

affixed thereto for the purpose of trade, manufacture, ornament or domestic use, if the removal can be effected without injury to the premises, unless the thing has by the manner in which it is affixed become an integral part of the premises. Provided, further, that when any tenant upon agricultural land shall have during his tenancy, built, erected or placed upon such leased premises any grain, bin, granary or structure for the purpose of housing grain, and no written agreement between the landlord and the tenant has been made as to its removal, he may remove the same at any time within 8 months after the termination of his lease and the vacating of said premises; provided, however, that the tenant shall not have said right of removal as against the owner or holder of any mortgage, deed or conveyance, which mortgage, deed or conveyance shall have been filed and recorded after the building, erection or placing of such bin, granary or structure, unless such tenant shall within sixty (60) days after such building, erecting or placing, have filed in the office of register of deeds a written notice, describing the land, the character of the structure and stating that he intends to remove such structure as provided by law.

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 All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 11, 1929.

GAME AND FISH

CHAPTER 130

(S. B. No. 196—Committee on Game and Fish.)

GAME AND FISH DEPARTMENT

An Act to amend and re-enact Section 10322a3 Supplement to the Compiled Laws of 1913, relating to the game and fish department of the State of North Dakota.

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

§ 1. AMENDMENT.] That Section 10322a3 Supplement to the Compiled Laws of 1913, relating to the game and fish department of the State of North Dakota, is hereby amended and re-enacted as follows:

§ 10322a3. ORGANIZATION OF GAME AND FISH DEPARTMENT: APPOINTMENT OF GAME AND FISH COMMISSIONER: TERM: SALARIES OF OFFICERS.] Within ten days after the taking effect

of this act, the governor shall appoint a state game and fish commissioner who shall hold office until February 1st, 1931: Thereafter such commissioner shall be appointed for a term of two years and shall hold his office until his successor is appointed and qualified and be removable by the governor for cause only. The game and fish commissioner shall appoint a deputy game and fish commissioner who shall hold office at the pleasure of the game and fish commissioner.

The game and fish commissioner and the deputy game and fish commissioner shall each give a bond, to be furnished by the State of North Dakota; the commissioner in the penal sum of ten thousand dollars (\$10,000.00), and the deputy commissioner in the penal sum of five thousand dollars (\$5,000.00); the premiums on such bonds to be payable out of the game and fish fund, such bonds to be conditioned upon the faithful discharge of the duties of each of said offices.

The game and fish commissioner and deputy game and fish commissioner, shall each take, subscribe and file in the office of the secretary of state, the oath of office provided by the constitution, within ten days from the date of appointment.

The game and fish commissioner shall receive an annual salary of three thousand six hundred dollars (\$3,600.00), and the deputy game and fish commissioner an annual salary of three thousand dollars (\$3,000.00); each of which salaries shall be payable monthly out of the game and fish fund, together with the actual and necessary expenses incurred by each of them in the performance of the duties of their respective offices. The commissioner shall establish such rules and regulations as are necessary or desirable to the conduct of his department; he shall maintain an office, to be provided for his department in the city of Bismarck, and shall be provided with suitable office equipment, including furniture, stationery, blanks and postage. He shall keep an accurate record of all the transactions and expenditures of his department, and shall, annually, and in the month of December of each year, make and file with the governor a detailed statement thereof covering the previous calendar year.

The game and fish commissioner shall appoint such game wardens and deputy game wardens as are by law provided; except that he shall appoint only one chief game warden of the state, whose salary and bond shall be the same as that of the deputy game and fish commissioner; each deputy game warden shall give a bond in the penal sum of one thousand dollars (\$1,000.00), said bond to be furnished by the State of North Dakota and payable out of the game and fish fund, and to be conditioned upon the faithful discharge of the duties of said office. The deputy commissioner and all such wardens and deputy wardens, shall be under the direct con-

trol and supervision of the game and fish commissioner; they shall each be required to make monthly and annual reports to the commissioner in the manner by him required.

