

expenses as may be necessary in the performance of their duties including necessary traveling expenses not to exceed, including salaries, such sum as may be paid into the state treasury in the manner hereinbefore provided. Provided, that no clerk or assistant shall be appointed except as expressly provided for in this article until the necessity for such appointment shall first be passed upon by the Governor and approved by him.

§ 4. That Section 215 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted as follows:

§ 215. RULES FOR PREVENTION OF FIRES TO BE ISSUED.] The Fire Marshal shall make rules, not inconsistent with the statutory provisions, for the prevention of fires and such rules shall be fully explained to all state, county and city boards and officers by the Fire Marshal or his assistants. All such rules shall be posted in such conspicuous places as will tend to be of the greatest benefit to the residents of the state, and when called upon the Fire Marshal or one of his assistants shall appear before such board and explain the benefits derived by the compliance with such rules and regulations in the reduction of the hazardous conditions and the reduction in loss by fire.

Approved March 11, 1931.

GAME AND FISH

CHAPTER 148

(S. B. No. 58—Game and Fish Committee.)

GAME AND FISH

An Act relating to game and fish, for the propagation, conservation, protection and preservation of wild birds, wild animals and fish; providing for open seasons for taking or killing certain game birds, game animals, fur-bearing animals, fish and deer; authorizing the Governor upon recommendation of Game and Fish Commissioner to open, curtail, or extend seasons for taking or killing wild birds or animals; providing for search and seizure, and for resident and non-residence licenses; defining duties of officers and game refuges; and providing penalties for violations thereof; and to repeal Sections 10322a1 to 10322a89, both inclusive, except 10322a27, (10322a51, 10322a50), of the Supplement to the Compiled Laws of 1913, Chapters 145, 146, 147, 148, 149, 150, 151, 152 and 153 of the 1927 Session Laws and Chapters 131, 132, 133, 134 and 135 of the 1929 Session Laws.

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

§ 1. OWNERSHIP OF GAME IN STATE.] The ownership of and title to all wild birds, fish and wild animals in the State of North Dakota, is hereby vested in the State for the purpose of regulating

the enjoyment, use, disposition and conservation thereof. No fish, wild birds or wild animals, which are protected by law, shall be caught, taken, killed or trapped, in any manner, or at any time, or had in possession, unless the person so taking, catching, killing or trapping consents that the title of said fish, wild birds or wild animals shall be and remain in the State of North Dakota for the purpose of regulating and controlling the use and disposition of the same after such catching, killing, taking or trapping. Any person catching, taking, killing, or trapping any wild birds or animals at any time or in any manner shall be deemed to consent that the title to the same shall be and remain in the State for the purpose of regulating the use and disposition thereof.

§ 2. POWERS AND DUTIES OF COMMISSIONER.] The Game and Fish Commissioner shall enforce the laws of this State, involving the protection and propagation of all game animals, game birds, fish and harmless birds and animals.

(1) The propagation and preservation of such variety of game and fish as he shall deem to be of value.

(2) The collection and diffusion of such statistics and information as shall be germane to the purpose of this Act and the publication of such information and reports, including the publication of a monthly bulletin for the education of the public in conservation matters.

(3) The receiving from the United States Commissioner of Fisheries or other person, and the gathering, purchase and distribution to the waters of this State of all fish, spawn or fry.

(4) The taking of fish from public waters of the State for the propagation and stocking of other waters therein. The taking alive at any time, by any means, under the personal supervision of the Commissioner, Deputy Commissioner, or bonded game wardens, any birds or animals for propagation purposes or for the exchange with other states and foreign countries for game and birds and animals of other species.

(5) The seizure and disposition of all wild birds, wild animals and fish, either taken, killed or transported, contrary to law, of all dogs, guns, seines, nets, boats, lights, automobiles, vehicles or other instrumentalities unlawfully used or held with intent to use in pursuing, taking, or attempting to take, concealing or disposing of the same, such property shall be seized and held subject to the order of the Court or Judge and disposed of after proper notice to owner and hearing by said Court, located in the county in which the alleged offense was committed, and for these purposes the Commissioner is hereby authorized and empowered to make all rules and regulations necessary for carrying out the provisions of this section and such rules and regulations shall have the force of law after one publication

in the daily newspapers of the State. The Game and Fish Commissioner shall have full power and authority to fix the maximum amount of traveling and other expenses which may be incurred by any or all of his appointees.

(6) The Game and Fish Commissioner may appoint and remove at pleasure not to exceed 12 regular district deputy game wardens who shall serve at the discretion and pleasure of the Commissioner. Each regular district deputy game warden shall receive as full compensation for his services not to exceed one hundred fifty dollars (\$150.00) per month and actual traveling expenses incurred in the performance of his duties, and shall give a bond to be furnished by the State of North Dakota in the penal sum of one thousand dollars (\$1,000.00), 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 may appoint and remove at pleasure one or more special deputy game wardens in each county, who shall serve for such time and in such manner as the Commissioner may direct and such special deputy game warden shall serve without compensation but shall be entitled to a reward hereinafter provided.

(7) Whenever the Game and Fish Commissioner, after investigation, finds that the fish or any species thereof, in any lake for which an open season is provided, are in danger of undue depletion or extinction, or when necessary for the propagating of, or the protection of immature fish, he may by an order provide protection for such fish additional to that provided by law, and prescribe in what manner and in what number, and in what places, and at what time such fish may be taken. Any order issued by the Commissioner pursuant to this section shall have the force of law.

(8) The Game and Fish Commissioner shall have charge of all State game farms and fish hatcheries and appurtenances. He shall supervise the breeding, propagation, capture and distribution of such game birds and animals as he deems advisable. The Game and Fish Commissioner shall examine all State waters and wherever suitable waters are found, he shall arrange to plant, stock or deposit such fish as are available. He shall cooperate with the United States Commissioner of Fisheries, make application, receive, apportion and deposit such fish, spawn, or fry received. He shall cooperate with and assist clubs and individuals in stocking the waters of this State. He shall remove or take by any means from any of the public waters of the State containing a surplus of fish any reasonable quantity for stocking of other public waters of the State, or to be used for hatching or propagating purposes or for exchange with other states and countries for other species, but in no case shall the numbers so taken be so great as to perceptibly deplete such waters. No individual, club, society or person shall have authority or power to take from any of the public waters of the State, for exchange, propagation or

scientific purposes any fish except under the supervision of the Game and Fish Commissioner. The Game and Fish Commissioner may take or cause to be taken at any time by any means from any public waters of the State any suckers, carp or pickerel. The Commissioner may, subject to the approval of the Governor, purchase, sell, lease or condemn real estate for the State. He shall control, construct, mark, designate and manage all State fish hatcheries, State game farms, game refuges and game reserves that are now or may hereafter be owned, leased or controlled for such purposes.

