

**FULL TEXT OF THE GAME, FISH AND
OYSTER LAWS OF TEXAS**

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GAME, FISH AND OYSTER COMMISSION



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GAME LAWS

PROPERTY OF THE STATE

All wild animals, wild birds, and wild fowl within the borders of this State are hereby declared to be the property of the people of this State. (Art. 871a, P. C. 1925.)

"GAME BIRDS" DEFINED

Wild turkey, wild ducks of all varieties, wild geese of all varieties, wild brant, wild grouse, wild prairie chickens or pinnated grouse, wild pheasants of all varieties, wild partridge, wild quail of all varieties, wild pigeons of all varieties, wild mourning doves, wild white-winged doves, wild snipe of all varieties, wild shore-birds of all varieties, wild Mexican pheasants or chachalacas, and wild plover of all varieties, are hereby declared to be game birds within the meaning of this Act. (Art. 872, P. C. 1925.)

"GAME ANIMALS" DEFINED

Wild deer, wild elk, wild antelope, wild Rocky Mountain sheep, wild black bear, and wild gray and red squirrels, cat squirrels or fox squirrels, are hereby declared to be game animals¹ within the meaning of this Act. (Art. 892, P. C. 1925.)

TAKING GAME BIRDS BY NET OR TRAP

Whoever sets a net or trap or other device for taking any bird mentioned in article 872, or who snares or takes by such devices any such bird, without first obtaining from the Game, Fish and Oyster Commissioner a permit in writing so to do, shall be fined not less than ten nor more than one hundred dollars. (Art. 888a, P. C. 1925.)

DESTROYING NESTS OR EGGS OF BIRDS

It shall be unlawful for any person to destroy or take the nest, eggs, or young of any wild game bird, wild bird, or wild fowl, protected by this chapter, except as provided herein. Any person violating any provision of this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten (\$10) dollars nor more than one hundred (\$100) dollars. (Art. 891, P. C. 1925.)

¹Javelina or collared peccary is declared a game animal in Art. 879g-3, P. C. 1925, ante; buffalo is declared a game animal in Art. 978h, P. C. 1925, ante.

NON-GAME BIRDS

It shall be unlawful for any person in this State to kill, catch, wound, take, shoot at, or have in possession, living or dead, any wild bird other than a game bird. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than ten (\$10.00) dollars, nor more than two hundred (\$200.00) dollars. (Art. 874, P. C. 1925.)

BROWN PELICAN PROTECTED

SECTION 1. From and after the passage of this Act it shall be unlawful to kill, take or attempt to take or kill any brown pelican in this State, unless permit is first obtained from the Game, Fish and Oyster Commission of the State of Texas.

SEC. 2. Any person violating this Act shall be deemed guilty of a misdemeanor and shall be fined in a sum not more than Ten (\$10.00) Dollars. (Art. 923b-1, P. C. 1925. Acts 1939, 46th Leg., Spec. L., p. 828.)

UNPROTECTED BIRDS

English sparrows, crows, ravens, vultures or buzzards, "rice-birds" identified as harmful, blackbirds, pelicans (white), road-runners and the goshawk, the Cooper's hawk or blue darter, the sharp-shinned hawk, the duck hawk, jay bird, sapsuckers, woodpeckers, butcher birds or shrike, the great horned owl and the starling are not included among the birds protected by this Chapter; and providing, further, that nothing in this Section shall prevent the purchase and sale of canaries and parrots, or the keeping of same in cages as domestic pets. (Art. 875, P. C. 1925, as amended Acts 1939, Spec. L., 46th Leg., p. 827, sec. 1.)

GOLDEN EAGLE UNPROTECTED

SECTION 1. That from and after the passage of this Act it shall be lawful for any person to hunt, trap, shoot, or kill any Golden Eagle or Mexican Brown Eagle in the State of Texas. (Art. 879i, P. C. 1925, Acts 1941, 47th Leg., p. 429, ch. 259, sec. 1.)

VINGT ET UN ISLANDS — BIRD SANCTUARY

SECTION 1. The group of small islands located in Galveston Bay near Smith's Point and known as Vingt et Un Islands are hereby declared to be a State Wildlife Sanctuary and it shall be unlawful for anyone to hunt on any of the said Islands or within fifty (50) yards of same, or to in anywise molest any of

the birds found on said Islands, or to enter upon said Islands for any purpose without first obtaining permission from the Game, Fish and Oyster Commission.

SEC. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). H. B. 629, Reg. Ses., 45th Leg., p. 214, ch. 115.)

BIRDS PROTECTED—AUDUBON SOCIETY SANCTUARY

After the recording of the lease made by the Commissioner of the General Land Office to the National Association of Audubon Societies for the purpose of protecting birds and bird life on and about the property leased in Kleberg County, known as North Bird Island and South Bird Island and on Green Island in Cameron County and on the group of three islands in Big Bay in Cameron County and on the flats and reefs and shallow waters near all of said islands as described in the laws of this State, it shall be unlawful for any person whomsoever except a representative, an agent or an employee of said Association or a peace officer of this State or of the United States to enter upon such leased area without the knowledge and consent of said association, for the purpose of catching or killing any bird or birds or for the purpose of taking any bird or bird eggs or to destroy any bird nests or bird eggs; it shall be unlawful for any person whomsoever to catch, kill or maim any bird or birds on such leased area or to catch, kill or maim or attempt to catch, kill or maim any bird or birds on or above said area by any means whatsoever even though such person may be above or outside of such leased area; it shall be unlawful for any person whomsoever to discharge any firearms or other explosive on or above such leased area; or to land, tie or anchor any fishing boat within such leased area. Nothing herein shall be construed to prohibit any representative, agent or employee of said Association from catching, killing or destroying within any such leased area any bird or birds and any animals that may be known to prey upon bird life or bird eggs nor to prohibit such representatives, agent or employe from taking bird eggs and catching any bird for propagation or conservation or scientific purposes only, nor to prohibit persons from taking refuge on such area on account of storms. Whoever violates any provision of this article shall be fined not less than twenty-five dollars nor more than five hundred dollars, or be imprisoned in jail for not less than ten days nor more than six months, or both. (Art. 923c, P. C. 1925.)

ROCKPORT WILDLIFE SANCTUARY

SECTION 1. It shall be unlawful for anyone to hunt, take, kill, or attempt to take, hunt, or kill any bird or birds in an area

of this State which is hereby declared to be the Rockport Wildlife Sanctuary. Said Sanctuary shall embrace an area in land and water within the metes and bounds of said Sanctuary in Aransas County, Texas, which are described as follows:

From the southern limits of the town of Rockport where the same meets Aransas Bay; thence in a northerly direction following the meanderings of the shore line of Aransas Bay to the west side of the neck of Frandlig's point, also known as Nine Mile Point or Peninsula; thence with the western shore line of said Frandlig's Point, also known as Nine Mile Point or Peninsula, to the most southern point thereof; thence east to a point in Aransas Bay one mile due east from a point on the northern shore line of the neck of said Frandlig's Point, also known as Nine Mile Point or Peninsula; thence in a southerly direction to a point in Aransas Bay one mile due east from the point of beginning; and thence due west a distance of one mile to the point of beginning.

The landing of said Frandlig's Point, also known as Nine Mile Point or Peninsula, not being included within the boundaries of said Sanctuary.

SEC. 2. The Game, Fish and Oyster Commission is hereby directed to place suitable markers, defining the boundary of the Wildlife Sanctuary herein described.

SEC. 3. Any person who hunts, attempts to hunt, kills, or attempts to kill any bird or animal within this area shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200).

SEC. 4. All laws or parts of laws in so far as they conflict with any portion of this Act be and the same are hereby repealed. (H. B. 965, Acts 1939, 46th Leg., Gen. L., p. 336, as amended by H. B. 282, Acts 1941, 47th Leg., p. 61, ch. 45.)

LAKE CORPUS CHRISTI — GAME SANCTUARY

SECTION 1. All of the waters impounded by Corpus Christi Lake and forming what is known as Lake Corpus Christi in San Patricio, Jim Wells, and Like Oak Counties is hereby declared to be a game sanctuary, and it shall be unlawful for anyone to enter upon said lake or any portion of same with any gun or rifle, or attempt to shoot any bird, fowl, or animal within said game sanctuary.

SEC. 1a. Provided that none of the foregoing provisions apply to the waters of that section of Lake Corpus Christi located in Jim Wells and Nueces Counties.

SEC. 2. Any person violating any provision of this Act or any person found on the waters of Lake Corpus Christi with a gun

or rifle of any kind shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200).

SEC. 3. All laws or parts of laws, so far as they may conflict with any portion of this Act, be and the same are hereby repealed. (H. B. 843, Acts 1941, Reg. Ses. 47th Leg., p. 393, ch. 225, as amended by H. B. 1058, Acts 1941, Reg. Ses. 47th Leg., p. 844, ch. 520.)

WICHITA COUNTY — AREA CLOSED ON GAME

SECTION 1. It shall be unlawful for any person to hunt, take, shoot, or kill any game bird or any game animals, as defined in the laws in the State of Texas, except wild geese and wild ducks, in that part of Wichita County, included within the following described area:

Beginning at the center of the intersection of Tenth and Holiday Streets in the City of Wichita Falls, Wichita County, Texas;

Thence in a southerly direction down the center of said Holiday Street to the corporate limits of the City of Wichita Falls;

Thence along the center of what is known as the Jacksboro-Wichita Falls Highway, being State Highway No. 66, to the center of the public road intersecting said Highway No. 66 on the North line of the J. R. McDowell Survey, Abstract No. 194;

Thence West with the center of said public road along the North line of the said McDowell Survey and North line of the G. Reynolds Survey, Abstract No. 251, to the Northwest corner of said G. Reynolds Survey and a corner of the Wichita Falls State Hospital lands;

Thence South along the center of said public road to the South line of said State Hospital lands;

Thence West with the center of said public road to where the same intersects the Wichita Falls and Archer City paved road being State Highway No. 79, just South of the Spillway of Lake Wichita;

Thence in a Northerly direction along the center of said Highway No. 79, passing Lake Wichita Pavilion grounds, to the corporate limits of the City of Wichita Falls, where said Highway No. 79 meets and enters Grant Street in said City;

Thence in a Northerly direction along the center of said Grant Street to the intersection of the same with Tenth Street in the City of Wichita Falls;

Thence in an Easterly direction along the center of Tenth Street to the place of beginning, being the intersection of Tenth Street and Holliday Street in the City of Wichita Falls.

SEC. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and, upon conviction, shall

be fined not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars, and each bird or animal taken, hunted, shot or killed in violation of this Act shall constitute a separate offense.

SEC. 3. This Act is and shall be construed as cumulative of all other Acts protecting such game birds and game animals in said territory.

SEC. 4. This Act shall not be repealed by any law hereinafter enacted except by specific reference hereto. (S. B. 314, Acts 1933, Reg. Ses. 43rd Leg., Spec. L., p. 74, ch. 59, as amended by H. B. 772, Acts 1941, 47th Leg., p. 143, ch. 109.)

NESTING AND PROPAGATION AREA FOR GAME

SEC. 5. That portion of this State lying between the Rio Grande River and a line extending from a point on the Rio Grande River North along the common boundary line of Zapata and Starr Counties to the South boundary line of State Highway 4; thence along the South boundary line of the right of way of State Highway 4 to a point where said South right of way boundary intersects the West boundary of the city limits of the City of Brownsville in Cameron County; thence along the West city limits of the City of Brownsville to the point where same intersects the Rio Grande River, is hereby recognized as an area in which white-winged doves and chachalaca nest and propagate; and said area is hereby set aside as a nesting and propagating grounds for white-winged doves, chachalaca and other game within which area it shall be unlawful at any time to hunt, take, shoot, or kill any kind or species of wild fowl hereinabove mentioned.

SEC. 6. Any person who . . . violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten Dollars (\$10), nor more than Two Hundred Dollars (\$200). Each bird taken, or possessed, in violation of any provision of this Act shall constitute a separate offense. . . . (H. B. 186, Acts 1941, 47th Leg., p. 397, ch. 231, as amended by conflict in Art. 881b, P. C. 1925.)

HUNTING PROHIBITED IN STATE PARKS

SECTION 1. It shall be unlawful for any person to kill, wound, shoot at, hunt or molest any wild animals, wild birds, or wild fowl found within the borders of any public park under the control of the Texas State Parks Board, at any season of the year. Any person violating any provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100). Any peace officer is au-

thorized to arrest without warrant any person found committing a violation of any provision of this Act. (H. B. 683, Acts 1941, Reg. Ses., 47th Leg., ch. 454, p. 726.)

SHOOTING ON PUBLIC ROAD¹

Any person who shoots or discharges any gun, pistol or fire-arm in, on, along or across any public road in this State shall be fined not more than One Hundred Dollars. (Art. 480a, P. C. 1925; H. B. 29, 2nd C. S. 41st Leg., p. 4, ch. 3.)

TRESPASS

SECTION 1. It shall be unlawful for any person to enter upon the inclosed land of another without consent of the owner, proprietor or agent in charge thereof, and therein hunt with firearms or therein catch or take or attempt to catch or take any fish from any pond, lake, tank, or stream, or therein camp, or in any manner depredate upon the same. By "inclosed lands" is meant such lands as are in use for agriculture or grazing purposes or for any other purpose, and inclosed by any structure for fencing either of wood or iron or combination thereof, or wood and wire, or partly by water or stream, canyon, brush, rock or rocks, bluffs or island. Proof of ownership or lease may be made by parol testimony.

SECTION 2. For the first conviction for a violation of Section 1 of this Act, the punishment shall be a fine not more than Two Hundred Dollars (\$200) and by forfeiture of his hunting license and right to hunt in the State of Texas for a period of one (1) year from the date of his conviction.

If it be shown on the trial of the case involving the violation of Section 1 of this Act that the defendant has been once before convicted of the same offense, he shall, on his second conviction, be punished by a fine not less than Five Hundred Dollars (\$500) nor more than One Thousand Dollars (\$1,000) and by forfeiture of his hunting license and right to hunt in the State of Texas for a period of two (2) years from the date of his conviction.

If it be shown upon the trial of a case involving a violation of Section 1 of this Act that the defendant has two times before been convicted of the same offense, he shall, on his third conviction, be punished by confinement in the county jail for not less than thirty (30) days nor more than one year and by fine not less than Five Hundred Dollars (\$500) nor more than One Thousand Dollars (\$1,000) and by forfeiture of his hunting license and right to hunt in the State of Texas for a period of three (3) years from the date of his conviction.

Provided that all fines collected under the provisions of this Act assessed on the arrest of any State Game Warden shall be paid into the Special Game Fund of the State of Texas.

¹This is not a "game" law.

SECTION 3. Any person found upon the inclosed lands of another in violation of Section 1 hereof shall be subject to arrest by any peace officer or any State Game Warden, and such arrests may be made without warrant of arrest. (Article 1377, Penal Code 1925, as amended by Acts 1949, 51st Leg., Reg. Ses., ch. 191, p. 368. H. B. 104.)

HARDEMAN AND WILBARGER COUNTIES — TRESPASS

SECTION 1. It shall be unlawful for any person to hunt with a gun on the private lands of another person either in Hardeman County or Wilbarger County, without first having obtained written permission from the owner, or authorized agent in charge of such lands, to indulge in such privileges for the period of time specified in such permit; provided, however, that the provisions of this section shall not apply where such person is so hunting in company with the owner or agent of such lands.

SEC. 2. Any person who attempts to indulge in any of the privileges for which a permit is required in Section 1 of this Act, without first having obtained and having in his possession, at the time he indulges in such privileges, a valid permit, as required by Section 1 of this Act, or any person who attempts to indulge in such privileges upon a forged or fraudulent permit, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten (\$10.00) Dollars, nor more than Two Hundred (\$200.00) Dollars.

SEC. 3. Any person who is found in the act of hunting with a gun on the private lands of another person without first having obtained and having in his possession the permit as required in Section 1 of this Act, shall be prima facie guilty of a violation of this Act.

SEC. 4. This Act shall apply only to Hardeman County and Wilbarger County, and all laws or parts of laws, insofar as they conflict with any portion of this Act, are hereby repealed, to the extent of such conflict.

SEC. 5. It shall be the duty of all officers operating in any county to which this Act applies to enforce all provisions of this Act. (Acts 1947, 50th Leg., Reg. Ses., ch. 306, p. 520, S. B. 414.)

HUNTING AT NIGHT

It shall be unlawful to kill, hunt or shoot at any wild bird, wild game bird, wild fowl, or wild game animal protected by this Chapter at any season of the year, between one-half hour after sunset and one-half hour before sunrise in any county in this State. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Twenty-five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars, and each bird or animal so killed shall constitute a separate offense. (Art. 887, P. C. 1925.)

HUNTING FROM AUTOMOBILE, AIRPLANE OR BOAT

It is hereby declared unlawful for any person at any time and in any manner, to hunt, take, capture, or kill, or attempt to hunt, take, capture, or kill any of the wild game birds, wild game fowl, or wild game animals, protected by the laws of this State, from an automobile, an airplane, a powerboat, a sailboat, any boat under sail, or any floating device towed by powerboat or sailboat. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than twenty-five (\$25.00) dollars, nor more than two hundred (\$200.00) dollars. (Art. 901, P. C. 1925.)

HUNTING WITH HEADLIGHT

It shall be unlawful for any person at any time of the year to hunt deer or any other animal or bird protected by this chapter, by the aid of what is commonly known as a headlight or hunting-lamp, or by artificial light attached to an automobile, or by the means of any form of artificial light. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars, or by confinement in the county jail for not less than thirty (30) days nor more than ninety (90) days, or by both such fine and imprisonment. The possession of a headlight, or any other hunting light used on or about the head when hunting at night, between sunset and one-half hour before sunrise, by any person hunting in a community where deer are known to range, shall be prima facie evidence that the person found in possession of said headlight, or other hunting light, is violating the provisions of this article. (Art. 902, P. C. 1925.)

HUNTING FOR HIRE

It shall be unlawful for any person to hire or employ any other person, or to be hired or employed by any other person, by the payment, or by the promise of payment, of money or any other thing of value, to hunt any bird, wild fowl, or game animal protected by this chapter. Any person violating any of the provisions of this article shall be deemed guilty of misdemeanor, and upon conviction shall be fined in any sum of not less than twenty-five (\$25.00) dollars, nor more than two hundred (\$200.00) dollars. Provided, that if any person who has received money, or a promise of money or other thing of value, to hunt any wild bird, wild fowl, or game animal protected and mentioned by this chapter, testifies against the person employing him, all prosecutions against him in the case in which he testifies shall be dismissed. (Art. 900, P. C. 1925.)

HUNTING WITH GUN—LICENSE

No citizen of this State shall hunt outside of the county of his residence with a gun without first having procured from the

Game, Fish and Oyster Commissioner, or one of his deputies, or from any county clerk in this State, a license to hunt, and for which he shall pay either of such officers the sum of two (\$2.00) dollars; fifteen cents of which amount shall be retained by said officer as his fee for collecting.

The fee for a non-resident citizen or alien hunting license shall be twenty-five (\$25.00) dollars; three (\$3.00) dollars of such amount shall be retained by the officer issuing such license as his fee for collecting, issuing, and making report on license so issued and for remitting the remaining twenty-two (\$22.00) dollars to the Game, Fish and Oyster Commission.

Any person hunting with a gun out of the county of his residence without a license authorizing him to hunt out of the county of his residence, or any person who fails or refuses on demand by any officer to show such officer his hunting license required of him by this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than ten (\$10.00) dollars, nor more than one hundred (\$100.00) dollars; provided, that the provisions of this article requiring hunting license shall not apply to persons under seventeen years of age. (Art. 904, P. C. 1925.)

CITIZEN, NON-RESIDENT AND ALIEN DEFINED

For the purpose of this chapter any person, except an alien, who has been a bona fide resident of this State for a period of time exceeding six months, continuously and immediately before applying for a hunting license, shall be considered a citizen of this State.

An alien is any person who is not a natural born citizen of the United States of America, and who has not declared his intention to become a citizen of the United States of America.

A non-resident shall be any person who is a citizen of any other State, or who has not continuously or immediately previous to the time of applying for a hunting license, been a bona fide resident of the State of Texas for a period of time more than six months. (Art. 920, P. C. 1925.)

NON-RESIDENT PENALTY

Any non-resident of this State or any alien who shall hunt wild game and birds in this State without first securing a license to hunt from the Commissioner or his deputy or the county clerk shall be fined not less than ten nor more than one hundred dollars. (Art. 904a, P. C. 1925.)

HUNTING UNDER LICENSE OF ANOTHER

Any person who shall hunt under the license issued to any other person, or any person who shall permit any other person

to hunt under a license issued to him, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars. (Art. 899, P. C. 1925.)

FORM OF LICENSES

All hunting licenses issued shall have printed across their faces the year for which they are issued; they shall bear the name and address or residence of the person to whom issued, and shall give the approximate weight, height, age, color of hair, and color of eyes of such person, in order that proper identification may be had in the field, and shall have printed thereon a statement to be subscribed to in ink by the person to whom issued, that such person will not exceed in any one day the bag limit as printed on the license. Such license shall be dated on the date of issuance, and shall remain in effect until the last day of August thereafter; provided, that non-resident or alien licenses shall have printed thereon the following: This license does not entitle holder thereof to hunt upon the enclosed and posted lands of another, without the consent of the owner or agent. (Art. 894, P. C. 1925.)

BIG GAME LICENSE

SECTION 1. Big Game Hunting License. It shall be unlawful for any citizen of this State to hunt, take or kill any deer or turkey in this State without first having procured from the Game, Fish and Oyster Commission, or one of its authorized agents, a big game hunting license. Such license shall entitle the holder to all privileges now or otherwise allowed under a resident hunting license. The fee for a big game hunting license shall be Two Dollars and Fifteen Cents (\$2.15). Of this amount fifteen cents (15¢) may be retained by the issuing officer as his collection fee.

SEC. 2. Form of License. It shall be unlawful for any person to issue or accept any license required by the provisions of this Act, except on a form provided by the Game, Fish and Oyster Commission. Each license issued under the provisions of this Act shall have attached thereto the number of deer tags equal to the number of deer permitted to be killed during the deer season fixed by law for the year for which such big game license is issued. Each deer tag shall bear the serial number of the license to which it is attached. Each license and the deer tags thereto attached shall bear the name, address and residence of the person to whom issued, and the license shall give the approximate weight, height, age, color of hair and eyes of such person, in order that proper identification may be had in the field. Each license and deer tags thereto attached shall be dated on the date of issuance, and shall have printed across its face the year for which it is issued; and such license shall expire on the last day of August thereafter. Each license and the tags

thereto attached shall be signed by the licensee at the time such license is received by him.

SEC. 3. Duplicate License. It shall be unlawful for any person to procure or possess more than one big game license during a license year. Provided, however, in the event the holder of a license provided for in this Act shall have lost such license, or same shall have become destroyed, such license holder may file with the Game, Fish and Oyster Commission or its authorized agent an application in the form of an affidavit as to the facts of such loss or destruction, which affidavit shall contain a statement as to the number of deer, if any, said applicant has killed under such lost or destroyed license; whereupon said Commission or its authorized agent may issue to such person a duplicate license, the fee for which shall be fifty cents (50¢), without exception; provided, however, that such issuing officer shall remove a deer tag from such duplicate license for each deer killed by such applicant.

SEC. 4. False Swearing. Any person who, in making an affidavit as provided for in this Act shall knowingly make a false affidavit of fact, shall be deemed guilty of false swearing and shall be punished in accordance with the provisions of Article 310, Penal Code, State of Texas.

SEC. 5. Deer Tag. It shall be unlawful for any person to have in his possession at any time the carcass of any wild deer that does not have attached thereto a tag issued to such person under the provisions of this Act, bearing the date and place of kill of the deer to which it is attached. Such tag will be so constructed that once placed upon a deer could not be removed without mutilation. Such deer tag shall remain on said deer carcass while on storage and until finally processed or destroyed. It shall be unlawful for any person to use more deer tags during one license year than are attached to his big game license for that year. It shall be unlawful for any person to use the same deer tag on more than one deer. It shall be unlawful for any person to use a deer tag which was not issued to such person. Nothing in this Act shall be construed to authorize any person to exceed any bag limit or to hunt deer during closed season provided for deer; and the fact that a deer tag was attached to the carcass or hide of any deer shall not be prima facie evidence that such deer was lawfully killed.

SEC. 6. Disposition of Fees and Fines. The method of collecting, recording, reporting and remitting the fees derived from sale of licenses provided for herein shall be the same as that provided by law for other hunting licenses; and all moneys received by the Game, Fish and Oyster Commission from sale of big game hunting licenses as well as moneys collected from violations of this Act, shall be deposited in the State Treasury to the credit of the Special Game and Fish Fund and used for the purposes provided by law.

SEC. 7. Exemption. No citizen of this State under seventeen

(17) years of age shall be required to pay the fee prescribed for the license provided for in this Act; nor shall any citizen be required to pay said fee before taking, killing or hunting deer or turkey on land on which he is residing. Provided, however, that any person exempted by this Section shall first register with the Game, Fish and Oyster Commission or one of its authorized agents, on a form to be furnished by said Commission, and receive from said Commission a big game license which shall be in the form and signed by such exemption licensee as prescribed herein for licenses for which a fee is charged; but in addition thereto, such exemption license shall clearly show on its face that it is an exemption license.

SEC. 8. Penalty. Any person who shall violate any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined in a sum not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200). (Acts 1949, 51st Leg., Reg. Ses., ch. 369, p. 704. H. B. 146.)

RESIDENT HUNTING LICENSE¹

SECTION 1. The provisions of this Act shall apply to the Counties of Mason, Menard, Kerr, Schleicher, Crockett, Sutton, Kimble, Real, Edwards, Blanco, Llano, Kendall, Gillespie, El Paso, Hudspeth, Culberson, Val Verde, Kinney, Terrell, Medina and Brewster.

SEC. 2. It shall be unlawful for any resident citizen of this State to hunt in the counties named in Section 1 of this Act without first having procured from the Game, Fish and Oyster Commission or one of its authorized agents, a resident hunting license for which he shall pay the sum of Two Dollars (\$2), Fifteen Cents (15¢) of which shall be retained by the officer issuing such license as his fee for collecting same, and which license shall be valid until August 31st following the date of issuance of such license, provided that such license shall not be required of any person under seventeen (17) years of age or of any person hunting on land which he owns or upon which he resides. Provided further, that any person owning a resident or non-resident hunting license purchased in any county in Texas shall be entitled to hunt in any county in Texas and shall not be required to purchase any other license because of the provisions of this Act.

SEC. 4. All moneys collected from the sale of hunting licenses in the Counties named in this Act after the fee for collecting same has been deducted, shall be remitted to the Game, Fish and Oyster Commission at its office in Austin, Texas, by the 10th day of the month following the date of issuance of such licenses and shall be deposited by the Game, Fish and Oyster Commission in the State Treasury to the credit of the Special Game Fund² and shall be used for any and all purposes provided

¹Persons holding big game license are exempt from provisions of this law.
²See law on page 205 creating Special Game and Fish Fund.

by law; provided, however, that not less than ninety (90) per cent of the amount collected in the Counties to which this Act applies shall be expended in such Counties. All moneys collected from the sale of fishing licenses in the Counties named in this Act after the fee for collecting same has been deducted shall be remitted to the Game, Fish and Oyster Commission at its office in Austin, Texas, by the 10th day of the month following the date of issuance of such licenses and shall be deposited by the Game, Fish and Oyster Commission in the State Treasury to the credit of the Fish Propagation and Protection Fund² and shall be used for any and all of the purposes provided by law and not less than ninety (90) per cent of the amount collected in the Counties to which this Act applies shall be expended in such Counties.

SEC. 4a. The Game Department shall keep an accurate account of the amount of moneys collected under the provisions of Sections 2 and 3 of this Act and expended in each of the several counties and the purposes for which such moneys were expended; a copy of such account shall be mailed to the County Judge of each of the several counties within thirty (30) days after the close of the fiscal year.

SEC. 5. Any resident citizen of this State who hunts or attempts to hunt . . . without first procuring the license required of him by the provisions of this Act, or who fails or refuses on demand by any officer to show such officer the license required of him by this Act, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50), and shall automatically forfeit any license issued to him under the provisions of this Act, and any of the privileges given thereunder, for a period of one year following date of conviction.

SEC. 5a. It shall be unlawful for any person to take or attempt to take in any and all of the Counties named in this Act more than two (2) wild turkey gobblers during any one open season, which limit of turkey gobblers shall be included within any general limit for the taking of such fowl in this State. Each turkey gobbler killed by any person above the limit herein prescribed shall constitute a separate offense.³

SEC. 5b. Any person violating any provision of Section 5a of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50), and shall automatically forfeit any license issued to him under the provisions of this Act for a period of one year following date of final conviction.

SEC. 6. All laws or parts of laws, in so far as they conflict with any portion of this Act, be and the same are hereby repealed and House Bill No. 1173, being Chapter 494, General and Special Laws, Forty-fifth Legislature, is hereby especially repealed.

³This bag limit does not apply to those counties west of the Pecos River.

SEC. 7. If any paragraph, section, or part of this Act is held unconstitutional or inoperative it shall not affect any other paragraph, section, or part of this Act and the remainder of this Act, except the part declared unconstitutional or inoperative, shall continue to be in full force and effect. (H. B. 1000, Acts 1939, Reg. Ses. 46th Leg., Spec. L., p. 836, ch. 83, as amended by H. B. 572, Acts 1943, 48th Leg., p. 218, ch. 137.)

BOAT OWNER TO HAVE LICENSE

It is hereby declared unlawful for any person owning or navigating a sailboat or powerboat, to receive on board such boat for pay any person or persons engaged in hunting, before such person owning or navigating such boat shall have applied for and received a license from the Game, Fish and Oyster Commissioner, or one of his deputies, granting him the right for one year, to receive and carry on his boat persons engaged in hunting. Before such license is issued, the person applying for it shall pay to the Game, Fish and Oyster Commissioner, or one of his deputies, the sum of two (\$2.00) dollars, and shall file with such Game, Fish and Oyster Commissioner the name of his vessel, her accommodations for passengers, and the number of her crew and shall file with the Game, Fish and Oyster Commissioner, or one of his deputies, an affidavit to the effect that he will not violate any of the provisions of this chapter, and will endeavor to prevent anyone whom he carries on his boat from violating any of the provisions of this chapter, and that he will not carry any hunter on his boat who does not possess a hunting license. Whenever any boat owner or navigator fails or refuses to comply with any of the provisions of this section, the Game, Fish and Oyster Commissioner is authorized and empowered to cancel his license without a refund or return of the license fee paid; and no license shall be renewed or issued to him thereafter for a period of one year.

Any person who carries out any hunting parties for reward or pay of any kind without first having procured his license, as provided in this article, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars. (Art. 903, P. C. 1925.)

LICENSE FORFEITURE—GAME LAW

Any person convicted of violating any provision of the game laws of this State shall thereby automatically forfeit his license for said season. Any such person so convicted of violating the game laws shall not be entitled to receive from the State a license to hunt for one year immediately following the date of his conviction; and it shall be unlawful for any person who is convicted of violating any of the provisions of the game laws of this State to purchase or possess a hunting license for a period of one year immediately following date of such conviction; and it shall also be unlawful for any person convicted of

violating any of the game laws of this State to hunt with a gun in this State for a period of one year immediately following date of such conviction.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred (\$100.00) dollars, nor more than two hundred (\$200.00) dollars. (Art. 893, P. C. 1925.)

MIGRATORY BIRDS

SECTION 1. The purpose of this Act is to provide for the making of suitable regulations to govern the taking of certain migratory game birds, the taking of which is also governed by regulations made under the authority of the United States Government because of treaties affecting the conservation of migratory game birds between the United States Government and the Governments of Great Britain and the United States of Mexico. Such regulations as may be provided for under the provisions of this Act shall apply only to wild ducks of all species, wild geese and wild brant of all species, wild coot, wild rail, wild gallinules, wild plovers, Wilson's snipe or jack snipe, woodcock, mourning doves, and white-winged doves, which for the purpose of this Act are hereafter referred to as migratory game birds.

SEC. 2. It shall be unlawful for anyone to hunt, take or pursue any migratory game bird at any time other than during the open season provided for taking, hunting or pursuing of such game bird, or to have in possession or retain such game bird in excess of the bag limit or time provided therefor, or to kill in any one day, or in any one week or in any open season any migratory game bird in excess of the bag limit provided for such period; or to take or attempt to take any migratory game bird by any means, method or device other than that which may hereafter be permitted for the taking of same. For the purpose of this Act, "open season" is defined as the period of time when it shall be lawful to take, kill or pursue or attempt to take or kill any of the game birds named in this Act, and "bag limit," for the purpose of this Act, is defined as the maximum number of game birds or aggregate of same of the species named in this Act that any person may kill, take or possess during any period for which such a bag limit is provided.

SEC. 3. Any person who takes, kills, pursues or attempts to take or kill any migratory game bird by any means or device other than that permitted under the authority given in this Act, or at any time other than during the open season provided for same; or any person who kills any migratory game bird in excess of the bag limit provided for the killing of same, or any person who possesses any migratory game bird in excess of the limit provided for the possession of same, or any person who retains such birds in his possession beyond the period prescribed for the retention of same, or any person who otherwise takes, kills, possesses or retains any migratory game bird except in

accordance with the permission given because of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be fined in a sum not less than Twenty-five Dollars (\$25), nor more than One Hundred Dollars (\$100), and shall automatically forfeit his right to hunt with a gun in this State for a period of one (1) year following the date of his conviction; and further provided that each migratory game bird killed or possessed or retained in violation of any provision of this Act shall constitute a separate offense.

SEC. 4. All laws or parts of laws of this State, in so far as they provide an open season, bag limit, possession limit, retention or storage limit, or govern the means or devices that may be used for taking migratory game birds or any of them, be and the same are hereby repealed.

SEC. 5. The Game, Fish and Oyster Commission of the State of Texas is hereby charged with the duty of providing the open season, bag limits, possession limits and retention limits for the taking, possession and retention of migratory game birds, and to declare the means, methods and devices by which such birds may be taken. An open season shall be provided for only such length of time as is justified by the supply of the species of migratory game birds affected in this State, or in the zone or section of the State to which such open season shall apply, and any bag limit or possession limit for any species of migratory game bird shall be provided so as to permit the most equitable harvest in this State of the species affected and which will grant only such privileges as experience has proven will not prevent a future normal supply of game birds of the species affected in this State or in the zone or section of the State to which such regulations may apply.

SEC. 6. It shall be the duty of the Game, Fish and Oyster Commission to make such investigations and procure such information as will permit it to proclaim open seasons and bag limits for any migratory game bird when such is justified by the supply of same in order that said Commission shall carry out the mandate of the Legislature as expressed in this Act.

SEC. 7. Any open season, bag limit, possession limit, means, method or device, or retention limit for migratory game birds shall be issued by the Game, Fish and Oyster Commission in the form of a suitable proclamation which regulations shall become effective on the day named therein, which shall not be earlier than ten (10) days after same is issued. Such a regulation shall remain in full force and effect for the time specified therein or until same is suspended or amended by the Game, Fish and Oyster Commission after the manner of issuing the original proclamation. Whenever any proclamation as authorized under the provisions of this Act is issued by the Game, Fish and Oyster Commission the same shall be incorporated in the minutes of the meeting at which it was adopted, and a copy of same shall be filed in the office of the Secretary of State and a copy mailed to each County Clerk and each County Attorney of this State for filing in their respective offices.

SEC. 8. Any interested party affected by the conservation regulations of this State, promulgated by the Game, Fish and Oyster Commission as directed in this Act, and who may be dissatisfied therewith, shall have a right to file a suit in a Court of competent jurisdiction in Travis County, Texas, and not elsewhere, against the Commission as defendant to test the validity of said regulations or any of them. Such suit shall be filed for trial and be determined as expeditiously as possible, and no postponement thereof or continuance shall be granted except for reasons deemed imperative by the Court. In all trials under this Section, the burden of proof shall be upon the party complaining of such regulations, and such regulations or order so complained of shall be prima facie valid until otherwise shown. (Art. 881b, P. C. of 1925, as amended by H. B. 451, Acts 1943, 48th Leg., p. 376, ch. 252.)

DUCK BLINDS—HARRISON, MARION COUNTIES

SECTION 1. It shall be unlawful for any person, firm or corporation, to construct any blind or blinds for the purpose of killing and taking ducks, geese, or other water fowl in the waters of the Counties of Harrison and Marion, to be leased or rented to the public, without having first procured a license to construct and operate such blinds. An annual fee of Five Dollars (\$5), for each and every blind so constructed, to be rented or leased to the public, is hereby levied upon the owner or operator of said blind, to be paid to the State of Texas for the use of the State Game, Fish and Oyster Commission.

SEC. 2. It shall be unlawful to erect or construct any blind to be used in the shooting and taking of any water fowl in the Counties of Harrison and Marion, State of Texas, at any point nearer than three hundred (300) yards of any other blind so constructed and used in the taking and killing of water fowl in the Counties of Harrison and Marion, State of Texas, whether such blind be a commercial blind or for private use.

SEC. 3. It is provided, however, that any person may construct, for his own use, and not for lease or hire, a blind to be used in killing and taking ducks, geese or other water fowl without being required to pay such license fee. But such private blind, whether temporary or permanent, shall not be operated nearer than three hundred (300) yards to any other blind, whether commercial or private.

SEC. 4. Any person operating any blind for hire without having first procured a license as herein provided, and any person operating a blind nearer than three hundred (300) yards of another blind, whether public or private, shall be deemed guilty of a misdemeanor and, upon conviction shall be fined not less than Ten Dollars (\$10), nor more than Two hundred Dollars (\$200).

SEC. 5. In determining the guilt or innocence of any person accused of operating a blind nearer than three hundred (300)

yards to another such blind, it shall be a defense that the blind so operated was located and established and ready for use before the building or construction of another blind at a point nearer than three hundred (300) yards thereto. (H. B. 503, Acts 1941, Reg. Ses. 47th Leg., p. 154, ch. 115.)

LAWFUL SHOTGUN FOR TAKING GAME BIRDS

SECTION 3. It shall be unlawful to hunt or shoot . . . any . . . game bird of this State, with a shotgun larger than ten-gauge, and that is capable of holding more than three (3) shells at one loading, including the shell that may be held in the chamber of such gun, and providing that if a magazine-loading is used and the magazine of such gun would otherwise hold more than two (2) shells, before such gun is used it shall be permanently plugged so that such magazine will be rendered incapable of holding more than two (2) shells.

SEC. 6. Any person who . . . violates any provision of this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200). Each bird taken, or possessed, in violation of any provision of this Act shall constitute a separate offense. . . (From H. B. 186, Acts 1941, 47th Leg., p. 397, ch. 231, as amended by conflict in Art. 881b, P. C. 1925.)

“CLOSED SEASON” DEFINED

The term “Closed Season” shall, for the purpose of enforcement of the game laws of this State mean the period of time during which it is unlawful to hunt, kill, attempt to kill, or take any of the game animals, wild fowl, or birds enumerated in this chapter, and the term “Open Season” shall mean the period of time in which it is lawful to hunt, kill, or take certain game, game animals, wild fowl, and birds set forth in this chapter. (Art. 882, P. C. 1925.)

PENALTY FOR HUNTING IN CLOSED SEASON AND EXCEEDING BAG LIMIT—GENERAL LAW

Any person killing or taking more than the daily, weekly or seasonal bag-limits as set forth in this chapter; or any person killing, taking, hunting, wounding, or shooting at any game bird or game animal at any other time of the year, except during the open season as provided for in this chapter; or any person killing, taking, capturing, wounding or shooting at any game bird or game animal for which no open season is provided by this chapter, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars; and each game bird or game animal unlawfully taken shall constitute a separate offense. (Art. 873, P. C. 1925.)

QUAIL AND CHACHALACA—OPEN SEASON AND BAG LIMIT—GENERAL LAW

SECTION 2. There shall be an open season or period of time when it shall be lawful to hunt or kill wild quail of all varieties and/or chachalaca, in . . . this State during the period December 1st in one year to January 16th in the following year, both days inclusive.

SEC. 4. It shall be unlawful . . . to kill more than twelve (12) quail of any or all varieties in any one (1) day or to kill during any period of seven (7) days more than thirty-six (36) quail of any or all varieties or to have in possession at any one time more than thirty-six (36) quail of any or all varieties, or to kill in any one (1) day more than five (5) chachalacas (commonly called Mexican pheasants), or to kill during any seven-day period more than ten (10) chachalacas or to have in possession more than ten (10) chachalacas at any one time; . . .

SEC. 5. Any person killing any . . . wild quail of any variety, wild chachalaca (commonly called Mexican Pheasant) . . . at any time other than the open season provided in this Act, or in excess of the bag limit, possession limit or seven-day limit provided by any provision of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100) and each bird killed or possessed in violation of any provision of this Act shall constitute a separate offense.

SEC. 6. All laws or parts of laws except local game laws in conflict with this Act shall be and the same are hereby repealed. (H. B. 101, Reg. Ses. 44th Leg., Gen. L., p. 383, ch. 144.)

COMANCHE COUNTY—QUAIL—TRESPASS

SECTION 1. It shall be unlawful for any person to hunt any quail with a gun or dog in Comanche County on the private lands of another person without first having obtained written permission from the owner or authorized agent in charge of such lands to indulge in such privileges for the period of time specified in such permit; provided, however, that the provisions of this Section shall not apply where such person is so hunting in company with the owner or agent of such lands.

SEC. 2. Any person who attempts to indulge in any of the privileges for which a permit is required in Section 1 of this Act, without first having obtained and having in his possession, at the time he indulges in such privileges, a valid permit, as required by Section 1 of this Act, or any person who attempts to indulge in such privileges upon a forged or fraudulent permit, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200).

SEC. 3. Any person who is found in the act of hunting quail with a gun or with a dog on the private lands of another person

in Comanche County without having first obtained and having in his possession the permit as required by Section 1 of this Act shall be prima facie guilty of a violation of this Act.

SEC. 4. This Act shall apply to Comanche County, and all laws or parts of laws, in so far as they conflict with any portion of this Act, in so far as they relate to Comanche County, be and the same are hereby repealed.

SEC. 5. It shall be the duty of all officers operating in any county to which this Act applies to enforce all provisions of this Act. (H. B. 1117, Acts 1939, Reg. Ses. 46th Leg., ch. 10, p. 763, Spec. L.)

ERATH, HOOD AND PANOLA COUNTIES—QUAIL— TRESPASS

SECTION 1. It shall be unlawful for any person to hunt any quail with a gun or dog outside of the county of his residence on the private lands of another person without first having obtained written permission from the owner or authorized agent in charge of such lands to indulge in such privileges for the period of time specified in such permit; provided, however, that the provisions of this Section shall not apply where such person is so hunting in company with the owner or agent of such lands.

SEC. 2. Any person who attempts to indulge in any of the privileges for which a permit is required in Section 1 of this Act, without first having obtained and having in his possession, at the time he indulges in such privileges, a valid permit, as required by Section 1 of this Act, or any person who attempts to indulge in such privileges upon a forged or fraudulent permit, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200).

SEC. 3. Any person who is found in the act of hunting quail with a gun or with a dog on the private lands of another person outside of the county of his residence without having first obtained and having in his possession the permit as required by Section 1 of this Act shall be prima facie guilty of a violation of this Act.

SEC. 4. This Act shall apply only to the Counties of Erath, Hood, and Panola, and all laws or parts of laws, in so far as they conflict with any portion of this Act, in so far as they relate to Erath, Hood and Panola Counties, be and the same are hereby repealed.

SEC. 5. It shall be the duty of all officers operating in any county to which this Act applies to enforce all provisions of this Act. (H. B. 133, Reg. Ses. 46th Leg., Sp. L., p. 766, ch. 13.)

HENDERSON COUNTY—QUAIL—TRESPASS

SECTION 1. It shall be unlawful for any person to hunt any quail with a gun or with a dog outside of the county of his

residence on the private lands of another person without first having obtained written permission from the owner or authorized agent in charge of such lands to indulge in such privileges for the period of time specified in such permit; provided, however, that the provisions of this Section shall not apply where such person is so hunting in company with the owner or agent of such lands.

SEC. 2. Any person who attempts to indulge in any of the privileges for which a permit is required in Section 1 of this Act, without first having obtained and having in his possession, at the time he indulges in such privileges, a valid permit, as required by Section 1 of this Act, or any person who attempts to indulge in such privileges upon a forged or fraudulent permit, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10), nor more than Two Hundred Dollars (\$200).

SEC. 3. Any person who is found in the act of hunting quail with a gun or with a dog on the private lands of another person outside of the county of his residence without having first obtained and having in his possession the permit as required by Section 1 of this Act, shall be prima facie guilty of a violation of this Act.

SEC. 4. This Act shall apply only to the County of Henderson, and all laws or parts of laws, in so far as they conflict with any portion of this Act, in so far as they relate to Henderson County, be and the same are hereby repealed.

SEC. 5. It shall be the duty of all officers operating in any county to which this Act applies to enforce all provisions of this Act. (H. B. 324, Reg. Ses. 45th Leg., p. 213, ch. 114.)

MONTAGUE COUNTY—TRESPASS—QUAIL

SECTION 1. It shall be unlawful for any person to hunt any quail with a gun or with a dog outside of the county of his residence on the private lands of another person without first having obtained written permission from the owner or authorized agent in charge of such lands to indulge in such privileges for the period of time specified in such permit; provided however, that the provisions of this Section shall not apply where such person is so hunting in company with the owner or agent of such lands.

SEC. 2. Any person who attempts to indulge in any of the privileges for which a permit is required in Section 1 of this Act, without first having obtained and having in his possession, at the time he indulges in such privileges, a valid permit, as required in Section 1 of this Act, or any person who attempts to indulge in such privileges upon a forged or fraudulent permit, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10), nor more than Two Hundred Dollars (\$200).

SEC. 3. Any person who is found in the act of hunting quail

with a gun or with a dog on the private lands of another person outside of the county of his residence without having first obtained and having in his possession the permit as required by Section 1 of this Act, shall be prima facie guilty of a violation of this Act.

SEC. 4. This Act shall apply only to the County of Montague, and all laws or parts of law, in so far as they conflict with any portion of this Act, and in so far as they relate to Montague County, be, and the same are hereby repealed.

SEC. 5. It shall be the duty of all officers operating in any county to which this Act applies to enforce all provisions of this Act. Provided, that all officers so operating shall have all authority, power and immunity of any game warden or deputy game warden operating under the Game, Fish and Oyster Commission of Texas in the enforcement of the game and fish laws of the State. (H. B. 509, Acts 1937, 45th Leg. Reg. Ses., p. 147, ch. 78.)

DOVE AND QUAIL—BORDEN COUNTY

SECTION 1. It shall be unlawful to take or kill any wild quail or mourning doves in the County of Borden for a period of five (5) years from and after the passage of this Act.

SEC. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and shall be punished by fine not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200).

SEC. 3. The possession of any quail or mourning doves by any person in said County during said five-year period, or the possession of any dead wild quail or mourning doves in said County during said period, shall be prima-facie evidence of the unlawful taking or killing of such quail or mourning doves. (Acts 1947, 50th Leg., ch. 217, p. 389, H. B. 473.)

CAMP COUNTY—QUAIL

SECTION 1. That from and after the effective date of this Act, it shall be unlawful for any person to shoot, take, trap, snare, or in any other manner kill any quail in Camp County, Texas, at any time other than on Monday, Wednesday and Friday of each week. It is the purpose of this Act to limit the time in which quail may be killed in Camp County, Texas, to the days hereinabove set out. Provided, however, that nothing in this Act shall be construed to permit the killing of any quail in any manner at any time other than during open season.

SEC. 2. Any person in this State who shall violate any provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine, in any sum not less than Twenty-five Dollars (\$25), and not more than One Hundred Dollars (\$100).

SEC. 3. All laws and parts of laws in conflict with this Act

are hereby repealed to the extent of the conflict only. (H. B. 991, Spec. L., ch. 6, p. 760, Reg. Ses. 46th Leg., as amended by H. B. 821, Acts 1945, Reg. Ses. 49th Leg. ch. 136, p. 177.)

DELTA, FRANKLIN AND HOPKINS COUNTIES—QUAIL

SECTION 1. It shall be unlawful to hunt or kill quail in the Counties of Hopkins, Delta and Franklin at any time except on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays during the period beginning on December 1st of one year and continuing through the 16th day of January of the succeeding year, both dates inclusive. (As amended Acts 1949, 51st Leg., Reg. Ses., ch. 277, p. 505.)

SEC. 2. Any person who takes, attempts to take or kill, or kills any quail in either Franklin, Hopkins, or Delta Counties at any time other than during the specified season and on one of the days specified in this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200) and upon conviction shall automatically forfeit his right to hunt in this State for a period of one year following the date of his conviction.

SEC. 3. All laws and parts of laws in conflict herewith are hereby repealed. (Acts 1941, 47th Leg., p. 605, ch. 373 as amended Acts 1949, 51st Leg., Reg. Ses., ch. 277, p. 505, H. B. 773.)

GUADALUPE COUNTY—QUAIL

SECTION 1. The open season or period of time when a person may hunt or kill wild quail in Guadalupe County shall be only on Sundays and Wednesdays during the period from December 1st to January 16th, both days inclusive, and any person taking, hunting or killing any quail in said county at any time other than the open season herein provided shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten (\$10.00) Dollars, nor more than Fifty (\$50.00) Dollars.

SEC. 2. All laws or parts of laws, in so far as they may conflict with any portion of this Act be, and the same are hereby repealed. (S. B. 72, Acts 1939, Reg. Ses. 46th Leg., Spec. L., p. 770, ch. 17.)

HUNT COUNTY—QUAIL

SECTION 1. There shall be an open season or a period of time when it shall be lawful to hunt or kill wild quail of all varieties in the County of Hunt, State of Texas, during a period from December 1st in one year to January 16th in the following year, both days inclusive. It shall be lawful to hunt or kill quail during the season herein provided on Mondays, Wednesdays and Fridays of each week, and it shall be unlawful to hunt or kill quail at any other season than is herein provided and on any other days of the week than said Mondays, Wednesdays and Fridays. In the event any Monday, Wednesday or Friday on which hunting is lawful under this Act is a legal holiday, it

shall be lawful to hunt quail under the provisions of this Act on the day following such legal holiday.

SEC. 2. It shall be unlawful to kill more than twelve (12) quail of any or all varieties in any one day, or to kill during any period of seven days more than thirty-six (36) quail of any or all varieties, or to be in possession at any one time of more than thirty-six (36) quail of any or all varieties.

SEC. 3. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars; and each bird killed or possessed in violation of any provision of this Act shall constitute a separate offense.

SEC. 4. All laws or parts of law applicable to Hunt County, Texas, and in conflict with this Act, shall be and the same are hereby repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 141, p. 263. S. B. 407.)

QUAIL—KLEBERG AND KENEDY COUNTIES

SECTION 1. There shall be an open season or period of time when it shall be lawful to hunt, take or kill wild quail of all varieties in Kleberg and Kenedy Counties, during the period from December 1st in one year to January 31st in the following year, both days inclusive.

SEC. 2. It shall be unlawful to hunt, take or kill wild quail of all varieties in Kleberg and Kenedy Counties except during the open season, as provided in this Act.

SEC. 3. The bag limit on wild quail provided by the General Law shall prevail in Kleberg and Kenedy Counties.

SEC. 4. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than Ten (\$10.00) Dollars nor more than Two Hundred (\$200.00) Dollars; and each quail killed or taken in violation of this Act shall constitute a separate offense.

SEC. 5. All laws or parts of laws in conflict herewith are hereby repealed. (Acts 1947, 50th Leg., Reg. Ses., ch. 243, p. 437, S. B. 244.)

RAINS COUNTY—QUAIL

SECTION 1. There shall be an open season or a period of time when it shall be lawful to hunt or kill wild quail of all varieties in the County of Rains, State of Texas, during a period from December 1st in one year to January 16th in the following year, both days inclusive. It shall be lawful to hunt or kill quail during the season herein provided on Mondays, Wednesdays and Fridays of each week, and it shall be unlawful to hunt or kill quail at any other season than is herein provided and on any other days of the week than said Mondays, Wednesdays, and Fridays. In the event any Monday, Wednesday, or Friday on

which hunting is lawful under this Act is a legal holiday, it shall be lawful to hunt quail under the provisions of this Act on the day following such legal holiday.

SEC. 2. It shall be unlawful to kill more than twelve (12) quail of any or all varieties in any one day, or to kill during any period of seven (7) days more than thirty-six (36) quail of any or all varieties, or to be in possession at any one time of more than thirty-six (36) quail of any or all varieties.

SEC. 3. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars; and each bird killed or possessed in violation of any provision of this Act shall constitute a separate offense.

SEC. 4. All laws or parts of laws applicable to Rains County, Texas, and in conflict with this Act, shall be and the same are hereby repealed. (Acts 1947, 50th Leg., Reg. Ses., ch. 51, p. 68, S. B. 129.)

KAUFMAN AND SMITH COUNTIES—QUAIL

SECTION 1. It shall be lawful to kill quail in Smith and Kaufman Counties . . . the first day of December, 1939, and continuing until and including the sixteenth day of January, 1940, and during the same time each year thereafter on the same days of the week. On said days no person may kill or take to exceed twelve (12) quail on any one day. It shall be unlawful to hunt or kill quail on any day other than . . . during the time between December 1st and January 16th of each year, and any person found guilty of violating any provisions of this Section shall be fined in any sum not to exceed one hundred dollars (\$100.00). A person shall be presumed to be hunting if found with a gun and a bird dog upon any premises other than his own. (H. B. 995, Acts 1939, Reg. Ses. 46th Leg., Spec. L., p. 787, ch. 37, as amended by conflicting provisions of Acts 1947, 50th Leg., Reg. Ses., ch. 442, p. 1029.)

GAME BIRDS—KAUFMAN AND SMITH COUNTIES

SECTION 1. From and after the effective date of this Act it shall be lawful to hunt game birds seven (7) days per week in season in Kaufman and Smith Counties, Texas.

SEC. 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict only. (Acts 1947, 50th Leg., ch. 442, p. 1029, H. B. 823.)

TERRY COUNTY—PRAIRIE CHICKEN AND QUAIL

SECTION 1. From and after the effective date of this Act, it shall be unlawful to take, hunt, shoot, kill, or attempt to take, hunt, shoot, or kill any quail or prairie chickens in Terry County, Texas, for a period of five years.

SEC. 2. Any persons who shall violate the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty (\$20.00) Dollars nor more than Two Hundred (\$200.00) Dollars.

SEC. 3. All laws or parts of laws in conflict with this Act are hereby repealed to the extent of such conflict. (S. B. 230, p. 121, ch. 84, Acts 1945, Reg. Ses. 49th Leg.)

UPSHUR COUNTY—QUAIL

SECTION 1. There shall be an open season or a period of time when it shall be lawful to hunt or kill wild quail of all varieties in the County of Upshur, State of Texas, during a period from December 1st in one year to January 16th in the following year, both days inclusive. It shall be lawful to hunt or kill quail during the season herein provided on Mondays, Wednesdays and Saturdays of each week, and on all legal holidays, and it shall be unlawful to hunt or kill quail at any other season than is herein provided and on any other days of the week than said Mondays, Wednesdays and Saturdays and all legal holidays.

SEC. 2. It shall be unlawful to kill more than twelve (12) quail of any or all varieties in any one (1) day, or to kill during any period of seven (7) days more than thirty-six (36) quail, of any or all varieties, or to be in possession at any one time of more than thirty-six (36) quail of any or all varieties.

SEC. 3. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100); and each bird killed or possessed in violation of any provision of this Act shall constitute a separate offense.

SEC. 4. All laws or parts of laws applicable to Upshur County, Texas, and in conflict with this Act, shall be and the same are hereby repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 279, p. 506. H. B. 838.)

VAN ZANDT COUNTY—QUAIL

SECTION 1. It shall be unlawful for any person to hunt any quail with a gun or with a dog outside of the County of his residence on the private lands of another person in Van Zandt County without first having obtained the written permission from the owner or authorized agent in charge of such lands to indulge in such privileges for the period of time specified in such permit; provided, however, that the provisions of this Section shall not apply where such person is so hunting in company with the owner or agent of such lands.

SEC. 2. Any person who attempts to indulge in any of the privileges for which a permit is required in Section 1 of this Act, without first having obtained and having in his possession, at the time he indulges in such privileges, a valid permit, as re-

quired by Section 1 of this Act, or any person who attempts to indulge in such privileges upon a forged or fraudulent permit, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10), nor more than Two Hundred Dollars (\$200).

SEC. 3. Any person who is found in the act of hunting quail with a gun or with a dog on the private lands of another person outside of the county of his residence without having first obtained and having in his possession the permit as required in Section 1 of this Act, shall be prima-facie guilty of a violation of this Act.

SEC. 4. The open season or time allowed for hunting of quail under this Act shall be each weekday, excluding Sunday, during the period from December 1st to January 16th, both days inclusive.

SEC. 5. This Act shall apply only to the County of Van Zandt, and all laws or parts of laws, in so far as they conflict with any portion of this Act, in so far as they relate to Van Zandt County, be and the same are hereby repealed, and Chapter 263, page 431, Laws of the Forty-seventh Legislature, Regular Session, 1941, is hereby specifically repealed.

SEC. 6. It shall be the duty of all officers operating in any county to which this Act applies to enforce all provisions of this Act. (Acts 1947, 50th Leg., Reg. Ses., ch. 95, p. 158, H. B. 330.)

WOOD COUNTY—QUAIL

SECTION 1. It shall be lawful to kill quail in the County of Wood on each day of each week after the 1st day of December, 1949, and continuing until and including the 16th day of January, 1950, and during the same time each year thereafter. No person may kill or take to exceed twelve (12) quail on any one (1) of such days. It shall be unlawful to hunt or kill quail during any other time of the year, and any person found guilty of violating any provision of this Act shall be fined in any sum not to exceed One Hundred Dollars (\$100) upon conviction. A person shall be presumed to be hunting if found with a gun and a bird dog upon any premises other than his own.

SEC. 2. It shall be unlawful for any person to hunt or kill quail upon the premises of another without the written consent of the owner or person in charge of such premises, or in lieu of such written consent the oral consent of the owner or person in charge, given in the presence of two (2) witnesses to such consent. (H. B. 1035, Acts 1937, Reg. Ses. 45th Leg., p. 604, ch. 304. As amended by Acts 1949, 51st Leg., Reg. Ses., ch. 436, p. 812. H. B. 864.)

DOES, FAWNS, YOUNG BUCKS; POSSESSION OF CARCASS OR GREEN HIDE OF DEER

It shall be unlawful for any person to take, kill, wound, shoot at, hunt or possess dead or alive, any wild female deer, wild

fawn deer or any wild buck deer without a pronged horn, or to possess any deer carcass or green deer hide with all evidence of sex removed.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars. (Art. 910, P. C. 1925.)

USING DEER CALL

Any person who at any time of the year in hunting deer uses a deer call, whistle, decoy, call pipe, reed or other device, mechanical or natural, for the purpose of calling or attracting any deer, except by rattling deer horns, shall be fined not less than one hundred nor more than five hundred dollars, or be imprisoned in jail not less than twenty nor more than ninety days, or both. (Article 923 (g), P. C. 1925.)

TURKEY—OPEN SEASON—GENERAL LAW

There shall be an open season, or period of time, when it shall be lawful to hunt, take or kill wild turkey gobblers . . . November 16th, to the following December 31st, both days inclusive; . . . (Art. 879c, P. C. 1925.)

DEER AND BEAR—OPEN SEASON—GENERAL LAW

There shall be an open season, or period of time, when it shall be lawful to hunt, take, or kill wild buck deer and wild bear, . . . November 16th to December 31st of each year, both days inclusive; . . . (Art. 879g, P. C. 1925, as amended.)

BAG LIMIT—TURKEY, DEER AND BEAR—GENERAL LAW

It shall be unlawful to take, kill, or possess any birds or animals in greater number than the daily, weekly or seasonal bag limit or number of such game birds and game animals permitted to be killed or taken, such bag-limits to be as follows: . . .

TURKEY

Wild turkey gobblers, three during the open season of any one year, as herein provided.

DEER

Wild buck deer, two during the open season of any one year, as provided in this chapter.

BEAR

Wild bear, one during the open season of any one year, as provided in this chapter . . . (From Art. 881, P. C. 1925.)

TURKEY HENS PROTECTED

It shall be unlawful for any person to take, kill, wound, shoot at, hunt or possess, dead or alive, any wild turkey hen at any season of the year except as hereinafter provided.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars. (Art. 877, P. C. 1925.)

TURKEYS PROTECTED IN CERTAIN COUNTIES

(Note: The counties in the senatorial districts to which this law applies are now as follows: Angelina, Austin, Bastrop, Brazos, Camp, Chambers, Cherokee, Colorado, Cooke, Falls, Fort Bend, Galveston, Grayson, Gregg, Harris, Harrison, Houston, Jasper, Jefferson, Kaufman, Lavaca, Liberty, Limestone, Madison, McLennan, Milam, Nacogdoches, Navarro, Newton, Orange, Panola, Polk, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Trinity, Tyler, Upshur, Van Zandt, Walker, Waller, Wharton and Wood.)