All powers and duties heretofore conferred or imposed by law upon the North Dakota Game and Fish Board which is hereby abolished, or upon the North Dakota Game and Fish Commissioner as heretofore created, are hereby conferred and imposed upon the state game and fish commissioner herein provided for, and all records, books, documents, instruments or other property of whatever kind or description in possession or under the control of the North Dakota Game and Fish Board, shall be delivered to the state game and fish commissioner immediately upon his appointment and qualification. All powers and duties heretofore conferred or imposed by law upon the game and fish commissioner are hereby conferred and imposed upon the deputy game and fish commissioner, subject to the supervision of the state game and fish commissioner.

The state game and fish commissioner shall have power to appoint such experts, clerks or other assistants as may be necessary in carrying out the duties of his office. The salary and necessary traveling and other expenses of such appointees shall be authorized, audited and paid in the same manner as for the salary and expenses of the commissioner. Provided, that the total expenditure of such salary and expenses shall not exceed the amount appropriated therefor.

Approved March 7, 1929.

NOTE—Referendum petition has been filed against Senate Bill 196, Chapter 130 herein, requesting that said measure be submitted to the electors at the primary election to be held June 25, 1930.

CHAPTER 131

(H. B. No. 121—Committee on Game and Fish.)

MANNER OF TAKING FISH

An Act to amend and re-enact Section 10322a85 of the 1925 Supplement of the Compiled Laws of North Dakota for the year 1913 relating to the manner of taking fish.

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

§ I. AMENDMENT.] That Section 10322a85 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows: . . .

§ 10322a85. FISH: MANNER OF TAKING.] No person shall take, catch, kill or destroy in any manner than by angling for them with hook and line held in the hand or attached to a rod so held, nor more than one line nor more than one rod nor more than one hook or an artificial lure attached thereto, any fish from any waters in this state except the Missouri River; provided, that the game and fish commissioner or some person authorized by him may with the approval of the game and fish board, take with nets, seines, drag nets, dip nets and traps any such fish as buffalo, bullhead, sucker, carp, catfish, redhorse or sturgeon from the waters of this State when in their judgment it is for the best interest of game fish and fish so taken shall be disposed of at the direction of the game and fish board at so much per pound according to its market value and money derived from the disposal thereof to be diverted into the game and fish fund. All fish not named in this section are game fish and if caught in a net must be returned to the waters with as little harm as possible. Nets known as gill and trammel nets shall not be used at any time. Any person who shall violate any provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars (\$100.00) or by imprisonment in the county jail for a term not to exceed thirty (30) days or by both such fine and imprisonment.

Approved March 9, 1929.

CHAPTER 132

(H. B. No. 119—Committee on Game and Fish.)

HOURS FOR SHOOTING BIRDS, GAME OR ANIMALS

An Act to amend and re-enact Section 10322a26 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 150 of the 1927 laws relating to hours for shooting birds, game or animals.

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

§ 1. AMENDMENT.] That Section 10322a26 of the 1925 Supplement to the Compiled Laws for 1913, as amended by Chapter 150, 1927 Session Laws, be and the same is hereby amended and re-enacted to read as follows:

§ 10322a26. HOURS FOR SHOOTING.] No person shall hunt, pursue, catch, shoot at or in any manner molest any game, birds or animals mentioned in this act within the borders of the state during the time elapsing between actual sunset and one-half ($\frac{1}{2}$) hour before sunrise.

Approved March 13, 1929.

CHAPTER 133

(H. B. No. 120—Committee on Game and Fish.)

HUNTING FROM AIRCRAFT A MISDEMEANOR

An Act to amend and re-enact Section 2971c10 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913 relating to aeronautics and hunting from aircraft.

