

THE STATE OF OREGON.

GENERAL AND SPECIAL LAWS

AND

JOINT RESOLUTIONS AND MEMORIALS

ENACTED AND ADOPTED BY

THE EIGHTEENTH REGULAR SESSION

OF THE

LEGISLATIVE ASSEMBLY

1895.

Begun on the fourteenth day of January and ended on the twenty-third day of February, 1895.



home, this act shall take effect from and after its approval by the governor.

Approved February 25, 1895.

AN ACT

[S. B. 213.]

For the protection of game, fish and wild fowl of the state of Oregon, and to provide for the appointment of a fish and game warden.

Be it enacted by the legislative assembly of the state of Oregon:

Section 1. Every person who shall, within the state of Oregon, at any time between the first day of December of each year and the first day of August of the following year hunt, pursue, take, kill or destroy any elk, moose or mountain sheep shall be guilty of a misdemeanor. Every person who shall at any time take, kill, injure or destroy or pursue with intent to take, kill, injure or destroy any moose, elk, mountain sheep or deer for the purpose of obtaining the skin, hide, horns or hams of such animals shall be guilty of a misdemeanor. Every person who shall sell, or offer for sale, barter or exchange, and every person or the agents, officers employed or operatives of any corporation, who shall buy, or offer to buy, or transport, or carry for the purpose of barter or sale or exchange, the skin or hide of any moose, elk, deer or mountain sheep (except when it is lawful to kill the same) shall be guilty of a misdemeanor, and every person who shall sell, or offer for sale, or buy, or offer to buy, or have in his possession or custody, or under his control, any elk, deer, moose or mountain sheep, at any time when it is unlawful to take or kill the same, shall be guilty of a misdemeanor; *provided*, that any person or persons may sell or offer for sale at any time meat in a dried, smoked or jerked condition; and upon the possession [prosecution] of any person or persons for a violation of any of the provisions of this act, the possession by the accused of any of the aforesaid animals at any time when it is unlawful to take or kill the same, and the possession by the accused of any such hide or skin at any time, shall be *prima facie* evidence of the guilt of the accused.

Section 2. Every person who, after the passage of this act, shall kill any spotted fawn shall be guilty of a misdemeanor.

Section 3. Every person who shall, within the state of Oregon, between the first day of December in each year and the first day of August of the following year, or shall, between one hour after sunset and one half hour before sunrise of any day of the year, hunt, pursue, take, kill or destroy any deer shall be

guilty of a misdemeanor. Every person who shall kill any deer at any time, unless the carcass of such animal is used or preserved or is sold for food, shall be guilty of a misdemeanor.

Section 4. Any person or persons who shall hereafter, in the state of Oregon, hunt or pursue elk or deer with hounds with intent to kill said elk or deer shall be guilty of a misdemeanor.

Section 5. Any person who shall be found guilty of the offenses defined in the foregoing sections shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, together with the costs of the prosecution in said action; and in default of the payment of said fine, shall be imprisoned in the county jail one day for each two dollars thereof.

Section 6. Every person who shall, within the state of Oregon, between the first day of December and the first day of September of the following year, take, kill, injure or destroy or have in possession, except for breeding purposes, or sell, or offer for sale, any grouse, pheasant, Mongolian pheasant, quail, or partridge, shall be guilty of a misdemeanor; *provided, however*, that it shall be unlawful to kill, injure or destroy any prairie chicken, except during the months of July, August and September of each year. It shall be unlawful within the state of Oregon to kill or destroy any ringnecked Mongolian pheasant, or any of the various kinds of pheasants imported into this state by the Hon. O. N. Denny, or any quail, bobwhite or pheasant in that portion of the state of Oregon lying east of the Cascade mountains.

Section 7. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine, not less than fifty dollars nor more than one hundred dollars, and in default of payment of the fine imposed shall be imprisoned in the county jail at the rate of one day for each two dollars of the fine imposed.

Section 8. Every person who shall, within the state of Oregon, sell, exchange or offer for sale or exchange, for money or anything of value, or shall take or kill, for sale, or have in possession for sale or exchange, any grouse, pheasant, quail, ringnecked or China pheasant, silver pheasant, golden pheasant, copper pheasant, green Japanese pheasant, quail or bobwhite or prairie chicken, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided; *provided, however*, that it shall be lawful to sell, or take or kill for sale any of the birds hereinbefore enumerated during the period commencing October fifteenth of each year and ending November fifteenth of the same year, except as hereinbefore provided in section 6 of this act; *provided, further*, that no person shall in one

day kill or destroy a greater number than twenty of the hereinbefore enumerated birds; *provided, further*, that it shall be unlawful to sell, or offer for sale, or have in possession in cold storage, or otherwise, any elk, deer, trout, grouse, pheasant, Mongolian pheasant, geese, duck or quail five days after the open season for killing the same closes.

Section 9. Every person, or servant, agents, employés, or operatives of any railroad, steamboat, express or other company or corporation, who shall transport, or carry out of the state, or have in possession for the purpose of shipment or carriage outside of the state of Oregon, any of the birds named in the foregoing section, except for breeding or exhibition purposes, written consent for the same having first been obtained, upon affidavit, from the fish and game protector, shall be guilty of a misdemeanor, and punishable as hereinafter provided.

Section 10. Every person who shall, within the state of Oregon, at any time after the passage of this act, trap, net or ensnare, or attempt to trap, net or ensnare, any quail or "bobwhite," prairie chicken, grouse or pheasant, or have in possession any live quail or bobwhite, prairie chicken, grouse or pheasant, except the same be kept for the purposes of propagation or exhibition, shall be guilty of a misdemeanor.

Section 11. Every person who shall, within the state of Oregon, at any time after the passage of this act, destroy or remove from the nest any mallard duck, widgeon, wood duck, teal, spoonbill, gray, black, sprigtail or canvasback duck, Mongolian or other pheasant, prairie chicken or sage hen, grouse, quail or partridge, or other wild fowl, any egg or eggs of such fowls or birds, or have in possession, sell or offer for sale, any such egg or eggs, or wilfully destroy the nest of any such fowls or birds, shall be guilty of a misdemeanor.

Section 12. Every person who shall have in possession any male deer or buck or any female deer or doe, spotted fawn, elk moose or mountain sheep, except the same be kept as a household pet, or any swan, mallard duck, wood duck, widgeon, teal, spoonbill, gray, black, sprigtail or canvasback duck, prairie chicken or sage hen, grouse, pheasant, quail, "bobwhite" or partridge (except as hereinbefore provided in section 10 of this act), or any mountain, brook or lake trout, at any time when it is unlawful to take or kill the same, as provided in this act, shall be guilty of a misdemeanor, and proof of the possession of any of the aforesaid animals, fowls, birds or fish at a time when it is unlawful to take or kill the same, in the county where the same is found, shall be *prima facie* evidence in any prosecution for a violation of any of the provisions of this act that the person or persons in whose possession the same is found, took, killed or

destroyed the same in the county wherein the same is found, during the period when it was unlawful to take, kill or destroy the same.

Section 13. Every person convicted of a violation of any provision of sections 8, 9, 10, 11 and 12 of this act shall be punished by a fine of not less than twenty-five dollars and not more than two hundred dollars, or imprisonment in the county jail of the county where the offense was committed for not less than three months, or both such fine and imprisonment.

Section 14. Every person who shall, within the state of Oregon, during the months of November, December, January, February and March of any year, catch, kill or have in possession, sell or offer for sale, any mountain, lake, brook or speckled trout caught from any fresh water, shall be guilty of a misdemeanor. Every person who shall, within the state of Oregon, take or attempt to take, or catch, with any seine, weir, net or other device than hook and line, any mountain or brook trout after the passage of this act, shall be guilty of a misdemeanor.

Section 15. Every person who shall use any sink box on the Columbia river or any lake or river in the state of Oregon for the purpose of shooting wild ducks, geese, swan or other water-fowl therefrom, at any time, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Section 16. Every person who shall use any batteries or swivel or pivot-gun, or any other gun than one to be held in the hands and fired from the shoulder, either from the shore or on a boat, raft or other device, on the Columbia river, or on any lake or river in the state of Oregon, at any time, for the purpose of shooting wild ducks, geese, swan or other water-fowl, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as hereinafter provided.

Section 17. Every person who shall use or build any blind or other structure in any public lake or river in the state of Oregon, or in the Columbia river, more than one hundred (100) feet out from the shore or margin of such lake or river for the purpose of shooting wild ducks, geese, swan or other water-fowl therefrom, at any time, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as hereinafter provided.

Section 18. Every person who shall build or use any blind or other structure in any lake in the state of Oregon, other than public lakes, more than one hundred (100) feet out from the shore or margin of such lake, for the purpose of shooting wild ducks, geese, swan or other water-fowl therefrom, at any time,