SECTION 1. It shall be unlawful to kill, take or attempt to kill or take any wild turkey in any of the counties now included in the 2nd, 3rd, 4th, 5th, 6th, 7th, 9th, 13th, 14th, 15th, 16th and 17th Senatorial Districts of this State, except Brazoria and Matagorda Counties, until November 16, 1946, and thereafter the open season in said counties shall be during the period November 16 to December 31. Providing, however, that there shall be an open season for taking wild turkey in Leon County during the period November 16 to December 31 of each year, beginning in 1941.

SEC. 2. All laws or parts of laws of this State, in so far as they conflict with any provision of this Act, and specifically Article 879c-1, Penal Code, Texas, be and the same are hereby repealed.

SEC. 3. Nothing contained in this Act shall apply to Robertson County, and no law or part of law insofar as it applies to Robertson County, shall be repealed by any portion of this Act.

SEC. 4. Any person who takes any wild turkey in counties to which this Act applies at any time other than the open season provided herein, or who otherwise violates any provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than Fifty (\$50.00) Dollars, nor more than Two Hundred (\$200.00) Dollars, and upon conviction shall automatically forfeit his right to hunt with a gun in this State for a period of one (1) year following the date of his conviction. (S. B. 204, Acts 1941, 47th Leg., p. 517, ch. 313.)

JACK COUNTY—TURKEY

SECTION 1. It shall be unlawful from and after the passage of this Act for anyone to kill, or attempt to kill, take, or attempt to take, any wild turkey in Jack County.

SEC. 2. Any person who violates any provision of this Act shall be guilty of a misdemeanor and upon conviction thereof

shall be fined in a sum of not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200).

SEC. 3. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict. (Acts 1949, 51st Leg., Reg. Ses., ch. 387, p. 723. H. B. 700.)

COKE COUNTY—DEER, QUAIL AND TURKEY

SECTION 1. It shall be unlawful from and after the passage of this Act, for a period of four (4) years, to kill or attempt to kill, take or attempt to take any deer or wild turkey or quail in Coke County.

SEC. 2. All laws and parts of laws in so far as they conflict with this Act are hereby expressly repealed to the extent of such conflict.

SEC. 3. Any person who violates any provision of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum of not less than Twenty-five Dollars (\$25), nor more than Two Hundred Dollars (\$200). (Acts 1949, 51st Leg., ch. 40, p. 73. H. B. 414.)

DEER AND QUAIL—DUVAL COUNTY

SECTION 1. From and after the passage of this Act, and for a period of five (5) years, it shall be unlawful to hunt, trap, take, or kill or attempt to hunt, trap, take, or kill, or otherwise molest, any deer or wild quail in Duval County; and any person violating any provision of this Act shall be deemed guilty of a misdemeanor and shall be fined in a sum of not less than Fifty (\$50.00) Dollars, nor more than Two Hundred (\$200.00) Dollars.

SEC. 2. All laws or parts of laws insofar as they conflict with any portion of this Act, be and the same are hereby repealed. (Acts 1947, 50th Leg., Reg. Ses., ch. 247, p. 441, S. B. 267.)

PARKER COUNTY—DEER AND QUAIL

SECTION 1. It shall be unlawful for any person to take, trap, ensnare, kill or attempt to kill by any means whatsoever, any wild deer, buck, doe, or fawn, or any wild quail of any character, in Parker County for a period of two (2) years from and after the passage of this Act.

SEC. 2. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not less than Twenty Dollars (\$20) nor more than Two Hundred Dollars (\$200).

SEC. 3. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict. (Acts 1949, 51st Leg., Reg. Ses., ch. 377, p. 714. H. B. 548.)

COMAL AND GUADALUPE COUNTIES—TURKEY

SECTION 1. It shall be unlawful from and after the passage of this Act, for a period of five (5) years, to kill or attempt to kill, take or attempt to take, any wild turkey in Comal and Guadalupe Counties.

SEC. 2. All laws or parts of laws insofar as they conflict with this Act, shall be and the same are hereby repealed.

SEC. 3. Any person who violates any provision of this Act, shall be fined in a sum of not less than Twenty-five (\$25.00) Dollars, nor more than Two Hundred (\$200.00) Dollars. (Acts 1947, 50th Leg., ch. 17, p. 25, S. B. 99.)

ANDERSON AND HENDERSON COUNTIES—BEAVER, DEER AND TURKEY

SECTION 1. There shall be a closed season for a period of time when it shall be unlawful to hunt, take, or kill any wild deer, turkey, and/or beaver in Anderson and Henderson Counties, Texas, from the effective date of this Act until November 15, 1953.

SEC. 2. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall upon conviction be fined in a sum not less than Twenty-five Dollars (\$25) and not more than Two Hundred Dollars (\$200). (Acts 1949, 51st Leg., Reg. Ses., ch. 273, p. 499. H. B. 712.)

BOWIE COUNTY—DEER AND TURKEY: LAMAR AND RED RIVER COUNTIES—TURKEY

SECTION 1. For a period of three (3) years from and after the effective date of this Act it shall be unlawful for any person to kill, catch, or take by any method whatsoever, wild deer or wild turkey, within the Counties of Red River, Lamar and Bowie in the State of Texas.¹

SEC. 2. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Fifty Dollars (\$50), nor more than Two Hundred Dollars (\$200).

SEC. 3. All laws or parts of laws, insofar as they conflict with any provision of this Act, be and the same are hereby repealed. (Acts 1947, 50th Leg., Reg. Ses., ch. 231, p. 424, H. B. 774.)

DEER AND TURKEY—FREESTONE COUNTY

SECTION 1. That from and after the passage of this Act it shall be unlawful to take or kill deer or wild turkey in the County of Freestone for a period of five (5) years.

SEC. 2. Any person violating any of the provisions of this

¹This law, as to deer in Lamar and Red River counties, has been superseded; and will expire May 22, 1950.

Act shall be deemed guilty of a misdemeanor, and upon conviction be fined in the sum not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200). Acts 1947, 50th Leg., Reg. Ses., ch. 222, p. 394, H. B. 776.)

**GRIMES COUNTY—TURKEY; MONTGOMERY COUNTY—
DEER AND TURKEY**

SECTION 1. It shall be unlawful for any person to hunt, snare, kill, or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Montgomery County or any wild turkey in Grimes County for a period of five (5) years from and after the passage of this Act.

SEC. 2. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined any sum not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200). (Acts 1945, Reg. Ses. 49th Leg., ch. 134, p. 175, H. B. 803.)

**DEER, TURKEY—HASKELL AND THROCKMORTON
COUNTIES**

SECTION 1. It shall be unlawful for any person to hunt, snare, kill, or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Throckmorton and Haskell Counties for a period of five (5) years from and after the passage of this Act.

SEC. 2. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined any sum not less than Ten (\$10.00) Dollars nor more than Two Hundred (\$200.00) Dollars. (Acts 1947, 50th Leg., Reg. Ses., ch. 317, p. 537, S. B. 411.)

**DEER AND TURKEY—HEMPHILL AND ROBERTS
COUNTIES**

SECTION 1. It shall be unlawful to take, hunt, trap, shoot, or kill any deer and/or wild turkey in the Counties of Roberts and Hemphill, for a period of five (5) years from and after the passage of this Act.

SEC. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50). (Acts 1947, 50th Leg., Reg. Ses., ch. 157, p. 262, H. B. 575.)

**KENEDY COUNTY, PRECINCTS 1 AND 2—DEER
TURKEY, JAVELINA**

SECTION 1. This Act shall apply to Precincts 1 and 2 in Kennedy County only.

SEC. 2. In any County named in Section 1 of this Act, it shall

be unlawful to take or hunt, or attempt to take or hunt, any wild buck deer, wild turkey gobblers and Collared Peccary or Javelina, except during the period November 15th to December 1st of any year, inclusive of both dates, and the period November 15th to December 1st shall be the period of time when it shall be lawful to take or kill wild buck deer, wild turkey gobblers and Collared Peccary or Javelina in the County named in Section 1 of this Act.

SEC. 3. Provided, however, that during any open season for killing wild buck deer, turkey gobblers and Collared Peccary or Javelina in the County to which this Act applies, that it shall be unlawful for any person to take in any one year more than two (2) wild buck deer, three (3) wild turkey gobblers and two (2) Collared Peccary or Javelina.

SEC. 4. Any person who takes or attempts to take any wild buck deer, turkey gobblers and Collared Peccary or Javelina in any County named in Section 1 of this Act, at any time except during the period of time provided for taking same in this Act, or any person who otherwise violates any provision of this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than Twenty-five Dollars (\$25), nor more than Two Hundred Dollars (\$200).

SEC. 5. All laws or parts of laws, in so far as they may conflict with any portion of this Act, be and the same are hereby repealed. (Acts of 1945, Reg., Ses. 49th Leg., p. 81, ch. 57, H. B. 342.)

LASALLE COUNTY—DEER, QUAIL, AND TURKEY

SECTION 1. There shall be an open season for a period of time when it shall be lawful to hunt, take or kill buck deer, wild turkey and quail in LaSalle County, Texas from November 15th to December 15th of each year, both dates inclusive. It shall be unlawful for any person to hunt, take or kill buck deer, wild turkey or quail in said County at any other time and season than as herein provided.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

SEC. 3. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in the sum of not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100); and each buck deer, wild turkey or quail killed, taken or in the possession of such person, except during the open season herein provided, shall constitute a separate offense. (Acts 1949, 51st Leg., Reg. Ses., ch. 167, p. 339. H. B. 495.)

McMULLEN COUNTY—DEER, TURKEY, QUAIL AND DOVES¹

SECTION 1. There shall be an open season on deer, turkey,

¹This law as to doves does not change the season fixed by federal regulation.

quail and doves in McMullen County, Texas, during the period November 1st to December 15th, inclusive. During said open season it shall not be unlawful to kill or take said game, within the bag limits established by any law applicable to said McMullen County. The passage of this Act shall not affect the enforcement of other game laws, rules and regulations now applicable to McMullen County, Texas, during the remainder of the year not included within the period November 1st to December 15th. (Acts 1949, 51st Leg., Reg. Ses., ch. 183, p. 360.)

NOLAN COUNTY—DEER AND TURKEY

SECTION 1. From and after the effective date of this Act it shall be unlawful to take, hunt, shoot, trap, or kill or attempt to take, hunt, shoot, trap, or kill any wild deer or wild turkey in Nolan County for a period of two (2) years.

SEC. 2. Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200).

SEC. 3. All laws or parts of laws in conflict with this Act are hereby repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 19 p. 16. H. B. 326.)

PALO PINTO AND STEPHENS COUNTIES—TURKEY

SECTION 1. It shall be unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill by any means whatsoever any wild turkey in Palo Pinto and Stephens Counties for a period of two (2) years from and after the passage of this Act.

SEC. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined in any sum not less than Twenty Dollars (\$20) nor more than Two Hundred Dollars (\$200); and each turkey trapped or killed in violation hereof shall constitute a separate offense. (Acts 1949, 51st Leg., Reg. Ses., ch. 229, p. 430. H. B. 427.)

TAYLOR COUNTY—DEER AND TURKEY

SECTION 1. It shall be unlawful for any person to in anywise kill or catch by any means or method whatsoever wild deer or turkey for a period of ten (10) years from the effective date of this Act, in the County of Taylor, in the State of Texas.

SEC. 2. It shall be unlawful for any person to have in his possession wild deer or turkey killed or caught in the County of Taylor, in the State of Texas during said period.

SEC. 3. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall upon conviction be fined in a sum not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200). (Acts 1949, 51st Leg., Reg. Ses., ch. 164, p. 335. H. B. 460.)

TURKEY—WILLIAMSON COUNTY

SEC. 2. For a period of three (3) years after the effective date of this Act it shall be unlawful to hunt, trap and snare, take or kill any wild turkey in Williamson County, Texas.

SEC. 3. Whoever shall violate any provision of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than One Hundred Dollars (\$100) and not more than Two Hundred Dollars (\$200); provided each . . . turkey so hunted, trapped and snared, taken or killed shall constitute a separate offense. (Acts 1947, 50th Leg., Reg. Ses., p. 261, ch. 156, H. B. 546.)

BASTROP COUNTY—DEER

SECTION 1. From and after the passage of this Act, it shall be unlawful to take, or attempt to take, attempt to kill, or kill any deer in Bastrop County for a period of five (5) years. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than One Hundred Dollars (\$100) nor more than Two Hundred Dollars (\$200). (Acts 1945, Reg. Ses. 49th Leg., ch. 131, p. 174, H. B. 790.)

BROWN AND COLEMAN COUNTIES—MULE DEER

SECTION 1. For a period of five (5) years from and after the effective date of this Act, it shall be unlawful to hunt, take, or kill any mule deer, commonly called blacktail deer, in the Counties of Brown and Coleman.

SEC. 2. Any person who shall violate any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined in a sum not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100). (Acts 1945, Reg. Ses., 49th Leg., ch. 372, p. 674, H. B. 842.)

BROWN COUNTY—DEER (EXCEPT MULE DEER)

SECTION 1. From and after the passage of this Act it shall be unlawful for any person to hunt, take, or kill any deer in Brown County, except during the period of time between the 15th day of November and the 31st day of December, both days inclusive.

SEC. 2. During the open season herein provided, it shall be unlawful for any person to take, kill, or have in his possession more than one buck in any one season.

SEC. 3. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined any sum of not less than Ten Dollars (\$10) and not more than Fifty Dollars (\$50), provided that each deer killed or taken in violation of this Act shall constitute a separate offense.

SEC. 4. All laws and parts of laws in conflict herewith are hereby repealed. (H. B. 724, Acts 1941, 47th Leg., p. 414, ch. 243.)

DEER AND TURKEY—DELTA, FRANKLIN AND HOPKINS COUNTIES

SECTION 1. From and after the effective date of this Act, it shall be unlawful to take, hunt, shoot, kill, or attempt to take, hunt, shoot, or kill any wild deer or wild turkey in Hopkins, Franklin, and Delta Counties for a period of three (3) years.

SEC. 2. Any person who shall violate the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200).

SEC. 3. All laws or parts of laws in conflict with this Act are hereby repealed. (Acts 1947, 50th Leg., Reg. Ses., ch. 97, p. 159, H. B. 368.)

FANNIN, LAMAR AND RED RIVER COUNTIES—DEER

SECTION 1. From and after the effective date of this Act it shall be unlawful for any person to hunt, take or kill any deer in Red River, Lamar and Fannin Counties except during the period of each year from the 16th day of November to the 20th day of November, both dates inclusive.

SEC. 2. During the open season herein provided, it shall be unlawful for any person to take, kill, or have in his possession a deer other than a buck deer, with a pronged horn, and such person shall not take or kill more than one (1) buck deer in any one (1) season.

SEC. 3. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined any sum not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200), and each deer taken, killed or possessed in violation of this Act shall constitute a separate offense.

SEC. 4. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict. (Acts 1949, 51st Leg., Reg. Ses., ch. 386, p. 722. H. B. 667.)

DEER, FOX, TURKEY—HARDIN COUNTY

SECTION 1. It shall be unlawful for any person to in anywise kill or catch by any means or method whatsoever wild turkeys for a period of five (5) years from the effective date of this Act, in the County of Hardin, State of Texas.

SEC. 2. It shall be unlawful for any person to have in his possession any wild turkeys, killed or caught in said County of Hardin for a period of five (5) years from the effective date of this Act.

SEC. 3. From and after the effective date of this Act it shall be lawful to hunt, kill or take wild foxes in Hardin County, Texas, at any and all times and seasons.

SEC. 4. It is hereby declared unlawful from and after the effective date of this Act for any person or persons to make use of a dog or dogs in the hunting of or pursuing or taking any deer in Hardin County. It shall be unlawful for any person or persons owning or controlling any dog or dogs, to permit or allow such dog or dogs to run, trail or pursue any deer at any time in Hardin County.

SEC. 5. Whoever shall violate any of the provisions of this Act shall be deemed to be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten Dollars (\$10) and not more than Five Hundred Dollars (\$500).

SEC. 6. All laws and parts of laws in conflict herewith, so far as the same apply to Hardin County, Texas, are hereby repealed to the extent of such conflict as to Hardin County, Texas. (Acts 1947, 50th Leg., Reg. Ses., ch. 127, p. 222, H. B. 569.)

HARRISON AND MARION COUNTIES—DEER

SECTION 1. From and after the effective date of this Act it shall be unlawful for any person to take or kill any deer in the counties of Marion and Harrison for a period of three (3) years.

SEC. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction therefor shall be fined in a sum of not less than Ten (\$10.00) Dollars nor more than Two Hundred (\$200.00) Dollars.

SEC. 3. All laws and parts of laws in conflict herewith are hereby expressly repealed to the extent of such conflict. (Acts 1949, 51st Leg., Reg. Ses., ch. 137, p. 242. S. B. 280.)

JACK COUNTY—DEER

SECTION 1. From and after the effective date of this Act it shall be unlawful for any person to hunt, take, or kill any deer in Jack County except during the period of each year from the fifteenth day of November to the thirtieth day of November, both dates inclusive.

SEC. 2. During the open season herein provided, it shall be unlawful for any person to take, kill, or have in his possession a deer other than a buck deer, with a pronged horn, and such person shall not kill more than two (2) buck deer in any one season.

SEC. 3. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined any sum not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200), and each deer taken,

killed or possessed in violation of this Act shall constitute a separate offense. (Acts 1949, 51st Leg., Reg. Ses., ch. 12, p. 11. H. B. 149.)

JASPER, NEWTON, PANOLA, SABINE, SAN AUGUSTINE AND SHELBY COUNTIES—DEER

SECTION 1. It shall be unlawful for any person to hunt, snare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, or fawn, in the Counties of Newton, Jasper, San Augustine, Sabine, Panola and Shelby in the State of Texas, for a period of five (5) years from and after the passage of this Act.

SEC. 2. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined any sum not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200).

SEC. 3. All laws or parts of laws insofar as they conflict with any portion of this Act, be and the same are hereby repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 104, p. 188. H. B. 302.)

Hunting With Dogs

SEC. 2. It shall be lawful for any person to make use of a dog or dogs in the hunting, pursuing or taking of any buck deer in the above named counties during the open season.¹

SEC. 3. Any person violating this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum of not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars.

SEC. 4. All laws or parts of laws in conflict herewith are repealed. (Acts 1947, 50th Leg., Reg. Ses., ch. 63, p. 92, S. B. 166 as amended by conflict.)

LIMESTONE COUNTY—DEER

SECTION 1. From and after the effective date of this Act it shall be unlawful to take, hunt, shoot, trap or kill, or attempt to take, hunt, shoot, trap or kill, any wild deer in Limestone County for a period of five (5) years.

SEC. 2. Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200). (Acts 1949, 51st Leg., Reg. Ses., ch. 13, p. 12. H. B. 215.)

McLENNAN COUNTY—DEER

SECTION 1. It shall be unlawful for any person to hunt, take or kill any deer in the County of McLennan for a period of five years from and after the effective date of this Act.

SEC. 2. Any person who shall violate any provisions of this

¹This law, applying to Jasper, Newton, Sabine, and San Augustine counties, is ineffective until season opens in those counties.

Act shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined in a sum not less than Ten (\$10.00) Dollars nor more than Two Hundred (\$200.00) Dollars.

SEC. 3. All laws or parts of laws, insofar as they conflict with any provision of this Act, are hereby repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 237, p. 444, S. B. 182.)

NAVARRO COUNTY—DEER

SECTION 1. From and after the effective date of this Act, it shall be unlawful to take, hunt, shoot, trap or kill, or attempt to take, hunt, shoot, trap or kill, any wild deer in Navarro County until the year 1952.

SEC. 2. Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50), nor more than Two Hundred Dollars (\$200).

SEC. 3. All laws or parts of law in conflict with this Act are hereby repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 378, p. 715. H. B. 552.)

POLK COUNTY—DEER

SECTION 1. There shall be an open season for a period of time, when it shall be lawful to hunt with dogs, take or kill wild deer in Polk County, Texas, from November 16th to December 31st of each year, both days inclusive.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

SEC. 3. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100); and each wild deer killed, taken, or in the possession of such person, except during the open season herein provided, shall constitute a separate offense. (H. B. 863, Acts 1949, 51st Leg., Reg. Ses., ch. 504, p. 930.)

SAN JACINTO COUNTY—DEER

SECTION 1. For a period of two (2) years from and after the effective date of this Act it shall be unlawful for any person to kill, catch, or take by any method whatsoever, wild deer in the County of San Jacinto in the State of Texas.

SEC. 2. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Fifty Dollars (\$50), nor more than Two Hundred Dollars (\$200).

SEC. 3. All laws or parts of laws, in so far as they conflict with any provision of this Act, are hereby repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 503, p. 929. H. B. 855.)

TYLER COUNTY—DEER

SECTION 1. It shall be unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any buck deer in the County of Tyler except during the period from November 16th to December 31st of each year.

SEC. 2. It shall be lawful for any person to make use of a dog or dogs in the hunting, pursuing or taking of any buck deer in the above-named County during the open season.

SEC. 3. Any person violating this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum of not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200).

SEC. 4. All laws or parts of laws in conflict herewith are repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 333, p. 624. H. B. 720.)

ZAPATA COUNTY—DEER

SECTION 1. There shall be an open season for a period of time when it shall be lawful to hunt, take or kill buck deer in Zapata County, Texas from December 1st of one year until January 15th of the following year, both dates inclusive. It shall be unlawful for any person to hunt, take or kill buck deer in said County at any other time and seasons than as herein provided.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

SEC. 3. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100); and each buck deer killed, taken, or in the possession of such person, except during the open season herein provided, shall constitute a separate offense. (Acts 1947, 50th Leg., Reg. Ses., ch. 167, p. 273, as amended by Acts 1949, 51st Leg., Reg. Ses., ch. 297, p. 535. H. B. 487.)

HUNTING DEER WITH DOGS

It is hereby declared unlawful for any person or persons to make use of a dog or dogs in the hunting of or pursuing or taking of any deer. Any person or persons owning or controlling any dog or dogs and who permits or allows such dog or dogs to run, trail, or pursue any deer at any time, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Twenty-five Dollars (\$25), and not more than Two Hundred Dollars (\$200); provided, however, that this Article shall not apply to the Counties of Brazoria, Matagorda, Wharton, Jackson and Fort Bend. And, provided, further, that it shall be lawful to use dogs for the purpose of trailing a wounded deer in the Counties of Kimble, Sutton, Edwards, Medina, Dimmit, Uvalde, Zavala, Kerr, Mason, Gillespie, Tom Green, Shackelford, San Saba, Llano, Blanco, Burnet, Bandera,

Comal, Real, Kendall, Wharton, Schleicher, Crockett, Guadalupe, Jackson, Wilson, Concho, Karnes, Jones, Atascosa, Baylor, Bexar, Brewster, Caldwell, Denton, DeWitt, Frio, Gonzales, Haskell, Hays, Hidalgo, Jack, Kaufman, Cameron, Starr, Webb and Zapata.

SEC. 1A. It shall be lawful to use one dog for the purpose of hunting or taking of any deer in the County of Tyler. (Art. 880, P. C. 1925, as amended Acts 1949, 51st Leg., Reg. Ses., ch. 18, p. 15, H. B. 325.)

DEER HUNTING WITH DOGS—PANOLA COUNTY

SECTION 1. . . . provided, however, that it shall be lawful to use dogs for the purpose of hunting and trailing deer in Panola County.¹ (Acts 1945, 49th Leg., ch. 112, p. 159, as amended by Acts 1947, 50th Leg., ch. 118, p. 207, H. B. 367, and by conflict.)

HARRIS COUNTY—HUNTING DEER WITH DOGS

SECTION 1. That it shall be unlawful to hunt, run, take, or kill any wild deer with dogs in Harris County.

SEC. 2. That this Act shall be cumulative of all other laws with respect to the wild game mentioned herein except where this Act is inconsistent with existing law, in which case the provisions of this Act shall control.

SEC. 3. Any person violating any provisions of this Act shall be guilty of misdemeanor and shall be punished by fine of not less than Ten (\$10) Dollars nor more than One Thousand (\$1,000) Dollars. (H. B. 437, Acts 1931, Reg. Ses. 42nd Leg., Spec. Laws, p. 150, ch. 63.)

LAVACA COUNTY—HUNTING WITH DOGS

SECTION 1. It is hereby declared unlawful for any person or persons to make use of a dog or dogs in the hunting of or pursuing or taking of any deer in Lavaca County, Texas. Any person or persons owning or controlling any dog or dogs, and who permits or allows such dog or dogs to run, trail, or pursue any deer in Lavaca County at any time, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than Twenty-five (\$25.00) Dollars and not more than Two Hundred (\$200.00) Dollars; provided that it shall be lawful to use one dog for the purpose of trailing a wounded deer in Lavaca County, Texas.

SEC. 2. All laws or parts of laws in conflict with this Act are hereby repealed to the extent of such conflict only. (S. B. 381, Acts 1939, Reg. Ses. 46th Leg., Spec. L., p. 772, ch. 19.)

NACOGDOCHES COUNTY—DOGS

SECTION 1. It shall be lawful to use dogs for the purpose of hunting and trailing deer in the County of Nacogdoches.

¹Ineffective until season opens in 1954.

SEC. 2. All laws and parts of laws in so far as they conflict with any portion of this Act are hereby repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 384, p. 721. H. B. 649.)

HUNTING DEER WITH DOGS—ORANGE COUNTY

SECTION 1. It shall be lawful to use dogs for the purpose of hunting and trailing deer in the County of Orange. (Acts 1943, Reg. Ses. 48th Leg., ch. 129, p. 210, S. B. 179, as amended by Acts 1945, Reg. Ses., 49th Leg., ch. 166, p. 223, H. B. 537.)

JAVELINA—OPEN SEASON

SECTION 1. The Collared Peccary, commonly called Javelina, is hereby declared to be a game animal and it shall be unlawful for anyone to take, attempt to take, capture, shoot, or kill, any Collared Peccary or Javelina at any time except during the open season provided for taking same, which said open season shall be during the period November 16th to January 1st of each year, and it shall be unlawful at any time for any person to take any Collared Peccary or Javelina or to have any Collared Peccary or Javelina, or any part of same, in possession for the purpose of barter or sale, or to sell or offer for sale any Collared Peccary or Javelina or any part of same, and it shall be unlawful for any person to take in any one season more than two (2) Collared Peccary or Javelina. Provided, however, that the provisions of this Act shall not apply to any Collared Peccary or Javelina or their hides heretofore or hereafter imported from another State or foreign country. (Art. 879g-2, P. C. 1925; Acts 1939, 46th Leg., Spec. L., p. 831, sec. 1, as amended Acts 1939, 46th Leg., Spec. L., p. 832, sec. 1.)

SEC. 1a. Provided, however, that it shall be lawful to take, capture, shoot, or kill Collared Peccary or Javelina in the Counties of Jim Hogg, Crockett, Dimmit, Frio, Kinney, LaSalle, Maverick, Medina, McMullen, Starr, Uvalde, Val Verde, Webb, Zapata, and Zavala, at any time, and an open season for Collared Peccary or Javelina in such Counties is hereby declared. Provided further, that it shall be unlawful in such Counties to have or take any Collared Peccary or Javelina, or any part of same, in possession for the purpose of barter or sale, or to sell or to offer for sale any Collared Peccary or Javelina, or any part of same, and any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50); and each Collared Peccary or Javelina, or any part thereof, taken or possessed or offered for sale or possessed for the purpose of sale, or sold, in violation of this Act shall constitute a separate offense. (As amended Acts 1949, 51st Leg., Reg. Ses., ch. 16, p. 14. H. B. 256.)

SEC. 2. Any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50) and each Collared Peccary or Javelina taken or possessed or offered for sale or possessed for the purpose of sale,

or sold, in violation of this Act shall constitute a separate offense. (Art. 879g-3, P. C. 1925; Acts 1939, 46th Leg., Spec. L., p. 831, sec. 2, as amended.)

SQUIRREL—OPEN SEASON—GENERAL LAW

There shall be an open season or a period of time, when it shall be lawful to hunt, take or kill wild red or fox squirrels, and wild gray squirrels, . . . in the months of May, June and July, and in the months of October, November and December of each year; provided, however, that nothing in this Chapter shall prevent the keeping of squirrels in cages as domestic pets; and provided further, that it shall not be unlawful to kill squirrels in the following counties at any time, to-wit: De Witt, Caldwell, Guadalupe, . . . Mason, Gillespie, . . . Kimble, Menard, Comal, McCulloch, Brown, Kerr, . . . Mills, Schleicher, Edwards, Gonzales, . . . Real, Kendall, Victoria, Medina, Uvalde, Jackson, . . . Bandera, Lavaca, Fayette, . . . Callahan, Stephens, Eastland, Bastrop, . . . Dimmit, Zavala, . . . Hamilton, Coryell, . . . Throckmorton, Karnes, Wilson, Comanche, . . . Bosque, Hill, . . . Tarrant, Wise, Cooke, Montague . . . (Art. 879h, P. C. 1925, as amended. Acts 1927, 40th Leg., p. 316, ch. 215, sec. 1; Acts 1929, 41st Leg., p. 108, ch. 52, sec. 1.)

SQUIRREL BAG LIMIT—GENERAL LAW

SECTION 1. It shall be unlawful for any person to take or kill more than ten (10) squirrels in any one day or to have in possession at any one time more than twenty (20) squirrels; provided, however, that the terms and provisions of this Act shall not apply to the following counties: Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Blanco, Brown, Bosque, Brazoria, Burnet, Caldwell, Calhoun, Callahan, Chambers, Colorado, Cooke, Coryell, Comanche, Comal, Concho . . . De Witt, Dimmit, Eastland, Edwards, Erath, Fayette, Fort Bend, . . . Galveston, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hamilton, Hill, . . . Jackson, Karnes, Kerr, Kendall, Kimble, Lamar, Lampasas, Lavaca, Live Oak, Llano, Mason, Matagorda, McCulloch, Menard, Medina, Mills, Montague, Real, Red River, Refugio, San Patricio, San Saba, Schleicher, Stephens, Tarrant, Throckmorton, Travis, Uvalde, Victoria, Waller, . . . Wharton, Wilson, Wise, Zavala.

SEC. 2. That all laws or parts of laws in conflict herewith be, and the same are hereby repealed. (Art. 923ll-6, P. C. 1925, H. B. 748, 42nd Leg., H. B. 936, 44th Leg., as amended by conflicting laws.)

SQUIRRELS—AUSTIN AND OTHER COUNTIES

SECTION 1. It shall be unlawful for any person to hunt, take or kill squirrel, except during the months of May, June, July, October, November and December of any year in the following named counties: Colorado, San Patricio, Titus, Morris, Smith, Walker, . . . Waller, Fort Bend, Rusk, Matagorda, Brazoria, . . . Austin. . . .

SEC. 2. Any person who shall hunt, take or kill any squirrel in violation of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10.00), nor more than Fifty Dollars (\$50.00). Art. 923U-4, P. C. 1925.)

ANGELINA, HARDIN, JEFFERSON, LIBERTY,
NACOGDOCHES, ORANGE AND SHELBY COUNTIES
—SQUIRREL

SECTION 1. It shall be unlawful for anyone to hunt, take or kill any squirrel in the Counties of Angelina, . . . Hardin, . . . Jefferson, Liberty, . . . Orange, . . . Nacogdoches, Shelby, . . . at any time except during the period of time between the 15th day of October and the 15th day of January, both inclusive, of each year.

SEC. 2. Anyone who shall hunt, take or kill any squirrel in any of the above-named Counties at any time other than during the period of time between October 15th and January 15th of each year, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50) provided that each act of hunting, taking or killing of a squirrel shall constitute a separate offense.

SEC. 3. All laws or parts of laws in conflict with this Act are hereby repealed. (H. B. 401, ch. 117, p. 163, Acts 1945, Reg. Ses. 49th Leg.)

SQUIRRELS

SECTION 1. Hereafter it shall be lawful to kill squirrels at any time in the Counties of Runnels, Travis, Williamson, San Saba, Llano, Lampasas, Burnet, Goliad, Blanco, Hays, Tom Green, Irion, Sterling, Concho, Erath, Bell and Hood. (Acts 1931, 41st Leg., 5th C. S., ch. 72, as amended by Acts 1949, 51st Leg., Reg. Ses., ch. 11, p. 11. H. B. 98.)

BOWIE, CASS, HARRISON AND MARION
COUNTIES—SQUIRREL

SEC. 1a. It shall be unlawful for any person to take or kill squirrel in Harrison, Marion, Cass and Bowie Counties, except during the months of October, November and December.

Any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction therefor shall be fined in a sum of not less than One Dollar (\$1) nor more than One Hundred Dollars (\$100).

All laws and parts of laws in conflict herewith are hereby expressly repealed to the extent of such conflict. (Acts 1949, 51st Leg., Reg. Ses., ch. 473, p. 880. H. B. 976.)

SQUIRREL—BRAZOS, GRIMES, LEON, MADISON,
ROBERTSON AND SAN JACINTO COUNTIES

SECTION 1. From and after the effective date of this Act it

shall be unlawful for any person within the Counties of Brazos, Grimes, León, Madison, Robertson and San Jacinto, to take, kill or have in his possession any squirrel or squirrels from the 1st day of January of each calendar year, through and including the 15th day of May of each calendar year, and during the months of August and September of each calendar year. During the remainder of each calendar year it shall be unlawful for any person to take, kill or have in possession more than five (5) squirrels in any one day and more than fifteen (15) squirrels in any calendar week of seven (7) days.

SEC. 2. Any person who shall violate any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined in any sum not less than Ten Dollars (\$10) and not more than One Hundred Dollars (\$100.)

SEC. 3. Any provision of any law in conflict herewith is hereby repealed in so far as the same affects Brazos, Grimes, Leon, Madison, Robertson and San Jacinto Counties. (H. B. 405, Reg. Ses. 44th Leg., p. 1186, ch. 22.)

CHEROKEE COUNTY—SQUIRREL

SECTION 1. It shall be unlawful for anyone to hunt, take or kill any squirrel in the County of Cherokee, Texas, except during the time between the first of October and the 31st of December, both inclusive, of each year.

SEC. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100).

SEC. 3. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict. (Acts 1949, 51st Leg., Reg. Ses., ch. 434, p. 810. H. B. 685.)

COLEMAN AND PALO PINTO COUNTIES—SQUIRREL

SECTION 1. It shall be lawful to take or kill squirrels at any time in Coleman and Palo Pinto Counties.

SEC. 2. All laws or parts of laws, in so far as they may conflict with any provision of this Act, be and the same are hereby repealed. (H. B. 141, 1st C. S., 43rd Leg., p. 227, ch. 86.)

DELTA, FRANKLIN AND HOPKINS COUNTIES— SQUIRREL

SECTION 1. There shall be an open season or period of time when it shall be lawful to hunt, take, or kill squirrels in Hopkins, Franklin and Delta Counties, Texas, from May 1st to July 31st, both inclusive, and October 1st to December 31st, both inclusive, of each year. On the said days included within the open season, as herein provided, it shall be unlawful for any person to kill, take, or have in his possession, more than eight (8) squirrels per day.

SEC. 2. All laws, or parts of laws, in conflict herewith are hereby repealed.

SEC. 3. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50), and each squirrel killed, taken, or in the possession of such person above the bag limit of eight (8), as herein provided, shall constitute a separate offense. (Acts 1947, 50th Leg., Reg. Ses., ch. 100, p. 161, as amended by Acts 1949, 51st Leg., Reg. Ses., ch. 10, p. 10. H. B. 94.)

DENTON COUNTY—SQUIRRELS

SECTION 1. It shall be lawful to take or kill any number of squirrels at any time in Denton County, Texas.

SEC. 2. All laws or parts of laws, in so far as they conflict with any provision of this Act, be and the same are hereby repealed. (Acts 1945, Reg. Ses., 49th Leg., ch. 129, p. 173, H. B. 757.)

JACK AND YOUNG COUNTIES

SECTION 1a. It shall be lawful for any one to hunt, take or kill any squirrel at any time in the Counties of Young . . . and Jack. (Acts 1943, 48th Leg., p. 30, ch. 27. H. B. 119.)

JASPER, NEWTON, SABINE, SAN AUGUSTINE AND TYLER COUNTIES—SQUIRREL BAG LIMIT

SECTION 2. It shall be unlawful for any person to take, kill or possess more than five (5) squirrels during any one day of the open season in the above named counties.

SEC. 3. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum of not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars.

SEC. 4. All laws or parts of laws in conflict herewith are repealed. (Acts 1947, 50th Leg., Reg. Ses., ch. 49, p. 64, S. B. 165.)

JASPER, NEWTON, SABINE, SAN AUGUSTINE AND TYLER—SQUIRREL

SECTION 1. It shall be unlawful for anyone to hunt, take or kill any squirrel in the Counties of Tyler, San Augustine, Sabine, Jasper and Newton at any time except during the period of time between the 15th day of October and the 15th day of January, both inclusive, of each year.

SEC. 2. Anyone who shall hunt, take or kill any squirrel in any of the above-named Counties at any time other than during the period of time between October 15th and January 15th of each year, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than

Ten Dollars (\$10) nor more than Fifty Dollars (\$50), provided that each act of hunting, taking or killing of a squirrel shall constitute a separate offense.

SEC. 3. All laws or parts of laws in conflict with this Act are hereby repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 278, p. 505. H. B. 824.)

KAUFMAN COUNTY—SQUIRRELS

SECTION 1. It shall be unlawful for any person to take or kill any squirrel or squirrels in Kaufman County, Texas, during the months of January, February, March, April, August and September, and shall be lawful to take or kill squirrels in Kaufman County during the months of May, June, July, October, November and December, of each year.

SEC. 2. Any person violating this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00).

SEC. 3. Any provision of any law in conflict with this Act, whether enacted this session or some other session of the Legislature, is hereby repealed in so far as Kaufman County is concerned. (H. B. 926, Acts 1933, 43rd Leg., Spec. L., p. 102, ch. 78.)

KINNEY COUNTY—SQUIRREL

SECTION 1. It is hereby declared an open season for killing of wild squirrel in Kinney County, Texas, and it shall be lawful to take or kill wild squirrels in Kinney County, Texas, at any time.

SEC. 2. All laws, or parts of laws, in conflict herewith are hereby repealed. (H. B. 74, 3rd C. S., 44th Leg., p. 2028, ch. 487.)

PANOLA COUNTY—SQUIRREL

SECTION 1. From and after the effective date of this Act it shall be unlawful for any person to take or kill squirrels in . . . Panola . . . Counties, except during the months of October, November and December.

SEC. 2. Any person violating any provision of this Act shall be guilty of a misdemeanor, and upon conviction therefor shall be fined in a sum of not less than One (\$1.00) Dollar nor more than Twenty-five (\$25.00) Dollars. (Acts 1949, 51st Leg., Reg. Ses., ch. 185, p. 362. S. B. 277.)

SQUIRRELS—PARKER COUNTY

It shall not be unlawful hereafter for any person to take or kill any squirrels during any time of the year in Parker . . . Counties, Texas. (Acts 1931, Reg. Ses., 42nd Leg., Spec. L., p. 257, ch. 135, as amended by conflict.)

POLK AND TRINITY COUNTIES—SQUIRREL

SECTION 1. It shall be unlawful for anyone to hunt, take or

kill any squirrel in Polk County, Texas, except during the months of October 15th to January 15th.

SEC. 2. It shall be unlawful for anyone to hunt, take or kill any squirrel in Trinity County, Texas, except during the months of October 15th to January 15th and the months of May, June and July.

SEC. 3. Anyone who shall hunt, take or kill squirrels in the Counties of Polk and Trinity any time, except during the months provided in this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50), and his hunting license shall be automatically canceled, and he shall not be entitled to receive another such license for a period of one year from date of his conviction; provided that each squirrel taken or killed shall constitute a separate offense.

SEC. 4. House Bill No. 480, Chapter 122, Acts of the Forty-eighth Legislature, 1943, is hereby repealed. (Acts 1945, Reg. Ses., 49th Leg., ch. 114, p. 161, H. B. 351.)

SHELBY COUNTY—SQUIRREL AND QUAIL

SECTION 1. It shall be unlawful . . . in Shelby County . . . for any person to take in any one day or to have in his possession at any time more than ten (10) squirrels.

SEC. 2. It shall be unlawful to take or kill any quail in Shelby County, except during the period December 1st to January 16th, both days inclusive, and during such period it shall be lawful to kill in any one day not more than twelve (12) quail, or to take in any week not more than thirty-six (36) quail and it shall be unlawful to have in possession more than thirty-six (36) quail at one time.

SEC. 3. All laws or parts of laws, in so far as they conflict with any portion of this Act, be and the same are hereby repealed.

SEC. 4. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50), and each bird or animal taken or possessed in violation of any provision of this Act shall constitute a separate offense. (H. B. 230, Reg. Ses. 45th Leg., p. 211, ch. 112, as amended by conflicting provisions in H. B. 300, Reg. Ses. 46th Leg., p. 784, ch. 33.)

SUTTON COUNTY—SQUIRREL

SECTION 1. From and after the effective date of this Act it shall be lawful to hunt, take, or kill squirrels at any time in Sutton County, Texas, and there shall be an open season for hunting, taking, or killing squirrels in said County at any and all times.

SEC. 2. All laws or parts of laws in conflict or inconsistent herewith, or contrary to any of the provisions hereof, are hereby expressly repealed. (H. B. 808, Acts 1941, Reg. Ses. 47th Leg., p. 234, ch. 165.)

WASHINGTON COUNTY—SQUIRREL

SECTION 1. It shall be unlawful to take, kill or attempt to take or kill any wild squirrels in the County of Washington at any time other than during the months of May, June, July, October, November and December of each year, or to take in any one day more than ten (10) squirrels or to have in possession at any time more than twenty (20) squirrels.

SEC. 2. Any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Twenty-five Dollars (\$25).

SEC. 3. All laws or parts of laws, in so far as they conflict with any portion of this Act be and the same are hereby repealed in their application to Washington County. (Acts 1935, H. B. 936, Reg. Ses., 44th Leg., p. 1194, ch. 31.)

WHARTON COUNTY—SQUIRREL

SECTION 1. From and after the effective date of this Act, it shall be unlawful for any person to take, kill, or have in his possession any squirrel in Wharton County, Texas, during the months of January, February, and March of each year.

SEC. 2. Any person who shall violate any provision of this law shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Five Dollars (\$5) nor more than Twenty-five Dollars (\$25).

SEC. 3. The provisions of this law shall be cumulative of all General Laws on the subject not in actual conflict herewith, and all laws and parts of laws in conflict herewith are repealed only in so far as such laws are in actual conflict with the provisions of this Act in its local application, and in case of such conflict the provisions of this Act shall control and be effective. (H. B. 984, Acts 1937, Reg. Ses., 45th Leg., p. 582, ch. 291.)

WOOD COUNTY—SQUIRREL

SEC. 4. There shall be an open season, or period of time when it shall be lawful to hunt, take, or kill wild red or fox squirrels and wild gray squirrels in the months of May, June, and July, and the months of October, November and December of each year in the County of Wood; provided, it shall be unlawful for any person to take or kill more than six (6) squirrels in any one day during the said open seasons, and unlawful to take or kill more than twenty (20) squirrels in any week of seven (7) days, and it shall be unlawful to take or kill squirrels in

said Wood County except during the open season as herein defined. Any person violating any of the provisions of this section shall, upon conviction, be fined not less than Ten Dollars (\$10.00), nor more than Twenty-five Dollars (\$25.00).

SEC. 7. All peace officers of Wood County shall enforce the provisions of this Act to the fullest extent of their ability to do so, and wilful neglect in the enforcement hereof shall subject said peace officers to the pains and penalties prescribed by Statute for neglect of official duty.

SEC. 8. That this Act shall be cumulative of the general game law of the State, except in cases of conflict, and in such cases the provisions of this Act to prevail as to Wood County. (From H. B. 776, 42nd Leg., ch. 102, p. 211, Spec. L., as amended H. B. 15, 1st C. S. 42nd Leg., p. 28, ch. 15.)

BATS PROTECTED

Whoever wilfully kills or in any manner injures any winged mammal known as the common bat shall be fined not less than five nor more than fifteen dollars. (Acts 1907, p. 124; Art. 923b, P. C. 1925.)

STORAGE

SECTION 1. It shall be lawful for any person at any time to have in his possession, or to place in and have in any public or private storage plant, refrigerator or locker, any game birds, (migratory or other), game animals, water fowl or migratory water fowl, lawfully taken or killed, not in excess of the number or amount permitted by law to be possessed.

SEC. 2. All laws and parts of laws in conflict herewith are repealed hereby to the extent of such conflict; and specifically repealed hereby is that portion of House Bill 451, Chapter 252, Acts of the Regular Session, 48th Legislature, relative to retention limits on certain migratory birds and fowl, and the fixing of retention limits thereon; and especially repealed hereby are any and all other laws, or parts of laws, to the extent which such place limitation upon the time within which game birds, game animals, water fowl or migratory water fowl, lawfully taken or killed, may be possessed, or placed in or kept in any public or private storage plant, refrigerator or locker. (S. B. 6, Acts 1945, Reg. Ses. 49th Leg., p. 2, ch. 2.)

STORAGE

The owner or operator of any public cold storage plant, which intends to accept or does accept, any game bird or game animal of this State for storage, before accepting same shall provide a book in which he shall keep a legible record. Such record shall show the name of each and every person placing any game bird or game animal on storage in such public cold storage plant, the name of the person for whom it is placed on storage, the number of same, the kind of game bird or game animal placed on storage and the date on which such game bird or game animal is

placed on storage. For the purpose of this Act, any plant in which game is stored for any person, other than the owner of such plant, is hereby defined as a public cold storage plant. Any public cold storage plant, or the record book required to be kept in such a plant, shall be subject to inspection by any game and fish warden of this State at any time and no warrant shall be required therefor.

... any person failing to keep the record required under the provision of this Act, or any operator of the public cold storage plant refusing to permit any game and fish warden to inspect his plant or the record book, as required under the provisions of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five (\$25) Dollars nor more than Two Hundred (\$200) Dollars. (Art. 909, P. C. 1925, as amended by conflict in Acts, 1945, Reg. Ses., 49th Leg., ch. 6, p. 2.)

SPECIMEN SHIPMENT

Any person shall have the right to ship or carry to and from a taxidermist or tannery, for mounting or preserving purposes or to his home, any specimen or part of specimen of the wild birds or wild animals of this State, where same have been lawfully taken or killed by such person, and when such specimens or parts of specimens are not for sale, but before making shipment as herein provided, such person shall first make the following affidavit in writing before some officer authorized to administer oaths, and deliver same to the common carrier transporting same, or its agents:

STATE OF TEXAS

County of.....

Before me, the undersigned authority, on this day personally appeared....., who after being duly sworn, upon oath says: I live at..... in the County of....., State of.....; that I have personally killed....., which I desire to ship from..... to..... County, to....., State of....., which I have lawfully killed for my own use and not for sale, and which shall not be bartered or sold; that I have not killed during the present hunting season more than the bag limit, as provided by law, of any of the wild game birds, wild fowl, or wild animals.

Signature.....

Sworn to and subscribed before me this.....day of....., A. D. 19.....

The affidavit thus prepared by the affiant shall be attached to the shipment, and shall not be removed during the period of transportation. If such game is carried by the person killing same it shall not be necessary to attach the affidavit herein set forth. (Art. 889, P. C. 1925.)

Any person who so ships any game from any place within

this State, without making the foregoing affidavit; or any agent of any express company or other common carrier who receives any shipment without it being accompanied by such affidavit and list attached; or any auditor or conductor or other person in charge of any railroad train, who knowingly permits any person to carry any wild birds, wild fowl or wild animals without such affidavit being made, as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars.

All express agents, conductors, and auditors of trains, captains of boats, and the Game, Fish and Oyster Commissioner and his deputies are hereby empowered to administer oaths necessary to the shipment of game, and for administering such oaths they are hereby authorized to collect the sum of twenty-five (25¢) cents from the person making such oath. (Art. 890, P. C. 1925.)

IMPORTING GAME IN CLOSED SEASON

It shall be unlawful to bring into this State for any purpose whatever during the closed season, either alive or dead, any kind of wild game birds or fowl or animal, enumerated in this chapter, or to bring into this State for sale or exchange or barter or shipment for sale any such bird or fowl or animal, during the open season as set out in this chapter except as provided in Article 908.¹ Any person bringing such game, bird or fowl or animal into the State during the closed season or bringing such game bird or fowl or animal for sale or barter or shipment for sale during the open season, shall be fined not less than ten nor more than two hundred dollars. The bringing in of each game bird or fowl or animal herein interdicted is a separate offense. (Art. 923a, P. C. 1925.)

POSSESSION OF GAME IN CLOSED SEASON: IMPORTATION FROM MEXICO

The possession of any wild game bird, wild game fowl, or wild game animal mentioned in this chapter, whether dead or alive, during the time when killing or taking is prohibited shall be prima facie evidence of the guilt of the person in possession during the time when killing or taking is prohibited by law; provided, however, that it shall not be unlawful to ship or bring any wild game birds, wild fowl, or wild game animals from the Republic of Mexico into this State at any season; provided, that the party bringing the same into this State shall procure from the Game, Fish and Oyster Commissioner, or from one of his deputies, a permit to bring same into the State, and shall procure from the United States Custom Officer at the port of entry a statement showing that such game was brought from the Republic of Mexico; and provided, further, that such party comply with the provisions of this Act regulating the shipment and

¹Should read "Article 907."

sale of such wild game birds, wild fowls, or game animals. (Art. 907, P. C. 1925.)

SALE, PURCHASE AND IMPORTATION OF GAME

It shall be unlawful for any person to sell or offer for sale, or to buy or offer to buy, or to have in possession for sale, or to have in possession after purchase has been made (either by himself or another) any wild bird, wild fowl, wild game bird or wild game animal, dead or alive, or any part thereof, protected by this Chapter, except deer hides and except as hereinafter provided. This Article and all other Articles in this Chapter, shall apply to any bird or animal coming from without this State; and in prosecution for violation of this Chapter, it shall be no defense that such bird or animal was not taken or killed within this State.

It shall be further unlawful to bring into this State for any purpose whatever, during the closed season or time when it is unlawful to possess such bird or animal, dead or alive, any kind of bird or animal protected by this Chapter, except as hereinafter provided.

SEC. 3. All laws or parts of laws in conflict with this act are hereby expressly repealed. (Art. 884, P. C. 1925, as amended by Acts 1947, 50th Leg., Reg. Ses., ch. 432, p. 1014, sec. 2, H. B. 307.)

Any person violating any of the provisions of Article 884 shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than twenty-five (\$25.00) dollars nor more than two hundred (\$200.00) dollars; and the bringing in of each separate bird or animal protected by this chapter in violation of said article shall constitute a separate offense. Provided, that any person who shall buy any game bird or game animal, the sale of which is prohibited by this chapter, for the purpose of establishing testimony, shall not be prosecuted for such purchase, and a conviction may be had upon the uncorroborated testimony of such purchaser. (Art. 885, P. C. 1925.)

SQUIRREL SHIPMENT—LIBERTY COUNTY

Whoever shall ship or cause to be shipped beyond the limits of Liberty County, or any agent or employee of any express or railroad company or other common carrier who receives for the purpose of transportation, or who shall transport, carry or take beyond the limits of said county, any wild squirrels, shall be fined not less than ten nor more than one hundred dollars. (Art. 923i, P. C. 1925.)

SQUIRREL SALE—MONTGOMERY COUNTY

Whoever sells or offers for sale or ships for sale in Montgomery County any squirrels shall be fined not less than twenty-five nor more than one hundred dollars. (Art. 923k, P. C. 1925.)

SHIPPING DEER

Whoever ships any deer or any part thereof by common carrier without the person shipping it making the affidavit prescribed in Article 889, and whoever ships or receives for shipment as the agent of any transportation company any deer or any part thereof, shall be fined not less than ten nor more than one hundred dollars. (Art. 923f, P. C. 1925.)

DEER, ANTELOPE, SHEEP—SALE

Whoever shall sell or offer for sale, or have in his possession after purchase, any wild deer, wild antelope or Rocky Mountain sheep killed in this State, or the carcass, hide or antlers of wild antelope or Rocky Mountain sheep, or the carcass or antlers of wild deer, shall be fined not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100), but it shall be lawful to sell deer hides or to possess deer hides after sale.

Provided, further, that a taxidermist or tanner having in his possession heads or hides of any such animal mounted or tanned which has not been claimed by the owner thereof, within a period of ninety (90) days after notification by the tanner or taxidermist, and for which said tanner or taxidermist has not received compensation for labor performed on same, may sell said heads or hides for the amount due him, accompanied by the original affidavit of the person leaving same to be mounted or tanned with said taxidermist or tanner, as provided for in Article 889 of Chapter 6, Title 13, of the Penal Code of the State of Texas, as to manner of killing said animal in accordance with the laws of the State of Texas. Said taxidermist or tanner shall make immediate report of said sale to the Game, Fish and Oyster Commission of Texas, giving the name of the person to whom sold and accompanied by affidavit as to the manner in which said hide or head was obtained, as provided for in Article 889, Chapter 6, of the Penal Code of the State of Texas. (Art. 923h, P. C. 1925, as amended Acts 1947, 50th Leg., Reg. Ses., ch. 432, p. 1014, sec. 1, H. B. 307.)

DEPREDAATION OF WILD FOWL OR ANIMALS

Whenever any wild birds, wild fowls, or wild animals, protected under the provisions of this chapter, are destroying crops or domestic animals, the Game, Fish and Oyster Commission is hereby authorized to permit the killing of such wild birds or wild animals, without regard to the open or closed season, bag limit, or night shooting; but before such permission shall be granted, the Commissioner aforesaid, shall be furnished with a statement of facts, sworn to by persons whose property is being injured, with the endorsement of the county judge of the county in which the crops are being destroyed or domestic animals being injured or killed, to the effect that the sworn statement is true, and that such crops or domestic animals can only be preserved by the granting of such permit. Such permit when issued shall distinctly state the time for which it is granted, the area

which it covers, and a designation of the person or persons permitted to kill the noxious birds and animals named in such permit. Such permit shall not authorize the killing of migratory birds protected by the Federal Migratory Bird Treaty Act, unless the applicant shall first procure a permit from the United States Department of Agriculture, in compliance with the regulations of such Migratory Bird Treaty Act. (Art. 888, P. C. 1925.)

SCIENTIFIC COLLECTING

Nothing in this Act shall prevent the capture, by any means and at any time, day or night, of wild birds or wild fowl and their nests and eggs, or of wild animals or wild quadrupeds, for zoological gardens or parks, or for propagation purposes,¹ or for scientific purposes; but, before any birds, fowl, animals, quadrupeds, nests, or eggs are taken or molested for the aforesaid purposes, permission must be secured from the Game, Fish and Oyster Commissioner, only, by the person desiring so to operate, such person shall make application in the form of an affidavit, in duplicate, setting forth what birds, fowls, animals, quadrupeds, nests, or eggs he desires, and the purposes for which he desires the same; and if such request is for collection of skins, nests, or eggs, for scientific purposes, such application should be accompanied by certificates from two well-known ornithologists (where the specimens are birds or their nests or eggs) or mammalogists (where the specimens are animals or quadrupeds) residents of the United States, stating that the applicant is a fit person to be entrusted with such a permit and that they have known him for a least five years past, and the applicant should further be supplied with a Federal scientific collecting permit issued by the Bureau of Biological Survey of the United States Department of Agriculture, permitting him or her to collect migratory birds, and the serial number and date of said Federal permit should be furnished by the applicant on said affidavit, where request is made for the collecting of birds and their nests or eggs. Such scientific collecting permit as issued by the State of Texas will authorize the holder thereof to take, possess, and transport, in any manner and at any time, birds and their nests and eggs, for scientific purposes; provided, that before migratory birds, or their nests or eggs, are taken the Federal permit indicated above must be obtained. Such scientific permit shall be issued for the fiscal year and shall be null and void after midnight of December 31st of the year issued.

If any person desires to bring into the State any wild birds or wild animals, dead or alive, or the nests or eggs, of any bird, he shall apply to the Game, Fish and Oyster Commissioner, for permission to do so, attaching to such application an affidavit setting forth the number and species of birds or animals, or the nests or eggs of birds, desired to be introduced.

The Game, Fish and Oyster Commissioner may refuse to issue permits for any of the purposes set forth in this article if, in

¹This law has been superseded as to certain animals and birds for propagation purposes. See Art. 978k, P. C. 1925.

his judgment, such application, or party making same, is not satisfactory.

The Game, Fish and Oyster Commissioner is empowered to prescribe rules and regulations governing the propagation of game birds and animals,² and the taking of birds and animals for scientific purposes, and is authorized to cancel any permit issued, when, in his judgment, the holder thereof fails or refuses to comply with such rules and regulations.

In the shipment of skins of protected animals, or the skins or nests or eggs of birds, each package shall have clearly and conspicuously marked, on the outside thereof, the name and address of the sender, the number of the sender's permit, and the statement that it contains specimens of animals, or of birds or their nests or eggs for scientific purposes. A person operating under, or holding a permit for scientific collecting shall report, on or before January 10th following the expiration of his permit, to the Game, Fish and Oyster Commissioner, the number of skins, nests or eggs of each species collected, or transported, together with the disposition of all such specimens not in his possession at the time of making said report, and also a statement covering any scientific data observed during his field collecting that, in his judgment, would be of interest to the ornithological or zoological public.

The Game, Fish and Oyster Commissioner shall, at all times have the power to take in any manner, keep, and transport, anywhere within the State, any of the wild birds or their nests or eggs, or any wild animals, for investigation, propagation, distribution, or scientific purposes.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than two hundred (\$200.00) dollars; and each bird, fowl, animal, quadruped, nest, or egg, taken or possessed in violation of this article shall constitute a separate offense. (Art. 913, P. C. 1925.)

SHOOTING OR HUNTING CLUB

It is hereby declared unlawful for any person or persons, who may be acting as manager of any club, or the owner of any club, or shooting resort or shooting preserve, or lessor of premises leased for hunting purposes, to receive or accommodate as a guest or member of said club, or shooting resort, or shooting preserve, or lessee of premises leased for hunting purposes, for pay, any person or persons engaged in hunting, before such manager of such club, shooting resort, shooting preserve, or premises leased for hunting purposes, shall have applied for and received a license from the Game, Fish and Oyster Commissioner, or one of his deputies, granting him the right for the year beginning September 1 and ending August 31, following, to receive and accommodate any such person or persons at

²See Article 978k, P. C. 1925, superseding this law in some respects.

such club, shooting resort, shooting preserve, or premises leased for hunting purposes.

Before such license is issued the person applying for same shall pay to the Game, Fish and Oyster Commissioner the sum of five (\$5.00) dollars, and shall file with the Game, Fish and Oyster Commissioner the name of said club, shooting resort, shooting preserve or premises leased for hunting purposes, and shall file with the Game, Fish and Oyster Commissioner an affidavit that he will not violate any of the provisions of this article and will endeavor to prevent guests of said club, shooting resort, shooting preserve, or premises leased for hunting purposes from doing so, and that no guest will be accommodated who has not previously secured a hunting license.

All such managers of clubs, shooting resorts, shooting preserves and premises leased for hunting purposes shall be required to keep a suitable record book, and each guest or member shall be required to register, showing his name and place of residence, license number, and a record of each day's kill of different birds and game, and a complete record must be made to the Game, Fish and Oyster Commissioner by such manager of club, shooting resort, shooting preserve or premises leased for hunting purposes, not later than February 10 of each year.

Whenever any manager of any club, shooting resort, shooting preserve or premises leased for hunting purposes, fails or refuses to comply with any of the provisions of this article, the Game, Fish and Oyster Commissioner is authorized and empowered to cancel his license without refund or return of the license fee, and no license shall be renewed or issued to such party, or parties, thereafter for a period of one year.

Any manager of any club, shooting resort, shooting preserve, or premises leased for hunting purposes, who accommodates hunters for reward, without first having secured the necessary license as provided in this article, or failing to comply with all the provisions thereof, shall be deemed guilty of a misdemeanor and upon conviction shall be fined the sum of not less than one hundred (\$100.00) dollars, nor more than two hundred (\$200.00) dollars, or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment. Such fines shall be placed to the credit of the special game fund.¹

For the purpose of carrying out the provisions of this article, it shall be the duty of the Game, Fish and Oyster Commissioner to have prepared and to furnish to all deputy game commissioners blank license with stubs attached, numbered serially, such license to be called "Shooting Preserve License"; such shooting preserve license shall have printed across the face the year for which it is issued, shall bear the name and address of the licensee, name of club, character of game found on such preserve or lease, and the expiration date of such license. Said license must bear the seal of the Game, Fish and Oyster Commis-

¹See law on page 205 creating Special Game and Fish Fund.

sion, and must be signed by the Commissioner or one of his deputies. On the reverse of said license shall be printed the open seasons and bag-limit, as provided in this chapter. (Art. 908, P. C. 1925.)