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

§ 1. AMENDMENT.] That Section 2971c10 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 2971c10. HUNTING FROM AIRCRAFT A MISDEMEANOR.] Any aeronaut or passenger who, while in flight within this state, shall intentionally kill or attempt to kill any birds or animals shall be guilty of a misdemeanor and punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not more than thirty (30) days or by both such fine and imprisonment; provided, that wolves, coyotes, Canadian lynx or bobcats may, with the permission of the game and fish commission of the State of North Dakota, be hunted from aeroplanes within this state. Such hunting or shooting shall be done under the supervision of the game and fish commission.

Approved March 11, 1929.

CHAPTER 134

(S. B. No. 169—Brostuen and Cain.)

PROHIBITING HUNTING ON PREMISES OF ANOTHER

An Act prohibiting hunting or the pursuit of game upon the premises of another without permission and providing a penalty therefor.

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

§ 1. TRESPASSING: SIGNS.] It shall be unlawful for any person or persons to enter upon the premises of another for the purpose of hunting or pursuing game or to hunt or pursue game upon the premises of another without having first obtained permission of the person legally entitled to grant the same; provided, that the owner of said land or premises shall have placed at a point alongside of the public highway or land posted signs giving notice that no hunting will be permitted on said land or premises; providing such signs shall be conspicuously posted at a distance of not more

than 160 rods apart, to be readable from the outside of the land. Any person or persons entering upon the premises of another without permission as provided, who shall at the time of so entering have in his or her possession any gun or firearm shall prima facie be presumed to have entered said premises for the purpose of hunting game within the meaning of this act; provided, however, that nothing in this act shall prevent a person from going upon posted land to take game shot or killed on land where such person has lawful right to hunt.

§ 2. Any person violating the provisions of this act shall upon conviction thereof be punished by a fine of not less than ten or more than fifty dollars, or by imprisonment in the county jail for not less than one and not more than ten days, or both such fine and imprisonment.

§ 3. It shall not be considered the duty of the game and fish commissioner or any deputy or warden thereof to enforce the provisions of this act.

§ 4. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1929.

CHAPTER 135

(H. B. No. 118—Committee on Game and Fish.)

GAME AND FISH LICENSES

An Act to amend and re-enact Section 10322a36 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913, as amended by Sections 2 and 3 of Chapter 148, 1927 Session Laws, relating to game and fish, resident and non-resident licenses, applications and game and fish shipment.

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

§ 1. AMENDMENT.] That Section 10322a36 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913, as amended by Section 2 of Chapter 148, Session Laws 1927, is hereby amended and re-enacted to read as follows:

§ 10322a36. RESIDENT LICENSES. COST: HOW ISSUED: APPLICATIONS: FORMS: GAME AND FISH SHIPMENT.] Applications for resident hunting, trapping or fishing licenses shall show the applicant is a citizen of the United States, or has declared his intention to become such citizen and is a bona fide resident of the state and for

six months has been a resident of the county in which the license is sought, shall give his residence, postoffice address, shall contain a description of his person as to his weight, height, color of his hair and eyes, and shall be sworn to before a notary public, county auditor, members of game and fish commission or bonded game warden. Members of the game and fish commission and bonded game wardens, or any one authorized by them to receive application, are hereby authorized for the purpose of this act to administer oaths. Resident hunting, trapping, fishing and taxidermist licenses may be sold by the county auditors, members of the game and fish board, and all bonded game wardens. When sold by members of the game and fish board or the bonded game wardens, 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 residence license shall be transferable. Resident hunting licenses shall be sold for \$1.50 each; resident trapping licenses for \$2.00 each; resident fishing licenses for \$.50 each; taxidermist's license for \$1.00 each. Provided, that any person under 16 years of age may fish without a license. Residence 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 words "Not Transferable". Any resident of the state having procured a resident hunting, trapping or fishing license as required and being lawfully in possession of any protected game birds, animals or fish 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, animals or fish, 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 days' bag limit of any protected game birds, animals or fish. Any resident of the state who shall hunt, trap, fish, practice taxidermy for pay 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 (\$25.00) nor more than one hundred dollars (\$100.00) and cost of prosecution, or by imprisonment in the county jail not less than ten (10), nor more than thirty (30) days for each offense, or by both such fine and imprisonment, and each violation of this act shall be a distinct and separate offense.

