

amount so received by the city, town or village treasurer shall be placed in a fund to be disbursed by the city council, trustees or other governing body of such city, town or village in maintaining such fire department.

§ 2. EMERGENCY.] Whereas, the law as it now exists is not in accordance with the best interests of the voluntary firemen's association of the state; therefore, an emergency exists, and this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1899.

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## GAME AND FISH.

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### CHAPTER 93.

[S. B. 117.]

#### PROTECTION OF GAME AND FISH.

AN ACT Relating to the Protection of Game and Fish, the Appointment of a State Game Warden, the Issuing of Permits to Hunt, the Disposition of Money Received from the Sale of Permits and Enacting Other Provisions Relating thereto and Providing Penalties for Violation Thereof.

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

§ 1. GAME WARDEN, HOW APPOINTED, BOND, DUTIES.] There shall be appointed by the governor a state game warden, whose term of office shall be two years, commencing on the first Tuesday in April next succeeding his appointment and until his successor is appointed and qualified. He shall give a bond to be approved by the governor, in the sum of two thousand dollars, conditioned for the faithful performance of his duties. It is the duty of the state game warden to superintend and aid in the enforcement of all laws of this state for the preservation of game therein. He shall appoint deputy game wardens as follows: In each county having less than three thousand inhabitants, one deputy; in each county having more than three thousand inhabitants and not less than seven thousand inhabitants, two deputies; in every other county three deputies, and special deputies wherever and whenever he deems it advisable. Each deputy shall be an elector of the county for which he is appointed, and shall hold office at the pleasure of the state game warden, or until disqualified for any reason.

§ 2. UNLAWFUL TO HUNT WITHOUT PERMIT.] It shall be unlawful for any person to hunt, kill or wound in this state any of

the wild animals or birds, hereinafter mentioned without having first obtained a permit as hereinafter provided, which permit shall be subject to inspection of any person upon demand, and any person violating any of the provisions of this section is guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than fifty dollars, or may be imprisoned in the county jail not more than thirty days, or may be subjected to both such fine and imprisonment; provided, however, that nothing in this section shall prevent any resident of this state or member of his family living at home from hunting on lands owned or controlled by him during the open season as provided by law; provided nothing in this section shall be construed to prevent the children of this state under the age of sixteen years from hunting, they having the written consent of their parents or guardians so to do, during the open season without a permit.

§ 3. PERMITS, FORM OF.] The state game warden shall cause forms of such permits to be printed and across the face of such permits in large red figures shall appear the year for which they are issued, such permits to be substantially as follows:

STATE OF NORTH DAKOTA,

ss.

County of.....

....., a.....resident of North Dakota, is hereby licensed to hunt in North Dakota under the provisions and conditions of the game laws thereof, during the open season of the year..... This permit is non-transferable.

Dated at.....this.....day of.....1.....

.....  
County Auditor.

Such permits shall be endorsed by the state game warden and issued by him to the county auditors of the several counties of the state.

§ 4. COUNTY AUDITORS TO ISSUE PERMITS. FEES.] The county auditor shall fill out and issue one of such permits to any person applying therefor on payment of twenty-five dollars, if the applicant is a non-resident of the state; and on payment of seventy-five cents, if applicant is known to the auditor or satisfactorily proven to him to be a resident of this state; provided, that any non-resident who may own cultivated lands, or be carrying on the cultivation of any lands in this state, not less than one-quarter section, for a period of not less than one year prior to the time of making application for such license, shall be entitled to take out a resident's permit, whether such non-resident is the owner of land so cultivated in whole or in part; provided, that such non-resident shall take out such permit in the county where such cultivation is carried on. No permit shall be valid unless endorsed by the state game warden, signed by the county auditor and sealed with the county seal. Such permit shall

authorize the holder to hunt throughout the state either with or without dogs. All permits shall expire on the thirty-first day of December next after their issuance. It shall be unlawful for the state game warden or any of his deputies, or any county auditor, to issue to any person any complimentary or special permit, or in any way, directly or indirectly, to grant permission to or authorize any person to violate any of the provisions of the game laws of this state, and any such officer so doing shall for each offense forfeit and pay the sum of not less than fifty dollars, nor more than two hundred dollars, with costs, to be recovered in civil action, for the payment of which sum such officer shall be liable upon his official bond. Any person informing against such officer shall be entitled to one-half of the amount so recovered, the balance to be disposed of as provided in section 7736 of the Revised Codes.

§ 5. DISPOSITION OF FEES.] Twenty per cent of all money received from the sale of permits shall be paid over to the state treasurer by the county auditor of each county on the first day of December of each year and shall be placed in the state general fund. Thirty per cent shall at the same time be paid over to the state game warden and shall be in full payment for his services. Forty per cent shall at the same time be paid over to the deputy game warden of the county, or when there is more than one, be divided equally among them and shall be full payment for their services, and the remaining ten per cent shall be retained by the county auditor for his personal services. And the county auditor of every county shall at the same time file with the state auditor a full report of all resident and non-resident permits issued by him during that year.

§ 6. POWERS AND DUTIES OF GAME WARDENS AND DEPUTIES.] For the purpose of enforcing the laws of this state for the protection of game the state game warden and his deputies shall have all the powers conferred by law upon constables. It shall be the duty of each deputy game warden diligently to inform himself of all violation of such laws and to prosecute the same and to arrest the party so violating them with a warrant sworn out before any justice of the peace of the county in which the offense is committed, said warrant to be issued as provided in section 7891 of the Revised Codes. If caught in the violation thereof at the time of his arrest, a party may be arrested therefor without a warrant, when he 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 arrest, but no person shall be arrested without a warrant for any such violation when not engaged in such violation at the time of his arrest. Upon any conviction had for any violation of the provisions of this act there shall be paid to the deputy making the arrest such fees as are allowed constables for services in like cases, to be taxed and collected as a part of the costs in the case.

§ 7. SHOOTING OR KILLING RESTRICTED, PENALTY.] Every person who either :

1. Shoots or kills any prairie chicken, pinnated grouse, sharp tailed grouse, ruffled grouse or woodcock between the first day of October and the twentieth day of August following, or any song bird or insect-eating bird, except snipe or plover, at any time; or
2. Shoots, kills or takes any quail, English or Chinese pheasant or wild swan until after the twentieth day of August, A. D. 1905, and after that time between the first day of October and the twentieth day of August following; or
3. Shoots or kills any wild duck between the first day of January and the twentieth day of August following; or
4. Shoots or kills any wild goose, crane or brant between the first day of May and the twentieth day of August following; or
5. At any time kills or shoots any wild duck, goose or brant with any swivel gun or other gun except such as is commonly shot from the shoulder, or in hunting such birds makes use of any artificial light or battery; or
6. Uses or employs any trap, snare, net or bird lime, or medicated, drugged or poisoned grain or food to capture or kill any of the birds mentioned in subdivisions 1, 2, 3 or 4 of this section; or
7. Wantonly destroys any nest or eggs of any of the birds mentioned in subdivisions 1, 2, 3 or 4 of this section; or
8. Shoots or kills any buffalo, moose, elk, deer, antelope, caribou or mountain sheep at any time, or any deer between the tenth day of December and the tenth day of October following; or
9. Shoots, kills, traps or takes any beaver or otter at any time prior to the tenth day of November, A. D. 1905, or thereafter between the tenth day of December and the tenth day of November following; or
10. At any time uses or employs any hound or dog in running or driving any of the animals mentioned in subdivision 8 of this section, or
11. Sets any spring or other gun, trap, snare or other device to kill, wound or destroy any of the animals mentioned in subdivision 8 of this section; or
12. Shoots or kills in any one day more than twenty-five of the game birds mentioned in subdivisions 1, 2, 3 or 4 of this section, or in any one season more than five of the animals mentioned in subdivision 8 of this section;

Is guilty of a misdemeanor, and upon conviction thereof before any justice of the peace of the county, is punishable by a fine of not exceeding ten dollars for each of the birds mentioned in subdivisions 1, 2, 3 or 4 of this section, so shot or killed or nest or eggs so destroyed, and for each violation of subdivisions 5 or 6 of this section; and not exceeding one hundred dollars for each animal mentioned in subdivision 8 and 9 of this section, so shot, killed, trapped or taken, and not exceeding one hundred dollars for each violation of subdivisions 10, 11 or 12 of this section.

§ 8. HAVING SAME IN POSSESSION.] Every person who has in

his possession any of the birds or animals mentioned in the last section after five days from the close of the respective seasons during which it shall be lawful to hunt or kill the same, shall be guilty of a misdemeanor, and upon a conviction thereof before any justice of the peace of the county, is punishable in the manner and to the extent provided in the last section for the killing of the same; provided, if any person having the possession of any such birds or game and desires to keep the same for a longer period than five days he may apply to the state game warden, or his deputy, for a tag, properly stamped, and describing such game, which shall be attached to each bird or separate part of game and shall remain securely fastened thereto until the same is used for food.