GAME BREEDER LICENSE

SECTION 1. Any person, firm or corporation, before engaging in the business of propagating any of the game birds or game animals of this State for the purpose of sale, barter, exchange or offering for sale, barter or exchange, or before placing in captivity any game bird or game animal for such purpose, shall obtain from the Game, Fish and Oyster Commission at Austin, Texas, a game breeder's license upon payment of the sum of Two (\$2.00) Dollars, and which license shall be valid until August 31, following date of issuance, and any person, firm or corporation holding such license is hereby defined as a game breeder.

SEC. 2. A game breeder's license shall entitle the holder to engage in the business of game breeding in the immediate locality for which such license was issued, and such license shall entitle the holder to only those privileges which are hereby specified. To hold in captivity only for the purpose of propagation or sale and to sell, under regulations herein provided, wild deer of all species, wild antelope, wild squirrels of all varieties, wild turkeys, wild prairie chickens, wild quail of all varieties, wild Chachalacas, commonly called Mexican Pheasants, wild pheasants of all varieties, any wild migratory bird or water fowl when permit has been obtained from the Department or Bureau of the United States Government authorized to issue such permit. To sell the eggs of any fowl or bird held in captivity under a game breeder's license.

SEC. 3. Except in so far as specified privileges are conferred by this Act, all game birds or game animals held under a game breeder's license shall remain under the full force of any or all laws or regulations of this State pertaining to wild game birds or wild game animals in order that these necessary police regulations for the preservation of native game species may be enforced to the benefit of this State.

SEC. 4. For the purpose of this Act "captivity" is defined as an inclosure suitable for retaining, and that will retain at all times under reasonable and ordinary circumstances the bird, fowl or animal so inclosed, and so far as animals are concerned, will prevent the entry into the said inclosure of any other such animal. Any single inclosure for any game bird or game animal shall not contain more than forty (40) acres, except for deer, antelope, turkey and any wild migratory bird or waterfowl, for which any such inclosure shall not exceed three hundred twenty (320) acres.

SEC. 5. Each pen, coop or enclosure of any kind in which any game bird or game animal is held shall be subject to inspection by any Game and Fish Warden at any time and no warrant shall be required therefor.

SEC. 6. To each person, firm or corporation obtaining a game breeder's license there shall be issued by the Game, Fish and Oyster Commission, at the time of first issuance of license to such breeder, a serial number, which shall remain the number of said game breeder whenever he may hold a game breeder's license. Said game breeder shall obtain suitable metal bands bearing his serial number, and one of such bands shall be placed on a leg of each game bird or fowl which he is holding in captivity and shall remain on same. And a suitable metal tag, bearing the serial number of the game breeder holding same, shall be attached to and remain attached to an ear of each antelope or deer held or sold by a game breeder.

SEC. 7. It shall be unlawful for any game breeder to sell, barter or exchange or offer for sale, barter or exchange any game bird or game animal, except when same is alive and in a healthy condition. And it shall be unlawful for any person to purchase in this State or to accept from any person any live game bird or game animal that has been held in this State, except from a licensed game breeder and when such bird or animal bears a band or tag as herein required to be placed on game birds or game animals by game breeders, except when same is delivered by a common carrier from outside this State. No game bird or game animal shall be purchased or received by any person in this State except for the purpose of liberation for stocking purposes, or for the purpose of holding same for propagation purposes, and with the understanding that all such game and increase therefrom shall remain under the full force of all the necessary police regulations of this State pertaining to wild game, and that such game may be held in captivity for such propagation purposes in this State only after permit has been obtained from the Game, Fish and Oyster Commission. Provided that nothing contained in this Act shall prohibit the holding, taking or receiving of game birds or game animals for scientific or zoological purposes, under permit issued by the Game, Fish and Oyster Commission, under the provisions of Article 913, Penal Code 1925.

SEC. 8. Provided that nothing contained in this Act shall prohibit licensed game breeders from selling or offering for sale pheasants of any or all kinds for any or all purposes, and that they are given this specific privilege and purchase of said birds may be made by any person from any game breeder for any or all purposes.

SEC. 9. It shall be unlawful for any game breeder to sell in this State, or ship to any person in this State or for any citizen of this State to purchase from any game breeder, any deer, turkey or quail during any open season for taking such game birds or game animals or for a period of ten (10) days before and after such open season.

SEC. 10. Any common carrier is hereby authorized to accept for shipment any of the game birds or game animals named in this Act, from any licensed game breeder, but it shall be unlaw-

ful for any agent of a common carrier to accept for shipment any live game bird or game animal other than from a licensed game breeder; or for any person other than a licensed game breeder or his authorized agent to ship or transport any live game bird or animal, except when permit for such shipment or transportation has been granted by the Game, Fish and Oyster Commission or one of its agents authorized to grant such permit.

SEC. 11. Provided that nothing contained in this Act shall prohibit the Game, Fish and Oyster Commission, or any agent of such Commission, acting upon its authority, from taking, possessing, holding, transporting or propagating any of the game birds or game animals of this State for public purposes.

SEC. 12. Each person, firm or corporation holding a game breeder's license in a suitably bound book shall keep a written record which shall show the number of each kind of game bird and game animal on hand at time license was issued and source from which they were obtained; the number of each kind of game birds and game animals on hand at any time after license is obtained and number of each kind and source of any birds or animals received and date of receiving; the name and address of any and all persons to whom shipments or deliveries are made and number of each kind shipped or delivered to each such person and date of shipment and/or delivery. Each such report shall be for the period of time from date of license until September 1st following such date. Copy of such record, with affidavit made before a Notary Public or other officer qualified to administer oath, that same is true and correct, shall be filed in the office of the Game, Fish and Oyster Commission at Austin, Texas, before another game breeder's license shall be issued to a person, firm or corporation who has heretofore held such license.

SEC. 13. Provided that any game breeder's licenses issued after the effective date of this measure and before September 1, 1933, shall remain in effect until August 31, 1934.

SEC. 14. All laws or parts of laws in conflict with this Act are hereby repealed and Senate Bill 36, 3rd Called Session, 42nd Legislature, is specifically repealed.

SEC. 15. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200), and each bird or animal sold or purchased or held in violation of this Act shall constitute a separate offense, and any game breeder convicted, under any provision of this Act, shall automatically forfeit his license and shall not be entitled to engage in the business of game breeding for a period of one year following date of conviction. (Art. 978k, P. C. 1925. H. B. 275, Acts 1933, 43rd Leg., p. 212, ch. 96.)

SEIZURE OF ILLEGAL GAME

All wild birds, wild fowl, or wild game animals, or parts

thereof, which have been killed, taken in any way, shipped, held in storage, or found in a public eating place, contrary to the provisions of this chapter, shall be disposed of by order of the Game, Fish and Oyster Commissioner, or one of his deputies by donating same to charitable institutions, hospitals, or needy widows and orphans.

If such birds, fowls, or animals mentioned in this article are required to be placed in cold storage, the expense of such storage shall, upon his conviction, be placed in a bill of cost against the defendant or person from whom they were taken.

The Game, Fish and Oyster Commissioner, or any of his deputies shall have the right to search the game bag or any other receptacle of any kind whenever such Game, Fish and Oyster Commissioner or his deputy has reason to suspect that such game bag, or other receptacle or any buggy, wagon, automobile, or other vehicle may contain game unlawfully killed or taken, and any person who refuses to permit the searching of the same, or who refuses to stop such vehicle when requested to do so by the Game, Fish and Oyster Commissioner, or his deputy, shall be fined not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars. (Art. 897, P. C. 1925.)

SEARCH

The Commissioner or any of his deputies shall have the right to search the game bag or any other receptacle of any kind whenever such Commissioner or his deputy has reason to suspect that such game bag, or other receptacle or any buggy, wagon, automobile, or other vehicle may contain game unlawfully killed or taken, and any person who refuses to permit the searching of the same, or who refuses to stop such vehicle when requested to do so by the Commissioner or his deputy, shall be fined not less than ten nor more than one hundred dollars. (Art. 923d, P. C. 1925.)

BUYING GAME FOR EVIDENCE

One who buys, for the purpose of establishing testimony, a game bird or animal the sale of which is prohibited by this chapter shall not be prosecuted for such purchase. (Art. 923e, P. C. 1925.)

AFFIDAVITS AND FALSE SWEARING

SEC. 4. Any game warden of the State of Texas is hereby authorized to take the affidavit of any person concerning or involving violation of any law of the game laws of the State of Texas, and for such purpose is authorized to administer oaths. It shall be the duty of any person when requested by a game warden to give affidavit concerning any facts within such person's knowledge as to violation of any game laws of the State,

provided no person shall be required to make affidavit of any fact that might incriminate the person making such affidavit.

SEC. 6. . . . Any person who, in making an affidavit as authorized and provided in this Act, shall knowingly make a false affidavit of fact, shall be deemed guilty of false swearing and punished in accordance with the provisions of the law regarding the offense of false swearing. (From H. B. 186, Acts 1941, 47th Leg., p. 397, ch. 231.)

FRESH WATER FISHING LAWS

FISHING LICENSES

SECTION 1. Resident Fishing License. It shall be unlawful for any resident of this State to fish in any of the fresh waters of this State, outside of the county of his residence and adjacent counties thereto, without first having procured from the Game, Fish and Oyster Commission, or one (1) of its bona fide employees, or a county clerk or an authorized agent, a resident fishing license, the fee for which shall be One Dollar and Sixty-five cents (\$1.65). Of this amount, the officer issuing same shall retain fifteen cents (15¢) as his fee for collecting same. No fee or license of any kind shall be required of a person for the right to fish in the county of his residence and counties adjacent thereto except as provided in Section 3 of this Act.

SEC. 2. Non-resident Fishing License. It shall be unlawful for any person who is a non-resident of this State, or any person who is an alien, to fish in the fresh waters of this State without first having procured from the Game, Fish and Oyster Commission, or one of its bona fide employees, or a county clerk or an authorized agent, a non-resident fishing license, the fee for which shall be Five Dollars and Twenty-five cents (\$5.25). Of this amount, the issuing officer shall retain Twenty-five cents (25¢) as his fee for collecting same. Provided that such non-resident may fish in said waters under a five-day license, the fee for which shall be One Dollar and Sixty-five cents (\$1.65), and which shall be valid for only five (5) consecutive days, including day of issuance, the date of which shall be stated thereon. The issuing officer shall retain Fifteen cents (15¢) of said amount as his collecting fee.

SEC. 3. Exceptions. No person under seventeen (17) years of age shall be required to possess any of the licenses provided for in this Act. No resident fishing license shall be required of a resident citizen of this State who holds a commercial fishing license issued in this State. Provided that all residents of this State over the age of seventeen (17) years shall hold a resident fishing license when using artificial bait or lure. Provided further that all residents of this State over the age of seventeen (17) years shall hold a resident fishing license when using live bait outside of the county of his residence.

SEC. 4. Definition. "Non-resident" as used in this Act shall mean any citizen of the United States of America who is not a citizen of the State of Texas and who has not continuously, for

six (6) months next preceding issuance of the fishing license to him, been an actual bona fide resident of the State of Texas.

SEC. 5. Duplicate License. In the event the holder of a license provided for in this Act shall have lost such license, or same shall have been destroyed, such license holder may file with the Game, Fish and Oyster Commission or its bona fide employee, or a county clerk, or an authorized agent, an application, in the form of an affidavit as to the facts of such loss or destruction, which affidavit shall contain the serial number of the license so lost or destroyed; whereupon said Commission, or its bona fide employee, or a county clerk, or an authorized agent, may issue to such person a duplicate fishing license, the fee for which shall be fifty cents (50¢). Of this amount, twenty-five cents (25¢) may be retained by the issuing officer as his fee for issuing same.

SEC. 6. Form of License. Each license issued under the provisions of this Act shall have printed across its face, the year for which it is issued, and shall bear the name and address and residence of the person to whom issued, and shall state the approximate weight, height, age, color of hair, and color of eyes of such person, in order that proper identification may be had in the field. Such resident, non-resident and duplicate fishing licenses shall be dated the date of issuance and shall remain in effect until, and including the last day of August thereafter. Non-resident fishing licenses shall have printed thereon the following: "This license does not entitle the holder thereof to fish upon the enclosed and posted lands of another without the consent of the owner or agent." It shall be unlawful for any person to issue or accept any license required by the provisions of this Act, except on a form provided by the Game, Fish and Oyster Commission.

SEC. 7. License Deputies. Any person designated by the Executive Secretary of the Game, Fish and Oyster Commission, its bona fide employees, and the county clerk of each county in this State are hereby authorized to issue any license provided for by this Act, or that may hereafter be provided for, and all persons so issuing licenses shall fill out correctly and preserve for the use of said Commission the stubs attached thereto; and shall keep a complete and correct record of all licenses issued, showing the name and place of residence of each licensee and the serial number and date of the license issued. The county clerk and all other persons issuing licenses shall, within ten (10) days after the close of each calendar month, prepare a detailed report showing the serial number and date of each license issued during the month covered by the report, and the name and address of the person to whom issued, and shall forward such report, with remittance of fees due the State, to the Game, Fish and Oyster Commission, at Austin, and said Commission shall credit such county clerk, or other person, with the amount so remitted. As soon as possible after the licenses in a license book have all been issued, and only the stubs remain therein, such county clerk

or other person shall forward such used license book to the Game, Fish and Oyster Commission, at Austin, in order that said Commission may furnish necessary information regarding holders of licenses to any officers of the State. All unissued licenses shall be returned to the Game, Fish and Oyster Commission, at Austin, when request therefor is made by said Commission.

SEC. 8. Disposition of Fees and Fines. All moneys received from the sale of licenses provided for herein, after the payment of the fees allowed under this Act have been deducted, and all moneys received from penalties assessed for violations of this Act and for violations of fresh water fishing laws not otherwise disposed of by law, after deduction of fees allowed by law, shall be remitted to the Game, Fish and Oyster Commission, at Austin, and be deposited by said Commission in the State Treasury, to the credit of the Special Game and Fish Fund, which fund shall be used for the purpose of building and maintaining fish hatcheries, fairly distributed over the State of Texas, and for the propagation and distribution and protection of fish in the State of Texas, and for the dissemination of information pertaining to the conservation of fish in this State. All expenditures shall be verified by affidavit to the Game, Fish and Oyster Commission; and on the approval of such expenditures by the Executive Secretary of said Commission, it shall be the duty of the Comptroller of the State to draw his warrant on the Treasurer of the State for the amount of such expenditures, in favor of the person claiming the same, such warrant to be paid out of the Special Game and Fish Fund. All moneys and all balances now in such fund from moneys already paid into the State Treasury, or that may hereafter be paid into said fund, are made available as soon as paid into the State Treasury, and are hereby specifically appropriated to the use of the Game, Fish and Oyster Commission, for the several purposes herein specified.

SEC. 9. False Swearing. Any person who, in making an affidavit as provided for in this Act, shall knowingly make a false affidavit of fact, shall be deemed guilty of false swearing and shall be punished in accordance with the provisions of Article 310, Penal Code of Texas, 1925.

SEC. 10. Fishing Under License of Another. It shall be unlawful for any person to fish under the license issued to any other person, or to permit any other person to fish under a license issued to him.

SEC. 11. Effective Date of Act. This act shall become effective on the first day of September, 1949.

SEC. 12. Penalty. Any person who shall fish in any of the fresh waters of this State, without the license required of him by this Act, or any person who shall fish under the license of another, or who permits another to fish under his license, or who fails or refuses, on demand by any officer, to show such officer his fishing license required of him by this Act, or who

shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100).

SEC. 13. Forfeiture. Any person who has been convicted of violating any of the provisions of this Act shall thereby automatically forfeit his fishing license for the remainder of the license period, and shall not be entitled to receive from said Commission, or its agent, a license to fish for one (1) year immediately following the date of his conviction; and it shall be unlawful for any person so convicted to purchase or possess a fishing license or to fish in this State, for a period of one (1) year immediately following date of such conviction. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Twenty-five Dollars (\$25), nor more than Two Hundred Dollars (\$200.).

SEC. 14. Repeal. Article 4032a, Revised Civil Statutes of Texas, 1925, and all other laws, General, Special or Local, or parts of laws, in conflict with this Act, are hereby expressly repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 466, p. 864. H. B. 58.)

FISHING SEASON—LIMITS

SECTION 1. There shall be no closed season or period of time when it shall be unlawful to take, catch or retain fresh water fish by the use of ordinary hook and line or artificial lures. Other devices, the use of which is permitted by law, may be used for the purpose of taking fresh water fish at any time of the year, but only in compliance with such other restrictions as are placed on their use by the laws of this State.

SEC. 2. It shall be unlawful for any person to take from public fresh waters and retain, or place in any container, boat, creel, live-box or on any fish-stringer any large-mouth black bass, small-mouth black bass, spotted bass, or any sub-species of large-mouth black bass, small-mouth black bass, spotted bass, that is less than seven (7) inches in length.

SEC. 3. It shall be unlawful for any person in any one day to catch and retain, or to place on or in any device or container for holding same while he is fishing, any fish that is taken from the public fresh waters of this state in excess of the following limits: large-mouth black bass, small-mouth black bass, spotted bass, or any sub-species of the same, singly or in the aggregate, fifteen (15), of which not more than ten (10) shall be of greater length than eleven (11) inches; white bass, twenty-five (25); blue catfish, channel catfish and yellow catfish, singly or in the aggregate, twenty-five (25)¹; crappie or white perch, twenty-five (25).

¹In those counties where sale of catfish is permitted, this limitation as to possession of catfish does not apply to persons having a commercial fisherman's license, wholesale fish dealer's license, wholesale truck dealer's fish license, or retail fish dealer's license. See Article 934a. P. C. 1925, as amended by Acts 1945, Reg. 49th Leg., ch. 209, p. 289, H. B. 677.

SEC. 4. Any person who violates any provisions of this Act, upon conviction shall be fined in a sum not less than Five (\$5.00) Dollars, nor more than Fifty (\$50.00) Dollars.

SEC. 5. All laws or parts of laws, local, general or special, insofar as they provide a closed season or period of time when it is unlawful to take or catch fish or to use artificial lures, or insofar as they provide a size limit, possession limit or daily catch limit, or otherwise conflict with any provision of this Act, shall be and the same are hereby repealed; except that nothing herein contained shall repeal Chapter 213, House Bill No. 654, Regular Session, 48th Legislature, or regulations made thereunder to govern the taking of fish in Lake Texoma, which is the body of water impounded by the dam at Denison, Texas. (Art. 927a, P. C. 1925; Acts of 1945, Reg. Ses. 49th Leg., p. 13, ch. 9.)

FISHING METHODS

Except the ordinary hook and line or trot line, or a set or drag net or seine, the meshes of which shall be three or more inches square, or a minnow seine not more than twenty feet long used for catching bait, no person shall place in any fresh water river, creek, lake, bayou, pool, lagoon or tank, in this State, any net, trap or other device for catching fish, or take or catch any fish from said waters with any net, seine, device, or hook and line or trot line, other than as permitted herein. Whoever violates any provision of this article shall be fined not less than twenty-five nor more than one hundred dollars. (Art. 927, P. C. 1925.)

MINNOW AND ROUGH FISH TACKLE¹

SECTION 1. It shall hereafter be lawful to use fruit jars with funnel thereto attached for the purpose of taking minnows for bait in the public waters of the State of Texas.

SEC. 2. It shall hereafter be lawful to use minnow seines not more than twenty feet long and cast nets of any size mesh for the purpose of taking shad, carp, suckers, gar and buffalo fish from the public waters of the State of Texas.

SEC. 3. All laws, local, special or general, or any part thereof in so far as they conflict with the provisions of this Act are hereby repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 460, p. 845. S. B. 152.)

METALLIC NETS AND SEINES PROHIBITED

It shall be unlawful for any person to set or drag in any of the fresh waters of this State any net or seine made of wire or other metallic substance.

It shall be unlawful for any person to take or catch or attempt to take or catch fish in the fresh waters, rivers, creeks, lakes, bayous, lagoons, or in lakes or sloughs, subject to overflow from rivers or streams in this State, by any other means, other than by the ordinary hook and line or trotline, or by a set or drag net

¹Except when indicated by footnote to a special law, this law prevails in all counties.

or seine or trammel net, the meshes of which are three or more inches square, or by a minnow seine, not more than twenty feet in length, and it shall be unlawful for any person to place in the fresh water rivers, creeks, lakes, bayous, lagoons, of this State any net or other device or trap for taking or catching fish other than as designated and permitted by this Article.

Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars.

Any fish trap, net or seine or other seine or other fishing device found in the waters of this State, in violation of this article are hereby declared to be a nuisance, and it shall be the duty of the Game, Fish and Oyster Commissioner and his deputies to destroy same whenever found, and no suit shall be maintained against them therefor.

The Game, Fish and Oyster Commissioner is authorized to close any of the waters mentioned in this article against the use of nets or seines or any particular kind of such nets and seines, whenever he thinks that such closing is necessary or best to protect and conserve the fish in such waters. But before closing such waters against the use of seines or nets or any particular kind of seine or net, he shall give notice by posting his intentions for two weeks at not less than three stores or other places in proximity to such waters.

Any person who shall fish with a net or seine in such closed waters or shall use such particular kind of net or seine, as forbidden in such waters, after the notice given as above required, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum of not less than twenty-five (\$25.00) dollars and no more than one hundred (\$100.00) dollars. (Art. 948, P. C. 1925.)

EXPLOSIVES AND POISONING OF WATER

It shall be unlawful for any person to place in any of the waters of this State any poison, lime, dynamite, nitroglycerin, giant powder or other explosives or to place in such waters any drugs, substances or things deleterious to fish life for the purpose of catching or attempting to catch fish by the use of such substances or things, or for any other purpose whatsoever, provided however that in event it becomes necessary to place any explosive in water in connection with construction work, same may be authorized by written order of the County Judge of the County where the work is to be done.

Any one violating any provision of this Act shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than Fifty Dollars (\$50), nor more than One Hundred Dollars (\$100), and shall serve a sentence in the county jail of not less than sixty (60) days, nor more than ninety (90) days. (Art. 924, P. C. 1925, as amended Acts 1935, 44th Leg., p. 646, ch. 260.)

INJURING SMALL FISH

Whoever at any time shall catch or take from any fresh water river, lake, bayou, creek, pond or other natural or artificial stream or pond of water by use of any means whatever any crappie or bass of less length than he is permitted to catch or take from such water, shall immediately return the fish back into such water; and unnecessary injuring of such fish shall be an offense under this article. Whoever violates any provision hereof shall be fined not exceeding one hundred dollars. (Art. 932, P. C. 1925; Acts 3rd C. S. 1917, p. 69, Acts 4th C. S. 1918, p. 188.)

RETURNING SMALL FISH

Any person dragging a seine or engaging in taking fish in a set net shall return to the water all fish under and above size according to the measure or weight established in this chapter, and all other fish except sharks, gars, rays, turtle and terrapin, sawfish and catfish, except the gulf-topsail cat, which may be retained, and any person not returning such fish to the water as required by this article shall be fined not less than fifty nor more than one hundred dollars. (Art. 949, P. C. 1925; Acts 2nd C. S. 1919, p. 211.)

SALE OF BASS AND CRAPPIE

It shall be unlawful for any person, firm or corporation, or their agents, to buy or sell, or offer for sale, or offer to buy, or have in his or their possession for sale, or to carry, transport or ship for the purpose of sale, barter or exchange, any fresh water crappie or bass within the State of Texas.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine in any sum not exceeding one hundred dollars, and each sale or shipment or act in violation hereof shall constitute a separate offense. (Art. 978e, P. C. 1925.)

RAINBOW TROUT, SALE PROHIBITED

It is hereby made unlawful for any person to sell, barter or offer for sale or barter any rainbow trout taken from any of the fresh waters of Texas. (Art. 933½c, P. C. 1925.)

Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10), nor more than Fifty Dollars (\$50.00). (Art. 933½d, P. C. 1925; Acts 1925, 39th Leg., ch. 163, p. 375.)

"FRESH WATER STREAM" DEFINED

For the purpose of establishing the dividing line between the salt and fresh waters of this State, in so far as it pertains to the fishing laws, all fresh water rivers and streams in this State, and all lakes, lagoons, and bodies of rivers, except tidal bays or

coastal waters, such as bays and gulfs, shall be and are hereby declared to be fresh water streams and rivers to their mouths, and it shall be unlawful to set nets or drag seines or fish in other ways in such streams, rivers and their connecting lakes, lagoons, and bodies of water mentioned, except in conformity with the laws enacted to govern, apply and control in fresh water fishing. (Art. 926, P. C. 1925.)

(Note: The public is permitted to fish in the navigable streams of this state provided access to the stream can be gained without trespassing on the private lands of riparian owners.)

COMMISSION'S POWER TO FORBID USE OF NETS OR SEINES IN FRESH WATERS

The commissioner is authorized to close any fresh water river, creek, lake, pool, bayou, lagoon or tank in this State, against the use of nets or seines or any particular kind of such nets and seines whenever he thinks that such closing is necessary or best to protect and conserve the fish in such waters. Before closing such waters against the use of seines or nets or any particular kind of seine or net, he shall give notice by posting his intentions for two weeks, at not less than three stores or other places in proximity to such waters. Whoever shall fish with a net or seine in such closed waters, or who shall use such particular kind of net or seine as forbidden in such waters after the notice given as above required, shall be fined not less than twenty-five nor more than one hundred dollars. (Art. 928, P. C. 1925; Acts 2nd C. S. 1919, p. 210.)

COMMISSION AUTHORIZED TO PROTECT FISH IN PRIVATE FRESH WATERS

Such of the fresh water lakes, rivers, creeks and bayous within this State as may be embraced in any survey of private land shall not be sold, but shall remain open to the public. If the Commissioner stocks them with fish, he is authorized to protect same for such time and under such rules as he may prescribe. (Art. 4029, R. C. S. 1925; Acts 2nd C. S. 1919, p. 216.)

TAKING FISH WITHOUT CONSENT OF OWNER OF WATER

Whoever shall take, catch, ensnare or trap any fish by means of nets or seines or by poisoning, polluting, or by use of any explosive, or by muddying, ditching or draining in any lake, pool or pond in any county in this State without the consent of the owner of such lake, pool or pond, shall be fined not less than ten or more than one hundred dollars. In prosecutions hereunder the burden to prove such consent shall be upon the defendant. (Art. 925, P. C. 1925; Acts 2nd C. S. 1919, p. 191.)

TRESPASS ON HATCHERY OR RESERVATION

Any person entering and trespassing on the grounds of any State fish hatchery or on the grounds set apart by the State for

the propagation and keeping of birds and animals, without the permission of the Commissioner or deputy in charge of such reservation, shall be fined not less than ten nor more than twenty-five dollars. (Art. 978a, P. C. 1925; Acts 2nd C. S. 1919, p. 208.)

PROTECTION OF HATCHERIES AND RESERVATIONS

Whoever shall take, injure, or kill any fish kept by the State in its hatcheries, or any bird or animal kept by the State on its reservation grounds or elsewhere for propagation or exhibition purposes, shall be fined not less than fifty nor more than two hundred dollars. (Art. 978b, P. C. 1925; Acts 2nd C. S. 1919, p. 208.)

PROTECTION OF RESERVATION

It shall be unlawful to bring into or keep on any fish hatchery or reservation for the propagation or exhibition of any birds, fowls or animals, any cat, dog or other predacious animal, and any such animal found on the grounds of such hatcheries or reservation is held to be a nuisance, and the deputy in charge shall abate and destroy it as a nuisance, and no suit for damages shall be maintained therefor. (Art. 4049, R. C. S. 1925; Acts 2nd C. S. 1919, p. 209.)

TAKING BROOD FISH

It shall be lawful for the Commissioner or the United States Commissioner of Fisheries and his duly authorized agents to take at any time and in any manner from the public fresh waters of this State all brood fish required by them in operation of the State and Federal Hatcheries. (Art. 4050, R. C. S. 1925; Acts 2nd C. S. 1919, p. 214.)

FISHING FROM BRIDGES OR CAUSEWAYS¹

From and after the effective date of this Act it shall be unlawful for any person to engage in fishing from, or to deposit or leave any dead fish, crabs, or bait upon, the road surface or deck of any causeway, or bridge located on any highway which is being maintained by the State Highway Department. Provided that it shall be legal to fish from any section of such structure other than the deck or road surface. (Art. 784a-1, P. C. 1925.)

Any person who shall violate the terms of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than One Dollar (\$1) nor more than Fifty Dollars (\$50). (Art. 784a-2, P. C. 1925.)

FISHING IN STATE PARKS

Whoever shall take, catch, ensnare, or trap any fish by any means whatsoever in any waters which are within the confines of any public park under the control of the Texas State Parks

¹It is not the duty of Game Department to enforce this law.

Board, without the consent of the keeper, caretaker, or superintendent of said public park, shall be fined not exceeding One Hundred Dollars (\$100). Any peace officer is authorized to arrest without warrant any person found committing a violation of any provision of this Act. (Art. 928b, P. C. 1925.)

SCREENING CANAL OR PIPE

Every person, firm or corporation using any means for the purpose of taking water from the fresh waters of the State, when directed to do so by the Commissioner, shall place screens over the entrance of the canal, pipe, or over whatever means are used for diverting the water, or over the mouth of the intake pipe, for the purpose of preventing fish from entering said pipe or canal. The size of and regulations for placing such screen and any other obstruction shall be designated by the Commissioner. Whoever fails to comply with this article after notification by the Commissioner to do so shall be fined not less than fifty nor more than two hundred dollars. Each day is a separate offense. (Art. 978c, P. C. 1925; Acts 1909, p. 331, Acts 1913, p. 271.)

FISH LADDER

It shall be the duty of every person, firm or corporation, municipal or private who has erected, or who may erect any dam, water weir, or other obstruction on any regular flowing stream within this State, on the written order of the commissioners' court in the county in which such obstruction is erected, to construct and keep in repair fish ways or fish ladders at such dam, weir or obstruction, at the discretion of the Fish Commissioner, so that at all seasons of the year fish may ascend above such dam, weir or obstruction to deposit their spawn. Whoever erects or owns or maintains any such dam, obstruction or weir and shall fail or refuse to build, construct and keep in repair such fish way or fish ladder, within 90 days after having been notified by such Commissioner to do so, shall be fined not less than twenty-five nor more than five hundred dollars. Each week, after the expiration of 90 days after receiving such notice, of such failure or refusal is a separate offense. (Art. 951a, P. C. 1925; Acts 1881, p. 83; Acts 1915, p. 118; Acts 2nd C. S. 1919, p. 203.)

LAKE AUSTIN AND LAKE TRAVIS IN TRAVIS COUNTY—FISHING

SECTION 1. Except . . . by means and methods provided in this Act, it shall be unlawful to fish or attempt to take or catch fish, or to have any kind of fishing tackle or gear in possession and set up for use or in condition showing it is prepared or placed in condition for use on or in Lake Travis in Travis County or Lake Austin in Travis County, which are the lakes impounded by Mansfield Dam and Tom Miller Dam, both of which dams are situated on the Colorado River in Travis County, Texas.

SEC. 3. Fishing Tackle or Gear Permitted. The fishing tackle or gear permitted to be used to take or attempt to take fish shall be as follows: In Lake Travis in Travis County, ordinary pole and line; rod, reel, and line; hand line; set line, throw line; trot line; and artificial lures. Providing that no person shall use or have in operation at any one time an aggregate of more than twenty (20) hooks on any or all devices which are permitted to be used.

SEC. 3. (A) The fishing tackle or gear permitted to be used to attempt to take or catch fish on or in Lake Austin shall be not more than two (2) of the same or different types as follows: Ordinary pole and line; rod, reel, and line; hand line; set line; throw line; and artificial lures when used with fly rod or rod and reel. Except when artificial lures are used, no line shall be equipped with more than two (2) hooks, and only two (2) lines shall be used by one person at the same time. Minnow seines not more than twenty (20) feet in length may be used . . . for taking minnows, carp, shad, buffalo fish, and/or gar fish.

SEC. 6. Penalty. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100).

SEC. 7. All laws or parts of laws in so far as they conflict with any provision of this Act be and the same are hereby repealed. (H. B. 38, Acts 1943, 48th Leg., p. 5, ch. 6, as amended by conflict in S. B. 93, Acts 1945, 49th Leg., p. 13, ch. 9.)

LAKE TRAVIS AND COLORADO RIVER IN BURNET COUNTY—FISHING

SECTION 1. From and after the passage of this Act it shall be unlawful to take or catch fish in Lake Travis in Burnet County or in the Colorado River from the headwaters of said Lake Travis to the point on the Colorado River where the Burnet-Llano County Line crosses said Colorado River except by ordinary pole and line equipped with not more than two (2) hooks, throw line equipped with not more than six (6) hooks, rod and reel equipped with not more than two (2) hooks, or artificial lure attached to a casting or fly rod.

SEC. 2. Any person violating any provision of Section 1 of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10) nor more than Twenty-five Dollars (\$25). Each fish taken in violation of this Act shall constitute a separate offense. All laws in conflict with this Act are hereby specifically repealed in so far as they pertain to waters named in Section 1. (H. B. 903, Acts 1941, 47th Leg., p. 668, ch. 410.)

BUCHANAN AND ROY INKS LAKES—TACKLE

SECTION 4. No fish shall be taken or caught from . . . Roy

Inks (in Llano and Burnet Counties), and Buchanan Lakes (in Llano, Burnet, Lampasas and San Saba Counties) except by ordinary pole and line, throw line with not more than six (6) hooks, rod and reel, artificial bait, or a trot line with not more than thirty (30) hooks but this Act shall not apply to any waters of the counties mentioned in Section 1 hereof other than the lake waters herein.

SEC. 6. Any person violating any section of this Act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than Ten (\$10.00) Dollars, nor more than Two Hundred (\$200.00) Dollars. All laws or parts of laws in conflict herewith are hereby expressly repealed. (S. B. 240, Reg. Ses., 46th Leg., Spec. L., p. 793, ch. 44, as amended by conflict in S. B. 93, Acts 1945, 49th Leg., p. 13, ch. 9.) (Note: The counties have been inserted in parenthesis by the editor for clarification.)

MEDINA LAKE

SECTION 1. That the provisions of this Act shall apply to Medina Lake, which is that portion of the terrain of this State covered by the waters of Medina River and impounded by the Medina Dam in Medina County, which waters are in Medina and Bandera Counties, Texas.

SEC. 2. There shall be no closed season or period of time when it shall be unlawful to take, catch or retain fresh water fish by the use of ordinary hook and line or artificial lures. Other devices, the use of which is permitted by law, may be used for the purpose of taking fresh water fish at any time of the year, but only in compliance with such other restrictions as are placed on their use by the laws of this State.

SEC. 3. It shall be unlawful for any person to take from public fresh waters and retain, or place in any container, boat, creel, live-box or on any fish-stringer any large-mouth black bass, small-mouth black bass, spotted bass, or any sub-species of large-mouth black bass, small-mouth black bass, spotted bass, that is less than seven (7) inches in length.

SEC. 4. It shall be unlawful for any person in any one day to catch and retain, or to place on or in any device or container for holding same while he is fishing, any fish that is taken from the public fresh waters of this State in excess of the following limits: large-mouth black bass, small-mouth black bass, spotted bass, or any sub-species of the same, singly or in the aggregate, fifteen (15) of which not more than ten (10) shall be of greater length than eleven (11) inches; white bass, twenty-five (25); blue catfish, channel catfish and yellow catfish, singly or in the aggregate, twenty-five (25); crappie or white perch, twenty-five (25).

SEC. 5. Any person who violates any provision of this Act, upon conviction shall be fined in a sum not less than Five Dollars (\$5), nor more than Fifty Dollars (\$50).

SEC. 6. All laws or parts of laws, local, general or special in so far as they provide a closed season or period of time when it is unlawful to take or catch fish or to use artificial lures, or in so far as they provide a size limit, possession limit or daily catch limit, or otherwise conflict with any provision of this Act, shall be and the same are hereby repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 401, p. 742. H. B. 947.)

MEDINA LAKE—FISHING

SECTION 1. Except . . . by means and methods provided in this Act . . . it shall be unlawful to fish or attempt to take or catch fish or possess fish or to have any kind of fishing tackle or gear in possession on or in Medina Lake in Medina and Bandera Counties. Medina Lake is that portion of the terrain of this State covered by the waters of Medina River and impounded by the Medina Dam in Medina County, which waters are in Medina and Bandera Counties.

SEC. 3. Fishing Tackle or Gear Permitted. The fishing tackle or gear permitted to be used to take or attempt to take or catch fish from Medina Lake shall be ordinary pole and line, rod, reel and line, hand line, set line, throw line, trot line, and artificial lures. Providing that no trot line or throw line shall be used on which the hooks are spaced closer than four (4) feet.

SEC. 6. It shall be unlawful to use a minnow seine or to take or attempt to take or catch any minnows in or from Medina Lake.

SEC. 7. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than Ten Dollars (\$10), nor more than One Hundred Dollars (\$100). (Acts 1949, 51st Leg., Reg. Ses., ch. 108, p. 191. H. B. 386.)

POSSUM KINGDOM LAKE—FISHING

SECTION 1. It shall be unlawful to take, catch, or attempt to take, catch, or have in possession, or dispose of, any fish from the waters of the lake impounded by Possum Kingdom Dam, which Dam is situated in Palo Pinto County, except when same may be permitted in regulations promulgated in accordance with the directions given in this Act.

SEC. 2. It shall be the duty of the Game, Fish and Oyster Commission immediately, and thereafter from time to time, to make studies of the supply of fish and each species of fish in the body of water impounded by Possum Kingdom Dam; to determine the food supply available therein for the various fishes; the relationship of the species of fish one to the other; the spawning habits and rate of reproduction of the different species of fish in this body of water; and on the basis of this information to equitably permit the taking of any species of fish from said body of water at such time or seasons, and in such numbers and sizes,

and with such tackle or gear as will not interfere with the conservation of fish in said body of water in the public interest. It shall also be the duty of the Game, Fish and Oyster Commission to provide regulations that will permit a reasonable harvest of the annual increase of any and all species of fish in the lake waters impounded by Possum Kingdom Dam with due regard to the future supply of such fish and the maximum public recreational benefit therefrom.

SEC. 3. When any regulation permitting the taking of fish in Possum Kingdom Dam is promulgated by the Game, Fish and Oyster Commission in accordance with the provisions of this Act, a copy of same shall be immediately sent to the Board of Directors of the Brazos River Conservation and Reclamation District, and said regulation of the Game, Fish and Oyster Commission shall be in full force and effect only after it has been approved by the Board of Directors of the Brazos River Conservation and Reclamation District, and then has been published at least three times in one newspaper in each county in which said lake is situated, and after copies of said notice have been conspicuously posted on or near the shores of said lake. For the purpose of defining the headwaters of the Possum Kingdom Lake, it shall be the duty of the Brazos River Conservation and Reclamation District to place suitable signs on each shore of the Possum Kingdom Lake where the first inflow enters said lake when it is full in order that the public will be informed of the area to which the regulations herein provided for are applicable, and the provisions of this Act shall apply to all of said defined area regardless of occasional fluctuation in the level of said lake.

SEC. 4. Any regulation permitting the taking of fish or permitting the use of certain gear or tackle or providing an open season for taking fish on the waters impounded by Possum Kingdom Dam made in accordance with the provisions of this Act shall remain in full force and effect until same is suspended or amended, and any suspension or amendment of a regulation shall be done after the same manner and with the same approval required for the promulgation of a regulation made hereunder.

SEC. 5. Any person who fishes, or attempts to take or catch fish, or has any fish in his possession, or disposes or attempts to dispose of same, or who uses any tackle or gear for taking or attempting to take or catch fish in any of the waters impounded by Possum Kingdom Dam, except in accordance with permissive regulations issued by the Game, Fish and Oyster Commission of the State of Texas and approved by the Board of Directors of the Brazos River Conservation and Reclamation District and then in effect . . . shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10), nor more than Two Hundred Dollars (\$200).

...

SEC. 7. All laws or parts of laws of this State which to any degree permit fishing in Possum Kingdom Lake be and the same

are hereby repealed, and all other fishing laws of this State, in so far as they may conflict with any provision of this Act, be and the same are hereby repealed. (H. B. 1049, 47th Leg., p. 839, ch. 515, as amended by conflicting provisions in H. B. 58, Acts 1949, 51st Leg., Reg. Ses.)

JACK, PALO PINTO, STEPHENS AND YOUNG COUNTIES —MINNOWS

SECTION 1. It shall be unlawful to take from the public fresh waters of the District composed of Jack, Young, Stephens and Palo Pinto Counties any minnows when such minnows are to be used for the purpose of barter or sale outside of said District.

SEC. 2. It shall be unlawful for any person to transport beyond the borders of the District composed of Jack, Young, Stephens and Palo Pinto Counties, for the purpose of sale, minnows taken from the public fresh waters of the said District; and providing further that the transportation of said minnows out of the said District by any commercial bait dealer, or his agent, shall be prima facie evidence of the violation of this Act.

SEC. 3. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than Twenty Dollars (\$20), nor more than Two Hundred Dollars (\$200).

SEC. 4. House Bill No. 983, Regular Session, Forty-fourth Legislature, as amended by House Bill No. 1148, Regular Session, Forty-fifth Legislature, and by House Bill No. 82, First Called Session, Forty-fifth Legislature, is hereby repealed in so far only as said amended House Bill No. 983 applies to Jack, Young, Stephens and Palo Pinto Counties; and all laws and parts of laws in conflict with this Act are hereby repealed. (Acts 1945, Reg. Ses. 49th Leg., ch. 48, p. 69, H. B. 381.)

PALO PINTO, STEPHENS AND YOUNG COUNTIES— POSSUM KINGDOM LAKE—SALE OF FISH

SECTION 1. It shall be unlawful for any person, firm, or corporation, or his or its agent or agents, to barter or sell, or offer for barter or sale, or to buy any fish taken from Possum Kingdom Lake or any of its backwaters located in Stephens, Palo Pinto, and Young Counties.

SEC. 2. Any person found guilty of violation of any provision of this Act shall be fined not less than Five Dollars (\$5) nor more than One Hundred Dollars (\$100). (H. B. 1045, Acts 1941, 47th Leg., p. 1306, ch. 582.)

COOKE AND GRAYSON COUNTIES—MINNOWS

SECTION 1. For the purpose of controlling the minnow supply in Grayson and Cooke Counties, Grayson and Cooke Coun-

ties are hereby created a minnow conservation district. It shall be unlawful for any person to take minnows from any of the public waters of said district for the purpose of transporting them outside of the said district for the purpose of sale or to sell outside of said district any minnows that are removed from the public waters of said district. The transportation out of said district of more than two hundred (200) minnows at any one time by any person, or the transportation out of said district of any minnows at any time by a commercial minnow dealer or his agent, shall be a prima facie violation of this Act.

SEC. 2. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10), nor more than Fifty Dollars (\$50). If any article, section, subsection, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. (Acts 1945, Reg. Ses. 49th Leg., ch. 135, p. 176, H. B. 815.)

LAKE TEXOMA

SECTION 1. This Act shall apply only to that portion of the State of Texas which is inundated by the waters impounded by a dam across the channel of the Red River, known as Denison Dam, situated near the City of Denison, Texas, which impoundment is commonly known as Lake Texoma, and shall apply to any other portion of that area of land acquired or that hereafter may be acquired by the United States Government for the operation of said reservoir.

SEC. 2 It shall be unlawful for any person to fish, or to attempt to take or catch fish, from the waters described in Section 1 of this Act without first having procured for himself and having in his possession and on his person a currently valid fishing license, as hereinafter provided.

SEC. 3. There is hereby created a license to be known as Lake Texoma Fishing License. Such license shall be valid from date of issuance until the following December 31st. There is hereby created a license to be known as the Lake Texoma Ten-day Fishing License, which shall be valid for only ten consecutive days, including the date of issuance. A Lake Texoma Fishing License or a Lake Texoma Ten-day Fishing License shall be required of all persons who fish in the waters within the boundaries of the area described in Section 1 of this Act. Provided, however, that such license shall not be required of residents of Texas when such residents are engaged in fishing within the territorial boundaries of this State.

SEC. 4. The fee for a Lake Texoma Fishing License shall be \$5.00; 15c of this amount may be retained by the issuing officer as his fee for issuing same. The fee for a Lake Texoma Ten-day Fishing License shall be \$1.25; 15c of which may be

retained by the issuing officer as his fee for issuing same. The remainder of the fees so collected, for either a Lake Texoma Fishing License or a Lake Texoma Ten-day Fishing License shall be remitted to the Game, Fish and Oyster Commission, at its office in Austin, Texas, not later than the 10th day of the month following date of issuance, and shall be deposited by said Commission in the State Treasury to the credit of the Special Game and Fish Fund.

SEC. 5. Each Lake Texoma Fishing License or Lake Texoma Ten-day Fishing License shall be upon the form prescribed by the Game, Fish and Oyster Commission, and shall bear the name and address of the licensee, his personal description, date of issuance and such other information as may be deemed necessary for the proper enforcement of this Act.

SEC. 6. The Game, Fish and Oyster Commission is hereby empowered and directed to keep separate and strict accounting of the revenue derived from collections for Lake Texoma Fishing License and Lake Texoma Ten-day Fishing License for annual division between the States of Texas and Oklahoma, said division to be on a basis of the proportionate area of the Lake's surface lying within the territorial jurisdiction of the respective states. The Comptroller of Public Accounts is hereby directed to pay over to the State of Oklahoma seventy (70%) per cent of the funds collected under the provisions of this Act, said payment to be made on February 1 of each year, from all funds so collected during the twelve-month period ending December 31 of the previous year.

SEC. 7. Provisions of this Act shall not become effective unless and until the State of Oklahoma shall make provision for sale of a Lake Texoma Fishing License and a Lake Texoma Ten-day Fishing License under the same relative conditions set out above and to provide for payment by the State of Oklahoma to the State of Texas not less than thirty (30%) percent of all monies collected by the State of Oklahoma for herein prescribed special licenses to be in effect on Lake Texoma, said licenses to be sold in the State of Oklahoma to be parallel in all provisions established as in effect in the State of Texas.

SEC. 8. Any person violating any provision of this Act shall, upon conviction, be fined in a sum of not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars, and the net amounts of fines so collected shall be remitted to the Game, Fish and Oyster Commission and shall be deposited in the Special Game and Fish Fund, and may be used for all of the purposes provided for by law for the use of said fund.

SEC. 9. This Act shall become effective at the direction of the Texas Game, Fish and Oyster Commission and only after said Commission is satisfied that companion Acts of the Legislatures of the State of Texas and Oklahoma are not in conflict in any provisions and that provision has been made for reciprocal payments between the two States of all funds collected

under provisions of the Acts on the basis of seventy (70%) percent to the State of Oklahoma and thirty (30%) percent to the State of Texas. (Acts 1949, 51st Leg., Reg. Ses., ch. 255, p. 471. S. B. 231.)

LAKE TEXOMA—ROUGH FISH

SECTION 1. It shall be lawful for any person to take or catch suckers, buffalo, carp, shad or gar in the waters of Lake Texoma in Cooke and Grayson counties (being those waters impounded by a dam across the channel of Red River near Denison, Texas) with a seine or net the meshes of which shall not be less than one and one-half inches square; provided, however, that any fish other than those above enumerated caught by the above mentioned methods shall be immediately released in the waters from which caught.

SEC. 2. It shall be unlawful for any person to have in possession any bass, crappie or white perch, catfish, perch or bream at the time such person has in possession any of the above named rough fish taken by the methods permitted in this Act; or to have in possession any bass, crappie, or white perch, catfish, perch or bream caught while using a one and one-half inch mesh seine or net for the purpose of taking suckers, buffalo, carp, shad or gar.

SEC. 3. It shall hereafter be lawful to sell or buy any sucker, buffalo, carp, shad or gar taken from the herein mentioned waters.

SEC. 4. Any person who shall violate any provision of Section 2 of this Act shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined in a sum not less than ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars.

SEC. 5. All laws or parts thereof insofar as they conflict with the provisions of this act, are hereby repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 489, p. 911. S. B. 471.)

LAKE TEXOMA—COOKE AND GRAYSON COUNTIES— REGULATORY POWER

SECTION 1. This Act shall apply only to that portion of the State of Texas inundated by the waters of the Red River and its tributaries that are impounded by a dam across the channel of said river near Denison, Texas, and it shall apply also to any other portion of that area of land acquired or that may hereafter be acquired by the United States Government for the operation of a reservoir on the Red River beginning near Denison, Texas.

SEC. 2. In that portion of the State of Texas referred to in Section 1 of this Act, it shall be unlawful to take or attempt to take any fish or game or to use any means, method or device in taking or attempting to take any fish or game except during

such times and by such means, methods or devices and in such numbers as may be permitted in regulations issued under the directions and by the authority given in this Act.¹

SEC. 3. All laws or parts of laws in this State, in so far as they may conflict with this Act, or in so far as they regulate or restrict the taking of any game or fish in that portion of this State referred to in Section 1 of this Act, be and the same are hereby repealed.

SEC. 4. The Game, Fish and Oyster Commission of the State of Texas shall make a continuing study of the game and fish in that portion of the State of Texas described in Section 1 of this Act and the factors governing the abundance of any species of game or fish in said area. Whenever it is found that the supply of any species of game or fish is sufficient in said area to permit an annual harvest thereof, the Game, Fish and Oyster Commission shall provide suitable regulations granting an open season for taking such species and said regulations shall specify the means, methods or devices that may be used in taking same and the daily bag or creel limit and the possession limit which shall govern the numbers that may be taken in any one day or that may be possessed at any one time. Any regulation issued hereunder shall be such as will give the most equitable and most liberal privileges that may be permitted by the supply of the species of game or fish affected and which at the same time is in consonance with sound conservation practices.

SEC. 5. Before any regulations are issued under the authority given in this Act a public hearing shall be held in some city or town within twenty-five (25) miles of the area referred to in Section 1 of this Act. Notice shall be given of such public hearing ten (10) days in advance of said hearing. At such hearings any interested person shall be given an opportunity to inform the Game, Fish and Oyster Commission or its representatives of facts pertaining to the game or fish supply in the area referred to in Section 1 of this Act and of recommended regulations that may be made under the authority given in this Act in the public interest.

SEC. 6. Any regulation issued hereunder shall be effective on the date and for the period specified therein, but before such regulation shall become effective a copy of same shall be filed in the office of the Secretary of State and in the office of the County Clerk of each County in which a portion of the area named in Section 1 of this Act is situated and after the substance of said regulation is published in a newspaper in each county in which a portion of the area referred to in Section 1 of this Act is situated in the State of Texas.

SEC. 7. Any person who takes or attempts to take or possess any game or fish, or any person who uses any method or device for taking or attempting to take any game or fish from the area

¹Law on p. 85 governs taking of rough fish.

described in Section 1 of this Act except when he does so under the authority granted in a regulation issued by the Game, Fish and Oyster Commission and then in effect, shall be deemed guilty of a misdemeanor and upon conviction thereof shall pay a fine in a sum not less than Ten Dollars (\$10), nor more than One Hundred Dollars (\$100).

SEC. 8. It is specifically provided that this Act shall remain in full force and effect until a proposed compact between the State of Texas and the State of Oklahoma to govern the recreational use of the area referred to in Section 1 of this Act is finally completed and put into operation. After said compact is put into operation, this Act shall be of no further force or effect. (Art. 978*ll*-3, P. C. 1925, Acts 1943, 48th Leg., p. 333, ch. 213.)

LAKE TEXOMA—COOKE AND GRAYSON COUNTIES— LICENSES

SECTION 1. Chapter 213, House Bill No. 654, Regular Session, Forty-eighth Legislature, directs that the Game, Fish and Oyster Commission of the State of Texas shall promulgate suitable and equitable regulations to permit the taking of game and fish in that portion of the State of Texas in Grayson and Cooke Counties that is "inundated by the waters of the Red River and its tributaries that are impounded by a dam across the channel of said river near Denison, Texas," and that this shall also apply "to any other portion of that area of land acquired or that may hereafter be acquired by the United States government for the operation of their reservoir on the Red River beginning near Denison, Texas." It is hereby provided that the Game, Fish and Oyster Commission shall continue to exercise the authority prescribed under the directions given in said House Bill 654, Regular Session, Forty-eighth Legislature. The reservoir that is impounded by the dam across the Red River near Denison, Texas, is now known as Lake Texoma, a portion of which is situated within the boundaries of the State of Oklahoma. The Game, Fish and Oyster Commission is hereby authorized to make with the Game and Fish Department of the State of Oklahoma such joint investigations as are necessary to determine facts on which to base sound management of the game and fish resources of Lake Texoma. In so far as is consistent with the laws of this State and the United States, it is desirable, in exercising the authority that is given in House Bill No. 654, Regular Session, Forty-eighth Legislature, that the Game, Fish and Oyster Commission of the State of Texas shall use its best efforts to arrive at a reciprocal understanding with the authorized officials of the State of Oklahoma to the end that uniform regulations for the taking of game and fish may apply to all of Lake Texoma.

SEC. 2. It shall be unlawful for any person . . . to hunt with a gun on or over Lake Texoma or its connecting lands that are owned by the United States government, without having in

possession on his person the currently valid license that is required of him by any provision of this Act, and entitling him to the privileges given under such license.

SEC. 3. A resident hunting license, as now provided for by law, shall be required of any resident citizen of this State who hunts on or over Lake Texoma or its federally owned area. Other license requirements and the privileges given under same, shall be as follows: . . . Lake Texoma Nonresident Hunting License, fee Two Dollars and Fifty Cents (\$2.50), which shall entitle the holder to hunt migratory waterfowl only on Lake Texoma and its federally owned lands; Special Lake Texoma Nonresident Hunting License, fee Two Dollars (\$2), which shall entitle any resident citizen of Oklahoma who is licensed to hunt in that State to hunt only migratory waterfowl on Lake Texoma and its federally owned area in this State.

SEC. 4. Any person who holds a Nonresident Hunting License, issued by this State, shall be entitled to hunt on Lake Texoma without any additional hunting license issued by this State. . . . No hunting . . . license shall be required of any resident of this State who is under seventeen (17) years of age.

SEC. 5. Any person who hunts or attempts to hunt with a gun . . . in or over Lake Texoma and its federally owned lands in Cooke or Grayson Counties, without first procuring and having in possession on his person the license privileging him to so hunt . . . within said area, or any person who fails upon demand by any officer of this State to show the currently valid license that is required of him by this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50).

SEC. 6. After a fee of ten cents (10c) is deducted by the agent for each license sold, all funds derived from the sale of licenses that are created by this Act shall be remitted by the tenth day of each month following the sale of such licenses to the Game, Fish and Oyster Commission at its office in Austin, Texas, and shall be deposited in the State Treasury to the credit of the Special Fish Propagation and Protection Fund,¹ and this portion of said fund shall be used for the purposes of law enforcement, purchasing necessary supplies and equipment and maintaining and operating same, making investigations, propagating, distributing, and improving environmental conditions for game and fish, but only for the benefit of game and fish in that section of this State to which this Act applies. In addition to the foregoing purposes, not more than ten per cent (10%) of the moneys derived from the sale of licenses created by this Act shall be used for the purpose of administering the provisions of this Act. Each and every license provided for by a provision of this Act shall be valid until August 31, following the date of its

¹See law on p. 205 creating Special Game and Fish Fund.

issuance; provided, however, that any license that is issued on or before August 31, 1945, shall be valid until August 31, 1946. All licenses created by this Act shall be printed under the directions of the Game, Fish and Oyster Commission and shall be made available to the public by this Commission after the usual manner of offering such licenses for sale.

SEC. 7. All laws or parts of laws, special or general, in so far as they may conflict with any portion of this Act, shall be and the same are hereby repealed.

SEC. 8. If any portion of this Act should be held invalid or inoperative, such declaration shall not affect other portions of this Act. (Art. 9781-4, P. C. 1925; Acts 1945, 49th Leg., Reg. Ses., ch. 25, p. 35, as amended by conflicting provisions of H. B. 58, Acts 1949.)

LAKE WORTH AND EAGLE MOUNTAIN LAKE— TARRANT AND WISE COUNTIES

SEC. 3. All moneys collected, with the exception of the fees retained by the agent, from the sale of licenses, because of the provisions of this Act¹, shall be remitted to the office of the Game, Fish and Oyster Commission in Austin, Texas, and be deposited in the State Treasury in a special fund to be known and designated as the Lake Worth-Eagle Mountain Lake Fund² and no expenditure shall be made out of said fund except upon warrants issued through the State Comptroller's office for expenditures approved by the Game, Fish and Oyster Commission. Said Lake Worth-Eagle Mountain Lake Fund² shall be used only for the purpose of propagating fish to be placed in Lake Worth or Eagle Mountain Lake, or either of such lakes, and for the protection of fish in Lake Worth and Eagle Mountain Lake, or in either of such lakes; for the construction, maintenance, and equipment of a fish hatchery for the purpose of propagating fish in Lake Worth and Eagle Mountain Lake, or either of them; for necessary living quarters and maintenance of same for employees engaged in fish propagation or protection work for Lake Worth and Eagle Mountain Lake, or either of them; for necessary bookkeeping, auditing expense, necessary mailing or other transportation expenses in connection with the work on Lake Worth or Eagle Mountain Lake, or either of them, and necessary printing expenses to carry out the provisions of this Act; and providing that any person who is employed out of the funds collected because of the provisions of this Act and stationed at Lake Worth and Eagle Mountain Lake, or either of them, shall be given proper authority and shall be charged with the duty of enforcing all game and fish laws of this State on Lake Worth and Eagle Mountain Lake, or either of them, and their environs and shall give the major portion of his attention to the enforcement of any laws which apply specifically to Lake Worth and Eagle Mountain Lake, or either of them; and such funds shall

¹H. B. 58, Acts 1949, 51st Leg., Reg. Ses., p. 864, ch. 466, repealed by conflict the licenses created by this act.

²See law on p. 205 creating Special Game and Fish Fund.

also be used for purchase of necessary patrol boats, for their operation expense and maintenance and for such other equipment as may be needed for the protection and propagation of fish in Lake Worth or Eagle Mountain Lake, or either of them. (As amended Acts 1943, 48th Leg., p. 78, ch. 62, sec. 2.)

SEC. 4. There is hereby created the Lake Worth-Eagle Mountain Lake Advisory Board composed of three (3) members, who shall each be a resident of Tarrant County, Texas. Said members shall be appointed by the Game, Fish and Oyster Commission, one for a term ending September 1, 1942, one for a term ending September 1, 1943, and one for a term ending September 1, 1944, and their several successors shall be appointed for terms of two (2) years. In the event of a vacancy on said Board, caused by death, resignation or removal of one of the members thereof, such vacancy shall be filled by the appointment of a successor for the unexpired term of such former Board member. It shall be the duty of the members of the Board at the first meeting, to elect one of their members as Chairman of the Board and to serve as such Chairman for the full term of his appointment as a member of the Board. The members and Chairman of said Board shall serve without compensation. It shall be the duty of the members of said Board to advise with the Game, Fish and Oyster Commission from time to time relative to practices and policies for the protection and propagation of fish in Lake Worth and Eagle Mountain Lake, or in either of them, and over which the Game, Fish and Oyster Commission has jurisdiction because of this Act, or other laws of this State. It shall be a specific duty of said Lake Worth-Eagle Mountain Lake Advisory Board to request the State Auditor to make an audit of the Lake Worth-Eagle Mountain Lake Fund¹ at least once each year not earlier than October 1st and not later than November 1st of any year and at such other times as said Board may deem necessary and the Game, Fish and Oyster Commission is hereby authorized to pay for the expense of such audit out of any funds on deposit in the Lake Worth-Eagle Mountain Lake Fund. Said auditor's report shall be submitted to the Lake Worth-Eagle Mountain Lake Advisory Board, as soon as same is completed, and a copy furnished to the Game, Fish and Oyster Commission.

SEC. 4-A. It shall be unlawful to take, or attempt to take, any fish from Lake Worth and Eagle Mountain Lake by any means method, or device, other than by those means, methods, or devices which may be promulgated by the Game, Fish and Oyster Commission of Texas,² and the power so to do is vested in said Commission, acting with the advice and consent of Lake Worth and Eagle Mountain Lake Advisory Board. Any such methods, means, or devices as are prescribed by said body shall be made public by posting signboards setting forth said rules and regulation on all roads leading into said Lake Worth and Eagle Moun-

¹See law on p. 205 creating Special Game and Fish Fund.

²See law on p. 131 authorizing seines and nets on certain rough fish in Eagle Mt. Lake in Wise County.

tain Lake. (Added by Acts 1943, 48th Leg., p. 78, ch. 62, sec. 3.)

SEC. 4-C. Any person that takes or attempts to take any fish from either Lake Worth or Eagle Mountain Lake, except in accordance with the means, methods or devices, or other regulations prescribed by the Game, Fish and Oyster Commission, and which regulations are provided in accordance with the provisions of this Act, . . . shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50), and each and every violation of this Act shall constitute a separate offense.

. . . . (S. B. 88, Acts 1941, 47th Leg., p. 367, ch. 205, as amended by H. B. 241, Acts 1943, 48th Leg., p. 78, ch. 62, as amended by H. B. 684, p. 562, ch. 333, Reg. Ses. 48th Leg., and by conflict S. B. 93, Reg. Ses. 49th Leg., p. 13, ch. 9, and H. B. 58, Acts 1949, 51st Leg., Reg. Ses., ch. 466, p. 864.)

HARRISON COUNTY—CADDO LAKE—FISHING

SECTION 1. From and after the passage of this Act it shall be unlawful in Caddo Lake in Harrison County to use a gig or spear for catching or taking fish at any time of the year.

SEC. 2. In Caddo Lake in Harrison County it shall be unlawful for any person in any one day to catch or retain, and to place on or in any device or container for holding same while he is fishing, any fish that is in excess of the following limits:

Bream and goggle-eye, thirty-five (35).

SEC. 3. In Caddo Lake in Harrison County there shall be no bag limit or size limit upon blue catfish, channel catfish and yellow catfish taken from such waters, in any one day or in any number of days.

SEC. 4. Anyone who violates any provision of this Act, upon conviction shall be fined any sum not less than Five Dollars (\$5) nor more than Fifty Dollars (\$50).

SEC. 5. All laws or parts of laws in so far as they conflict with the provisions of this Act shall be and are hereby repealed. (Acts 1945, Reg. Ses. 49th Leg., ch. 125, p. 169, H. B. 639.)

MARION COUNTY, CADDO LAKE—GIGGING

SECTION 1. From and after the passage of this Act it shall be lawful for any person or persons to gig buffalo fish, or garfish, catfish, shad, and bowfin or grindle in the waters of Caddo Lake in . . . Marion Counties. (H. B. 83, 1st C. S. 45th Leg., ch. 48, p. 1830, as amended by conflict in Acts 1945, 49th Leg., ch. 125, p. 169, H. B. 639.)

HARRISON, MARION AND RUSK COUNTIES—TACKLE

SECTION 1. It shall be unlawful for any person to take or at-

tempt to take any fish in the public fresh waters, creeks, lakes, bayous, lagoons, pools, or tanks in the Counties of Harrison, Marion and Rusk, State of Texas, by any method or device other than by the ordinary hook and line, rod and reel, set hook and line, trotline or artificial bait.

SEC. 2. Provided that nothing herein shall prohibit the use of a minnow seine not more than twenty feet in length, for the purpose of catching minnows for bait but that all fish other than minnows, sun perch for bait, not of a game fish variety, taken in such seine, shall be returned to the water immediately and while alive.

SEC. 3. Provided that nothing herein shall prevent the use of a hoop net, set net, or trammel net, the meshes of which are not less than three and one-half inches square, for the purpose of taking or attempting to take buffalo fish, garfish, catfish, shad, and bowfin or grindle at any time . . . ; and providing that all other fish taken by such nets shall be returned to the waters from which they are taken immediately and while alive. It shall be unlawful for any person to have in possession any fish, other than those mentioned in this section, at any time a net is being used or while engaged in the use of such a net. (As amended by conflict in S. B. 93, Acts 1945, 49th Leg., ch. 9, p. 13.)

SEC. 4. All seines, nets, and fish traps, except minnow seines not more than twenty feet in length and hoop nets, set nets, and trammel nets, the meshes of which are not less than three and one-half inches square are hereby declared to be a nuisance when found in the public fresh waters of the Counties of Harrison, Marion, and Rusk, State of Texas, and it shall be the duty of all Game and Fish Wardens and other officers of this State to destroy same whenever found in such waters and no suit shall be maintained against them therefor.

SEC. 5. Any person who shall set any seine, net, or fish trap or operate any seine, net, or fish trap or who is found in possession of any seine, net, or fish trap or takes or attempts to take or has in his possession any fish, contrary to the provisions of this Act, shall be deemed guilty of a misdemeanor and shall be fined in a sum not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars and shall forfeit his right to take or attempt to take fish in this State for a period of one year following date of conviction: Any person who attempts to take fish in this State within a period of one year after he has been convicted for violation of the provisions of this Act shall be guilty of a misdemeanor and shall be fined in a sum not less than One Hundred (\$100.00) Dollars and by confinement in the county jail not less than thirty (30) days nor more than ninety (90) days. (Art. 952aa, P. C. 1925; Acts 1927, 40th Leg., p. 275, ch. 193; Acts 1929, 41st Leg., p. 131, ch. 64; Acts 1929, 41st Leg., 3rd C. S., p. 223, ch. 3; Acts 1931, 42nd Leg., Spec. L., p. 204, ch. 97, as amended by conflict in S. B. 93, Acts 1945, 49th Leg., p. 13, ch. 9.)

HARRISON AND MARION COUNTIES—FISHING

SECTION 1. It shall be unlawful for any person, firm or corporation, or their agents, to buy or sell, or offer for sale, or offer to buy, or have in his or their possession for sale, or to carry, transport or ship for the purpose of sale, barter or exchange, any white bass fish or striped bass fish (barfish) within Marion and/or Harrison Counties, Texas.

SEC. 2. It shall be unlawful for any person to catch more than twenty-five (25) white bass fish or striped bass fish (barfish) in Marion and/or Harrison Counties, Texas, in any one day, or to have in possession at any one time more than twenty-five (25) white bass or striped bass (barfish) in Marion and/or Harrison Counties, Texas.

SEC. 3. Any person, firm or corporation violating any of the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine in any sum not exceeding One Hundred (\$100.00) Dollars; and each sale or shipment or act in violation hereof shall constitute a separate offense.

SEC. 4. All laws or parts of laws in conflict with this Act shall be and the same are hereby repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 136, p. 241. S. B. 279.)

HARRISON AND MARION COUNTIES—CADDO LAKE BOATING

SECTION 1. Declaration of Legislative Policy. The waters of Caddo Lake, in, upon or along the Counties of Marion and Harrison, are hereby declared to be a part of the public fresh waters of this State, suited and adapted to the preservation, protection and propagation of game and fish, and this Act is to be construed as in aid of, and for the purpose of aiding in, such preservation, protection and propagation of game and fish in this State.

SEC. 2. It shall be unlawful for any person to drive, operate, ride or be a passenger in any boat, vessel or water craft on said Caddo Lake while under the influence of intoxicating liquor.

SEC. 3. It shall be unlawful for any person to drive or to operate any motor boat or self-propelled water craft of any kind upon said Caddo Lake, in a reckless or careless manner, or at a high and dangerous rate of speed. The term "reckless manner" shall, in addition to its ordinary significance and meaning, include the operation of a motor boat or other boats whether propelled by motor or hand or otherwise, so as to interfere with the free and proper use of the waters of said Caddo Lake by other water craft or so as to endanger the life or safety of any person in or upon said waters.

SEC. 4. It shall be unlawful for any person to shoot, fire, or discharge any pistol or rifle in, on, along or across said Caddo Lake.

SEC. 5. The provisions of Section 4 shall not apply to peace officers, game wardens, or representatives of the Game, Fish and Oyster Commission, in the lawful discharge of their official duties, nor shall same be construed to prevent a person hunting with a shotgun during any open season or when it is lawful to hunt in or upon said Caddo Lake.

SEC. 6. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200).

SEC. 7. It shall be the duty of the game wardens and all peace officers to inspect boats or other water craft upon all the waters affected by this Act and to enforce the provisions of this Act; said game wardens and other peace officers may make such inspections without warrant, nor shall any warrant be required for the arrest of any person who violates any of the provisions of this Act, done in the presence of such officers or wardens.

SEC. 8. If any section, subsection or clause, phrase or sentence of this Act is for any reason held to be unconstitutional, such unconstitutionality shall have no effect on the validity of the remaining portions of this Act, and it is hereby declared that this Act shall nevertheless have been passed without such section, subsection, clause or phrase so declared unconstitutional.

SEC. 9. The provisions of this Act are expressly limited and applicable only to Marion and Harrison Counties, and the venue for prosecutions for the violation of any of the provisions hereof is fixed in said counties, and prosecutions may be brought and maintained in either of said counties without reference to the county in which the offense was actually committed. (H. B. 1018, Reg. Ses. 46th Leg., Spec. L., p. 829, ch. 77.)

HARRISON AND MARION COUNTIES—FISH GUIDES

SECTION 2. From and after the passage of this Act, it shall be unlawful for any guide, as defined by this Act, to fish for, take, catch, retain, or have in his possession, any bass, crappie, or white perch, in either Harrison or Marion County, Texas.

SEC. 3. The word or term "guide" as used in this Act shall cover, include, and mean any person who rows, paddles, or operates a boat, skiff, motor boat, or outboard motor boat, while the same is being used in fishing, or from which fishing is being done, or while same is used in taking or catching fish in any way, for hire, or for anything of value, whether such person is the owner of such boat or not.

SEC. 4. Any person violating this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100), and his license revoked for one year.

SEC. 5. All laws and parts of laws conflicting herewith are

hereby repealed. (H. B. 650, Acts 1941, Reg. Ses. 47th Leg., p. 95, ch. 78.)

HARRISON COUNTY—ALLIGATOR

SECTION 1. From and after the effective date of this Act it shall be unlawful for any person to take, catch, or have in his possession any alligator or alligators in Harrison County, Texas.

SEC. 2. Any person violating the provisions of Section 1 of this Act shall be found guilty of a misdemeanor and upon conviction shall be fined in the sum of not less than One Dollar (\$1) nor more than Fifty Dollars (\$50). (H. B. 637, Acts 1943, 48th Leg., p. 269, ch. 167.)

LAKE CORPUS CHRISTI, ETC.—JIM WELLS, LIVE OAK, NUECES AND SAN PATRICIO COUNTIES—FISHING

SECTION 1. It shall be unlawful for any person to take, for the purpose of sale, any fish from Lake Corpus Christi, formerly known as Lake Lovenskiold and situated in the Counties of San Patricio, Jim Wells, and Live Oak, and from the waters of Nueces River between Calallen Dam and west boundary line of Live Oak County on the Nueces River; including all of that area of the Nueces River from the Calallen Dam across the Nueces River to the west boundary line of Live Oak County and shall include the waters within all tributaries of the Nueces River within the boundaries of Live Oak County, San Patricio County, and Nueces County.

SEC. 2. It shall be unlawful for any person to use a seine or net in any of the waters described in Section 1 of this Act, except that a minnow seine not more than twenty (20) feet in length may be used for the purpose of taking minnows for bait; and it shall be unlawful to set any trotline with the hooks spaced nearer than three (3) feet on such line.

SEC. 4. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200).

SEC. 5. All laws or parts of laws, in so far as they may conflict with any portion of this Act, be and the same are hereby repealed. (H. B. 624, Acts Reg. Ses. 45th Leg., p. 841, ch. 412, as amended by conflict S. B. 93, Acts 1945, Reg. Ses. 49th Leg., ch. 9, p. 13.)

FORT PHANTOM HILL LAKE—FISHING

SECTION 1. The provisions of this Act shall apply only to the Fort Phantom Hill Lake of Jones and Taylor Counties, State of Texas.

SEC. 2. It shall be unlawful in Fort Phantom Hill Lake in

the Counties of Jones and/or Taylor to catch, take, or attempt to catch or take any fish by any method, means, or device, except by ordinary pole and line, rod and reel, fly rod, or throw line equipped with not more than two (2) hooks, or trotline. Artificial lures may be used. The use of trotlines is limited to one trotline per person, or not more than two (2) trotlines per party of two (2) or more persons, and each trotline shall contain not more than twenty-five (25) hooks. No person shall place in the waters of said Lake any seine, net or other device or trap for taking or catching fish; this, however, shall not prevent the use of a minnow seine of not more than twenty (20) feet in length, for the purpose of taking minnows for bait.

SEC. 3. It shall be unlawful for any person to take from the waters of Fort Phantom Hill Lake in the Counties of Jones and Taylor, Texas, minnows of any and all species commonly used for fish bait, when such minnows are to be used for the purpose of barter or sale.

SEC. 4. It shall also be unlawful for any person at any one time to have in his or her possession more than one hundred (100) minnows taken from the waters of Fort Phantom Hill Lake in the Counties of Jones and Taylor, Texas.

SEC. 5. Any person violating any provisions of Section 2, 3, and 4 of this Act shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than Ten Dollars (\$10) or more than One Hundred Dollars (\$100).

SEC. 6. The provisions of this Act shall in no manner repeal, modify or change Article 927a, Vernon's Annotated Texas Statutes, Penal Code, being chapter 9, page 13, Acts of the Forty-ninth Legislature, 1945, which Act regulates the size and limits the number of fish which might be caught from said Lake, and abolishes the closed season, and said Act, Chapter 9, page 13, Forty-ninth Legislature, 1945, approved February 26, 1945, shall remain in full force and effect. (Acts 1941, 47th Leg., ch. 538, p. 864, as amended by Acts 1947, 50th Leg., ch. 94, p. 157, H. B. 267.)

JONES AND SHACKELFORD COUNTIES—COMMERCIAL FISHING PROHIBITED

SECTION 1. It shall be unlawful for any person to take for commercial purposes fish from the public waters of Jones and Shackelford Counties. Any person violating the provisions hereof shall, upon conviction, be deemed guilty of a misdemeanor, and shall be fined not less than Fifty Dollars (\$50) nor more than Two Hundred and Fifty Dollars (\$250). Each day in which such person shall engage in the taking of fish for commercial purposes from the public waters of Jones and Shackelford Counties shall be deemed a separate offense. (H. B. 1103, Reg. Ses. 46th Leg., Spec. L., p. 802, ch. 53.)

MORRIS COUNTY—DAINGERFIELD LAKE—SHOOTING FIREARMS

SECTION 1. Declaration of Legislative Policy. The waters of Daingerfield Lake, in Morris County, are hereby declared to be a part of the public fresh waters of this state, suited and adapted to the preservation, protection and propagation of game and fish, and this Act is to be construed as in aid of, and for the purpose of aiding in, such preservation, protection and propagation of game and fish in this state.

SEC. 2. It shall be unlawful for any person to shoot, fire, or discharge any pistol or rifle in, on, along or across said Daingerfield Lake, in Morris County.

SEC. 3. The provisions of Section 2 shall not apply to peace officers, game wardens, or representatives of the Game, Fish and Oyster Commission, in the lawful discharge of their official duties, nor shall same be construed to prevent a person hunting with a shot gun during an open season or when it is lawful to hunt in or upon said Daingerfield Lake.

SEC. 4. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00).

SEC. 5. It shall be the duty of the game wardens and all peace officers to enforce the provisions of this Act; and no warrant shall be required for the arrest of any person who violates the provisions of this Act, done in the presence of such officers or wardens.

SEC. 6. If any section, sub-section or clause, phrase or sentence of this Act is for any reason held to be unconstitutional, such unconstitutionality shall have no effect on the validity of the remaining portion of this Act, and it is hereby declared that this Act shall nevertheless have been passed without such section, sub-section, clause or phrase, so declared unconstitutional. (S. B. No. 225, Acts 1945, 49th Leg., ch. 83, p. 120.)

ANDERSON COUNTY—SALE OF FISH

SECTION 1. From and after the effective date of this Act it shall be unlawful for any person, firm or corporation to fish for, take or catch, or to have in his or their possession for sale, or to carry, transport or ship for the purpose of sale, or to buy or sell or offer for sale or offer to buy, barter or exchange any fish caught from the waters of the Neches River in Anderson County, Texas.

SEC. 2. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine in any sum not to exceed One Hundred Dollars (\$100), and each fish caught in violation of the

provisions hereof, and each sale or shipment or other act in violation hereof shall constitute a separate offense.

SEC. 3. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict. (Acts 1947, 50th Leg., Reg. Ses. ch. 159, p. 263, H. B. 587.)

ANGELINA, JASPER, NEWTON AND TYLER COUNTIES— FISHING

SECTION 1. It shall be unlawful for any person to sell, offer for sale or have in his possession for the purpose of sale, any black bass, trout, white perch, . . . that shall have been taken from the waters of the Sabine, Attoyoc, Angelina and Neches Rivers, or any of their tributaries, or lakes through which the flood stream of said rivers or any of their tributaries flow, in the counties of Newton and Jasper.

SEC. 2. It shall be lawful for any person in the Counties of Angelina, Tyler, Newton and Jasper to use a net not under three (3) inches square mesh for the purpose of catching any fish allowed by law to be caught in said Counties. Any use of a net of smaller mesh than herein mentioned is hereby declared illegal.

SEC. 3. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned in the county jail not less than ten (10) days or more than thirty (30) days or by both imprisonment and fine, and each sale or each violation of the provisions hereof shall constitute a separate offense (Art. 9527-9, P. C. 1925; H. B. 70, Acts 1932, 3 C. S. 42nd Leg., ch. 35, p. 100, as amended by conflict in S. B. 93, Acts 1945, 49th Leg., p. 13, ch. 9.)

ARCHER, BAYLOR AND WICHITA COUNTIES—FISHING

SECTION 1. It shall be unlawful for any person, firm or corporation, or their agent, or agents, to barter, or sell, or offer for barter, or sale, or to buy any bass, perch, crappie or catfish, or any other fish, except minnows taken from any of the waters which are located in the valley of the Big Wichita River from where the lower or diversion dam on the Big Wichita River is located, which was built by the Wichita County Water Improvement District No. 1, in the northeast corner of Archer County, Texas, and from said dam and above the same up the valley of said Big Wichita River to the storage dam on said river built by said Wichita County Water Improvement District No. 1, in Baylor County, Texas, and up the valley of said river from said storage dam as far as the water by said storage dam is impounded in said river in Baylor County, Texas, or in any water which is impounded in Archer County, Texas, and in Baylor

County, Texas, by said diversion dam, or in any water which is in Baylor County, Texas, by said storage dam, or in any water in Lake Wichita in Wichita County, Texas, and in Archer County, Texas, or in any water impounded by the dam across Holliday Creek forming said Lake Wichita in Wichita County, Texas, or in any water in the Big Wichita River in Baylor County, Texas, connecting with the big reservoir, or Lake Kemp, created by the storage dam, with the diversion reservoir, or Diversion Lake, formed in Baylor County or Archer County, Texas, by said diversion dam, or in any water of the irrigation canals connected with said Lake Kemp or said diversion dam, or any water in laterals leading off from said canals in Baylor County, Texas, Archer County, Texas, Wichita County, Texas, or Wilbarger County, Texas, or in any water in Wichita County, Texas, or Archer County, Texas, in the lateral, canal, or drainage ditch leading from what is known as the South Side Canal out of said Diversion Lake from a point in the said South Side Canal in Section No. 16 of Denton County school lands, League No. 4, Wichita County, Texas, to Holliday Creek and thence down Holliday Creek to Lake Wichita in Wichita and Archer Counties, Texas. (Art. 952a, P. C. 1925; Acts 1925, 39th Leg., ch. 37, p. 166.)

SEC. 2. Any person who shall use dynamite, powder or other explosive, or any poison in any of the waters described in Section 1 of this Act, and shall injure or destroy any fish thereby shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than \$100 nor more than \$1,000, and may be imprisoned in the county jail for any time not exceeding one year. (Art. 952b, P. C. 1925; Acts 1925, 39th Leg., ch. 37, p. 167.)

SEC. 3. It shall be unlawful for any person to take or catch any fish in the waters described in Section 1 of this Act by any other means than the ordinary hook and line, or trotline or artificial bait; and it shall be unlawful for any person to place in any of the waters described in Section 1 of this Act by any seine, net or other device or trap for taking or catching fish; provided, however, that any person may use a minnow seine which is not more than twenty feet in length and the meshes of which are not less than one-sixth inch square for the purpose of catching minnows for bait; provided, further, that in seining for minnows for bait, as herein permitted, all bass, species of bass, crappie, and white perch, calico bass, blue gill bream and strawberry bream of whatever size that may be taken by seining shall immediately be returned to the waters uninjured and all other fish more than three inches in length, except minnows, shall be immediately returned to the waters uninjured; provided, further that no person shall use the minnow seine herein permitted for the purpose of taking any fish other than minnows for bait. (Art. 952c, P. C. 1925.)

SEC. 8. It shall be unlawful for any person, or persons know-

ingly to place, throw or deposit upon the banks or grounds adjacent to any of the waters described in Section 1 of this Act in the counties named in Section 1 of this Act, any bass, crappie, white perch, sun fish, drum, catfish, or other edible fish, and leave such fish to die without any intent upon the part of such person to eat such fish, or in like manner to leave any minnows without any intent to use the same for bait. Any person found guilty of the violation of any provisions of this section shall be fined in any sum not less than \$1.00, nor more than \$25.00, and each fish so allowed to die shall constitute a separate offense. (Art. 952h, P. C. 1925.)

SEC. 9 Any person violating any of the provisions of Section I, III, . . . of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$5.00 nor more than \$50.00 for each violation of the law, and each fish caught, held in possession, sold or purchased in violation of this Act shall be deemed a separate violation hereof and a separate offense, and the person guilty thereof may be prosecuted either in the county where the fish are caught, where he is found with them in his possession or where the fish are sold or bartered or offered for sale or bartered or bought. (Art. 952i, P. C. 1925.)

SEC. 10. It is made the duty of the district judges of the judicial districts in which the counties of Archer, Baylor, Wilbarger and Wichita are situated to give a special charge upon this law to the grand juries of these counties. (Art. 952j, P. C. 1925.)

SEC. 11. This law shall be cumulative of all General Laws relating to fish and the protection thereof. (Art. 952k, P. C. 1925.)

SEC. 12. If any court should hold unconstitutional or invalid any provisions of this Act such unconstitutionality or invalidity of that part shall in no way affect the constitutionality and validity of the remainder of this Act. (Art. 952, P. C. 1925; S. B. 352, Acts 1925, 39th Leg., ch. 37, p. 169, as amended by H. B. 317, Acts 1927, 40th Leg., p. 274, ch. 192, and by conflict in S. B. 93, Acts 1945, 49th Leg., ch. 9, p. 13.)

ARCHER, BAYLOR AND WICHITA COUNTIES— TROTLINE

SEC. 2. It shall be unlawful for any person to set or place or use at any one time more than one (1) trot line, or a trot line containing more than fifty (50) hooks or a trot line with any two of the hooks thereon nearer than four feet of one another in any of the waters described in Section 1, Chapter 37, Acts of the 39th Legislature; and it shall be unlawful for any person to set, place or use a trotline in said waters nearer than fifty feet of any other trotline therein; and it shall be unlawful for a party composed of two or more persons to set, place or use more than two of such trotlines in said waters at the same time.

SEC. 3. By a "party" as used in Section Two hereof is meant two or more persons, who by agreement among themselves, set out, place or use in said waters trotlines, whether said persons composing said party are all together or whether they are separate.

SEC. 4. . . . Any person violating Section Two of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Fifteen Dollars (\$15.00) nor more than Seventy-five Dollars (\$75.00). (S. B. 324, Reg. Sec. 44th Leg., p. 1172, ch. 9, as amended by conflict in S. B. 93, Acts 1945, 49th Leg., p. 13, ch. 9.)

BASTROP COUNTY—SEINES AND NETS

SECTION 1. It shall be unlawful to use any seines or nets for taking fish from any waters in Bastrop County except with a seine or net that is not less than three (3) inches square mesh or with a minnow seine not more than twenty (20) feet in length; . . .

SEC. 2. All laws or parts of laws, in so far as they conflict with any portion of this Act be and the same are hereby repealed.

SEC. 3. Any person using any seine or net in violation of any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50). (H. B. 982, Reg. Ses. 44th Leg., p. 1203, ch. 37, as amended by conflict S. B. 93, 49th Leg., ch. 9, p. 13.)

BELL COUNTY—MINNOWS

SECTION 1. It shall be unlawful to take from any stream or from any pond, lake or lagoon in Bell County, any minnows commonly used for fish bait, when such minnows are to be used for the purpose of barter or sale.

SEC. 2. It shall be unlawful for any person to transport at any one time beyond the borders of Bell County more than one hundred and twenty-five (125) minnows taken from any of the above described waters in Bell County.

SEC. 3. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00). (H. B. 75, Acts 1934, 2nd C. S. 43rd Leg., p. 76, ch. 27.)

BLANCO COUNTY—TROT LINES

SECTION 1. It shall be lawful in the County of Blanco, Texas, to take or attempt to take any fish by any method, means, or device equipped with more than two (2) hooks, and specifically it shall be lawful to take or attempt to take any fish by the use

of trotlines, from the waters of the Pedernales River in said County.

SEC. 2. All laws or parts of laws in conflict herewith are expressly repealed, and specifically that part of House Bill No. 33, Chapter 16, page 17, Acts of the Regular Session of the Forty-fifth Legislature, in conflict herewith, is expressly repealed. (H. B. 826, Acts 1941, 47th Leg., p. 238, ch. 167.)

BOSQUE AND McLENNAN COUNTIES—SALE OF FISH

SECTION 1. It shall be unlawful for any person, firm or corporation or their agents to barter or sell or offer for barter, or sale or to buy any bass, crappie, perch, channel or Opelousas catfish or any other fish taken from the waters of Lake Waco or the Bosque Rivers and their tributaries in the Counties of McLennan, Bosque . . .

SEC. 7. Any person violating any of the provisions of Sections 1 . . . of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each violation, and each fish caught, held in possession, sold or offered for sale, or purchased in violation of this Act shall be deemed a separate offense and the person guilty thereof may be prosecuted in either the county where the offense is committed or where he is found with the fish in his possession or where the fish are sold or offered for sale.

SEC. 8. It is made the duty of the District Judge of the judicial district of the counties named in section 1 of this Act to give a special charge upon this law to the Grand Juries of these counties.

SEC. 9. This law is cumulative of all General Laws relating to fish and the protection thereof. (From H. B. 12, 2nd C. S. 42nd Leg., ch. 28, p. 49.)

BOSQUE COUNTY—FISHING

SECTION 1. It shall be unlawful for any person to take or catch, or attempt to take or catch any fish from the public waters of Bosque County by the use of seines or nets of any kind, or by any other means than the ordinary pole, hook and line, or common trotline or throw line, or artificial baits such as are commonly used in bait casting and fly fishing; provided, however, that nothing in this Act shall prevent the use of approved trap or dip net, or ordinary minnow seine not more than twenty (20) feet long, when used for the purpose of catching or taking minnows for bait; and provided further that it shall be lawful at all times to take or catch suckers, buffalo, carp, shad or gar by the use of seines or nets the meshes of which shall not be less than one-inch square. Hoop nets are expressly prohibited in said waters. It shall be lawful to troll from any kind of boat, whether propelled by motor, paddles, oars or otherwise.

SEC. 2. It shall be unlawful to possess any bass, crappie or white perch, catfish, perch or bream at the time such person has in possession any suckers, buffalo, carp, shad or gar taken by any seine or net, or to have in possession any bass, crappie or white perch, catfish, perch or bream caught while using any seine or net.

SEC. 3. It shall be unlawful to take minnows from any of the waters of Bosque County for the purpose of transporting same out of Bosque County for the purpose of sale, and when any person takes minnows from any of the waters of Bosque County and transports more than one hundred (100) minnows from Bosque County to any other county in this State, it shall constitute prima-facie evidence of a violation of this Act. Provided, however, that it shall be lawful for any licensed bait dealer of this State to take minnows from the waters of Bosque County for the purpose of selling same in Bosque County, or to take minnows from his private hatchery in said County and transport any amount thereof to any other county of this State for sale; and it shall be lawful for any person to take minnows from Bosque County for his personal use in Bosque County.

SEC. 4. Any person who shall violate any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined in any sum not less than Five Dollars (\$5) nor more than Fifty Dollars (\$50).

SEC. 5. All laws or parts thereof in conflict with this Act are hereby repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 215, p. 404, H. B. 843.)

BOWIE AND RED RIVER COUNTIES—SULPHUR RIVER —FISHING

SECTION 1. It shall be unlawful to use any seine or net for taking any fish in the waters of the Sulphur River of Bowie and Red River Counties except a seine or net of not less than two-inch square mesh; . . . and providing that nothing contained in this Act shall prohibit the use of a minnow seine not more than twenty (20) feet in length used for the purpose of taking minnows for bait. It is the legislative intent and purpose of this Act that the provisions of this Act apply only to the Sulphur River.

SEC. 2. Any person using any seine or net for the purpose of taking any fish from the Sulphur River of Bowie and Red River Counties, except such seine or net as is permitted by the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50).

SEC. 3. All laws or parts of laws in conflict with this Act are hereby repealed. (H. B. 681, Reg. Ses. 48th Leg., p. 338, ch. 219, as amended by conflict, S. B. 93, Acts 1945, 49th Leg., ch. 9, p. 13.)

BOWIE AND CASS COUNTIES—FISHING¹

SECTION 1. It shall be unlawful for any person to take or catch any fish in the public fresh waters, creeks, lakes, bayous, pools, lagoons or tanks in the counties of Cass, Bowie . . . State of Texas, by any other means than by the ordinary hook and line, set hook and line, gig or artificial bait, and it shall be unlawful for any person to place in the public fresh water rivers, creeks, lakes, bayous, pools, lagoons, or tanks in the Counties of Cass, Bowie . . . any seine, net or other device or trap for taking or catching fish; provided, however, that persons may use a minnow seine which is not more than twenty feet in length for the purpose of catching minnows for bait; provided, that in seining for minnows for bait as herein permitted, all fish and all minnows more than two and one-half inches in length shall be returned to the water at once while alive. No person shall use the minnow seine herein permitted for the purpose of taking any fish other than minnows for bait; provided, however, that nothing in this Act shall be construed to prevent the taking or catching of buffalo, carp and catfish by the use of a hoop, trammel or gill net with meshes not less than three inches square in the fresh waters of Cass, Bowie . . . Counties, State of Texas, . . . and provided, further, that pond nets are hereby entirely prohibited.

Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars. All laws and parts of laws in conflict herewith are hereby repealed. (H. B. 99, 5th C. S. 41st Leg., Art. 952aa-3, P. C. 1925, Acts 1930, 41st Leg., 5th C. S., p. 159, ch. 27, as amended by conflict in S. B. 93, Acts 1945, 49th Leg., ch. 9, p. 13.)

BREWSTER, CULBERSON, EL PASO, HUDSPETH, JEFF DAVIS, PECOS, PRESIDIO, REEVES AND TERRELL COUNTIES—SALE OF FISH

SECTION 1. From and after the passage of this Act, it shall be illegal for any person to sell or offer for sale any fresh water fish caught or trapped in any manner from or in any of the fresh waters located in any county in this State, lying and being situated west of the Pecos River.

SEC. 2. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars.

SEC. 3. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed. (S. B. 328, Acts 1939, Reg. Ses., 46th Leg., p. 840, ch. 85, Spec. L., Art 978-1, P. C. 1925.)

¹This law does not apply to Sulphur River.

BROWN COUNTY—SEINES AND NETS

SECTION 1. It shall be unlawful to use a seine or net for the purpose of taking fish in Brown County except that nothing contained in this Act shall prohibit the use of a minnow seine that is not more than twenty (20) feet in length when used for the purpose of taking minnows for bait.

SEC. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten Dollars (\$10) and not more than Fifty Dollars (\$50).

SEC. 3. All laws and parts of laws in conflict herewith are hereby repealed. (H. B. 133, Acts 1943, 48th Leg., p. 24, ch. 21.)

CHEROKEE COUNTY—SEINES AND NETS¹

SECTION 1. It shall be unlawful to use any seine or net for the purpose of taking fish in Cherokee County except a seine or net, the meshes of which are not less than three inches square; . . . and providing that nothing contained in this Act shall prohibit the use of a minnow seine that is not more than twenty (20) feet in length and when used for the purpose of taking minnows for bait.

SEC. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten Dollars (\$10.00), nor more than Fifty Dollars (\$50.00).

SEC. 3. All laws or parts of laws so far as they may be in conflict with this Act, are hereby repealed; and Acts 1929, 41st Legislature, Regular Session, page 369, Chapter 167, in so far as it relates to Cherokee County is hereby expressly repealed. (H. B. 441, Reg. Ses. 43rd Leg., p. 45, ch. 37, as amended by conflict in S. B. 93, Reg. Ses. 49th Leg., p. 13, ch. 9.)

CHEROKEE COUNTY—FISHING (NECHES AND ANGELINA RIVERS)

SECTION 1. It shall hereafter be unlawful to take fish in the waters of the Neches and Angelina Rivers with either traps, seines, or nets where such waters of said Angelina and Neches Rivers be wholly within the territorial limits of Cherokee County, Texas.

SEC. 2. Whosoever shall be convicted for illegally using traps, seines, or nets in the said waters of the Angelina and Neches Rivers shall be fined not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100) for each such violation. (Acts 1947, 50th Leg., Reg. Ses., ch. 69, p. 100, H. B. 200.)

¹This law does not apply to Neches and Angelina Rivers.

COLEMAN COUNTY—SALE OF FISH

SECTION 1. All laws or parts of laws of this State, in so far as they prohibit the sale of fish in Coleman County, or of fish that are taken from any of the waters in Coleman County, are hereby repealed; providing, however, that nothing herein contained shall in any way repeal the law of this State which prohibits the sale or offering for sale of any bass or crappie, commonly called white perch. (Acts 1945, Reg. Ses. 49th Leg., ch. 370, p. 672, H. B. 407.)

CONCHO COUNTY—MINNOWS

SECTION 1. The provisions of this Act shall apply only to the County of Concho, State of Texas.

SEC. 2. It shall be unlawful to transport any minnows taken from the waters of Concho County out of said County for the purpose of sale, or for anyone to transport out of said County for any purpose more than two hundred (200) minnows.

SEC. 4. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than Five Dollars (\$5) nor more than Fifty Dollars (\$50). (H. B. 302, Acts 1941, Reg. Ses., 47th Leg., ch. 271, p. 438, as superseded by S. B. 93, Reg. Ses. 49th Leg.)

COOKE COUNTY—FISHING

SECTION 1. It shall be unlawful to take from any of the fresh waters of Cooke County, Texas, any fish other than by ordinary hook and line, set line, or throw line, or by ordinary cord line, seine or net, the square meshes of which are less than one and one-half ($1\frac{1}{2}$) inches; . . . provided further that when using said seine . . . it shall be used only to seine fish for propagation purposes, and such seining shall be done under the supervision of a Game Warden. Provided further that nothing in this Act shall be construed to prohibit the use of a seine not to exceed twenty (20) feet in length to seine for bait.¹

SEC. 2. It shall be unlawful for any person to take any fish from such waters for the purpose of sale or to possess the same for the purpose of sale.

SEC. 3. Any person violating any provision of this Act shall be guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed One Hundred Dollars (\$100.00). Every act of taking any fish in violation of the provisions hereof shall constitute a separate offense, and each fish taken or possessed for the purpose of sale shall constitute a separate offense. (H. B. 893, Reg. Ses. 43rd Leg., p. 116, ch. 89, as amended by conflict in S. B. 93, Acts 1945, Reg. Ses. 49th Leg., ch. 9, p. 13.)

¹For later law as to seines and nets on rough fish, see p. 85. For Lake Texoma law see p. 85.

CORYELL COUNTY—SEINES AND NETS¹

SECTION 1. It shall be unlawful to fish in the waters of Coryell County with any device other than ordinary hook and line or trotline and rod and reel. A set net of not less than one and one-half inch square mesh may be used for the purpose of taking suckers, buffalo, carp, shad, and garfish, . . . It shall be unlawful for any person to have any other fish in possession while using a net for the purpose specified in this Act.

SEC. 1a. Nothing in this Act shall apply to the landowner in using of nets or seines on his own property.

SEC. 3. Nothing contained in this Act shall prohibit the use of minnow seines of not more than twenty (20) feet in length when same are used only for the purpose of taking minnows for bait.

SEC. 4. Any person who violates any provision of this Act, or who fishes with any device prohibited by the provisions of this Act, or who uses a seine or net, other than that permitted by the provisions of this Act, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than Ten Dollars (\$10), nor more than Fifty Dollars (\$50).

SEC. 5. All laws or parts of laws in so far as they conflict with any provision of this Act shall be and the same are hereby repealed. (H. B. 982, Acts 1939, 46th Leg., Spec. L., p. 796, ch. 46, as amended by Acts 1943, 48th Leg., p. 269, ch. 168, H. B. 671.)

CORYELL, JOHNSON AND SOMERVELL COUNTIES— MINNOWS

SEC. 3. It shall be unlawful for any person to take minnows from the waters of Coryell, . . . or Somervell Counties, Texas, for the purpose of selling same, or to take minnows in Johnson County for the purpose of selling same for use outside of said Johnson County, and it shall be unlawful for any person at any time to take minnows in either Coryell, Johnson, Somervell, . . . Counties and transport more than one hundred and twenty-five (125) minnows outside of the county where same were taken. (As amended by H. B. 412, Acts 1941, 47th Leg., p. 134, ch. 104 and by conflict in S. B. 418, Acts 1941, 47th Leg., ch. 156, p. 226.)

SEC. 4. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars (\$25) nor more than Two Hundred and Fifty Dollars (\$250).

SEC. 5. The provisions of this law shall be cumulative of all General and Special Laws on the subject not in actual conflict herewith, and all such laws and parts of all such laws in conflict herewith are hereby repealed only in so far as they conflict with

¹For later law on rough fish, see p. 135.

the provisions of this Act in its local application, and in case of such conflict the provisions of this Act shall control and be effective. (H. B. 1152, Acts 1937, 45th Leg., ch. 403, p. 815, as amended H. B. 412, Acts 1941, 47th Leg., p. 134, ch. 104, and as amended by conflict in S. B. 418, Acts 1941, 47th Leg., ch. 156, p. 226 and in S. B. 93, Acts 1945, 49th Leg., p. 13, ch. 9.)

DALLAS COUNTY—FISHING

SECTION 1. It shall be unlawful for any person or persons to fish for, take, catch, or attempt to catch any fish in the fresh waters of Dallas County, State of Texas, by any net, seine, snag line, trap, or any device other than ordinary pole and line, rod and reel, set line, throw line or trot line, provided, however, that on any set line, throw line or trot line hooks must be not less than three (3) feet apart. Further, to have in possession any tackle not authorized by this Act within two hundred (200) yards of any stream, lake, or other fresh waters in Dallas County, shall be prima facie evidence of violation of this Act.

Provided, however, that it shall be lawful to fish with artificial bait equipped with more than two (2) hooks on ordinary pole and line or rod and reel.

Provided, further that it shall be lawful to use a minnow seine which is not more than twenty (20) feet in length for the purpose of taking minnows for bait. No person shall use the minnow seine herein permitted for the purpose of taking any fish other than minnows for bait, and all fish so taken shall be returned immediately to the water while alive.

SEC. 4. Any person violating any provision of this Act shall upon conviction be fined not less than Ten Dollars (\$10), and not more than One Hundred Dollars (\$100).

The possession of each device in violation of this Act shall be deemed a separate offense . . .

SEC. 5. All laws or parts of laws in conflict with this Act are hereby repealed. (H. B. 68, 3rd C. S., 44th Leg., p. 2026, ch. 486, as amended by conflict in S. B. 93, Acts 1945, Reg. Ses. 49th Leg., ch. 9, p. 13.)

DELTA, HOPKINS AND FRANKLIN COUNTIES—SEINES AND NETS

SECTION 1. From and after the passage of this Act, it shall be lawful . . . for a person to take or catch catfish, perch, buffalo, and drum, from the waters of Delta, Hopkins and Franklin Counties, by hand or with a seine or net having meshes one inch square. (H. B. 808, Reg. Ses. 42nd Leg., Chapter 69, Spec. L., p. 157, as amended by H. B. 327, Reg. Ses. 43rd Leg., ch. 34, Spec. L., p. 42, and as further amended by H. B. 1046, Acts 1941, 47th Leg., p. 1322, ch. 595.)

DE WITT COUNTY—SALE OF FISH

SECTION 1. It shall be unlawful for any person, firm, or corporation, or his or their agent or agents, to barter or sell, or offer for barter or sale, or to buy any bass, crappie, perch, catfish, or any other fish taken from any river, creek, lake, slough, bayou, tank, or pond that flows or is situated within the boundary lines of De Witt County.

SEC. 2. Any person found guilty of violation of any provision of this Act shall be fined not less than Five Dollars (\$5) nor more than One Hundred Dollars (\$100). (H. B. 1098, Reg. Ses. 46th Leg., Spec. L., p. 799, ch. 49.)

DIMMIT, UVALDE AND ZAVALA COUNTIES—MINNOWS

SEC. 2. It shall be unlawful to take any minnows in Uvalde, Zavala and Dimmit Counties for the purpose of sale or for any commercial minnow dealer or any employee of same to transport any minnows from Uvalde, Zavala and Dimmit Counties; or for any person to sell minnows taken from the waters of Uvalde, Zavala and Dimmit Counties.

SEC. 3. All laws or parts of laws in so far as they conflict with any portion of this Act be and the same are hereby repealed.

SEC. 4. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50). (H. B. 482, Reg. Ses. 46th Leg., ch. 59, p. 810, as amended by H. B. 747, Acts 1941; 47th Leg., p. 524, ch. 320, and superseded by S. B. 93, Reg. Ses. 49th Leg.)

EL PASO COUNTY—FISHING

SECTION 1. Any person who uses any method or device for the purpose of taking or attempting to take fish in El Paso . . . Counties, State of Texas, other than hook and line, pole and line, trotline or set lines, or minnow seine for taking bait, such seine to be not more than ten feet in length and the meshes of which are not larger than three-eighths of an inch square, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), and each fish taken in violation of the provisions of this Act, shall be a separate offense.

SEC. 2. This law shall be cumulative of all other laws for the preservation of fish in El Paso . . . Counties. (H. B. 1007, Spec. L., Reg. Ses., 42nd Leg., p. 458, ch. 237 as amended by conflict, S. B. 93, Reg. Ses. 49th Leg., p. 13, ch. 9.)

ERATH COUNTY—SALE OF FISH—FISHING

SECTION 1. It shall be unlawful for any person, firm or cor-

poration or their agents to barter or sell or offer for barter, or sale or to buy any Bass, Crappie, Perch, Channel or Opelousis Catfish or any other fish taken from the waters of Lake Waco, the Bosque Rivers and their tributaries in the Counties of . . . Erath.

SEC. 2. It shall be unlawful for any person to take or catch any fish in the waters described in Section 1¹ of this Act in the Counties named, by use of drag seine or nets of any kind or by any other means than the ordinary pole, hook and line with single hook or artificial baits such as are commonly used in bait casting and fly-fishing; provided, however, that nothing in this Act will prevent the use of a dip net, the diameter of which is not more than 36 inches, or approved trap for catching minnows for bait.

SEC. 6. It shall be unlawful for any person or persons to troll from any motor boat or boat propelled by other power than ordinary oars or paddles.

SEC. 7. Any person violating any of the provisions of Sections 1, 2, . . . and 6 of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Five (\$5.00) Dollars nor more than Fifty (\$50.00) Dollars for each violation, and each fish caught, . . . sold or offered for sale, or purchased in violation of this Act shall be deemed a separate offense and the person guilty thereof may be prosecuted in either the County where the offense is committed or where he is found with the fish in his possession or where the fish are sold or offered for sale.

SEC. 8. It is made the duty of the District Judge of the judicial Districts of the Counties named in Section 1 of this Act to give a special charge upon this law to the grand juries of these counties.

SEC. 9. The law is cumulative of all General Laws relating to fish and the protection thereof. (H. B. 671, Reg. Ses. 42nd Leg., Spec. L., p. 155, ch. 68, as amended by conflict in H. B. 12, 2nd C. S. 42nd Leg., S. B. 93, in Acts 1945, 49th Leg., ch. 9, p. 13, and in H. B. 602, Acts 1945, 49th Leg., p. 109, ch. 76.)

ERATH AND HOOD COUNTIES—MINNOWS

SECTION 1. From and after the passage of this Act, it shall be lawful at all times for any person to take fish in public waters and streams of Erath and Hood Counties by the use of an ordinary pole, hook, and line, with bait, consisting of earthworms or flesh; and any person so taking fish shall not be required to have a license provided such person is a bona fide resident of one of the two counties affected in this Act; and provided, however, that no person shall take fish in the public waters and streams of Erath and Hood Counties by the use of artificial bait unless licensed to do so.

¹Sections 2 and 6 no longer apply to Lake Waco.

Provided further, that it shall be lawful at all times in all public waters of Erath and Hood Counties to take minnows with a dip net or minnow seine of not more than twenty (20) feet in length, for personal use, but not for sale or commercial purposes, provided such person is a bona fide resident of the county where minnows are taken; providing, however, that it shall be unlawful to take by any means or have in possession in said counties any crappie or bass during the months of March or April or at any time, less than length provided for by general laws; provided that it shall be lawful for residents in Erath and Hood counties, respectively, to raise and propagate minnows on their own premises or on premises under their control for personal use and for commercial purposes, and for sale at any and all times, and to catch or take same with a dip net or minnow seine or in any other manner they may choose.

SECTION 2. Every person in this state who violates any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars, (Acts 1939, 46th Leg., ch. 50, p. 800, as amended Acts 1947, 50th Leg., Reg. Ses., ch. 362, p. 727.)

FALLS COUNTY—SALE OF FISH

SECTION 1. If any person shall barter or sell or offer for barter or sale or buy any bass, crappie, perch, catfish, or any other fish taken from the waters of the Brazos River or from the waters within one mile of the mouth of any of the tributaries to the Brazos River within Falls County, State of Texas, he will be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than One Dollar (\$1), nor more than Twenty-five Dollars (\$25). (H. B. 407, Reg. Ses. 45th Leg., p. 1338, ch. 496.)

FALLS COUNTY—MINNOWS

SECTION 1. It shall be unlawful for any person to transport at any one time beyond the borders of Falls County, Texas, more than one hundred and twenty-five (125) minnows taken from any stream, pond, lake or lagoon in Falls County, Texas.

SEC. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined any sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50). (H. B. 847, Reg. Ses. 44th Leg., p. 1202, ch. 36.)

FAYETTE COUNTY—FISHING

SECTION 1. It shall be lawful for any person to place or set any net, the meshes of which shall be not less than one inch square, for the purpose of catching suckers, buffalo, carp, shad, and gar in the waters of Fayette County . . . ; and any and all

persons shall be permitted to take or catch suckers, buffalo, carp, shad, or gar with wire, rope or gig at any time of the year; provided, however, that any bass, crappie or white perch, catfish, bream, or trout caught by the above-mentioned methods shall be immediately released in the waters from which they were caught.

SEC. 2. (Note: This section provided that drag seines could not be used on any fish during November, December, January, February, May and June. Since drag seines could be used part of the year prior to the passage of S. B. 93, Acts 49th Leg., they now may be used the entire year, on suckers, buffalo, carp, shad or gar.)

SEC. 3. It shall be unlawful for any person to have in possession any bass, crappie, or white perch, catfish, perch, bream, or trout at the time that such person has in possession any suckers, buffalo, carp, shad, or gar taken by the method permitted in this act.

SEC. 4. It shall be unlawful for any person to have in possession any bass, crappie or white perch, catfish, perch, bream, or trout caught while using a net in the method permitted in Section 1 of this Act.

SEC. 5. Any person violating any of the provisions of Sections 1, 2, 3 and 4 of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than One Dollar (\$1) nor more than Fifty Dollars (\$50) for each violation. (Acts 1943, 48th Leg., p. 36, ch. 33.)

FAYETTE COUNTY—BULLFROGS

SECTION 1. From and after the effective date of this Act it shall be unlawful for any person to take, catch, or have in his possession during the months of March, April, and May of each year any frog or frogs, commonly known as bullfrogs, in Fayette County, Texas.

SEC. 2. Any person violating the provisions of Section 1 of this Act shall be found guilty of a misdemeanor and upon conviction shall be fined in the sum of not less than One Dollar (\$1) nor more than Twenty-five Dollars (\$25). (H. B. 85, Acts 1943, 48th Leg., ch. 25, p. 28.)

FOARD AND HARDEMAN COUNTIES—FISHING

SECTION 1. It shall hereafter be unlawful for any person, firm or corporation to transport minnows of any and all species from a county wherein such minnows are caught, seined, or taken into any other county in this State.

SEC. 2. Provided, however, this Act shall only apply to persons, firms, or corporations transporting minnows caught, seined, or taken from the waters of the Counties of Hardeman and Foard.

SEC. 3. The possession of more than five hundred (500) minnows by any person, firm, or corporation at one time, shall constitute prima-facie evidence of the violation of this Act.

SEC. 4. (a) Provided that nothing in this Act shall prohibit the transportation for personal use of one hundred and fifty (150) minnows or less by any one person from one county to another, and further provided that nothing in this Act shall prohibit the transportation of minnows from one county to another when said minnows have been raised in a minnow hatchery in this State. Provided, however, that the terms of this Section shall only apply to the Counties of Hardeman and Foard.

(b) For the purpose of this Act, a "minnow hatchery" is hereby defined as a pond or series of ponds situated wholly on private, enclosed property and not connected with nor a part of any stream, and used either in whole or in part for the propagation of minnows.

SEC. 5. Any person, firm or corporation violating this Act, or any part thereof, shall be fined in any sum not less than Ten Dollars (\$10) and not more than Two Hundred Dollars (\$200). (Acts 1949, 51st Leg., Reg. Ses., ch. 179, p. 355. H. B. 727.)

FREESTONE AND HENDERSON COUNTIES—FISHING

SECTION 1. It shall be unlawful to use any seine or net with a mesh of less than two (2) inches for the purpose of taking fish from the waters of the County of Henderson and the County of Freestone; provided, however, that a minnow seine may be used for the purpose of taking minnows for bait from such waters, if same does not exceed twenty (20) feet in length and same is not used for the purpose of taking other fish.

SEC. 2. Any person violating any provision of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100).

SEC. 3. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict. (Acts 1949, 51st Leg., Reg. Ses., ch. 113, p. 207. H. B. 603.)

GRAYSON AND ROCKWALL COUNTIES—FISHING

SECTION 1. It shall be unlawful to take from any of the fresh waters of Rockwall and Grayson Counties, Texas, any fish other than by ordinary hook and line, set line or throw line, or by ordinary cord line seine or net, the square meshes of which are less than one and one-half inches . . . ¹

SEC. 3. It shall be unlawful for any person to take any fish from such waters for the purpose of sale, or to possess the same for the purposes of sale.

¹For law as to seines and nets on rough fish in Grayson County, see p. 85. For law as to Lake Texoma, see p. 85.

SEC. 4. Any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by fine not to exceed Two Hundred (\$200.00) Dollars. Each act of taking any fish in violation of the provisions hereof shall constitute a separate offense, and each fish taken or possessed for the purpose of sale, as well as each bass, trout or crappie retained in violation hereof shall constitute a separate offense. (S. B. 566, Reg. Ses. 42nd Leg., p. 223, ch. 112, as amended by conflict, S. B. 93, Acts 1945, Reg. Ses. 49th Leg., ch. 9, p. 13.)

GUADALUPE COUNTY—FISHING

SECTION 1. It shall hereafter be lawful to use minnow seines which are not more than twenty feet in length, and the meshes of which are not less than one-fourth inch square, for the purpose of catching minnows for bait from the fresh water streams, rivers, lakes and ponds of Guadalupe County, Texas.

It shall be unlawful for any person to use the minnow seines herein permitted for the purpose of catching any fish other than minnows for bait.

SEC. 2. Any and all persons shall be permitted to take or catch suckers, buffalo, carp, shad or gar in any of the fresh water streams, rivers, creeks and lakes of Guadalupe County with a seine or net, the meshes of which shall not be less than three inches square; provided, however, that any bass, crappie or white perch, catfish, perch, bream or trout caught by means of such seines shall be immediately released in the waters from which they are caught.

SEC. 3. It shall be unlawful for any person to have in his possession any bass, crappie or white perch, catfish, perch, bream or trout at the time such person has in possession any suckers, buffalo, carp, shad or gar taken by the method permitted in this Act.

SEC. 4. Any person violating any of the provisions of Sections 1 or 2 or 3 of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars.

SEC. 5. All general and special laws insofar as same relate to the fresh waters of Guadalupe County, Texas, and insofar as same conflict with the provisions of this Act, are hereby repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 8, p. 8. S. B. 179.)

HAMILTON COUNTY—FISHING

SECTION 1. The provisions of this Act shall apply to the waters of the Bosque River and its tributaries in Hamilton County, and to all other fresh waters of Hamilton County.

SEC. 2. In or on the waters described in Section 1 of this Act it shall be lawful at any time of the year to use a set net of

not less than one and one-half (1½) inch square mesh for the purpose of taking suckers, buffalo, carp, shad and/or gar; provided, however, that it shall be unlawful for any person to take or have in his or her possession any other species of fish when using a net of the character described above for the purpose of catching the specific kinds of fish herein mentioned.

SEC. 3. It shall be unlawful to use drag seines or drag nets at any time in or on the waters described in Section 1 of this Act; provided, however, that nothing herein contained shall prevent the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait.

SEC. 4. It shall be unlawful to take any fish by gigging, roping, snaring, grappling with the hands or by the use of grab hooks or fish traps of any kind in the waters described in Section 1 of this Act.

SEC. 5. It shall be lawful at any time of the year to take catfish and/or perch by the use of trot lines, throw lines, set hooks, or ordinary pole and line.

SEC. 8. It shall be unlawful to take minnows for the purpose of sale in Hamilton County, or to offer same for sale, or for any one person to transport out of said Hamilton County more than one hundred twenty-five (125) minnows for whatever purpose, at any one time.

SEC. 9. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than Five (\$5.00) Dollars, nor more than Two Hundred (\$200.00) Dollars.

SEC. 10. House Bill No. 51, of the First Called Session of the 45th Legislature is hereby in all things repealed; and House Bill No. 12, of the Second Called Session of the 42nd Legislature and House Bill No. 610 of the Regular Session of the 42nd Legislature as amended by House Bill No. 236 of the Regular Session of the 43rd Legislature, in so far as they apply to Hamilton County, are hereby repealed; and all other laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed. (S. B. 455, Acts 1941, 47th Leg., ch. 353, p. 559, as amended by H. B. 545, Acts 1945, 49th Leg., ch. 121, p. 166, and conflict in S. B. 93, Acts 1945, 49th Leg., ch. 9, p. 13.)

HUNT AND RAINS COUNTIES—FISHING

SECTION 1. It shall be unlawful to take from any of the fresh waters of Hunt and Rains Counties, Texas, any fish other than by ordinary hookline, set line or throw line, provided, however, that . . . an ordinary cordline, seine or net, the meshes of which are not less than one and one-half (1½) inches square, may be used for such purposes.

SEC. 2. Any person violating any provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be pun-

ished by a fine not to exceed Two Hundred Dollars (\$200). (H. B. 1135, Reg. Ses. 45th Leg., p. 780, ch. 380, as amended by conflict S. B. 93, Acts 1945, Reg. Ses. 49th Leg., ch. 9, p. 13.)

JACK COUNTY—HOOP, TRAMMEL OR BARREL NET

SECTION 1. That from and after the effective date of this Act, it shall be unlawful for any person to use for the purpose of catching or taking fish from any of the fresh water lakes, rivers, bayous, sloughs, and/or any other fresh waters in Jack County, Texas, by the use of any hoop nets, trammel nets, and/or barrel nets, of whatsoever kind or character, and irrespective of the size of the mesh of such nets.

SEC. 2. Any person violating any of the provisions of this Act, shall upon conviction be fined in any sum not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100).

SEC. 3. All laws or parts of laws in conflict with this Act, are hereby repealed to the extent of the conflict only. (H. B. 889, Acts 1939, Reg. Ses. 46th Leg., Spec. L., p. 821, ch. 68.)

JACK AND WISE COUNTIES—SEINES AND NETS¹

SECTION 1. Any person shall be permitted to take or catch catfish, bass and perch from any stream, lake or waters, except any artificial lake covering more than twenty acres of ground that is fed by any stream or is subject to overflow in Wise,² Jack . . . Counties, Texas, with seine or net, the meshes of which shall be more than two (2) inches square, but if any one shall take or catch catfish, bass and perch with a seine or net with a mesh of less than two (2) inches square in either of said Counties he shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars. (S. B. 400, Acts 1931, Spec. L., Reg. Ses. 42nd Leg., p. 153, ch. 66, as amended by conflict.)

JACKSON COUNTY—FISHING

SECTION 1. It is hereby made unlawful for any person to take or catch fish from any of the fresh water lakes, streams, bayous, and lagoons in Jackson County, Texas, by any other means than hook and line or trot line or flounder gig and light or by the use of cast net or minnow seine, not exceeding twenty feet in length, used in catching bait. Any person dragging a seine or setting a net in any of the fresh water streams, lakes, bayous, or lagoons in Jackson County, or any person catching or taking fish by any other means than hook and line or trot line or cast net and minnow seine not exceeding twenty feet in length, shall be deemed guilty of a misdemeanor and shall be fined in a sum of not less than Ten Dollars or more than One Hundred Dollars. (Art. 952aa-1, P. C. 1925, Acts 1927, 40th Leg., 1st C. S., p. 251, ch. 93.)

¹See rough fish law on p. 135.

²See law on p. 131 authorizing seines and nets on certain rough fish in Wise County.

JASPER AND NEWTON COUNTIES—MINNOWS

SECTION 1. It shall hereafter be unlawful for any person, firm or corporation to transport minnows of any and all species outside of the counties wherein such minnows are caught, seined or taken.

SEC. 2. This Act shall apply to persons, firms or corporations transporting minnows caught, seined or taken from the waters of Jasper and Newton Counties; provided, however, that this Act shall not apply to minnows transported to and from the State Fish Hatchery located in Jasper County.

SEC. 3. The possession of more than five hundred (500) minnows by any person, firm or corporation at any one time shall constitute prima facie evidence of the violation of this Act.

SEC. 4. Any person, firm or corporation violating any of the provisions of this Act shall be fined the sum of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50). (H. B. 713, Acts 1943, 48th Leg., p. 339, ch. 220.)

FISHING—KAUFMAN COUNTY

SECTION 1. It shall be unlawful for any person or persons to fish for, take, catch, or attempt to catch any fish in the fresh waters of Kaufman County, State of Texas, by any net, seine, snag line, trap, or any device other than ordinary pole and line, rod and reel, setline, throw line or trotline, provided, however, that on any setline, throw line or trotline hooks must be not less than three (3) feet apart. Further, to have in possession any tackle not authorized by this Act within two hundred (200) yards of any stream, lake, or other fresh waters in Kaufman County, shall be prima-facie evidence of violation of this Act.

Provided, however, that it shall be lawful to fish with artificial bait equipped with more than two (2) hooks on ordinary pole and line or rod and reel.

Provided, further that it shall be lawful to use a minnow seine which is not more than twenty (20) feet in length for the purpose of taking minnows for bait. No person shall use the minnow seine herein permitted for the purpose of taking any fish other than minnows for bait, and all fish so taken shall be returned immediately to the water while alive.

SEC. 2. Any person violating any provision of this Act shall upon conviction be fined not less than Ten Dollars (\$10) and not more than One Hundred Dollars (\$100).

The possession of each device in violation of this Act shall be deemed a separate offense.

SEC. 3. All laws or parts of laws in conflict with this Act are hereby repealed. (Acts 1947, 50th Leg., ch. 443, p. 1030, H. B. 824.)

KAUFMAN COUNTY—FISHING

SEC. 2. Every person taking from such waters any bass, trout, less than eight inches in length shall return same to such waters and shall return to such waters any white perch or crappie or other fish taken weighing less than one-half pound.

SEC. 3. It shall be lawful for any person to take any fish from the fresh waters of Kaufman County including any of the tributaries of the Trinity or Sabine Rivers within Kaufman County during any month of the year for the purpose of sale or to possess the same for the purpose of sale except bass, trout, crappie, white perch, bream, or other perch or channel catfish measuring not less than twelve (12) inches in length.

SEC. 5. It shall be unlawful to sell or offer for sale or have in possession for the purpose of sale any bass, trout, crappie, white perch, bream, or other perch, or channel catfish measuring less than twelve (12) inches in length caught or taken from the fresh waters of Kaufman County, Texas, and any person violating this provision shall be deemed guilty of a misdemeanor and punished as hereinafter provided.

SEC. 7. Nothing in this Act shall be construed as in any manner licensing or permitting or authorizing any person to go upon the lands of another for the purpose of catching fish either by the ordinary hook and line, seine, or trap, and whoever shall go upon the lands of another without the landowners' consent and shall take, catch, ensnare, or trap any fish by hook, line, throw line, set line, nets, seines, poison, polluting, or use of any explosive or by muddying, ditching or draining any lake, pool, or pond, creek, or branch, shall be guilty of a misdemeanor and be punished by a fine of not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100) for each violation. In prosecutions hereunder the burden to prove such consent from the landowner shall be upon the defender.

SEC. 8. Any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Ten Dollars (\$10) and not more than One Hundred Dollars (\$100) for each violation.

SEC. 9. That all laws or parts of laws in conflict with any of the provisions of this Act, in so far as same applies to Kaufman County, be and the same are hereby repealed. (Acts 1945, 49th Leg., Reg. Ses., ch. 62, p. 87, H. B. 418, as amended by conflicting provision of Acts 1947, 50th Leg., ch. 443, p. 1030.)

KENDALL COUNTY—TROT LINES OR SET LINES

SECTION 1. It shall be lawful during the open season for taking fish in Kendall County to take fish with a trotline or set line, providing that such line does not contain more than twenty-five (25) hooks and that the hooks on said line are spaced not closer than four (4) feet of one to the other.

SEC. 3. Any person who violates any provision of this Act

shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than Ten Dollars (\$10), nor more than Fifty Dollars (\$50).

SEC. 4. All laws or parts of laws, in so far as they may conflict with any portion of this Act, be and the same are hereby repealed: (H. B. 621, Acts 1943, 48th Leg., p. 205, ch. 124, as amended by conflict in S. B. 93, Reg. Ses., 49th Leg., ch. 9, p. 13.)

KIMBLE COUNTY—FISHING

SECTION 1. The provisions of this Act shall apply only to the County of Kimble, State of Texas.

SEC. 2. It shall be unlawful in the County of Kimble, to take or attempt to take any fish by any method, means, or device, other than ordinary pole and line, rod and reel, fly rod, or throw line equipped with one single hook; except artificial lures used with a rod and reel. This shall not prohibit the use of minnow seine of not more than twenty (20) feet in length for the purpose of taking minnows for bait.¹

SEC. 3. Providing, however, that no person shall use more than six (6) ordinary poles and lines, or rods and reels, or fly rods, or throw lines for the purpose of taking or attempting to take any fish in the above named County. Possession of tackle, other than mentioned above, within two hundred (200) yards of a stream or a lake in the above named County is prima facie evidence of a violation of the above Act.

SEC. 6. It shall be unlawful in the above named County to take for the purpose of sale, or to offer for the purpose of sale or to have in possession for the purpose of sale in said County any catfish, perch, crappie, bream, or bass.

SEC. 8. Any person violating any provision of Sections 2, 3, ... 6... of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Five Dollars (\$5) nor more than One Hundred Dollars (\$100).

SEC. 9. It shall be unlawful for any person to transport at any time beyond the borders of Kimble County more than one hundred and twenty-five (125) minnows taken from the waters in the above-mentioned County.

SEC. 10. Any person violating any provision of Section 9 of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50). (H. B. 996, Spec. L., p. 807, ch. 57, Reg. Ses. 46th Leg., as amended by conflict, S. B. 93, Acts 1945, Reg. Ses. 49th Leg., ch. 9, p. 13.)

LAMAR COUNTY—FISHING

SECTION 1. It shall be unlawful to use any seine or net for taking any fish in any of the waters of Lamar County except a

¹See also "rough fish" law on p. 135.

seine or net of not less than two inch square mesh;... and providing that nothing contained in this Act shall prohibit the use of a minnow seine not more than twenty (20) feet in length used for the purpose of taking minnows for bait.¹

SEC. 2. Any person using any seine or net for the purpose of taking fish from any of the waters of Lamar County, except such seine or net as permitted by the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00).

SEC. 3. All laws or parts of laws in conflict with this Act are hereby repealed. (H. B. 362, Reg. Ses. 43rd Leg., p. 44, ch. 36, as amended by S. B. 93, Acts 1945, Reg. Ses. 49th Leg., ch. 9, p. 13.)

LLANO COUNTY—FISHING

SECTION 1. It shall be unlawful in the Counties of ... Llano ... to take or attempt to take any fish by any method, means or device equipped with more than two hooks, except artificial lures used with a rod and reel. This shall not prohibit the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait.

SEC. 4. It shall be unlawful in any of the above named Counties to take for the purpose of sale, or to offer for the purpose of sale, or to have in possession for the purpose of sale in said Counties, any catfish, perch, crappie, bream or bass.

SEC. 6. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Five Dollars (\$5) nor more than One Hundred Dollars (\$100). (H. B. 641, Reg. Ses. 44th Leg., p. 1206, ch. 41, amended by H. B. 1103, Reg. Ses. 45th Leg., p. 670, ch. 334, and by conflict, S. B. 93, Acts 1945, Reg. Ses. 49th Leg., ch. 9, p. 13.)

MENARD COUNTY—FISHING

SEC. 2. It shall be unlawful in Menard County to take or attempt to take any fish by any method, means, or device equipped with more than two (2) hooks, except artificial lures used with a rod and reel. Bottles, cans, and floats of any kind shall not be used unless the line to which the hooks are attached is tied securely to a stationary object or held by the fisherman. This shall not prohibit the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait.

SEC. 4. ... It shall be unlawful for any person to take from said County minnows for the purpose of sale, or to transport beyond the borders of said County more than two hundred (200) minnows taken from the waters of said County.

SEC. 5. It shall be unlawful in said County to take for the

¹For law as to use of seines or nets on rough fish, see p. 135.

purpose of sale or to offer for the purpose of sale or to have in possession for the purpose of sale in said County, any catfish, perch, crappie, bream, or bass.

SEC. 7. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Five Dollars (\$5) nor more than One Hundred Dollars (\$100). (H. B. 717, Acts 1941, 47th Leg., p. 231, ch. 161, as amended by conflict, S. B. 93, Acts 1945, Reg. Ses. 49th Leg., p. 13, ch. 9.)

MILAM COUNTY—FISHING

SECTION 1. It shall be unlawful for any person to take or catch or attempt to take or catch any fish in the public waters of Milam County by the use of any seine or net, or to possess any seine or net on said waters. Provided, however, that it shall be lawful to use a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait.

SEC. 2. It shall be unlawful for any person to barter or sell, or offer for barter or sale, or to buy or to possess after purchase, any fish taken from the waters of Milam County.

SEC. 3. Any person who shall violate any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined in a sum not less than Twenty-five Dollars (\$25) nor more than One Hundred Dollars (\$100). (Acts 1949, 51st Leg., Reg. Ses., ch. 175, p. 352. H. B. 608.)

MONTGOMERY COUNTY—MINNOWS

SECTION 1. It shall hereafter be unlawful for any person, firm or corporation to transport minnows of any and all species from Montgomery County wherein such minnows are caught, seined, or taken, into any other county in this State.

SEC. 2. The possession of more than five hundred (500) minnows by any person, firm, or corporation at one time, shall constitute prima facie evidence of the violation of this Act.

SEC. 3. (a) Provided that nothing in this Act shall prohibit the transportation for personal use of one hundred fifty (150) minnows or less by any one person from Montgomery County to another county; and further provided that nothing in this Act shall prohibit the transportation of minnows from Montgomery County to another county when said minnows have been raised in a minnow hatchery in this State.

(b) For the purpose of this Act, a "minnow hatchery" is hereby defined as a pond or series of ponds situated wholly on private, enclosed property and not connected with nor a part of any stream, and used either in whole or in part for the propagation of minnows.

SEC. 4. Any person, firm, or corporation violating this Act, or any part thereof, shall be fined in any sum not less than Ten

(\$10.00) Dollars and not more than Two Hundred (\$200.00) Dollars. (Acts 1949, 51st Leg., Reg. Ses., ch. 356, p. 684. S. B. 467.)

MONTGOMERY COUNTY—NETS

SECTION 1. From and after the passage of this Act it shall be lawful for any person at any time during the year . . . to use set nets or gill nets, the meshes of which shall not be less than four (4) inches square, in any of the waters of Montgomery County for the purpose of taking or catching fish of any kind except crappie, perch, bass and catfish.

SEC. 2. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than Twenty-five Dollars (\$25), nor more than Fifty Dollars (\$50).

SEC. 3. All laws or parts of laws of this State, in so far as they may conflict with any portion of this Act, be and the same are hereby repealed. (H. B. 952, Acts 1941, 47th Leg., p. 750, ch. 469, as amended by S. B. 93, Acts 1945, Reg. Ses. 49th Leg., p. 13, ch. 9.)

MONTGOMERY COUNTY—SEINES AND NETS¹

SECTION 1. It shall be unlawful to use any seine or net for the purpose of taking fish in Montgomery County except a seine or net, the meshes of which are not less than three (3) inches square; providing, however . . . that nothing contained in this Act shall prohibit the use of a minnow seine that is not more than twenty (20) feet in length and when used for the purpose of taking minnows for bait.

SEC. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50). (H. B. 915, Reg. Ses. 44th Leg., p. 1209, ch. 44, as amended by conflict, S. B. 93, Acts 1945, Reg. Ses. 49th Leg., p. 13, ch. 9.)

MORRIS AND TITUS COUNTIES—FISHING

SECTION 1. It shall be unlawful to use any seine or net for the purpose of taking fish from the waters of the Counties of Morris or Titus, except nothing contained in this Act shall prohibit the use of a minnow seine not to exceed twenty (20) feet in length for the purpose of taking minnows for bait; and providing that it shall be lawful . . . to use a seine or net of any kind in any of said waters, provided, that such seine or net is of not less than two (2) inch mesh; . . .

SEC. 2. Any person violating any provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00).

¹See preceding law for prohibition of set and gill nets.

SEC. 3. All laws or parts of laws in conflict with this Act are hereby repealed. (H. B. 293, Reg. Ses. 43rd Leg., p. 14, ch. 13, as amended by conflict in S. B. 93, Reg. Ses. 49th Leg., p. 13, ch. 9.)

McLENNAN COUNTY—MINNOWS AND ROUGH FISH

SECTION 1. It shall hereafter be lawful to use fruit jars with funnel attached for the purpose of taking minnows for bait in the public waters of McLennan County, including Lake Waco in said county.

SEC. 2. It shall hereafter be lawful to use minnow seines not longer than twenty feet and cast nets of any size mesh for the purpose of taking shad, carp, suckers, gar and buffalo fish from the public waters of McLennan County, including Lake Waco in said county.¹ (Acts 1947, 50th Leg., Reg. Ses., ch. 250, p. 447, as amended by Acts 1949, 51st Leg., Reg. Ses., ch. 236, p. 443. S. B. 151.)

MINNOWS—McLENNAN COUNTY

SECTION 1. It shall be unlawful to take minnows from any of the waters of McLennan County for the purpose of transporting same out of McLennan County for the purpose of sale; and when any person takes minnows from any of the waters of said county and transports more than one hundred (100) minnows from said county to any other county of this state, it shall constitute prima facie evidence of a violation of this Act. Provided, however, that it shall not be unlawful for any licensed bait dealer of this state to take minnows from the waters of McLennan County for the purpose of selling same in McLennan County, and it shall not be unlawful for any person to take minnows from McLennan County for his personal use in McLennan County.

SEC. 2. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five (\$25.00) Dollars, nor more than Two Hundred (\$200.00) Dollars.

SEC. 3. All laws or parts of laws in so far as they conflict or deprive a person of privileges granted in this Act are hereby repealed. (Acts 1947, 50th Leg., Reg. Ses., ch. 246, p. 440, S. B. 259.)

NACOGDOCHES COUNTY—SEINES AND NETS

SECTION 1. . . . no seine or net used for the purpose of taking fish shall be of less size than three (3) inch mesh, and that no bass (commonly called trout) or any crappie (commonly called white perch), taken in any seine or net shall be retained but shall be returned to the water immediately and while alive. Nothing in this Act shall prohibit the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait.

¹See also "rough fish" law on p. 185.

SEC. 2. Any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) and the possession of any bass or crappie at the time any person is operating any seine or net shall be prima facie evidence that such fish were caught in a seine or net. (H. B. 177, Reg. Ses. 43rd Leg., p. 10, ch. 8, as superseded by S. B. 93, Acts 1945, Reg. Ses. 49th Leg., p. 13, ch. 9.)

NOLAN COUNTY—FISHING

SECTION 1. The provisions of this Act shall apply only to all lakes and streams situated in Nolan County, Texas.

SEC. 2. It shall be unlawful in said lakes and streams situated in said County to catch, take, or attempt to catch or take any fish by any method, means, or device, other than ordinary pole and line, rod and reel, fly rod, or trotline equipped with not more than twenty-five (25) hooks, or throw line equipped with not more than two (2) hooks; except artificial lures used with a rod and reel. It shall be unlawful for any person to fish with or in any way use, more than one (1) trotline, not to exceed twenty-five (25) hooks, or more than one (1) throw line, not to exceed two (2) hooks, or to aid, assist, run, or be in any way connected with the use of more than one (1) trotline or throw line at any time. This Section shall not prohibit the use of a minnow seine of not more than twenty (20) feet in length for the purpose of taking minnows for bait.

SEC. 6. It shall be unlawful in said County for any person, other than the owner, to enter upon, or fish from, or to in any way use, injure or damage, any floating raft, pier or stationery raft or pier, or boat, owned by a private individual without the consent of the owner thereof.

SEC. 7. Any person violating any provisions of Sections 2 ... and 6 of this Act shall be deemed guilty of misdemeanor and upon conviction shall be fined not more than One Hundred Dollars (\$100). (H. B. 276, Acts 1941, 47th Leg., p. 81, ch. 66, as amended by S. B. 93, Reg. Ses. 49th Leg., p. 13, ch. 9.)

POLK AND TRINITY COUNTIES—MINNOWS

SECTION 1. It shall be unlawful to take any minnows from the waters of Trinity and Polk Counties, Texas, for the purpose of sale or for any commercial minnow dealer or any employee of any commercial dealer to take such minnows from said waters.

SEC. 2. It shall be unlawful to transport any minnows taken from the waters of Trinity and Polk Counties, Texas, out of the County where taken, for the purpose of sale or for any commercial purpose, or for anyone to transport out of either of said Counties for any purpose more than two hundred (200) minnows on any one day, or to have more than two hundred

(200) minnows in any vehicle in either of said Trinity and Polk Counties.

SEC. 3. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50).

SEC. 4. In the event any clause, sentence, paragraph, section or other part of this Act be held unconstitutional or void, it is hereby declared to be the legislative intent and it is so enacted, that all other parts of this Act shall, notwithstanding such holding, have full force and effect according to the purpose and intent hereof. (H. B. 479, Acts 1943, 48th Leg., p. 202, ch. 121.)

ROBERTSON COUNTY—MINNOWS

SECTION 1. For the purpose of controlling the minnow supply in Robertson County, said County is hereby created a minnow conservation district. It shall be unlawful for any person to take minnows from any of the public waters of said district for the purpose of transporting them outside of the said district for the purpose of sale or to sell outside of said district any minnows that are removed from the public waters of said district. The transportation out of said district of more than two hundred (200) minnows at any one time by any person, or the transportation out of said district of any minnows at any time by a commercial minnow dealer or his agent, shall be a prima facie violation of this Act.

SEC. 2. Any person who violates any provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10), nor more than Fifty Dollars (\$50). (Acts 1949, 51st Leg., Reg. Ses., ch. 568, p. 1110. H. B. 975.)

SABINE COUNTY—SABINE RIVER, SEINES

SECTION 1. That from and after the effective date of this Act it shall be lawful for any person to take or catch any fish from the waters of the Sabine River in Sabine County by the use of a seine; provided however, that such seine shall not be less than three (3) inch mesh; provided however, that this law shall be confined to Sabine River and shall not apply to other streams, lakes, sloughs, lagoons, or other fresh waters of Sabine County, it being the purpose of this Act to legalize the taking of fish only in the Sabine River in Sabine County, subject to the limitations hereinabove set forth.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed to the extent of the conflict only. (H. B. 1017, Reg. Ses. 46th Leg., Spec. L., p. 825, ch. 73.)

SABINE AND SAN AUGUSTINE COUNTIES—NETS

SECTION 1. That from and after the passage of this Act it

shall be unlawful for any person to take or catch, or attempt to take or catch fish in the fresh waters, rivers, creeks, lakes, bayous, lagoons or in lake or sloughs, subject to overflow from the rivers or streams in the counties of ... San Augustine ... Sabine ... by the use of a net; provided, however, the use of a minnow seine not more than twenty feet in length shall not be unlawful.

SEC. 2. That whoever shall violate the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five (\$25.00) nor more than One Hundred (\$100.00) Dollars. (Art. 952aa-2, P. C. 1925; Acts 1929, 41st Leg., p. 369, ch. 167, as amended by conflict and repeal.)

SAN SABA COUNTY—FISHING

SECTION 1. It shall be unlawful for any person, firm, or corporation or their agent, to barter or sell or offer for barter or sale, or to buy any bass, crappie, perch, catfish, or any other fish taken from the fresh waters in the Counties of San Saba ...

SEC. 2. It shall be unlawful for any person to take from the fresh waters of the above named counties any of the fish above enumerated by any means or device other than by ordinary pole and line or throw line equipped with not more than two hooks,¹ provided, however, that it shall be lawful to fish with a dowagiac, or other artificial bait equipped with more than two hooks, and provided further that a person may use a minnow seine which is not more than twenty (20) feet in length for the purpose of catching minnows for bait. No person shall use the minnow seine herein permitted for the purpose of taking any fish other than minnows for bait.

SEC. 4. ...

Any person found guilty of the violation of any provisions of this Act shall be fined not less than Five Dollars (\$5.00), nor more than One Hundred Dollars (\$100.00). (Art. 978l, P. C. 1925.)

SAN SABA COUNTY—TROT LINES

SECTION 1. It shall be unlawful for any person to fish or to take fish in San Saba County, Texas, by means of a trotline having more than twenty (20) hooks.

SEC. 2. Any person found guilty of the violation of any provision of this Act shall be fined not less than Five Dollars (\$5), nor more than One Hundred Dollars (\$100).

SEC. 3. All laws or parts of laws in conflict herewith are expressly repealed. (Acts 1947, 50th Leg., Reg. Ses., ch. 23, p. 31, H. B. 271.)

SMITH AND WOOD COUNTIES—SALE OF FISH

SECTION 1. It shall be unlawful for any person, firm, or cor-

¹The above law does not apply to Buchanan Lake as to tackle. See p. 78. For law as to rough fish, see p. 135. For law as to trotlines, see below.

poration to fish for, take or catch, or to have in his or their possession for sale, or to buy or sell or offer for sale or offer to buy, barter or exchange any fish caught from the waters of the Sabine or Neches Rivers in Wood and Smith Counties for a period of two years from and after the effective date of this Act.

SEC. 2. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine in any sum not to exceed One Hundred (\$100.00) Dollars for each fish caught in violation of the provisions hereof; and each sale or other act in violation hereof shall constitute a separate offense.

SEC. 3. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict. (Acts 1949, 51st Leg., Ses., ch. 455, p. 838. S. B. 460.)

* TOM GREEN COUNTY—FISHING

SECTION 1. The provisions of this Act shall apply only to Tom Green County, Texas.

SEC. 2. Except as provided herein, it shall be unlawful to use any means or methods for taking fish from any of the public fresh waters of Tom Green County. The means and methods permitted shall be: ordinary hook and line, rod, reel, artificial bait or natural bait, trotline or set line provided that such trotline or set line is not equipped with more than thirty (30) hooks, and provided further that when a group of persons are fishing jointly, it shall be unlawful for such aggregation of persons in one party or group to set or operate more than two (2) such trotlines or set lines. The joining together of two (2) or more trotline or setlines shall be a violation of this Act. Possession of any tackle or gear not permitted by this Section of this Act, when it is set up for use or is in or on any of the public fresh waters of Tom Green County, shall be a violation of this Act, and such tackle or gear is hereby declared a nuisance, and it shall be the duty of any game and fish warden or other officer who comes upon same to forthwith destroy such prohibited tackle or gear, and no suit shall be maintained against him for said act. Provided that nothing contained in this Act shall prohibit the use of a minnow seine that is not more than twenty (20) feet in length and that is being used only for the purpose of taking minnows, carp, buffalo, suckers, and garfish, and that any other fish or minnows taken with such device shall be immediately returned to the water from which they were taken.

SEC. 3. It shall be unlawful to sell, attempt to sell, purchase, or attempt to purchase any fresh water fish except buffalo, carp, suckers and garfish that are removed from the public fresh waters of Tom Green County.

SEC. 4. It shall be unlawful to use any crappie, catfish, or bass for bait or for the purpose of attempting to catch fish.

Sec. 5. It shall be unlawful to transport any minnows, taken from the public fresh waters of Tom Green County, beyond the borders of said County for the purpose of sale, and it shall be unlawful to transport more than two hundred (200) minnows, taken from the public fresh waters of Tom Green County, beyond the borders of said County for any purpose in any one day.

SEC. 6. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50).

SEC. 7. All laws or parts of laws, in so far as they may conflict with any provision of this Act, shall be and the same are hereby repealed. (Acts 1945, Reg. Ses. 49th Leg., ch. 120, p. 165, H. B. 462.)

TRAVIS COUNTY—FISHING

SEC. 3. It shall be unlawful at any time to take or attempt to take fish in Travis County¹ except by ordinary hook and line, artificial lures, rod and reel, throw line or trotline, and it shall be unlawful to use any trotline or throw line where the hooks are spaced closer than three (3) feet on such line; provided, however, that permission may be issued by the Game, Fish and Oyster Commission to permit the use of seines or nets for the removal of predatory fish.²

SEC. 4. It shall be unlawful for any person or persons in Travis County to take for the purpose of sale, or to offer for sale, or to have in possession for the purpose of sale or to sell any fish taken from the waters in Travis County.

SEC. 5. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50) and each fish taken, caught, or possessed in violation of any provision of this Act shall constitute a separate offense.

SEC. 6. All laws or parts of laws in so far as they conflict with any portion of this Act be and the same are hereby repealed. (H. B. 1028, Reg. Ses. 45th Leg., p. 842, ch. 413, as amended by conflict, S. B. 93, Acts 1945, 49th Leg., p. 13, ch. 9.)

UPSHUR COUNTY, GIN AND GLADE CREEKS— TRAMMEL NET ON SUCKERS

SECTION 1. It shall not be unlawful for any person or persons to catch sucker fish in the streams of the Gin and Glade creeks . . . with any kind of trammel net.

SEC. 2. Any person catching or destroying any sucker fish in the streams named in Section 1 hereof by poisoning, trapping

¹This section does not apply to Lake Austin or Lake Travis.

²For law permitting seines and nets on rough fish, see p. 135.

or dynamiting or in any manner except as provided in Section 1 hereof shall be punished in the manner provided by the General Laws of the State of Texas. (Art. 941a-1, P. C. 1925, as superseded by S. B. 93, Acts 1945, Reg. Ses. 49th Leg., p. 13, ch. 9.)

VAL VERDE COUNTY—FISH BAG AND POSSESSION LIMITS—DEVILS RIVER AND ITS LAKES

SECTION 1. From and after the passage of this Act, it shall be unlawful for any person to take, or catch from the waters of Devils River, or the lakes situated thereon in Val Verde County, Texas, on any one (1) day more than twenty (20) fish in the aggregate, regardless of the kind or species of such fish and any person may possess not more than twenty (20) in the aggregate of all kinds or species.

SEC. 2. Any person violating the provisions of this Act shall, upon being found guilty, be punished by fine of not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100). Each fish exceeding the limit shall be considered a separate offense.

SEC. 3. All laws in conflict with this Act are hereby expressly repealed. (Acts 1947, 50th Leg., Reg. Ses., p. 962, ch. 416, H. B. 817.)

VAL VERDE COUNTY¹—FISHING

SECTION 1. This Act shall apply to Val Verde County, State of Texas, except to the waters of the Rio Grande River, Pecos River, and San Felipe Creek in said County.

SEC. 2. Except . . . by means and methods provided in this Act, it shall be unlawful to fish or attempt to take or catch fish or to have any kind of fishing tackle or gear in possession on or in any of the waters of Val Verde County to which this Act applies.

SEC. 4. Fishing Tackle or Gear Permitted. The fishing tackle or gear permitted to be used to take or attempt to take or catch fish in any of the waters of Val Verde County to which this Act applies shall be: ordinary pole and line; rod, reel and line; hand line; setline; throw line; trotline; and artificial lures. Providing that no person shall use or have in operation at any one time an aggregate of more than twenty (20) hooks on any or all devices which are permitted to be used, and providing that . . . a person shall be permitted to use a minnow seine that is not more than twenty (20) feet in length for the purpose of taking minnows and other bait.

SEC. 7. It shall be unlawful for any person in Val Verde County to use any crappie, catfish, or bass on any device for bait or to have any of such fish in possession for such purpose, and it shall be unlawful for any person to transport from Val Verde

¹For law as to Pecos and Rio Grande Rivers or San Felipe Creek, see p. 138.

County any minnows that were taken in Val Verde County, and the possession by any person of more than two hundred (200) minnows at one time shall be prima facie evidence of a violation of this Act.

SEC. 8. Penalty. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10), nor more than One Hundred Dollars (\$100).

SEC. 9. All laws, or parts of laws, in so far as they conflict with any provision of this Act, or in so far as they grant privileges greater than those granted in this Act, be and the same are hereby repealed. (H. B. 1031, Acts 1941, 47th Leg., p. 682, ch. 425, as amended by conflict in S. B. 93, Acts 1945, Reg. Ses. 49th Leg., p. 13, ch. 9.)

WALKER COUNTY—MINNOWS

SECTION 1. It shall be unlawful to transport any minnows taken from the waters of Walker County out of Walker County for the purpose of sale, or for any one to transport out of Walker County for any purpose more than two hundred (200) minnows or to have more than two hundred (200) minnows in any vehicle in Walker County.

SEC. 2. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than One (\$1.00) Dollar, nor more than Twenty-five (\$25.00) Dollars.

SEC. 3. All laws or parts of laws in so far as they conflict with any portion of this Act, be and the same are hereby repealed. (S. B. 480, Reg. Ses. 46th Leg., Spec. L., p. 811, ch. 60.)

WASHINGTON COUNTY—MINNOWS

SECTION 1. For the purpose of controlling the minnow supply in Washington County, said County is hereby created a minnow conservation district. It shall be unlawful for any person to take minnows from any of the public waters of said district for the purpose of transporting them outside of the said district for the purpose of sale or to sell outside of said district any minnows that are removed from the public waters of said district. The transportation out of said district of more than two hundred (200) minnows at any one time by any person, or the transportation out of said district of any minnows at any time by a commercial minnow dealer or his agent, shall be a prima facie violation of this Act.

SEC. 2. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10), nor more than Fifty Dollars (\$50). (H. B. 950, Acts 1949, 51st Leg., Reg. Ses., ch. 511, p. 938.)

WISE COUNTY—MINNOWS

SECTION 1. For the purpose of controlling the minnow supply in Wise County, said County is hereby created a minnow conservation district. It shall be unlawful for any person to take minnows from any of the public waters of said district for the purpose of transporting them outside of the said district for the purpose of sale or to sell outside of said district any minnows that are removed from the public waters of said district. The transportation out of said district of more than two hundred (200) minnows at any one time by any person, or the transportation out of said district of any minnows at any time by a commercial minnow dealer or his agent, shall be a prima facie violation of this Act.

SEC. 2. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10), nor more than Fifty Dollars (\$50).

SEC. 3. If any article, section, subsection, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. (Acts 1949, 51st Leg., Reg. Ses., ch. 225, p. 424.) (H. B. 278.)

WISE COUNTY—ROUGH FISH

SECTION 1. From and after the passage of this Act it shall be lawful for any person to use seines and nets, the meshes of which are not less than one and one-half (1½) inches in size, in catching or taking any carp, buffalo, shad and sucker fish from any of the public waters in Wise County, Texas, including that portion of Lake Bridgeport and that portion of Eagle Mountain Lake which lie wholly within Wise County, Texas, at any time during the year.

SEC. 2. This Act does not authorize the use of said nets for the taking of any other kind of fish save and except those above enumerated, and whosoever shall be found guilty of taking any other fish in the public waters of Wise County by the use of nets or seines in violation of any law prohibiting same shall be punished as provided in said law.

SEC. 3. All laws or parts of laws in conflict with the provisions of Section 1 of this Act are herewith repealed to the extent of said conflict only. (Acts 1947, 50th Leg., Reg. Ses., ch. 141, p. 245, H. B. 646.)

WOOD COUNTY—FISHING

SECTION 1. That hereafter any person living in Wood County shall be permitted and it shall be lawful to catch or take any catfish, drum, buffalo, suckers, carp, shad or gar in the fresh waters of Wood County during any month of the year ... with a net or seine the meshes of which are not less than two inches square.

SEC. 3. That all bass, trout, crappie or white perch, bream or other perch taken or caught with a net or seine or trap in any of the fresh waters of Wood County, shall be immediately released uninjured to the waters from which taken, and any person failing so to do shall be guilty of a misdemeanor.

SEC. 4. That it shall be unlawful to sell or offer for sale any bass, trout, crappie or white perch, bream, or other perch caught in or taken from the fresh waters of said Wood County.¹

SEC. 5. That any person violating any of the provisions of Sections 2, 3, 4 and 6 of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars.

SEC. 6. That any person living in Wood County may hereafter, at any time, trap for drum, buffalo, carp, suckers, shad, and gar, in the Wood County waters of Sabine River; provided that all bass, trout, crappie or white perch, bream, or other perch caught in any trap shall be immediately released uninjured to the waters of said river, and failure to do so shall subject all persons so offending to prosecution and fine as provided in Section 5 of this Act.

SEC. 7. That all laws and parts of laws in conflict with any of the provisions of this Act be and the same are hereby repealed insofar as they apply to Wood County. (H. B. 846, Reg. Ses. 42nd Leg., p. 212, ch. 103.)

YOUNG COUNTY—FISHING

SECTION 1. It shall be unlawful for any person, firm or corporation, or their agent or agents, to barter, or to sell or offer for barter or for sale, or to buy any bass, crappie, perch or catfish or any other fish except minnows taken from any river, creek, lake, slough, bayou, tank or pond that flows or is situated within the boundary lines of Young County; provided however, that the Brazos River and the Clear Fork of the Brazos River be excepted and not included in these waters situated within the boundaries of Young County; provided further, that it shall be unlawful for any person to place in the waters of the Clear Fork of the Brazos River situated within the boundaries of Young County, any seine, net or other device or trap for taking or catching fish with a mesh of less than two (2) inches square and on conviction thereof shall be fined not less than Five Dollars (\$5) nor more than Fifty Dollars (\$50); . . . and any person found guilty of a violation shall be fined not less than Five Dollars (\$5) nor more than Fifty Dollars (\$50). (As amended Acts 1929, 41st Leg., 1st C. S., p. 41, ch. 12, as amended Acts 1936, 44th Leg., 3rd C. S., p. 2031, ch. 491.)

SEC. 2. Any person who shall use any lime, dynamite, nitroglycerin, giant powder or other explosive, or shall use any

¹See also law on p. 126.

poisons, drugs, substances or things deleterious to fish life, in catching, taking or attempting to catch or take any fish in any of the rivers, creeks, lakes, sloughs, bayous, tanks or ponds that flow or are situated within the boundary lines of Young County, including the Brazos River, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars and in addition thereto be imprisoned in the County Jail for any term not exceeding one year.

SEC. 3. It shall be unlawful for any person to take or catch any fish in the waters described in Section One of this Act by any other means than the ordinary hook and line, or trotline or artificial baits; and it shall be unlawful for any person to place in any of the water described in Section One of this Act any seine, net or other device or trap for taking or catching fish; provided, however, that any person may use a minnow seine which is not more than twenty feet in length, and the meshes of which are not less than one-sixth of an inch square for the purpose of catching minnows for bait, provided further that in seining for minnows for bait, as herein permitted, all bass, species of bass, crappie, white perch, calico bass and bream of whatever size that may be taken by seining shall be immediately returned to the waters uninjured and all other fish more than three inches in length except minnows, shall be immediately returned to the waters uninjured, provided further that no person shall use the minnow seine herein permitted for the purpose of taking any fish other than minnows for bait.

SEC. 4. It shall be unlawful for any person to take or catch, or attempt to take or catch any fish in the waters described in Section One of this Act by trolling from or in a motorboat. By a motorboat, as used in this section, is meant any boat to which is attached a gasoline motor, an electric motor or other means of propelling said boat other than by oars and operated by hand, whether said motor or other means of propelling said boat is running or not; and providing further that any person desiring to troll from any boat commonly propelled by an outboard motor, shall dismount the motor or other means of power from its accustomed place, and either leave it on shore or place it in the bottom of floor of said boat.

SEC. 8. It shall be unlawful for any person, or persons, knowingly to place, throw or deposit upon the banks or grounds within five hundred (500) feet of any of the waters described in Section One of this Act in the County named in Section One of this Act, any bass, crappie, white perch, bream, sunfish, drum, catfish, or other edible fish, and leave such fish to die without any intent upon the part of such person to eat such fish, or in like manner to leave any minnows without intent to use the same for bait. Any person found guilty of the violation of any of the provisions of this section shall be fined in any sum not less than

\$2.00 nor more than \$25.00 and each fish so allowed to die shall constitute a separate offense.

SEC. 9. Any person violating any of the provisions of Section I, IV, . . . of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$5.00 nor more than \$50.00 for each violation of the law, and each fish caught, held in possession, sold or purchased, in violation of this Act shall be deemed a separate violation hereof and a separate offense, and the person guilty thereof may be prosecuted either in the county where the fish are caught, where he is found with them in his possession or where the fish are sold or bartered or offered for sale or barter or bought; provided that any person guilty of using a net or other device or trap for taking or catching fish as prohibited in Section Three of this Act, shall upon conviction thereof, be fined not less than \$10.00 nor more than \$100.00 upon each conviction and in addition said seine, net or other device or trap so used for taking or catching fish or attempting to take or catch fish, shall be forfeited to the State of Texas, and shall thereupon become the property of the State of Texas to be held, used and disposed of by the Fish and Game Commission of the State of Texas.

SEC. 10. This law shall be cumulative of all general laws relating to fish and the protection thereof.

SEC. 11. If any court should hold unconstitutional or invalid any provisions of this Act such unconstitutionality or invalidity of that part shall in no way affect the constitutionality and validity of the remainder of this Act. (Art. 953a, P. C. 1925, Acts 1929, 41st Leg., 1st C. S., p. 41, ch. 12, as amended Acts 1936, 44th Leg., 3rd C. S., p. 2031, ch. 491, and as superseded by S. B. 93, Reg. Ses. 49th Leg., ch. 9, p. 13.)

ZAVALA COUNTY—SEINES AND NETS

SECTION 1. It shall be lawful in Zavala County to use a seine and net, the meshes of which are three (3) or more inches square, for the purpose of taking buffalo, carp, garfish and/or turtles . . . and it shall be unlawful for any person who is using a seine or net as permitted under the provisions of this Act to have in his possession any fish other than suckers, buffalo, carp, garfish, and/or turtles.¹

SEC. 2. All laws or parts of laws in so far as they conflict with this Act be and the same are hereby repealed.

SEC. 3. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10), nor more than One Hundred Dollars (\$100). (H. B. 481, Acts 1939, 46th Leg., Spec. L., p. 826, ch. 74, as amended by conflict in S. B. 93, Acts 1945, 49th Leg., p. 13, ch. 9.)

¹See later law on p. 135 permitting use of nets of smaller mesh on rough fish.

MINNOWS—SEVERAL COUNTIES

SECTION 1. It shall hereafter be unlawful for any person, firm, or corporation to transport minnows of any and all species from a county wherein such minnows are caught, seined, or taken, into any other county in this State.

SEC. 2. Provided, however, this Act shall only apply to persons, firms, or corporations transporting minnows caught, seined, or taken from the waters of the Counties of McCulloch, San Saba, Gillespie, Llano, Kendall, Blanco, Lampasas, Mason, Burnet, Williamson, Hill, Parker, and Haskell.

SEC. 3. The possession of more than five hundred (500) minnows by any person, firm, or corporation at one time, shall constitute prima facie evidence of the violation of this Act.

SEC. 4. (a) Provided that nothing in this Act shall prohibit the transportation for personal use of one hundred and fifty (150) minnows or less by any one person from one county to another, and further provided that nothing in this Act shall prohibit the transportation of minnows from one county to another when said minnows have been raised in a minnow hatchery in this State. Provided, however, that the terms of this Section shall only apply to the Counties of Parker, Hill, Williamson, McCulloch, San Saba, and Lampasas.

(b) For the purpose of this Act, a "minnow hatchery" is hereby defined as a pond or series of ponds situated wholly on private, enclosed property and not connected with nor a part of any stream, and used either in whole or in part for the propagation of minnows.

SEC. 5. Any person, firm or corporation violating this Act, or any part thereof, shall be fined in any sum not less than Ten Dollars (\$10) and not more than Two Hundred Dollars (\$200). (Acts 1935, 44th Leg., Spec. L., p. 1210, ch. 45, as amended by Acts 1943, 48th Leg., ch. 207, p. 323 and Acts 1947, 50th Leg., Reg. Ses., ch. 227, p. 400, H. B. 89.)

ROUGH FISH

SECTION 1. Any and all persons shall be permitted to take or catch suckers, buffalo, carp, shad or gar in any of the fresh waters of . . . Dimmit, Zavala, Medina,¹ Uvalde, DeWitt, Coryell, Gonzales, Lamar, Bell, Collin, Grayson,¹ Gillespie, Kendall, Menard, Kimble, McLennan, Mills, Jefferson, Blanco, Llano,¹ Mason, McCulloch, San Saba,¹ Cooke,¹ Denton, Orange, Mitchell, Fisher, Nolan, Chambers, Travis,¹ Hardin, Lampasas,¹ Fannin, Burnet,¹ Williamson, Parker and Comanche Counties, with a seine or net, the meshes of which shall not be less than one (1) inch square, and any and all persons shall be permitted to take or catch suckers, buffalo, carp, shad, or gar with wire, rope, or gig at any time of the year; provided, however, that any bass,

¹This law does not apply to Medina Lake, Lake Texoma, Lake Travis, Lake Austin, nor other Colorado River lakes, nor Colorado River in Burnet County.

crappie or white perch, catfish, perch, bream, or trout caught by the above-mentioned methods shall be immediately released in the waters from which they are caught. (As amended Acts 1949, 51st Leg., Reg. Ses., ch. 117, p. 211, H. B. 766.)

SEC. 2. It shall be unlawful for any person to have in possession any bass, crappie or white perch, catfish, perch, bream or trout at the time that such person has in possession any suckers, buffalo, carp, shad or gar taken by methods permitted in this Act.

SEC. 3. It shall be unlawful for any person to have in possession any bass, crappie, or white perch, catfish, perch, bream or trout caught while using a seine of not less than one inch square mesh or using wire, rope or gig for the purpose of taking suckers, buffalo, carp, shad or gar from any of the fresh waters of the Counties mentioned in Section 1.

SEC. 4. Any person violating any of the provisions in Sections 1, 2 and 3 of this Article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars . . . (Acts 1931, 42nd Leg., Spec. L., p. 194, ch. 90, as amended Acts 1949, 51st Leg., Reg. Ses., ch. 117, p. 211.)

EDWARDS, GILLESPIE, KENDALL, MASON, REAL, AND SUTTON COUNTIES—FISHING

SECTION 1. It shall be unlawful in the counties of . . . Edwards, Real, Sutton, Mason¹ . . . Kendall,² or Gillespie¹ to take or attempt to take any fish by any method, means, or device equipped with more than two (2) hooks, except artificial lures used with a rod and reel. Bottles, cans, and floats of any kind shall not be used unless the line to which the hooks are attached is tied securely to a stationary object or held by the fisherman. This shall not prohibit the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait. (Sec. 1 of H. B. 1114, Acts 1939, 46th Leg., p. 806, ch. 56, Spec. L., as amended by conflicting laws.)

BANDERA, EDWARDS, KERR, REAL AND SUTTON COUNTIES—MINNOWS

SEC. 3. . . . It shall be unlawful for any person to take from any of the Counties named in this Act minnows for the purpose of sale, or to transport beyond the borders of any of said Counties more than two hundred (200) minnows taken from the waters of any of said Counties. (From Sec. 3 of H. B. 1114, Acts 1939, 46th Leg., p. 806, ch. 56, Spec. L., as amended by conflicting laws.)

BLANCO, EDWARDS, GILLESPIE, KENDALL, MASON, REAL AND SUTTON COUNTIES—SALE OF FISH

SEC. 4. It shall be unlawful in any of the above named

¹See Article 952L-7, P. C. 1925, above, for rough fishing seining and netting.

²See Article 952L-7, P. C. 1925, above, for rough fish seining and netting and law on p. 118 permitting use of trotlines.

Counties to take for the purpose of sale, or to offer for the purpose of sale, or to have in possession for the purpose of sale in said Counties, any catfish, perch, crappie, bream or bass.

SEC. 6. Any person violating any provision of the Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Five Dollars (\$5) nor more than One Hundred Dollars (\$100).

SEC. 7. Provided that no portion of this Act shall include any part or portion of Medina Lake, Buchanan Lake, and Inks Lake. (Sections 4, 6 and 7 of H. B. 1114, Acts 1939, 46th Leg., p. 806, ch. 56, Spec. L.)

GUADALUPE, BEXAR, KERR, BANDERA, MEDINA AND WILSON COUNTIES—FISHING

SECTION 1. Whoever shall barter or sell or offer for barter or sale any bass, perch, crappie, or catfish taken from any of the fresh water streams of the Counties of Guadalupe, Bexar, Kerr, Bandera, Medina, and Wilson shall be fined not less than Five Dollars (\$5), nor more than Fifty Dollars (\$50). (As amended by Acts 1943, 48th Leg., p. 270, ch. 169.)

SEC. 2. Whoever shall use any dynamite, powder or other explosive in any fresh water streams of said counties and shall destroy any fish thereby shall be fined not less than one hundred dollars, nor more than one thousand dollars, and may be imprisoned in jail not exceeding one year.

SEC. 3. No person shall take or catch any fish in the fresh waters, creeks, lakes, bayous, pools, lagoons, or tanks in said counties by any other means than by the ordinary hook and line, or trot line or artificial baits, and no person shall place in the fresh waters, rivers, creeks, lakes, bayous, lagoons, ponds, or tanks in said Counties any seine, net or other device or trap for taking or catching fish; any person may use a minnow seine which is not more than ten feet in length, and the meshes of of catching minnows for bait¹. No person shall use the minnow seine herein permitted to take any fish other than minnows for bait.

SEC. 6. . . .

Any person violating any provision of Section 3 . . . of this article shall be fined not less than ten nor more than fifty dollars. (Art. 952, P. C. 1925, Acts 1923, p. 126, as amended by Acts 1927, 40th Leg., p. 365, ch. 246, as amended Acts 1943, 48th Leg., p. 270, ch. 169, H. B. 673.)

FISHING—CERTAIN COUNTIES

Sale. SECTION 1. If any person shall sell or offer for sale any bass, white perch, crappie, channel or other catfish, caught,

¹In Guadalupe County twenty-foot minnow seine is permitted; and seines and nets are permitted on rough fish. See p. 135.

trapped or ensnared in the streams of the counties of Burnet, . . . McCulloch, Mills, Brown . . . Concho . . . Uvalde . . . Val Verde . . . Ward, Loving . . . Hunt, Runnels, Rains, Williamson, Zavala, Dimmit, Lampasas . . . State of Texas, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five dollars nor more than fifty dollars.

Tackle Permitted, Certain Counties. No person shall take or catch any fish in the fresh water rivers, creeks, lakes, bayous, pools, or lagoons in the counties above named (now only Burnet¹; Llano²; Mills¹; McCulloch; Pecos; Coleman; and Concho Counties; Pecos River, Rio Grande River and San Felipe Creek in Val Verde County; Reeves; Ward; Loving; and Runnels Counties*) by any other means than by ordinary hook and line or trot line or artificial bait, and no person shall place in the fresh water rivers, creeks, lakes, bayous, pools or lagoons of the counties above mentioned, any seine, net or other device or trap for taking or catching fish; provided, however, that persons may use a minnow seine which is not more than twenty feet in length for the purpose of catching minnows for bait; or a net, the meshes of which are not less than three inches for the purpose of catching carp and suckers in the Colorado River. In seining for bait as herein permitted, all fish and minnows more than three inches in length shall be returned to the waters at once while alive. No person shall use a minnow seine herein permitted for the purpose of taking any fish other than minnows for bait. Any person violating any provisions of this section shall be fined not less than Five (\$5.00) Dollars nor more than One Hundred (\$100.00) Dollars.

. . . Leaving Fish to Die—Certain Counties. No person shall knowingly place, throw or deposit upon the banks or grounds adjacent to any of the fresh waters, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in the Counties above named (Bandaera, Bexar, Brown, Burnet, Coleman, Comal, Concho, Dimmit, Edwards, Gillespie, Hunt, Kerr, Kimble, Kinney, Lampasas, Llano, Loving, Mason, McCulloch, Medina, Menard, Mills, Pecos, Rains, Real, Reeves, Runnels, San Saba, Sutton, Uvalde, Val Verde, Ward, Williamson, Zavala*) any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave such fish to die without any intention upon the part of such person either to eat such fish or use same for bait. Any person found guilty of the violation of this provision shall be fined not to exceed twenty-five (\$25.00) dollars. The allowing of each fish so to die shall be a separate offense. (Art. 955, P. C. 1925; Acts 1923, p. 166; Acts 1925, p. 174, Acts 1929, 41st Leg., p. 111, ch. 55; Acts 1929, 41st Leg., p. 533, ch. 257; Acts 1931, 42nd Leg., p. 764, ch. 304; Acts 1931, 42nd Leg., 2nd C. S., p. 20, ch. 11; Acts 1933, 43rd Leg., Spec. L., p. 16, ch. 16; Acts 1933, 43rd Leg., Spec. L., p. 113, ch. 86, as superseded by various laws.)

*Parenthesis added by editor for clarification.

¹For use of seines and nets on rough fish, see p. 135. See also p. 78.

²For use of seines and nets on rough fish, see p. 135. Also, for restriction to two hooks on any device see p. 120.

SALT WATER AND COMMERCIAL FISHING LAWS

PROPERTY OF THE STATE

All fish and other aquatic animal life contained in the fresh water rivers, creeks and streams and in lakes or sloughs subject to overflow from rivers or other streams within the borders of this State are hereby declared to be the property of the people of this State. All of the public rivers, bayous, lagoons, creeks, lakes, bays and inlets in this State, and all that part of the Gulf of Mexico within the jurisdiction of this State, together with their beds and bottoms, and all of the products thereof, shall continue and remain the property of the State of Texas, except in so far as the State shall permit the use of said waters and bottoms, or permit the taking of the products of such bottoms and waters, and in so far as this use shall relate to or affect the taking and conservation of fish, oysters, shrimp, crabs, clams, turtle, terrapin, mussels, lobsters, and all other kinds and forms of marine life, or relate to sand, gravel, marl, mud shell and all other kinds of shell, the Game, Fish and Oyster Commissioner shall have jurisdiction over and control of, in accordance with and by the authority vested in him by the laws of this State. (Art. 4026, R. C. S. 1925.)

GULF TERRITORIAL BOUNDARIES

SECTION 1. The Gulfward boundary of the State of Texas is hereby fixed and declared to be a line beginning in the Gulf of Mexico at the mouth of the Sabine River; thence on a grid bearing S. 35 degrees 55 minutes and 22 seconds E. to the farthest edge of the continental shelf from the Gulf shore line; thence in a Westerly and Southerly direction with the edge of the continental shelf to a point opposite the mouth of the Rio Grande River; thence to the mouth of the Rio Grande River.

SEC. 2. That, subject to the right of the government of the United States to regulate foreign and interstate commerce under Section 8 of Article 1 of the Constitution of the United States, and to the power of the government of the United States over cases of admiralty and maritime jurisdiction under Section 2 of Article 3 of the Constitution of the United States, the State of Texas has full sovereignty over all the waters of the Gulf of Mexico and of the arms of the Gulf of Mexico within the boundaries of Texas, as herein fixed, and over the beds and shores of the Gulf of Mexico and all arms of the said Gulf within the boundaries of Texas as herein fixed. (From Article 5415a, R. C. S., as amended by S. B. 400, Acts 1947, 50th Leg., Reg. Ses., ch. 253, p. 451.)

GULF COUNTIES BOUNDARIES

SECTION 1. The gulfward boundary lines of all of the counties of this state bordering on the coast line of the Gulf of Mexico are hereby fixed and declared to be the continental shelf in the Gulf of Mexico.

SEC. 2. The Commissioner of the General Law Office is hereby authorized and directed to have the area between the coast line of the Gulf of Mexico and the continental shelf compiled and platted, and fix and locate the boundary lines between the several coastal counties from the coast line to the continental shelf. The boundary lines from the coast line to the continental shelf between the counties shall be fixed and located by the Commissioner of the General Land Office in accordance with established engineering practice. The legal description of the boundary lines as fixed between the counties from the coast line to the continental shelf shall be filed and recorded in the office of the county clerk of the county affected thereby. (From Acts 1947, 50th Leg., Reg. Ses., ch. 287, p. 490, S. B. 338.)

COMMERCIAL LICENSES

SECTION 1. The following words, terms and phrases used in this Act are hereby defined as follows:

(a) A "Commercial Fisherman" is any person who takes fish or oysters or shrimp or other edible aquatic products from the waters of this State, for pay, or for the purpose of sale, barter or exchange.¹

(b) A "Wholesale Fish Dealer" is any person engaged in the business of buying for the purpose of selling, canning, preserving or processing, or buying for the purpose of handling for shipments or sale, fish or oysters or shrimp or other commercial edible aquatic products, to Retail Fish Dealers, and/or to Hotels, Restaurants or Cafes and to the Consumer.

(c) A "Retail Fish Dealer" is any person engaged in the business of buying for the purpose of selling either fresh or frozen edible aquatic products to the consumer.

(d) A "Bait Dealer" is any person engaged in the business of selling either minnows, fish, shrimp or other aquatic products, for fish bait.

(e) A "Fish Guide" is any person who operates a boat for pay or anything of value, in accompanying or transporting any person engaged in fishing in the waters of this State.

(f) "Person" shall include the plural as well as the singular, as the case demands, and shall include individuals, partnerships, associations and corporations.

(g) "Population" is determined as shown by the last or any subsequent Federal Census.

SEC. 2. Before any person in this State shall engage in the business of a "Commercial Fisherman," "Wholesale Fish Deal-

¹Applies only to freshwater.

er," "Retail Fish Dealer," "Bait Dealer," "Fish Guide"; or use or operate a shrimp trawl, net or seine, oyster dredge, boat or skiff, for the purpose of catching or taking any edible aquatic life from the waters of this State for pay, barter, sale or exchange, the proper license provided for in this Act privileging them so to do shall first be procured by such person from the Game, Fish and Oyster Commission of Texas or from one of its authorized agents.

SEC. 3. The licenses and the fees to be paid for the same are hereby provided for in this Act and are as follows:

1. Commercial Fishermen's License, fee Three Dollars (\$3).¹

2. Wholesale Fish Dealers' License, fee for each place of business, Two Hundred Dollars (\$200).

2-a. Wholesale Truck Dealers' Fish License, fee for each truck, One Hundred Dollars (\$100).

3. (a) Retail Fish Dealers' License, fee Three Dollars (\$3) for each place of business in each city or town of less than seven thousand, five hundred (7,500) population.

(b) Retail Fish Dealers' License, fee Ten Dollars (\$10) for each place of business in each city or town of not less than seven thousand, five hundred (7,500) and not more than forty thousand (40,000) population.

(c) Retail Fish Dealers' License, fee Fifteen Dollars (\$15) for each place of business in each city or town of more than forty thousand (40,000) population.

(d) Retail Oyster Dealers' License, permitting the sale of oysters only, fee Five Dollars (\$5) for each place of business in each city or town of more than seven thousand, five hundred (7,500) population. The sale of any fresh or frozen edible aquatic products, other than oysters, by a retail fish dealer possessing the license named in this subsection, shall constitute a violation of this Act.

(e) Retail Dealers' Truck License, permitting the sale of edible aquatic products from a motor vehicle to consumers only, fee Twenty-five Dollars (\$25) for each truck; provided the owner of any retail fish dealers' license issued since September 1, 1934, for a place of business in a city or town of more than five thousand (5,000) population, shall be entitled to a rebate on the same when said owner of such license shall furnish the Game, Fish and Oyster Commission a claim sworn to for said amount. When such claim is found to be correct and is approved by the Executive Secretary of said Commission, same shall be paid out of any moneys available in the State Treasury upon warrant issued by the State Comptroller.

4. Bait dealers' License, fee Two Dollars (\$2) for each place of business.

5. (a) Shrimp Trawl License, for each boat operating or towing a trawl not more than ten (10) feet in width at the

¹Applies only to fresh water.

mouth, and not more than twenty (20) feet in length, fee Two Dollars (\$2).

(b) Shrimp Trawl License, for each boat operating or towing a trawl more than (10) feet wide at its mouth or more than twenty (20) feet in length, fee Fifteen Dollars (\$15); which said license shall permit the use of a "try net" as auxiliary to said trawl.

6. Seine or Net License, to be of metal, for and to be firmly attached to each one hundred (100) feet or fraction thereof, fee One Dollar (\$1) for each one hundred (100) feet of the length thereof.

Provided, no license shall be issued for any seine or net longer than eighteen hundred (1,800) feet, and also provided that after the passage of this Act no license shall be issued for any seine or net, the meshes of which are less than one and one-half (1½) inches from knot to knot.

7. Fish Boat License,¹ for boats equipped with a motor of any kind or with sails, fee Three Dollars (\$3).

8. Skiff License, for boat propelled by oars or poles, to be of metal and firmly attached to skiff, fee One Dollar (\$1).

9. Oyster Dredge License, fee Fifteen Dollars (\$15).

10. Fish Guide License, fee Two Dollars (\$2).

11. Place of Business, as used in this Act, shall include the place where orders for aquatic products are received, or where aquatic products are sold, and if sold from a vehicle, the vehicle on which, or from which such aquatic products are sold, shall constitute a place of business. The license shall at all times be publicly displayed by the dealer in his place of business so as to be easily seen by the public and the employees of the Game, Fish and Oyster Commission. And if any aquatic products are transported for the purpose of sale in any vehicle the license required of such dealer shall be displayed inside of such vehicle. Provided that no person shall bring into this State any aquatic products and in this State offer same for sale without procuring the license required for such a transaction by a dealer in this State, and the fact that such aquatic products were caught in another State shall not entitle the person claiming to have caught them to sell same in this State as a commercial fisherman. (As amended Acts 1934, 43rd Leg., 3rd C. S., p. 83, ch. 40, par. 1; Acts 1935, 44th Leg., p. 808, ch. 345, par. 1.)

12. Place of business as used in this Act shall not apply to a public cold storage vault, nor to a temporary receiving station or vehicle from which no orders are taken or from which no shipments or deliveries are made other than to the place of business of the licensee in the State of Texas. (As added Acts 1945, 49th Leg., ch. 209, p. 289.)

13. Provided that it shall be unlawful for any person engaged in the business of commercial fishermen, wholesale or retail

¹Applies only to boats in fresh water and small boats in tidal waters. See law on p. 145.

fish dealer as defined in this Chapter, to have in his possession, place of business, on a boat or vehicle for the purpose of sale, or for any person to buy, sell, or offer for sale, any of the following species of fish of greater or less length than hereafter set out:

Salt Water Species	Maximum Length	Minimum Length
Red Fish or Channel Bass	35 inches	14 inches
Flounder and Speckled Sea Trout	None	12 inches
Sheephead and Pompano	None	9 inches
Mackerel	None	14 inches
Gafftopsail	None	11 inches

Fresh Water Species. No fresh water fish of less length than provided by Section 3, Senate Bill No. 9 (93), page 13, Acts of the Forty-ninth Legislature, provided that such limitations as to the numbers of catfish in possession shall not apply to persons licensed under this chapter, where the same are caught or passed (possessed) in accordance with other laws of this State and which provisions shall not apply in any county having a local or special law in conflict herewith.

Proof of the possession of any undersized or oversized fish in the place of business of any wholesale or retail fish dealer or on board any boat engaged in commercial fishing or in any commercial vehicle, shall constitute prima facie evidence of possession for the purpose of sale. Venue under this Act shall be established when such illegal fish are found in possession where such fish are sold or offered for sale or the place from which said fish are shipped. Provided that it shall be lawful for any licensee to process and sell any lawful fish by cutting, filleting, wrapping and freezing or otherwise preparing the same for market. (As added Acts 1945, 49th Leg., ch. 209, p. 289.)

14. Provided that all laws and parts of laws in conflict therewith are hereby repealed; providing for the repeal of Chapter 334, Acts of the Regular Session of the Forty-eighth Legislature; Sections 1c, 1d, and 1e of Article 941 of the Penal Code, State of Texas; and providing for the repeal of Section 1 and Section 1a of Article 941, Penal Code, State of Texas, as amended, in so far as they apply to the tidal waters of Cameron County north of a line due east and west from a point on Padre Island shore, four (4) miles north of the North Brazos Santiago Jetties and by repealing Chapter 487, Acts of the Regular Session of the Forty-fifth Legislature. (As added Acts 1945, 49th Leg., ch. 209, p. 289).

SEC. 4. All aquatic products handled by or in the possession of any Commercial Fisherman, Wholesale Fish Dealer, or Retail Fish Dealer in this State, shall at all times and at any place, be subject to inspection by any employee of the Game, Fish and Oyster Commission of Texas; and the refusal to grant for such inspection shall constitute a violation of this Act.

SEC. 5. All Wholesale Dealers' Licenses, Oyster Dredge Licenses, Commercial Fishing Licenses, Boat Captain Licenses,

Boat Registration Permits, and Seine, Net and Trawl Permits heretofore issued by the Game, Fish and Oyster Commission of Texas, shall become null and void on the effective date of this Act; provided, that the owner of any such license or permit, shall be entitled to a rebate on the amount paid for same for the unused period of time as shown on such license or permit, when said owner shall return such license or permit to said Commission attached to a claim for the amount of rebate due therefor. When such claim is found to be correct and approved by the Executive Secretary of the said Commission, the same shall be paid out of any moneys available in the State Treasury upon warrant issued by the State Comptroller.

SEC. 6. Any person failing to comply with or violating any provision of this Act shall be deemed guilty of misdemeanor and upon conviction shall be punished by a fine in a sum not less than Ten Dollars (\$10.00), nor more than Two Hundred Dollars (\$200.00), and his license shall be automatically canceled and he shall not be entitled to receive another such license or permit for one year from the date of such conviction.

SEC. 7. All laws or parts of laws in conflict herewith, or contrary to this Act, and especially Articles 934, 936, 937, 938, 939, 940 of the Penal Code of the State of Texas, and Articles 4031, 4032, 4033, 4034, and 4044 of the Revised Civil Statutes of the State of Texas, be and the same are hereby repealed. Provided, however, that all license fees and taxes accruing to the State of Texas by virtue of laws repealed by this Act, before the effective date of this Act, shall be and remain valid and binding obligations due the State for all fees and taxes accruing under the provisions of prior or existing laws and all such taxes now or hereafter becoming delinquent to the State of Texas before the effective date of this Act are hereby expressly preserved and declared to be legal and valid obligations of the State. And further provided, that no offense committed and no fine, forfeiture or penalty incurred under such above repealed laws before the effective date of this Act, shall be affected by the repeal herein of any of such laws, but the punishment of such offense and the recovery of such fines and forfeiture shall take place as if the law repealed had remained in force. Also providing, any person now or hereafter shown by a final judgment of a court of competent jurisdiction to be indebted to and owing the State of Texas any amount for any license, fees or taxes on aquatic products handled, shall not receive any license named in this Act, until the time such indebtedness shall have been paid the Game, Fish and Oyster Commission of Texas.

SEC. 8. All license fees provided for in this Act, are annual fees and all licenses shall be effective on and after September 1st of each year and shall be valid until August 31st of the year following.

All moneys collected under the provisions of this Act, or because of fines paid for violations of the provisions of this Act, shall be remitted to the Game, Fish and Oyster Commission at its office in Austin, Texas, not later than the tenth day of the

edible aquatic life from the tidal salt waters of this state, a license shall first be procured from the Game, Fish and Oyster Commission of Texas privileging him so to do. The fee for such Commercial Fisherman's License shall be Three (\$3.00) Dollars, and said license shall expire August 31st following the date of issuance.

SEC. 3. Before any Commercial Fishing Boat shall be used for the purpose of taking, catching, or assisting in taking or catching fish, shrimp, oysters, or any other edible aquatic life from the tidal waters of this state, for pay, or for the purpose of sale, barter or exchange, a license, to be known as a Commercial Fishing Boat License, shall first be procured by the owner of such commercial fishing boat from the Game, Fish and Oyster Commission of Texas privileging such boat to be so used. The fee for a Commercial Fishing Boat License shall be Six (\$6.00) Dollars, and said license shall expire August 31st following the date of issuance.

SEC. 4. In July of each year the Game, Fish and Oyster Commission of Texas shall set the quota of Commercial Fishing Boat Licenses to be issued the succeeding conservation year, which shall extend from September 1st of such year to August 31st of the succeeding year, after a survey and investigation and determination of the maximum poundage of shrimp, oysters and other edible aquatic life which may be caught during the following year commercially without danger to the maximum point of production; and when, in the opinion, finding and determination of the Commission, the maximum production has been reached so as to assure the ability to take a maximum crop for the following year, and the Commercial Fishing Boat Licenses and Commercial Fisherman's Licenses quotas for the current conservation year have been reached, then the Commission shall not issue any additional licenses except upon a public hearing after due notice to the public and persons interested under such rules and regulations as may be promulgated by the Commission. Within thirty (30) days after the effective date of this Act, the Commission shall determine the conservation quota for the period remaining until August 31, 1949, and shall issue licenses under such quota.

SEC. 4a. From and after the effective date of this Act all holders of present licenses shall be entitled to operate thereunder until September 1, 1949.

SEC. 5. After August 31, 1949, holders of prior licenses shall upon application made prior to September 1 of each year be entitled to a renewal thereof, and no new license shall be issued unless and until the holders of prior licenses who have applied for renewal licenses shall have been granted their licenses. Thereafter, new applicants who are resident citizens of Texas shall be given next priority in the order their applications were filed. In the event such applicant has not heretofore received for the current or prior year such license as applied for, or does not have the original or a duplicate thereof, such

month following their collection and shall be deposited by said Game, Fish and Oyster Commission in the State Treasury to the credit of the Fish and Oyster Fund.¹

Provided, however, this Act shall become effective on January 1, A. D., 1934, and the license fees from that date until August 31, A. D., 1934, shall be two-thirds the amount of the annual fees provided for in this Act. (Acts 1933, 43rd Leg., 1st C. S., p. 85, ch. 29.)

SEC. 9. All moneys collected under the provisions of this Act, or because of fines paid for violation of the commercial fishing Laws shall be remitted to the Game, Fish and Oyster Commission at its office in Austin, Texas, not later than the tenth day of the month following their collection, and shall be deposited by the Game, Fish and Oyster Commission in the State Treasury to the credit of a special fund designated as "Fish and Oyster Fund."¹

Such Fish and Oyster Fund shall be used for the enforcement of the Fish, Shrimp and Oyster laws of this State, for the dissemination of useful information pertaining to the economical value of marine life; for the making of scientific investigations and surveys of the sea food fishes and the marine life; for the better protection and conservation of the sea food fishes, oysters, shrimp and other useful marine life; for the purchase, repair, and operation of boats and dredges; for employment of deputies; and for supplies, equipment and all necessary expenses for the proper administration of the Fish, Shrimp and Oyster laws of this State. (Acts 1935, 44th Leg., p. 808, ch. 345, par. 2A) ... (Art. 934a, P. C. 1925, as amended by Acts 1945, Reg. Ses. 49th Leg., ch. 209, p. 289, H. B. 677.)

COMMERCIAL LICENSES—TIDAL WATERS

SECTION 1. The following words, terms and phrases used in this Act are hereby defined as follows:

(a) A "Commercial Fisherman is any person who takes fish or oysters or shrimp or other edible aquatic products from tidal waters of this State, for pay, or for the purpose of sale, barter or exchange.

(b) A "Commercial Fishing Boat" is any boat or vessel which is required to be numbered or registered by and under the laws of the United States of America or the State of Texas, and which is used for the purpose of taking, catching, or assisting in taking or catching fish, shrimp, oysters, or any other edible aquatic life from the tidal waters of the State of Texas for pay or for purpose of sale, barter, or exchange.

(c) "Tidal Waters" as that term is used herein, means all of the salt waters of the State of Texas, including that portion of the state's territorial waters in the Gulf of Mexico within three (3) marine leagues from shore.

SEC. 2. Before any commercial fisherman shall take, catch or assist in taking, any fish, shrimp or oysters, or any other

¹See law on p. 205 creating Special Game and Fish Fund.

applicant shall make in writing, under oath, duly acknowledged in the State of Texas, an application addressed to the Game, Fish and Oyster Commission of Texas, giving in full detail information regarding the domicile, residence of the applicant, name, age, description, social security number, place of birth or naturalization; and if a resident of Texas, the date such residence was acquired and the place and state of former residence; whether or not the applicant has been convicted of violating the game and fish laws of the State of Texas, or of any other state or nation, and if so, the number, dates and places where convictions were had; and such other information as the Game, Fish and Oyster Commission of Texas shall require in order to determine the proper license and the rights of the applicant to receive or be denied such license or permit. The failure of any applicant to give all of the information required herein shall constitute grounds for the refusal of such permit, and it shall be mandatory upon the Commission to refuse such permit. The making of any false statement shall constitute a felony, the crime of perjury punishable under the penal laws of this State, and shall be grounds for cancellation of any license issued under and by virtue of such application.

SEC. 6. It shall be unlawful for any commercial fisherman to take, catch, or assist in taking or catching any fish, shrimp, oysters or any other edible aquatic life, or for any commercial fishing boat to be used for such purposes within the tidal waters of this State, as herein defined, without first having obtained the licenses herein provided for.

SEC. 7. The owner of a Commercial Fishing Boat License whose licensed boat or vessel has been lost or destroyed due to fire or storm or abandonment of said vessel for commercial fishing purposes, may replace such boat or a boat of like size, or smaller size, without losing his license number for the year or his priority for future licenses.

SEC. 8. The Game, Fish and Oyster Commission shall have the power to formulate research programs in the making of its annual survey and to determine whether or not a public necessity exists for a change in the quota of licenses for any succeeding year.

SEC. 9. The Game, Fish and Oyster Commission shall have such powers and duties as are conferred upon it by this Act and by other laws of this state, and its findings and determination shall be subject to review by a court of competent jurisdiction. The orders of the Game, Fish and Oyster Commission may be appealed to a District Court of Travis County, Texas, and the trial therein shall be de novo the same as if such matter had been originally filed in such court. The Game, Fish and Oyster Commission shall have authority to promulgate rules and regulations to carry out the provisions of this Act and to prescribe the time and place of its meetings and hearings and the procedure to govern same.

SEC. 10. Any person, corporation or association of persons

failing to comply with, or who violates any provision of this Act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, or imprisonment in jail of not less than one (1) month nor more than one (1) year, or by both such fine and imprisonment; and providing that the Game, Fish and Oyster Commission of Texas, or its authorized agent, shall have the power and right to seize and hold boats, nets, seines, trawls or other tackle in the possession of any violator or violators of this Act, as evidence until after trial of the defendant or defendants. Such violations also may be enjoined by the Attorney General by suit filed in a District Court of Travis County, Texas, which shall have venue for such action.

SEC. 11. All moneys collected under the provisions of this Act or because of fines paid for violation of the provisions of this Act, shall be remitted to the Game, Fish and Oyster Commission of Texas, not later than the 10th day of the month following that collection, and shall be deposited by said Game, Fish and Oyster Commission of Texas in the State Treasury to the credit of the Special Game and Fish Fund.

SEC. 12. That Chapter 55 of the Acts of the 49th Legislature, 1945, page 78, and Chapter 59, Acts of the 50th Legislature, 1947, page 86, and all laws and parts of laws in conflict with this Act be, and they are hereby expressly repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 68, p. 113, S. B. 4.)

REFUSAL TO SHOW LICENSE

Any person fishing for market or for the sale of marine life and having a license therefor who refuses to show it to the Commissioner, or his deputy when requested to do so, shall be fined not less than five nor more than twenty-five dollars. (Art. 935, P. C. 1925.)

LICENSE FOR MUSSELS, ETC.

It shall be unlawful for any person, firm or corporation to take from the public waters of the State for sale any mussels, clams, or naiad or shells thereof without first obtaining a license from the Commissioner to do so. Said license shall expire one year from date of issuance, and shall be in such form as prescribed by the Commissioner, but shall state the water in which the licensee may operate. The applicant shall pay to the Commissioner, as a license fee, the sum of ten dollars and in addition thereto the sum of twenty-five dollars for permission to use a dredge. (Art. 4056, R. C. S. 1925.)

MUSSEL LICENSE PENALTY

Whoever takes from the public waters of this State for sale, any mussels, clams or naiads or shells thereof without first obtaining a license from the Commissioner, shall be fined not less than ten or more than one hundred dollars. (Art. 975, P. C. 1925.)

DEALERS' REPORT

SECTION 1. The Game, Fish and Oyster Commission is hereby directed to gather statistical information on the harvest or catch of fish, shrimp, oysters and other edible forms of marine life of the Texas Coast. The information shall set forth quantity, or the number of pounds of fish, shrimp, oysters or other marine products taken; from what waters, the kind of gear used, and the names of the various species of fishes taken. The Game, Fish and Oyster Commission shall prepare forms for reports which shall be furnished to handlers of marine products who shall make monthly reports to the Game, Fish and Oyster Commission at Austin, Texas, on said forms, not later than the 10th day of each month. Such handlers of marine products required to make this report are hereby designated as those dealers who buy or procure marine products from fishermen direct.

SEC. 2. Any person who buys or procures any marine products from any fisherman, and who fails or refuses to make any report required by this Act, or who wilfully makes an incorrect report, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50). (H. B. 175, Reg. Ses. 44th Leg., p. 647, ch. 261.)

OBSTRUCTING FISH PASSES

SECTION 1. It shall be unlawful for any person to use, operate, sail, anchor, tie, or moor to the bank any boat, sailboat, motorboat, skiff, barge, raft, or other floating device, or to place any post, piling, obstruction, wire, rope, cable, net or trap, in or upon the waters of any natural or artificial pass which is now or may be hereafter opened, reopened, dredged, excavated, constructed, and maintained, by the Game, Fish and Oyster Commission of the State of Texas as a fish pass, between the Gulf of Mexico and any inland bay, within a distance of two thousand, eight hundred (2,800) feet inside of such pass, measured from the mouth of said pass where it empties into or opens upon the Gulf of Mexico.

SEC. 2. Provided that the Game, Fish and Oyster Commission shall place and erect permanent iron or concrete stakes or monuments marking said restricted area, from the remaining section of such pass.

SEC. 3. Any person who shall violate any provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than One Dollar (\$1), nor more than One Hundred Dollars (\$100) for the first offense, and may upon any subsequent conviction for a violation of the same provision within the discretion of the jury, be given double the amount of punishment provided for a first violation.

SEC. 4. Provided that nothing herein contained shall be construed to restrict the right of the Federal Government to regulate navigation and it is provided further that in case any

section, clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any Court of competent or final jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the section, clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered. (H. B. 952, Acts 1939, Reg. Ses. 46th Leg., Spec. L., p. 839, ch. 84.)

PUBLIC OYSTER BEDS DEFINED

All oyster beds not designated private shall be public. All natural oyster beds and reefs of this State shall be public. A natural oyster bed shall be declared to exist when as many as five barrels of oysters may be found therein within twenty-five hundred square feet of any position of said reef or bed; and any lands covered by water containing less oysters than the above amount shall be subject to location at the discretion of the Commissioner, but this shall not apply to a reef or bed that has been exhausted within a period of eight years. (Art. 4027, R. C. S. 1925.)

RIPARIAN RIGHTS PRESCRIBED

Whenever any creek, bayou, lake or cove shall be included within the metes and bounds of any original grant or location of land in this State, the lawful occupant of such grant or location shall have the exclusive right to use said creek, lake, bayou or cove for gathering, planting or sowing oysters. The Commissioner may require the owner of oysters claimed to be produced on such lands, when such oysters are offered for sale, to make affidavit that such oysters were produced on such lands. If said creek, bayou, lake or cove is not so included, then the exclusive right of the riparian owner shall, wherever the width of such creek, bayou, lake or cove is two hundred yards or less, extend to the middle thereof, and wherever the width of such waters is more than two hundred yards, extend one hundred yards from shore. The right of the riparian owner for planting oysters along any bay shore in this State shall extend one hundred yards into the bay from high water mark or where the land survey ceases. The riparian owner's right to any natural oyster bed located on such one-hundred-yard reservation shall not be exclusive. (Art. 4028, R. C. S. 1925.)

APPLICATION FOR OYSTER BEDS

Any person who is a citizen of the United States or any domestic corporation shall have the right of obtaining a location for planting oysters and making private oyster beds within the public waters of this State, by making written application to the Commissioner describing the location desired. A fee of twenty dollars cash must accompany such application. (Art. 4035, R. C. S. 1925.)

EXAMINING LOCATION

When the application and fee provided for in the preceding

article have been received by the Commissioner he shall examine thoroughly the location desired, as soon as practicable, with tongs, dredge or any other efficient means. If the same be not a natural oyster bed or reef, and exempt from location by any article of this chapter, he shall have the location surveyed by a competent surveyor. In making said location, said surveyor shall plant two iron stakes or pipes on the shore line nearest to the proposed location, one at each end of the proposed location, which said stakes or pipes shall not be less than two inches in diameter, and be set at least three feet in the ground. Said stakes or pipes shall be placed with reference to bearings of not less than three natural or permanent objects or land marks. And the locator shall place and maintain under the direction of the Commissioner a buoy at each corner of his oyster claim farthest from the land. No person shall locate water or ground covered with water for planting oysters along any bay shore in this State, nearer than one hundred yards from the shore. (Art. 4036, R. C. S. 1925.)

LOCATOR'S CERTIFICATE

The Commissioner shall give the locator a certificate signed and sealed by the Commissioner. Such certificate shall show the date of application, date of survey, number, description of metes and bounds with reference to the points of the compass and natural and artificial objects by which said location can be found and verified. The locator shall, before such certificate is delivered to him, pay the Commissioner surveyor's fees and all other expenses connected with establishing such location. If such sums, as costs of the location and establishment of the claim, are less than twenty dollars paid to the Commissioner, the difference in amount shall be returned to such locator by the Commissioner. If such expenses amount to more than twenty dollars, the deficit shall be paid to the Commissioner by the locator.

At any time not exceeding sixty days after the date of such certificate of location, the locator must file the same with the county clerk of the county in which the location is situated, who shall record the same in a well bound book kept for that purpose, and the original with a certificate of registration shall be returned to the owner or locator; the clerk shall receive for the recording of such certificate the same fee as for recording deeds; the original or certified copies of such certificate shall be admissible in evidence under the same rule governing the admission of deeds or certified copies thereof. (Art. 4037, R. C. S. 1925.)

RIGHTS OF LOCATOR

Any person who shall be granted a certificate of location as provided for in the preceding article shall be protected in his possession thereof against trespass thereon in like manner as freeholders are protected in their possessions, as long as he maintains all stakes and buoys in their original and correct position, and complies with all laws, rules and regulations governing the fish and oyster industries. (Art. 4038, R. C. S. 1925.)

OYSTER LOCATIONS LIMITED

No person, firm or corporation shall ever own, lease or otherwise control more than one hundred acres of land covered by water, the same being oyster locations under this chapter, and within the public waters of this State; and any person, firm or corporation that now holds more than one hundred acres of oyster locations, shall not be permitted hereafter to acquire, lease or otherwise control more; provided that no corporation shall lease or control any such lands covered by water unless such corporation shall be duly incorporated under the laws of this State. (Art. 4039, R. C. S. 1925).

MAINTAIN MARKINGS

Any person, firm or corporation who has secured, or may hereafter secure a location for a private oyster bed in this State, shall keep the two iron stakes or pipes and buoys as provided for by law, in place, and shall preserve the marks so long as he is the lessee of said location, and this shall apply also to any person, firm or corporation acquiring any location by purchase or transfer of any nature, and said locator or the assignee of any locator shall have the right to fence said location or any part thereof; provided that said fence does not obstruct navigation through or into a regular channel or cut leading to other public waters. (Art. 4040, R. C. S. 1925.)

RENTAL ON LOCATIONS

The owner or locator of private oyster beds under the foregoing provisions shall not be required to pay any rentals on such locations for a period of five years, or till such time as he shall begin to market or sell oysters from such location or bed. When such locator shall begin to sell or market oysters from such location, he shall pay the State one dollar and fifty cents per acre per annum and two cents a barrel on oyster sales. Failure to pay such rentals by the first day of March each year shall annul and be a forfeiture of his lease. And if oysters are not marketed or sold from such location within five years from the date of location, such location shall become void. (Art. 4041, R. C. S. 1925.)

OYSTER PERMITS

Any person who is a citizen of the State of Texas, or any corporation chartered by the State to engage in the culture of oysters or transact business in the purchase and sale of oysters and fish, and composed of American citizens, wishing to plant oysters on their own oyster locations or take oysters from oyster reefs and public waters of the State for the purpose of preparing them for market, shall make application to the Commissioner for permission to do the same. In such application the applicant shall set out distinctly the purpose for which he desires such oysters and also the number or amount that he desires to take from the beds and waters mentioned. The Commissioner may grant such permit or he may refuse to do so. If he should grant such permit, he shall require the applicant to take the

oysters he is authorized to take from beds or reefs designated by such Commissioner and name them in permit, and it shall be unlawful for any person to take oysters of less size than three and one-half inches from hinge to mouth from any such designated beds or reefs unless authorized to do so by the Commissioner; he shall mark off the exact area of such beds or reefs from which such oysters shall be taken; he shall designate the bottoms on which such oysters shall be deposited, if they are taken to be prepared for market; he shall require the applicant to cull the oysters on the grounds where they are to be located; he shall state what implements such as tongs and dredges shall be used in taking such oysters, and he shall make and enforce all other regulations he may think necessary to protect and conserve the oysters on such public reefs or beds. All oysters taken from or deposited in the public waters of this State as herein provided shall become the personal property of the person or corporation so taking or depositing them. Such person or corporation shall, by buoys or stakes or by fences, clearly and distinctly mark the boundaries of the private bed planted, or the boundaries of the deposit of oysters made for preparation for market; and no prosecution of anyone shall be permitted for taking such oysters unless the boundaries of such beds and deposits are established and maintained. (Art. 4042, R. C. S. 1925.)

MARKERS MUST NOT BE DEFACED

Whoever shall deface, injure, or destroy or remove any buoy, marker or fence or any part thereof, used to designate or enclose a private oyster bed or a location where oysters have been deposited to be prepared for market, without the consent of the owner thereof, or any buoy, marker or sign placed or used by the Commissioner for the purpose of designating any waters closed against fishing or oyster taking, without the consent of said Commissioner, shall be fined not less than fifty nor more than two hundred dollars. (Art. 959, P. C. 1925.)

RIGHTS TO PRIVATE OYSTER BEDS

When any creek, bayou, lake or cove shall be included within the metes and bounds of any original grant or location of land in this State, the lawful occupant of such grant or location shall have the exclusive right to use said creek, lake, bayou or cove for gathering, planting, or sowing oysters within the metes and bounds of the official grant or patent. The Commissioner may require the owner of oysters produced in said water when offered for sale, to make an affidavit that such oysters were so produced. The failure of the person claiming that such oysters were produced on his private oyster bed or bottoms, to have and to show such affidavit to the Commissioner or one of his deputies, or to whomever he offers such oysters for sale, shall be presumptive that such oysters were taken from a public bed, and on prosecution for the same it shall devolve on the defendant to show that such oysters were taken from his private bed, or bottom of oysters. (Art. 961, P. C. 1925.)

THEFT OF OYSTERS

Whoever fraudulently takes the oysters placed on private reefs without the consent of the owner of the private reef or from beds or deposits made for the purpose of preparing oysters for market without the consent of the owner of the oysters who has deposited them to prepare them for market under the provisions of law, shall be confined in the penitentiary not less than one nor more than two years. (Art. 962, P. C. 1925.)

LICENSE TO DREDGE OYSTERS

Anyone who is an American citizen or any firm or any corporation composed of such citizens desiring to use scrapers or dredges in removing oysters from the natural oyster reefs of this State shall procure from the Commissioner or his deputy a license to do so. It is unlawful to use a dredge or any means other than hand tongs in removing oysters from such reefs in bodies of water less than four feet deep, and it is unlawful to use a power dredge except one operated by hand power for removing oysters from such reefs in bodies of water less than six feet deep. Whoever violates any provision of this article shall be fined not less than twenty-five nor more than two hundred dollars. (Art. 963, P. C. 1925.)

"DREDGING LICENSE" DEFINED

Any person who is an American citizen or any firm or corporation composed of American citizens desiring to use scrapers or dredges in removing oysters from the natural oyster reefs of this State shall procure from the Commissioner a license to do so, and such applicant shall pay to the Commissioner a license fee . . . and shall obligate the holder to observe all the laws of the State enacted to conserve the marine life of such public waters. Whenever the Commissioner believes that a natural oyster reef or bed is too open and exposed to be fished with hand-tongs, and that such reef or bed can be improved by the use of dredges, he may grant the use of dredges on such reef or bed regardless of the depth of the body of water or exposure thereof, but only under the supervision and direction of a deputy fish and oyster commissioner; and the Commissioner is authorized to purchase boats and implements and employ labor to work such public oyster reefs and beds as he may think can be improved thereby, the expense of which shall be paid on warrants issued by the Comptroller on the sworn statement as to the correctness of such expense by the Commissioner. (Art. 4048, R. C. S. 1925.) (For amount of oyster dredge license, see p. 140.)

OYSTERS FROM CLOSED REEF

Whenever the Commissioner believes that any public reef is being overworked or damaged in any way, or where such reef has been worked under his supervision, he may close such reef against anyone taking oysters from it, but before he closes it he shall give two weeks' notice of such closing by posting notices in such fish houses as are in two towns nearest such reef.

In such notices he shall state the date of closing and the time for which such reef shall be closed. Whoever takes oysters from such reef within the time closed by the Commissioner shall be fined not less than twenty-five nor more than two hundred dollars. (Art. 964, P. C. 1925.)

OYSTERS FROM INSANITARY BED

It shall be unlawful to ship, sell or possess for the purpose of sale any fish or oysters taken from insanitary or polluted reefs or beds. Any reef or bed of oysters which has been declared by the State Health Department as insanitary or polluted is within the meaning of this article insanitary and polluted. Whoever sells or has in his possession for the purpose of sale fish or oysters taken from such insanitary or polluted reef or bed shall be fined not less than twenty-five nor more than two hundred dollars. (Art. 965, P. C. 1925.)

TAKING OYSTERS IN CLOSED SEASON

Whoever shall take or catch oysters from any public beds or reefs for sale or for market from the first day of April to the first day of September, shall be fined not less than ten nor more than two hundred dollars. Each day is a separate offense. That part of the Laguna Madre which is south and west of Baffin's Bay is exempt from the operation of this article. (Art. 966, P. C. 1925.)

BUYING OR PLANTING OYSTERS IN CLOSED SEASON

Whoever plants or buys oysters for planting, bedding, marketing or any other purpose from the first day of May to the first day of September in any year without the consent of the Commissioner shall be fined not less than ten nor more than one hundred dollars. (Art. 967, P. C. 1925.)

SHIPPING OYSTERS IN CLOSED SEASON

No transportation company operating within this State, its officers, agents or employees, shall receive for shipment, or ship, within the boundaries of this State, from the first day of May to the first day of September of any year, any oysters from any public bed or reef for depositing or for marketing; provided, that nothing in this chapter shall be construed to prohibit any such transportation company, its officers, agents or employees, from shipping or receiving for shipment, any oysters taken from a private bed located under the laws of this State, offered for shipment by the owner or owners, locator or locators, of such bed, such fact to be established by the affidavit of the person or persons offering such oysters for shipment. Any officer, agent or employee of such transportation company violating any provision of this article shall be fined for each offense not less than ten nor more than one hundred dollars. (Art. 968, P. C. 1925.)

SCATTERING OYSTER CULLS

It shall be unlawful for any person to fail, or refuse to scatter

the culls of such oysters as he may take from the oyster reefs as directed by the Game, Fish and Oyster Commissioner, and it is hereby declared to be unlawful for any person to open or shuck oysters for market near or on the reefs or beds from which such oysters were taken, or to open or shuck oysters for market on any fishing vessel or barge, except when such vessel or barge be in some part or place where oysters are commonly sold. The shells from oysters opened or shucked on board any vessel or barge must be deposited on shore as directed by the Game, Fish and Oyster Commissioner. Any one violating any of the provisions of this article shall be fined in a sum not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars; and on such conviction the Game, Fish and Oyster Commissioner in his discretion may cancel the license of the captain of the boat on which such person is employed or for which he is gathering oysters, as well as cancel the license to fish and gather oysters of such persons offending, and no new license shall be issued to such captain or to such person convicted for a period not to exceed two years. (Art. 969, P. C. 1925.)

SALE OF OYSTERS TAKEN FOR PLANTING

No person gathering oysters for planting or depositing for preparation for market, on locations obtained from the State or on private property, shall sell, market or in any way dispose of oysters so gathered at the time of gathering, for any other purpose than planting or preparing for market, provided, this shall not be considered as meaning the right to dispose of a location or oyster bed. Any person offending against this article shall be fined not less than fifty nor more than two hundred dollars. (Art. 970, P. C. 1925.)

CARGO OF YOUNG OYSTERS

Any person offering for sale, or who shall sell, any cargo of oysters which shall contain more than five per cent young oysters shall be fined not less than ten nor more than two hundred dollars. Any oyster that measures less than three and one-half inches from hinge to mouth shall be deemed a young oyster for the purpose of this chapter. The Commissioner is authorized to permit the taking of oysters of less size than three and one-half inches from any reef he may designate but it shall be unlawful to take any oysters from reefs other than those designated by such Commissioner, and anyone taking such oysters smaller in measurement than three and one-half inches from hinge to mouth from other than such reefs as designated by such Commissioner shall be fined not less than twenty-five nor more than two hundred dollars. (Art. 971, P. C. 1925.)

USING INSANITARY CONTAINER

Any receptacle for oysters which has not been thoroughly cleaned before oysters are placed in it, is hereby declared to be insanitary. Whoever sells oysters from such receptacle, or ships

oysters in such receptacle shall be fined not less than twenty-five nor more than one hundred dollars. (Art. 972, P. C. 1925.)

FLOATING OR BLOATING OYSTERS

No person, firm or corporation shall ship into or in this State, sell or have in his possession for the purpose of sale, any oyster or shell fish in which any formaldehyde or other preservative has been placed, or any oysters or other shell fish which have been subjected to "floating," "drinking" or "bloating" in water containing less salt than in which they are grown, or oysters or other shell fish to which water has been added either directly or indirectly or in the form of melted ice. Unpolluted salt cold or ice water may be used in washing shucked or shelled oysters or other shellfish if the washing does not continue any longer than the minimum time necessary for chilling, and whoever engages in "floating," "drinking" or "bloating" oysters in this State, or who ships into or in this State such oysters, or who has in his possession, sells or offers to sell any such oysters, shall be fined not less than twenty nor more than two hundred dollars. (Art. 973, P. C. 1925.)

SEINING FOR DRUM

Any person leasing an oyster claim or oyster reef in waters where seining is prohibited may apply to the Commissioner for permission to seine for drum fish in such waters. In his application for permission to seine for drum he shall make oath that such fish are seriously damaging his oysters, and that if he is permitted to seine for such fish in such waters, he will not take or destroy any other food fish, but will throw them back into the water. If the Commissioner is satisfied that such damage is being done, he may grant such permission, specifying in such permit the length of time in which it is to be used, and the claim or reef on which it is to be used. Such Commissioner shall assign a deputy fish and oyster commissioner to superintend such seining, and no seine shall be dragged except in his presence, and for which a person obtaining the permission to seine as set forth above, shall pay to the Commissioner two dollars and fifty cents per day. (Art. 4046, R. C. S. 1925.)

OYSTER DREDGING—ARANSAS BAY

SECTION 1. It shall be unlawful to use or operate an oyster dredge on or in the waters of Aransas Bay, west of a line running from the north end of Two by Four reef to the east side of Borup reef, thence to the mainland shore.

SEC. 2. Any person violating the provisions of the Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in the sum of not less than Ten Dollars (\$10), nor more than One Hundred Dollars (\$100).

SEC. 3. All laws and parts of laws in conflict with any provision or provisions of this Act are hereby repealed. (H. B. 975, Reg. Ses. 47th Leg., ch. 266, p. 434.)

OYSTERS—ARANSAS, CALHOUN, MATAGORDA AND NUECES COUNTIES

SECTION 1. Whoever shall take or catch oysters from the public beds or reefs of the public waters of Aransas, Nueces, Calhoun, and Matagorda Counties for the market from the first day of May to the first day of September, or whoever shall fraudulently take or attempt to take oysters from the private oyster beds or reefs without the consent of the owner of such private bed or reef shall be fined not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200). Each day shall be a separate offense.

SEC. 2. All laws and parts of laws in conflict herewith are repealed to the extent but only to the extent of their conflict with the terms and provisions of this Act. (H. B. 667, Reg. Ses. 48th Leg., ch. 102, p. 177.)

OYSTER DREDGING IN COPANO BAY

SECTION 1. It shall be unlawful to use an oyster dredge or have an oyster dredge in possession on any boat in the waters of Copano Bay west of a line drawn from the east gable of Sorenson's old club house across to the island in the mouth of Mission Bay.

Provided, however, the Game, Fish and Oyster Commission may issue permits for the use of dredges on any oyster reef when the use of such dredges will improve such reef; but only under the supervision and direction of a deputy of the Commission.

Provided, that nothing in this Act shall prohibit the use of an oyster dredge on any privately owned oyster bed or reef in the waters mentioned herein.

All United States Geodetic Maps of the coast of Texas are admissible in the prosecution for the violation of any of the fish and oyster laws of this State.

SEC. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200).

SEC. 3. All laws or parts of laws in so far as they may conflict with the provisions of this Act, be and the same are hereby repealed. (H. B. 1021, Reg. Ses. 46th Leg., Spec. L., p. 833.)

OYSTERS—HEADWATERS OF MATAGORDA BAY

SECTION 1. It shall be unlawful for any person to operate a dredge or to assist in the operation of any dredge for the purpose of taking oysters in the headquarters of Matagorda Bay east of a line from Palacios Point on the mainland in Matagorda County across Matagorda Bay to Cotton Bayou on the Matagorda Peninsula.

SEC. 2. Any person violating the provisions of this Act shall, upon conviction, be guilty of a misdemeanor, and shall be fined a sum not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100), and upon conviction of a second offense, the Court may, in its discretion, in addition to the fine herein provided, revoke such person's license to dredge oysters for a period of one year. (H. B. 873, Reg. Ses. 44th Leg., p. 1214, ch. 49.)

"NET" DEFINED

Whenever a net mentioned in this chapter as a trammel, strike, gill, hoop, pound, purse or other kind of net, the standard net of such variety or kind or the usual or ordinary kind of such net as manufactured and sold as in or to the trade is meant. (Art. 974, P. C. 1925.)

SEINES AND NETS TO BE TAGGED

All seines and net used in the salt waters of this State shall be examined by the Commissioner or one of his deputies to see if they conform to the requirements of this law as to length and size of mesh, and if they are found to conform to such requirements, the Commissioner shall tag such seines or nets with a metal tag on which shall be indented the number of such seine and net; the cost of such tag to be paid by the owner of such seines or net. The Commissioner shall then issue to the owner of it a permit to use such seine or net for one year from the date of such permit; such permit shall state the name of the owner of such net, the date on which it was issued, size of the mesh and the length and kind of such net. It shall be the duty of the owner of the seine or net to keep the tag attached to such seine or net, and where a seine or net is used without such tag being attached, it shall be prima facie evidence that such seine or net is an unlawful seine or net; and any person who shall drag, haul or set any seine or net in the salt waters of this State without first having such seine or net examined by the Commissioner, or his deputy, and tagged, . . . or shall not keep such tag attached to such seine or net or attached to its floats, as prescribed in this article shall be fined not less than twenty nor more than two hundred dollars. (Art. 946, P. C. 1925.)

SALT WATER SEINE AND NET SIZE

The mesh of all seines and nets used for taking fish in salt waters of this State, not including the bag, shall not be less than one and one-half inch square mesh. The mesh of the bags and for fifty feet on each side of the bags, shall not be larger than a one-inch square mesh . . . and any person . . . dragging two or more seines which are connected or tied together with a combined length of more than two thousand feet,¹ shall be upon first conviction thereof fined not less than twenty nor more than one hundred dollars; upon second conviction thereof shall be fined not less than fifty nor more than two hundred dollars, and shall

¹Under provisions of Art. 934a, P. C. 1925, p. 138, the combined length limit is now 1800 feet.

have his license revoked for a period of not less than thirty nor more than ninety days; and upon third conviction thereof shall be confined in jail for not less than thirty nor more than ninety days, and shall have his license revoked for a period of not less than one year. (Art. 945, P. C. 1925.)

SEINES AND NETS

SECTION 1. It shall be unlawful for any person to place, set, use or drag any seine, net or other device for catching fish and shrimp other than the ordinary pole and line, casting rod and reel, artificial bait, trotline, set line, or cast net or minnow seine of not more than twenty feet in length for catching bait, or have in his possession any seine, net or trawl² without a permit issued by the Game, Fish and Oyster Commissioner or by his authorized deputy in or on any of the waters of any of the bays, streams, bayous or canals of Orange, Jefferson, Chambers,³ Harris, Galveston³ and Brazoria Counties, or in or on any of the inland waters, streams, lakes, bayous or canals of Matagorda County,⁴ or within or on the waters of Agua Dulce Creek,⁵ Oso Creek,⁵ Shamrock Cove,⁵ Nueces Bay,⁵ Ingleside Cove,⁵ Red Fish Cove,⁵ Shoal Bay,⁵ Mud Flats,⁵ Shallow Bay,⁵ which are more clearly defined as beginning at the Southwest end of "Red Fish Cove," thence south on a line intersecting Corpus Christi Channel, and all waters lying from this line, the said Channel and between Harbor Island and the Mainland to Aransas Bay⁵; all of Aransas Bay between Port Aransas and Corpus Christi Bayou and lying between Harbor Island and Mud Island⁵; Copano Bay,⁶ Mission Bay⁶ in Refugio County, Puerto Bay, St. Charles Bay, Hynes Bay, Contec Lake . . . Oyster Lake; Sabine Pass, leading from Sabine Lake to the Gulf of Mexico; San Luis Pass, leading from Galveston West Bay to the Gulf of Mexico; Turtle Bay⁷; Brown's Cedar Pass; Mitchell's Cut, Pass Cavallo, leading from Matagorda Bay to the Gulf of Mexico; Cedar Bayou, leading from Mesquite Bay to the Gulf of Mexico; North Pass or St. Jo Pass; . . . Brazos Santiago Pass, leading from the Lower Laguna Madre to the Gulf of Mexico, or the pass on the north of Laguna Madre leading into Corpus Christi Bay,⁸ which pass shall be defined as beginning one-fourth of a mile southwest of Peat Island and running from said point to Flour Bluff in Nueces County, or in or on the waters within one mile of the passes herein mentioned, connecting the bays and tidal waters of this State with the Gulf of Mexico or in or on within a mile of any other such passes, or within the waters of any pass, stream or canal leading from one body of Texas bay or coastal waters into another body of such waters; providing that nothing in this article shall prevent the use of spear or gig and light for the purpose of taking flounders. (As amended Acts 1929, 41st Leg., p. 269, ch. 119.)

²See law on p. 162 regulating use of shrimp trawl.

³See law on p. 168.

⁴See law on p. 167.

⁵See laws on p. 170 and on p. 172.

⁶See law on p. 172.

⁷See law on p. 168.

⁸See law on p. 170.

SEC. 1a. Provided that it shall be unlawful for any person to drag any seine, or use any drag seine, or shrimp trawl⁹ for catching fish or shrimp, or to take or catch fish or shrimp with any device other than with the ordinary pole and line, casting rod, rod and reel, artificial bait, trotline, set line, or cast net, or minnow seine of not more than twenty feet in length for catching bait, or to use a set net, trammel net or strike net, the meshes of which shall not be less than one and one-half inches from knot to knot, in any of the tidal bays, streams, bayous, lakes, lagoons, or inlets, or parts of such tidal waters of this State not mentioned in Section 1 hereof.¹⁰ (As amended Acts 1929, 41st Leg., p. 269, ch. 119.)

SEC. 1b. Provided that shrimp trawls may be used for taking shrimp in Matagorda Bay,¹¹ San Antonio Bay or that part of Aransas Bay¹² and all that part of Corpus Christi Bay¹³ not mentioned in Section 1. (As amended Acts 1929, 41st Leg., p. 269, ch. 119.)

SEC. 1f. Any person who shall violate any of the provisions of this Article shall be deemed guilty of a misdemeanor, and on first conviction shall be fined in a sum of not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100) Dollars; and on second or more convictions shall be fined in a sum of not less than One Hundred (\$100) Dollars nor more than Two Hundred (\$200) Dollars and his fisherman's license or dealer's license or both shall be automatically canceled and he shall not be entitled to receive another fisherman's license or dealer's license for one year from the date of his conviction; and provided that the Game, Fish and Oyster Commissioner of Texas or his deputy shall have the power and right to seize and hold nets, seines or other tackle in his possession as evidence until after the trial of defendant and no suit shall be maintained against him therefor. (As amended Acts 1929, 41st Leg., p. 269, ch. 119.)

SEC. 1g. All laws or parts of laws in conflict herewith are hereby expressly repealed. (Art. 941, P. C. 1925 as amended.)

PROOF OF POSSESSION

In all prosecutions under Article 941 and 942¹⁴ the identification of the boat or vehicle or the seine or net by which or from which the violation of the law occurred, shall be prima facie evidence against the owner or party last in charge of such boat, or against the owner of the vehicle or seines or net. (Art. 944, P. C. 1925.)

PERMIT FOR SHRIMP SEINE

The Commissioner is hereby authorized to permit the use of

⁹See law on p. 162.

¹⁰This is a "general law." See also law on p. 162 and p. 168.

¹¹See law on p. 167.

¹²See law on p. 170.

¹³See law on p. 170 and p. 172.

¹⁴This article superseded by amendment of Art. 941, p. 160.

any shrimp seine or other device for catching shrimp in the tidal waters of this State. Any person desiring to use such seine shall apply to the Commissioner, or his deputy, for a permit to use such seine, net or other contrivance for catching shrimp . . . (Article 950, P. C. 1925 as superseded by later laws.)

SHRIMP AND SHRIMP TRAWLS

SECTION 1. It shall be unlawful to catch or have in possession any shrimp from the inland salt waters of this State during the period of time from and between the 15th day of July and the 31st day of August and during the period of time from and between the 15th day of December and the 1st day of March of any year.

It shall be unlawful to use, operate, or possess any shrimp trawl in or on any of the salt waters of this State except the Gulf of Mexico, or except to have such a shrimp trawl aboard a duly licensed boat while in port, or while in any channel en route to or from open waters of the Gulf, during such inland closed season as provided above, except as hereinafter provided in this Act.

Provided it shall be unlawful to take or catch shrimp, or to use or operate any shrimp trawl in the waters of the Gulf of Mexico within the territorial limits of the State of Texas between the hours of thirty (30) minutes after sunset and thirty (30) minutes before sunrise.

Provided that it shall be unlawful during the open season for taking shrimp from the inland tidal waters of this State, for any person, firm or corporation, to use or employ, or to permit the use or employment of a shrimp trawl of greater width, as measured along the cork line, than sixty-five (65) feet, for the taking or catching of shrimp.

Provided it shall be unlawful for any person aboard any commercial fishing vessel engaged in taking shrimp from the inland tidal waters of the State or from the territorial waters of the Gulf of Mexico, to head any such shrimp aboard said boat or to dump or deposit any shrimp heads at or near any place or area where shrimp are ordinarily taken.

Provided it shall be unlawful for any person, firm, or corporation to have in possession or on board of any commercial fishing boat or vessel, within the territorial waters of this State, any amount of shrimp of any salt water species, which said shrimp shall average in count of individual specimens, more than sixty-five (65) (headless shrimp or tails) to the pound, or if said amount of shrimp be in their natural state with heads attached, which said shrimp shall average in count of individual specimens with heads attached, more than thirty-nine (39) to the pound; which said counts shall be taken in the following manner and means:

The officer, agent or deputy of the Game, Fish and Oyster Commission shall, in the presence of any owner thereof, his or its officials, employees or agents, possessing said shrimp, select

at random from said quantity of shrimp not less than three (3) samples; each sample shall consist of sufficient specimens to weigh out five (5) pounds; each five (5) pound sample shall be weighed and counted, and the count divided by five (5); after three (3) or more such counts shall have been taken, the averages obtained by each count shall be totaled and the final average count determined by dividing that total by the number of samples counted. Such average count so determined shall constitute prima-facie evidence of the average count of said shrimp in the entire cargo or quantity in possession.

Provided that the above limitations shall not apply to shrimp taken for bait, or by the use of a bait trawl, where the same is taken and possessed not in violation with the following provisions:

It shall be unlawful to take shrimp for bait by any means other than a cast net, a minnow seine of not more than twenty (20) feet in length, or by the use of a bait trawl of a legal size and under legal operations.

It shall be unlawful for any person to take or assist in the taking of shrimp from the inland waters of this State by the use and operation of a bait trawl towed by a power boat, which said bait trawl shall be more than ten (10) feet at the mouth, as measured along the webbing attached to the cork line, or twenty-five (25) feet in length, or by the use and employment of doors or other boards to spread and open said bait trawl which are of greater size or dimension than twelve (12) by eighteen (18) inches, or to tow or assist in the towing of more than one such bait net or trawl from a power boat, or to tow other boats engaged in taking bait shrimp; and it shall be unlawful for any person operating a bait trawl to have on board any boat any amount of bait shrimp during the closed season in inland waters as above provided, in excess of one hundred and fifty (150) pounds of shrimp in their natural state with heads attached. Provided that during such closed season in Galveston County it shall be lawful to take shrimp for bait by the use and employment of doors or boards of not greater dimension than twenty (20) by sixty (60) inches and to possess not more than two hundred and fifty (250) pounds of shrimp with heads attached.

It shall be unlawful for any person during the closed season as above provided, to ship or transport any amount of bait shrimp in excess of twenty-five (25) pounds to any point of destination in the interior not within fifty (50) miles of any county bordering on any salt water bay on the coast of Texas.

SECTION 1a. Any person, firm or corporation violating any of the provisions of the foregoing Act shall be deemed guilty of a misdemeanor, and upon conviction, if the same be the first offense, shall be fined not less than Twenty-five Dollars (\$25) and not more than Two Hundred Dollars (\$200). If the same be a second offense, then in the event of conviction in addition to such fine all commercial fishing or other commercial licenses shall automatically be cancelled and the offender shall not be entitled to receive other fisherman's license or dealer's license

for a period of three (3) months from the time of such conviction.

SECTION 1b. All laws and parts of laws in conflict herewith are hereby repealed in so far as they conflict herewith; especially provided that the third paragraph of Section 4A of House Bill No. 379, Acts of the Fiftieth Legislature is hereby suspended for a period of two (2) years; and in the event any provision of this Act be held unconstitutional, the same shall not affect the remaining parts, and the same shall remain in full force and effect. (As amended Acts 1947, 50th Leg., Reg. Ses., p. 149, ch. 87.)

SECTION 1c. Provided, however, that it shall be lawful to trawl for and take shrimp at any time, during the day or night, so long as the trawling for and the taking of same shall be outside of and exclusive of any and all inland bays and waters, from those portions of the Gulf of Mexico thirteen (13) fathoms or more in depth in the territorial waters of the State of Texas lying within the following boundaries:

“A line extending from the mouth of the Colorado River due southeast a distance of twenty-five (25) miles into the Gulf of Mexico and a line extending from the mouth of the Rio Grande River at the international boundary between the United States and the Republic of Mexico twenty-five (25) miles out from shore in the Gulf of Mexico; and said last named boundary to extend along the said international boundary as far out as the territorial waters of the State of Texas extend. (Added by Acts 1949, 51st Leg., Reg. Ses., ch. 160, p. 330. H. B. 318.)

SEC. 2. Providing that Section 1-D of Article 941 of the Penal Code is hereby repealed and that all laws or parts of laws in so far as they may conflict with the provisions of this Act be, and the same are hereby repealed.

PERMIT TO TAKE ROUGH FISH

SEC. 3. It shall be the duty of the Game, Fish and Oyster Commission to make continued investigations and classify and reclassify the salt-water fish of this State into two divisions, (1) the game fish, and (2) the nongame fish.

The game fish shall include all fish which strike or bite at a hook baited with natural or artificial lures and which species is desirable to be encouraged and repropagated because of its value for sport and recreation.

The nongame fish shall include those having no sporting value, the predators, bony or rough-fleshed species, or any species of fish whose numbers should be controlled in order to protect and encourage the other game fish of this State.

In order to control such nongame marine species and to permit their utilization and when it has been found that the taking of such nongame species will not adversely affect the conservation of game species, it shall be the duty of the Game, Fish and Oyster Commission to issue permits for the use of any net or

device for the taking of such nongame species under the terms, conditions, and stipulations herein provided.

(a) Permits shall be granted only to citizens of the United States who have continuously resided in the State of Texas for a period of at least six (6) months prior to their application for such permit, and who have not been convicted of violating any of the fishing regulations of this State for a period of two (2) years. For such permit the applicant shall pay to the Game, Fish and Oyster Commission the sum of Five Dollars (\$5), which it shall be the duty of the said Commission to deposit in the State Treasury to the credit of the Fish and Oyster Fund.¹ A permit issued hereunder shall be valid for one year from date of issuance unless earlier revoked or suspended in accordance with the provisions of this Act.

(b) It shall be unlawful for the holder of a permit issued hereunder to operate any net or device that is not now legal in any of the tidal waters of this State in which a trammel net, set net, or gill net is now prohibited by law. And it shall be unlawful to operate a device permitted under the terms of this Act until such device has been inspected, approved, and tagged, and while in operation bears a metal tag identifying said device, issued by said Commission.

(c) It shall be unlawful to use a device otherwise prohibited by the laws of this State but permitted under the terms of this Act for the taking and possession of any game fish or any other species of salt-water fish, excepting those specifically named in the permit authorizing the use of said device; or to operate or permit the operation of such device in a manner that will or does needlessly or carelessly injure marine products other than those permitted to be taken in the especially authorized net or device.

SEC. 4. Whenever an agent of the Game, Fish and Oyster Commission finds that any device for which a permit has been issued under the laws of this State is being used contrary to any provisions of this Act, it shall be the duty of said officer to immediately seize such device and hold same until after the trial of this defendant, and no suit shall be maintained therefor. Pending the trial of the defendant, it shall be unlawful for said defendant to operate any device such as is permitted under the provisions of this Act in any of the tidal waters of this State.

SEC. 5. Any person violating any provision of this Act, or any of the conditions of a permit issued hereunder, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10), nor more than Two Hundred Dollars (\$200), and shall automatically forfeit all privileges granted under this Act. (Art. 952L-11, P. C. 1925, Acts 1941, 47th Leg., p. 525, ch. 322, as amended by Acts 1947, 50th Leg., Reg. Ses., p. 149, ch. 87, H. B. 380.)

¹See law on p. 205 creating Special Game and Fish Fund.

SEINE, NET, OR TROTLINE—NAVIGATION DISTRICTS

SECTION 1. It shall be unlawful to use any seine, net, gill net, trotline, or other mechanical or physical device, except hook and line, for the purpose of fishing within the channel, turning basin, or other waters of any navigation district operating under and by virtue of Chapter 27 of the General Laws passed by the Forty-second Legislature at its Third Called Session, and Chapter 8 of the General Laws passed by the Forty-third Legislature at its Second Called Session.

SEC. 2. The possession of any such mechanical device referred to in Section 1 hereof, on the right of way, lands, and premises of such navigation districts, shall constitute prima facie proof of the guilt of the person or persons so possessing such mechanical devices.

SEC. 3. Any person convicted of violating any of the provisions of this Act shall be punished by a fine of not less than Twenty-five Dollars (\$25) nor more than One Hundred Dollars (\$100), or by confinement in the County Jail not less than five (5) nor more than thirty (30) days, or by both such fine and imprisonment. (H. B. 896, Acts 1937, Reg. Ses. 45th Leg., p. 300, ch. 156.)

CAMERON COUNTY—TACKLE

SECTION 1. It shall be unlawful for any person, firm or corporation, or their agent or agents, to use, or having in his or their possession except on board boats in port or in passage through channels leading to or from the Gulf of Mexico, a seine; strike net, trammel net or any other kind of net except a gill net having a mesh of not less than two and one-half inches between knots, in any of the waters of Laguna Madre lying within Cameron County. It shall be unlawful for any person, firm or corporation, or their agent or agents, to place, set, or use or drag any seine net or other device for catching fish and shrimp other than the ordinary pole and line, casting rod and reel, artificial bait, trotline, set line or casting line or minnow seine of not more than twenty (20) feet in length for catching bait, other than a gill net having a mesh of not less than two and one-half inches between knots; provided that this Act shall not prohibit the use of a bait shrimp trawl of not over twelve (12) feet in width equipped with trawl boards of not more than fourteen (14) inches in width and twenty-four (24) inches in length; provided further that nothing in this Act shall prohibit the Game, Fish and Oyster Commission to license and permit the use of mullet nets.

SEC. 2. Any firm, person or corporation who violates any provision of this Act shall, upon conviction, be fined in a sum of not less than One Hundred Dollars (\$100) or not more than Five Hundred Dollars (\$500).

SEC. 3. All laws or parts of laws that conflict with this Act

are hereby repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 302, p. 549. H. B. 787.)

SEINES, NETS, OYSTER DREDGE—CALHOUN, JACKSON, MATAGORDA COUNTIES

SECTION 1. It shall be unlawful for any person to place, set, use, drag, or have in his possession any seine, net, or other device for catching fish and shrimp, other than ordinary pole and line, casting rod and reel, artificial bait, trot line, set line, or cast net or minnow seine of not more than twenty (20) feet in length or a bait trawl of not more than ten (10) feet in width at its mouth for catching bait, in or on any of the following described waters in Calhoun, Matagorda, and Jackson Counties:

The waters of Karankawa (Caranchua) Creek, Karankawa (Caranchua) Bay and the lakes and coves opening thereonto, Karankawa (Caranchua) Pass or within a radius of one thousand (1,000) yards from the mouth of said Pass in the waters of Matagorda Bay; Kellers Creek and that part of Kellers Bay within a radius of one thousand (1,000) yards from the southwest corner of the Olivia State Highway Roadside Park; all of Coloma Creek and Powder Horn Lake, Powder Horn Bayou—the same being the Pass between Powder Horn Lake and Matagorda Bay or within a radius of one thousand (1,000) yards from the mouth of said Pass in the waters of Matagorda Bay; Chocolate Creek leading into Chocolate Bay or within a radius of one hundred (100) yards from the mouth of Chocolate Creek in the waters of Chocolate Bay; all that part of Lavaca Bay within the distance of one thousand (1000) yards on each side of the Lavaca Bay Causeway.

Provided that nothing in this Article shall prevent the use of the spear or gig and light for the purpose of taking flounders or other fish in the waters of Calhoun, Matagorda, and Jackson counties. Provided further that it shall be lawful to operate a pocket net or drag seine of a length not greater than eighteen hundred (1,800) feet and of mesh not smaller than one and one-fourth inches square except for the sack or purse which may be of a mesh not less than one inch square, in any of the waters of Calhoun and Matagorda Counties and of Matagorda Bay not specifically closed by this Act which are now open to the use of the gill net or trammel net; provided such pocket net or drag seine shall not be operated in water of less than eighteen (18) inches in depth. Provided further that it shall be unlawful to drag, use, or operate an oyster dredge in any of the waters of Karankawa (Caranchua) Bay, Karankawa (Caranchua) Pass or within a radius of three hundred (300) yards from the mouth of said Pass in the waters of Matagorda Bay.

SEC. 2. Any person who violates any of the provisions of this Act shall, upon conviction, be deemed guilty of a misdemeanor, and shall be fined in a sum of not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200); and, upon second offense, his license to fish may be canceled and he shall

not be entitled to receive another such license for one year from the date of said conviction.

Provided that the Game, Fish and Oyster Commission of Texas or its deputies shall have the power and the right to seize and hold nets, seines, or other tackle as evidence, pending trial of said cause.

SEC. 3. Repealing House Bill No. 232 of the Regular Session of the Forty-fifth Legislature and House Bill No. 67, Acts of the First Called Session of the Forty-fifth Legislature, Article 937a, Penal Code of the State of Texas, and all laws or parts of laws in direct conflict herewith, in so far as they apply to the waters of Calhoun, Matagorda, and Jackson counties. (H. B. 744, Reg. Ses. 46th Leg., p. 816, ch. 66.)

SEINING AND NETTING

SECTION 1. It shall be lawful to use strike nets, gill nets, trammel nets or shrimp trawls as defined by the Statutes of this State for the taking of fish and shrimp from the waters of East Galveston Bay in the Counties of Galveston and Chambers except for a hereinafter defined part thereof, and the small abutting bodies known as follows in which it shall be unlawful to use said strike nets, gill nets, trammel nets, or shrimp trawls: Swan Lake, Moses Lake, Clear Lake, Dickinson Bayou west of a line running from Miller's Point to April Fool Point, Turtle Bay, and all waters lying northwest of a line extending from Kemah in Galveston County to a point known as Mesquite Knoll in Chambers County, and all waters of Galveston Bay lying east of a line extending from the extreme western point of Smith's Point in Chambers County to the west bank of Siever's Cut where East Bay intersects with the north bank of the Intracoastal Canal on Bolivar Peninsula in Galveston County at Siever's Fish Camp, which Cut is at a point southwest of Elm Grove Point on Bolivar Peninsula in Galveston County, Texas, and northeast of Baffle Point on Bolivar Peninsula in Galveston County, Texas, during the period beginning August 15th and ending May 15th of each year. Provided, however, nothing in this Act shall be construed to prohibit the use of shrimp trawls of not more than ten (10) feet in width at the mouth and not more than twenty-five (25) feet in length.¹ It shall be unlawful for any person to use a strike net, gill net, trammel net, or shrimp trawl, contrary to the provisions of Chapter 119, Page 269, Acts of the Regular Session of the Forty-first Legislature.²

SEC. 2. It shall be unlawful to have in possession any seine, strike net, gill net, trammel net, or shrimp trawl in or on any of the tidal waters of this State where the use of said seine, strike net, gill net, trammel net, or shrimp trawl is prohibited from being used in taking or catching fish and/or shrimp, unless such seine, strike net, gill net, trammel net, or shrimp

¹See law on p. 162 regulating use of trawls.

²Art. 941, P. C. 1925, p. 160 of this book.

trawl is on board a vessel when such vessel is at port or in a channel while en route to or from the Gulf of Mexico.

SEC. 3. When any officer of this State sees any seine, strike net, gill net, trammel net, or shrimp trawl in or on any of the tidal waters of this State where the use of such seine, strike net, gill net, trammel net, or shrimp trawl is prohibited from being used for the purpose of taking fish and/or shrimp, and has reason to believe and does believe that the same is being used or possessed in violation of the provisions of this Act, it shall be his duty to arrest the party using or possessing said seine, strike net, gill net, trammel net, or shrimp trawl and, without a warrant, shall seize such seine, strike net, gill net, trammel net, or shrimp trawl as evidence. It shall be the duty of such officer to deliver such seine, strike net, gill net, trammel net, or shrimp trawl to the County Judge or Justice of the Peace of the county in which it was seized, where it shall be held as evidence until after the trial. If the defendant is found guilty of possessing or using such seine, strike net, gill net, trammel net, or shrimp trawl unlawfully, the Court shall enter an order directing the immediate destruction of such seine, strike net, gill net, trammel net, or shrimp trawl by the Sheriff or constable of the county where the case was tried, and the Sheriff or constable of the county shall immediately destroy such seine, strike net, gill net, trammel net, or shrimp trawl and make a sworn report to said County Judge or Justice of the Peace, showing how, when, and where said seine, strike net, gill net, trammel net, or shrimp trawl was destroyed. When such device is found by an officer of this State in or on any of the tidal waters of this State without anyone in possession where its use is prohibited, it shall be seized by such officer without warrant and delivered to the County Judge or Justice of the Peace in the county in which it was found. Said officer shall make affidavit that such seine, strike net, gill net, trammel net, or shrimp trawl was found in or on the tidal waters of this State at a point where its use was prohibited, which said affidavit shall describe such seine, strike net, gill net, trammel net, or shrimp trawl and the Court shall direct the Sheriff or any constable of the county to post a copy of said affidavit in the Courthouse of the county in which said seine, strike net, gill net, trammel net, or shrimp trawl was seized, and said officer shall make his return to the Court showing when and where said notice was posted. Thirty (30) days after such notice is posted, the Court, either in term time or in vacation, shall enter an order directing the immediate destruction of such seine, strike net, gill net, trammel net, or shrimp trawl by the Sheriff or any constable in the county, and said officer executing said order, shall, under oath, make his return to said Court showing how, when, and where such seine, strike net, gill net, trammel net, or shrimp trawl was destroyed.

SEC. 4. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Twenty-five Dollars (\$25) and not more than Two Hundred Dollars (\$200), and his fish-

erman's license or dealer's license, or both, shall be automatically canceled, and he shall not be entitled to receive another fisherman's license or dealer's license for one year from the time of such conviction.

SEC. 5. All laws or parts of laws in conflict herewith shall be and the same are hereby repealed. (Art. 952l-10, P. C. 1925, H. B. 80, Acts 1932, 3rd C. S. 42nd Leg., p. 91, ch. 28, as amended by Acts 1939, 46th Leg., Spec. L., p. 818, ch. 67.)

ARANSAS AND NUECES COUNTIES—SEINE, NET OR TRAWL

SECTION 1. It shall be unlawful for any person to place, set, use, or have in possession or to have on board any boat, or on any vehicle, any seine, net or trawl¹ in the waters of Corpus Christi Bay and Laguna Madre and connecting inlets or bayous, lying between a line on the north running east from a stake or marker on the shore on the northeasterly point of Flour Bluff to a stake or marker on Mustang Island one mile north of Corpus Christi Pass, and the Nueces-Kleberg County line on the south; or Callo Del Oso and connecting inlets and bayous; or Oso Creek; or Corpus Christi Pass; or Aransas Pass; or within one mile of the Passes mentioned herein; all waters of Aransas Bay lying south of a line running from a stake or marker located on the shore of St. Joseph Island one mile north of the bayside entrance to the Pass, commonly known as North Pass, to the southern end of Mud Island, thence to the north side of the entrance to Corpus Christi Bayou; all waters lying between Harbor Island and St. Joseph Island; all waters lying between Harbor Island and Mustang Island; or that part of Redfish Bay, and connecting inlets and bayous, lying south and southwest of a line starting at the juncture of the railroad dumps on the mainland, running east along the center of said dumps to its eastern extremity, thence northeast to the north side of the eastern entrance to Corpus Christi Bayou, thence southeast to the northern extremity of Harbor Island to a stake or marker, and north and northeast of a line running directly east and west from the mainland to Harbor Island across the southern extremity of Ransom Point; or in any pass or channel leading from one body of water to another in any of the salt waters of Nueces County, Texas.

Provided, it shall not be unlawful to use a cast net, or minnow seine of not exceeding twenty feet in length, or a licensed bait trawl, in any of the waters mentioned herein at any time for the purpose of taking bait.

Provided, it shall be lawful to possess or use a licensed trawl, net or seine in any other salt waters of Nueces County not mentioned in this Act as closed.

Provided, it shall not be unlawful to have a seine, net or trawl on board any vessel when such vessel is at port or while en route

¹See law on p. 162 regulating use of trawls.

to or from the Gulf of Mexico or other waters where it is lawful to use or possess such a seine, net or trawl.

SEC. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Twenty-five (\$25.00) Dollars, and not more than Two Hundred (\$200.00) Dollars.

The Game, Fish and Oyster Commission or any authorized agent shall have the power and right to seize and hold nets, seines, trawls or other tackle in possession as evidence until after the trial of the defendant, and no suit shall be maintained against it or him therefor.

SEC. 3. All laws or parts of laws in so far as they may conflict with this Act shall be, and the same are hereby repealed. (S. B. 317, Acts 1937, Reg. Ses. 45th Leg., p. 372, ch. 182.)

SEINES AND NETS—WILLACY COUNTY

SECTION 1. It shall be unlawful to use a seine, net or trawl or to have in possession a seine, net or trawl¹ in or on any of the tidal waters of Willacy County west of Padre Island; provided, however, that nothing contained in this Act shall prohibit the use of a cast net for taking bait.

SEC. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00).

SEC. 3. All laws or parts of laws, in so far as they may conflict with the provisions of this Act, be and the same are hereby repealed. (H. B. 764, Reg. Ses. 43rd Leg., Spec. L., p. 36, ch. 29.)

SEINES AND NETS—KLEBERG AND KENEDY COUNTIES

SECTION 1. It shall be unlawful for any person to place, set, use, drag or have in his possession any seine, net or other device for catching fish and shrimp other than the ordinary pole and line, casting rod and reel, artificial bait, trot line, set line or cast net, or minnow seine of not more than twenty (20) feet in length for catching fish¹ in or on any of the waters lying between Padre Island and the mainland in Kleberg and Kenedy Counties including all back bays and inlets and that back of the Laguna Madre in Kleberg and Kenedy Counties; provided that nothing in this article shall prevent use of spear or gig and light for the purpose of taking flounders.

SEC. 2. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and on first conviction shall be fined in a sum of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars

¹See law on p. 162 regulating use of trawls.

(\$100.00); and on second or more convictions shall be fined in a sum of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) and his fisherman's license or dealer's license or both shall be automatically cancelled and he shall not be entitled to receive another fisherman's license or dealer's license for one year from the date of his conviction; and provided that the Game, Fish and Oyster Commissioner of Texas or his deputy shall have the power and right to seize and hold nets, seines or other tackle in his possession as evidence until after the trial of the defendant and no suit shall be maintained against him therefor. (H. B. 67, 2nd C. S., 42nd Leg., ch. 17, p. 33.)