§ 2. AMENDMENT.] That Section 10322a37 of the 1925 Supplement to the Compiled Laws of North Dakota for the year 1913, as amended by Section 3 of Chapter 148, Session Laws 1927, is hereby amended and re-enacted to read as follows:

§ 10322a37. NON-RESIDENT LICENSE. COST: HOW ISSUED: APPLICATIONS: FORM: GAME SHIPMENTS.] Every person, not a resident of this state for six (6) months prior to the application

for any license provided herein is prohibited from hunting, taking, trapping, killing or capturing any protected game, or animal unless he shall have first procured a non-resident hunting and trapping license for which he shall pay the sum of twenty-five dollars (\$25.00). Every person not a resident of this state for six (6) months is prohibited from fishing, taking, catching, killing or capturing in any manner any fish unless he shall have first procured a non-resident fishing license for which he shall pay the sum of three dollars (\$3.00); provided, that any person under twelve (12) years of age may fish without a license. Such non-resident licenses may be sold by any member of the game and fish board or bonded game wardens or bonded game and fish commissioners or county auditors; when countersigned by the secretary of the North Dakota Game and Fish Board, or bonded appointees, 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 such amounts to the game and fish fund, to be used for the enforcement of the game laws as provided in this act. Said non-resident licenses shall describe the licensee, designate the place of residence, and have printed on them in large letters the year for which issued and the words "Non-resident License" and "Non-transferable". Any non-resident having procured such non-resident hunting and trapping license may carry with him on leaving the state not to exceed a two days' bag limit. Any common carrier is hereby permitted to carry any such protected game birds and animals when same is accompanied and carried on the same train or conveyance by the person who displays a non-resident license identifying him and who is legally in possession of the same, provided that the same is plainly marked with a suitable tag bearing the name and address of the licensee, and number of his non-resident hunting and trapping license and there is attached thereto a special tag provided on the non-resident license form, and carried openly for inspection of its contents. Any non-resident of this state who shall hunt, trap or fish without having procured a non-resident 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 fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00) and costs of prosecution, or by imprisonment in the county jail for not less than twenty (20) days nor more than thirty (30) days or by both such fine and imprisonment, for each and every offense. Each violation of this section shall be a distinct and separate offense.

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

Approved March 12, 1929.

CHAPTER 136

(S. B. No. 109—Renauld and Bond.)

PROPERTY RIGHTS IN FUR BEARING ANIMALS

An Act defining property rights in and to fur bearing animals kept in captivity within the State of North Dakota and the pelt of any wild animal lawfully obtained.

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

§ 1. Any person, firm or corporation owning silver black or blue foxes or the pelt of any wild animal lawfully obtained shall have the same property rights therein as enjoyed by owners of domestic animals.

Approved March 4, 1929.

GRAIN

CHAPTER 137

(H. B. No. 131—J. N. Thompson by Request.)

GRAIN INSPECTION

An Act to amend and re-enact Sections 3 and 7 of Chapter 155, of the Session Laws of North Dakota of the year 1927.

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

§ 1. AMENDMENT.] That Section 3 Chapter 155 of the Session Laws of North Dakota of the year 1927 is hereby amended and re-enacted to read as follows:

§ 3. TO SUPERVISE HANDLING, WEIGHING AND STORING OF GRAIN.] The commission shall exercise general supervision of the public warehouses of this state, including the handling, weighing and storing of grain, and the management of public warehouses; it shall investigate all complaints of fraud and injustice, unfair practices and unfair discrimination, and shall make all proper rules and regulations for carrying out and enforcing any law in this State regarding the same.

§ 2. AMENDMENT.] That Section 7 of Chapter 155 of the Session Laws of North Dakota of the year 1927 is hereby amended and re-enacted to read as follows: