

# LAWS

PASSED AT

THE SIXTH SESSION

OF THE

# LEGISLATIVE ASSEMBLY

OF THE

STATE OF NORTH DAKOTA

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BEGUN AND HELD AT BISMARCK, THE CAPITAL OF SAID STATE,  
ON TUESDAY, THE THIRD DAY OF JANUARY, A. D. 1899,  
AND CONCLUDED MARCH THIRD, A. D. 1899.

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GRAND FORKS, N. D.  
HERALD, STATE PRINTERS AND BINDERS.  
1899.

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

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

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

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

1. Shoots or kills any prairie chicken, pinnated grouse, sharp tailed grouse, ruffled grouse or woodcock between the first day of October and the twentieth day of August following, or any song bird or insect-eating bird, except snipe or plover, at any time; or

2. Shoots, kills or takes any quail, English or Chinese pheasant or wild swan until after the twentieth day of August, A. D. 1905, and after that time between the first day of October and the twentieth day of August following; or

3. Shoots or kills any wild duck between the first day of January and the twentieth day of August following; or

4. Shoots or kills any wild goose, crane or brant between the first day of May and the twentieth day of August following; or

5. At any time kills or shoots any wild duck, goose or brant with any swivel gun or other gun except such as is commonly shot from the shoulder, or in hunting such birds makes use of any artificial light or battery; or

6. Uses or employs any trap, snare, net or bird lime, or medicated, drugged or poisoned grain or food to capture or kill any of the birds mentioned in subdivisions 1, 2, 3 or 4 of this section; or

7. Wantonly destroys any nest or eggs of any of the birds mentioned in subdivisions 1, 2, 3 or 4 of this section; or

8. Shoots or kills any buffalo, moose, elk, deer, antelope, caribou or mountain sheep at any time, or any deer between the tenth day of December and the tenth day of October following; or

9. Shoots, kills, traps or takes any beaver or otter at any time prior to the tenth day of November, A. D. 1905, or thereafter between the tenth day of December and the tenth day of November following; or

10. At any time uses or employs any hound or dog in running or driving any of the animals mentioned in subdivision 8 of this section, or

11. Sets any spring or other gun, trap, snare or other device to kill, wound or destroy any of the animals mentioned in subdivision 8 of this section; or

12. Shoots or kills in any one day more than twenty-five of the game birds mentioned in subdivisions 1, 2, 3 or 4 of this section, or in any one season more than five of the animals mentioned in subdivision 8 of this section;

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

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