§ 3. EXECUTION OF WRIT.] The Game and Fish Commissioner, deputy game and fish commissioner and all wardens and deputies appointed by the Commissioner shall have full power and authority to serve and execute all warrants and processes of law issued by the court in enforcing the provisions of this act, in the same manner as any sheriff or constable may serve and execute the same, and any person not drawing a salary from the Game and Fish Fund shall be entitled to fees in all cases wherein fines are paid, and for the purpose of enforcing the provisions of this act, they may call to their aid any sheriff, deputy sheriff, constable or police officer or any other person, and it shall be the duty of all police officers or other persons when called upon, to enforce and aid in enforcing the provisions of this act.

§ 4. DUTIES OF CHIEF GAME WARDEN.] It shall be the duty of the chief game warden to keep a complete and correct record of all his transactions, in a record book for that purpose, names of persons violating the game and fish laws, date of arrest, amount of fine and costs, and the name of the justice or magistrate before whom the persons appeared. All such records shall be open to the public when requested and the chief game warden shall make a full report of all matters of record to the Game and Fish Commissioner on December 1st of each year.

§ 5. OTHER OFFICIALS, ATTORNEYS.] The Attorney General, state's attorneys, sheriffs, constables and other peace officers are hereby required, and it is made their duty to enforce the provisions of this act. Such attorneys shall appear for said Commissioner in all civil actions in which he or his wardens may be interested officially, and shall appear in the prosecution of criminal actions arising under this act.

§ 6. TERMS DEFINED. AGENCY NO EXCUSE.] The words "sell" or "sale" as used in this act shall be construed as meaning any sale or offer to sell, or having in possession with intent to sell, use or dispose of the same contrary to law. The word "person" shall be deemed to include partnerships, associations and corporations and no violation of any provision of this act shall be excused for the reason that the prohibited act was done as the agent or employee of another, nor that it was committed by or through an agent or employee of the person so charged. The word "possession" shall be

construed to include both active and constructive possession as well as the control of the article referred to. Provided, however, that possession of contraband shall be prima facie evidence only of violation of this act. The term "waters of the state" shall be held to include all boundary waters of the state, and the provision of this act shall be construed to extend and be in force and effect over, upon and in all thereof. The term "any part thereof" or "the parts thereof" whenever used in this act shall be construed to include the hide, horns, or hoofs of any animal so referred to, and the plumage and skin and every other part of any bird so referred to. The term "confiscate" or "confiscated" when used in this act shall be construed to mean "to hold subject to the order of the court."

§ 7. POLICE POWERS, SEARCHES AND SEIZURES.] The Game and Fish Commissioner, deputy game and fish commissioner and bonded state game wardens are hereby authorized and empowered:

(1) To enter and inspect any hotel, restaurant, cold storage warehouse, plant, ice house or building for storage of dressed meats, game or fish for the purpose of determining whether game or fish or parts thereof are kept or stored therein in violation of this act and without warrant to open, enter and examine all buildings, camps, vessels, boats, wagons, automobiles or other vehicles, cars, crates, boxes, and other receptacles and places where they have reason to believe that wild game or parts thereof may be found which have been taken or held in violation of the laws pertaining to the taking of wild game and fish. Provided, however, that the right to enter and search without a warrant shall in no manner be taken or construed to apply to the entry or search of a dwelling house or living quarters of any person or a sealed railroad car. Willful hindering, obstructing, interfering or refusing such inspection shall be considered a misdemeanor.

(2) SEARCH WARRANTS.] Upon complaint made to any magistrate who has authority to issue warrants in criminal cases, by any person that he knows or has good reason to believe that any wild animal, bird or fish, or carcasses or parts thereof, caught, killed, taken or had in possession contrary to the provisions of this act is concealed in any particular house, place or living quarters of any person, the magistrate shall examine such complaint on oath, reduce his complaint to writing, describing as particularly as may be the place where said wild animal, bird or fish, or carcass, or part thereof, is alleged to be concealed and cause the same to be subscribed by the person complaining. If it appears to the magistrate that there is reasonable cause to believe that the facts alleged in said complaint are true, he shall immediately issue his warrant, reciting therein the substance of the complaint and the description of the premises described therein, and requiring the officer to whom it is directed to forthwith search such premises and seize any and all wild animals, game or fish, or carcasses or parts thereof and bring the same when

found, and the person in whose possession the same is found, before the magistrate who issued the warrant or before some other magistrate or court having jurisdiction of the case. The officer executing such warrant shall state in his return, as particularly as may be, the property seized, which shall be safely kept upon the direction of the court or magistrate so long as necessary for the purpose of being used as evidence on any trial, and if such trial results in conviction, the property so seized shall be disposed of under the order of the court.

(3) OPENING PACKAGES.] The State Game and Fish Commissioner, his deputies and bonded game wardens may examine and open any package in the possession of a common carrier which they suspect or have reason to believe contains contraband wild game or fish or casses (carcasses) or parts thereof or is falsely labeled in violation of the provisions of this act; and every such common carrier and every agent, servant or employee thereof shall permit any such officer to examine and open any such package. Any such package so opened shall be restored to its original condition. The Game and Fish Commissioner, deputy game and fish commissioner or bonded game wardens shall seize and hold subject to the order of the court located in the county in which the alleged offense was committed, any apparatus, appliance or vehicle or device, used in violation of this act and if it be proven that the same is or has been within six months previous to such seizure, used in violation of this act, the same shall be confiscated and sold if the court shall so direct in its order for judgment. Any seizure of perishable property made by the Commissioner, his deputies or game wardens may be sold at the highest available price and the proceeds of such sale turned into court to await disposition as the court may direct.

(4) ENTIRE SHIPMENT AFFECTED.] Confiscation of any part of shipment shall include the entire shipment and whenever two or more wild animals, birds or fish carcasses, hides or parts thereof are packed, stored or contained in the same bag, crate, box or other receptacle, or are otherwise commingled and one or more thereof are contraband, then in such cases, the whole shipment or parcel shall be deemed contraband.

(5) SALE OF CONFISCATED GAME AND DEVICES.] All confiscated wild animals, game birds or fish or carcasses or parts thereof and all confiscated apparatus, appliances or devices, shall be, under order of court having jurisdiction of offense, sold for the highest price obtainable by the Game and Fish Commissioner or his deputies. The net proceeds of such sales, after deducting the expense of seizure and sale, shall be promptly remitted by the person under whose authority and supervision the sales are made to the Game and Fish Commissioner and by him paid into the state treasury, and credited to the game and fish fund; the remittance to be accompanied by a complete and certified report of such sales supported by proper vouchers covering all deductions made for expenses to be filed for record in

the office of the Game and Fish Commissioner. On any such sales of wild animals, game birds or fish, or carcasses or parts thereof, the person selling them shall issue to each purchaser a bill of sale on forms to be prepared and furnished by the Game and Fish Commissioner.

