

Dakota (Ter.) Laws, statutes, etc. (Collections)

THE

COMPILED LAWS

OF THE

TERRITORY OF DAKOTA,

A. D. 1887.

COMPRISING THE CODES AND GENERAL STATUTES IN FORCE AT THE CON-
CLUSION OF THE SEVENTEENTH SESSION OF THE
LEGISLATIVE ASSEMBLY.

COMPILED AND PUBLISHED BY
E. W. CALDWELL AND CHARLES H. PRICE,
COMPILERS OF THE LAWS.

BY AUTHORITY OF THE LEGISLATIVE ASSEMBLY.

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mon carrier receiving such birds for transportation, and the same shall operate as a release to such carrier or agent from any liability in the shipment or carrying such birds. The original affidavit is to be retained by the officer taking the same, and may be used as evidence in prosecution for violation of this act. Any person swearing falsely to any material fact of said affidavit shall be guilty of perjury and punished accordingly.

§ 2370. If any person shall shoot, kill, catch or take, trap, ensnare, buy, sell, ship or have in possession, or ship, take or carry out of the territory, contrary to the provisions of this act, any of the birds named in this act, or shall wilfully destroy any eggs or nests of birds named in this act, such person shall be punished by a fine of ten dollars for each bird and ten dollars for each nest or the eggs therein so shot, killed, trapped, caught or taken, ensnared, bought, sold, shipped, had in possession, destroyed or shipped, taken or carried out of the territory, and shall stand committed to the county jail unless such fine and the costs of prosecution be sooner paid.

Penalty.

s. 6, c. 58, 1887.

§ 2371. If any railway, express company or any other common carrier, or any of their agents or servants, knowingly receive any of the above mentioned birds for transportation or other purpose during the periods hereinbefore limited and prohibited, or at any other time except in manner provided in section 2369, they shall be punished by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment in the county jail for thirty days, or by both such fine and imprisonment.

Transportation
companies lia-
ble.

s. 7, c. 58, 1887.

§ 2372. If any person shall kill or shoot any wild duck, goose or brant with any swivel gun, or any kind of gun except such as is commonly shot from the shoulder, or shall use medicated or poisoned food to capture or kill any of the birds named in this act, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined twenty-five dollars for each offense, and shall stand committed to the county jail for thirty days unless such fine and the costs of prosecution are sooner paid.

Unlawful man-
ner of killing.

s. 8, c. 58, 1887.

§ 2373. Prosecutions for violations of this act may be brought either in the county in which the offense was committed, or in any other county where the person, company or corporation complained of has had or has in his possession any birds herein named, bought, sold, killed, trapped or ensnared in violation of any of the provisions of this act.

Prosecutions,
how brought.

s. 9, c. 58, 1887.

§ 2374. In all prosecutions under this act the court before whom the same is brought shall appoint some attorney at law for the purpose of managing the prosecution of the cause, and such attorney shall be entitled to a fee of ten dollars in each and every case in which he is so appointed, and the person filing an information under this act shall in case of conviction be entitled to a fee equal to one-half of the amount imposed on each conviction, and both the fee of such attorney and the informant shall be taxed as costs in the case of the person convicted; *provided*, that the county shall in no case be held liable for said attorney's fee or penalty.

Court to appoint
attorney to
prosecute—Fee.

s. 10, c. 58, 1887.

§ 2375. It shall be unlawful for any person or persons to kill, trap or destroy by any means whatever, any quail in the territory of Dakota for a period of two years [from March 5, 1887.]

Unlawful to kill
quail for two
years.

s. 2, c. 59, 1887.