COPANO AND MISSION BAYS—SEINES, NETS AND TRAWLS

SECTION 1. It shall be unlawful for any person, firm or corporation, or their agent or agents, to use a seine, strike net, shrimp trawl, gill net or trammel net in any of the waters of Copano Bay, Mission Bay and connecting waters west of State Highway No. 35 in Aransas County, Refugio County and San Patricio County. It shall be lawful in these waters to fish with a pole and line, rod and reel, trotline or to seine for bait with a minnow seine not over twenty (20) feet long. Provided that this Act shall not prohibit the use of a bait shrimp trawl of not over ten (10) feet in length equipped with trawl boards of not more than eighteen (18) inches in width or thirty-six (36) inches in length.

SEC. 2. Any person, firm or corporation who violates any provision of this Act shall, upon conviction, be fined in a sum of not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200).

SEC. 3. All laws or parts of laws that conflict with this Act are hereby repealed. (Acts 1947, 50th Leg., Reg. Ses., ch. 149, p. 253, H. B. 360.)

SEINES AND NETS—CORPUS CHRISTI BAY AND REDFISH BAY

SECTION 1. It shall be unlawful for any person to place, set, use, drag, or have in possession any seine, net, or other device for catching fish, or shrimp, other than the ordinary pole and line, casting rod and reel, artificial bait, trotline, setline, gig, cast net, or minnow seine of not more than twenty (20) feet in length, or trawl not over ten (10) feet in width at the mouth, for catching bait, in or on any of the waters of Corpus Christi Bay within one-half mile of the mainland shore line between Flour Bluff Point and the city limits of Corpus Christi, Texas, or in or on the waters of Corpus Christi Bay within one mile of Dimmit Island in Nueces County, Texas, or in or upon any of the waters of Corpus Christi Bay within one-half mile of the mainland shore between a point one-half mile east of Ingle-side Docks and the north end of the Nueces Bay causeway, or in

or upon any of the waters on the east side of and within one-half mile of the Nueces Bay causeway, or in or upon any of the waters of Red Fish Bay in Nueces County.

For the purpose of this Act, the shore line shall be the water's edge at mean tide.

SEC. 2. Any person violating any of the above provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Twenty-five Dollars (\$25) and not more than Two Hundred Dollars (\$200), and the fishing tackle illegally used shall be disposed of as directed in House Bill No. 80, Third Called Session of the Forty-second Legislature.¹ (H. B. 355, Reg. Ses. 47th Leg., p. 406, ch. 236.)

SEINING WITHIN ONE MILE FROM CITY

It shall be unlawful for any person to catch or attempt to catch any fish, green turtle, loggerhead, terrapin or shrimp in any of the bays or navigable waters of this State, within the limits or within one mile of the limits of any city or town in this State, with seines, drags, fykes, set nets, trammel nets, traps, dams or weirs. A town or city in the meaning of this article shall be the collection of one hundred families within an area of one square mile. Anyone violating any provision of this article shall be fined not less than twenty-five nor more than two hundred dollars. In all prosecutions the identification of the boat from which such violation occurs shall be prima facie evidence against the owner, lessee, person in charge or master of such boat. It shall be the duty of such town to establish and maintain the buoys, stakes or other marks designating the limits of the one mile within which such seines shall be hauled and such nets set. (Art 947, P. C. 1925.)

FISH POUND IN GULF WATERS

It shall be unlawful for any person, firm or corporation to erect, set, operate or maintain any fish pound net in any waters of the Gulf of Mexico within three nautical miles from the coast line of this State, without first obtaining a permit for such purpose. Application for such permits shall be made to the Game, Fish and Oyster Commissioner. Such Commissioner shall issue to the person, firm or corporation applying therefor, if entitled thereto under the provisions of this Act, a permit duly signed, to erect, set, operate or maintain a fish pound net in the waters above specified. No person, firm or corporation shall set, erect, operate or maintain any pound net at any place closer than three miles of any other pound net owned or operated by any other person, firm or corporation; provided, further, that no pound net shall ever be placed or operated closer than three miles of any pass mentioned in this Act. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than

¹Law on p. 168 of this book.

fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars. (Art. 945a, P. C. 1925.) (Acts 1925, 39th Leg., ch. 178, p. 447, sec. 3.)

MISCHIEF IN PROHIBITED WATERS

Whoever shall wilfully and with intent to injure the owner, take any boat, seine or net or other device for fishing into prohibited waters, or shall use said articles for the unlawful taking or catching of fish, so as to cause the destruction of same, shall be fined not less than ten nor more than two hundred dollars, and be confined in jail not less than thirty nor more than ninety days. (Art. 956, P. C. 1925.)

VENUE FOR UNDER OR OVERSIZE FISH

A prosecution for a sale of fish of unlawful size may be begun and carried on either in the county where such fish were shipped or in the county where they were received or offered for sale, or in any county through which such shipments may pass. (Art. 930, P. C. 1925.)

SEASON FOR SALT WATER TERRAPIN

Whoever kills, takes or has in his possession any salt water terrapin at any time except during November, December, January and February shall be fined not less than fifty nor more than one hundred dollars. (Art 957, P. C. 1925.)

UNDERWEIGHT TURTLE AND TERRAPIN

Whoever sells or ships any green turtle of less than twelve pounds in weight or terrapin of less than six inches in length of under shell shall be fined not less than ten nor more than two hundred dollars. (Art. 958, P. C. 1925.)

FUR-BEARING ANIMAL LAWS

PROPERTY OF STATE

SECTION 1. All the fur-bearing animals of this State are hereby declared to be the property of the people of this State. For the purpose of this Act, wild beaver, wild otter, wild mink, wild ringtail cat, wild badger, wild polecat or skunk, wild raccoon, wild muskrat, wild opossum, wild fox and wild civet cat are hereby declared to be fur-bearing animals. (Art. 923m, P. C. 1925.)

TRESPASS TO TRAP

It shall be unlawful for any person to trap, or set any trap or deadfall on the inclosed lands of another without the consent or permission of the owner of said land. (Art. 923r, P. C. 1925.)

Every person violating any of the provisions of this Act shall, upon conviction, be punished by a fine of not less than ten dollars nor more than one hundred dollars. (Art. 923vv, P. C. 1925.)

WOLF—TRANSPORTATION OR LIBERATION

SECTION 1. It shall be unlawful for any person to transport, or to cause to be transported, any live wolf within this State.

SEC. 2. It shall be unlawful for any person to possess or to receive, or to transport or to have for the purpose of transporting, or for the purpose of turning loose, or to turn loose, or to cause to be turned loose, any live wolf within this State.

SEC. 3. It shall not be unlawful for a State or County Official, in the performance of any official duty, to transport a live wolf, or for the owner or agent of any licensed circus, zoo or menagerie, to have, possess or transport any live wolf for exhibition or scientific purposes, only.

SEC. 4. Any person who violates any provision of the preceding Sections of this Act shall be guilty of a felony and shall upon conviction be confined in the penitentiary for not less than six months nor more than five years. (Art. 923qa-3, P. C. 1925.)

FUR LICENSES

SECTION 1. For the purpose of this Act the following words, terms, and phrases are hereby defined:

(a) "Wholesale Fur Buyer." A Wholesale Fur Buyer is any person who purchases for himself or on behalf of another per-

son, the pelt or pelts of any of the fur-bearing animals of this State from a Retail Fur Buyer and/or from the Trapper.

(b) "Retail Fur Buyer." A Retail Fur Buyer is any person who purchases the pelt or pelts of any of the fur-bearing animals of this State from the Trapper only.

(c) Resident trapper; nonresident trapper. A trapper is any person who takes for the purpose of barter or sale, and who sells or offers for sale, the pelt or pelts of any of the fur bearing animals of this State, and for the purpose of this Act, trappers are hereby divided into two (2) classes, namely "resident" and "non-resident." Resident trappers are those who have, for a period of twenty-four (24) months previous to their application for license, been bona fide residents of this State. All others are non-resident trappers. (As amended Acts 1939, 46th Leg., Gen. Laws, p. 237, sec. 1.)

(d) "Person" shall include the plural as well as the singular, as the case demands, and shall include individuals, partnerships, associations, and corporations.

SEC. 2. Before any person shall operate in this State as a Wholesale Fur Buyer, Retail Fur Buyer, or Trapper, he shall be required to obtain and have in his possession a valid license entitling him to the privileges given in this Act and to no other privileges. Such license or licenses shall be obtained from the Game, Fish and Oyster Commission, or from one of their authorized agents.

(a) A Wholesale Fur Buyer's license may be purchased for the sum of Twenty-five Dollars (\$25) and shall entitle the holder to the privilege of purchasing the pelts of fur-bearing animals in this State from Trappers, Retail Fur Buyers, and Wholesale Fur Buyers, and the privilege of handling such pelts for shipment and sale.

(b) A Retail Fur Buyer's license may be purchased for the sum of Five Dollars (\$5) and shall entitle the holder to the privilege of purchasing the pelts of fur-bearing animals from the Trapper only and handling same for the purpose of shipment and sale.

(c) A resident trapper's license may be purchased for the sum of One Dollar (\$1), and a nonresident trapper's license may be purchased for the sum of Two Hundred Dollars (\$200), and the respective licenses shall entitle the holder to sell only his own catch of the pelts of fur-bearing animals of this State, which he has lawfully taken. (As amended Acts 1939, 46th Leg., Gen. Laws, p. 237, sec. 2.)

All licenses provided for in this Section shall be valid until August 31st following date of issuance.

SEC. 3. All moneys collected from the sale of licenses provided for under the provisions of this Act, after the fees for issuing same are deducted, shall, before the 10th day of the month following the sale of such license, be remitted to the office

of the Game, Fish and Oyster Commission at Austin, Texas, and shall be deposited in the State Treasury to the credit of the Special Game Fund¹ and shall be used for any and all of the purposes provided by law. County Clerks and other authorized agents of the Game, Fish and Oyster Commission shall be entitled to a fee of Twenty (20) Cents for each license issued.

SEC. 4. When a person, firm, or corporation operates as a Wholesale Fur Buyer or as a Retail Fur Buyer, a license shall be required for each place of business and be publicly displayed in said place of business at all times, and all such places of business shall be subject to inspection, without warrant, by any game and fish warden at any time. If a person operates as a Wholesale Fur Buyer, Retail Fur Buyer, or as a Trapper, other than at an establishment for which a license has been issued, he shall have on his person, whenever conducting such operations, the license required of him as a Wholesale Fur Buyer, Retail Fur Buyer, or Trapper, and any vehicle which he operates shall be subject to inspection, without warrant, by any game and fish warden at all times that such vehicle is being used for the collection of the pelts of fur-bearing animals or for the purpose of transporting same.

SEC. 5. All laws or parts of laws, in so far as they conflict with any portion of this Act, and specifically that provision of law of this State requiring a tax tag to be attached to the pelt of each fur-bearing animal of this State before same is sold or offered for sale, and specifically the law of this State now in existence requiring a Trapper's license and a Resident Fur Dealer's license or a Non-resident Fur Dealer's license, are hereby repealed.

SEC. 6. It shall be unlawful for any Wholesale Fur Buyer or any Retail Fur Buyer to purchase the pelt of any fur-bearing animal of this State from any person unless such person holds a Trapper's license or a Wholesale Fur Buyer's license or a Retail Fur Buyer's license, and it shall be unlawful for any person to operate as a Wholesale Fur Buyer, Retail Fur Buyer, or Trapper, as defined in this Act, without first obtaining the license required for the business engaged in.

SEC. 7. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200), and any person convicted under any provision of this Act shall automatically forfeit any license which he may hold under any provision of this Act and shall not be permitted to obtain any license provided for under this Act for a period of one year from date of his conviction. (H. B. 759, Acts 1937, 45th Leg., p. 596, ch. 299, as amended by H. B. 637, Acts 1939, 46th Leg., p. 237; Art. 923qa, P. C. 1925.)

¹See law creating Special Game and Fish Fund, p. 205.

BEAVER AND OTTER

SECTION 1. It shall be unlawful for any resident of this State to trap or attempt to take or trap beaver or otter outside the county of his residence without first obtaining from the Game, Fish and Oyster Commission, or one of its authorized agents, a Beaver-Otter Trapping License, for which he shall pay the sum of Fifty Dollars (\$50), Fifty (50) Cents of which sum shall be retained by the officer issuing said license, balance of which shall be promptly remitted to the Game, Fish and Oyster Commission and deposited in the State Treasury to the credit of the Special Game Fund,¹ where it shall be used for the purposes provided by law.

SEC. 2. . . . Providing, however, that it shall be lawful to take or trap beaver and sell the pelts of same in . . . Val Verde and Kimble Counties. The open season for taking or trapping beaver in . . . Val Verde and Kimble Counties shall be only during the period of January 1st to January 15th of each year, and it shall be unlawful for any person during any open season provided for in this Section of this Act to take more than three (3) beaver.

SEC. 2a. Provided further, that all of the provisions of this Act shall also apply to and prevail in Maverick County. (As added Acts 1945, 49th Leg., Reg. Ses., ch. 109, p. 157.)

SEC. 3. Any person who takes any beaver at any time it is unlawful to do so, or who attempts to sell the pelt of a beaver in any county of this State unless same is permitted under the provisions of this Act, or any person who otherwise violates any provision of this Act, shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be fined in a sum not less than One Hundred Dollars (\$100), nor more than Two Hundred Dollars (\$200).

SEC. 4. All laws or parts of laws in so far as they may conflict with any portion of this Act, be and the same are hereby repealed. (H. B. 564, Acts 1943, 48th Leg., p. 287, ch. 183, Art. 923qa-7, P. C. 1925, as amended by H. B. 231, Acts 1945, 49th Leg., Reg. Ses., ch. 109, p. 157, and as amended by conflict, Art. 978l-2, P. C. 1925 and by expiration.)

FUR BEARING ANIMALS—OPEN SEASON

SECTION 1A. It shall be unlawful for any person to take or attempt to take the pelt of any furbearing animal of this State at any time other than the open season provided therefor. The open season for taking pelts of furbearing animals shall be during the months of December and January of each year, except muskrats, the open season for which shall be from the 15th day of November to the 15th day of March, both days inclusive. (Acts 1930, 41st Leg., 5th C. S., ch. 45, p. 185, Sec. 1.)

¹See law creating Special Game and Fish Fund, p. 205.

"DEALER" DEFINED

SEC. 6. (Note: This section defines "dealer" to be "Any person, firm or corporation, except the trapper selling his own catch, who barter, buys, offers to barter, offers to buy, sells or offers for sale the pelt or pelts of any furbearing animals protected by the laws in this State.")

FUR DEALER REPORTS

SEC. 7. That every dealer as defined in this Act must file with the Game, Fish and Oyster Commission not later than the 10th day of each month a complete sworn report on printed forms furnished by the Game, Fish and Oyster Commission of the kind and number of pelts of furbearing animals purchased in this State and shipped out of this State during the preceding month. Provided that no report shall be required for those months during which no pelts are purchased in this State. And providing that those dealers who purchased pelts for manufacturing into a finished product in this State shall report by the 10th day of each month the number and kind of pelts purchased during the preceding month.

PRIMA FACIE EVIDENCE

SEC. 8. The possession in this State of any undried pelt from a furbearing animal at any time other than during the open season for taking of such pelt, or within fifteen days after the close of such season, shall be prima facie evidence that such pelt was taken during the closed season.

FUR PROPAGATION PERMIT

SEC. 9. Any person who desires to take alive any of the furbearing animals of this State for the purpose of sale before taking any of the fur-bearing animals of this State for such purpose shall apply to the Game, Fish and Oyster Commission at Austin, Texas, for a Propagation Permit for which he shall pay the sum of Five (\$5.00) Dollars, which Permit shall be available on and after the first day of September of each year and shall be valid until August 31st of the following year. Any person holding a Propagation Permit may take and hold furbearing animals protected by the laws of this State, provided that such animals are taken during the period of time that it is lawful to do so, and provided that the pelts from such animals may not be taken at any time other than during the open season for taking such pelts. Any person who holds a Propagation Permit shall file a report with the Game, Fish and Oyster Commission not later than the 16th day of March of each year, showing the number of each kind of furbearing animals held in captivity and giving the Commission the number of each kind of furbearing animal and pelts disposed of during the year previous.

SEIZURE OF ILLEGAL PELTS

SEC. 11. The Game, Fish and Oyster Commission and all

Game and Fish Wardens in its employ are hereby directed to seize any and all pelts illegally taken or held by anyone and to hold them as evidence until after the trial of the person or persons charged with illegally taking or holding of such pelt or pelts, and if the defendant is found guilty of taking or possessing such pelt or pelts, in violation of any provision of this Act, the pelt or pelts so seized as evidence shall be delivered to the office of the Game, Fish and Oyster Commission by the Game and Fish Warden, and the Game, Fish and Oyster Commission is hereby directed to sell such pelt or pelts. Prosecutions under this Act may be begun and carried on either in the county in which the pelts or animals were taken or from where they were shipped or in the county of this State in which they are received for sale.

LICENSE FORFEITURE

SEC. 12. It shall be unlawful for any person, firm or corporation to take, sell, offer for sale or buy or offer to buy the pelts of furbearing animals of this State for a period of twelve months after date of conviction. Any person, firm or corporation violating any of the provisions of this Act upon conviction shall be fined in any sum not less than Ten (\$10.00) Dollars and not more than One Hundred (\$100.00) Dollars, and his trapper's or dealer's license shall be forfeited at time of conviction, and he shall not be entitled to purchase another such license for a period of one year.

REMISSION OF MONIES

SEC. 13. All monies collected from . . . licenses, fines, sale of confiscated pelts and penalties for violation of this Act shall be deposited with the Treasurer of this State during the first week of each month and shall be credited to the Special Game Fund¹ and used for the purposes provided for by law.

(From Art. 923q, P. C. 1925; Acts 1929, 41st Leg., p. 472, ch. 221, as amended by Acts 1930, 41st Leg., 5th C. S., p. 185, ch. 45; Acts 1931, 42nd Leg., p. 188, ch. 109; and by other laws in conflict.²)

TRESPASS TO TRAP MUSKRATS

SECTION 1. It shall be unlawful for any person, at any time, to set a trap for or trap or kill any muskrat upon any land of another, or be in possession of a muskrat or the hide of such animal taken from such land, without the consent of the owner or lessee of such land to trap thereon; provided that such person may, in relief against this provision, show a rightful, legal possession of such muskrat or the hide of such animal.

SEC. 2. Every person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Ten (\$10.00)

¹See law creating Special Game and Fish Fund, on p. 205.

²Sections 14 and 15 are repealing and saving clauses, respectively.

Dollars nor more than One Hundred (\$100.00) Dollars. (Art. 923rr, P. C. 1925; as amended S. B. 199, Acts 1941, 47th Leg., ch. 125, p. 173.)

MUSKRATS—NEST DESTRUCTION

SEC. 13. It shall be unlawful for any person to destroy the beds, nests, or breeding places of any muskrat or muskrats, or to take or kill any of such animals except by trapping; provided, however, that any person shall have the right to kill such animal upon his own premises at any time or by any means. (Art. 923s, P. C. 1925; Acts 1925, 39th Leg., ch. 177, p. 436.)

MUSKRAT—PURCHASE OF HIDES

SEC. 14. It shall be unlawful for any person to purchase the hide or furs of muskrats on the land of another, taken or trapped on the land of another, from any person other than the owner of such land or the duly authorized agent of such owner. (Art. 923ss, P. C. 1925.)

“INCLOSED LAND” DEFINED

SEC. 15. By inclosed land is meant any land inclosed by a fence or fences, or by water, or partly by fence and partly by water, or by any barrier, natural or artificial, that is used by owners as methods or means of inclosure. (Art. 923t, P. C. 1925.)

“POSTED LAND” DEFINED¹

SEC. 16. Posted land within the meaning of this Act shall have signs at the gate or gates and at any streams entering said inclosure reading “Posted” in a conspicuous place, shall be deemed posted within the meaning of this Act. (Art. 923tt, P. C. 1925.)

PENALTY CLAUSE¹

SEC. 20. Every person violating any of the provisions of this Act shall, upon conviction, be punished by a fine of not less than ten dollars nor more than one hundred dollars. (Art. 923vv, P. C. 1925.)

FEEES AND FINES

All moneys collected from the fines and penalties for the violation of this Act² . . . shall belong to the special game fund³ of this State, and shall be paid over by the Game, Fish and Oyster Commissioner to the Treasurer of the State during the

¹This definition is now useless because posting is no longer required to prevent trespassing.

²Now only Articles 923r, 923rr, 923s, 923ss, 923t, 923tt, 923v, 923vv, 923m, P. C. 1925, on pp. 175 and 181 of this book.

³See law creating Special Game and Fish Fund on p. 205.

first week of each month, and shall be credited to such special game fund for the enforcement of this Act and the game laws in general, provided county attorneys shall receive 10 per centum and officers making collection five per centum of any fines or fine assessed for violation of this Act. (Art. 923qq, P. C. 1925; Acts 1925, 39th Leg., ch. 177, p. 436, sec. 10.)

ANGELINA COUNTY—FURBEARERS

SECTION 1. It shall be unlawful to take the pelt of any fur-bearing animal in ... Angelina Counties except during the month of December or January of any year. During the month of December or January of any year it shall be lawful to take such animals by a trap or any other device, upon one's own property, or upon property upon which a written permit has been given by the owner for trapping purposes, but at any other time it shall be unlawful to use a trap or any other mechanical device for taking any fur-bearing animal in ... Angelina Counties. The pelts of any fur-bearing animals taken by the authority granted in this Act may be sold or offered for sale in conformity to the laws of this State.

SEC. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00).

SEC. 3. All laws or parts of laws in conflict with this Act are hereby repealed. (H. B. 399, Reg. Ses. 43rd Leg., ch. 77, p. 101.)

CHEROKEE COUNTY—FURBEARERS

SECTION 1. From and after the effective date of this Act it shall be unlawful for any person within the County of Cherokee, Texas, to take any fur-bearing animal with a steel trap, snare or deadfall, or any other mechanical device other than a gun or pistol, except from December 1st of each calendar year through and including the 15th day of February of each calendar year.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

SEC. 3. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100). (Acts 1949, 51st Leg., Reg. Ses., ch. 521, p. 951. H. B. 684.)

COTTLE COUNTY—FURBEARERS

SEC. 13a. Provided, that the open season for taking pelts of fur-bearing animals in Cottle County shall be during the months of December, January and until the 15th day of February of each year, except muskrats, the open season for which shall be from the 15th day of November to the 1st day of April, both

days inclusive. (Sec. 13a of Art. 923q, P. C. 1925, as added by Acts 1931, 42nd Leg., ch. 201, p. 416, Spec. L.)

HOUSTON COUNTY—FURBEARERS

SECTION 1. It shall be unlawful to take the pelt of any fur-bearing animal in Houston County except during the months of December and January, of any year. During the months of December and January of any year, it shall be lawful to take such animals by a trap or any other device, upon one's property, or upon property upon which a written permit has been given by the owner for trapping purposes, but at any other time it shall be unlawful to use a trap or any other mechanical device for taking any fur-bearing animal in Houston County. The pelts of any fur-bearing animals taken by the authority granted in this Act may be sold or offered for sale in conformity to the laws of this State.

SEC. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00).

SEC. 3. All laws or parts of laws in conflict with this Act are hereby repealed. (H. B. 65, 2nd C. S., 43rd Leg., ch. 26, p. 75.)

AUSTIN COUNTY—FOX

SECTION 1. There is hereby declared an open season for the killing of fox in Austin County, Texas, and it shall be lawful to take and kill any number of fox in Austin County at any time. (Acts 1949, 51st Leg., ch. 38, p. 70, H. B. 376).

BRAZOS COUNTY—FOX

SECTION 1. It shall be unlawful to take any wild fox in the County of Brazos for the purpose of sale or attempt to take such fox for such purpose. Providing, however, that it shall not be unlawful for any landowner or his tenant to trap wild foxes on his own premises or the premises on which he resides whenever the foxes on said premises have been determined to be harmful to poultry or to livestock.

SEC. 2. All laws or parts of laws governing the taking of fox in Brazos County be and the same are hereby repealed in so far as they may conflict with any provision of this Act.

SEC. 3. Any person taking any wild fox in Brazos County for the purpose of sale or offering same for sale or trapping any fox on any premises, except for the protection of poultry or livestock as provided for in this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Twenty-five Dollars (\$25). H. B. 674, Acts 1941, Reg. Ses. 47th Leg., ch. 241, p. 412.)

FOX—BURLESON AND LEE COUNTIES

SECTION 1. It is hereby declared an open season for the killing of fox in Lee County and Burleson County, Texas, and it shall be lawful to take or kill any number of fox in Lee County and Burleson County, Texas, at any time.

SEC. 2. All laws, or parts of laws, in conflict herewith are hereby repealed. (Acts 1947, 50th Leg., Reg. Ses., p. 265, ch. 161, H. B. 772.)

CAMP COUNTY—FOX

SECTION 1. That from and after the passage of this Act, it shall be unlawful for any person to trap or hunt with guns or have in his possession for barter or sale, any wild foxes or the pelts thereof in the County of Camp.

SEC. 2. Any person who shall trap or hunt with guns any foxes in the County of Camp or have such pelts in possession for barter or sale shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10), and not more than Fifty Dollars (\$50), provided, however, that no farmer or other poultry raiser shall be guilty of any offense when killing any fox while in the act of actually destroying chickens or other poultry or farm animals.

SEC. 3. All laws or parts of laws in conflict with this Act be and the same are hereby expressly repealed. (H. B. 126, 2nd C. S. 44th Leg., ch. 457, p. 1750.)

CASS COUNTY—FOX

SECTION 1. It shall be lawful in Cass County, Texas, for any person to kill, take, or have in his possession for barter or sale any wild fox or the pelts thereof from December 1st to December 31st, inclusive, of any year.

SEC. 2. All laws or parts of laws in conflict herewith are hereby repealed. (H. B. 936, Acts 1941, Reg. Ses. 47th Leg., ch. 539, p. 865.)

DENTON COUNTY—FOX

SECTION 1. It is hereby declared an open season for the killing of fox in Denton County, Texas, and it shall be lawful to take or kill any number of fox in Denton County, Texas, at any time.

SEC. 2. All laws, or parts of laws, in conflict herewith are hereby repealed. (Acts 1945, Reg. Ses. 49th Leg., ch. 130, p. 173, H. B. 759.)

DE WITT COUNTY—FOX

SECTION 1. From and after the effective date of this Act it shall be lawful for any person to hunt, take, or kill wild foxes in De Witt County, Texas.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed. (H. B. 367, Reg. Ses. 47th Leg., ch. 73, p. 90.)

ERATH AND HOOD COUNTIES—FOX

SECTION 1. From and after the passage of this Act it shall be lawful for any person to hunt, trap, shoot, or in any manner to kill and annihilate any species of fox in Erath and Hood Counties. (H. B. 354, Reg. Ses. 46th Leg., ch. 12, p. 765.)

FALLS COUNTY—FOX

SECTION 1. That from and after the passage of this Act, it shall be unlawful for any person to kill any wild fox, or to take or have in his possession for barter or sale the pelts of any wild fox, in the Counties of Falls . . . ; provided, however, that it shall not be unlawful in said Counties to kill wild fox in the act of destroying or about to destroy domestic fowls or other domestic stock.

SEC. 2. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Ten (\$10) Dollars nor more than Twenty-five (\$25) Dollars and his hunting license and trapper's license shall be forfeited at the time of conviction, and he shall not be entitled to purchase another such license until one year from date of such conviction. (Acts 1934, 3rd C. S., 43rd Leg., ch. 49, p. 100, as amended by S. B. 209, Acts 1939, Reg. Ses. 46th Leg., ch. 14, p. 767 and as amended by conflict in Acts 1945, Reg. Ses. 49th Leg., ch. 107, p. 156, Acts 1947, Reg. Ses. 50th Leg., ch. 90, p. 153 and Acts 1949, 51st Leg., Reg. Ses., ch. 14, p. 13.)

FREESTONE, KAUFMAN AND MILAM COUNTIES—FOX

SECTION 1. It shall be lawful for any person to kill, take, hunt, catch, trap, or destroy wild fox at any time in Freestone, Kaufman, and Milam Counties, Texas, and that hides and pelts of wild fox taken in Freestone, Kaufman, and Milam Counties may be sold. (Acts 1945, Reg. Ses. 49th Leg., ch. 218, p. 302, H. B. 186.)

GUADALUPE COUNTY—FOX

SECTION 1. It is hereby declared an open season for the killing of fox in Guadalupe County, Texas, and it shall be lawful to take or kill any number of fox in Guadalupe County, Texas, at any time.

SEC. 2. All laws, or parts of laws, in conflict herewith are hereby repealed. (Acts 1947, 50th Leg., ch. 27, p. 34, H. B. 70.)

FOX—HENDERSON COUNTY

SECTION 1. It shall be lawful for any person to kill, take, hunt, catch or destroy wild fox at any time in Henderson Coun-

ty, Texas, and the hides and pelts of any wild fox so taken in said County may be sold during the trapping season.

SEC. 2. All laws or parts of laws in conflict herewith are hereby specifically repealed. (Acts 1947, 50th Leg., Reg. Ses., ch. 90, p. 153, H. B. 128.)

JASPER AND NEWTON COUNTIES—FOX

SECTION 1. It shall be lawful for any person to kill, take, hunt, catch or destroy wild fox at any time in Newton and Jasper Counties, Texas, and the hides and pelts of any wild fox so taken in said Counties may be sold during the trapping season.

SEC. 2. All laws or parts of laws in conflict herewith are hereby specifically repealed. (Acts 1947, 50th Leg., Reg. Ses., ch. 99, p. 161, H. B. 411.)

JEFFERSON, RUSK AND SHELBY COUNTIES—FOX

SECTION 1. All the fur-bearing animals of this State are hereby declared to be the property of the people of this State. For the purposes of this Act, wild beaver, wild otter, wild mink, wild ringtail cat, wild badger, wild polecat or skunk, wild raccoon, wild muskrat, wild opossum, wild fox, and wild civet cat are hereby declared to be fur-bearing animals.

SEC. 2. It shall be unlawful for any person to kill, take, or have in his possession for barter or sale, after the passage of this Act, any . . . wild fox, or the pelts thereof. Providing that this Section shall apply to . . . Rusk and Jefferson Counties.

SEC. 3. Every person violating any provision of this Act shall, upon conviction, be punished by a fine of not less than Ten Dollars (\$10), nor more than One Hundred Dollars (\$100). (Art. 923qa-6, P. C. 1925; Acts 1932, 42nd Leg., 3rd C. S., ch. 7, p. 8, as amended Acts 1941, 47th Leg., p. 410, ch. 239, and by conflicting laws.)

LEON AND MADISON COUNTIES—FOX

SECTION 1. It shall be lawful for any person to kill, take, hunt, catch or destroy wild fox at any time in Leon and Madison Counties, Texas, and that hides and pelts of wild fox taken in said Counties may be sold. (Acts 1945, 49th Leg., Reg. Ses., ch. 107, p. 156, H. B. 185.)

LIMESTONE COUNTY—FOX

SECTION 1. All Local or Special laws, in so far as they govern the taking or trapping of wild fox in Limestone County, are hereby repealed; it being the intention of the Legislature that the General Laws governing taking, trapping and sale of wild fox shall hereafter apply to said County. (Acts 1949, 51st Leg., Reg. Ses., ch. 14, p. 13, H. B. 218).

MARION COUNTY—FOX

SECTION 1. It shall be lawful in Marion County, Texas, for any person to kill, with or without the aid of dogs, take or have in his possession for barter or sale any wild fox or the pelts thereof during the months of December and January of any year.

SEC. 2. All laws or parts of laws in conflict herewith are hereby repealed. (H. B. 337, Acts 1943, 48th Leg., ch. 178, p. 283.)

NAVARRO COUNTY—FOX

SEC. 2. That from and after the passage of this Act, it shall be unlawful for any person in this State to set a steel trap, snare or deadfall for the purpose of taking any fox in Navarro County.

SEC. 3. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be fined in any sum not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100), and each pelt sold in violation of this Act shall constitute a separate offense. (H. B. 517, Acts 1939, Reg. Ses., 46th Leg., ch. 26, p. 777, Spec. L. Note: Section 1 of this Act expired in 1944.)

FOX LAWS SUSPENDED—PANOLA, SABINE AND SAN AUGUSTINE COUNTIES

SECTION 1. All laws and parts of laws which prohibit or regulate the killing of wild fox or the possession or sale of wild fox or the pelts of wild fox in the Counties of Panola, Sabine, San Augustine . . . are hereby suspended as authorized by Section 28 of Article 1 of the Constitution of Texas, for a period of three (3) years from the effective date of this Act, at the expiration of which date such laws and parts of laws shall again become effective. (Acts 1947, 50th Leg., Reg. Ses., ch. 103, p. 166, H. B. 474.)¹

PARKER COUNTY—FOX

SECTION 1. It shall be unlawful to liberate any wild fox in Parker County, or to have any wild fox in captivity in Parker County. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200).

SEC. 2. All laws or parts of laws in so far as they conflict with any portion of this Act be and the same are hereby repealed. (H. B. 869, 46th Leg., Reg. Ses., ch. 30, p. 781, Spec. L.)

ROBERTSON COUNTY—FOX

SECTION 1. It shall be lawful for any person to kill, take,

¹This law will expire September 5, 1950.

hunt, catch or destroy wild fox at any time in Robertson County and that hides and pelts of wild fox taken in said County may be sold. (Acts 1949, 51st Leg., Reg. Ses., ch. 15, p. 13, H. B. 231.)

ROBERTSON COUNTY—FURBEARERS

SEC. 2. It shall not be unlawful for any person to shoot, kill, or set a steel trap, snare, or deadfall for the purpose of taking any fur-bearing animal in Robertson County, Texas . . . (From Acts 1941, 47th Leg., Reg. Ses., ch. 255, p. 426.)

SAN JACINTO COUNTY—FOX

SECTION 1. It shall be lawful for any person to kill, take, hunt, catch, or destroy wild fox at any time in San Jacinto County, Texas. The Commissioners Court in San Jacinto County may fix and pay, out of the general fund of such County, bounties on the killing, taking, hunting, catching, or destruction of wild fox in San Jacinto County, Texas. Pelts or hides of wild fox taken in San Jacinto County may be sold. (H. B. 228, Acts 1943, 48th Leg., ch. 159, p. 259.)

SHELBY COUNTY—FOX

SECTION 1. It shall be unlawful for any person to kill, take, or have in his possession for barter or sale any wild fox, or the pelts thereof, in Shelby County, Texas; provided, however, it shall not be unlawful to kill wild fox in the act of destroying or about to destroy domestic fowls or other domestic stock; and provided, further, whenever the State Health Officer finds and declares that the health of Shelby County is menaced by rabies, caused by rabid foxes, it shall be lawful to kill or destroy wild foxes until the State Health Officer shall declare the danger from rabid foxes shall have passed.

SEC. 2. Every person violating the terms of this Act shall, upon conviction, be punished by a fine of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50).

SEC. 3. All laws or parts of laws in conflict herewith are hereby specifically repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 289, p. 527. H. B. 225.)

SHELBY COUNTY—TRAPPING

SECTION 1. It shall be unlawful for any person to trap any fur-bearing animal of any kind, or to set any trap or deadfall for any fur-bearing animal of any kind in Shelby County.

SEC. 2. Any person violating the provisions of this Act shall upon conviction be punished by a fine of not less than Twenty-five Dollars (\$25) and not more than Two Hundred Dollars (\$200). (Acts 1949, 51st Leg., Reg. Ses., ch. 531, p. 964. H. B. 934.)

UPSHUR COUNTY—FOX

SECTION 1. That from and after a period of two (2) years

after the passage of this Act, it shall be unlawful for any person to trap or hunt with guns or have in his possession for barter or sale, any wild foxes or the pelts thereof in the County of Upshur.

SEC. 2. Any person who shall after a period of two (2) years after the passage of this Act, trap or hunt with guns any foxes in the County of Upshur or have such pelts in possession for barter or sale shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10), and not more than Fifty Dollars (\$50), provided, however, that no farmer or other poultry raiser shall be guilty of any offense when killing any fox while in the act of actually destroying chickens or other poultry or farm animals.

SEC. 3. All laws or parts of laws in conflict with this Act are hereby expressly repealed to the extent of the conflict only. (Ch. 42, H. B. 59, Acts 43rd Leg., 1st C. S., as amended by H. B. 579, Acts of 1945, Reg. Ses. 49th Leg., ch. 123, p. 168.)

WALKER COUNTY—FOX

SECTION 1. It shall be lawful for any person to kill, take, hunt, catch, or destroy wild fox at any time in Walker County, Texas. The Commissioners Court in Walker County may fix and pay, out of the general fund of such County, bounties on the killing, taking, hunting, catching, or destruction of wild fox in Walker County, Texas. Hides or pelts of wild fox taken in Walker County may be sold. (H. B. 227, Reg. Ses., 48th Leg., ch. 158, p. 259.)

SABINE AND SAN AUGUSTINE COUNTIES—OPOSSUM, BOBCAT AND CATAMOUNTS

SECTION 1. From and after the passage of this Act it shall be lawful for any person to use a steel trap or any other type of trap or snare for the purpose of taking opossums, bobcats, and catamounts in San Augustine and Sabine Counties during each and every month of the years following the passage of this Act.

SEC. 2. All laws and parts of laws in conflict with this Act are hereby specifically repealed. (H. B. 920, Acts 1933, 43rd Leg., Spec. L., p. 149, ch. 106, as amended by Acts 1941, Reg. Ses. 47th Leg., ch. 574, p. 1299, H. B. 689.)

HENDERSON COUNTY—TRESPASS TO TRAP

SECTION 1. It shall be unlawful to set any trap, snare, dead-fall, or any other device for taking any of the birds or animals protected by the laws of this State on the private lands of another person without first having obtained written permission from the owner or authorized agent in charge of such lands to indulge in such privileges for the period of time specified in such permit.

SEC. 2. Any person who attempts to indulge in any of the privileges for which a permit is required in Section 1 of this Act, without first having obtained and having in his possession, at the time he indulges in such privileges, a valid permit, as required by Section 1, of this Act, or any person who attempts to indulge in such privileges upon a forged or fraudulent permit, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200).

SEC. 3. Any person who is found setting a trap or other device for taking birds or animals of this State on the private lands of another person without having first obtained and having in his possession the permit required by Section 1, of this Act, shall be prima facie guilty of a violation of this Act.

SEC. 4. This Act shall apply only to the County of Henderson, and all laws or parts of laws, in so far as they conflict with any portion of this Act, in so far as they relate to Henderson County, be and the same are hereby repealed.

SEC. 5. It shall be the duty of all officers operating in any county to which this Act applies to enforce all provisions of this Act. (H. B. 298, Acts 1937, Reg. Ses. 45th Leg., ch. 83, p. 157.)

VAN ZANDT COUNTY—TRESPASS TO TRAP

SECTION 1. It shall be unlawful to set any trap, snare, dead-fall, or any other device for taking any of the birds or animals protected by the laws of this State on the private lands of another person without first having obtained written permission from the owner or authorized agent in charge of such lands to indulge in such privileges for the period of time specified in such permit.

SEC. 2. Any person who attempts to indulge in any of the privileges for which a permit is required in Section 1 of this Act, without first having obtained and having in his possession, at the time he indulges in such privileges, a valid permit as required by Section 1 of this Act, or any person who attempts to indulge in such privileges upon a forged or fraudulent permit, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200).

SEC. 3. Any person who is found setting a trap or other device for taking birds or animals of this State on the private lands of another person without having first obtained and having in his possession the permit required by Sec. 1 of this Act, shall be prima facie guilty of a violation of this Act.

SEC. 4. This Act shall apply only to the County of Van Zandt, and all laws or parts of laws, in so far as they conflict with any portion of this Act, in so far as they relate to Van Zandt County, be and the same are hereby repealed.

SEC. 5. It shall be the duty of all officers operating in any county to which this Act applies to enforce all provisions of this Act. (H. B. 126, 2nd C. S. 45th Leg.)

SAND, SHELL AND GRAVEL LAWS

PROPERTY OF STATE

All the islands, reefs, bars, lakes, and bays within the tide-water limits from the most interior point seaward co-extensive with the jurisdiction of this State, and such of the fresh water islands, lakes, rivers, creeks and bayous within the interior of this State as may not be embraced in any survey of private land, together with all the marl and sand of commercial value, and all the shells, mudshell or gravel of whatsoever kind that may be in or upon any island, reef or bar, and in or upon the bottoms of any lake, bay, shallow water, rivers, creeks and bayous and fish hatcheries and oyster beds within the jurisdiction and territory herein defined, are included within the provisions of this chapter, and are hereby placed under the management, control and protection of the Commissioner. None of the marl, gravel, shells, mudshells, or sand included herein shall be purchased, taken away or disturbed, except as provided herein, nor shall any oyster beds or fish hatcheries within the territory included herein be disturbed except as herein provided. (Art. 4051, R. C. S. 1925.)

POWERS OF COMMISSION

The Commissioner is hereby invested with all the power and authority necessary to carry into effect the provisions of this chapter, and shall have full charge and direction over all matters pertaining to the sale, the taking, carrying away or disturbing of all marl, sand or gravel of commercial value, and gravel and shells or mudshell and oyster beds and their protection from free use and unlawful disturbing or appropriation of same, with such exceptions as may be provided herein. (Art. 4052, R. C. S. 1925.)

SAND, SHELL AND GRAVEL PERMIT

Anyone desiring to purchase any of the marl and sand of commercial value and any of the gravel, shells or mudshells included within the provisions of this chapter, or otherwise operate in any of the waters or upon any island, reef, bar, lake, bay, river, creek or bayou included in this chapter, shall first make written application therefor to the Commissioner designating the limits of the territory in which such person desires to operate. If the Commissioner is satisfied that the taking, carrying away or disturbing of the marl, gravel, sand, shells or mudshell in the designated territory would not damage or injuriously affect any oysters, oyster beds, fish inhabiting waters

thereof or adjacent thereto and that such operation would not damage or injuriously affect any island, reef, bar, channel, river, creek or bayou used for frequent or occasional navigation, nor change or otherwise injuriously affect any current that would affect navigation, he may issue a permit to such person after such applicant shall have complied with all requirements prescribed by said Commissioner. The permit shall authorize the applicant to take, carry away or otherwise operate within the limits of such territory as may be designated therein, and for such substance or purpose only as may be named in the permit and upon the terms and conditions of such permit. No permit shall be assignable, and a failure or refusal of the holder to comply with the terms and conditions of such permit shall operate as an immediate termination and revocation of all rights conferred therein or claimed thereunder. No special privilege or exclusive right shall be granted to any person, association of persons, corporate or otherwise, to take or carry away any of such products from any territory or to otherwise operate in or upon any island, reef, bay, lake, river, creek, or bayou included in this chapter. (Art. 4053, R. C. S. 1925.)

SALE OF SAND, SHELL AND GRAVEL

The Game, Fish and Oyster Commissioner by and with the approval of the Governor, may sell the marl, gravel, sand, shell or mudshell included within this Act, upon such terms and conditions as he may deem proper, but for not less than four (4c) cents per ton, and payment therefor shall be made to said Commissioner. The proceeds arising from such sale shall be transmitted to the State Treasurer and be credited to a special fund hereby created to be known as the sand, gravel and shell fund¹ of the State, and may be expended by the said Commissioner in the enforcement of the provisions of the sand, shell and gravel laws and in the establishment and maintenance of fish hatcheries, when provided by legislative appropriation, and in the payment of refunds provided for in Section 7, Chapter 161, of the General Laws of the Regular Session of the Thirty-eighth Legislature, to counties, cities or towns or any political subdivision of a county, city or town, as provided for in Section 7, Chapter 161, of the General Laws of the Regular Session of the Thirty-eighth Legislature. And also providing that the authorization of refunds on sand, gravel and shell shall be extended to include refunds to the State Highway Commission of money paid the State through the Game, Fish and Oyster Commission for sand, gravel and shell used by the State Highway Commission on public roads upon application for such refunds in the manner prescribed for cities and counties. Provided further that not less than seventy-five per cent of the proceeds derived therefrom, after refunds above referred to have been cared for, shall go for the establishment and maintenance of fish hatcheries; and the sand, gravel, and shell fund is hereby appropriated for the

¹See law creating Special Game and Fish Fund, p. 205.

purpose of carrying out the provisions of this Act. Said hatcheries to be established from time to time in the State of Texas by the Fish, Game and Oyster Commission, when in their judgment a suitable location is secured and arrangements therefor have been completed. (Art. 4053d, R. S. 1925; S. B. 190, Reg. Ses. 39th Leg., p. 452, ch. 183.)

USE IN MUNICIPAL ROAD WORK

If any county, or subdivision of a county, city or town should desire any marl, gravel, sand, shell or mudshell included in this chapter for use in the building of any road or street, which work is done by said county, or any subdivision of a county, city or town, such municipality may be granted a permit without charge and shall have the right to take, carry away or operate in any waters or upon any islands, reefs, or bars included herein; such municipality to do the work under its own supervision, but shall first obtain from the Commissioner a permit to do so, and the granting of same for the operation in the territory designated by such municipality shall be subject to the same rules, regulations and limitations and discretion of the Commissioner as are other applicants and permits. When such building of roads or taking of such products is to be done by contract, then the said municipality may obtain a refund from the Commissioner of the tax levied and collected on said products as fixed by the Commissioner at the time of taking thereof, by warrant drawn by the Comptroller upon itemized account sworn to by the proper officer representing such municipality and approved by the Commissioner, and under such other rules and regulations as may be prescribed by the Commissioner. (Art. 4054, R. C. S. 1925. Acts 1923, 38th Leg., ch. 161, p. 342, sec. 7.)

CONSTRUCTING SEAWALL

If any county, city or town authorized by Title 118 of the Revised Civil Statutes of 1925 to construct, extend, protect, strengthen, maintain, keep in repair and otherwise improve any seawall or breakwater, levee, dike, floodway and drainway, shall desire any marl, gravel, sand, shell or mudshell, included in this Chapter, for use in the building, constructing, extending, protecting, strengthening, maintaining, keeping in repair and otherwise improving any such seawall, or breakwater, levee, dike, floodway and drainway, such municipality shall be granted a permit without charge, and shall have the right, without payment therefor by such county, city or town to the Game, Fish and Oyster Commissioner, or to the State of Texas, to appropriate, dredge, take and carry any such marl, gravel, sand, shell or mudshell from any of the waters, reefs, or bars included herein; provided that such permit shall be granted and such marl, gravel, sand, shell or mudshell shall be taken under such rules and regulations as the Commissioner may make and establish. Provided, further, that none of the benefits accruing

under and by virtue of this Act shall inure to any person, firm or corporation holding a contract at the present time where marl, gravel, shell or mudshell shall be used as herein provided. (Ch. 186, p. 265, S. B. 484, Acts 1927, 40th Leg., Reg. Ses., amending Title 67, Ch. 3, R. C. S. 1925, by adding Art. 4054a.)

RAISING GRADE OF SALT FLATS

That there may be taken and appropriated from beneath the waters of Corpus Christi Bay and Nueces Bay, sand and other deposits having no commercial value for filling and raising the grade of the salt flats in the Northern portion of the City of Corpus Christi and the lowlands lying North of the North boundary line of the City of Corpus Christi, in Nueces County, Texas, and South of the South boundary line of the town of Portland in San Patricio County, Texas, without making payment therefor to the Game, Fish and Oyster Commissioner or to the State of Texas. (H. B. 58, Act 1929, 41st Leg., Reg. Ses., Ch. 311, p. 692; Art. 4054b, R. C. S. 1925.)

CONDEMNATION OF LAND

SECTION 1. That where the State of Texas, through the Game, Fish and Oyster Commissioner, has issued a permit to excavate and take from any island, reef, bar, lake, river, creek, bayou or bay of this State, marl, mudshell, oyster shell, sand and gravel, the State, at the request of the permit holder, shall have the right and power to enter upon and condemn and appropriate the lands, right of ways, easements and property of any person or corporation for the purpose of erecting dredges and necessary equipment and for the purpose of laying and maintaining the railway spurs to the nearest railroad, and for the purpose of operating and maintaining necessary roads and passageways to said place of operations, including all such lands, right of ways, easements and property aforesaid for the purpose of establishing and maintaining landing places and providing moorings for barges and dredges and all equipments as may be determined by said permit holder necessary in carrying on said business, provided that such right of way should not invade improvements such as buildings or orchards; and provided, further, the manner and method of such condemnation and assessment and payment of damages therefor shall be the same as provided for by law in the case of railroads.

SEC. 2. Condemnation suits brought under this Chapter shall be brought in the name of the State by the county attorney of the county in which the property or a part thereof affected is situated and the county attorney shall receive a fee of \$10.00 for his services upon the institution of such proceedings, the same to be taxed and collected as a part of the cost in such suit. All costs in such proceedings shall be paid either by the permit holder, at whose instance such proceedings are had, or by the person against whom such proceedings are had, to be deter-

mined as in the case of railroad condemnation proceedings, and all damages and pay for property awarded in such proceedings shall be paid by the permit holder and in no event shall the State be liable for any cost, damages or any sum whatsoever with respect to such proceedings. (Art. 4055, R. C. S. 1925, as amended by S. B. 379, Reg. Ses. 39th Leg., p. 231, ch. 74.)

PENALTY

Whoever shall, for himself, or for or on behalf of or under the direction of another person, association of persons, corporate or otherwise, take or carry away any marl, sand or shells or mudshell or gravel placed under the management, control and protection of the Commissioner, or shall disturb any of said marl, sand, shells or mudshell, or gravel or oyster beds or fishing waters or shall operate in or upon any of said places for any purpose other than that necessary or incident to navigation or dredging under State or Federal authority, without having first obtained a written permit from said Commissioner for the territory in which such operation is carried on, shall be fined not less than ten nor more than two hundred dollars. Each day's operation shall be a separate offense. (Art. 976, P. C. 1925.)

REMOVAL OF SAND ETC. BETWEEN SEAWALL AND WATER EDGE

SECTION 1. Whoever shall take, remove or carry away sand, marl, shell, gravel, or any material of any nature or kind whatsoever from any land located between any seawall and the water's edge within this State for any purpose other than that necessary or incident to navigation or dredging under State or Federal authority, or shall take, remove or carry away sand, marl, shell, gravel, or any material of any nature or kind whatsoever from any beach or shore line within this State within three hundred (300) feet of the mean low tide line and within one-half ($\frac{1}{2}$) mile of the end of any seawall for any purpose other than that necessary or incident to navigation or dredging under State or Federal authority shall be guilty of a misdemeanor and fined not less than Five (\$5.00) Dollars nor more than Two Hundred (\$200.00) Dollars.

SEC. 2. If any section, clause, sentence, or other part of this Act shall for any reason be declared unconstitutional it shall not affect in any way the constitutionality of the remaining provisions hereof. (Acts 1935, 44th Leg., p. 230, ch. 93; Art. 976a, P. C. 1925.)

SURVEYS OF NAVIGABLE STREAMS

All lands surveyed for individuals, lying on navigable water courses, shall front one-half of the square on the water course

and the line running at right angles with the general course of the stream, if circumstances of the lines previously surveyed under the laws will permit. All streams so far as they retain an average width of thirty feet from the mouth up shall be considered navigable streams within the meaning hereof, and they shall not be crossed by the lines of any survey. All surveys not made upon navigable water courses shall be in a square, so far as lines previously surveyed will permit. (Art. 5302, R. C. S. 1925.)

RIVER BEDS AND CHANNELS IN CITIES AND TOWNS

The State of Texas hereby relinquishes, quitclaims and grants unto all incorporated cities and towns that have a population of forty thousand inhabitants, or more, according to the 1920 census, all of the beds and channels, and also all of the abandoned beds and channels, of all rivers, streams and other channels that are now or that may hereafter be within the present or future corporate limits of such cities or towns, in so far as the beds and channels, and such abandoned channels, of such rivers, streams and other channels may be owned or claimed as the property of said State. (Art. 7467a, R. C. S. 1925.)

POLLUTION LAWS

POLLUTING PUBLIC BODY OF SURFACE WATER

SECTION 1. It shall be unlawful for any person, firm, corporation, association, town, city or other political subdivision of this State, or any agent, officer, employee or representative of any person, firm, corporation, association, town, city or other political subdivision of this State to pollute any public body of surface water of this State.

SEC. 2. "Pollute" is hereby defined to be the throwing, discharging or otherwise permitting to reach or to be introduced into any public body of surface water of this State any substance, material or thing in such quantity that the said water is thereby rendered unfit for one or more of the beneficial uses for which such water was fit or suitable prior to the introduction of such substance, material or thing, or is thereby rendered harmful to public health, game birds or game animals, fish or other edible aquatic animals, or endangers any wharf, or endangers or hinders the operation of any boat, or renders insanitary or unclean any bathing beach.

SEC. 3. The term "public body of surface water of this State" shall include all surface creeks, rivers, streams, bayous, lagoons, lakes and bodies of surface waters that are fed by a stream or are subject to overflow from or into a stream which are the property of the State of Texas or any subdivision thereof, and all portions of the Gulf of Mexico within the gulfward boundary of the State of Texas and all inland waters of the State of Texas in which the tide ebbs and flows.

SEC. 4. The provisions of this Act shall not be applicable to any municipal corporation which discharges its sewerage into the tide waters of the State of Texas at a point where the tide ebbs and flows, provided that such discharge does not render such water harmful to public health, oyster beds, fish life or bathing places in such waters.

SEC. 5. Any person, firm, corporation, association, city, town or other political subdivision of this State, or any agent, officer, employee or representative of any person, firm, corporation, association, town, city, or other political subdivision of this State who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than One Hundred Dollars (\$100), nor more than Two Hundred Dollars (\$200); and each day that such a violation is committed shall constitute a separate offense. (Amended Acts 1945, 49th Leg., ch. 240, p. 373.)

SEC. 6. In so far as concerns the protection of fish and other edible aquatic animals, the Game, Fish and Oyster Commission or the duly authorized deputies thereof, are especially charged with enforcement of this Act, and all fines imposed for violation of this Act, and any fees of the arresting officers, shall be remitted to the Game, Fish and Oyster Commission, and shall be deposited in the State Treasury to the credit of the General Fund.

SEC. 7. Articles 697 and 698 of the Penal Code of Texas, 1925, and Chapter 42, Acts of the First Called Session of the Forty-second Legislature of Texas, are hereby expressly repealed.

SEC. 8. Should any section, sentence, clause, phrase or word of this Act be held invalid by a Court of competent jurisdiction, it is hereby declared to be the legislative intent that the remaining portions of this Act shall not be affected thereby but shall remain in full force and effect after omitting such invalid section, sentence, clause, phrase or word. (Art. 698b, P. C. 1925; H. B. 439, Acts 1943, Reg. Ses. 48th Leg., p. 418, ch. 285, as amended by Acts 1945, Reg. Ses. 49th Leg., ch. 240, p. 373, H. B. 278.)

POLLUTION—PUBLIC GULF LANDS

The development of wells and the development and operation upon the areas included herein shall be done so far as practicable in such manner as to prevent such pollution of the water as will destroy fish, oysters and other seafood. The Game, Fish and Oyster Commissioner shall enforce such rules as the Commissioner of the General Land Office may prescribe for that purpose. (Art. 5366, R. C. 1925.)

POLLUTION OF STREAMS FROM UNIVERSITY AND OTHER PUBLIC LANDS

All development¹ in water or on islands, or river beds and channels shall be done under such regulations as will prevent the pollution of the water and for the prevention of such pollution the Commissioner² may call upon the Game, Fish and Oyster Commissioner for assistance in the adoption and enforcement of rules and regulations for the protection of the waters from such pollution. The Commissioner of the General Land Office may cancel a permit or lease for a failure or refusal of the owner to comply with such rules and regulations as may be adopted. (Art. 5351, R. C. S. 1925.)

¹Of oil and gas.

²Of the General Land Office.

THE COMMISSION, POWERS, DUTIES AND MISCELLANEOUS

CREATION OF GAME, FISH AND OYSTER COMMISSION

SECTION 1. The office of Game, Fish and Oyster Commissioner of the State of Texas is hereby abolished. There is hereby created the Game, Fish and Oyster Commission which shall have the authority, powers, duties and functions heretofore vested in the Game, Fish and Oyster Commissioner, except where in conflict with this Act.

SEC. 2. Said Game, Fish and Oyster Commission shall consist of six members, one of whom shall be chairman. The Chairman and other members of the Commission shall be appointed by the Governor from different sections of the State, which appointment shall be with the advice and consent of the Senate, if in session, and if not in session, the Governor shall appoint such chairman and members and issue a commission to them as provided by law, and their appointment shall be submitted to the next session of the Senate for their advice and consent in the manner that appointments to fill vacancies under the Constitution are submitted to the Senate. The Chairman and one member of said Game, Fish and Oyster Commission shall be appointed for a term ending September 1, 1935. Two members shall be appointed for a term ending September 1, 1933, and two members shall be appointed for a term ending September 1, 1931, or until their successors are appointed and qualified. Thereafter, the Governor shall appoint such chairman and members for terms of six years. The chairman and each member of said Commission shall execute a bond payable to the State of Texas, in the sum of Five Thousand Dollars to be approved by the Governor and conditioned upon the faithful performance of his duties under the law. The premium on such bonds shall be paid by the State of Texas out of funds available to said Game, Fish and Oyster Commission under the law and appropriations made by the Legislature.

SEC. 3. Said Game, Fish and Oyster Commission shall hold regularly quarterly meetings in January, April, July and October of each year on dates to be specified by the Commission and may hold such special meetings at such times and places as said Commission may deem necessary and proper. It shall require two members or the chairman and one member of said Commission to constitute a quorum.

SEC. 4. Said Game, Fish and Oyster Commission is hereby authorized to make such rules and regulations for the conduct

of its work and the work of the Game, Fish and Oyster Commission as may be deemed necessary, not inconsistent with the Constitution and laws of this State. Said Game, Fish and Oyster Commission shall keep a record of all proceedings and official acts.

SEC. 5. The chairman and members of said Commission shall receive as compensation for their services their actual expenses in the performance of their duties. The expense of the chairman and members shall be itemized and sworn to by said chairman or member receiving the same and shall be paid out on warrants of the Comptroller drawn against any funds available for the use of said Game, Fish and Oyster Commission.

SEC. 6. Said Game, Fish and Oyster Commission shall have power and authority to appoint an executive secretary who shall act as the chief executive officer under the direction of said Game, Fish and Oyster Commission. The Commission may perform its duties through said executive secretary and may delegate to him such executive duties as said Game, Fish and Oyster Commission shall deem proper. They shall also have power and authority to appoint an assistant executive secretary who, in the absence of the executive secretary, shall perform all the duties of the executive secretary and shall perform such other duties as may be prescribed by the Game, Fish and Oyster Commission or under its direction. Said executive secretary shall have authority to appoint such heads of divisions and such Game and Fish Wardens and other employees as in his discretion may be deemed necessary to carry out and enforce the laws of this State, which it is the duty of said Game, Fish and Oyster Commission to carry out, execute and administer, and to perform all other duties and services authorized and required to be performed by said Game, Fish and Oyster Commission, and shall have the authority, powers, duties and functions heretofore vested in Special Deputy Game, Fish and Oyster Commissioner and other employees of the Game, Fish and Oyster Commission. Said executive secretary and assistant executive secretary shall serve at the will of said Game, Fish and Oyster Commission. The division heads, Game and Fish Wardens and other employees shall serve at the will of the executive secretary.

SEC. 7. The executive secretary and the assistant executive secretary shall each receive such compensation as may be fixed by the Legislature in each biennial appropriation bill, to be paid to them in twelve equal monthly installments, out of any funds available to, or appropriated for the use of the Game, Fish and Oyster Commission, together with all the necessary expenses in connection with their official duties. The compensation of all division heads, Game and Fish Wardens and other employees of the Game, Fish and Oyster Commission, herein provided for, shall be fixed by the Game, Fish and Oyster Commission; provided that the Legislature in each biennial appropriation bill shall fix the maximum compensation to be paid to such division heads, Game Wardens and other employees.

SEC. 8. The executive secretary and assistant executive secretary shall each enter into a good and sufficient bond in the sum of Ten Thousand Dollars payable to the State of Texas, to be approved by the Game, Fish and Oyster Commission conditioned upon the faithful performance of his duties under the law. The premium on such bonds shall be paid by the State out of funds available to the Game, Fish and Oyster Commission. The executive secretary and assistant executive secretary shall take the constitutional oath of office. Every division head, Game and Fish Warden and such other of the employees as the Commission may designate shall execute a bond in the sum of One Thousand Dollars to be approved by the executive secretary of the Game, Fish and Oyster Commission, and payable to the State of Texas and conditioned upon the faithful performance of the duties of his office. The Game, Fish and Oyster Commission may require any employee who handles funds belonging to the Department to give a bond up to as high as Ten Thousand Dollars, conditioned upon the faithful performance of his duties under the law. The chairman nor the members of the Commission, the executive secretary nor assistant executive secretary shall be liable on their respective bonds for any act of the employee of the Department but on the other hand the bond of any such employee shall cover the individual acts of each.

SEC. 9. There is hereby appropriated out of the State Treasury all monies collected or to be collected by the Game, Fish and Oyster Commissioner or said Game, Fish and Oyster Commission, under any laws of this State relating thereto, for the purpose of carrying out this act or performing any duties or services under any laws of this State.

SEC. 10. This Act shall take effect and be in force from and after September 1, 1929.