§ 8. WITNESSES.] In any prosecution under the provisions of this act, the participant in the violation thereof may testify as a witness against any other person violating the same without incriminating himself in so doing, and shall be immune from prosecution for such violation.

§ 9. LIMITATIONS TO PROSECUTIONS.] All prosecutions under this act shall be commenced within two years from the time the offense is committed.

§ 10. FINES. DISPOSITION OF.] All fines collected under any of the provisions of this act shall be paid into the county treasury of the proper county to be added to the state school fund.

§ 11. DISPOSITION OF OTHER MONEYS.] All moneys collected by the Game and Fish Commissioner, his deputies or agents upon licenses issued, by the sale of game seized and sold and from all other sources except fines, shall be paid to the Treasurer of the State of North Dakota to be credited to the game and fish fund to be used for the purpose of enforcing the provisions of this act; provided, that any surplus money accumulating to the credit of the game and fish fund may be used for the propagation of game and fish.

§ 12. REWARDS.] The following rewards may be paid by the Game and Fish Commissioner out of any fund subject to his order to any person or persons making complaint thereof upon the arrest and conviction of any person violating any of the provisions of this act, the sum of twenty-five dollars, involving deer, antelope, moose, or elk, beaver or otter, and ten dollars involving the violations of any game bird or fish; provided, however, that this section shall not apply to any game warden or other officer or employee regularly employed and receiving salary from the Game and Fish Department.

§ 13. EXCHANGE SPECIMENS.] The Game and Fish Commissioner may secure by purchase or otherwise, and exchange specimens of game birds, game animals or fish with the game commission or state game wardens of other states or countries for breeding purposes.

§ 14. NESTS AND EGGS.] No person shall at any time take or have in possession or under control, or needlessly break up or destroy or in any manner interfere with any nest, or the eggs of any kind of birds, the killing of which is at any time prohibited.

§ 15. TRAPS, SNARES, LIGHTS, ETC.] No person shall at any time set, lay, or prepare any trap, snare, artificial light, net, bird lime, swivel gun or any contrivance whatever, or drag any wire or

rope or other contrivances in any manner for the purposes of catching, taking, killing or raising any protected game birds, animals or fish mentioned in this act. Game birds and animals protected by law can be taken only in daytime with a gun not larger in bore than a ten gauge shot gun, fired from the shoulder. Natural blinds, which are stationary, decoys and boats anchored in natural blinds can be used in the taking of wild ducks and geese. No person shall shoot from a sunken device nor from any boat in open water of this state, nor shall any person use or cause to be used any floating battery, electric, steam or gasoline or other floating vessel, or rifle, pistol or ball cartridge, for the purpose of raising or driving any game birds from their resting or feeding places in any waters of this state. Rifles shall not be used in hunting or pursuing wild ducks and geese or other protected game birds. No person while in a motor vehicle shall take any game or discharge any firearm at any protected birds or animals. It shall be unlawful to use any kind or type of silencers on firearms.

§ 16. 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 this state during the time elapsing between actual sunset and one-half hour before sunrise.

§ 17. TRESPASSING SIGNS.] It shall be unlawful for any person 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 or tenant 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, and such signs shall be conspicuously posted at a distance of not more than eighty 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. It shall not be considered the duty of the Game and Fish Commissioner or any of the game wardens to enforce the provisions of this section.

§ 18. DISQUALIFICATION—GAME WARDEN.] No person or agent or employee of such person shall act or be appointed as a game warden who is the owner of or in possession of any land which is under lease or contract for hunting purposes within the State.

§ 19. GAME BIRDS; SEASON FOR KILLING.] No person shall hunt, take, kill, convey, ship or cause to be shipped by common or

private carrier, or sell, or barter any game bird or any part thereof at any time, and for the purpose of this act, the following birds shall be construed as being game birds: geese, brant, swan, duck, plover, snipe, woodcock, grouse, sage-hen, pheasant, Hungarian partridge, quail, partridge, crane, rail, coot and dove, of any and all varieties. Provided that pinnated grouse (prairie chicken), and sharp-tailed grouse (white-breasted grouse) may be killed and had in possession between the 16th day of September and the 16th day of October following, both days inclusive; and provided that ruffed grouse (partridge) may be killed in the counties of Bottineau, Rolette, Cavalier, and Pembina, between the 7th day of October and the 16th day of October following, both days inclusive; and provided further that male Chinese ringneck, Mongolian, and English pheasants may be killed between the 15th day of October and the first day of November following, both days inclusive; and that geese, brant, Wilson's snipe (jack snipe), coot (mud hen), and ducks of any kind or species except the eider duck and the wood duck, may be killed between the 16th day of September and the 31st day of December following, both days inclusive.

Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten or more than thirty days, or by both such fine and imprisonment, for each and every bird taken or killed in violation of the provisions of this section.

§ 20. MOOSE, ELK, ANTELOPE, DEER, SEASON FOR KILLING DEER. LICENSE.]

(1) No person shall hunt, pursue, take or attempt to take, transport, ship, or convey by common or private carrier, or sell, or otherwise barter or exchange, any moose, elk, antelope, or deer, or any part thereof at any time. Provided that any person, having procured a big game hunting license, may take and kill one antlered deer between the 16th day of November and the 25th day of November following, both days inclusive. Provided, however, that the hunting of deer in the counties hereinafter named shall be prohibited: Bowman, Slope, Billings, Golden Valley, McKenzie south of Township 150, Divide, Burke, Renville, Ward, Bottineau except east of Range 76, McHenry, Pierce, Benson, Ramsey, Towner, Cavalier, Nelson, Grand Forks, Walsh and Pembina. All deer hunters shall wear red caps.

Deer to be taken only in the daytime, with rifle fired from the shoulder, and any other device or instrumentalities used, or held with the intent to use, in the taking of deer, or as an aid or means in the hunting or taking of deer, is hereby specifically prohibited and declared to be unlawful. A dog or dogs shall not be used in any manner in the hunting of deer. Deer shall not be shot from any artificial

platform, scaffold, blind, or other artificial device. No artificial light, including automobile and motorcycle headlights and spotlights, shall be used to entrap or entice deer, or as an aid in the taking or hunting of deer; and the practice commonly known as shining for deer is hereby specifically prohibited, and any person or persons, who shall shine any area, plot, or territory, commonly frequented by deer, with, or by means of any artificial lights, between the hours of sunset and sunrise, shall be deemed to have violated the provisions of this section.

(2) Any person who shall violate any provisions of subdivision one (1) of this section shall be guilty of a gross misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not less than thirty (30) days or more than six (6) months, or by both such fine and imprisonment.

