

## FISH COMMISSIONER.

### CHAPTER 91.

[S. B. 140.]

#### DUTIES OF COMMISSIONER.

AN ACT to Prescribe Certain Powers, Duties and Compensation of the State Fish Commission of North Dakota, and to Appoint Deputy Fish Wardens, and to Prescribe Their Powers, Duties and Compensation, and to Amend Section 7682 of the Revised Codes of 1895, Relating to Seines and Nets to be Destroyed.

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

§ 1. DEPUTY FISH WARDENS, HOW APPOINTED.] The state fish commissioner of North Dakota is hereby authorized to appoint, and shall appoint two deputy fish wardens in each and all counties in this state, and additional deputy fish wardens wherever and whenever he may deem it advisable. Each deputy fish warden shall be an elector of the county for which he is appointed, and before entering upon the duties of his office shall take and subscribe to an oath to support the constitution of the United States and that of the State of North Dakota, and that he will faithfully discharge the duties of his office, according to the best of his ability, which oath shall be placed in the hands of the state fish commissioner of North Dakota for filing. Each deputy fish warden shall hold his office at the pleasure of the state fish commissioner of North Dakota, or until disqualified for any reason.

§ 2. POWERS AND DUTIES OF THE STATE FISH COMMISSIONER OF NORTH DAKOTA AND DEPUTIES.] For the purpose of enforcing the laws of this state for the protection of fish, the state fish commissioner of North Dakota and his deputies shall have the powers conferred by law on constables. It shall be the duty of each deputy fish warden diligently to inform himself of all violations of such laws, and to prosecute the same, and to arrest the party or parties so violating them with a warrant sworn out before any justice of the peace of the county in which the offense is committed. If caught in the violation thereof, at the time of his arrest, said party or parties may be arrested therefor without a warrant, and he or they shall be at once taken before a court having jurisdiction of the offense and a warrant issued, when the same proceedings shall thereafter be had as if a warrant had been issued before his or their arrest; but no person shall be arrested without a warrant for

any violation when not engaged in such violation at the time of arrest. Upon conviction had for violation of any of the provisions of this section and act, or any other law of this state governing or pertaining to the matter of fish, there shall be paid to the state fish commissioner of North Dakota, or the deputy fish warden, for his own use and benefit, who shall make the arrest, a fee of ten dollars (\$10) to be taxed and collected as a part of the costs of the suit.

§ 3. THE STATE FISH COMMISSIONER OF NORTH DAKOTA AND THE FISH DEPUTIES SHALL SEIZE FISH. HOW THEY SHALL BE DISPOSED OF.] It shall be the duty of the state fish commissioner of North Dakota and his deputies, at any and all times to seize and take possession of any and all fish which have been caught, taken, killed, shipped or received for shipment, and in possession or under control, contrary to the provisions of the laws of this state. Such seizures may be made without a warrant. Any court having jurisdiction of the offense, upon receiving by oath or affirmation, proof of probable cause for belief in the concealment of any fish caught, taken, killed, shipped or received for shipment, had in possession or under control, contrary to the provisions of the laws of this state, shall issue a search warrant and cause a search to be made therefor, in any place particularly described in said warrant, and to that end, may cause any building, enclosure or car to be entered, and any apartment, chest, box, trunk, locker, crate, basket or package to be broken open and the contents examined. The state fish commissioner of North Dakota, or the deputy fish warden taking or seizing such fish, shall, as soon as possible thereafter, sell the same to any person residing in this state except to himself, desiring or willing to buy such fish. The state fish commissioner of North Dakota, or the deputy fish warden making such seizure and sale, shall give a written certificate, officially signed, to the purchaser that from him such fish were legally obtained and possessed. The purchaser shall show said certificate of the legal purchase and possession of such fish to the state fish commissioner of North Dakota, or to any deputy fish warden, upon a written request from such officer so to do. Any person within this state thus acquiring such fish from such officer, shall have the right to deal therewith as if the same had been killed or possessed in accordance with the laws of this state. The state fish commissioner of North Dakota or the deputy fish warden making such seizure and sale shall be entitled to two-thirds of the proceeds thereof, and the other one-third shall be paid to the treasurer of the county where such fish were seized; and such treasurer's receipt therefor, filed in the office of the state fish commissioner of North Dakota.

§ 4. RESISTING OFFICER. PENALTY.] Whoever shall resist or obstruct any of the fish officers of this state, by threat or otherwise, in the discharge of their duties under this act shall be guilty of a misdemeanor; and upon conviction therefor shall be punished by a fine of not less than twenty dollars nor more than fifty dollars, and

the costs of the prosecution, or by imprisonment in the county jail for not less than ten days, nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court. Upon conviction had for any violation of the provisions of this section, there shall be paid to the state fish commissioner of North Dakota, or the deputy fish warden, for his own use and benefit, who shall make the arrest, a fee of ten dollars (\$10), to be taxed and collected as a part of the cost of the suit.

§ 5. INDIANS SUBJECT TO FISH LAWS.] It shall be unlawful for any Indian who is a ward of the United States government to fish in any waters within this state at any time, except in such waters as are known to be within Indian reservations. It shall be the duty of the state fish commissioner of North Dakota, or any of his deputies to arrest any Indian found fishing in violation of this act. It shall be the duty of the state's attorney of any county within this state to prosecute any Indian so arrested under the provisions of this act, and upon conviction such Indian shall be deemed guilty of a misdemeanor, and be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or may be imprisoned in the county jail not less than ten days nor more than thirty days, or may be subject to both such fine and imprisonment. Upon conviction had for any violation of the provisions of this section there shall be paid to the state fish commissioner of North Dakota, or the deputy fish warden, for his own use and benefit, who shall make the arrest, a fee of ten dollars (\$10), to be taxed and collected as a part of this suit.

§ 6. AMENDMENT.] That section 7682 of the Revised Codes of 1895 is hereby amended to read as follows:

§ 7682. SEINES AND NETS TO BE DESTROYED.] Every seine, net or other unlawful device used, or intended to be used, to take, catch, kill or destroy any fish in this state, contrary to the laws thereof, is forfeited to the state; and it is the duty of the state fish commissioner of North Dakota, and every deputy fish warden of this state, to seize and destroy, with a warrant duly issued, such seines, nets, or other unlawful device whenever the same are being used in defiance of the laws of this state; and the deputy fish warden who shall seize and destroy such seines, nets or other unlawful devices, shall immediately thereafter report the facts to the state fish commissioners of North Dakota.

§ 7. DEPUTY FISH WARDENS SHALL MAKE REPORTS OF THEIR DOINGS.] Each and all deputy fish wardens shall report to the state fish commissioner of North Dakota all procedures had under this act in way of arrests and convictions; their fees in each case, seizures and sale of fish illegally held or possessed; of whom seized, to whom sold, and the amount of proceeds derived by them therefrom, and also give such additional information and recommendations as will, in their opinion, prove of value to the service. All such reports may be made at any time, but not later than October first of each year.

§ 8. RIGHT AND DUTY OF PEACE OFFICERS.] Nothing in this act shall be so construed as to deprive any peace officer of this state of the right and duty to arrest and bring to punishment, under the laws of this state, any person violating the provisions of this act.

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

§ 10. EMERGENCY.] Whereas, an emergency exists in that there is no adequate law of this state on the subject matter of this act; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 8, 1899.

---

## FIREMEN'S ASSOCIATION.

---

### CHAPTER 92.

[H. B. 24.]

#### VOLUNTEER FIREMEN'S ASSOCIATION.

AN ACT to Amend Section 2464 of the Revised Codes, Relating to Volunteer Firemen's Association.

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

§ 1. AMENDMENT.] Section 2464 of the Revised Codes is amended to read as follows:

§ 2464. STATE AUDITOR TO ISSUE WARRANTS.] The state auditor on the first day of June thereafter shall issue and deliver to the treasurer in each city, town or village having an organized fire department entitled to the benefits of this article his warrant upon the state treasurer for an amount equal to two per cent of the premiums received upon policies issued on property in any such city, town or village, which warrants shall be numbered consecutively and shall each specify the date of its issuance and to whom payable, and such warrants shall be paid by the state treasurer to the treasurer of such city, town or village upon presentation thereof, and when so received by said treasurer the same shall be paid over to said company or companies in equal proportion, having a membership of at least fifteen members for a period of eight months prior to the date of the certificate of the clerk, as provided in section 2462, and having the management of at least one steam, hand or fire engine, hook and ladder truck or hose cart, upon the written order of such company or companies, approved by the city council, trustees or other governing body of such city, town or village; provided, that in cities, towns and villages having a paid fire department, the