SEC. 11. If any section or provision of this Act should be declared unconstitutional or invalid for any reason it shall not affect any other provision or portion of this Act, and the same shall remain in full force and effect. All laws and parts of laws in conflict herewith are hereby expressly repealed. (Act. 978f, P. C. 1925.)

COMMISSION'S DUTY AND POWERS

The duties of the Commissioner shall be in the execution of the laws relating to game, fish, oysters and marine life, and such further duties as are imposed upon him by legislation. In the execution of these laws he shall exercise the power and authority given to sheriffs. The Commissioner is authorized to collect and enforce the payment of all taxes, licenses, fines and forfeitures and all money due his department, by deputies or persons employed for that purpose, and to inspect all products so taxed, and to verify the weights and measures thereof; to examine, or have examined, all streams, lakes or ponds when requested to do

so, for the purpose of stocking such waters with fish best suited to such locations and he shall superintend and have control in the propagation of fish in the State fish hatchery and the distribution of such fish, and he shall have superintendence and control of the propagation and distribution of birds and game in the State reservation over which he may have control, or which may be established for such propagation. The Commissioner, or any of his deputies, may arrest without warrant anyone found violating any of the fish, game or oyster laws of Texas, and shall have the same right to execute original process as sheriffs. (Art. 4018, R. C. S. 1925.)

DUTY TO ENFORCE GAME LAWS

It is hereby made a special duty of the Game, Fish and Oyster Commissioner to enforce the statutes of this State for the protection and preservation of wild game and wild birds; and to bring, or cause to be brought, actions and proceedings in the name of the State of Texas, to recover any and all fines and penalties provided for in the laws now in force, or which may hereafter be enacted, relating to wild game and wild birds. Said Game, Fish and Oyster Commissioner may make complaint and cause proceedings to be commenced against any person for violating any of the laws for the protection and propagation of game or birds without the sanction of the county attorney of the county in which such proceedings are commenced; and in such cases he shall not be required to furnish security for costs. (Art. 906, P. C. 1925.)

FISH AND OYSTER DEPUTIES

The Commissioner is authorized to appoint deputies for each of the vessels owned by the State and employed in the Fish and Oyster Department, and such other shore and interior deputies as he may deem necessary for the enforcement of the law. All such deputies shall have and exercise the same powers and duties as the Commissioner, and be at all times subject to his orders, and shall hold their office at his pleasure. Each Deputy Fish and Oyster Commissioner shall be ex-officio game commissioner. No person shall hold such office of Deputy Commissioner who is not a citizen of the United States and of this State. All such Deputy Commissioners shall make a monthly report to the Commissioner of all funds collected by them, remitting along with said report all moneys collected by them during the said month. (Art. 4021, R. C. S. 1925.)

AUTHORITY TO MAKE ARRESTS

The Game, Fish and Oyster Commissioner and his deputies shall have the same power and authority as sheriffs to serve criminal processes in connection with cases growing out of the violations of this chapter, shall have the same power as sheriffs

to require aid in executing such process, and shall be entitled to receive the same fees as are provided by law for sheriffs in misdemeanor cases.

Said Commissioner or any of his deputies may arrest without a warrant any person found by them in the act of violating any of the laws for the protection and propagation of game, wild birds or fish, and take such person forthwith before a magistrate having jurisdiction. Such arrests may be made on Sunday, and in which case the person arrested shall be taken before a magistrate having jurisdiction, and proceeded against as soon as may be, on a week day following the arrest. (Art. 905, P. C. 1925.)

POWER OF COMMISSION TO ENTER ON LANDS

The Game, Fish and Oyster Commissioner and his deputies shall at all times have the power to enter upon any lands or water where wild game or fish are known to range or stray for the purpose of enforcing the game, and fish laws of this State, and for the purpose of making scientific investigations or for research work as to such wild game or fish, and no action in any court shall be sustained against the commissioner or any of his deputies to prevent their entrance upon lands or waters when acting in their official capacity as herein set forth. (Art. 919, P. C. 1925.)

WEARING OF GUN BY GAME WARDENS.

Whoever shall carry on or about his person, saddle, or in his saddle bags any pistol, dirk, dagger, slung-shot, sword cane, spear or knuckles made of any metal or any hard substance, bowie knife, or any other knife manufactured or sold for the purposes of offense or defense, shall be punished by fine not less than \$100.00 nor more than \$500.00 or by confinement in jail for not less than one month nor more than one year. (Art. 483, P. C. 1925.)

The preceding article shall not apply . . . to the Game, Fish and Oyster Commissioner, nor to any deputy, when in the actual discharge of his duties as such, nor to any game warden, or local deputy Game, Fish and Oyster Commissioner when in the actual discharge of his duties in the county of his residence, nor shall it apply to any game warden or deputy Game, Fish and Oyster Commissioner who actually receives from the State fees or compensation for his services. (Art. 484, P. C. 1925.)

FEEES OF COMMISSION

In making arrests, summoning witnesses and serving process, the Commissioner or his deputies shall be allowed the same fees and mileage as sheriffs, the same to be charged and collected as are sheriff's fees. (Art. 4024, R. C. S. 1925.)

REPORT TO GOVERNOR

The Commissioner shall make on the 31st day of August of each year, or as soon as practicable, not later than October 1st, a report to the Governor, showing the condition of the fish and oyster industry, which shall show the special taxes collected, the number and class of all boats engaged in the fish and oyster trade, the number of licenses issued and license fees collected, the number, place and acreage of private oyster beds and rents received therefor, and all other amounts collected from whatever source and the disbursements therefor, with such observations as pertain to the industry. The report shall contain a statement of all stock furnished, to whom furnished, the cost of same, the streams, lakes or pond stocked, the number and kind of fish used in each, and the condition of such plants, with any other data he may obtain on the subjects. The Governor shall order a sufficient number of copies of such report to be printed and filed in the Secretary of State's office for the purpose of free distribution to parties interested therein. For failure to make such report within the time specified, the Commissioner may, in the discretion of the Governor, be dismissed from his office. (Art. 4019, R. C. S. 1925.)

RECORDS

The Commissioner shall keep a well bound record book in which shall be recorded all special taxes collected, all licenses issued and license fees collected, all certificates issued for location of private oyster beds, showing the date of certificate and application, when and how the applications were executed and the manner in which the bottoms were examined and rents collected for such locations, showing also all stock fish furnished, to whom furnished, and the cost of same, the streams, lakes or ponds stocked and the number and kinds of fish used in each; and showing all collections and disbursements in and from his office. The Commissioner shall keep an account with each person, firm or corporation holding certificates for the location of private oyster beds in this State, showing the amounts received as rents, etc. (Art. 4020, R. C. S. 1925.)

COMMISSION TO KEEP LIST OF FINES AND FEES

It shall be the duty of the Game, Fish and Oyster Commissioner to keep in his office, at Austin, a complete list of license fees and fines collected; said records shall be kept open for inspection of the State Comptroller and of the public. At the close of each calendar month the Game, Fish and Oyster Commissioner, shall file with the Comptroller, a report in writing, showing all fines, licenses, and other fees collected, their disposition, and any other particulars which he may deem proper. (Art. 898, P. C. 1925.)

LICENSE FEES UNDER CONTROL OF COUNCIL

All license fees and hunting-boat registration fees collected under this Act, and all fines that may be made from this fund shall be expended for land or other real estate only upon the authorization of a majority vote of a council composed of Game, Fish and Oyster Commissioner, the Attorney General of Texas, and the State Comptroller, who shall act on this council during their respective terms of office. (Art. 896, P. C. 1925.)

FISH AND OYSTER FUND¹

All funds collected by the Game, Fish and Oyster Commission from the sale of commercial fisherman's licenses, fish dealers licenses, taxes on fish, crabs, oysters and shrimp, and all other taxed marine life, and all fines and penalties collected for any infraction of any laws relating to commercial fishermen, shall be placed in the State Treasury to the credit of a fund to be known as "Fish and Oyster Fund" and, together with the money now to the credit of this fund, is hereby appropriated and shall be used by the Game, Fish and Oyster Commissioner in the enforcement of the fish and oyster laws of this State, and in the dissemination of useful information pertaining to the economic value of fish and oyster marine life; the making of scientific investigations and surveys of the principal sea food fishes and marine life for the purpose of better protection and conservation of same, the propagation and distribution of sea food fishes, oysters, and other marine life; the purchase, repair and operation of boats and the employment of deputies to carry out and enforce the provisions of this Act. (Art. 4030, R. C. S. 1925.)

SPECIAL GAME AND FISH FUND

SECTION 1. All moneys now on deposit in the State Treasury to the credit of the Special Game Fund, the Special Fish Propagation and Protection Fund, the Fish and Oyster Fund, the Sand, Shell and Gravel Fund, and the Lake Worth-Eagle Mountain Lake Fund, together with all moneys due and owing to any and all of said Funds, shall be transferred, deposited, and consolidated into a single fund, in the State Treasury, to be known as the Special Game and Fish Fund.

SEC. 2. All moneys collected or received by the Game, Fish and Oyster Commission, after the effective date of this Act, from any source now requiring that such moneys be deposited in the State Treasury to the credit of any of the Funds named in Section 1 of this Act, shall be deposited in the State Treasury to the credit of the Special Game and Fish Fund.

SEC. 3. The Special Game and Fish Fund shall be used for the aggregate purposes for which the Special Game Fund, the

¹See law creating Special Game and Fish Fund below.

Special Fish Propagation and Protection Fund, the Fish and Oyster Fund, the Sand, Shell and Gravel Fund, and the Lake Worth-Eagle Mountain Lake Fund is now directed by law to be used.

SEC. 4. All moneys derived from the sale of property purchased out of any of the Funds referred to in Section 1 of this Act, and out of the Special Game and Fish Fund, after cost of advertising for sale has been deducted, shall be deposited in the State Treasury to the credit of the Special Game and Fish Fund.

SEC. 5. This Act shall be effective on and after September 1, 1947.

SEC. 6. All expenditures made by said Commission out of Special Game and Fish Fund shall be verified by affidavit to the Game, Fish and Oyster Commission and on the approval of such expenditures by the Executive Secretary of said Commission, it shall be the duty of the Comptroller of the State to draw his warrant on the Treasurer of the State for the amount of such expenditures in favor of the person claiming the same, such warrant to be paid out of the Special Game and Fish Fund.

SEC. 7. All laws or parts of laws in conflict with this Act are hereby repealed. It is expressly provided that all of the purposes for which the several Funds named in Section 1 shall be used shall remain in effect and be applied in the aggregate to the Special Game and Fish Fund. (Acts 1947, 50th Leg., Reg. Ses., ch. 297, p. 503, H. B. 183. Art. 4386b, Vernon's Ann. Civ. St.)

SPECIAL GAME FUND

The county clerk of each county in this State, is hereby authorized to issue hunting licenses under his official seal, to all persons complying with the provisions of this Act, and shall fill out correctly and preserve for the use of the Game, Fish and Oyster Commission, the stubs attached thereto; and the county clerk shall keep a complete and correct record of hunting licenses issued, showing the name and place of residence of each licensee and the serial number and date of the license issued. Said license stubs and penalties and forfeitures of bonds imposed and collected for violation of any of the provisions of this chapter, shall belong to the special game fund¹ of this State, and shall be paid over by the Game, Fish and Oyster Commission, to the State Treasurer during the first week of each month, and shall be credited to such special game fund; and such fund shall be used solely for the purpose of wild bird and game protection; for the creation, purchase, and maintenance of game sanctuaries and public hunting-ground; for the purchase, introduction, propagation and distribution of game and wild birds; for the dissemination of information pertaining to the conservation and economic value of wild animal life; and in the em-

¹See law on p. 205 creating Special Game and Fish Fund.

ployment of special deputy game commissioners, payment of their necessary expenses and the purchase and supply of means to enable the Game, Fish and Oyster Commissioner and his deputies to enforce the game laws of this State. All expenditures shall be verified by affidavit to the Game, Fish and Oyster Commissioner; and on the approval of such expenditures by the Game, Fish and Oyster Commissioner, it shall be the duty of the Comptroller of the State to draw his warrant on the Treasurer of the State for the amount of such expenditures in favor of the person claiming the same, such warrant to be paid out of the special game fund. All moneys and all balances now in such fund from moneys already paid into the State Treasury, or that may hereafter be paid into said fund through or because of this chapter, are made available as soon as paid into the State Treasury, and are hereby specifically appropriated to the use of the Game, Fish and Oyster Commissioner for the several purposes herein specified. The county clerk shall within ten days after the close of each calendar month, make out a detailed report under the seal of his office, showing the serial number and date of each license issued during the month covered by the report, and the name and address of the person to whom issued, and shall forward such report, with remittance of fees due the State, to the Game, Fish and Oyster Commission at Austin, and the said Commission shall credit such county clerk with the amount so remitted. As soon as possible after the licenses in a license book have all been issued, and only the stubs remain therein, such county clerk shall forward such used license book to the Game, Fish and Oyster Commission at Austin, in order that such Commission may furnish necessary information regarding holders of licenses to any officers in the State. (Art. 895, P. C. 1925.)

JUSTICE OF THE PEACE TO REMIT FINES

It shall be the duty of any justice of the peace, clerk of any court, or any other officer of this State, receiving any fine or penalty imposed by any court for violation of any of the laws of this State pertaining to the protection and conservation of wild birds, wild fowl, wild animals, fish, oysters, and other wild life, within ten days from and after the receipt or collection of such fine or penalty, to remit same to the Game, Fish and Oyster Commission at Austin, giving docket number of case, name of person fined, and section or article of the law under which conviction was secured, when such laws are required to be enforced by the Game, Fish and Oyster Commission. (Art. 912, P. C. 1925.)

CAUTIONING SPORTSMEN

It shall be the duty of the Game, Fish and Oyster Commissioner and his deputies, in addition to their duties provided for in this chapter, to caution sportsmen and other persons while in the woods, marshes, or prairies of the State of danger from

fire; and, to the extent of their power, to extinguish all fires left burning by any one, and to give notice, when possible to any and all persons interested, of fires ranging beyond control to the end that same may be controlled and extinguished. (Art. 918, P. C. 1925.)

BRAZOS ISLAND, LEASE THEREOF

SECTION 1. The Game, Fish and Oyster Commissioner is hereby authorized to lease the South 216.4 acres more or less of Brazos Island for the sole purpose of erecting and maintaining hunting, fishing and bathing resorts thereon. Leases of such lands shall, at the discretion of the Commissioner, run for any term of years not more than ten, at a fixed annual rental of not less than ten cents nor more than 50 cents per acre, at the discretion of the Commissioner, for each acre of land so leased, and before entering into any such lease the Commissioner in his discretion, may require such survey of the leased premises to be made at the expense of the applicant therefor, as may be necessary to determine the exact acreage of the lease. Lessees shall have, during the terms of their respective leases, the exclusive right to the use, occupation and enjoyment of such leased premises during the term and for the purposes of such lease only, but such use shall not be inconsistent with any other use of such leased premises as shall have been or may be granted by law or authority of law. All leases shall provide that the annual rentals therefor shall be paid to the Commissioner, annually in advance; and failure to pay any installment of annual rental therefor, when due, shall, at the option of the Commissioner, forfeit such lease. Lessees, under the terms of this Article shall have the right to remove from the leased premises, within one month after the termination of the lease, any and all improvements erected thereon by them. All rentals collected by the Commissioner under the provisions of this Act shall be placed in the State Treasury to the credit of the "Fish and Oyster Fund"¹ as provided by Article 4030 of this Title. (Ch. 3, Title 67, R. C. S., amended by H. B. 194, Acts 1929, 41st Leg., 1st C. S., p. 240, ch. 99, by adding Art. 4056A.)

TRINITY RIVER BED IN HENDERSON AND NAVARRO COUNTIES

SECTION 1. That the river bed of the Trinity River in Henderson and Navarro Counties shall remain the property of the State and shall not be sold and that all portions of this river bed, that are now the property of this State, shall not be sold, even though the channel of such river has been changed or may be changed, and providing further, that the people of this State shall have full right to fish in the waters of said Trinity River and in such waters that are in abandoned channels of this river, the bottoms of which are owned by this

¹See law on p. 205 creating Special Game and Fish Fund.

State, and shall have full right to hunt within the confines of such State property; provided that such fishing or hunting is in accordance with the laws of this State or such laws or regulations that may hereafter be provided. (Sec. 1 of Art. 4026a, R. C. S. 1925.)

SEC. 2. The Commissioners Court of the County of Henderson or the County of Navarro is hereby granted full power to condemn rights of way in order that the public may reach the Trinity River or the waters of the abandoned channels of said river and such condemnation is hereby declared a public necessity. (Sec. 2 of Art. 4026a, R. C. S. 1925.)

SEC. 3. The Game, Fish and Oyster Commission of the State of Texas is hereby vested with full control over the fishing and hunting in the Trinity River in Henderson and Navarro Counties and in such abandoned beds or channels of said river that continue the property of this State and said Game, Fish and Oyster Commission is hereby directed and charged with the duty of making necessary regulations that will conserve the game and fish within this area. Any hunting or fishing or the taking of any game or fish within the areas referred to in this Act, except in accordance with the regulations made by the Game, Fish and Oyster Commission, shall be a violation of this Act. Any person violating any such regulations or any part of such regulations shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), and after conviction shall forfeit his right to fish or to hunt with a gun in this state for a period of one (1) year following the date of conviction. (Art. 978i, P. C. 1925.)

SEC. 4. It shall be the duty of the Game, Fish and Oyster Commission to make investigation to determine how game and fish may be conserved in those portions of this State to which this Act applies. Any regulations provided shall be filed in the office of the County Clerk of the Counties of Henderson and Navarro and a copy of said regulations filed with the Secretary of State and a copy of said regulations shall be published in one issue of a newspaper regularly published in each of the Counties of Henderson and Navarro and such regulations shall become effective (10) days after copies of the regulations are published in each newspaper in accordance with the provisions of this Act. (Sec. 4 of Art. 4026a, R. C. S. 1925.)

SEC. 5. All laws or parts of laws in conflict with this Act are hereby repealed and all laws or parts of laws affecting the taking of game or fish or the manner or means of taking game or fish or in any way pertaining to same, in that portion of this State to which this Act applies, be, and the same are hereby specifically repealed in their application to this area, provided that if any portion of this law is held to be unconstitutional, that all laws in effect at this time applying to the areas specified in this

Act, shall remain in full force and effect. (Art. 4026a, sec. 5, R. C. S. 1925.) (Acts 1931, 42nd Leg., 2nd C. S., p. 42, ch. 23, H. B. 27.)

DESIGNATION OF FISH SANCTUARIES

SECTION 1. It shall be the duty of the Game, Fish and Oyster Commission with the approval of the Commissioner's Court of any county of the State of Texas to set aside and reserve portions of each public fresh water stream or other body of water as fish sanctuaries in the said county for the propagation in their natural state of fresh water fish. The Commission shall by this means increase and preserve the supply of such fish in any and all such waters where from any cause such supply has been reduced below the maximum number of fish such waters will support in their natural state without the existence of the cause or causes of the diminished supply. Provided, that the provisions of this Act shall not apply to Wichita, Clay, Baylor, and Wilbarger Counties.

SEC. 2. When the Commission shall determine that any such public fresh water has a lesser supply than it can support in its natural state, said Commission shall without delay set aside and designate one or more portions of such water as a fish sanctuary or sanctuaries. Such sanctuary or sanctuaries so set aside and designated shall be used by the Commission for the purpose of propagating fresh water fish therein in order to increase the supply of fish in this State. In no event shall a sanctuary be set aside or designated for a longer period than five (5) years. In no event shall more than fifty (50%) per cent of the public fresh waters in any county be set aside or designated as such sanctuary or sanctuaries.

SEC. 3. When a sanctuary or sanctuaries shall be set aside or designated, the Commission shall immediately give notice of such action by a proclamation signed by the Chairman. Type-written or printed copies of such proclamation shall be posted at the Courthouse door of each county where such sanctuary or sanctuaries are set aside or designated. Such proclamation shall describe as near as may be the area or areas which are set aside or designated as fish sanctuaries, the reason such area or areas are so set aside, the time when the same shall take effect, and the length of time the same shall be effective, and shall state that such area or areas have been set aside or designated fish sanctuaries under the provisions of this Act, and shall make special reference to this Act. In addition to the proclamation herein ordered, the Commission shall cause a brief notice of its contents to be published in any newspaper in each county or counties where such sanctuary or sanctuaries shall be set aside or designated for five (5) consecutive issues if the same be a weekly newspaper, and once each week for five (5) weeks if the same be published more often than once each week, and if there be no newspaper in such county, then in any newspaper in an adjoin-

ing county. The Commission shall in addition to issuing such proclamation and publishing such notice, along and around the boundaries of such areas so set aside and designated, post any number of signs, not less than six (6), bearing the following conspicuous inscription: "State Fish Sanctuary No Fishing." Said proclamation shall become effective on and after the last publication of notice of same herein ordered.

SEC. 4. It shall be unlawful for any person to fish in any fish sancutary set aside or designated by the Game, Fish and Oyster Commission, with nets, trot lines, seines, hooks and lines, artificial bait, or otherwise or in any manner to take or catch or remove, or attempt to take or catch or remove any fish from such fish sanctuary.

SEC. 5. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Twenty-five (\$25.00) Dollars, nor more than Two Hundred (\$200.00) Dollars. (H. B. 749, Acts 1931, 42nd Leg., p. 840, ch. 351; Art. 928a P. C. 1925.)

LAKE DALLAS FISH HATCHERY

SECTION 1. Whereas the United States of America proposes to construct a dam, to be known as Garza-Little Elm Dam, in the vicinity of Lewisville, Texas, which will inundate the Lake Dallas fish hatchery in Denton County, Texas; and whereas it is the desire of the United States of America to compensate and reimburse the Game, Fish and Oyster Commission of the State of Texas for the loss of said hatchery and for the construction of a replacement thereof.

SEC. 2. The Game, Fish and Oyster Commission of the State of Texas is hereby authorized to effect an exchange with the United States of America of its Lake Dallas fish hatchery land and premises for land belonging to the United States of America and situated below the proposed dam, and said Commission is further authorized to accept from the United States of America reimbursement for any expenses incurred by said Commission in the construction of a hatchery on the land received in exchange hereunder. (Acts 1949, 51st Leg., Reg. Ses., ch. 167, p. 339. H. B. 595.)

SALT WATER HATCHERIES

SECTION 1. The Game, Fish and Oyster Commissioner of this State is hereby authorized to construct and maintain salt water hatcheries, and propagation farms for fish, oysters and game, or either of same, on islands owned by the State of Texas in the coastal waters of the Gulf of Mexico touching this State; and the cost and expense thereof shall be borne out of money available to said Commissioner for the enforcement of game, fish and oyster laws of this State.¹ (Art. 4049a, R. C. S. 1925.)

¹See law on p. 205 creating Special Game and Fish Fund.

RIGHT TO CONDEMN LANDS

SECTION 1. The State of Texas, through the Game, Fish and Oyster Commission, shall have the right to acquire by purchase any and all land in this State that may be deemed necessary for the construction, maintenance, enlargement and operation of fresh water fish hatcheries, and for the construction and maintenance of passes leading from one body of tide-water to another. Upon approval of the title by the Attorney General of this State said Game, Fish and Oyster Commission is hereby authorized to pay for such land so purchased out of any money that has been, or may be hereafter appropriated to it by the Legislature.

SEC. 2. The State of Texas, through the Game, Fish and Oyster Commission, shall have the right, power and authority to enter upon, condemn, and appropriate lands, easements, rights-of-way and property of any person or corporation in the State of Texas for the purpose of erecting, constructing, enlarging and maintaining fish hatcheries, buildings, equipment, roads, passageways to said hatcheries and also shall have the right, power and authority to enter upon, condemn and appropriate lands, easements, rights-of-way and property of any person or corporation in this State for the purpose of constructing, enlarging and maintaining passes or channels from one body of tide-water to another body of tide-water in this State. Provided that the manner and method of such condemnation, assessment, and payment of damages therefor shall be the same as is now provided by law in the case of railroads.

SEC. 3. Condemnation suits brought under this Act shall be brought in the name of the State of Texas by the Attorney General at the request of the Game, Fish and Oyster Commission in Travis County, Texas. All costs in such proceedings shall be paid by the State or by the person against whom such proceedings are had, to be determined as in the case of railroad condemnation proceedings. All damages and pay or compensation for property awarded in such proceedings shall be paid by the State of Texas by warrant drawn by the Comptroller against any fund in the State Treasury heretofore or hereafter appropriated to the Game, Fish and Oyster Commission. (S. B. 418, Acts 1939, Gen. L., p. 338, Reg. Ses. 46th Leg.)

NATIONAL FOREST AGREEMENT

SECTION 1. The Game, Fish and Oyster Commission of Texas shall have the right and authority to enter into an agreement with the United States Government, or with the proper authority thereof, for the protection and management of the wildlife resources of the National Forest lands under fence within the State of Texas situated within the Counties of San Augustine and Sabine, and known as the Sabine National Forest, and for the restocking of such lands with desirable species of game animals, game birds and other animals and fish.

SEC. 2. The Game, Fish and Oyster Commission of Texas shall have authority to prohibit all hunting and fishing within or upon any or all lands named in Section 1 of this Act for such period of time as may be necessary to safeguard any species of wildlife found thereon; shall have authority from time to time to prescribe open seasons for hunting and/or fishing therein, to prescribe the number, kind and size of all game and non-game animals, fish and birds that may be taken therefrom or thereon, and to prescribe the conditions under which all birds, animals and fish may be taken within said area.

SEC. 3. Any person violating any of the provisions of this Act or who shall hunt or fish upon said lands at any time other than the times specified by the Game, Fish and Oyster Commission, shall, upon conviction therefor, be fined in a sum of not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars. (Acts 1943, 48th Leg., p. 344, ch. 224. Art. 978f-2, P. C. 1925.)

GULF STATES MARINE FISHERIES COMPACT

SECTION 1. The Governor of this State is hereby authorized and directed to execute a compact on behalf of the State of Texas with any one or more of the States of Florida, Alabama, Mississippi, and Louisiana, and with such other states as may enter into the compact, legally joining therein in the form substantially as follows:

GULF STATES MARINE FISHERIES COMPACT

The contracting states solemnly agree:

Article I

-WHEREAS, the Gulf Coast States have the proprietary interest in and jurisdiction over fisheries in the waters within their respective boundaries, it is the purpose of this compact to promote the better utilization of the fisheries, marine, shell and anadromous, of the seaboard of the Gulf of Mexico, by the development of a joint program for the promotion and protection of such fisheries and the prevention of the physical waste of the fisheries from any cause.

Article II

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the states of Florida, Alabama, Mississippi, Louisiana and Texas have ratified it and the Congress has given its consent, pursuant to Article I, Section 10 of the Constitution of the United States. Any state contiguous to any of the aforementioned states or riparian upon waters which flow into waters under the jurisdiction of any of the aforementioned States and which are frequented by anadromous fish or marine species, may become a party hereto as hereinafter provided.

Article III

Each state joining herein shall appoint three representatives to a commission hereby constituted and designated as the Gulf States Marine Fisheries Commission. One shall be the head of the administrative agency of such State charged with the conservation of the fishery resources to which this compact pertains; or, if there be more than one officer or agency, the official of that State named by the Governor thereof. The second shall be a member of the Legislature of such State designated by such Legislature, or in the absence of such designation, such legislator shall be designated by the Governor thereof; provided that if it is constitutionally impossible to appoint a legislator as a commissioner from such State, the second member shall be appointed in such manner as may be established by law. The third shall be a citizen who shall have a knowledge of and interest in the marine fisheries, to be appointed by the Governor. This commission shall be a body corporate with the powers and duties set forth herein.

Article IV

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous, of the Gulf Coast. The commission shall have power to recommend the coordination of the exercise of the police powers of the several States within their respective jurisdictions to promote the preservation of these fisheries and their protection against over-fishing, waste, depletion or any abuse whatsoever, and to assure a continuing yield from the fishery resources of the aforementioned States. To that end the commission shall draft and recommend to the Governors and Legislatures of the various signatory States, legislation dealing with the conservation of the marine, shell and anadromous fisheries of the Gulf seaboard. The commission shall from time to time present to the Governor of each compacting State its recommendations relating to enactments to be presented to the Legislature of that State in furthering the interest and purposes of this compact. The commission shall consult with and advise the pertinent administrative agencies in the States party hereto with regard to problems connected with the fisheries, and recommend the adoption of such regulations as it deems advisable. The commission shall have power to recommend to the States party hereto the stocking of the waters of such States with fish and fish eggs or joint stocking by some or all of the States party hereto, and when two or more States shall jointly stock waters the commission shall act as the coordinating agency for such stocking.

Article V

The commission shall elect from its number a chairman and vice-chairman and shall appoint, and at its pleasure remove or

discharge, such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business, and may meet at any time or place; but must meet at least once a year.

Article VI

No action shall be taken by the commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting States. No recommendation shall be made by the commission in regard to any species of fish except by the affirmative vote of a majority of the compacting States which have an interest in such species. The commission shall define what shall be an interest.

Article VII

The Fish and Wildlife Service of the Department of the Interior of the Government of the United States shall act as the primary research agency of the Gulf States Marine Fisheries Commission, cooperating with the research agencies of each State for that purpose. Representatives of the said Fish and Wildlife Service shall attend the meetings of the commission. An advisory committee to be representative of the commercial salt water fishermen and the salt water anglers and such other interests of each State as the commissioners deem advisable may be established by the commissioners from each State for the purpose of advising those commissioners upon such recommendations as it may desire to make.

Article VIII

When any State, other than those named specifically in Article II of this compact, shall become a party hereto for the purpose of conserving its anadromous fish or marine species in accordance with the provisions of Article II, the participation of such State in the action of the commission shall be limited to such species of fish.

Article IX

Nothing in this compact shall be construed to limit the powers of the proprietary interest of any signatory State, or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by a signatory State, imposing additional conditions and restrictions to conserve its fisheries.

Article X

It is agreed that any two or more States party hereto may further amend this compact by acts of their respective Legislatures, subject to approval of Congress as provided in Article I, Section X, of the Constitution of the United States, to designate the Gulf States Marine Fisheries Commission as a joint regulat-

ing authority for the joint regulation of specific fisheries affecting only such States as shall so compact, and at their joint expense. The representatives of such States shall constitute a separate section of the Gulf States, Marine Fisheries Commission for the exercise of the additional powers so granted, but the creation of such section shall not be deemed to deprive the States so compacting of any of their privileges or powers in the Gulf States Marine Fisheries Commission as constituted under the other Articles of this compact.

Article XI

Continued absence of representation or of any representative on the commission from any State party hereto, shall be brought to the attention of the Governor thereof.

Article XII

The operating expenses of the Gulf States Marine Fisheries Commission shall be borne by the States party hereto. Such initial appropriations as set forth below shall be made available yearly until modified as hereinafter provided:

Florida	\$ 3,500.00
Alabama	1,000.00
Mississippi	1,000.00
Louisiana	5,000.00
Texas	2,500.00
	<hr/>
Total	\$13,000.00

The proration and total cost per annum of Thirteen Thousand (\$13,000.00) Dollars, above mentioned, is estimative only, for initial operations, and may be changed when found necessary by the commission and approved by the Legislatures of the respective States. Each State party hereto agrees to provide in the manner most acceptable to it, the travel costs and necessary expenses of its commissioners and other representatives to and from meetings of the commission or its duly constituted sections or committees.

Article XIII

This compact shall continue in force and remain binding upon each compacting State until renounced by Act of the Legislature of such State, in such form as it may choose; provided that such renunciation shall not become effective until six months after the effective date of the action taken by the Legislature. Notice of such renunciation shall be given the other States party hereto by the Secretary of State of compacting State so renouncing upon passage of the Act.

SEC. 2. In pursuance of Article III of said compact there shall be three members (hereinafter called commissioners) of the Gulf States Marine Commission (hereinafter called commission) from the State of Texas. The first commissioner from the State of Texas shall be the Executive Secretary of the Game,

Fish and Oyster Commission of the State of Texas ex-officio, and the term of any such ex-officio commissioner shall terminate at the time the said commissioner ceases to hold said office of Executive Secretary of the Game, Fish and Oyster Commission, and his successor as a member of this commission shall be his successor as Executive Secretary of the Game, Fish and Oyster Commission. The second commissioner from the State of Texas shall be a legislator appointed jointly by the Lieutenant Governor and Speaker of the House of Representatives, and the term of any such ex-officio commissioner shall terminate at the time he ceases to hold said legislative office; and his successor as commissioner shall be named in like manner. The governor (by and with the advice and consent of the Senate) shall appoint a citizen as a third commissioner, who shall have a knowledge of the marine fisheries problems. The term of said commissioner shall be for a period of three years, and in addition he shall serve until his successor shall be appointed and qualified. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the Governor (by and with the advice and consent of the Senate) for the unexpired term. The Executive Secretary of the Game, Fish and Oyster Commission, as ex-officio commissioner may delegate, from time to time, to any deputy or other subordinate in this department or office, the power to be present and participate, including voting as his representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial three members shall begin at the date of the appointment of the appointive commissioner, provided the said compact shall then have gone into effect in accordance with Article II of the compact; otherwise they shall begin upon the date upon which said compact shall become effective in accordance with said Article II.

SEC. 3. There is hereby granted to the commission and the commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the State of Texas are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular; it being hereby declared to be the policy of the State of Texas to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments, and persons of and in the State government or administration of the State of Texas are hereby authorized and directed at convenient times and upon request of the said commission to furnish the said commission with information and data possessed by them or any of them and to aid said commission by loan of personnel or other means lying within their legal rights respectively.

SEC. 4. Any powers herein granted to the commission shall be regarded as in aid of and supplemental to and in no cause a limitation upon any of the powers vested in said commission by

other laws of the State of Texas, or by the terms of said compact.

SEC. 5. The commission shall keep accurate accounts of all receipts and disbursements and shall report to the Governor and the Legislature of the State of Texas on or before the tenth day of February in each year, setting forth in detail the transactions conducted by it during the twelve months preceding January 1st of that year, and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the State of Texas which may be necessary to carry out the intent and purposes of the compact between the signatory States.

The Auditor of the State of Texas is hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements, and such other items referring to its financial standing, as such Auditor may deem proper, and to report the results of such examination to the Governor of each State.

SEC. 6. The sum of Two Thousand Five Hundred (\$2,500.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of the Special Game and Fish Fund for the expenses of the Commission created by the compact authorized by this Act. The monies hereby appropriated shall be out of said Special Game and Fish Fund by warrant drawn by the Comptroller on account sworn to by the Chairman of the Gulf States Marine Fisheries Commission and approved by the Executive Secretary of the Game, Fish and Oyster Commission of the State of Texas.

SEC. 7. If any provisions of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the Act, which can be given effect without the invalid provision or application; and to this end the provisions of this Act are declared to be severable. (Acts 1949, 51st Leg., Reg. Ses., ch. 554, p. 1087. S. B. 164.)

ROUGH FISH REMOVAL

SECTION 1. The Game, Fish and Oyster Commission is authorized to take rough fish and turtles from any of the public fresh waters of this State by means of crews operated by the Commission or contracts entered into with individuals, through the use of seines or nets or other devices and under such rules and regulations and contracts as it shall prescribe, when said Commission shall find that rough fish or turtles exist in any such waters in numbers detrimental to the propagation and preservation of game fish.

SEC. 2. Said Commission shall have the right to refuse to contract under the provisions of this Act with any person whose record, within said Commission's knowledge, shows repeated violations of the fishing laws of this State of a nature deemed

by said Commission to be a flagrant disregard of fish conservation laws. Each person contracting to remove rough fish or turtles shall make a bond with a reliable surety company payable to the State of Texas and approved by the Executive Secretary of said Commission, conditioned upon his faithful performance of the terms of such contract under regulations prescribed by said Commission; and each such person must comply with commercial fishing license, seine and net tag requirements.

SEC. 3. Each contract entered into hereunder shall state the period of time and the exact location within which such rough fish or turtle removal operations shall be conducted, and the equipment to be used in such removal, and all other Commission regulations pertaining thereto, including the species of rough fish to be removed thereunder. All contracts entered into hereunder shall become null and void and terminate immediately upon breach by the contracting person of any of the terms thereof or of any rule or regulation prescribed by said Commission, or for failure to exercise every reasonable effort to complete the removal of rough fish. Any person whose contract has become null and void and terminated for breach as provided herein shall thereafter be forever disqualified from again contracting with said Commission for the removal of rough fish and turtles.

SEC. 4. Any contractor who is by his contract authorized to use in waters of this State seines or nets or other devices which he would not be authorized to use in such waters except for said contract, or any contractor who is by his contract authorized to take rough fish from waters from which he would not be permitted to take any fish for sale except for said contract, and who retains or sells any fish, other than those rough fish specified in his contract, in violation of the law applying to the waters in which he is operating, shall be deemed guilty of a breach of his contract under the provisions of this Act, and shall be deemed guilty of a misdemeanor and punished in accordance with the law or laws applying to the waters in which he is fishing.

SEC. 5. Rough fish and turtles removed under the provisions of this Act may be sold. Rough fish and turtles taken by Commission operated crews may be used for feed for hatchery fishes and all surplus thereof shall be sold by said Commission at the highest price obtainable. All moneys received from the sale of fish and turtles by said Commission taken hereunder shall be placed in the Special Game and Fish Fund and be continuously available for defraying the expenses and continuing the work of rough fish removal by said Commission.

SEC. 6. "Rough fish" as used in this Act shall include those freshwater fishes having no sporting value, the predatory, bony or rough-fleshed species, or any species of fish whose numbers should be controlled in order to protect and encourage game fish; provided, however, that the term "rough fish" shall not include black bass, white bass, crappie, bream, sunfish, channel

catfish or yellow catfish, which are, for the purposes of this Act, "game fish."

SEC. 7. All laws or parts of laws, Local, General or Special, in so far as they conflict with any provision of this Act, are hereby expressly repealed. (Acts 1949, 51st Leg., Reg. Ses., ch. 422, p. 783. H. B. 806.)

REGULATING HUNTING WEST OF THE PECOS

SECTION 1. This Act shall apply only to all that portion of the State of Texas lying west of the Pecos River.

SEC. 2. It shall be unlawful for any person to take, kill, or attempt to take or kill any game bird, game mammal, or to take the pelt of any fur-bearing animal that is named in this Act at any time other than the open season that may be provided for the hunting or taking of such species or pelts of same; or to take, kill or possess any game bird or game mammal that is named in this Act in excess of the bag limit or possession limit for such species. Any open season, bag and/or possession limit that may be justified shall be provided by the Game, Fish and Oyster Commission in obedience to the provisions of this Act.

SEC. 3. "Open Season" is hereby defined as a period of time during which game birds, game mammals, or the pelts of fur-bearing animals may be taken. "Bag limit" is defined as the number of game birds or game mammals that a person may kill in any day or during any open season. "Possession limit" is defined as the number of game birds or game mammals that a person may have in possession, in his own custody, in transit in his behalf, or that may be held in the custody of another person, firm or corporation in his behalf.

SEC. 4. Wild deer. Any open season shall be within the period November 1st to December 31st, with bag and possession limit of not more than one mule or black-tailed deer, not more than two (2) of any other species of deer, nor more than two (2) in the aggregate of all species of wild deer.

SEC. 5. Black bear. Any open season shall be within the period November 1st to December 31st, and no person shall be permitted to kill or possess more than one black bear during any one season.

SEC. 6. Collared peccary. Any open season shall be within the period November 1st to December 31st, and no person shall be permitted to take, kill, or possess more than two (2) collared peccary during any one open season.

SEC. 7. Wild gray or cat and fox squirrels. Any open season shall be within the period of May 1st to December 31st; bag limit not to exceed ten (10) to be taken or killed by any person in one day nor to exceed twenty (20) in possession by any person at any time.

SEC. 8. Wild turkeys. Any open season shall be within the period November 1st to December 31st, and no person shall be permitted to kill or possess more than three (3) wild turkeys during any one open season.

SEC. 9. Wild quail of all species. Any open season shall be provided for not to exceed sixty (60) days for any one species of quail during the period November 1st to January 31st; bag limit not to exceed twelve (12) quail killed in one day, nor shall any person be permitted to possess more than twenty-four (24) quail at any one time.

SEC. 10. Wild mourning doves. Any open season shall be within the period September 1st to January 15th. A bag limit may be provided of not to exceed fifteen (15) mourning doves to be killed in any one day, nor more than thirty (30) to be possessed by any person at one time.

SEC. 11. White-winged doves. Any open season shall be within the period September 15th to October 15th, and no person shall be permitted to kill more than fifteen (15) white-winged doves in any one day or to have in his possession more than thirty (30) white-winged doves.

SEC. 12. Chachalaca. Any open season shall not be longer than ten (10) days within the period December 1st to December 31st, and no person shall be permitted to kill more than five (5) chachalaca in any one day or to possess more than one day's kill at any time.

SEC. 13. Rails and gallinules. Any open season shall be within the period September 1st to October 31st, and no person shall be permitted to kill more than fifteen (15) rails or more than fifteen (15) gallinules or an aggregate of more than fifteen (15) of both rails and gallinules in any one day or to possess at any time more than two days' kill of such birds.

SEC. 14. Wild plover. Any open season shall be within the period September 1st to October 31st, and no person shall be permitted to kill more than twelve (12) plover in any one day or to have more than one day's kill in his possession at any time.

SEC. 15. Prairie chickens. Any open season shall be not longer than ten (10) successive days within the period September 1st to October 31st. No person shall be permitted to kill more than ten (10) prairie chickens during any open season or to have in his possession at any time more than ten (10) prairie chickens.

SEC. 16. Prong-horned antelope. Any open season for this species shall be for a period of not more than ten (10) successive days within the month of October of any year. No person during any antelope open season shall kill or attempt to kill more than one antelope, or shall have in his possession at any time more than one antelope that was killed in this State.

SEC. 17. Wild elk. Any open season for this species shall be for a period of not more than ten (10) successive days within the month of October of any year. No person shall be permitted to kill more than one elk during any open season or to have in his possession at any time more than one elk that was killed in this State.

SEC. 18. Fur-bearing animals—beaver, otter, fox, opossum, raccoon, mink, polecat or skunk, badger, muskrat, civet cat or ringtail. Any open season to permit trapping or the taking of pelts and sale of same of any of the fur-bearing animals named in this Section of this Act shall be within the period December 1st to March 1st.

SEC. 19. It shall be unlawful for any person to hunt, or attempt to hunt or take, any prong-horned antelope or wild elk until he has first obtained a currently valid hunting permit therefor, and for which he has paid a sum of Five Dollars (\$5). When any open season for killing antelope or elk is justified according to the provisions of this Act, the Game, Fish and Oyster Commission shall determine the number of elk or antelope that may be killed without detriment to the future supply, and shall issue permits only to this extent. The permits shall be available to applicants in such a way as to give all applicants an impartial opportunity to obtain such a permit to the extent of the total number issued. No person shall receive more than one permit. Each permit issued hereunder shall apply only to one county of this State, the name of which shall be printed on the face of the permit by the issuing officer. The Game, Fish and Oyster Commission shall print the rules and regulations governing the hunting of antelope and wild elk on the face of all permits issued for the killing of these species. All money derived from the sale of antelope or elk hunting permits shall be deposited in the State Treasury to the credit of the Special Game Fund¹ and shall be used for the purposes provided by law.

SEC. 20. All laws or parts of laws of this State, General or Special, is so far as they conflict with this Act or in so far as they provide an open season, bag limit, or possession limit governing the taking, killing or possession of any of the game species named in this Act, or prohibit the killing of same or trapping of fur-bearing animals or taking and selling the pelts of same or by the imposition of a closed season and apply to the portion of the State named herein, be and the same are hereby repealed.

SEC. 21. The Game, Fish and Oyster Commission of the State of Texas is hereby charged with the duty of making a continuous study of the supply of each of the species named in this Act and the factors limiting their increase. The Commission shall determine when any of such species, in the portion of this State named in this Act, is being reduced below immediate recuperative potentials by hunting, trapping, drought, disease, predation, agricultural pressure or other deleterious causes. Whenever the supply of any such species is sufficiently secure in

¹See law creating Special Game and Fish Fund, p. 205.

any portion of the area named herein that a seasonal harvest will not prevent the re-establishment of normal numbers of the species, the Game, Fish and Oyster Commission, within the maximum limits prescribed in this Act, shall fix an appropriate open season, bag limit and possession limit to permit the hunting, trapping or harvest of any species herein named in said area or any portion of same to which this Act applies. When only one sex of a game species should be taken, it shall be so provided. It shall provide the hours of the day during which hunting of game species shall be permitted, and age or maturity limitations on the taking of such species. All regulations issued hereunder shall be such as will grant the most reasonable and equitable privileges to the hunters and trappers of this State and at the same time safeguard the game and fur-bearing animal supply of this State. Regulations issued hereunder shall be continued only so long as the species affected by such a regulation is not being adversely affected thereby. When any open season, bag limit or other regulation is provided, the Game, Fish and Oyster Commission, as directed herein, shall immediately file a copy of same in the office of the Secretary of State and mail a copy to each County Attorney, County Clerk and Game and Fish Warden of this State, west of the Pecos River. Such regulation shall be published in the next succeeding edition of the Game and Fish Laws, or digest of same, that is published by the Game, Fish and Oyster Commission. Any open season or bag limit provided in accordance with the provisions of this Act, or any other regulations issued hereunder, shall be prima facie valid and shall continue in full force and effect until it is repealed or amended or until it is declared invalid by a Court of final jurisdiction.

SEC. 22. Any person who hunts, or attempts to hunt, kills or attempts to kill any game bird or game mammal or takes or attempts to take the pelt of any fur-bearing animals named in this Act at any time other than during the open season that may be provided for killing or taking of same, or any person who takes, kills or has in his possession any game bird or game mammal in excess of the bag limit or possession limit provided for same under the terms of this Act, or any person hunting any prong-horned antelope or wild elk without first obtaining the permit required therefor, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than Twenty-five Dollars (\$25), nor more than Two Hundred Dollars (\$200), and each bird, animal or pelt taken or possessed in violation of any provisions of this Act shall constitute a separate offense.

SEC. 23. Any person who is convicted of violating any provision of this Act relating to game birds or game mammals, upon final conviction, shall surrender to the Court in which he is convicted his hunting license and in addition thereto forfeit his right to hunt with a gun in this State for a period of one year following the date of his final conviction. Any person who hunts, or attempts to hunt, with a gun during the period for which he

has forfeited his hunting rights because of conviction under a provision of this Act upon conviction for such offense shall be fined in a sum not less than One Hundred Dollars (\$100), nor more than Two Hundred Dollars (\$200). (Art. 978l-2, P. C. 1925, H. B. 578, Acts 1943, 48th Leg., ch. 209, p. 325.)

FEDERAL AID IN WILDLIFE RESTORATION

SECTION 1. The State of Texas hereby assents to the provisions of the Act of Congress entitled "An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," approved September 2, 1937 (Public, No. 415, 75th Congress), and the Game, Fish and Oyster Commission is hereby authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife restoration projects, as defined in said Act of Congress, in compliance with said Act and Rules and Regulations promulgated by the Secretary of Agriculture thereunder. (S. B. 215, Acts 1939, Reg. Ses. 46th Leg., ch. 2, p. 337.)

BIGHORN MOUNTAIN SHEEP—MANAGEMENT AREA

SECTION 1. The Texas Bighorn Mountain Sheep (*Ovis canadensis texiana*) is making its last stand in the Sierra Diablo Mountains of Culberson and Hudspeth Counties. Unless the State makes every reasonable endeavor to preserve this majestic form of wild life by affording it freedom from the encroachment of domestic livestock and predators, they will have perished. The loss of mountain sheep as part of the native fauna of this State would rob future generations of their rightful heritage to the symbols of the natural wildness of this State. In order to protect this interesting animal it is necessary that a fenced game management area be set aside. All lands to be included with such area shall be in Culberson and Hudspeth Counties. It is hereby declared the policy of the State of Texas to do everything within the bounds of sound economy to perpetuate the Texas species of the Rocky Mountain Bighorn Sheep. The purpose of this bill is to give the Game, Fish and Oyster Commission the authority to purchase not to exceed twelve (12) sections of privately owned land and to purchase not to exceed eight (8) sections of public school lands in Culberson and Hudspeth Counties.

SEC. 2. The Game, Fish and Oyster Commission of the State of Texas is hereby authorized to accept gifts of land in Culberson or Hudspeth Counties or money to be deposited in the Special Game Fund¹ and to be used for the purpose of a game management unit in Culberson and Hudspeth Counties for the special benefit of the Texas Bighorn Mountain Sheep.

SEC. 3. The Game, Fish and Oyster Commission of the State of Texas is hereby authorized to purchase, and the school land

¹See law on p. 205 creating Special Game and Fish Fund.

Section 1. That Article 1377 of the Penal Code of the State of Texas, 1925, as amended be and the same is hereby amended so as hereafter to read as follows:

"Article 1377.

"Section 1. It shall be unlawful for any person to enter upon the inclosed land of another without consent of the owner, proprietor or agent in charge thereof, and therein hunt with firearms or therein catch or take or attempt to catch or take any fish from any pond, lake, tank, or stream, or therein camp, or in any manner depredate upon the same. By 'inclosed lands' is meant such lands as are in use for agriculture or grazing purposes or for any other purpose, and inclosed by any structure for fencing either of wood or iron or combination thereof, or wood and wire, or partly by water or stream. These inclosed lands, as heretofore defined, shall be posted or marked by readable signs stating the word "Posted", or any like sign meaning the same, before application of this act. Proof of ownership or lease may be made by parol testimony.

"Sec. 2. For conviction for violation of Section 1 of this act, the punishment shall be a fine not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) and by forfeiture of his hunting license and right to hunt in the State of Texas for a period of one (1) year from date of his conviction.

"Sec. 3. All fines collected under the provisions of this act assessed on the arrest of any State game warden shall be paid into the Special Game Fund of the State of Texas.

"Sec. 4. Any person found upon the inclosed lands of another in violation of Section 1 hereof shall be subject to arrest by any peace officer or any State game warden and such arrests may be made without warrant of arrest."

Sec. 2. All laws or parts of laws in conflict with the provisions of this act are hereby expressly repealed.

Sec. 3. The fact that the public interest requires that the law prohibiting hunting, fishing or camping on the inclosed land of another without the consent of the owner be amended and made more effective creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Referred to the Committee on Criminal Jurisprudence.

The first part of the report deals with the general situation in the country...

The second part of the report deals with the economic situation in the country...

The third part of the report deals with the social situation in the country...

The fourth part of the report deals with the political situation in the country...

The fifth part of the report deals with the cultural situation in the country...

The sixth part of the report deals with the international situation in the country...

The seventh part of the report deals with the future prospects of the country...

Submitted by the author

board of the State of Texas is authorized to sell, with the reservation of all minerals to the school fund, to be managed by said school land board, at a price not to exceed One Dollar (\$1) per acre, the surface rights in and to not more than eight (8) sections of public school lands located in Culberson and Hudspeth Counties, in the following blocks:

Blocks 65 and 66, T. & P. Ry. Co. land;

Blocks 42½, 43, 54½, Public School Lands;

said lands to be paid for by the Game, Fish and Oyster Commission out of the Special Game Fund.

SEC. 4. The Game, Fish and Oyster Commission shall have the right to acquire by purchase other lands in Culberson and Hudspeth Counties, Texas, that may be deemed necessary for the operation of a game management unit primarily for the protection of Bighorn Mountain Sheep. Upon approval of the title by the Attorney General of this State, said Game, Fish and Oyster Commission is hereby authorized to pay for such land so purchased out of the Special Game Fund.

SEC. 5. The State of Texas, through said Game, Fish and Oyster Commission, shall have the right, power, and authority to enter upon, condemn, and appropriate not more than twelve (12) sections of land in Culberson and Hudspeth Counties of any person or corporation for the above mentioned purposes.

SEC. 6. The manner and method of such condemnation, easement, and payment of damages therefor shall be the same as is now provided by law in the case of railroads. Condemnation suits brought under this Act shall be brought in the name of the State of Texas by the Attorney General at the request of the Game, Fish and Oyster Commission in Travis County, Texas. All costs in such proceedings shall be paid by the State or by the person against whom such proceedings are had, to be determined as in the case of railroad condemnation proceedings. All damages and pay or compensation for property awarded in such proceedings shall be paid by the State of Texas, by warrant drawn on the Comptroller against the Special Game Fund in the State Treasury.

SEC. 7. If any section, sentence, clause, or part of this Act shall, for any reason, be held to be invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of the Legislature to have passed each sentence, section, clause, or part thereof, irrespective of the fact that any other sentence, section, clause, or part thereof may be declared invalid.

SEC. 8. All expenditures provided for under this Act shall be made from the Special Game Fund of the Game, Fish and Oyster Commission, which expenditure shall not exceed Twenty Thousand Dollars (\$20,000) in any one year, and three-fourths (¾) of which shall be reimbursed out of any Federal Aid in

Wildlife Restoration funds available to the State. Said funds are hereby appropriated out of the Special Game Fund for the purposes heretofore stated.

SEC. 9. All laws or parts of laws, in so far as they conflict with any portion of this Act, are hereby repealed. (Art. 978n, P. C. 1925; Acts 1945, Reg. Ses. 49th Leg., ch. 225, p. 310, H. B. 453.)

BUFFALO

SECTION 1. Buffalo are hereby declared to be game animals.

SEC. 2. It shall be unlawful for any person in this State to kill any buffalo except male buffalo ten years old or older, and existing stags or steers. Any person who kills any female buffalo or any male buffalo under ten years of age shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, or confinement in the county jail for any period not less than thirty (30) days nor more than six (6) months, or both such fine and imprisonment.

SEC. 3. It shall be unlawful for any person to sell any buffalo in this State without the written consent of the State Game, Fish and Oyster Commission of this State. The State Game, Fish and Oyster Commission is hereby granted the right, power and privilege of condemning for State use any buffalo or buffaloes in this State for the purpose of conserving and protecting the same, and to this end express authority is granted said Commission to condemn said animals in the same manner and under the same procedure now granted to counties for the condemnation of land for road purposes. The said Commission shall have power to enter into any contract it may deem advisable for the purchase, conservation and protection of buffaloes within this State, and in event the said Commission is unable to agree upon a price to be paid for such animals with the owners thereof, then said Commission may, in its discretion, resort to condemnation proceedings as herein provided. The purchase of any buffalo within this State without the consent of the State Game, Fish and Oyster Commission shall be deemed a purchase for the benefit of the State, and said animals when so purchased will be held in trust by the purchasers for the use and benefit of the State for a period of six (6) months after such purchase, and said Commission shall have the right to take over said animals upon payment to the purchaser of the true consideration he may have paid therefor; provided, however that the Commission shall not have the authority to purchase any stag buffalo nor male buffalo which at the time of sale is more than ten years of age and provided further that the herd shall not be purchased until a sufficient amount of land suitable for their maintenance and support, in the vicinity where the buffalo are located or range, shall have been donated to the Commission with a fee simple title. (Art. 978h, P. C. 1925, Acts 1931, 42nd Leg., 1st C. S., p. 70, ch. 31.)

GAME PRESERVES

Any person, firm or corporation owning and in possession of lands in the State of Texas, may transfer by an instrument of writing, duly acknowledged before an officer authorized under the laws of this State to take acknowledgments, to the State of Texas the right to preserve, protect and introduce for propagation purposes any of the game birds or game animals mentioned in this chapter on the lands mentioned therein, for a period of not less than ten years. Such instrument of writing shall be filed in the office of the Game, Fish and Oyster Commissioner, whereupon the Game, Fish and Oyster Commissioner may at his discretion declare the lands described in said instrument a State Game Preserve, and thereafter for the period named therein shall for all the purposes relating to the preservation, protection and propagation of game birds and game animals be under control of the Game, Fish and Oyster Commissioner. The aggregate acreage of all preserves which may be designated in any one county shall never exceed ten per cent of the total acreage of such county. Such preserves shall be numbered in the order of the filing of the instrument therefor. The Game, Fish and Oyster Commissioner shall cause notices to be prepared containing the words "State Game Preserve," "Trespassing Prohibited," and cause such notices to be posted at each gate or entrance thereto. All State game preserves established under the provisions of this chapter shall for all purposes of preservation, protection and propagation of game birds and game animals thereon be under the control and management of the Game, Fish and Oyster Commissioner, and he and his deputies may at all times enter in and upon such preserves in the performance of their duties.

It shall be unlawful for any person to hunt, pursue, shoot at, kill, take, destroy, or in any manner molest any of the game birds or game animals within the exterior boundaries of any game preserve, and any person who shall violate any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars. (Art. 917, P. C. 1925.)

WITNESS MUST TESTIFY

Any court, office or tribunal having jurisdiction of the offenses set forth in this chapter¹ or any district or county attorney may subpoena persons and compel their attendance as witnesses to testify as to violations of any provision of this chapter. Anyone so summoned and examined shall not be liable to prosecution for any such violation about which he may testify; and a conviction of said offense may be had upon the unsupported evidence of an accomplice or participant. (Art. 978, P. C. 1925.)

¹Chapter 6, Title 13, P. C. 1925.

CHARTS AS EVIDENCE

All United States Coastal Survey Charts covering the coast of Texas are admissible in any prosecution under this chapter.¹ (Art. 977, P. C. 1925.)

¹Chapter 6, Title 13, P. C. 1925.

APPENDIX I

FORMS FOR COMPLAINTS

Hunting Without a License (Resident) (Art. 904, P. C. 1925.)

being over seventeen years of age, did then and there unlawfully hunt with a gun, he then being a citizen of said State, but not of said county, without first having procured a license from an officer authorized by law to issue such license, authorizing him to hunt out of the county of his residence.

Hunting without Big Game License (H. B. 146, Acts 1949)

did then and there unlawfully hunt, take and kill deer (or turkey) in this State without first having procured from the Game, Fish and Oyster Commission of the State of Texas, or one of its authorized agents, a big game hunting license

Possessing Deer Carcass without Tag Attached (H. B. 146, Acts 1949)

did then and there unlawfully have in his possession the carcass of a wild deer which did not have attached thereto a deer tag issued to him by the Game, Fish and Oyster Commission, or one of its authorized agents

Forfeiture of License (Art. 893, P. C. 1925.)

having heretofore on the.....day of....., 19....., in the.....Court of.....County, Texas, Precinct No.....in.....Texas, been convicted of violating the game law of said State, that is, after having been convicted on said occasion of.....contrary to and in violation of the game laws of said state, did then and there unlawfully.....within a period of one year immediately following the said date of conviction

Killing Game in Closed Season (Art. 873, P. C. 1925.)

did then and there unlawfully hunt and kill a wild game bird (or animal) to-wit:....., at a time of the year not during the open season provided by law for the killing of said game bird (or animal)

Killing More Than the Big Limit of Game Birds (Art. 873, P. C. 1925.)

did then and there in said day unlawfully kill and take one (or more)more than the lawful daily bag limit of.....of such game birds, and then and there permitted by law to be killed and taken

Possession of More Than the Limit of Game

did then and there have in his possession at one time more than.....(or other game birds or animals)

Refusing to Permit Search of Automobile (Art. 897, P. C. 1925.)

did then and there unlawfully refuse to permit....., who was then and there a duly appointed and qualified and acting Game and Fish Warden of said State, to search.....(or game bag, or other

receptacle, or buggy or other vehicle), there situate for game unlawfully killed and taken;.....then and there having reason to suspect that the same contained game unlawfully killed or taken

Hunting at Night (Art. 887, P. C. 1925.)

did then and there unlawfully kill (or hunt, or shoot at) a wild game animal (wild bird, or wild game bird, or wild fowl), to-wit: a..... between one-half hour after sunset of....., 19....., and one-half hour before sunrise....., 19....., said animal (or bird) being then and there protected by the game laws of said State

Hunting from an Automobile (Art. 901, P. C. 1925.)

did then and there unlawfully hunt (or take, capture or kill) a wild game bird (or wild game animal) to-wit:.....from an automobile, saidbeing then and there protected by the game laws of said State

Hunting with Headlight (Art. 902, P. C. 1925.)

did then and there unlawfully hunt.....(or other animal or bird protected by this chapter) by the aid of a headlight (or hunting lamp; or by artificial light attached to an automobile; or by means of any form of artificial light) to-wit: a.....(whatever it might be)

Killing a Doe Deer; or Spike Buck Deer (Art. 910, P. C. 1925.)

did then and there unlawfully kill a wild female deer (or a wild buck deer without a pronged horn)

Hunting Game Birds with Unplugged Magazine Loading Gun (Acts 1941, 47th Leg., p. 397, ch. 231, secs. 3 and 6.)

did then and there hunt (or shoot).....with a magazine loading gun which did then and there have a magazine which was capable of holding more than.....shells, which said magazine of said gun was not permanently plugged so as to render it incapable of holding more than.....shells

Retail Fur Buyer, Buying Furs from Unlicensed Trapper (Art. 923 qa, P. C.

then and there being a Retail Fur Buyer did then and there unlawfully purchase a pelt of a fur bearing animal of this State, to-wit:..... wit:..... pelt, from a person not then and there holding a Trapper's license to-wit:.....

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