(3) No person shall hunt, kill, take, or attempt to take any deer without having first procured a big game hunting license. Big game hunting licenses shall be sold by the Game and Fish Commissioner, the Deputy Game and Fish Commissioner, or any bonded game warden. The fee shall be five dollars (\$5.00) for a resident license and fifty dollars (\$50.00) for a non-resident license; and the proceeds thereof shall be paid into the game and fish fund. The Game and Fish Commissioner shall prepare all necessary blanks for such licenses and applications. The licenses shall be numbered consecutively at the time of printing, in separate series, and each license blank shall be provided with a corresponding stub, numbered with the serial number of the license, and the license and the stub shall bear such information as the Commissioner may deem expedient or necessary.

(4) The licensee shall, immediately after killing a deer, affix to the carcass thereof the stub or tag of his license, and shall also affix to such carcass, before the same is transported, or offered for transportation, a metal locking seal, bearing the license number of the owner thereof and the year issued, in figures; said seal to be furnished by the Game and Fish Commissioner with each and every license.

(5) Any violation of subdivisions 3 and 4 of this section shall be deemed a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not less than twenty (20) nor more than thirty (30) days, or by both such fine and imprisonment, for each and every violation.

§ 21. LICENSES FOR RESIDENT AND NON-RESIDENT HUNTERS, FISHING AND TAXIDERMISTS. HOW PROVIDED.] All persons are prohibited from hunting, catching, taking or killing any protected game

bird, animal or fish in this State without first having procured a hunting, trapping or fishing license, as prescribed in this act. It is hereby provided, however, that no license is required for any resident of this State or any member of his family residing permanently with him to hunt, fish or trap on lands owned or leased by him during the open season as provided for in this act, except for the hunting of deer and trapping of beaver. All persons are prohibited from practicing taxidermy for pay without first having procured a license therefor. The Game and Fish Commissioner shall provide the necessary blank forms for applications and licenses of all kinds and distribute them among those authorized to sell licenses.

§ 22. 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. Such application shall be signed by the applicant and witnessed by two residents of the State. Resident hunting, trapping, fishing and taxidermist licenses may be sold by the County Auditors, Game and Fish Commissioner, deputy game and fish commissioner, and all bonded game wardens. When sold by the Game and Fish Commissioner, deputy game and fish commissioner or the bonded game wardens, the gross receipts must be sent to the Game and Fish Commissioner's office at Bismarck, North Dakota, 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 (\$1.50) each; resident trapping licenses for two dollars (\$2.00) each; resident fishing licenses for one dollar (\$1.00) each; taxidermist licenses for two dollars (\$2.00) each. Provided, that any person under 18 years of age may fish without a license. 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 words "Non 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 the 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 for not less than ten 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.

§ 23. NON-RESIDENT LICENSE. COST. HOW ISSUED. APPLICATION. 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 or 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 non-resident person under twelve (12) years of age may fish without a license. Such non-resident licenses may be sold by the Game and Fish Commissioner, deputy game and fish commissioner or bonded game wardens or County Auditors when countersigned by the Game and Fish Commissioner. Such 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 presented for 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 (in) plainly marked with a suitable tag bearing the name and address of the licensee and the 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 the 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) nor more than one hundred dollars (\$100.00) and costs of prosecution, or by imprisonment in the county jail (hail) for not less than ten days nor more than thirty 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.

§ 24. RESIDENT HUNTING LICENSES TO ACTUAL SETTLERS WHO ARE RECENT ARRIVALS.] Resident licenses may be issued by and in the discretion of the Game and Fish Commissioner to actual settlers who may not have been in the state or county the required time immediately preceding the application for the license, provided a satisfactory affidavit of some bona fide resident of the State setting forth the actual conditions accompany the application.

§ 25. CARRYING AND DISPLAYING LICENSES.] All persons holding licenses under this act shall carry them on their persons when engaged in hunting, trapping or fishing and shall on the request or demand of the Game and Fish Commissioner, deputy game and fish commissioner or any game warden or police officer immediately show the license to the officer making the request or demand. Refusal to show such licenses shall constitute a misdemeanor.

§ 26. PERMITS.] The Game and Fish Commissioner may issue permits to breed or domesticate any protected birds or animals; permits to any resident hunting licenses to ship not to exceed in any one season twenty-five (25) protected game birds to points other than his home within the State or to points outside of the State; permits to make collections of protected birds and animals for scientific purposes. The Game and Fish Commissioner may also issue permits for shipment within or without the State of any live protected birds or animals, provided the permit is attached to the shipment. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

§ 27. COUNTY AUDITORS. BONDS. REPORTS. FEES.] The bonds required under the general and special laws of the State of North Dakota to be given by County Auditors shall hereby be construed as applying to all the duties required of such County Auditors under the provisions of this act, including the liability for all moneys required to be collected or received under the terms of this act for the sale of licenses, and for each license sold by him each County Auditor shall collect the charges authorized under this act and retain as his compensation for the additional duties prescribed for such officer by this act, for all licenses sold by him, the fee of ten cents for each resident license, the fee of one dollar for each non-resident license, and twenty-five cents for each non-resident fishing license, and the remainder he shall transmit to the Game and Fish Commissioner, who shall in turn transmit it to the State Treasurer, who shall credit the same to the game and fish fund. The retention by such County Auditor of such specified fees for his personal use is hereby legalized and authorized.

Each County Auditor shall keep all applications for license and all license stubs on file, subject to the inspection by the Game and Fish Commissioner, or his duly authorized deputies and wardens, at all times. Each County Auditor shall transmit to the Game and Fish

Commissioner on the first day of February, May, August, and November, of each year, all license moneys he may have received since the preceding remittance, together with a complete report of all license sales, on forms furnished by the Game and Fish Commissioner. Within thirty (30) days after the close of each open season, each County Auditor shall transmit to the Game and Fish Commissioner, all applications for licenses, license stubs, and unused or mutilated licenses covering that particular open season; and all moneys received for the sale of such licenses and not previously transmitted, together with a complete report of such license sales, to be made on forms furnished by the Game and Fish Commissioner.

§ 28. FORFEITURE OF LICENSES.] All persons convicted of violations of the provisions of this act shall, in addition to the fine and imprisonment provided, also forfeit any licenses held by them for privileges they have violated, and no license shall be issued to such person for the remainder of such year.

§ 29. MISREPRESENTATIONS OR ALTERATIONS.] Any person who makes any misrepresentations in his application for licenses; or makes any alterations in licenses already procured, shall be guilty of a misdemeanor, and upon conviction be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than twenty days nor more than thirty days, or both such fine and imprisonment.

§ 30. NO DUPLICATE LICENSES.] No official issuing licenses shall have authority to issue duplicate licenses to those who have lost their licenses without the repayment of the license fee.

§ 31. COMMON CARRIERS.] No transportation company or common carrier shall receive for transportation or attempt to transport any protected game bird or animal or fish except during the open season for same as provided for in this act.