§ 9. CATCHING FISH RESTRICTED.] Every person who either,

1. Takes, catches, kills or destroys any fish of any kind in any of the lakes, streams or other public waters of this state, in any manner other than by angling with hook and line; or

2. Between the first day of November and the following first day of May in each year, takes, catches, kills or destroys in any manner, by any device in any of the public waters of this state, any pike, pickerel, perch, croppie, trout, buffalo, bass or muskallonge for any purpose other than for propagating or breeding the same; is guilty of a misdemeanor and upon conviction thereof is punishable by a fine of not less than five and not exceeding twenty-five dollars, and for every subsequent offense by imprisonment in the county jail not exceeding thirty days, or by a fine of not less than ten dollars and not exceeding one hundred dollars, or by both.

§ 10. GAME WARDENS, DEPUTIES AND PEACE OFFICERS SHALL SEIZE GAME.] It shall be the duty of the state game warden and his deputies and all peace officers of this state at any and all times to seize and take possession of any and all animals or birds which have been caught, taken, killed, shipped or received for shipment, had in possession or under control contrary to the provisions of the laws of this state. Such seizure 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 birds or animals caught, taken, killed, shipped or received for shipment, had in possession or under control contrary to the provisions of the laws of the 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, inclosure, or car to be entered and any apartment, chest, box, locker, crate, basket or package to be broken open and the contents thereof examined. Deputy game wardens and all peace officers taking or seizing any such animals or birds shall at once report the facts attending the same to the state game warden and shall at his request turn the same over to him. After such taking such animals or birds shall be subject to the direction and control of the state game warden and shall be considered in his possession.

§ 11. GAME SEIZED AND SOLD. HOW PROCEEDS DISPOSED OF.] Any animals or birds caught, taken, killed, shipped or received for shipment, had in possession or under control contrary to the provisions of the laws of this state, which may come into the possession of the state game warden, either directly or through any deputy or peace officer, shall be sold or disposed of within this state, and the state game warden may issue a certificate to the person purchasing certifying that the same were legally obtained and possessed and any one so acquiring same within this state shall have the right to deal therewith as if the same had been killed or possessed in accordance with the law of this state. The deputy game warden or peace officer making such seizure shall be entitled to two-thirds of the proceeds of the sale of any of the animals or birds sold or disposed of as herein provided, and the state game warden shall be entitled to one-third of the proceeds of such sale.

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

§ 13. CONSTRUCTION OF GAME LAWS.] All provisions of the laws of this state relating to the having in possession or under control any game bird or animal, or to the shipment of the same out of the state, shall be construed to include any and all parts of the meat thereof.

§ 14. PROPOGATION OF GAME AND FISH.] The commissioners of any county may expend not to exceed the sum of one hundred dollars per annum for the purpose of propogating game or fish, when it shall appear to them that such an expenditure would be beneficial to the county.

§ 15. INDIANS SUBJECT TO GAME LAWS.] It shall be unlawful for any Indian who is a ward of the United States government to hunt on any lands within this state at any time, except upon such lands as are known to be Indian reservations lands. It shall be the duty of the state game warden, his deputies and all peace officers of this state, to arrest any Indian found hunting in violation of this act. It shall be the duty of the state's attorney in 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 punishable by a fine of not less than twenty 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 subjected to both such fine and imprisonment; provided, that the provision of this section shall not apply to any Indian who takes out a permit to hunt, as provided for other persons.

§ 16. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.  
Approved March 8, 1899.

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## GEOLOGICAL SURVEY.

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### CHAPTER 94.

[S. B. 131.]

#### PROVIDING FOR GEOLOGICAL SURVEY.

AN ACT Providing for a Geological Survey of North Dakota.

*Whereas*, Recognizing the vast importance to a commonwealth of the development of its mineral resources, the United States government has granted to the State of North Dakota several thousands of acres of land, and

*Whereas*, In accepting this grant from the government the state has appointed a state geologist to make investigations and to aid in the development of these resources but has never provided means with which to carry on this work, and

*Whereas*, In order to show the good faith of this state to the federal government in accepting this land grant and in order to make known the mineral resources of the state that capital may be induced to develop the same, the state geologist is hereby directed to begin a careful geological survey of various parts of the state, and to publish whatever reports may be needed to bring to the attention of the public the mineral resources of North Dakota;

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any funds in the state treasury not otherwise appropriated the sum of six hundred dollars (\$600) biennially to meet the expenses of traveling and other necessary expenses connected with a geological survey of the state in accordance with a previous act providing for a geological survey.

§ 2. EMERGENCY.] *Whereas*, an emergency exists inasmuch as there are no funds with which to begin this work; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved February 24, 1899.