§ 32. FUR-BEARING ANIMALS.]

(1) No person shall hunt, shoot, trap or take in any manner any fur-bearing animals except during the open or lawful season as established by this act; provided, that it shall be lawful to take at any time, or in any manner any wild fur-bearing animal not specifically protected by this act, and, provided further, that animals may be taken for breeding or domestication as hereinbefore authorized.

(2) Land owners and tenants may destroy any wild fur-bearing animal which is committing depredations upon their poultry, domestic animals or crops, but under no circumstances shall it be legal to sell, ship or commercialize in the pelts of such depredating animals, or any part thereof, if caught or killed out of season.

(3) SKUNK, BADGER.] It shall be lawful to trap or take for commercial purposes the skunk and badger between the first day of November and the 28th day of February, both inclusive, provided, that the badger shall not be caught or killed by pouring or running water in burrow or retreat.

(4) MINK, WEASEL, RACCOON, FOX.] It shall be lawful to trap or take for commercial purposes the mink, weasel, raccoon, red and gray fox and swift between the 15th day of November and the 15th day of February, both inclusive.

(5) MUSKRAT.] It shall be lawful to trap or take for commercial purposes the muskrat between the fifteenth day of December and the fifteenth day of February, both inclusive, provided that it shall be unlawful at any time, for any purpose, to shoot, or spear the muskrat; to dynamite or destroy a muskrat house, burrow or retreat.

(6) DEALER'S LICENSE.] It shall be unlawful for any person to engage in the business of buying, shipping or selling of green furs without first procuring a license, the fee for which shall be as follows: For a non-resident buyer or shipper, or his agent, license fee shall be twenty-five dollars (\$25.00); for a resident buyer or shipper, the fee shall be five dollars (\$5.00) for each place of business in the State; for a resident traveling agent, buyer or shipper, the fee shall be fifteen dollars (\$15.00); said license to be obtained from the Game and Fish Commissioner, fees for which shall be credited to the game and fish fund in the usual manner. The life of all licenses issued to dealers in green furs and trappers shall terminate on September 1st of each year.

(7) INSPECTION OF PREMISES AND RECORDS.] The Game and Fish Commissioner, the deputy game and fish commissioner and bonded game wardens shall have the right without warrant to enter upon the premises of any dealer or trader in green furs for the purpose of inspecting any warehouse or other store rooms, or places, and to call for and inspect records of buying, shipping or selling of green furs; provided, however, that the right to enter and search without a warrant shall in no manner be taken or construed to apply to the entry or search of the dwelling house or living quarters of any person or sealed railroad car. They shall also have the power and authority to seize and hold subject to the order of the court having jurisdiction of the offense any green furs obtained illegally, and shall have the right to search camps, tents, automobiles or other vehicles for the same purpose.

(8) TRESPASSING.] Any owner or lessee of any premises upon which there may be any muskrats shall have the right to post in conspicuous places a notice forbidding the trapping of muskrats thereon, and it shall be unlawful for anyone to trap, take or kill any muskrats thereon; provided, however, that said owner or lessee may trap

muskrats in a lawful way in the open season for same. Provided that the Game and Fish Commissioner shall have the power and authority to close any lake or lakes against the trapping or the killing of the muskrat therein when it is essential for the welfare of the game fish in said lake or lakes, notice of such closing to be posted at said lake or lakes.

§ 33. TURNING OVER MONEY. NEGLIGENCE. PENALTY.] Any person who shall fail, refuse or neglect to turn over, as provided in this act, any moneys collected or authorized to be collected under the provisions of this act, or who shall fail, neglect or refuse to turn over and deliver all applications, stubs, mutilated and unused licenses and permits, shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) and costs of prosecution, and civil actions may be begun by the Game and Fish Commissioner against his bondsmen to recover any money not turned over according to the provisions of this act.

§ 34. TAXIDERMISTRY. HOW REGULATED.] Hereafter it shall be unlawful in 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 Commissioner. All taxidermists must keep a register in which a list of names of persons who furnish them with green or unmounted specimen 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 the Game and Fish Commissioner or his deputy or bonded game wardens 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.

§ 35. BAG LIMITS: POSSESSION LIMITS.] No person shall in any one day take, catch, kill, or destroy more than five (5) pinnated grouse (prairie chicken), sharp-tailed grouse (white-breasted grouse), or ruffed grouse (partridge), nor more than five (5) of any or all varieties combined; nor more than four (4) geese; nor more than four (4) brant, nor more than four (4) geese and brant combined; nor more than fifteen (15) ducks; nor more than ten (10) Wilson's snipe (jack snipe); nor more than twelve (12) coot (mud hen); nor more than three (3) male pheasants.

No person shall at any time have in possession, or under control, ship, transport, store, can or otherwise preserve, more than two days' bag limit of any protected bird mentioned in this section.

PENALTY.] Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days, or by both such fine and imprisonment, for each and every bird taken, stored, transported, or possessed, contrary to the provisions of this Section.

§ 36. RESISTING COMMISSIONER OR WARDENS.] Whoever shall resist or obstruct the Game and Fish Commissioner or any warden or other officer of this state in the discharge of his duties under this act, shall be guilty of a misdemeanor.

§ 37. GAME REFUGE.] Any person, partnership or corporation owning or having control by lease or otherwise for the required time of lands within the State of North Dakota, may establish thereon a game refuge by filing a written application with the Game and Fish Commissioner giving; (a) the name of the owner or lessee, or in case of the lessee, the written consent of both the owner and the lessee; (b) the time for which the refuge is to be established. In no case less than ten years from the date the application is filed; (c) the extent and legal description of the land, in no case less than ten acres, and not to exceed in all six sections in any one township; (d) a brief dedication of the land to the State of North Dakota for the purpose of a game refuge; (e) each owner or lessee, if the latter the written agreement of both, must waive all rights of himself or members of his family to hunt, shoot, trap or kill any protected game bird or animal, during the life of the dedication of the land to the state as a game refuge, and after the filing of his application in due form and the acceptance by the Game and Fish Commissioner shall constitute a game refuge within the meaning of this section. A proper record subject to public inspection shall be kept by the Game and Fish Commissioner in which shall be registered by counties the names and donors, the time of the dedication and the legal description of the lands so dedicated as game refuges. The Game and Fish Commissioner may, in like manner, establish one or more game refuges on any unsold public lands of the State, which shall be registered with the game refuges on the private lands, as hereinbefore set forth, the duration of the public land refuges being until they become the property of private persons or until cancelled by the Game and Fish Commissioner. It is further provided that under the same terms and conditions the owner or owners of land surrounding or adjoining any lake within the state may dedicate the lake to the state for breeding, resting and refuge places for water-fowl. All lands and lakes so set aside and established as game refuges shall be under the protection of the state, and it shall be unlawful to hunt with any firearms of any description within one hundred and fifty feet of the boundaries thereof, and any person who shall within the limits of one hundred and

fifty feet of any game refuge shoot, trap, kill, wound in any manner, take or capture or drive out of the refuge for the purpose of killing or capturing any protected game bird or animal, or shall be found within the limits of any game refuge with firearms of any kind, shall, upon conviction, be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten or more than thirty days in the discretion of the court. Any person convicted of a second or subsequent offense shall be punished by a fine double the amount of the penalty for the first offense. Each game refuge shall, after it has been established as provided, be posted at each corner and along its outer line at approximately eighty rods with a sign upon which shall be the words, "State Game Refuge". The owner or lessee of any land or lakes so set aside as a game refuge shall not himself hunt or carry firearms therein nor permit immediate members of his own family or any other person or persons to hunt or carry firearms therein, except that if he has reason to believe there are within the game refuge any carnivorous birds or animals, or if he finds any carnivorous birds or animals, he may with the knowledge and written permit from the Game and Fish Commissioner, hunt and kill and trap any and all such carnivorous or unprotected birds or animals found within such game refuge, as by nature injure or kill protected game birds and animals living therein.

§ 38. DEFACING WARNING SIGNS.] The Game and Fish Commissioner shall mark all game farms, game reservations, breeding grounds and resting places under its protection, and no person shall mutilate, destroy, tear or pull down or shoot at such designating marks or other special or general warning signs or cards. It shall also be unlawful to destroy any sign on posted lands. Any violation of this section shall constitute a misdemeanor.

§ 39. ILLEGAL TO HIRE ANOTHER TO HUNT.] No person shall hire another person to hunt for him. No person shall hunt for remuneration for another.

§ 40. TRESPASSING GAME RESERVES.] All islands that have appeared or may appear in the waters of Devils Lake and the Missouri River are hereby reserved, appropriated and set aside as a bird reserve and it shall be unlawful for any person to hunt, shoot, kill, wound or injure any protected bird, or to rob or destroy any protected bird nest or eggs on said reserve at any season of the year. It shall also be unlawful for any person to hunt or trap on the national game reserve in Sullys Hills National Park in Benson County near Devils Lake, or in any other national or state game reserve or game refuge that has been or may be hereafter established within the boundaries of the State.

§ 41. IMPERSONATING GAME WARDENS.] Any person who impersonates a game warden or claims to have such authority, without having been formally appointed as herein provided, shall be guilty of a misdemeanor.

§ 42. USING LICENSE OF ANOTHER.] It shall be unlawful for any person to use the license of another for the purpose for which any licenses are acquired or to attempt to deceive any game warden or other official by claiming such licenses as his own. Such illegal use of licenses shall be a misdemeanor.

§ 43. ILLEGAL HUNTING. ILLEGAL OWNERSHIP OF GUNS OR RIFLES.] It shall be unlawful for any person who is not a citizen of the United States or who has not declared his intention to become such, to hunt, shoot, capture, take, kill, trap, snare or in any manner destroy, wound or maim any wild bird or animal, either game or otherwise, of any description, in this State, except in defense of person or property; and to that end it shall be unlawful for any person who is not a citizen of the United States or who has not declared his intention to become such, to either own or be possessed of a shotgun or rifle of any make, unless he shall first have procured a non-resident hunting or trapping license.

§ 44. PROTECTED FISH. SEASON OF PROTECTION.] No person shall take, catch or kill any of the fish mentioned in this section within the periods herein limited or specified, to-wit: Any species of trout or land locked salmon between the first day of October and the first day of May following, both days inclusive; any species of bass, crappie or sunfish between the first day of November and the fifteenth day of June, following, both days inclusive, or any species of walleyed pike, northern pike, or perch between the first day of November and the fifteenth day of May following, both days inclusive.

§ 45. FISH PROTECTED WHEN PLANTED.] All planted fish or fish eggs placed in the public waters of this state for the purpose of propagation, breeding or growth shall be and are hereby protected for a period of five years from the time of such planting.

§ 46. 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 set net or seine, for the purpose of catching or taking any fish from any public waters of this state, except as hereinafter provided.

§ 47. DRUGS AND EXPLOSIVES FORBIDDEN.] No person shall lay, set or use any drug, poison, lime, medicated bait, fish berries, dynamite or other deleterious substance whatever, or lay, stretch or place any tip-up snare, fish trap, set or trout line, wire string, rope or cable of any sort in any of the public waters of this state with intent thereby or therewith to catch, take, kill or destroy any fish; provided, that a minnow seine not exceeding twenty feet in length may be used for taking minnows for bait.

§ 48. FISHWAYS.] Any person owning, erecting, managing or controlling any dam or other obstruction across any river, creek or stream within or forming the boundary line of this State, shall construct, in connection with such dam, a durable and efficient fishway in such manner and of such shape and size as the Game and Fish Commissioner may direct. Such fishway shall be kept in good repair by the person so owning, controlling, managing, operating or using such dam or obstruction. If any person fails to construct or keep in good repair durable and efficient fishways as herein provided, for the space of ten days after notice, the commissioner may construct or repair the same, and the cost thereof may be recovered from the owner or any person managing, or being in control thereof, in a civil action brought in the name of the State of North Dakota. All fishways theretofore or hereafter erected in any dam or obstruction across any of the streams in this state shall at all times be under the supervision and control of the commissioner. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

§ 49. FISHING NEAR FISHWAYS FORBIDDEN.] No person shall catch, take or kill any fish in any lake or stream within four hundred feet of any fishway, or have in his possession or under his control any fish so caught, taken or killed.

§ 50. FISH HOUSES.] No person shall erect, have or maintain on the ice in any waters of this state any fish house, structure, inclosure or shelter whatever to protect the person or the occupant while engaged in fishing through the ice. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

§ 51. SAWDUST DEPOSIT.] Any person who deposits any sawdust or other refuse in any lakes or streams of water wherein the State or Federal Government has deposited any fish, fish eggs or fry, or may deposit any such fry, or where any game fish naturally abound, shall be deemed guilty of a misdemeanor.

§ 52. FISH, MANNER OF TAKING.] No person shall take, catch, kill or destroy in any other 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, any fish from any waters in this state; provided that commercial fishing is permitted in the Missouri River, Yellowstone River, Mouse River, and Antler Creek in Bottineau County, in the manner prescribed in this act; provided further, that the Game and Fish Commissioner or some person authorized by him may take with nets, seines, drag nets, dip nets and traps any such fish as buffalo, bullhead, sucker, carp, catfish, redhorse, pickerel or sturgeon from the waters of this state, when in his 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 Commissioner, and money derived from the disposal thereof be paid into the Game and Fish Fund.

§ 53. COMMERCIAL FISHING, APPLICATION FOR LICENSE AND COST THEREOF.] Any person having procured a fishing license as provided in this act may after having also procured the commercial fishermans' license provided for in this section, fish, catch and take in the Missouri River, Yellowstone River, Mouse River, and Antler Creek in Bottineau County, or any back waters thereof any fish at any time and may use in the taking of such fish in said rivers or any back waters thereof, any net, seine, trap or throw line; provided, however, that no gill net having a mesh smaller than two inches may be used therein. Such commercial fisherman's license shall be issued by the Game and Fish Commissioner and shall be sold for the following fees: \$1.00 for each and every hoop net or trap, \$1.00 for each and every one hundred feet of net or seine, or part thereof, and \$1.00 for each and every set line; and the proceeds from such licenses shall be paid into the Game and Fish Fund. No person fishing under a commercial fisherman's license as provided in this section shall at any time take any protected fish when the taking thereof is prohibited, and if any such protected fish are taken during such prohibited period, the same shall be returned into the waters from which they were taken with as little harm as possible. No person operating under a commercial fisherman's license shall set or cause to be set, or drag, or otherwise operate any net, seine, hoop net, trap or set lines within one thousand feet of any streams emptying into the Missouri River, Yellowstone River, Mouse River, Long Creek in Divide County and Antler Creek in Bottineau County.

§ 54. CREEL AND POSSESSION LIMIT; SIZE LIMIT.] No person shall in any one day take, catch or kill more than five (5) bass, trout or land-locked salmon, nor more than five (5) of any or all of the same combined; nor more than ten (10) wall-eyed pike, northern pike, nor more than ten (10) of any or all of the same combined; nor more than fifteen (15) crappie or sunfish, nor more than fifteen (15) of the same combined; nor more than twenty-five (25) perch. No person shall have in possession at any time more than two days' limit of any protected fish.

No person shall take, catch, kill, or have in possession or under control at any time any species of bass, trout, land-locked salmon, or pike, that are less than ten (10) inches in length; nor any species of crappie that are less than six (6) inches in length; nor any species of sunfish that are less than five (5) inches in length.

Any person catching any protected fish that are under the legal size limit, shall immediately return the same to the water from which they were taken, with as little harm as possible to the fish. Any violation of this section shall be a misdemeanor, and the penalty provided therefor shall be applied for each and every fish taken or had in violation of this section.

§ 55. FISH, SALE OF. No person shall have in possession with intent to sell, barter, or trade to any person at any time any species of trout, crappie, sunfish, bass, pike, perch or land-locked salmon which have been caught within the borders of this State.

§ 56. HUNTING FROM AIRCRAFT PROHIBITED.] An aeronaut or passenger who, while in flight within this state, shall intentionally kill or attempt to kill any birds or animals, except as hereinafter provided, shall be guilty of a misdemeanor; provided that wolves, coyotes, Canadian lynx or bobcats may, with the permission of the Game and Fish Commissioner, be hunted from aeroplanes within this state, such hunting and shooting shall be under the supervision of the Game and Fish Commissioner.

§ 57. ADDITIONAL PROTECTION—GOVERNOR'S ORDERS.]

(1) Whenever the Governor, after investigation and recommendation by the Game and Fish Commissioner finds that any species of game birds, fish or animals for which an open season is provided are in danger of undue depletion or extinction or when necessary for the proper protection during the propagating period, he may by an order provide protection for such species, additional to that provided by law, and to that end may prescribe in what manner, in what number, in what places and at what times the same may be taken. Provided, further, that whenever the Governor, after investigation and recommendation by the Game and Fish Commissioner, finds that any species of game birds, fish or animals has become sufficient in numbers to warrant an open season, he may by order declare an open season thereon, or extend the already open season as now provided by law and to that end may prescribe in what manner, in what number, in what places and at what times the same may be taken. Any order issued by the Governor pursuant to this section shall have the force of law and the appropriate penalties now prescribed by law for the unlawful killing of game shall follow and be applicable to violations of any such order. No such order shall be valid after the closing of the regular session of the legislature next succeeding its issuance.

(2) PUBLICATION OF ORDERS.] All orders, rules and regulations affecting the entire State as provided for herein shall be published once in the official newspaper in each county effective (affected) by such orders. No order, rule or regulation shall take effect until after such publication.

§ 58. USE OF RETRIEVERS AND SPANIELS.] Provided, further that nothing in this Act shall prohibit a resident owner handling retrievers and spaniels on his own land, or the land of others with the permission of the owner, between August 1st and March 1, inclusive.

§ 59. GENERAL PENALTY.] Any person or persons who violate any provisions of this Act for which penalty has not been heretofore specifically provided, shall be guilty of a misdemeanor and upon

conviction be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) and costs of prosecution, or by imprisonment in the county jail for not less than ten nor more than thirty days or both such fine and imprisonment at the discretion of the Court.

§ 60. REPEAL.] All acts or parts of acts in conflict with this Act are hereby repealed.

§ 10322a1, 19322a2 (10322a2), 10322a4 as amended by Chapter 145, Session Laws of 1927, 10322a5, 10322a6, as amended by Chapter 153, Session Laws of 1927, 10322a7, 10322a8, 10322a9, 10322a10, 10322a11, 10322a12, 10322a13, 10322a14, as amended by Chapter 149, Session Laws of 1927, 10322a15 as amended by Chapter 149, Session Laws of 1927, 10322a16, 10322a17, 10322a18, 10322a19, 10322a20, 10322a21, 10322a22, 10322a23, 10322a24, as amended by Chapter 152, Session Laws of 1927, 10322a25 as amended by Chapter 152, Session Laws of 1927, Section 10322a26 as amended by Chapter 150, Session Laws of 1927, and Chapter 132, Session Laws of 1929, 10322a28, as amended by Chapter 151, Session Laws of 1927, 10322a29 as amended by Chapter 151, Session Laws of 1927, 10322a30, 10322a31, 10322a32, 10322a33, 10322a34, 10322a34a, 10322a35 as amended by Chapter 148, Session Laws of 1927, 10322a36 as amended by Chapter 148, Session Laws of 1927, and Chapter 135, Session Laws of 1929, 10322a37 as amended by Chapter 148, Session Laws of 1927, 10322a38, 10322a39, 10322a40, 10322a41, 10322a42, 10322a43, 10322a44, 10322a45 as amended by Chapter 146, Session Laws of 1927, 10322a46 as amended by Chapter 146, Session Laws 1927, 10322a47, 10322a48, 10322a49, 10322a52, 10322a53, 10322a54, 10322a55, 10322a56, 10322a57, 10322a58, 10322a59, 10322a60, 10322a61, 10322a62, 10322a63, 10322a64, 10322a65, 10322a66, 10322a67, 10322a68, 10322a69, 10322a70, 10322a71, 10322a72, 10322a73, 10322a74, 10322a75, 10322a76, 10322a77, 10322a78, 10322a79, 10322a80, 10322a81, 10322a82, 10322a83, 10322a84, 10322a85, as amended by Chapter 131, Session Laws 1929, 10322a86, 10322a87, 10322a88, 10322a89 and 2971c10 of the Supplement to the Compiled Laws of 1913, as amended by Chapter 133, Session Laws of 1929, Chapter 147, Session Laws 1927, and Chapter 134, Session Laws of 1929 are hereby expressly repealed.

Approved March 14, 1931.

CHAPTER 149

(S. B. No. 246—Committee on Delayed Bills.)

**TRANSFER "THE BIOLOGICAL STATION" TO CITY OF
DEVILS LAKE****An Act permitting the transfer by sale or lease, of certain state property.**

WHEREAS, The property known as "The Biological Station" in Ramsey County, is serving no useful purpose either to the State University or the Game and Fish Department, to which it has been transferred, now, therefore

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

§ 1. That the Game and Fish Commission shall, with the approval of the Governor and the Attorney General transfer by sale or lease, to the City of Devils Lake, or its Park Board, the property located in Section Eighteen (18), Township One Hundred Fifty-three (153), North, of Range Sixty-four (64) West of the Fifth (5th) Principal Meridian, in Ramsey County, known as "The Biological Station".

Approved March 11, 1931.

CHAPTER 150

(S. B. No. 28—Committee on Game and Fish)

TRAPPING OR KILLING BEAVER, ETC.

An Act providing for taking, trapping or killing beaver doing damage to property; giving notice to land owners; and for sale and tagging of pelts to be sold; making unlawful the killing, taking, attempting to take, transporting, selling, or possession of beaver or beaver pelts, except under certain conditions, and prescribing penalty therefor.

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

§ 1. BEAVER.] No person shall kill, take, attempt to take, transport, or sell any beaver or any part thereof at any time, or molest or disturb any beaver except as hereinafter provided.

(1) In the event that beaver shall at any time in any locality become so numerous that in the judgment of the Game and Fish Commissioner of the State of North Dakota a limited number thereof may be taken without unduly depleting the species, or when they cause substantial damage to public or private property such as to seriously prejudice property rights therein, then and in such case the Game and Fish Commissioner, upon receipt of the license fee of \$3.00 may issue to any land owner or his duly authorized agent a license to take beaver, upon the premises of such land owner, including any State Game Refuge, specifying therein the number of beaver, the time when and the place where the same may be taken.

(2) The licensee shall report to the Game and Fish Commissioner within ten days after the taking of any beaver, the number of beaver so taken by him and shall make application for one tag for each beaver or beaver pelt in his possession, inclosing with his application an express or postal money order in payment of the number of tags applied for. The licensee shall pay the Commissioner a fee of \$1.00 for each tag so issued, and the proceeds thereof shall be paid into the Game and Fish Fund. Such tags shall be prepared and issued by the Game and Fish Commissioner and shall be numbered consecutively and shall contain such other information as said Commissioner may deem expedient or necessary. The Commissioner shall keep a record of each such tag, with its serial number, to whom issued, the date thereof and under what permit issued. The licensee shall immediately on the receipt of such tags affix in the manner designated by the Commissioner one of such tags to each and every beaver or beaver pelt in his possession. Beaver or beaver pelts so taken and tagged, may be bought, sold, had in possession or transported at any time upon compliance with regulations of the Commissioner and all provisions of law relating thereto. It is hereby specifically provided that no licensee shall have in his possession at any time any beaver pelt, longer than twenty days after the taking thereof, unless he shall have secured and affixed thereto such tag. It shall be unlawful for any person to sell, offer for sale, barter, or otherwise dispose of any beaver or beaver pelt unless it shall be so tagged, and it shall be unlawful for any person, partnership, or corporation to buy any beaver or beaver pelt at any time unless it shall be so tagged. It shall be unlawful to ship, transport, accept for transportation, or carry or convey in any manner any beaver or beaver pelt at any time unless the same shall be so tagged. The possession of a beaver pelt, not tagged as heretofore provided and required, shall be prima facie evidence of the unlawful taking of the beaver from which such pelt was procured.

(3) Whenever the Commissioner deems it essential, to the protection of public or private property, to take beaver as provided herein, he shall give to the owner of any land upon which such beaver taking is contemplated, a written notice of such intention and the approximate number of beaver supposed to be taken, such notice to be sent by registered mail to the last known postoffice address of each said owner. Said owner of any such lands proposed to be affected shall thereupon have the first right and privilege, if exercised within ten days after the receipt of the notice from the Commissioner, to make application to trap and take such beaver in the manner hereinbefore provided. Failure of such owner within such ten day period to avail himself of such right shall entitle the Commissioner to grant such license to any other person applying therefor, as provided by this section.

(4) Any person who shall unlawfully take, possess, transport, sell or otherwise dispose of any beaver or any part thereof shall be

guilty of a misdemeanor and shall, upon conviction be punished by a fine of not less than \$25.00 for each beaver, beaver pelt, or any part thereof, or by imprisonment in the county jail for not less than twenty nor more than thirty days, or by both such fine and imprisonment.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved February 9, 1931.

GRAIN

CHAPTER 151

(H. B. No. 185—Johnson and Northridge.)

APPLICATION TESTING AND SEALING OF GRAIN—ISSUE AND CANCELLATION WAREHOUSE CERTIFICATES

An Act to amend and re-enact Sections 11 and 16 and repealing Section 13 of Chapter 138 of the Session Laws of North Dakota for 1929, relating to the storage of grain on farms and prescribing the procedure therefor.

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

§ 1. AMENDMENT.] That Section 11 of Chapter 138 of the Session Laws of North Dakota for the year 1929 is hereby amended and re-enacted to read as follows:

§ 11. APPLICATION FOR TESTING AND SEALING OF GRAIN.] Whenever any inspector shall be appointed by the Commissioner in the manner provided herein, any owner of grain within his district desiring to store the same, shall make written application to the Commissioner to be filed with the inspector, indicating where such grain is stored, the kind of structure in which it is stored, the encumbrances upon said grain, if any; and the name and address of the person, firm or corporation to whom the warehouse certificate shall be issued and delivered; which application shall be signed and sworn to by the applicant. Whenever any grain is owned by more than one owner, said application shall be signed by all having any interest therein. In case such grain is mortgaged, the application for inspection shall be signed by the owner and the mortgagee or his or her agent, duly authorized in writing, and any certificate issued for grain owned by more than one person or mortgaged, shall be issued in the name of such persons including the mortgagee.

§ 2. AMENDMENT.] That Section 16 of Chapter 138 of the Session Laws of North Dakota for the year 1929 is hereby amended and re-enacted to read as follows: