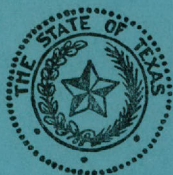


# GAME, FISH AND OYSTER LAWS

OF THE  
STATE OF TEXAS



TEXAS STATE LIBRARY,  
Austin, Texas

PUBLISHED BY  
GAME, FISH AND OYSTER COMMISSION  
AUSTIN, TEXAS



AUGUST 1, 1935



# GAME, FISH AND OYSTER LAWS

OF THE  
STATE OF TEXAS



TEXAS STATE LIBRARY  
Austin, Texas

PUBLISHED BY  
GAME, FISH AND OYSTER COMMISSION  
AUSTIN, TEXAS



AUGUST 1, 1935





## CONTENTS

	Page
DIGEST OF	
Game, Fish, Oyster and Fur-Bearing	
Animal Laws .....	1 to 29
FULL TEXT OF THE LAW:	
Game Birds and Game Animals.....	29 to 74
FRESH WATER FISHING LAWS	
General Laws .....	75 to 84
Special Laws .....	84 to 116
SALT WATER LAWS	
License and Tax .....	117 to 122
Oysters .....	122 to 133
Seines and Nets .....	133 to 144
FUR BEARING ANIMAL LAWS.....	144 to 161
SAND, SHELL AND GRAVEL LAWS.....	161 to 166
POLLUTION LAWS .....	166 to 169
COMMISSION, POWERS, ETC. ....	169 to 186
INDEX (Detailed) .....	187

TEXAS STATE LIBRARY  
Austin, Texas



# DIGEST OF GAME, FISH AND OYSTER LAWS OF THE STATE OF TEXAS

Published by  
Game, Fish and Oyster Commission  
Austin, Texas

AUGUST 1, 1935

## GAME LAWS

### GAME BIRDS AND GAME ANIMALS

**Property of State:** All game birds and game animals belong to the people of this State.

**Game Animals:** Deer, elk, antelope, wild sheep, bear and squirrels.

**Game Birds:** Turkeys, ducks, geese, brant, grouse, prairie chickens, pheasants, quail or partridges, wild pigeons, doves, snipes, chachalaca, plover and shore birds of all varieties.

**Non-Game Birds:** Unlawful to kill or have in possession either dead or alive.

**Unprotected Birds:** English sparrows, crows, ravens, vultures or buzzards, rice-birds, pelicans, roadrunners, goshawk, copper-hawk or blue darter, sharp-shinned hawk, duck-hawk, jaybirds, sapsuckers, woodpeckers, butcher birds or shrike, and the great horned owl. Canaries and parrots as domestic pets are unprotected.

### OPEN SEASON AND BAG LIMITS

#### DOVES (Mourning)

**Open Season:** North Zone, September and October; South Zone, December 1st to January 16th.

#### THE ZONE LINE

Begins at Rio Grande River west of Del Rio; thence to Del Rio; thence east along Southern Pacific Railway to San Antonio; thence along International-Great Northern Railway to Austin; thence east along Houston & Texas Central Railway to Brazos River; thence north up Brazos River to where Beaumont branch of Gulf, Colorado and Santa Fe

Austin, Texas

Railway crosses said River; thence east along Gulf, Colorado and Santa Fe Railway to intersection with Houston East and West Texas Railway at Cleveland; thence along Houston East and West Texas Railway to the Louisiana border. All that portion of the State lying North or Northerly shall be known as the North Zone and all that portion of the State lying South or Southerly of said line shall be known as the South Zone.

**Bag Limit:** Fifteen a day and not more than forty-five a week.

**Open Season:** December 1st to January 16th in following counties: Bastrop, Brazos, Burleson, Fayette, Grimes, Lee, Limestone, Milam, Montgomery, Robertson, San Jacinto, Smith, Washington and Wood.

**Glasscock County:** Closed until 1936.

**Martin County:** Closed until 1938.

**Yoakum County:** Closed until 1938.

**Terry County:** Closed until 1938.

#### DOVES (White Wing)

**Open Season:** North and South Zones September 1st to October 31st.

**Bag Limit:** Fifteen a day and not more than thirty a week or more than fifty of all species of quail and doves at one time.

#### WATERFOWL AND SHORE BIRDS

Federal regulations for 1935-36 season not as yet prescribed.

**Hunting License:** In addition to the State hunting license requirement a Federal "duck stamp" which may be procured at a U. S. Post Office for \$1.00 is required of all those hunting ducks, geese or brant.

#### PRAIRIE CHICKENS OR PINNATED GROUSE

**Open Season:** Both zones September 1st to September 4th, both days inclusive.

**No Open Season in Following Counties:** Brazoria,

Collinsworth, Donley, Gray, Hemphill, Lipscomb, Matagorda, and Wheeler.

**Bag Limit:** Ten a day or not more than ten a season.

### QUAIL AND CHACHALACAS

**Open Season:** Both North and South Zone December 1st to January 16th inclusive.

**Special Laws on Quail:** No open season in following Counties: Andrews, Borden, Coleman, Ector, Gaines, Glasscock, Hemphill, Karnes (precinct No. 2), Lipscomb, Martin, McCulloch, Midland, Shelby, Terry, Van Zandt, Wood and Yoakum. Comal, Guadalupe, Gonzales and Wilson Counties closed on Chachalacas until 1938.

**Bag Limit:** 12 a day and not more than 36 a week.

### PLOVERS

No open season under Federal regulations.

### TURKEY (Gobblers)

**Open Season:** Both North and South Zone November 16 to December 31st, both days inclusive.

**Bag Limit:** Three gobblers a season.

The following counties have open season only during March and April: Angelina, Brazos, Burleson, Cherokee, Grimes, Harris, Houston, Jasper, Lee, Madison, Newton, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Washington.

The following counties have no open season: Anderson, Armstrong, Bastrop, Bowie, Briscoe, Brown, Burnet (North of Colorado River) Camp, Cass, Coleman, Comal, Cooke, Erath, Freestone, Gonzales, Guadalupe, Hardin, Harrison, Haskell, Hemphill, Henderson, Hutchinson, Jones, Kent, Lamar, Lampasas, Leon, Liberty, Limestone, Marion, McCulloch, Montague, Montgomery, Morris, Nacogdoches, Navarro, Palo Pinto, Panola, Parker, Potter, Randall, Red River, Roberts, Robertson, Shackelford, Stephens, Taylor, Throckmorton, Titus, Upshur, Wilson, and Wood.

## ANTELOPE, WILD SHEEP AND ELK

No open season (Article 873, Penal Code 1925).

## BEAR

Open Season: November 16th to December 31st.

Bag Limit: One a season.

## DEER (Bucks with Pronged Antler)

Open Season: White-tail deer, November 16th to December 31st; Black-tail or Mule deer, east of Pecos River, November 16th to December 31st and west of Pecos River, November 16th to November 30th.

Bag Limit: Two bucks a season, except Blacktail or Mule deer, west of Pecos River, only one a season.

## SPECIAL LAWS

Special Laws on Deer: Counties having no open season are as follows: Anderson, Armstrong, Bastrop, Bowie, Briscoe, Brown, Burnet (North of Colorado River) Camp, Cass, Coleman, Cook, Coryell, Erath, Freestone, Galveston, Hamilton, Harrison, Haskell, Hemphill, Henderson, Hutchinson, Jasper, Jones, Kent, Lamar, Lampasas, Leon, Limestone, McCulloch, Marion, Montague, Montgomery, Morris, Nacogdoches, Navarro, Newton, Palo Pinto, Panola, Parker, Potter, Randall, Red River, Roberts, Robertson, Sabine, San Augustine, Shackelford, Stephens, Taylor, Throckmorton, Titus, Upshur and Wood.

One dog may be used to hunt wounded deer in following counties: Atascosa, Bandera, Baylor, Bexar, Blanco, Brewster, Burnet (South of Colorado River) Caldwell, Cameron, Comal, Concho, Crockett, Denton, Dewitt, Dimmit, Edwards, Frio, Gillespie, Gonzales, Guadalupe, Hardin, Hays, Hidalgo, Jack, Jackson, Karnes, Kaufman, Kendall, Kerr, Kimble, Liberty, Llano, Mason, Medina, Polk, Real, San Jacinto, San Saba, Schleicher, Sutton, Tom Green, Uvalde, Wharton, Wilson, Zavala.

Dog or dogs may be used during open season to hunt deer in the following counties: Brazoria, Fort Bend, Jackson, Matagorda, Wharton.

## SQUIRRELS

Open Season: (General Law) May, June, July, October, November and December.

Open Season: (Special Laws)—

**Angelina County:** July, October, November and December.

**Cherokee County:** June, July, October, November and December.

**Hardin County:** June and November 16th to January 16th.

**Jasper County:** November 10th to January 10th.

**Jefferson County:** June, July, November, December and January.

**Liberty County:** June and November 16th to January 16th.

**Nacogdoches County:** July, October, November and December.

**Newton County:** November 10th to January 10th.

**Polk County:** November, December and January.

**Sabine County:** November and December.

**San Augustine County:** November and December.

**Shelby County:** No open season.

**Trinity County:** November, December and January.

**Tyler County:** November, December and January.

**Wood County:** May, June, July, October, November and December, with bag limit of six squirrels per day and not more than twenty per week.

**Young County:** November 10th to January 10th.

**Closed Season:** During the period from January 1st to May 15th inclusive and during the months of August and September with bag limit of five squirrels per day and not more than fifteen a week in following counties: Brazos, Grimes, Leon, Madison, Robertson, and San Jacinto.

No closed season in the following counties: Bandera, Bastrop, Blanco, Bosque, Brown, Burnet, Caldwell, Callahan, Coleman, Comal, Comanche, Cooke, Coryell, Dewitt, Dimmit, Eastland, Edwards, Erath, Fayette, Gillespie, Goliad, Gonzales, Guadalupe, Hamilton, Hays, Hill, Jackson, Karnes, Kendall, Kerr, Kimble, Lampasas, Lavaca, Lee, Llano, Mason, Medina, Menard, Mills, Montague, McCulloch, Palo Pinto, Parker, Real, San Saba, Schleicher, Stephens, Tarrant,

Throckmorton, Travis, Uvalde, Victoria, Wharton, Williamson, Wilson, Wise, Zavala.

**Bag Limit:** (General Laws) 10 squirrels in any one day and not more than 20 in possession at any one time.

**Bag Limit:** Daily bag or possession limit not restricted in the following counties: Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Blanco, Bosque, Brazoria, Brown, Burnet, Caldwell, Calhoun, Callahan, Chambers, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Delta, De Witt, Dimmit, Eastland, Edwards, Erath, Fayette, Fort Bend, Franklin, Galveston, Gillespie, Goliad, Gonzales, Guadalupe, Hamilton, Hays, Hill, Hopkins, Jackson, Karnes, Kendall, Kerr, Kimble, Lamar, Lampasas, Lavaca, Live Oak, Llano, Mason, Matagorda, McCulloch, Medina, Menard, Mills, Montague, Real, Red River, Refugio, San Patricio, San Saba, Schleicher, Stephens, Tarrant, Throckmorton, Travis, Uvalde, Victoria, Waller, Wharton, Wilson, Wise, Zavala.

## LICENSE

**Resident Hunting:** Price \$2.00 required of every citizen of this State above the age of seventeen years, who hunts out of the county of his residence. A citizen is any person who has been for at least six months a bona fide resident of this State immediately preceding application for a hunting license.

**Non-Resident:** Price \$25.00. Required of every person above the age of seventeen years, who is not a citizen of this State, or who is an alien.

**Hunting Boat License:** Price \$2.00 required of every person owning or navigating a sail boat or power boat for accommodating hunters for pay.

**Shooting Preserve License:** Price \$5.00. Required of every person who acts as manager for any club, or the owner of any club, or shooting resort, or lessor of premises leased for hunting purposes, who accommodates hunters for pay.

**Game Breeder's License:** Price \$2.00. Required of every person who holds in captivity any game animal or game bird for the purpose of propagation for sale. Apply to Game, Fish and Oyster Commission for detailed information.

## STORAGE OF WILD GAME

No limit to the time game birds or game animals



may be kept in storage if placed in storage within three days after the end of the season, except migratory birds and waterfowls, which may be possessed for only ten days after close of season. Any person accepting game for storage must keep a record giving time of storage, name and address of person placing game on storage and kind and amount of game stored by each individual and owner of game stored.

### UNLAWFUL TO

Hunt, kill or possess game birds, game animals, or other birds and animals, except where provided by law.

Kill, or take turkey hen.

Kill or injure any bat.

Have in possession more than fifty game birds of all varieties at any one time, excepting transportation and storage companies.

Sell or buy game birds or game animals, dead or alive, regardless of where caught or killed; except game breeders; and taxidermists who may sell unclaimed specimens.

Bring game into this State during the closed season on such game without a permit from the Game, Fish and Oyster Commission.

Hunt, kill or take any duck, goose or brant by any means other than by ordinary gun, not to exceed 10-gauge, capable of being shot from the shoulder.

Kill or hunt any game bird or game animal between one-half hour after sunset and one-half hour before sunrise.

Take game birds by net or trap.

Ship game except to one's own home or to a taxidermist and unless affidavit is attached that the shipper has lawfully killed such game.

Destroy the nests or eggs of any bird protected by the laws of this State.

Hunt under license of another.

Receive any hunter on board a boat for pay unless owner has a license for his boat.

Hunt for hire or hire anyone to hunt.

Hunt from a motor boat, sail boat, boat under tow, auto, or aeroplane.

Hunt on a State Game Preserve.

Hunt at night with a headlight in a territory where deer are known to range.

Hunt out of the county of your residence without a license.

Refuse to stop a vehicle or auto when demanded by a game and fish warden, and it is unlawful to refuse to allow a game and fish warden to search your game bag when he has reason to believe that a game law has been violated.

Hunt or fish on enclosed lands of another without the owners consent.

Shoot any gun or firearms in, on, along or across any public road in this State.

Possess any deer carcass or green hide with all evidence of sex removed.

Kill doe deer, fawns or spike bucks.

Use a deer call, except deer horns, which may be rattled.

Keep migratory birds or waterfowl on cold storage 10 days after the season has closed.

## FRESH WATER FISH LAWS

### GENERAL REGULATIONS

**License Required:** Resident citizens of Texas must procure an Artificial Lure License, price \$1.10, when fishing with artificial lures or bait.

Non-Resident of Texas or Alien must procure a Non-Resident or Alien Fishing License, price \$5.00, or a Five Day License, price \$1.10, when fishing with any kind of bait. Non-Resident is any citizen of the United States who has not been a bona fide resident of Texas for four months next preceding his application for a license.

A license is required to sell fish (See salt water laws of this digest).

An artificial lure is any manufactured bait or imitation of a natural bait.

**Methods of Taking:** Ordinary pole and line, setline, trotline, artificial bait and seines, or nets of not less than three inch square mesh, except a seine or net made of wire or other metallic substance or fish traps, minnow seines not more than twenty feet in length for the purpose of taking minnows for bait. All other methods or means of taking fish are prohibited unless especially noted below.

**Closed Season:** Unlawful to take bass or crappie during the months of March and April. Unlawful to use seines or nets or artificial bait during these months. Special county restrictions below.

**Size Limits:** Black bass not less than eleven inches, crappie not less than seven inches with exceptions on these and other fish in certain counties noted below.

**Sale Prohibited:** Sale of black bass or crappie

or white perch prohibited in all counties. Special sale restrictions noted below.

**Bag Limit:** Unlawful to take in one day more than fifteen bass, fifteen crappie or white perch, thirty-five bream or goggle-eye or an aggregate of more than fifty of these species or to possess at any one time more than thirty bass, thirty crappie or white perch or seventy bream or goggle-eye. This provision does not apply to certain counties listed below:

Andrews, Bailey, Bandera, Brazoria, Bexar, Borden, Brooks, Callahan, Chambers, Cottle, Cochran, Crosby, Cameron, Dawson, Dickens, Dimmit, Duval, Eastland, Ellis, Fort Bend, Fisher, Floyd, Frio, Galveston, Garza, Gaines, Hill, Hood, Haskell, Hale, Hockley, Howard, Hidalgo, Jackson, Johnson, Jones, Jim Hogg, Jim Wells, Kerr, Kendall, King, Kent, Kenedy, Kleberg, Lamb, Lubbock, Lynn, LaSalle, Matagorda, Mitchell, Motley, Martin, McMullen, Nolan, Nueces, Somerwell, Scurry, Shackelford, Stephens, Stonewall, Starr, Taylor, Throckmorton, Terry, Wharton, Willacy, Webb, Yoakum, Zapata, Zavala.

**Minnow Laws:** License required for dealing in minnows (See commercial fishing laws.)

**Special Minnow Laws Effecting Following Counties:**

**Bell County:** Unlawful to take minnows from the waters of Bell County for the purpose of sale or transport more than one hundred and twenty-five (125) minnows from said county.

**Blanco, Gillespie, Kendall, Lampasas, Llano, McCulloch, Mason, San Saba:** Unlawful to possess more than five hundred (500) minnows or transport same from said counties.

**Comal, Collin, Panola, Wise:** Same as Bell County.

**Falls County:** Unlawful to transport more than one hundred twenty-five (125) minnows at one time from borders of said county.

In order to understand the fishing regulations in a county where there is a special law it must be understood that the special county regulations listed below are supplementary to the general regulations and any restrictions contained in a special law must be obeyed even though they appear to be in conflict with the general law and likewise any privilege granted in a special law may be enjoyed without concern for the general restrictions.

**SPECIAL REGULATIONS**

**Archer County:** Closed season on bass, perch,

bream, crappie and catfish February 1st to May 1st in Wichita River, Lake Kemp and Diversion Lake. No bream under five inches. Not more than ten bass or twenty crappie or a total of twenty crappie, perch, bream, and catfish in one day. Not more than twenty pounds of bass and an aggregate of not more than twenty pounds of crappie, perch, bream and catfish. Aggregate of all kinds not over thirty pounds. No nets and seines except twenty foot minnow seine for taking bait. Unlawful to take or possess channel or blue catfish less than eleven inches in length. May use one trotline per person or not more than two per party of two or more. Trotlines must not be set nearer than fifty (50) feet or contain more than fifty (50) hooks with any two hooks thereon nearer than four (4) feet.

**Bandera County:** Closed season on bass, perch, crappie, catfish January 1st to May 1st. Limit per day ten bass, ten crappie, ten catfish, or an aggregate of not more than twenty (20) of all such fish, not more than twenty perch per day or sixty in any one week or possess more than thirty (30) of any of the above enumerated species except perch in any one week. Unlawful to take catfish less than nine (9) inches or any bass less than eleven (11) inches or crappie less than seven (7) inches in length. Unlawful to use any method or device equipped with more than two hooks except artificial lures used with rod and reel except minnow seines may be used for purpose of taking bait.

**Baylor County:** Same as Archer County.

**Bastrop County:** Unlawful to use seine or net of less than three (3) inch square mesh except minnow seines of not more than twenty (20) feet in length to be used for taking minnows for bait provided, however, no seine shall be used during the months of March and April.

**Bell County:** May take suckers, buffalo, carp, shad or gar with seine or net of not less than one inch during July, August, September or October or at any time by wire rope or gig but may not possess other fish when using such device.

**Bexar County:** Closed season on bass, perch, crappie, catfish, February 1st to May 1st. Limit per day ten bass, ten crappie. No nets and seines except twenty foot minnow seine. Unlawful to sell any bass, crappie, channel or other catfish.

**Blanco County:** Unlawful to use seines or nets or trotline or pole and line or setline equipped with more than two (2) hooks. Lawful to use artificial

lure. Unlawful to sell bass, crappie, catfish, sunfish or perch. Size limit on catfish nine (9) inches, bass eleven (11) inches, crappie seven (7) inches. Bag limit ten (10) bass, ten (10) crappie, ten (10) catfish or an aggregate of twenty (20) of all such fish. Twenty (20) perch per day and not more than sixty (60) per week or possess more than thirty (30) of any of the above species, with the ex-

ception of perch, in any one week. May take sucker, buffalo, carp, shad, or gar with seines and nets not less than one (1) inch mesh during July, August, September, or October or at any time by wire rope or gig but may not possess other fish when using such device. Closed Jan. 1st to May 1st.

**Bosque County:** Same as Bell County.

**Bowie County:** No seines permitted at any time. Three inch square mesh hoop, trammel or gill nets, permitted except during March and April but must not agitate or beat upon water while using nets.

**Brown County:** Unlawful to sell bass, crappie or catfish taken in county. Unlawful to take more than thirty-five fish a day. Seines or nets unlawful except minnow seine not more than twenty feet in length for taking minnows for bait and except a three inch mesh seine used for carp and suckers in the Colorado River.

**Burnet County:** Unlawful to sell bass, crappie or catfish taken in county. Unlawful to take more than thirty-five fish in a day. Seines or nets unlawful except minnow seine not more than twenty feet in length for taking minnows for bait and except a three inch mesh seine used for carp and suckers in the Colorado River. Unlawful to take catfish less than nine inches in length.

**Caddo Lake:** No closed season on crappie or bass.

**Cass County:** Same as Bowie County.

**Chambers County:** Same as Bell County.

**Cherokee County:** Seines and nets prohibited during February, March and April except twenty (20) foot minnow seine for taking minnows for bait.

**Coleman County:** Same as Brown County.

**Comal County:** Unlawful to take fish by any means or device other than ordinary pole and line or throwline with not more than two (2) hooks, or trotline with hooks not less than six (6) feet apart

provided however it shall be lawful to use dowagiac or other artificial bait equipped with more than two (2) hooks. Twenty (20) foot minnow seine permissible for taking bait. Bag Limit ten fish of any kind per day or thirty (30) per week except perch, twenty (20) per day or sixty (60) per week. Closed season on bass, perch, crappie and catfish from February 1st to May 1st. Catfish must be not less than twelve (12) inches. Unlawful to sell any fish taken in said county.

**Collin County:** Same as Bell County.

**Comanche County:** Same as Bell County.

**Concho County:** Same as Brown County.

**Cooke County:** Seines or nets prohibited except twenty (20) foot minnow seine and seine or net of not less than one and one-half inch mesh to take fish for propagation purposes during August under supervision of game warden. Unlawful to sell fish taken in said county.

**Coryell County:** Same as Bell County.

**Dallas County:** Bag limit white perch or crappie fifteen (15) bass, ten (10) or an aggregate of bass and crappie (15) in one day.

**Delta County:** Lawful to grabble for catfish, perch, buffalo and drum or with a one inch mesh seine except during March and April.

**Denton County:** May take suckers, buffalo, carp, shad, or gar with seine or net not less than one inch mesh during July, August, September or October or at any time by wire rope or gig but may not possess other fish when using such device. Limit not more than twenty (20) crappie, fifteen (15) bass or an aggregate of twenty (20) such fish in one day.

**DeWitt County:** Same as Bell County.

**Dimmit County:** Same as Brown County.

**Edwards County:** Unlawful to sell any fish taken in county. Unlawful to take fish by any means or device equipped with more than two hooks except artificial lures used with rod and reel. Twenty (20) foot minnow seine permissible for taking minnows for bait. Unlawful to take or possess catfish less than nine (9) inches or bass less than eleven (11) inches or crappie less than seven (7) inches in length. Bag limit not more than ten (10) bass, not more

than ten (10) crappie, or not more than ten (10) catfish or an aggregate of not more than twenty (20) of all such fish. Not more than twenty (20) perch in any one day or possess more than sixty (60) in any one week or possess more than thirty (30) of any of the above species, with the exception of perch, in any one week. Closed Jan. 1st to May 1st.

**El Paso County:** Seines and nets, except ten foot minnow seine with meshes not larger than three-eighths inch square prohibited. Limit: Ten fish of any one kind in any one day except perch. Not more than twenty perch in one day. Unlawful to possess more than thirty fish of any variety in any week except perch and not more than sixty perch in any week.

**Erath County:** Seines and nets prohibited. More than one hook on any line prohibited except on artificial bait. Minnow traps, dip net and minnow seines not more than twenty feet in length permitted. Unlawful to sell channel or opelousas catfish or any other fish taken from the waters of Lake Waco or the Bosque River or its tributaries in Erath County. Closed season on bass, crappie, perch, channel or opelousas catfish February, March and April of each year in the Bosque River and its tributaries. Size limit: crappie eight inches, bream, goggle-eye or sunfish not less than five inches and catfish less than ten inches prohibited. Bag limit, not more than eight bass, twelve crappie, twenty green perch, bream, goggle-eye or sunfish or fifteen opelousas catfish in one day or an aggregate of such fish not exceeding twenty pounds. Unlawful to troll from a motor boat.

**Fannin County:** Same as Bell County.

**Fisher County:** Same as Bell County.

**Franklin County:** Same as Delta County.

**Gillespie County:** Same as Edwards County.

**Gonzales County:** Unlawful to take bass, crappie, white perch, calico bass, or bream during months of February, March and April. May take suckers, buffalo, carp, shad or gar with seine of not less than one inch mesh during July, August, September, or October or at any time by wire rope or gig but may not possess other fish when using such device.

**Grayson County:** Unlawful to use any device other than ordinary hook and line, setline or throwline or by ordinary cordline. Seines and nets prohibited

except during the month of August when same may be used for purpose of taking fish for propagation except minnow seines of not more than twenty feet in length for taking bait. Size limit: bass not less than eight (8) inches, white perch or crappie not less than one-half pound.

**Guadalupe County:** Unlawful to offer for sale any fish taken from county. Closed season on bass, perch, crappie and catfish from February 1st to May 1st. Seines and nets prohibited except minnow seine of not more than ten feet in length for taking minnows for bait. Size catfish not less than twelve (12) inches, crappie or white perch not less than seven (7) inches and bass not less than eleven (11) inches. Bag limit not more than ten (10) fish of any one kind a day or more than thirty (30) such fish in any one week except perch twenty (20) of which may be taken in one day and not more than sixty (60) a week.

**Hamilton County:** Unlawful to use seine or net meshes of which are less than three inches square and all of such seines prohibited during the month of March and April, except twenty (20) foot minnow seine which is permissible for taking minnows for bait.

**Harrison County:** Unlawful to take any fish by any means other than ordinary hook and line, rod and reel, set hook and line, trotline, or artificial bait. Lawful to use twenty foot minnow seine to take minnows for bait. Lawful to use hoop net, set net or trammel net, meshes of which are not less than three and one-half inches square to take buffalo, garfish, catfish, shad, bowfin, or grindle at any time except February, March, April and May, provided it shall be unlawful to possess any other fish at time of possession of any of the above fish. Unlawful to take crappie less than eight inches. Bag limit: Fifteen bass or twenty-five crappie in any one day. Possession limit: Bass thirty, crappie fifty.

**Hardin County:** Same as Bell County.

**Hays County:** Unlawful to take any kind of fish during February, March and April.

**Henderson County:** Bag limit crappie fifteen (15) bass ten or an aggregate of fifteen (15) per day.

**Hopkins County:** Same as Delta County.

**Hunt County:** Same as Brown County.



**Jack County:** Two inch square mesh, seine or net may be used in taking catfish, bass and perch except in artificial lakes containing more than twenty (20) acres.

**Jackson County:** Seines and nets prohibited except twenty (20) foot minnow seine for catching bait. Flounder gigs permitted.

**Jasper County:** Unlawful to sell catfish of less than eight (8) inches taken from the waters of the Sabine, Attoyac, Angelina or Neches Rivers or any of their tributaries.

**Jefferson County:** Same as Bell County.

**Kaufman County:** Seines and nets of not less than one and one-half inch square mesh may be used during July, August and September. Unlawful to sell fish taken in county except carp, buffalo, drum or catfish.

**Kerr County:** Unlawful to take fish with any device equipped with more than two hooks except artificial lures used with rod and reel and excepting minnow seine not more than twenty (20) feet in length for the taking of minnows for bait. Size catfish not less than nine (9) inches, bass not less than eleven (11) inches or crappie not less than seven (7) inches in length. Bag limit not more than ten (10) bass, ten (10) crappie or ten (10) catfish or an aggregate of not more than twenty (20) of all such fish in any one day. Not more than twenty (20) perch in one day or more than sixty (60) per week and must not possess more than thirty (30) of any of the above species, with exceptions of perch, in any one week. Unlawful to take for sale any catfish, perch, crappie, bream or bass. Season closed during the months of January, February, March and April.

**Kendall County:** Same as Blanco County.

**Kimble County:** Same as Edwards County.

**Kinney County:** Same as Brown County.

**Lamar County:** May use two inch square mesh seine or net except during March and April or twenty (20) foot minnow seine for taking bait. Unlawful to take more than thirty-five (35) fish a day or take bass, crappie or catfish for the purpose of sale.

**Lampasas County:** Same as Brown County.

**Llano County:** Same as Edwards County.

**Loving County:** Same as Brown County.

**Marion County:** Same as Harrison County.

**Mason County:** Same as Edwards County.

**Medina County:** Closed season on bass, perch, crappie and catfish February 1st to May 1st. Limit per day ten bass, ten crappie. No nets and seines except twenty (20) foot minnow seines. Unlawful to sell any bass, crappie, channel or other catfish.

**Menard County:** Unlawful to take for sale any catfish, perch, crappie, bream or bass. Unlawful to take any fish during the months of January, February, March or April. Bag limit ten (10) bass, crappie or catfish or an aggregate of not more than twenty (20) of such fish a day or not more than twenty (20) perch per day or sixty (60) a week or possess more than thirty (30) of any of the above species except perch in any one week. Size limit catfish not less than nine (9) inches, bass eleven (11) inches or crappie seven (7) inches in length. Unlawful to use any device equipped with more than two hooks except with artificial lures used with rod and reel and excepting minnow seines not more than twenty (20) feet in length for taking minnows for bait.

**Mills County:** Same as Brown County.

**Mitchell County:** Same as Bell County.

**Morris County:** Lawful to use two inch mesh seine or net except during March and April.

**Montgomery County:** Unlawful to use seines or nets of less than three (3) inch square mesh and all seines or nets prohibited during the months of February, March, April, May and June except twenty (20) foot minnow seine may be used for taking minnows for bait.

**McCulloch County:** Same as Brown County.

**McLennan County:** Same as Erath County.

**Nacogdoches County:** Unlawful to use seine or net except during June, July, August, September, October, November and December. Must not be less than three inch square mesh and bass, trout, crappie or white perch taken in seine or net returned to water. Twenty foot minnow seine for taking bait permitted.

**Newton County:** Same as Jasper County.

**Nolan County:** Same as Bell County.

**Orange County:** Same as Bell County.

**Parker County:** Same as Bell County.

**Pecos County:** Same as Brown County.

**Rains County:** Same as Brown County.

**Real County:** Same as Edwards County.

**Red River County:** May use two inch square mesh seine or net except months of March and April or twenty (20) foot minnow seine for taking bait.

**Reeves County:** Same as Brown County.

**Rockwall County:** One and one half inch seine or net permitted during the months of July, August and September. Size limit bass eight (8) inches, crappie one half pound. Unlawful to take any fish for sale.

**Runnels County:** Same as Brown County.

**Rusk County:** Three and one half inch hoop net set net or trammel net may be used for taking buffalo, gar and catfish, shad and bowfin or grindle at any time except during February, March, April and May. Unlawful to possess other fish when using net or seine. Twenty (20) foot minnow seine permissible for taking bait.

**Sabine County:** Seines or nets prohibited except minnow seine not more than twenty (20) feet in length for taking bait.

**San Augustine County:** Same as Sabine County.

**San Saba County:** Unlawful to take fish for sale or to use any device other than ordinary pole and line or throwline equipped with not more than two hooks excepting artificial lures and twenty (20) foot minnow seines for taking bait. Seines and nets of not less than three inch mesh permissible for taking carp and suckers in Colorado River. Bag limit not more than ten (10) fish of any one kind per day or more than thirty (30) in any one week except perch and not more than twenty (20) per day nor more than sixty (60) in any one week. Catfish must be not less than twelve (12) inches in length.

**Sutton County:** Same as Edwards County.

**Tom Green County:** Same as Brown County.

**Titus County:** Same as Morris County.

**Travis County:** Same as Bell County.

**Tyler County:** Same as Jasper County.

**Upshur County:** Lawful to take suckers with trammel net during February, March and April in Gin Lake and Glade Creeks.

**Uvalde County:** Same as Brown County.

**Val Verde County:** Same as Brown County.

**Ward County:** Same as Brown County.

**Williamson County:** Same as Brown County.

**Wichita County:** Same as Archer County.

**Wise County:** Two inch square mesh seine or net may be used in taking catfish, bass and perch except in artificial lakes containing more than twenty acres. Bag limit: White perch or crappie, fifteen; bass, ten; aggregate bass and crappie fifteen in any one day.

**Wood County:** Lawful for residents of Wood County to use a two inch square mesh seine or net to take catfish, drum, buffalo, suckers, carp, shad or garfish, except during March and April.

**Young County:** Unlawful to sell any fish taken from county except from Brazos River not including Clear Fork. Nets and seines unlawful except twenty foot minnow seines. Closed season on bass, crappie or white perch and bream February 1st to May 1st. Size limit: Crappie eight inches, bream five inches. Trolling from motor boat unlawful. Bag limit: Not more than eight bass in a day nor more than twenty pounds, not more than sixteen crappie, calico bass or bream or an aggregate of sixteen of all such fish weighing not more than twenty pounds. Not more than thirty pounds crappie, sun perch, calico bass or bream.

**Zavala County:** Same as Brown County.

Season closed during the months of April and May in the following counties: Armstrong, Briscoe, Carson, Castro, Dallas, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Pottor, Randall, Roberts, Sherman, Swisher, Wheeler.

# SALT WATER AND COMMERCIAL FISHING LAWS

## License Fees and Taxes Required:

Wholesale Fish and Oyster Dealer's License	\$200.00
Wholesale Truck Fish and Oyster Dealer's License	100.00
Retail Truck Fish and Oyster Dealer's License	25.00
Retail Fish and Oyster Dealer (Cities over 40,000 population)	15.00
Retail Fish and Oyster Dealer (Cities 7,500 to 40,000 population)	10.00
Retail Fish and Oyster Dealer (Cities less than 7,500 population)	3.00
Commercial Fisherman's License	3.00
Bait Dealer's License	2.00
Shrimp Trawl License (large trawl)	15.00
Shrimp Trawl License (small trawl)	2.00
Seine or net License	1.00
Fish Boat (if propelled by motor or sail)	3.00
Skiff License (If propelled by oars or poles)	1.00
Retail Oyster Dealer's License (Cities over 7,500 population)	5.00
Oyster Dredge License	15.00
Fish Guide License	2.00
Mussel License	10.00
Mussel Shell Dredge License	25.00
Mussel Tax per Ton	1.00
Oyster Location Rental per acre	1.50
Oyster Shell Tax per cubic yard	.25

Persons using artificial lures or baits in salt waters under jurisdiction of Texas are required to carry an artificial lure license. Out of State or non-resident persons fishing for pleasure in such salt waters are required to procure a non-resident fishing license. (See license under Fresh Water Fish Laws).

Wholesale Fish Dealer's License is required of each person, firm or corporation who buys for the purpose of selling to retail fish dealers and to the consumer or who cans, preserves or processes aquatic products for commercial purposes.

Wholesale Truck Dealer's License is required of each person, firm or corporation who operates a truck for the purpose of selling to or taking orders from retail fish dealers and/or to the consumer trade. Separate license required for each truck operated.

**Retail Truck Dealer's License** is required of any person, firm or corporation engaged in the business of buying for the purpose of selling or distributing either fresh or frozen aquatic products to the consumer trade. Separate license required by each truck so operated and sales only permitted to hotels, cafes and house to house peddling.

**Retail Fish Dealer's License** is required of any person, firm or corporation engaged in the business of buying for the purpose of selling either fresh or frozen edible aquatic products to the consumer. Separate license will be required for each market in which such dealer or person operates. Fee of such license based on population of the city.

**Retail Oyster Dealer's License** is required of any person, firm or corporation buying oysters only for the purpose of selling to the consumer trade in cities of more than 7,500 population. (This license is provided for use of markets or dealers handling oysters only and who do not care to take out retail fish and oyster dealer's license).

**Commercial Fisherman's License** is required of any person who takes fish, oysters, shrimp, and other edible aquatic products from the waters of this State for pay or for the purpose of sale, barter or exchange.

**Bait Dealer's License** is required of any person who sells, either minnows, fish, shrimp or other aquatic products for fish bait.

**Fish Guide License** is required of any person who operates a boat for pay or anything of value in accompanying or transporting any person engaged in taking any edible aquatic life from the waters of this State for pay, barter, sale, or exchange.

**Shrimp Trawl License** is required of each boat operating or towing a trawl.

**Seine or Net License** must be attached to each hundred feet or fraction thereof of each seine or net used for the purpose of taking fish or shrimp from the waters of this state, except in fresh waters for non-commercial purposes.

**Fish Boat License** is required for each boat equipped with motor of any kind or with sails when used for taking aquatic products for commercial purposes.

**Skiff License** is required for each boat propelled by oars or poles that is used for the purpose of taking aquatic products for commercial purposes.

Oyster Dredge License is required for each boat used for the purpose of dredging oysters.

Mussel License will be required for the purpose of taking mussel or mussel shells from the beds of state owned streams and waters.

All Fish and Oyster License become effective September 1 and expire August 31 of the following year.

### FISH (Salt Water)

Size Limit: Flounder twelve (12) inches, speckled trout twelve (12) inches, red fish not less than twelve (12) or over thirty-two (32) inches, drum not less than eight (8) inches nor over twenty (20) inches; pompano nine (9) inches; sheephead eight (8) inches; mackerel fourteen (14) inches and gafftopsail eleven (11) inches. It shall be unlawful to sever the head except drum, redfish and catfish. Such headless body of redfish shall not measure more than twenty-seven (27) inches in length and headless catfish shall not measure less than eight (8) inches in length.

### TERRAPIN (Salt Water)

Open Season: November, December, January and February.

Size: Not less than six (6) inches in length.

### GREEN TURTLE

Size: Not less than twelve (12) pounds in weight.

### OYSTERS

Open Season: September 1st to March 31st.

That part of Laguna Madre which is south and west of Baffin's Bay has no closed season on oysters.

Matagorda Bay: Unlawful to dredge oysters in the head waters 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.

Size Limit: In shell, 3½ inches.

American citizens, or any firm or corporation composed of such citizens, may use scrapers or dredges in removing oysters from natural reefs provided they have procured a license from the Game Fish and Oyster Commission before beginning operations.

The Game, Fish and Oyster Commission is empower-

ed to close a reef by giving two weeks notice when it has reason to believe same is being overworked.

Shell from oysters opened or shucked on board the boat must be deposited on shore as directed by Game, Fish and Oyster Commission.

A person leasing an oyster claim or reef may obtain permission from the Game, Fish and Oyster Commission to seine thereon for drum fish.

## SHRIMP

**Size Limit of Shrimp:** Not less than five and one-half inches except shrimp taken for bait in a twenty foot minnow seine or cast net or in a shrimp trawl not more than ten feet at the mouth and not more than twenty feet in length. A bait trawl may be used in any of the tidal waters of this State.

## SEINES AND NETS

Seines may be used only in the Gulf of Mexico and must not be more than eighteen hundred (1800) feet in length, and not less than one and one-half inch square in mesh except the bag and for fifty (50) feet on each side of the bag shall not be larger than one inch square mesh.

Nets shall not be smaller than one and one-half inch square mesh.

It is unlawful to use a shrimp trawl, without a license or a seine or net without a tag, issued by the Game, Fish and Oyster Commission, attached to such device.

Unlawful to use a seine, net or shrimp trawl, except a bait trawl, in Orange, Jefferson, Chambers, Harris, Galveston and Brazoria Counties or in streams, lakes, bayous or canals of Matagorda County except that strike nets, gill nets, trammel nets or shrimp trawls may be used in East Galveston Bay in the counties of Galveston and Chambers during the period beginning August 15th and ending May 15th of each year, but may not be used in Swan Lake, Moses Lake, Clear Lake, Dickinson Bayou west of a line running from Miller's Point to April Fool Point, Turtle Bay and that portion of East Bay northwest of a line extending from Kemah to Mesquite Knoll.

Unlawful to use a seine, net or shrimp trawl, except a bait trawl at any time in or on the waters of Agua Dulce Creek, Oso Creek, Shamrock Cove, Nueces Bay, Ingleside Cove, Red Fish Cove, Shoal Bay, Mud Flats, Shallow Bay, 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 main land to Aransas



Bay; all of Aransas Bay between Port Aransas and Corpus Christi Bayou and lying between Harbor Island and Mud Island, Puerto Bay, St. Charles Bay, Hines Bay, Contec Lake, Oyster Lake, Turtle Bay, Copano Bay, Mission Bay, or in or within a mile of the pass on the north of Laguna Madre leading into Corpus Christi Bay, defined as beginning one quarter of a mile southwest of Pita Island and running to Flour Bluff, or in any of the tidal waters of Willacy County west of Padre Island, or in any of the tidal waters of Kenedy or Kleberg Counties.

Provided that shrimp trawls may be used in Matagorda Bay, San Antonio Bay and in that part of Aransas Bay and that part of Corpus Christi Bay not mentioned above. Such trawls also permitted in Espiritu Santo Bay in Calhoun County and Lavaca Bay during the months of September, October, November and December. Seining permissible in the waters of Powder Horn Lake in Calhoun County during the months of January, December and February of each year.

Unlawful to have in possession any seine, strike net, gill net, trammel net, or shrimp trawl in or on any of the waters of this State where such device is prohibited from being used unless such device is on board a vessel when such vessel is at a port or in a channel while enroute to or from the Gulf of Mexico. Any seine or net or shrimp trawl possessed in violation of this law is subject to seizure by any officer and destruction by a court order.

Unlawful to use any seine, net or shrimp trawl in any channel or canal connecting one body of bay water with another body of bay water, or in any channel connecting a bay with the Gulf of Mexico or within a mile of such channel.

#### UNLAWFUL TO

Use dredge or any means other than hand tongs in water less than 4 feet deep.

Use power dredge in water less than 6 feet deep.

Ship, sell or possess for purpose of sale any fish or oysters taken from insanitary reef.

Plant, or buy oysters for planting, bedding, marketing, or other purposes during closed season without permit from the Game, Fish and Oyster Commission.

Ship or accept for shipment or transportation during closed season, oysters taken from public reefs.

Fail or refuse to scatter culls from oysters you take from reefs.

Open or shuck oysters for market near or on reefs.

Sell oysters taken from planting or depositing for preparation for market.

Sell cargo of oysters containing more than five per cent young oysters.

Use insanitary containers.

Float or bloat oysters.

Deface, injure, destroy or remove any buoy, marker or fence, or part thereof.

Refuse to show license.

Erect, set, operate or maintain any fish pound net within three (3) nautical miles from coast line without permit from Game, Fish and Oyster Commission.

Take for sale any mussels, clams or naiads or shells thereof, without a license.

Use explosives or to muddy water.

All undersize fish must be returned to the waters from which taken.

## FUR-BEARING ANIMAL LAWS

The animals that are classed as fur-bearing animals in Texas and on which a tax must be paid are Badger, Civet Cat, Fox, Mink, Muskrat, Opossum, Polecat, or Skunk, Raccoon, Beaver and Ringtail Cat. Game animals may not be trapped at any time nor their pelts or hides sold. Deer, antelope, mountain sheep, bear and squirrels are game animals (See Game Laws).

### PROPERTY OF STATE

The protected fur-bearing animals and their pelts are the property of the State until they have been lawfully taken, taxes paid thereon and all other regulations and laws complied with.

### OPEN SEASONS (General Laws)

The period of time when you may lawfully take Badger, Civet Cat, Fox, (certain counties closed) Mink, Opossum, Pole Cat or Skunk, Raccoon and Ringtail Cat is during the months of December and January of each year. Fur bearing animals may be taken with traps, guns or dogs, except that steel traps may not be used in certain counties.

**Musk rats:** May be taken from November 15th to March 15th of each year with traps only.

**Beaver:** May be taken only in Val Verde County and counties west of the Pecos River during the month of January.

**Otter:** Unlawful to take or possess in any portion of Texas (except in certain counties).

### OPEN SEASON (Special Laws)

Unlawful to kill, take or have in possession for sale any fox or the pelts thereof (also beaver and otter) in the following counties: Bastrop, Bell, Bosque, Bowie, Brazos, Burleson, Caldwell, Cherokee, Cooke, Delta, Erath, Falls, Franklin, Freestone, Grayson, Grimes, Hardin, Harrison, Henderson, Hill, Hood, Hopkins, Houston, Jefferson, Johnson, Kaufman, Lee, Leon, Liberty, Limestone, Milam, Madison, Morris, McLennan, Nacogdoches, Navarro, Palo Pinto, Panola, Polk, Robertson, Rusk, San Jacinto, Shelby, Titus, Trinity, Upshur, Van Zandt, Walker, Washington, Williamson, and Wood.

**Angelina County:** Trapping permitted on one's own property or on property where permit has been given by the owner.

**Bowie County:** Unlawful to set steel trap, snare or deadfall for the purpose of taking fur-bearing animals.

**Bosque County:** Same as Bowie County.

**Cherokee County:** Unlawful to set steel trap for purpose of taking furbearing animals except from December 15th to January 15th or when set within two hundred (200) yards of some residence.

**Freestone County:** Unlawful to use steel traps, snare or deadfall except on one's own property or where permit has been given by property owner.

**Hill County:** Same as Bowie County.

**Houston County:** Trapping permitted only on one's own property or where permit has been given by property owner.

**Johnson County:** Same as Bowie County.

**Montgomery County:** Unlawful to use steel traps for the purpose of taking fur-bearing animals or set same except within two hundred (200) yards of some residence.

**Nacogdoches County:** Same as Angelina County.

**Navarro County:** Same as Bowie County.

**Sabine County:** Same as Montgomery County.

**San Augustine County:** Same as Montgomery County.

**Shelby County:** Closed for period of two years.

**Smith County:** Same as Bowie County.

**Cottle County:** Open season December 1st to February 15th except muskrats which is from November 15th to April 1st inclusive.

### TRAPPER DEFINED

A trapper is any person over the age of seventeen years who takes or attempts to take the pelts of any fur-bearing animals for the purpose of barter or sale except persons who take the pelt or pelts of fur-bearing animals from their own land or land on which such person resides.

Persons required to procure a license must do so before taking or attempting to take pelts of any of the fur-bearing animals for barter or sale. Persons who have resided in Texas for twelve months or more are classed as resident trappers. Persons who have resided in Texas less than 12 months are classed as non-resident trappers.

### TRAPPER'S LICENSE

The fee for a Resident Trapper's License is one dollar and ten cents (\$1.10).

The fee for a Non-Resident Trapper's License is twenty-five (\$25.00) dollars.

Resident Trapper's License may be procured from any Game and Fish Warden, County Clerk, authorized License Warden or direct from the office of the Game, Fish and Oyster Commission at Austin, Texas.

Non-Resident Trapper's License may be procured only from the office of the Game, Fish and Oyster Commission at Austin, Texas.

A hunting license does not authorize or permit a person to hunt or take fur-bearing animals or their pelts.

It is unlawful for a person over the age of seventeen years to hunt with a gun in a county other than the one in which he or she resides without a hunting license (See Game Laws).

A Trapper's License permits a person to trap or take fur-bearing animals in any county of Texas, but when such person hunts with a gun in a county other than the one in which he resides he must procure a Hunting License in addition to his Trapper's License (See Game Laws).

### PROPAGATION OF FUR-BEARING ANIMALS

For a fee of \$5.00 a permit can be obtained for the purpose of taking fur-bearing animals alive during the open season for the purpose of sale or propagation.

### DEALER DEFINED

Any person, firm or corporation, except the trapper selling his own catch, engaged in the business of buying or selling pelts of fur-bearing animals is a Dealer. This applies to all persons, firms, corporations, manufacturers, furriers and taxiderm-

ists who buy, offer to buy, sell or offer for sale the pelts of fur-bearing animals.

Dealers are classified as Resident Dealers and Non-Resident Dealers.

Resident Dealers are persons who have resided in this state for a period of 12 months or more, or resident firms or corporations that have been organized for a period of twelve months or more, prior to applying for such license. All others are Non-Resident Dealers.

### DEALER'S LICENSE

Resident Dealers must procure a Resident Fur Dealer's License before commencing business, the fee for which is Five Dollars and Fifty Cents (\$5.50). Such license may be procured from any Game and Fish Warden, County Clerk, or direct from the office of the Game, Fish and Oyster Commission at Austin, Texas.

Non-Resident Dealers must procure a Non-Resident Fur Dealer's License before commencing business, the fee for which is Fifty (\$50.00) Dollars. Such a license may be procured only from the office of the Game, Fish and Oyster Commission at Austin, Texas.

### DEALER'S REPORT

Every Fur Dealer must file with the Game, Fish and Oyster Commission, not later than the tenth 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 the pelts of fur-bearing animals purchased in this State and shipped out of this State during the preceding month. No report is required for those months when no pelts are purchased. The above report is required of Dealers who buy in the State and ship out of the State. If the dealer is a Tanner, Furrier, Taxidermist or Manufacturer, who tans or manufacturers the pelt into a finished product in this State, a report is required not later than the tenth day of each month which shows the number of pelts purchased during the preceding month.

### TAXES

A tax must be paid to the Game, Fish and Oyster Commission on the pelts of fur-bearing animals as follows: Badger, Civet Cat, Fox, Muskrat, Opossum, Pole Cat or Skunk and Ringtail Cat one (1c) cent each. On Beaver, Mink and Raccoon the tax is five (5c) cents each.

### TAGS

Tax receipt may be procured from any Game and Fish Warden or direct from the Game, Fish and Oyster Commission at Austin, Texas.

The trapper must attach a tax receipt tag to each pelt taken by him before he offers it for sale. When a tag is attached to each pelt the trapper must write thereon the date that such pelt was tagged.

It is unlawful for a trapper to sell or offer for sale any pelt of a fur-bearing animal on which he has not previously placed Tax Receipt Tags issued by the Game, Fish and Oyster Commission of Texas.

It is unlawful for any dealer to buy or offer to buy any pelt of a fur-bearing animal on which there has not been placed an Official Tax Receipt Tag. On pelts shipped into Texas from another State no tax is levied except when such out-of-state pelts are reshipped from a point in Texas to another point in Texas.

A trapper may purchase any number of Tax Receipt Tags from the Game, Fish and Oyster Commission or any of its authorized agents, and place them on the proper pelts when he legally takes them.

All pelts taken by the trapper during the legal open season must be tagged not later than five (5) days after the close of the open season if he intends to offer the pelts for sale at any time.

It shall be unlawful for a dealer to purchase a pelt taken in this State or shipped from a point in this State which does not bear a Tax Receipt Tag.

#### OUT-OF-STATE PELTS

When a dealer has out-of-State pelts in his possession for sale and desires to re-ship them from a

point in Texas to another point in Texas, either to himself or to another dealer, he must tag each pelt with an Official Tax Receipt Tag of the proper denomination. No tax or tax receipt tag is required on out-of-State pelts when they are received at a point in Texas when re-shipped to a destination beyond Texas.

Pelts may be shipped into Texas from any State or the Republic of Mexico. The holder or owner of such out-of-State pelts must possess his express receipts or importation papers to prove that the pelts come from without Texas. When such pelts come from the Republic of Mexico the person possessing or owning same must have his importation papers from the United States Customs Office as proof.

It is unlawful to bring the pelts of otter into Texas or to possess them in Texas.

All Tax Receipt Tags expire August 31 following date of issuance. They are valid only from September 1 of one year to August 31 of the year following.

Tax Receipt Tags may be purchased at any time and in any quantity.

### SHIPPING

Pelts of fur-bearing animals trapped in Texas during the legal open season may be shipped at any time, provided they have been properly tagged and all laws complied with.

### UNDRIED PELTS

The possession of undried pelts after fifteen days after the close of the open season shall be PRIMA FACIE evidence that the pelt was taken during the closed season. The trapper is given fifteen days immediately following the close of the open season for drying of pelts taken by him during the open season.

### PREDATORY ANIMALS

Wolves, Coyotes, Cougars, Rabbits, Wild Cats, Bob Cats, Weasels, Mountain Lions, Mexican Lions, and Ocelot are not classed as fur-bearing animals. They are not protected by law. They may be killed at any time of the year and no tax is due on their pelts.

It is 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.

### IMPORTANT NOTICE

**Federal Lacey Act:** This legislation enacted in 1900, and amended and incorporated in the Criminal Code of the United States in 1909, prohibits the delivery of dead bodies of wild animals or parts thereof to any common carrier for transportation from one state to another when such animals have been killed or shipped in violation of State Laws.

Leave tags on pelts—do not detach them when you ship.

## FULL TEXT OF THE LAW GAME BIRDS AND GAME ANIMALS

### 1. 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. (1925 P. C., Art. 871a.)

### 2. Game Birds Defined.

Wild turkeys, 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 partridges, 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 chacalacas and wild plover of all varieties are hereby declared to be game birds within the meaning of this Act. 1925 P. C., Art. 872.)

### 3. Killing Birds in Closed Season.

No person shall kill or take any of the birds or fowls enumerated in Article 872 except during the open season as fixed for each kind of bird or fowl, and if any person shall kill, take or have in his possession, any of the birds or fowls enumerated in Article 872 at any time of the year except during the open season as provided for in this Chapter, he shall be fined not less than Ten (\$10) Dollars, nor more than One Hundred (\$100) Dollars. (1925 P. C., Art. 923.)

### 4. 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) Dollars, nor more than Two Hundred (\$200). (1925 P. C., Art. 874.)

### 5. Unprotected Birds.

English sparrows, crows, ravens, vultures or buzzards, "ricebirds" identified as harmful, blackbirds, pelicans, roadrunners, goshawk, cooper-hawk or blue darter, sharp-shinned hawk, duck hawk, jay birds, sapsuckers, woodpeckers, butcher birds or shrike, and the great horned owl are not included among the



birds protected by this section; and, provided, 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. (1925 P. C., Art. 875.)

#### **6. 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 animals within the meaning of this Act. (1925 P. C., Art. 892.)

#### **7. Unlawful Gun.**

It shall be unlawful to hunt, kill or take any wild duck, goose, or brant, by any means other than the ordinary gun, not to exceed ten-gauge, capable of being held to and shot from the shoulder. 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, and each bird or fowl taken or killed in violation of this Article shall constitute a separate offense. (1925 P. C. Art. 886.)

**Note:** Federal regulations prohibit the use of shot gun with greater than three-shell capacity when hunting or shooting migratory birds.

#### **8. 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) Dollars, nor more than One Hundred (\$100) Dollars, and each bird or animal so killed shall constitute a separate offense. (1925 P. C., Art. 887.)

#### **9. Hunting with Gun; License For.**

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) 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) 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) 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) Dollars, nor more than One Hundred (\$100) Dollars.

Providing, that the provisions of this article requiring hunting license shall not apply to persons under seventeen years of age. (Art. 904.)

Provided, that the foregoing provisions as to the payment of a fee of Twenty-five (\$25) Dollars by non-residents for hunting license shall not apply to residents of the State of Arkansas who reside in counties bordering upon the State of Texas, but that non-residents who reside in such border counties in the State of Arkansas shall be permitted to hunt in the counties of Bowie and Cass in the State of Texas upon the same terms and upon the payment of the same hunting license fees as a resident of the State of Texas hunting in a county other than his own.

Provided further, that this Act shall apply only to the non-residents who reside in the border counties of the State of Arkansas, which State has recently enacted a reciprocal Act granting unto residents of border counties of the State of Texas like privileges and terms. (H. B. 165, 2nd C. S. 41st Leg.)

#### 10. 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 continually 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. (1925 P. C. Art. 920.)

**11. Penalty for Failure of Non-Resident to Secure License.**

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 (\$10) Dollars nor more than One Hundred (\$100) Dollars. (1925 P. C. Art. 904a.)

**12. Form of Licenses.**

All hunting licenses issued shall have printed across thir face 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. (1925 P. C. Art. 894.)

**13. 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) Dollars nor more than One Hundred (\$100) Dollars. (1925 P. C. Art. 899.)

**14. Hunting for Hire.**

It shall be unlawful for any person to hire or employ any other person, to be hired or employed by any other person, by the payment, or by the promise of payment, of money or anything other of value, to hunt bird, wild fowl, or game animals protected by this chapter. 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 Twenty-five (\$25) Dollars, nor more than Two Hundred (\$200) 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. (1925 P. C. Art. 900.)

#### 15. Female Deer, Fawn or Young Buck.

It shall be unlawful for any person to take, kill, wound or 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) Dollars, nor more than Two Hundred (\$200) Dollars. (1925 P. C. Art. 910.)

#### 16. 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 (\$100) Dollars, nor more than Five Hundred (\$500) Dollars, or be imprisoned in jail not less than twenty nor more than ninety days, or both. (Acts. 1915 P. 162, Acts. 1919, P. 295. 1925 P. C. Art. 923g.)

#### 17. Bag Limit.

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:

#### 18. Doves.

Wild mourning doves fifteen in any one day and not more than forty-five in any one week of seven days. White winged doves fifteen a day and not more than thirty a week or more than fifty of all species of quail and doves at any one time.

#### 19. Quail.

Wild quail of all kinds and wild Mexican pheasants or chachalaca twelve in any one day and not more

than thirty-six a week of seven days and not more than fifty of all species of quail and doves at any one time.

**20. Turkey.**

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

**21. Deer.**

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

**22. Bear.**

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

**23. Squirrel.**

Wild squirrel, ten in any one day. (1925 P. C. Art. 881.)

**24. Rails and Plovers.**

There shall be an open season, or period of time, when it shall be lawful to hunt, take or kill wild rail (other than coot or gallinules), wild black-bellied plover and wild golden plover, and yellow legs, the months of September and October of each year, in both the North and South Zones. Art. 879d, Ch. 215, H. B. 161, 40th Leg.)

(Note: No open season due to conflict with Federal regulations.)

**24½. Federal Regulations. Migratory Birds.**

Mourning Doves: Open season September 21st to January 5th for entire State. Bag limit 20 a day and not more than 20 in possession. Daily shooting hours 7:00 a. m. to sunset. Shot gun larger than 10 gauge or capable of holding more than three shells prohibited. Must not lure birds with or by grain or food products.

Waterfowl: Open season wild ducks of all kinds (except wood duck, ruddy duck and bufflehead duck, for which there is no open season) coot, geese, brant, Wilson Snipe or Jack Snipe, November 20th to December 19th. Shooting period 7:00 a. m. to 4:00 p. m.

**Bag and Possession Limits**

Ducks: Ten in the aggregate of all kinds and may not possess more than ten of all kinds.

Geese and Brant: Four in the aggregate of all kinds and may not possess more than four of all kinds.

Coot: Fifteen and may not possess more than fifteen.

Wilson's Snipe or Jacksnipe: Fifteen and may not possess more than fifteen.

Woodcock: Four and may not possess more than four.

Shot gun larger than 10 gauge or capable of holding more than three shells prohibited.

Waterfowl may be taken during the open season from the land or water, with the aid of a dog, and from a blind, boat, or floating craft of any kind, except as hereinafter provided, not more than 100 feet from the shore line as determined by ordinary high tide, or where there is continuous natural growth or vegetation extending beyond such shore line, not more than 100 feet from such growth or vegetation protruding above the surface of the water at the time of taking such birds, except that scoters (sea coots) may be taken in coastal waters without reference to such distance limitation; but migratory game birds are not permitted to be taken from or by aid of an automobile, airplane, sinkbox (battery), power boat, sailboat, any boat under sail, any floating craft or device of any kind towed by power boat or sailboat. Birds must not be lured or attracted by the use of grain, salt, or any kind of food or the use of live waterfowl decoys.

Rails (except coot): Open season September 1st to November 30th, with bag limit of 15 in the aggregate of all kinds and must not possess more than 15 at any one time.

## 25. Prairie Chicken.

It shall be unlawful to take, kill or have in possession more than ten prairie chicken or pinnated grouse in any one day or during the open season of each year. 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 Fifty (\$50) Dollars nor more than Two Hundred (\$200) Dollars, and each bird killed or possessed in violation of this Act shall create a separate offense. (Ch. 209, P. 450, Acts 41st Leg.)

## 26. Bag Limit Penalty.

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 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) Dollars nor more than Two Hundred (\$200) Dollars; and each game bird or game animal unlawfully taken shall constitute a separate offense. (1925 P. C. Art. 873.)

#### **27. Closed Season Defined.**

The term "Closed Season" shall, for the purpose of enforcement of the game laws in 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. (1925 P. C. Art. 882.)

#### **28. Hunting from Automobiles, 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 fowls, or wild game animals, protected by the laws of the State, from an automobile, an airplane, a power boat, a sail boat, any boat under sail, or any floating device towed by power boat or sail boat. 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 not less than Twenty-five (\$25) Dollars, nor more than Two Hundred (\$200) Dollars. (1925 P. C. Art. 901.)

#### **29. 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 at 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) Dollars, nor more than Two Hundred (\$200) 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 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. (1925 P. C. Art. 902.)

### 30. Boat Owner to Have License.

It is hereby declared unlawful for any person owning or navigating a sail boat or power boat, 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) 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 reissued to him thereafter for a period of one year.

Any person who carries out any hunting parties for a 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) Dollars nor more than One Hundred (\$100) Dollars. (1925 P. C. Art. 903.)

### 31. Division into Zones.

In order to divide the State for the purpose of better regulating the open and closed seasons for hunting of wild game birds and wild game animals of this State, a line beginning on the Rio Grande river directly west of the town of Del Rio, Texas; thence east to the town of Del Rio; thence easterly following the center of the main track of the Southern Pacific Railroad through the towns of Spoffard, Uvalde, Hondo; thence to the point where



the Southern Pacific Railroad crosses the I. & G. N. R. R. at or near San Antonio; thence following the center of the track of said I. & G. N. R. R. in an easterly direction, to the point in the City of Austin, where it joins Congress Avenue, near the I. & G. N. R. R. depot; thence across said Congress Avenue to the center of the main track of the H. & T. C. R. R., where said track joins said Congress Avenue, at or near the H. & T. C. R. R. depot; thence following the center line of the track of said H. & T. C. R. R. in an easterly direction through the towns of Elgin, Giddings, and Brenham, to the point where said railroad crosses the Brazos river; thence with the center of said Brazos river in a general northerly direction, to the point on said river where the Beaumont branch of the Santa Fe Railway crossed the same; thence with the center of the track of the said G. C. & S. F. R. R. in an easterly direction through the towns of Navasota, Montgomery and Conroe to the point at or near Cleveland, where said G. C. & S. F. R. R. crosses the Houston, East & West Texas Railroad; thence with the center of said H. E. & W. T. R. R. track to the point in said line where it strikes the Louisiana line. All that portion of the State lying north or northerly shall be known as the North Zone and all that portion of the State lying south or southerly of said line shall be known as the South Zone. (1925 P. C., Art. 878; amended by Ch. 222, H. B. 71, Acts 40th Leg.)

**32. Mourning Doves, Quail, Chachalaca, White Winged Doves in the North and South Zones.**

Section 1. There shall be an open season or period of time when it shall be lawful to hunt or kill wild mourning doves in all of the South Zone of this State from December 1st in one year to the 16th of January of the following year, both days inclusive; in the North Zone of this State during the months of September and October of any year. Such Zones, for the purpose of this Act, shall be as defined in Article 878 of the Penal Code of the State of Texas, as amended in Chapter 222, Page 326, Acts of Regular Session, fortieth Legislature.

Sec. 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 both the North and South Zones of this State during the period December 1st in one year to January 16th in the following year, both days inclusive.

Sec. 3. There shall be an open season or period of time when it shall be lawful to kill white winged doves in both the North and South Zones of the State of Texas during the period September 1st, to October 31st, both days inclusive.

Sec. 4. It shall be unlawful to kill more than fifteen (15) mourning doves in any one (1) day or to kill more than forty-five (45) mourning doves in any period of seven (7) days or to have in possession at any one time more than forty-five (45) mourning doves; or 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; or to kill in any one day more than fifteen (15) white winged doves or to kill during any period of seven (7) days more than thirty (30) white winged doves; or to have in possession at any one time more than thirty (30) white winged doves; or to kill in any period of seven (7) days more than fifty (50) in the aggregate of all species mentioned in this Act or to have more than fifty (50) of all such birds in possession at any one time.

Sec. 5. Any person killing any wild mourning dove, wild quail of any variety, wild chachalaca (commonly called Mexican Pheasant), or wild white winged dove 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 a 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. No. 101, Reg. Ses., 44th Leg.)

**33. Mourning Doves or Quail, Bastrop, Brazos, Burleson, Fayette, Grimes, Lee, Limestone, Milam, Montgomery, Robertson, San Jacinto or Washington counties.**

Section 1. It shall be unlawful to take or kill any mourning doves or any quail in the Counties of Bastrop, Brazos, Burleson, Fayette, Grimes, Lee, Limestone, Milam, Montgomery, Robertson, San Jacinto, or Washington, at any time other than during the period December 1st to January 16th both days inclusive of any year.

Sec. 2. During such open season it shall be unlawful to take more than twelve (12) quail in any

one day or more than fifteen (15) mourning doves or to take more than thirty-six (36) quail or more than forty-five (45) mourning doves in any seven-day period, or to have in possession at any time more than seven-day limits.

Sec. 3. 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 Fifty Dollars (\$50), and each bird taken or possessed in violation of any provisions of this Act shall constitute a separate offense. (H. B. No. 423, Reg. Ses., 44th Leg.)

#### **34. Andrews County Closed on Quail.**

Sec. 1. It shall be unlawful to take or kill any wild quail or any species in the County of Andrews 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 (\$25) Dollars nor more than Two Hundred (\$200) Dollars.

Sec. 3. The possession of any quail by any person in said county during said five (5) year period, or the possession of any dead wild quail in said county during said period, shall be prima facie evidence of the unlawful taking or killing of such quail. (H. B. 589, 43rd Leg.)

#### **35. Borden County Closed on Quail.**

Section 1. It shall be unlawful to take or kill any wild quail of any specie in the county of Borden for a period of five 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 to exceed Two Hundred (\$200) Dollars.

Sec. 3. The possession of any quail by any person in said County during said five-year period, or the possession of any dead wild quail in said county during said period, shall be prima facie evidence of the unlawful taking or killing of such quail. (Ch. 99, H. B. 693, 42nd Leg.)

#### **36. Quail. Ector County.**

Section 1. It shall be unlawful to take, hunt, trap, shoot or kill any wild quail of any species in the County of Ector for a period of three (3) 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 Five

Dollars (\$5) nor more than Twenty-five Dollars (\$25).

Sec. 3. The possession of any quail by any person in said county during said three (3) year period, or the possession of any dead wild quail in said County during said period, shall be prima facie evidence of the unlawful taking or killing of such quail. (H. B. No. 615, Reg. Ses., 44th Leg.)

### 37. Gaines County Closed on Quail.

Section 1. It shall be unlawful to take, hunt, trap, shoot or kill any wild quail of any species in the County of Gaines 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 Five Dollars (\$5) nor more than Twenty-five Dollars (\$25.00).

Sec. 3. The possession of any quail by any person in said county during said five (5) year period, or the possession of any dead wild quail in said county during said period, shall be prima facie evidence of the unlawful taking or killing of such quail. (Ch. 11, page 42, H. B. 52 Act. 1st C. S. 43rd Leg.)

### 38. Glasscock County Closed on Quail and Doves.

Section 1. That thereafter, for a period of three (3) years from and after the passage of this Act, it shall be unlawful to kill or capture or take possession of any quail, doves, or pheasants in Glasscock County, Texas.

Sec. 2. Anyone violating the provisions of this Act shall, upon conviction in a Court of competent jurisdiction, be fined not less than Twenty-five (\$25) Dollars, or more than Two Hundred (\$200) Dollars, or imprisoned in jail for not more than ninety (90) days, or both such fine and imprisonment. (H. B. 66, 43rd Leg., Reg. S.)

### 39. Karnes County Closed on Quail.

Section 1. It shall hereafter be unlawful for any person to hunt, trap, ensnare, kill, or possess dead or alive any wild quail of any species within the limits of County Commissioner's Precinct No. 2 of the County of Karnes, State of Texas as the same is now recognized by the Commissioner's Court of said 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 deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any

sum not less than Fifty (\$50) Dollars, nor more than Two Hundred (\$200) Dollars. (H. B. 27, 43rd Leg.)

**40. Quail, Hemphill and Lipscomb Counties.  
Prairie Chickens and Pinnated Grouse. Collingsworth, Donley, Wheeler, Gray, Hemphill and Lipscomb Counties.**

Section 1. (a) It shall be unlawful for any person to hunt, take, capture, kill or possess any quail in Hemphill and Lipscomb counties for a period of five years from and after the effective date of this Act.

(b) It shall be unlawful for any person to hunt, take, capture, kill or possess any prairie chickens and pinnated grouse in Collingsworth, Donley, Wheeler, Gray, Hemphill, and Lipscomb Counties for a period of five (5) years from and after the effective date of this Act.

Sec. 2. Any person violating any provision of this Act shall be 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). (H. B. No. 426, Reg. Ses., 44th Leg.)

**41. Midland County Quail Law.**

Section 1. It shall be unlawful to take, hunt, trap, shoot or kill any wild quail of any species in the County of Midland 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 Five Dollars (\$5) nor more than Twenty-five (\$25) Dollars.

Sec. 3. The possession of any quail by any person in said county during said five (5) year period, or the possession of any dead wild quail in said county during said period, shall be prima facie evidence of the unlawful taking or killing of such quail. (Ch. 54, Page 117, H. B. 115, Acts 2nd C. S. 43rd Leg.)

**42. Terry and Martin Counties, Quail and Dove Law.**

Section 1. From and after the passage of this Act, it shall be unlawful for any person to hunt, trap, shoot, or kill any Blue Quail, Bob Whites, or Doves within the County of Terry for a period ending March 20, 1938.

Sec. 2. From and after the passage of this Act, it shall be unlawful for any person to hunt, trap, shoot, or kill any Blue Quail or Bob Whites within the County of Martin for the period ending March 20, 1938, from and after the passage of this Act.

Sec. 3. Any person violating the provisions of Section 1 and Section 2 hereof, 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). (S. B. No. 14 as enacted by the 3rd C. S. of the 43rd Leg.)

**43. Quail and Bobwhite. Van Zandt and Wood Counties.**

Section 1. That from and after the passage of this Act it shall be unlawful for any person to hunt, trap, shoot, or kill any quail or bobwhite in the Counties of Van Zandt and Wood, for a period ending January 15, 1937.

Sec. 2. Any person violating the provisions of Section 1, 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). (H. B. No. 838, Reg. Ses., 44th Leg.)

**44. Yoakum County Closed on Quail and Doves.**

Section 1. From and after the passage of this Act, it shall be unlawful for any person to hunt, trap, shoot, or kill any blue quail, bob whites or doves, within the County of Yoakum, for the period of five years from and after the passage of this Act.

Sec. 2. Any person violating the provisions of Section 1 hereof, shall be deemed guilty of a misdemeanor and upon conviction be fined in any sum not less than Five Dollars (\$5) nor more than Twenty-five Dollars (\$25). (S. B. 40, 43rd Leg. Reg. S.)

**45. Liberty and Hardin Counties Closed on 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 the counties of Liberty and Hardin, 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 the provisions of this Act shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in any sum of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) and shall forfeit his right and license to hunt with a gun in this State for a period of one (1) year following the time of his conviction. (Ch. 93, Page 265, H. B. 123, Acts 1st C. S. 43rd Leg.)

**46. Closed Season on Prairie Chickens in Brazoria and Matagorda Counties.**

Section 1. From and after the passage of this Act, it shall be unlawful for any person to hunt, shoot or kill any prairie chicken or pinnated grouse, within the Counties of Brazoria and Matagorda, or either of them, for the period of five years from and after the passage of this Act.

Sec. 2. Any person violating the provisions of Section 1 hereof, shall be deemed guilty of a misdemeanor and upon conviction shall be fined any sum not less than Five (\$5) nor more than Twenty-five (\$25) Dollars. (Ch. 27, H. B. 66, 42nd Leg. 2nd C. S.)

#### 47. Black Tail Deer, Open Season and Bag Limit.

Sec. 1. Hereafter it shall be unlawful to hunt, take or kill any Black Tail Deer in any part of this State west of the Pecos River, except during the period from the 16th to the 30th day of November, inclusive of each year, and in said territory during said open season it shall be unlawful to hunt, take or kill any such deer unless it be a buck, with pronged horn, and it shall be unlawful to kill more than one such pronged horn buck during any one open season in said territory. Any person violating any provision of this Act shall be subject to fine of not less than Fifty (\$50) Dollars nor more than Two Hundred (\$200) Dollars. (Ch. 95, S. B. 8, 41st Leg.)

#### 48. Wood County Game Law.

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 seasons as herein defined. Any person violating any of the provisions of this section shall, upon conviction, be fined not less than Ten (\$10) Dollars nor more than Twenty-five (\$25) Dollars.

Sec. 5. From and after the taking effect of this Act, it shall be unlawful to hunt, run, take, kill or cripple any deer or wild turkey in Wood County for the period of 5 years, and any person guilty of violating this provision shall upon conviction be fined in any sum not less than Fifty (\$50) Dollars nor more than Two Hundred (\$200) Dollars, or by confinement in the county jail for not exceeding

twenty days, or both such fine and imprisonment.

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. (Ch. 102, H. B. 776, 42nd Leg. as amended by H. B. 539, 43rd Leg. and amended by H. B. 599, 43rd Leg. and H. B. 15, Acts 1st C. S. 42nd Leg., H. B. 838, Reg. Ses. 44th Leg.)

**49. Anderson, Haskell, Henderson, Jones, Navarro, Shackelford, Brown, Coleman and Throckmorton.**

Sec. 1. It shall be unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe, fawn, or wild turkey in the Counties of Anderson, Haskell, Henderson, Jones, Navarro, Shackelford, Brown, Coleman and Throckmorton, 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 the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in any sum of not less than Fifty (\$50) Dollars nor more than Five Hundred (\$500) Dollars and shall forfeit his right and license to hunt with a gun in the State for a period of one (1) year following the time of his conviction. (H. B. No. 222, 43rd Leg.)

**50. Deer, Buck, Doe, Fawn or Wild Turkey. Bastrop, Hemphill, Hutchinson and Montgomery Counties.**

Section 1. It shall hereafter be unlawful for any person to hunt, trap, ensnare or kill any wild deer, buck, doe, fawn or wild turkey within the limits of Bastrop, Hemphill, Hutchinson, and Montgomery Counties, 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 thereof shall be fined in any sum not less than Twenty-five (\$25) nor more than One Hundred Dollars (\$100). (H. B. No. 385, Reg. Ses., 44th Leg.)

**51. Hemphill, Roberts, Hutchinson, Potter, Randall, Armstrong, Montague, Briscoe, Kent Counties Deer and Turkey Law.**

Section 1. It shall be unlawful for any person



to hunt, trap, ensnare, kill, or attempt to kill, by any means whatsoever, or have in their possession, any wild deer, buck, doe, fawn or wild turkey in the Counties of Hemphill, Roberts, Hutchinson, Potter, Randall, Armstrong, Montague, Briscoe, and Kent, 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 the provisions of this Act shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in any sum of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) and shall forfeit his right and license to hunt with a gun in this State for a period of one (1) year following the time of his conviction.. (Ch. 51, Page 112, H. B. 66, Acts 2nd C. S. 43rd Leg.)

#### **52. Coryell and Hamilton Counties.**

Section 1. From and after the passage of this Act, it shall be unlawful for any person to hunt, take or shoot any wild deer in Coryell or Hamilton Counties for a period of five (5) years. Any person violating any provision of this Act shall be fined in any sum not exceeding Two Hundred (\$200) Dollars. (H. B. 898, Acts Reg. Ses. 42nd Leg.)

#### **53. Erath County Deer, Turkey and Pheasant Law.**

Sec. 1. It shall be unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill, by any means whatsoever, any wild deer, buck, doe, fawn, wild turkey or pheasant in the County of Erath, 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 the provisions of this Act shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in any sum not less than Fifty Dollars (\$50), and shall forfeit his right and license to hunt with a gun in this State for a period of one year following the time of his conviction. (Ch. 92, Page 264, H. B. 83, Acts 1st C. S. 43rd Leg.)

#### **54. Harris County.**

Sec. 1. That it shall be unlawful to hunt, run, take or kill any wild deer with dogs in Harris County. 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. Any person violating any provision 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 (\$1000) Dollars. (H. B. 437, Acts Reg. Ses. 42nd Leg.)

**55. Deer, Buck, Doe or Fawn. Jasper and Newton Counties.**

Section 1. It shall hereafter be unlawful for any person to hunt, trap, ensnare or kill any wild deer, buck, doe or fawn, within the limits of Jasper and Newton Counties for a period of three (3) years from and after the passage 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 thereof shall be fined in any sum not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200). (H. B. No. 406, Reg. Ses., 44th. Leg.)

**56. Deer and Turkey, Limestone County.**

Sec. 1. It shall hereafter be unlawful for any person to hunt, trap, ensnare or kill any wild buck deer or any wild turkey or either of them within the limits of Limestone County, Texas, for a period of Five (5) years from and after the passage of this Act. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than Fifty (\$50) Dollars nor more than Two Hundred (\$200) Dollars. (H. B. 1056, Acts Reg. Ses. 42nd Leg.)

**57. Freestone and Leon Counties.**

Sec. 1. It shall be unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe, fawn or wild turkey in the Counties of Freestone and Leon, 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 the provisions of this Act shall be deemed guilty of a misdemeanor and shall upon conviction, be fined in any sum of not less than One Hundred (\$100) Dollars nor more than Five Hundred (\$500) Dollars, and shall forfeit his right and license to hunt with a gun in this State for a period of one (1) year following the time of his conviction. (H. B. 69, 43rd Leg.)

**58. County of Galveston.**

Section 1. Any person taking, hunting, shooting at, wounding, pursuing or attempting to take, hunt, pursue, wound or shoot at any wild deer in the County of Galveston for a period of five (5) years following the passage of this Act, shall be deemed guilty

of a misdemeanor, and upon conviction shall be fined in a sum not less than Fifty (\$50) Dollars nor more than Two Hundred (\$200) Dollars.

Sec. 2. All laws or parts of laws in conflict with this Act are hereby repealed. (S. B. 104, 43rd Leg.)

#### **59. Lampasas and Burnet Counties.**

Sec. 1. That for three (3) years from and after the passage of this Act it shall be unlawful for any person to shoot at or kill any wild deer or wild turkey in that portion of Burnet County, north of the Colorado River, and all of Lampasas County.

Sec. 2. That whosoever shall violate the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than One Hundred Dollars (\$100) nor more than Two Hundred (\$200) Dollars; provided each deer or turkey so shot shall constitute a separate offense. (H. B. No. 534, 43rd Leg.)

#### **60. Deer in Liberty and Hardin Counties.**

Sec. 1. It shall be lawful for any person to hunt wounded wild deer with one dog in the counties of Liberty and Hardin, Texas, during the open season of each year for a period of five (5) years after the passage of this Act. (H. B. 39, Acts of 2nd C. S. 42nd Leg.)

#### **61. Deer and Turkey Closed in Marion, Harrison, Red River, Cass, Bowie, Morris, Lamar, Camp, Titus and Upshur Counties.**

Section 1. It shall be unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe, fawn, or wild turkey in the Counties of Marion, Harrison, Red River, Cass, Bowie, Morris, Lamar, Camp, Titus, and Upshur, 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 the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined in any sum of not less than One Hundred (\$100) Dollars nor more than Five Hundred (\$500) Dollars, and shall forfeit his right and license to hunt with a gun in this State for a period of one year following the date of his conviction. (H. B. 30, Acts of 1st C. S. 42nd Leg.)

#### **62. Nacogdoches County Deer and Turkey Law**

Section 1. On and after the effective date of this Act it shall be unlawful to shoot, hunt, take or pursue any wild deer or wild turkey in Nacogdoches

County for a period of five (5) years and 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 Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200).

Sec. 2. All laws or parts of laws, in so far as they may be in conflict with any provision of this Act, be and the same are hereby repealed. (H. B. No. 40 as enacted by the 3rd C. S., 43rd Leg.)

**63. San Augustine and Sabine Counties.**

Section 1. It shall hereafter be unlawful for any person to hunt, trap, ensnare, or kill any wild deer, buck, does or fawn within the limits of San Augustine and Sabine 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 deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Fifty (\$50) Dollars, nor more than Two Hundred (\$200) Dollars. (H. B. No. 186, 43rd Leg.)

**64. Deer Law in San Jacinto and Polk Counties.**

Sec. 1. It shall be lawful for any person to hunt wounded wild buck deer with one dog in the counties of San Jacinto and Polk, Texas, during the open season of each year for a period of five (5) years after the passage of this Act. (H. B. 29, 42nd Leg. 3rd C. S.)

**65. Deer and Turkey. Jones, Shackelford, Taylor and Panola Counties.**

Section 1. It shall be unlawful to take, hunt, trap, shoot or kill any deer and/or wild turkey in the Counties of Taylor, Jones, Shackelford, and Panola, for a period of three (3) 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). (H. B. No. 776, Reg. Ses., 44th Leg.)

**66. Deer, Turkey and Quail. McCulloch and Coleman Counties.**

Section 1. It shall be unlawful to take, hunt, trap, shoot or kill any deer, wild turkey or wild quail of any species in the Counties of McCulloch and Coleman for a period of three (3) 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).

Sec. 3. The possession of any deer, wild turkey or wild quail by any person in said Counties during said three (3) year period, or the possession of any dead deer, wild turkey or wild quail in said Counties during said period, shall be prima facie evidence of the unlawful taking or killing of such deer, wild turkey or wild quail. (H. B. No. 753, Reg. Ses., 44th Leg.)

**67. Deer, Buck, Doe, Fawn and Turkey. Palo Pinto, Stephens, Parker and Cooke Counties.**

Section 1. It shall be unlawful for any person to hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Palo Pinto, Stephens, Parker and Cooke Counties for a period of four (4) 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 shall, upon conviction be fined in any sum not less than Twenty Dollars (\$20), nor more than Two Hundred Dollars (\$200); provided however, when deer are destroying crops or gardens, the owner or person in charge of said crops or gardens may kill such deer while in the act of destroying such crops or gardens. (H. B. No. 846, Reg. Ses., 44th Leg.)

**68. Deer, Buck, Doe, Fawn, or Wild Turkey. Robertson County.**

Section 1. It shall be unlawful for any person to hunt, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe, fawn, or wild turkey in the County of Robertson, in the State of Texas, for a period of six (6) 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 shall, upon conviction, be fined in any sum not less than Fifty Dollars (\$50), nor more than Five Hundred Dollars (\$500) and shall forfeit his right and license to hunt with a gun in this State for a period of one (1) year following the time of his conviction. (H. B. No. 377, Reg. Ses., 44th Leg.)

**69. Hunting with Dogs Prohibited; Lawful to Use Dog to Hunt Wounded Deer in Certain Counties.**

It is hereby declared unlawful for any person or persons to make use of a dog or dogs in the hunting 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 of not less than Twenty-five (\$25) Dollars and not more than Two Hundred (\$200) Dollars; provided however, that this Article shall not apply to the Counties of Matagorda, Brazoria, Wharton, Jackson, and Fort Bend. And, provided, further that it shall be lawful to use one dog 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, Bander, Comal, Real, Kendall, Wharton, Schleicher, Crockett, Guadalupe, Jackson, Wilson, Concho, Karnes, Jones, Atascosa, Baylor, Bexar, Brewster, Caldwell, Denton, Dewitt, Frio, Gonzales, Haskell, Hayes, Hidalgo, Jack, Kaufman and Cameron. (Art. 880, 1925 P. C. as amended by H. B. 12, 42nd Leg; 4th C. S., Ch. 23, page 57, Acts 4th C. S. 43rd Leg.)

#### 70. Turkey Hens.

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) Dollars nor more than One Hundred (\$100) Dollars. (1925 P. C. Art. 877).

#### 71. Open Season on Wild Turkey in Certain Counties.

Sec. 1. The open season for killing wild turkeys in any county composing the third (Cherokee, Nacogdoches, San Augustine, Angelina, Sabine, Newton, Jasper and Tyler), fifth (Grimes, Montgomery, Houston, Leon, Polk, Madison, Trinity, Walker and San Jacinto), and fourteenth (Bastrop, Lee, Burleson, Washington, Brazos and Robertson), Senatorial Districts, and in counties having population of over three hundred fifty thousand (350,000) (Harris), according to the 1930 Federal census, or any other census taken hereafter, shall be during the months of March and April. Whoever kills a wild turkey in any of the said counties at any time other than during said open season, or whoever kills, in any of said counties, any wild turkey hen, or more than three wild turkey gobblers during any one year, shall be fined not less than Ten (\$10) Dollars nor more than One Hundred (\$100) Dollars. Each turkey killed in violation of this Act shall be a separate offense. (Ch. 202, S. B. 507, 42nd Leg.)

Note: (Bastrop, Leon, Montgomery, Nacogdoches and Robertson Counties closed.) z

**72. Comal, Guadalupe, Gonzales and Wilson Counties Closed on Turkey and Chachalaca.**

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 or wild Mexican pheasant in the counties of Comal, Guadalupe, Gonzales and Wilson for a period of five (5) 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 shall, upon conviction, be fined in any sum not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500).

Sec. 3. All laws or parts of laws insofar as they may be in conflict with this Act be and the same are hereby expressly repealed. (Ch. 43, Page 139, H. B. 68 Acts 1st C. S. 43rd Leg.)

**73. Wichita County, Certain Area Closed on Game.**

Section 1. It shall be unlawful for any person to hunt, take, shoot or kill any game bird or game animal, as defined in the laws of the State of Texas, in that part of Wichita County included within the following described area: "Beginning at the center of the intersection of Tenth and Holliday Streets in the City of Wichita Falls, Wichita County, Texas; thence in a southerly direction down the center of said Holliday 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. 1942; 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 Pavillion 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) Dollars nor more than One Hundred (\$100) Dollars, and each bird or animal taken, 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, Reg. S. 43rd Leg.)

#### 74. Squirrel Bag Limit in Certain Counties.

Sec. 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, Delta, DeWitt, Dimmit, Eastland, Edwards, Erath, Fayette, Fort Bend, Franklin, Galveston, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hamilton, Hill, Hopkins, 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. (Ch. 233, H. B. 748, 42nd Leg., H. B. 936, 44th Leg.)

#### 75. Squirrel. Cherokee County.

Section 1. It shall be unlawful for any person to hunt, take or kill squirrel in Cherokee County, except during the months of June, July, October, November and December.

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 the sum of not less than Ten Dollars



(\$10) nor more than Fifty Dollars (\$50). (H. B. No. 911, Reg. Ses. 44th Leg.)

#### 76. Coleman and Palo Pinto Counties Squirrel Law.

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.

Sec. 3. The fact that squirrels are damaging crops in Coleman and Palo Pinto Counties and the owners of pecan orchards are unable to protect themselves during the closed season which is now in force, create an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three separate days in each House be suspended, and the same is hereby suspended, and this Act shall be in effect from and after its passage, and it is so enacted. Ch. 86, Page 227, H. B. 141, Acts 1st C. S. 43rd Leg.)

#### 77. Squirrel 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 gray squirrels, in both North and South Zones, 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: DeWitt, Caldwell, Guadalupe, San Saba, Mason, Gillespie, Llano, Kimble, Menard, Comal, McCulloch, Brown, Kerr, Burnet, Mills, Schleicher, Edwards, Gonzales, Real, Kendall, Victoria, Medina, Uvalde, Jackson, Wharton, Bandera, Lavaca, Fayette, Callahan, Stephens, Eastland, Bastrop, Travis, Dimmit, Zavala, Blanco, Lampasas, Hamilton, Coryell, Throckmorton, Karnes, Wilson, Comanche, Hays, Goliad, Erath, Bosque, Hill, Tarrant, Wise, Cooke, Lee, Parker and Montague. Art. 879h, as Amended by Ch. 52, H. B. 248, 41st Leg. and revised by H. B. 121, 43rd Leg., H. B. 936, Reg. Ses. 44th Leg., S. B. 457, Reg. Ses. 44th Leg., and Ch. 135, S. B. 557 Acts 42nd Leg.)

#### 78. 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, Leon, Madi-

son, 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 his 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. No. 405, Reg. Ses., 44th Leg.)

#### **79. Jasper, Newton and Young Counties Squirrel Law.**

Section 1. That Chapter 12 of the General and Special Laws of the Third Called Session of the Forty-second Legislature, Section 1, be amended as follows:

"Section 1. It shall be unlawful for any one to hunt, take or kill any squirrel except from November 10th to January 10th of each year, in the counties of Jasper, Newton and Young.

"Section 2. Anyone who shall hunt, take or kill any squirrel in the counties named in this Act at any time except between November 10th to January 10th 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 Fifty (\$50) Dollars and his hunting license shall be automatically cancelled and he shall not be entitled to receive another such license for a period of one (1) year from the date of his conviction. (H. B. 39, 42nd Leg. 3rd C. S., Ch. 96, P. 269, H. B. 184 Acts 1st C. S. 43rd Leg.)

#### **80. Nacogdoches County Squirrel Law.**

Section 1. It shall be unlawful to hunt, take or kill wild squirrels in the County of Nacogdoches at any time other than during the months of July, October, November, and December of any year and 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 Fifty Dollars (\$50) and each squirrel

taken in violation of this Act shall constitute a separate offense, and any person convicted hereunder shall automatically forfeit his right to hunt with a gun in the State for a period of one (1) year following date of conviction.

Sec. 2. All laws or parts of laws, in so far as they may be in conflict with any portion of this Act, be and the same are hereby repealed. (H. B. No. 38 as enacted by the 3rd C. S., 43rd Leg.)

### **81. Polk, Trinity, and Jefferson Counties.**

Section 1. It shall be unlawful for anyone to hunt, take or kill any squirrel in Polk and Trinity Counties, except during the months of November, December and January in each year; and unlawful for anyone to hunt, take or kill any squirrels in Jefferson County, except during the months of June, July, November, December and January of each year.

Sec. 2. Anyone who shall hunt, take or kill any squirrel in the counties named in this Act at any time, except during the months of November, December and January, for the counties of Polk and Trinity; and June, July, November, December and January, for the County of Jefferson, 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 Fifty (\$50) Dollars, and his hunting license shall be automatically cancelled and he shall not be entitled to receive another such license for a period of one (1) year from the date of his conviction. Provided that each squirrel taken or killed in violation of this Act shall constitute a separate offense. (H. B. 45, 42nd Leg. 3rd C. S. as amended by H. B. 926, 43rd Leg., H. B. 38, 3rd C. S. 43rd Leg. and H. B. 754 Reg. Ses. 44th Leg.)

### **82. Kaufman County.**

Sec. 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 (\$10) Dollars nor more than Fifty (\$50) Dollars.

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, 43rd Leg.)

### 83. San Augustine and Sabine Counties.

Section 1. It shall be unlawful for any one to hunt, take or kill any squirrel except during the months of November and December of each year in the Counties of San Augustine and Sabine.

Sec. 2. Anyone who shall hunt, take, or kill any squirrel in the counties named in this Act at any time except during November and December 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 Fifty (\$50) Dollars, and his hunting license shall be automatically cancelled and he shall not be entitled to receive another such license for a period of one year from the date of his conviction. (H. B. 185, 43rd Leg.)

### 84. Liberty and Hardin Counties.

Section 1. It shall be unlawful for anyone to hunt, take, or kill any squirrel in Liberty and Hardin counties, except during the month of June and from November 16th to January 16th in each year.

Sec. 2. Anyone who shall hunt, take, or kill any squirrel in the counties named in this Act at anytime except during the month of June and from November 16th to January 16th shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum not less than Ten (\$10) Dollars nor more than Fifty (\$50) Dollars, and his hunting license shall be automatically cancelled, and he shall not be entitled to receive another such license for a period of one year from the date of his conviction. Provided that each squirrel taken or killed in violation of this Act shall constitute a separate offense. (H. B. 884, 43rd Leg.)

### 85. Angelina County.

Section 1. It shall be unlawful for anyone to hunt, take or kill any squirrel in Angelina County, except during the months of July, October, November and December in each year.

Sec. 2. Anyone who shall hunt, take, or kill squirrel in these counties named in this Act at anytime except during the months of July, October, November and December shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum not less than Ten (\$10) Dollars nor more than Fifty (\$50) Dollars, and his hunting license shall be automatically cancelled, and he shall not be entitled to receive another such license for a period of one (1) year from the date of his conviction, provided that each squirrel taken or killed in viola-

tion of this act shall constitute a separate offense. (S. B. 499, 43rd Leg., H. B. 85, 3rd C. S., 43rd Leg.)

#### 86. Squirrel and Quail. Shelby County.

Section 1. It shall be unlawful for any person to hunt quail or squirrels in the County of Shelby for a period of two (2) years following the passage of this Act, and any person violating any provision of this Act by taking any squirrels or quail in Shelby County or by having in his possession any squirrels or quail in Shelby County for a period of two (2) years following the passage of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five Dollars (\$25) nor more than One Hundred Dollars (\$100).

Sec. 2. All laws or parts of laws, insofar as they may conflict with any portion of this Act, be and the same are hereby repealed. (H. B. No. 754, Reg. Ses., 44th Leg.)

#### 87. Tyler County Squirrel Law.

Section 1. It shall be unlawful for anyone to hunt, take, or kill any squirrel in Tyler County, except during the months of November, December and January of each year.

Sec. 2. Anyone who shall hunt, take or kill any squirrel in the County named in this Act at any time except during the months of November, December and January shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50), and his hunting license shall be automatically cancelled, and he shall not be entitled to receive another such license for a period of one year from the date of his conviction, provided that each squirrel taken or killed in violation of this Act shall constitute a separate offense. (H. B. No. 85 as enacted by the 3rd C. S., 43rd Leg.)

#### 88. Protecting Bats.

Whoever wilfully kills or in any manner injures any winged mammal known as common bat shall be fined not less than Five (\$5) Dollars nor more than Fifteen (\$15) Dollars. (Acts 1907, p. 124, 1025 P. C. Art. 923b.)

#### 89. Birds Protected by Audubon Society.

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 employee 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 (\$25) Dollars nor more than Five Hundred (\$500) Dollars, or be imprisoned in jail for not less than ten days, nor more than six months, or both. (Art. 923c, 1925 P. C.)

#### 90. Storage of Wild Game.

Section 1. That Article 909, Penal Code of 1925, of the State of Texas be amended to hereafter read as follows: "Article 909. It shall be unlawful for any person to place in any public cold storage plant, or for any operator or employee of any such cold storage plant to place or accept for placing in such cold storage plant, any game bird or game animal of this State at any time except during the open season provided for the taking of same and for a period of three days immediately thereafter.

"The owner or operator of any public cold storage plant, which intends to accept or does accept, be-

fore 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.

"Provided, however, that it shall be unlawful to place on storage or keep on storage, any migratory bird or migratory water fowl protected under the provisions of the Migratory Bird Treaty Act with Great Britian, at any time other than during the open season for taking same and for a period of ten days thereafter.

"Any person placing any game bird or game animal in any public cold storage plant, in violation of any provision of this Act and/or any person accepting any game bird or game animal for storage or keeping same in storage in violation of any provision of this Act, or any person failing to keep the record required under the provisions 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."

Sec. 2. All laws or parts of laws in conflict with any provision of this Act are hereby repealed. (1925 P. C. Art. 909, as Amended by S. B. 30, Acts of 43rd Leg.)

## 91. Sale of Game Prohibited.

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 by 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 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 prosecutions for violations 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, either alive or dead, any kind of birds or animals protected by this chapter, except as hereinafter provided. (1925 P. C. Art. 884.)

## **92. Bringing Game into this State.**

Any person violating any of the provisions of Article 884 (Sec. 14) shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than Twenty-five (\$25) Dollars, nor more than Two Hundred (\$200) Dollars and the bringing in of each separate bird or animal by this chapter in violation of this 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. (1925 P. C. Art. 885.)

## **93. Protecting Against Depredation 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 Commission 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. (1925 P. C. Art. 888.)

**94. Taking Game Birds by Net or Trap.**

Whoever sets a net or trap or other device for taking any bird mentioned in Article 872 (Sec. 2) or who snares or takes by such devices any such bird, without first obtaining from the Game, Fish and Oyster Commisison a permit in writing so to do, shall be fined not less than Ten (\$10) Dollars, nor more than One Hundred (\$100) Dollars. (1925 P. C. Art. 888a.)

**95. Specimens for Taxidermist.**

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 oath, and deliver same to the common carrier transporting same, or its agent:

**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 and subscribed before me this..... day of..... A. D. 19.....

Office held.....

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. (1925 P. C. Art. 889.)

## 96. Penalty.

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 received 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) Dollars nor more than One Hundred (\$100) 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 (25c) Cents from the person making such oaths. (1925 P. C. Art. 890.)

## 97. 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 (\$10) Dollars, nor more than One Hundred (\$100) Dollars. (Acts 2nd C. S. 1919, p. 190. 1925 P. C. Art 923f.)

## 98. Sale of Deer, Rocky Mt. Sheep, and Antelope Prohibited: (Taxidermist may sell after 90 days)

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, the carcass, hide or antlers of such animal, shall be fined not less than Ten (\$10) Dollars, nor more than One Hundred (\$100) Dollars.

Provided, however, 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 pro-

vided for in Article 889 of Chapter 6, Title 15, 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 of said sale giving the name of the person to whom sold and accompanied by affidavit as to 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 923 h. P. C. 1925, as Amended by H. B. 133, 43rd Leg.)

#### **99. 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. (1925 P. C. Art. 891.)

#### **100. Game Unlawfully Taken To Be Disposed of By Commissioner.**

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 are 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 required to do so by the Game, Fish and Oyster Commissioner, or his deputy, shall be fined not less than Ten (\$10) Dollars nor more than One Hundred (\$100) Dollars. (1925 P. C. Art. 897.)

### 101. Forfeiture of License.

Any person convicted of violating any provision of game laws of this State shall thereby automatically forfeit his license for said season; any such person so convicted of violating 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 the 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) Dollars, nor more than Two Hundred (\$200) Dollars. (Art. 893.)

### 102. Prima Facie Evidence.

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

### 103. Refusing to Stop Vehicle for 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 (\$10) Dollars nor more than One Hundred (\$100) Dollars. (Acts 1915, p. 294. 1925 P. C. Art. 923d.)

#### 104. Buying 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 said purchase. (Acts 1919, p. 296, 1925 P. C. Art. 923e.)

#### 105. 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 bird 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. Any person 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 (\$10) Dollars, nor more than Two Hundred (\$200) Dollars. The bringing in of each game bird or fowl or animal herein interdicted is a separate offense. (Act 1st C. S. 1919, p. 187, 1925 P. C. Art. 923a.)

#### 106. Propagation and Scientific Purposes.

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, or for scientific purposes: but, before any birds, fowls, 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 at 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 nest 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 bird 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 permisison to do so, attaching to such application an affidavit setting forth the number and species of birds or animals, or the nest 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 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, 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) Dollars nor more than Two Hundred (\$200) Dollars; and each bird, fowl, animal, quadruped, nest or egg, taken, or possessed in violation of this article shall constitute a separate offense. (1925 P. C. Art. 913.)

#### 107. Trespass on Enclosed Lands.

Whosoever shall enter upon the inclosed land of another without the consent of the owner, proprietor or agent in charge thereof, and therein hunt with firearms or thereon catch or take, or attempt to catch or take any fish from any pond, lake, tank or stream, or in any manner depredate upon the same, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined any sum not less than Ten (\$10) Dollars nor more than Two Hundred (\$200) Dollars and by a forfeiture of his hunting license and the right to hunt in the State of Texas for a period of one year from the date of his conviction. 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 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. Provided, however, that this Act shall not apply to inclosed lands which are rented or leased for hunting or fishing or camping privileges where the owner, proprietor, or agent in charge or any person for him by any and every means has received or contracted to receive more than twenty-five (25c) cents per acre per year or any part of a year for such hunting, fishing or camping privileges, or where more than \$4.00 per day per person is charged for hunting, fishing or camping privileges. And further provided that this exemption shall exist for a period of one year from the date of the receipt of such sum or sums of money.

Any person found upon the inclosed lands of another without the owner's consent, shall be subject to arrest by any peace officer, and such arrest may be made without warrant of arrest.

That Article 1378 of the Penal Code of the State of Texas be and the same is hereby repealed.

That all laws and parts of laws in conflict herewith be, and the same are hereby repealed. (Art. 1377, P. C. as Amended by Ch. 26, H. B. 171, 41st Leg. 2nd C. S.)

#### 108. Shooting on Public Road.

Any person who shoots or discharges any gun, pistol or firearm, in, on, along or across any public road in this State shall be fined not more than One Hundred (\$100) Dollars. (H. B. No. 29, 2nd C. S. 41st Leg.)

#### 109. Shooting or Hunting Club.

It is hereby declared unlawful for any person or persons, who may be acting as manager for 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 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) 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 Commission 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 accomodates hunters for reward, without first having procured 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) Dollars, nor more than Two Hundred (\$200) Dollars, or by imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment. Such fines shall be placed to the credit of the special game fund.

For the purpose of carrying out the provisions of this article, it shall be the duty of the Game, Fish and Oyster Commission 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 which it was 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 Commission, and must be signed by the Commissioner or one of his deputies. On the reverse side of said license shall be printed the open season and bag limit, as provided in this chapter. (1925 P. C. Art. 908.)

#### 110. Game Breeded.

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) 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 propagating or sale and to sell, under regulations herein provided, wild deer of all species, wild antelope, wild squirrels of all varieties, wild turkey, 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 enclosed, 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 water fowl 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 this 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 and 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 unlawful 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, ex-

cept 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 suitable 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 license 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 (\$50) Dollars nor more than Two Hundred (\$200) Dollars, 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. H. B. 275, 43rd Leg.)

# FRESH WATER FISHING LAWS

## GENERAL LAWS

### 111. License to Fish.

Section 1. No person who is a non-resident of Texas, or who is an alien, shall fish in the waters of this State without first having procured from the Game, Fish and Oyster Commission of Texas, or a deputy warden thereof, or from a county clerk in Texas, or other legally authorized agent, a license to fish; and no person who is a resident of this State shall fish with artificial lures of any kind in the waters of this State without first having procured from the Game, Fish and Oyster Commission, or a deputy thereof, or from a county clerk in Texas, or other legally authorized agent, a license to fish.

Sec. 2. Any officer, deputy or legally authorized agent, issuing any license to fish under the provisions of this act, shall collect from the person to whom the license is issued the following fees:

(1) If issued to a resident, the sum of One Dollar and Ten Cents (\$1.10), of which amount he shall retain as his fee ten (10c) cents, the balance of which amount he shall remit to the Game, Fish and Oyster Commission on or before the 10th day of the month next succeeding that during which said license was issued.

(2) If issued to a non-resident or an alien, the sum of Five (\$5) Dollars, of which amount he shall retain as his fee Twenty-five (25c) cents, the balance of which amount he shall remit to the Game, Fish, and Oyster Commissioner as required under subdivision (1) of this section; provided that he may issue to such non-resident a license good for only five (5) days, including the day of issuance, upon payment by the licensee of One Dollar and Ten Cents (\$1.10), of which amount the officer so issuing said license shall retain as his fee ten (10c) cents, and the balance of which amount he shall remit to the Game, Fish and Oyster Commissioner as provided for in subdivision one (1) of this section.

The officer issuing such license shall keep a complete and correct record of each fishing license issued, showing the name and place of residence of each licensee and the serial number and date of issuance of said license, on such form as the Game Fish and Oyster Commissioner may prescribe; and the stubs of such licenses and the record thereof shall belong to the State of Texas and shall be filed with said commissioner as and when he may direct.

The licenses, provided for herein shall entitle the holder thereof to fish in the waters described in

this act until and including August 31st next succeeding the date of issuance thereof, except that the five (5) days license shall be good only for the five (5) days from and including the day of issuance thereof; and every license issued under the provisions of this act shall contain: the true date of issuance thereof, the name of licensee, his age, height, weight, color of hair, color of eyes, county of residence, if a resident of Texas, state or county of residence, if a non-resident of Texas or an alien, and such other information as the commissioner may deem advisable to require and the licensee shall sign upon said license a pledge to obey the laws of Texas as to fishing.

Sec. 3. Any person required under the provisions of this act to procure a license to fish who shall fish in, or who shall take by any means fish, oysters, shrimp or other marine life in any of the waters of this State in violation of the provisions of this act without first procuring such license, or who shall fail or refuse, on demand by any officer, to show such officer his fishing license required of him by this act, 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; provided, the provisions of this act shall not apply to a resident citizen of Texas who holds a license for commercial fishing under Article 4032 of the Revised Civil Statutes of Texas of 1925, so long as he does only commercial fishing.

Sec. 4. By the term non-resident, as used in this Act, shall be meant any citizen of the United States of America, who is not a citizen of the State of Texas, who has not continuously for four months next preceding the issuance of the fishing license to him been an actual bona fide resident of the State of Texas.

Sec. 5. All funds obtained from the sale of the licenses provided herein, after the payment of fees allowed under this act, shall be deposited by the Game, Fish and Oyster Commisisoner in a special fund to be known as the special fish propagation and protection fund; and this fund shall be used for the purpose of building and maintaining fish hatcheries, fairly distributed over the State of Texas and for the propagation, distribution and protection of fish in the State of Texas. (Act 1927, p. 396, as amended by H. B. 836, Chapter 227, Reg. Session, 42nd Leg.)

## 112. Fishing in Fresh Waters.

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 (\$25) Dollars, nor more than One Hundred (\$100) Dollars. (Art. 927, P. C. 1925.)

### **113. Fresh Water Streams 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.)

### **114. Taking Fish without Consent of Owner.**

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 (\$10) Dollars nor more than One Hundred (\$100) Dollars. In prosecution hereunder the burden to prove such consent shall be upon the defendant. (Art. 925, P. C. 1925.)

### **115. Fishing in Closed 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 of 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 (\$25) Dollars, nor more than One Hundred (\$100) Dollars. (Art. 928, P. C. 1925.)

#### **116. Private Fresh Waters.**

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

#### **117. March and April Closed to Seines and Artificial Bait.**

It shall be unlawful for any person to catch any fish in the fresh waters of this State with any seine or net other than minnow seine not exceeding twenty feet in length, or to drag any seine, except such specified minnow seine, or to set any net, in the fresh waters of this State during the months of March and April, or to fish with any artificial bait of any kind in the fresh waters of this State during the months of March and April. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and shall be upon conviction, fined in a sum not less than Twenty (\$20) dollars, nor more than One Hundred (\$100) Dollars. This Article shall not apply to any artificial lake, pond or pool, owned by any person, firm, corporation, city or town, that does not have as its source of water supply a river or creek or is not subject to overflow from a river or creek. (Art. 951, P. C. 1925.)

#### **118. 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 animals, 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.)

#### **119. 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 reserva-



tion, shall be fined not less than Ten (\$10) Dollars, nor more than Twenty-five (\$25) Dollars. (Art. 978a, P. C. 1925.)

#### 120. Protecting Fish and Game in Hatchery.

Whoever shall take, injure, or kill any fish kept by the State in the 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 (\$50) Dollars, nor more than Two Hundred (\$200) Dollars. (Art. 978b, P. C. 1925.)

#### 121. Closed Season on Crappie or Bass.

Any person who shall take or catch or have in possession any bass or crappie from the fresh waters of this State during the months of March or April of any year; or shall take, catch, or have in possession any bass of less length than eleven inches, or white perch or crappie of less length than seven inches, shall be deemed guilty of a misdemeanor, and on conviction shall be fined a sum of not less than Ten (\$10) Dollars nor more than One Hundred (\$100) Dollars. (Art. 933, P. C. 1925.)

#### 122. Metallic Seines.

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 than by the ordinary hook and line or trot line, or by a set or a drag net or a seine or trammel net, the meshes of which are three or more inches square, 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, or 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) Dollars, nor more than One Hundred (\$100) 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 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) Dollars, nor more than One Hundred (\$100) Dollars. (Art. 948, P. C. 1925.)

#### **123. Seiners Shall Return 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 (\$50) Dollars, nor more than One Hundred (\$100) Dollars. (Art. 949, P. C. 1925.)

#### **124. 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 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 (\$50) Dollars, nor more than Two Hundred (\$200) Dollars. Each day is a separate offense. (Art. 978c, P. C. 1925.)

### 125. 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 direction 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 ninety days after having been notified by such Commissioner to do so, shall be fined not less than Twenty-five (\$25) Dollars, nor more than Five Hundred (\$500) Dollars. Each week, after expiration of ninety days after receiving such notice of such failure is a separate offense. Art. 951a, P. C. 1925.

### 126. Injuring Small Fish.

Whoever at any time shall catch or take from any fresh water river, lake, bayou, creek, pond or other natural or other artificial stream or pond of water by the 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 injury of such fish shall be an offense under this article. Whoever violates any provision hereof shall be fined not exceeding One Hundred (\$100) Dollars. (Art. 932, P. C. 1925.)

### 127. Explosives and Poisoning of Water.

Section 1. That Article 924, Penal Code of Texas, 1925, be amended to hereafter read as follows:

"Article 924. 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 explosives in waters 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." (H. B. No. 3, Reg. Ses. 44th Leg.)

#### **128. Rainbow Trout, Sale Prohibited.**

From and after the expiration of the closed season on rainbow trout as provided in Section 1 of this Act, it shall be unlawful for any person to take, possess, sell or barter any rainbow trout from any of the fresh waters of Texas during the months of January, February, March, April and May of each year, which months shall constitute a closed season on rainbow trout.

It is hereby made unlawful for any person to take or have in his or her possession any rainbow trout from any of the fresh waters of Texas of a less length than fourteen inches, or to take and have in his or her possession more than five rainbow trout during any one day.

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.

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) Dollars, nor more than Fifty (\$50) Dollars. Act. 1925, p. 374.

#### **129. 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 (\$100) Dollars, and each sale or shipment or act in violation thereof shall constitute a separate offense. (P. C. 1925. 978e.)

#### **130. Undersize Bass, etc.**

Whoever shall take or catch from the fresh waters of this State or have in his possession any bass of less length than eleven inches or any white perch or crappie of less length than seven inches shall be fined not less than Ten (\$10) Dollars, nor more than One Hundred (\$100) Dollars. (P. C. 1925. Art. 931.)

131. Bag Limit on Certain Fish.  
(Certain Counties Exempt)

Section 1. It shall be unlawful for anyone to catch and retain in any one day, or have in his or her possession, caught in any one day in this State, more than fifteen (15) bass, fifteen (15) crappie or white perch, thirty-five (35) bream, or thirty-five (35) goggle-eyed perch from the fresh water rivers, lakes, ponds or lagoons of this State; provided, however, that a person may catch and retain or possess during any one day, an aggregate of fifty (50) of the fish mentioned herein, and provided further, it shall be unlawful for any one person to have in his or her possession at any time more than thirty (30) bass, thirty (30) crappie or white perch, seventy (70) bream, or seventy (70) goggle-eyed perch, caught or taken from the fresh water rivers, lakes, ponds or lagoons of this State, and exempting the following counties, to-wit: Johnson, Hill, Ellis, Hood, Somervell, Wharton, Fort Bend, Matagorda, Brazoria, Galveston, Chambers, Kerr, Kendall, Bexar, Bandera, Scurry, Eastland, Callahan, Taylor, Nolan, Mitchell, Throckmorton, Fisher, Jones, Haskell, Shackelford, Stephens, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Gaines, Dawson, Borden, Andrews, Martin, Howard, Zavala, Frio, McMullen, Lasalle, Dimmit, Webb, Duval, Jim Hogg, Zapata, Jim Wells, Kennedy, Nueces, Kleberg, Willacy, Brooks, Starr, Hidalgo, and Cameron from the provisions of this Act.

Sec. 2. Anyone taking more than the daily limit, or anyone possessing more than the possession limit of fresh water fish as provided for herein, 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 Fifty (\$50) Dollars, and any person convicted of violating any provision of this Act shall thereby automatically forfeit his artificial lure license for said season. Any such person so convicted of violating any provision of this Act shall not be entitled to receive from the State a license to fish with an artificial lure 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 this Act to purchase or possess an artificial lure license for a period of one year immediately following date of such conviction and it shall be unlawful for any person so convicted of violating any of the provisions of this Act to fish in any of the fresh water rivers, lakes, ponds or lagoons of this State for a period of one year immediately following date of such conviction. Any person violating any of the provisions of this Act shall be deemed guilty of a mis-

demeanor and upon conviction, shall be fined in any sum not less than Ten (\$10) Dollars, nor more than Fifty (\$50) Dollars. (H. B. 328, Acts Regular Session, 42nd Leg.)

**132. Fish. Dallam, Sherman, Hansford, Ochiltree, Hartley, Lipscomb, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe and Hall Counties.**

Section 1. From and after the passage of this Act it shall be unlawful for any person to take or catch any fish in the waters of any stream, creek, lake, pool, or reservoir in the Counties of Dallam, Sherman, Hansford, Ochiltree, Hartley, Lipscomb, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe, and Hall, during the months of April and May of each year.

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 Dollars (\$25) nor more than One Hundred Dollars (\$100). (H. B. No. 571, Reg. Ses., 44th Leg.)

**133. Fish. Bastrop County.**

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; and it shall be unlawful to use any seine or net in any of the waters of Bastrop County during the months of March and April of any year.

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 (\$50). (H. B. No. 982, Reg. Ses., 44th Leg.)

**134. Burnet County.**

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 catfish of less length than nine (9) inches from the fresh waters, rivers, creeks, bayous, lagoons, or the lakes or

sloughs subject to overflow from the rivers or streams of Burnet County.

Sec. 2. That whosoever 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) Dollars nor more than One Hundred (\$100) Dollars. (H. B. 535, Acts 43rd Leg. Reg. S.)

### 135. Blanco and Kendall Counties.

Section 1. It shall be unlawful for any person to fish for, take or attempt to catch any fish in any of the public fresh waters or tributaries of such waters in the Counties of Blanco and Kendall by any means or device, other than by ordinary pole and line, set line or throw line, equipped with more than two hooks, except in the waters of the Colorado River; and providing that these restrictions shall not apply to artificial lures; and provided that the possession of any tackle, the use of which is prohibited by the provisions of this Act, within two (200) hundred yards of any fresh waters in the Counties named herein, shall be prima facie evidence of the violation of this Act.

Sec. 2. It shall be unlawful in the Counties of Blanco and Kendall to sell, offer for sale or have in possession for the purpose of sale any black bass, crappie, catfish, or sunfish commonly called perch.

Sec. 3. No person, firm or corporation or their agents shall take, catch or have in their possession any black bass, perch or crappie taken from any fresh waters in said Counties from the 1st day of March to the 1st day of May of any year or to have in possession at any time any black bass of less length than eleven (11) inches, any catfish of less length than nine (9) inches or any crappie (commonly called white perch) of less length than seven (7) inches.

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 (\$10) Dollars nor more than Fifty (\$50) Dollars. (H. B. 106, 43rd Leg. Reg. S. as amended by H. B. 646 by reason of conflict).

### 136. Caddo Lake.

Section 1. It shall be lawful to take crappie or bass of legal size from the waters of Caddo Lake during any period of the year.

Sec. 2. All laws and parts of laws insofar as they may be in conflict with this Act be and the same are hereby expressly repealed. (H. B. 595, Acts 43rd Leg. Reg. S.)

### 137. Fish. Comal County.

Section 1. It shall be unlawful for any person to take any fish from the fresh waters of Comal County by any means or device other than by ordinary pole and line, or throw line equipped with not more than two hooks, or trot line with hooks not less than six (6) feet apart, provided however, that it shall be lawful to fish with a dowgiac, 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. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than One Dollar (\$1), nor more than Fifty Dollars (\$50). (H. B. No. 791, Reg. Ses., 44th Leg.)

### 138. Cherokee County.

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; providing, however, that no such seine or net shall be used in Cherokee County during the months of February, March, April or May, 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 (\$10) Dollars, nor more than Fifty (\$50) Dollars.

Sec. 3. All laws or parts of laws, so far as they may be in conflict with this Act, are hereby repealed; and Act 1929, 41st Legislature, Regular Session, page 369, Chapter 167, in so far as it relates to Cherokee County is hereby expressly repealed. (H. B. 411, Acts 43rd Leg. Reg. S.)

### 139. Cooke County.

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 inches; provided that any such seine or net may be used only during the month of August of any year; provided further, that when using said seine in the month of August 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 feet in length to seine for bait.

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 (\$100) Dollars. 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, Acts 43rd Leg. Reg. S.)

#### 140. Cass, and Bowie, Morris and Titus Counties.

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, Morris and Titus, 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, Morris and Titus 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 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, Morris and Titus Counties, State of Texas, save and except during the months of March and April of each year, 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) Dollars nor more than One Hundred (\$100) Dollars. All laws and parts of laws in conflict herewith are hereby repealed. (Ch. 27, H. B. 99, 41st Leg. 5th C. S.)

141. **Fish Law. Kimble, Kerr, Edwards, Real, Sutton, Bandera, Mason, Menard, Blanco, Llano, Kendall or Gillespie Counties.**

Section 1. It shall be unlawful in the Counties of Kimble, Bandera, Kerr, Edwards, Real, Sutton, Mason, Menard, Blanco, Llano, Kendall or Gillespie 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 feet in length for the purpose of taking minnows for bait.

Sec. 2. It shall be unlawful for any person in any of the above named counties to take or have in his possession any catfish less than nine (9) inches in length or any bass less than eleven (11) inches in length or any crappie less than seven (7) inches in length.

Sec. 3. It shall be unlawful for any person in any of the above named counties to take in any one day or to have in possession at any time more than ten (10) bass or more than ten (10) crappie or more than ten (10) catfish, or an aggregate of more than twenty (20) of all such fish. It shall be unlawful for any person to take or have in his possession more than twenty (20) perch in any one day, and it shall be unlawful to take or have in his possession more than sixty (60) perch in any one week, and it shall be unlawful to take or have in his possession more than thirty (30) of any of the above enumerated, with the exception of perch, in any one week. The taking of any fish in excess of the number herein allowed shall be a separate offense.

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. 5. It shall be unlawful during the months of January, February, March or April of any year, to take or attempt to take any fresh water fish in any of the Counties above named.

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. No. 641, Reg. Ses., 44th Leg.)

**142. Fish in Comal, Guadalupe, Bexar, Kerr, Bandera and Medina Counties.**

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 waters of the counties of Comal, Guadalupe, Bexar, Kerr, Bandera and Medina shall be fined not less than Five (\$5) Dollars, nor more than Fifty (\$50) Dollars.

Sec. 2. Whoever shall use any dynamite, powder or other explosives in any fresh water streams of said counties and shall destroy any fish thereby shall be fined not less than One Hundred (\$100) Dollars, nor more than One Thousand (\$1000) 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 means other 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 which are not less than one-fourth inch square for the purpose of catching minnows for bait. No person shall use the minnow seine herein permitted to take any fish other than minnows for bait.

Sec. 4. No person, firm or corporation or their agents shall take, catch, seine, entrap by any means, or have in their possession any bass, perch, or crappie, or catfish taken from any fresh waters in said counties from the first of February to the first of May of any year.

Sec. 5. If any person shall at any time, catch or take from any fresh water river, lake, bayou, lagoon, creek, pond, or other natural artificial stream or pond of water within said counties by use of any means whatsoever, any bass of less than eleven inches in length he shall immediately return same back into such water; and unnecessarily injuring such fish shall be deemed an offense under the provisions thereof. Each such fish shall constitute a separate offense.

Sec. 6. No person shall take from the fresh waters of said counties more than ten bass and ten crappie in any one day.

Any person violating any provision of Sections 3, 4, 5, and 6 of this article shall be fined not less than Ten (\$10) Dollars, nor more than Fifty (\$50) Dollars. (P. 365, 40th Leg. Reg. S.)

**143. Dallas, Henderson and Wise Counties.**

Section 1. It shall be unlawful for any person to take in any one (1) day from the public fresh waters

in Dallas, Henderson and Wise Counties, Texas, more than fifteen (15) white perch or crappie, or more than ten (10) bass, or more than fifteen (15) such fish combined. Any person violating this Act shall upon conviction be fined not less than Ten (\$10) and not more than One Hundred (\$100) Dollars. (Ch. 184, H. B. 1019, 42nd Leg. Reg. S.)

**144. Delta, Hopkins, Franklin and Grayson Counties.**

Section 1. From and after the passage of this Act, it shall be lawful for any person to take or catch catfish, perch, buffalo, and drum, from the waters of Delta, Hopkins, Franklin, and Grayson Counties by hand or with a seine, having meshes one (1) inch square, during open season only. (H. B. 327, Acts 43rd Leg. Reg. S.)

**145. Denton County.**

Section 1. It shall be unlawful for any person to take in one day from the public fresh waters in Denton County, more than twenty white perch or crappie, or more than fifteen bass, or more than twenty such fish combined. Any person violating this Act shall upon conviction be fined not less than Twenty-five (\$25) Dollars and not more than One Hundred (\$100) Dollars. (Ch. 50, S. B. 62, Acts 41st Leg. 2nd C. S.)

**146. El Paso and Kimble Counties.**

Section 1. Any person who uses any method or device for the purpose of taking or attempting to take fish in El Paso and Kimble Counties, State of Texas, other than hook and line, pole and line, trot line, 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 (\$10) Dollars nor more than One Hundred (\$100) Dollars, and each fish taken in violation of the provisions of this Act, shall be a separate offense.

Sec. 1a. It shall be unlawful for any person in El Paso and Kimble Counties, Texas, to catch or have in his possession in any one day more than ten (10) fish of any one kind or variety except perch; and it shall be unlawful to catch or have in possession more than twenty (20) perch in any one day; and it shall be unlawful to catch or have in possession more than sixty (60) perch in any one week; and

it shall be unlawful to catch or have in possession more than thirty (30) of any one variety of all other varieties of fish in any one week.

Sec. 1b. Any person violating Section 1a. of this Act shall be 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.

Sec. 2. This law shall be cumulative of all other laws for the preservation of fish in El Paso and Kimble Counties. (Ch. 237, H. B. 1007, Acts 42nd Leg. Reg. S.)

#### 147. Gillespie and Kendall Counties Fishing Law.

Section 1. It shall be unlawful for any person to fish for, take, or attempt to catch any fish in the fresh waters of Kendall County by any means or device other than by ordinary pole and line, set line, throw line, casting rod and reel, or dowaigaic, or other artificial bait or minnow seine of not more than twenty (20) feet in length for catching bait. Possession of any tackle not authorized by this Act within two hundred (200) yards of any stream, lake, or other fresh waters in Kendall County shall be prima facie evidence of violation of this Act.

Sec. 2. No person, firm, or corporation, or their agent, shall take, catch, seine, entrap by any means, or have in their possession any bass, perch, crappie, or catfish taken from any fresh waters of Kendall County during the months of February, March and April of any year.

Sec. 3. It shall be unlawful for any person, firm or corporation, or their agent, to take, catch, seine, entrap by any means, or to have in their possession any bass of less length than eleven (11) inches; any catfish of less length than 12 inches, any crappie or white perch of less length than seven (7) inches, taken from any fresh waters of the County of Kendall.

Sec. 4. It shall be unlawful for anyone to catch and retain in any one day, or have in his or her possession, caught in any one day in the County of Kendall more than ten bass or catfish.

Any person found guilty of the violation of any provision of this Act shall be fined in any sum of not less than Five (\$5) Dollars nor more than Twenty-five (\$25) Dollars.

Sec. 5. That Acts 1931, 42nd Legislature, 1st called session, page 5, chapter 3, sections 1, 3 and 4 are hereby in all things amended insofar as sections 1, 3 and 4 affect Kendall County only.

Sec. 6. The fact that the present law tends to exterminate the fish in Kendall County creates an emergency and an imperative public necessity demanding the suspension of the Constitutional Rule

requiring bills to be read on three several days in each house, and said rule is hereby suspended and this Act shall take effect and be in force from and after its final passage, and it is so enacted. (Ch. 97, page 269, H. B. 203, Acts 1st C. S., 43rd Leg.)

#### 148. Fishing Law, Gonzales County.

Section 1. It shall be unlawful for any person to take or catch in any manner from any of the public fresh waters, rivers, creeks or lakes in Gonzales County, any bass, crappie, white perch, calico bass or bream, or retain or have in his possession any bass, crappie, white perch, calico bass or bream caught or taken from such waters, during the months of February, March and April.

Sec. 2. Any person found guilty of violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in the sum not less than Five Dollars (\$5), nor more than Fifty Dollars (\$50). (Chapter 12, page 41, Acts 43rd Leg., 4th C. S.)

#### 149. Fish. Guadalupe County.

Section 1. It shall be unlawful for any person, firm or corporation, or his or their agent, to barter or sell, or offer for barter or sale, or to buy any bass, crappie, perch, catfish or other fish taken from the fresh waters of Guadalupe County.

Sec. 2. It shall be unlawful for any person to use a net or seine in any of the waters of Guadalupe County except a minnow seine not more than ten (10) feet in length for the purpose of catching minnows for bait.

Sec. 3. It shall be unlawful for any person to catch, take or have in his possession from the waters of Guadalupe county any catfish less than twelve (12) inches in length; any crappie or white perch less than seven (7) inches in length, and any bass less than eleven (11) inches in length.

Sec. 4. It shall be unlawful for any person to take, catch or have in his possession from the waters of Guadalupe county, in any one day, more than ten (10) fish of any one kind or variety, or more than thirty (30) such fish in any one week; except as to perch, and it shall be unlawful to take, catch or have in possession more than twenty (20) perch in any one day, and more than sixty (60) in any one week. The taking of any fish in excess of the number herein allowed shall be a separate offense.

Sec. 5. Any person found guilty of the violation of any provisions of this Act shall be fined

not less than Five Dollars (\$5) nor more than One Hundred (\$100).

Sec. 6. All laws or parts of laws in conflict herewith are hereby expressly repealed; but any laws now providing for closed season on fishing in said county shall not be repealed by this Act, but it shall be cumulative thereof. (H. B. No. 845, Reg. Ses., 44th Leg.)

#### 150. Hays County.

Sec. 1. It shall be unlawful for any person to take or catch any kind of fish in any of the waters in Hays County, Texas, during the months of February, March and April of each year. Any person violating any provisions of this Act, shall upon conviction, be fined in any sum not exceeding One Hundred (\$100) Dollars. (Ch. 107, H. B. 866, Acts 42nd Leg. Reg. S.)

#### 151. Harrison, Marion and Rusk Counties.

Section 1. That House Bill No. 18, 3rd Called Session of the 41st Legislature be and the same is hereby amended to hereafter read as follows:

Sec. 1. It shall be unlawful for any person to take or attempt 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 except during the months of February, March, April, and May of each year; 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.

"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 more 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) Dollars nor more than Two Hundred (\$200) 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) Dollars and by confinement in the county jail not less than thirty (30) days nor more than ninety (90) days.” (Ch. 97, H. B. 659, 42nd Leg. Reg. S.)

#### 152. Fish. Hamilton County.

Section 1. It shall be unlawful to use any seine or net for the purpose of taking fish in Hamilton County, except a seine or net, the meshes of which are not less than three (3) inches square; providing, however, that no such seine or net shall be used in Hamilton County during the months of March and April, 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) nor more than Fifty Dollars (\$50). (H. B. No. 988, Rege. Ses., 44th Leg.)

#### 153, Harrison and Marion Counties.

Section 1. Whoever shall take or catch from the fresh waters of Harrison or Marion Counties, Texas, or have in his possession in either of these counties any crappie under the length of eight inches or any bass under the length of eleven inches, or whoever shall take or catch in either of these counties more than fifteen bass or more than twenty-five crappie or white perch in any one day or whoever shall have



in his possession in either Harrison or Marion Counties more than thirty bass or more than fifty crappie or white perch shall be fined in any sum not less than Ten (\$10) Dollars nor more than One Hundred (\$100) Dollars, and each fish taken or possessed in violation of this Act shall constitute a separate offense. (Ch. 65, H. B. 100, 41st Leg. 5th C. S.)

#### 154. Hunt, Kaufman, and Rains Counties.

Section 1. It shall be unlawful to take from any of the fresh waters of Hunt, Kaufman and Rains Counties, any fish other than by ordinary hook line, set line, or throw line, or by ordinary cordline, seine or net, the square meshes of which are less than one and one-half inches; provided that any such seine or net may be used only during the months of July, August, and September of any year.

Sec. 2. Every person taking from such waters any bass or 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 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, except carp, buffalo, drumfish and catfish taken from the waters of Kaufman County, Hunt County and Raines County, Texas.

Sec. 4. Any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed Two Hundred (\$200) Dollars. Each act of taking any fish in violation of the provisions hereof; or possessing for the purpose of sale, except such fish as mentioned above in section three hereof; namely, carp, buffalo, drumfish and catfish taken from the waters of Kaufman County, Hunt County and Raines County, which may be sold and possessed for the purpose of sale, as well as each bass, trout or crappie, retained in violation hereof shall constitute a separate offense. (Ch. 17, S. B. No. 44, Acts 42nd Leg. 1st C. S.)

#### 155. Jackson County.

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 means other 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. (Ch. 93 H. B. 120, 40th Leg. 1st C. S.)

#### 156. Lamar County.

Sec. 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 seine or net of not less than two inch square mesh; further providing that no seine or net shall be used in any of the waters of Lamar County during the months of March or April, 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.

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 is 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 (\$10) Dollars nor more than Fifty (\$50) Dollars.

Sec. 3. All laws or parts of laws in conflict with this Act are hereby repealed. (H. B. 362, Acts 43rd Leg. Reg. S.)

#### 157. Morris and Titus Counties.

Sec. 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, except during the months of March and April, to use a seine or net of any kind in any of said waters, provided, that such seine or net is not less than two inch mesh; and providing, that no black bass of less length than eleven (11) inches, nor no crappie of less length than seven (7) inches taken with such device, shall be retained.

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 (\$10) Dollars nor more than One Hundred (\$100) Dollars.

Sec. 3. All laws or parts of laws in conflict with this Act are hereby repealed. (H. B. 293, Acts 43rd Leg. Reg. S.)

### 158. Fish. Montgomery County.

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 no such seine or net shall be used in Montgomery County during the months of February, March, April, May or June, 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) nor more than Fifty Dollars (\$50). (H. B. No. 915, Reg. Ses., 44th Leg.)

### 159. Red River County Fishing Law.

Section 1. It shall be unlawful to use any seine or net for taking any fish in any of the waters of Red River County, except a seine or net of not less than two inch square mesh; further providing that no seine or net shall be used in any of the waters of Red River County during the months of March or April, 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.

Sec. 2. Any person using any seine or net for the purpose of taking fish from any of the waters of Red River County, 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 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.

Sec. 4. The fact that the present law regulating the use of seines and nets in Red River County is in conflict with the laws on this subject, as applied to adjacent counties, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days be suspended, and the same is hereby suspended, and this Act shall be in full force and effect from and after its passage, and it is so enacted. (Ch. 47, p. 142 H. B. 110, Acts 1st C. S., 43rd Leg.)

## 160. Rockwall and Grayson Counties.

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, provided that any such seine or net may be used only during the months of July, August, and September of any year.

Sec. 2. Every person taking from such waters any bass or trout less than eight (8) inches in length shall return same to such waters, and shall return to such waters any white perch or crappie taken weighing less than one-half pound.

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 purpose of sale.

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) 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. (Ch. 112, S. B. 566. Acts 42nd Leg. Reg. S.)

## 161. Fish. Grayson County.

Section 1. It shall be unlawful to take from any of the fresh waters of Grayson County, Texas, for a period of five (5) years from the effective date hereof, 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. Provided that any such seine, or net may be used only during the month of August of any year. Provided further that when using said seine in the month of August, 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.

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 a fine of not less

than Ten Dollars (\$10). 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. No. 771, Reg Ses., 44th Leg.)

**162. Lake Waco and Bosque River in the County of Erath.**

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 River and their tributaries in the County of Erath.

Sec. 2. It shall be unlawful for any person to take or catch any fish in the waters described in Section 1 of this Act in the County 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. 3. It shall be unlawful to catch or take from the waters mentioned in Section 1 of this Act in the county named any bass, crappie, perch, channel or Opelousas catfish during the months of February, March and April of any year.

Sec. 4. It shall be unlawful for any person to catch from any of the waters mentioned in Section 1 of this Act in the County named, any bass of less than 11 inches, any crappie of less than 8 inches, any green perch, bream, goggle-eye or sunfish of less than 5 inches or any catfish of less than 10 inches. Or to catch in any one day more than 8 bass, 12 crappie, 20 green perch, bream, goggle-eye or sunfish, and 15 channel or Opelousas catfish; provided, however, the aggregate of all such fish taken does not exceed twenty pounds in weight.

Sec. 5. If at any time any person shall take or catch from any of the waters described in Section 1 of this Act in the county named, any bass of less than 11 inches, any crappie of less than 8 inches, any green perch, bream, goggle-eye, and sunfish of less than 5 inches, or any channel or Opelousas catfish of less than 10 inches, he shall immediately return same to the waters without unnecessarily injuring such fish, and the failure to immediately return such fish to the waters or unnecessarily injuring such fish shall be deemed an offense under this Act.

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, 3, 4, 5 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) Dollars nor more than Fifty (\$50) Dollars 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 County named in Section 1 of this Act to give a special charge upon this law to the grand juries of this County.

Sec. 9. This law is cumulative of all General Laws relating to fish and the protection thereof. (Ch. 68, H. B. 671, Acts 42nd Leg. Reg. S. as amended by Ch. 28, H. B. 12, 42nd Leg. C. S. by reason of conflict.)

### **163. Lake Waco, Bosque Rivers and Their Tributaries in McLennan, Bosque and Hamilton Counties.**

Sec. 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 and Hamilton.

Sec. 2. It shall be unlawful for any person to take or catch any fish in the waters described in Section 1 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, or common trot line or throw line, 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 thirty-six inches, or approved trap for catching minnows for bait, nor shall anything in this Act prevent the use of ordinary minnow seine of not more than Twenty (20) feet in length, provided, however, it shall be unlawful to use any minnow seine for any purpose other than catching minnows for bait, and it shall be unlawful to use such minnow seine for any other purpose during the months of February, March and April of any year; and it shall be unlawful to allow any trot line to remain in any of the aforesaid waters

during any daylight hours, between two (2) hours after sunup to two (2) hours before sundown of any day.

Sec. 3. It shall be unlawful to catch or take from the waters mentioned in Section 1 of this Act in the counties named any bass, crappie, perch, channel or Opelousas catfish during the months of February, March and April, of any year.

Sec. 4. It shall be unlawful for any person to catch from any of the waters mentioned in Sec. 1 of this Act in the counties named any bass of less than eleven (11) inches, any crappie of less than eight (8) inches, any green perch, bream, goggle-eye or sunfish of less than five (5) inches or any catfish of less than ten (10) inches. Or to catch in any one day more than eight (8) bass, twelve (12) crappie, twenty (20) green perch, bream, goggle-eye, or sunfish, and fifteen (15) channel or Opelousas catfish; provided, however, the aggregate of all such fish taken does not exceed twenty (20) pounds in weight.

Sec. 5. If at any time any person shall take or catch from any of the waters described in Section 1 of this Act in the counties named any bass of less than eleven (11) inches, any crappie of less than eight (8) inches, any green perch, bream, goggle-eye, and sunfish of less than five (5) inches, or any channel or Opelousas catfish of less than ten (10) inches he shall immediately return same to the waters without unnecessarily injuring such fish, and the failure to immediately return such fish to the waters or unnecessarily injuring such fish shall be deemed an offense under this Act.

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, 3, 4, 5, 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) Dollars nor more than Fifty (\$50) 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 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. This law is cumulative of all General Laws relating to fish and the protection thereof. (Ch. 28, H. B. 12, Acts 42nd Leg. 2nd C. S.)

**164. Nacogdoches County.**

Section 1. It shall be unlawful to use any seine or net for the purpose of taking fish from any of the waters of Nacogdoches County except during the months of June, July, August, September, October, November or December of any year, and providing that 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.

Sec. 2. Any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined a sum not less than Ten (\$10) Dollars nor more than Fifty (\$50) Dollars 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, Acts 43rd Leg. Reg. S.)

**SPECIAL LAWS**

**165. Net Prohibited in San Augustine and Sabine Counties.**

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 of sloughs, subject to overflow from the rivers or streams in the counties of San Augustine and 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 whosoever 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) Dollars nor more than One Hundred (\$100) Dollars. (Ch. 167, p. 369. Acts 41st Leg. as revised by H. B. No. 441 Reg. S. 43rd Leg. and H. B. 70, 42nd Leg. 3rd C. S.)

**166. Sabine, Attoyoc, Angelina and Neches Rivers in the Counties of Newton, Jasper, Tyler and Angelina Counties.**

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, or catfish of less than eighteen (18) inches in length, 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 streams 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 fiend in any sum not less than Twenty-five (\$25) Dollars or more than Five Hundred (\$500) Dollars, 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. (H. B. 70, Ch. 35, 42nd Leg. 3rd C. S.)

**167. San Saba, Gillespie, Kerr, Comal, Llano, Mason, Kimble, Edwards, Sutton and Real Counties.**

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, Gillespie, Kerr, Comal, Llano, Mason, Kimble, Edwards, Sutton and Real.

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 more than two hooks, 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. 3. It shall be unlawful for any person to catch, take or have in his possession any catfish less than twelve inches in length; any crappie or white perch less than seven inches in length and any bass less than eleven inches in length.

Sec. 4. It shall be unlawful for any person in the above named counties to catch or have in his possession in any one day more than ten fish of any one kind or variety, except perch, and it shall

be unlawful to catch or have in his possession more than twenty perch in any one day, and it shall be unlawful to catch or have in his possession more than sixty perch in any one week, and it shall be unlawful to catch or have in his possession more than thirty of any one variety, with the exception of perch in any one week. The taking of any such fish in excess of the number herein allowed, shall be a separate offense.

Any person found guilty of the violation of any provisions of this Act shall be fined not less than Five (\$5) Dollars, nor more than One Hundred (\$100) Dollars. (H. B. 646, Acts 43rd Leg. Reg. S.)

### 168. Wood County.

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 except the months of March and April, with a net or seine the meshes of which are not less than two inches square.

Sec. 2. That it shall be unlawful to use any kind of net or seine in the fresh waters of Wood County during the months of March and April.

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 to do so 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.

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) Dollars nor more than One Hundred (\$100) 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. (Ch. 103 H. B. 846, Acts 42nd Leg. Reg. S.)

**169. Wise, Jack and Lamar Counties.**

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 streams or is subject to overflow in Wise, Jack and Lamar 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) Dollars nor more than One Hundred (\$100) Dollars (Ch. 66, S. B. 400, Acts 42nd Leg. Reg. S.)

**170. Providing Seasons for Taking of Suckers, Buffalo, Carp, Shad, or Gar in Certain Counties.**

Section 1. Any and all persons shall be permitted to take or catch suckers, buffalo, carp, shad or gar during the months of July, August, September and October in any of the fresh waters of Bosque, DeWitt, Hamilton, Coryell, Gonzales, Lamar, Bell, Collin, Grayson, Kendall, Comanche, Blanco, Denton, Jefferson, Orange, Mitchell, Fisher, Nolan, Chambers, Travis, Hardin, Fannin, and Parker Counties with a seine or net, the meshes of which shall be not less than one 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, 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.

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 using a seine of not less than one inch equare 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) Dollars

nor more than One Hundred (\$100) Dollars. Provided that this Act shall not apply to the part of Hamilton County drained by the tributaries of the Bosque River, which shall be controlled by the provisions of House Bill No. 671.

Sec. 5. All laws and parts of laws in conflict with this Act are hereby specifically repealed. (Ch. 90, H. B. 610, 42nd Leg. R. S. as amended by H. B. 236, 43rd Leg. Reg. S.) (Revised by S. B. 515; H. B. 893, 43rd Leg.)

**171. Gin and Glade Creeks (Upshur County).**

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 during the months of February, March and April 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, 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. (Ch. 203, Acts Reg. S. 41st Leg. H. B. 137.)

**172. Big Wichita River (Wichita, Archer and Baylor Counties.)**

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 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.

Sec. 2. Any person who shall use any 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 One Hundred (\$100) Dollars nor more than One Thousand (\$1000) Dollars, and may be imprisoned in the county jail for any time 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 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.

Sec. 4. It shall be unlawful for any person, firm or corporation, or their agent, or agents, to take, catch, seine, entrap by any action, or to have in their possession any bass, perch, crappie or catfish, or any other fish taken from any of the waters described in Section 1 of this Act, on or from the first day of February to the first day of May of any year. (Ch. 37, S. B. 352, Acts 39th Leg.)

Sec. 5. It shall be unlawful for any person to catch or retain, or have in his possession any bass, or

other fish of the bass species, which are less than eleven (11) inches in length or to catch or retain or have in his possession, in any one day a total aggregate of more than ten (10) bass, or other fish of the bass species, taken from the waters described in Section 1 of this Act; provided that it shall be unlawful for any person to catch and retain, or have in his possession from those waters in any one day bass or other fish of the bass species, of any aggregate weight in excess of twenty (20) pounds; to catch and retain, or have in his possession any crappie or white perch or calico bass which are less than seven (7) inches in length, or catch and retain, or have in his possession any blue gill bream which are less than (5) inches in length, or to catch or retain, or have in his possession in any one day more than a total aggregate of twenty (20) crappie, or white perch or calico bass or blue gill bream or of any of or all those fish, taken from the waters described in Section 1 of this Act; provided, that it shall be unlawful for any person to catch and retain or have in his possession from those waters in any one day crappie or white perch, or calico bass, or blue gill bream or of any or all of those fish of an aggregate weight in excess of twenty (20) pounds; provided, further that it shall be unlawful for any person to catch and retain or have in his possession in any one day from the waters described in Section 1 of this Act, bass, or any other fish of the bass species, crappie, white perch or sun fish, or calico bass or blue gill bream, or other fish of the crappie, white perch or bream or sun fish species, or an aggregate weight in excess of thirty (30) pounds. (Ch. 192, H. B. 317, Acts 40th Leg.)

Sec. 6. If any person shall at any time catch or take from any of the waters described in Section 1 of this Act in the counties named in that section by use of any means whatsoever any bass, or other fish of the bass species, of less length than eleven inches in length, or any crappie or white perch, or calico bass of less than seven (7) inches in length, or any blue gill bream less than five (5) inches in length he shall immediately return the same into such waters without unnecessarily injuring such fish; and the failure to immediately return such fish into such waters or the unnecessarily injuring of such fish shall be deemed an offense under this Act. (id)

Sec. 7. It shall be unlawful for any person to catch and retain or have in his possession any rainbow trout, or other species of trout or of any species of char within a period of six (6) years from the taking effect of this Act. (Ch. 37, S. B. 352, 39th Leg.)

Sec. 8. It shall be unlawful for any person, or persons knowingly 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 One (\$1.00) Dollar, nor more than Twenty-five (\$25) Dollars, and each fish so allowed to die shall constitute a separate offense. (id)

Sec. 9. Any person violating any of the provisions of Sections I, III, IV, VI, of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than Five (\$5) Dollars nor more than Fifty (\$50) Dollars 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. (id)

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. (id)

Sec. 11. This law shall be cumulative of all General Laws relating to fish and the protection thereof. (id)

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 effect the constitutionality and validity of the remainder of this Act. (id) (Ch. 37, S. B. 352, Acts 39th Leg. as amended by Ch. 192, H. B. 317, Acts 40th Leg.)

### **173. Trot Line and Catfish Law for Big Wichita River, in Wichita, Archer, and Baylor Counties.**

Section 1. It shall be unlawful for any person to catch or retain or have in his possession any channel catfish or blue catfish which are less than eleven inches in length, or to catch or retain or have in his possession in any one day a total aggregate of more than twenty of such fish from any of the waters described in Section 1 of Chapter 37, of the Act of the 39th Legislature, known as the fish law for the waters of the Big Wichita River in Wichita, Archer and Baylor Counties.

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 trot line in said waters nearer than fifty feet of any other trot line 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 trot lines 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 trot lines, whether said persons composing said party are all together or whether they are separate.

Sec. 4. Any person violating any of the provisions of Section 1 of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Five Dollars (\$5) nor more than Fifty Dollars (\$50) for each violation of the law and each fish caught or held in possession 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 or where he is found with them in his possession. 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) nor more than Seventy-five (\$75). (S. B. No. 324, Reg. Ses., 44th Leg.)

#### 174. Young County.

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 boundry lines of Young County; provided, however, that the Brazos River be not included in these waters, and further provided that by the term Brazos River is meant the Brazos River proper, and the clear fork of the Brazos is not included in this exception.

Sec. 2. Any person who shall use any line, dynamite, nitro-glycerin, giant powder or other explosize, or shall use any poison, drugs, substances or things deleterious to fish life, in catching, taking or at tempting to take any fish in any of the rivers, creeks, lakes, sloughs, bayous, tanks or ponds that flow or are situated within the boundry 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) Dollars nor more than One Thousand (\$1000) 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 trot line or artificial baits; and it shall be unlawful for any person to place in any of the waters 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 motor boat. By a motor boat, as used in this section, is meant any boat to which it attached a gasoline motor, an electric motor or other means of propelling said boat other than by oars, operated by hand, whether said motor or other means of propelling said boat is running or not; and provided 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 the shore or place it in the bottom of floor of said boat.

Sec. 5. It shall not be unlawful for any person, firm or corporation, or their agent or agents to take or catch from or have in their possession any bass, crappie, white perch or bream taken from any of the waters named in Section One of this Act, on and from the first of February to the first day of May of any year. Provided, however, that the owner of any private lake, tank or pond, that is stocked with fish purchased from a commercial hatchery, may take or catch any fish said waters may contain at any time during the year; and provided further, that any privately owned lake, tank or pond that has been stocked with fish from a State or Federal hach-

ery shall be closed to the taking of any bass, crappie, white perch or bream, except for the purpose of transferring said bass, crappie, white perch or bream to other waters for breeding purposes only, during the period between the first day of February and the first day of May of any year; and further provided that after five years from date of last stocking said lake, tank or pond with fish from a State or Federal hatchery, said owner may catch or take, or permit to be caught or taken from said waters, any bass, crappie, white perch or bream, at any time during the year, for any purpose except to sell or barter them to any other person, firm or corporation, or their agent or agents.

Sec. 6. It shall be unlawful for any person to catch or retain, or have in his possession any bass, or other fish of the bass species, which are less than eleven (11) inches in length, or to catch or retain, or have in his possession, in any one day a total aggregate of more than eight (8) bass, or other fish of the bass species, taken from the waters described in Section One of this Act; provided that it shall be unlawful for any person to catch or retain, or have in his possession from those waters in any one day bass or other fish of the bass species, of an aggregate weight in excess of twenty (20) pounds; to catch or retain, or have in his possession any crappie or white perch or calico bass which are less than eight (8) inches in length, or catch and retain or have in his possession any bream which are less than five (5) inches in length, or to catch or retain from, or have in his possession in any one day more than a total aggregate of sixteen (16) crappie or white perch or calico bass or bream or of any or all of those fish taken from the waters described in Section One of this Act; provided that it shall be unlawful for any person to catch and retain or have in his possession from those waters in any one day crappie or white perch, or calico bass, or bream or of any or of all of those fish of an aggregate weight in excess of twenty (20) pounds; provided, further, that it shall be unlawful for any person to catch and retain or have in his possession in any one day from the waters described in Section 1 of this Act, bass, or any other fish of the bass species, crappie, white perch or sunfish, or calico bass, or bream, or other fish of the crappie, white perch or bream or sunfish species, of an aggregate weight in excess of thirty (30) pounds.

Sec. 7. If any person shall at, any time catch or take from any of the waters described in Section One of this Act in the county named in that section by use of any means whatsoever any bass, or other fish of the bass species, of less than eleven (11) inches in length, or any crappie or white perch, or

calico bass of less than eight (8) inches in length, or any bream of less than five (5) inches in length he shall immediately return the same into such water without unnecessarily injuring such fish; provided further that the owner of any private lake, tank or pond which has been stocked with fish from a State or Federal hatchery, is not exempt from this provision, except he be removing said fish to other waters for rearing or breeding purposes; and further provided, that the owner of any private lake, tank or pond that has been stocked with bass, crappie, white perch or bream purchased from a commercial hatchery, may take or catch said fish at his discretion and is exempt from this provision; and further provided that failure to return any bass, crappie, white perch or bream of less than the length set forth in this section, or the unnecessarily injuring of such fish shall be deemed an offense under this Act.

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 Two (\$2) nor more than Twenty-five (\$25) Dollars and each fish so allowed to die shall constitute a separate offense.

Sec. 9. Any person violating any of the provisions of Sections I., IV., V., VI., VII., of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than Five (\$5) Dollars nor more than Fifty (\$50) Dollars 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; provided that any person guilty of using a net or other device or trap for taking or catching fish as provided in Section 3 of this Act, shall upon conviction thereof, be fined not less than Ten (\$10) Dollars nor more than One Hundred (\$100) Dollars 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 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. (Ch. 12, S. B. 39, 41st Leg. 1st C. S.)

#### 175. **Regulating the Sale and Means and Method of Taking Fish in Certain Counties.**

Section 1. If any person shall sell or offer for sale any bass, white perch, crappie, channel or catfish, caught or ensnared in the streams of the counties of Burnet, San Saba, Mills, Brown, McCulloch, Edwards, Coleman, Concho, Menard, Mason, Gillespie, Kimble, Sutton, Uvalde, Real, Kerr, Comal, Val Verde, Banderas, Reeves, Ward, Loving, Pecos, Medina, Bexar, Hunt, Runnels, Rains, Williamson, Zavala, Dimmit, Lampasas, or Llano, or (Tom Green by H. B. 98, 43rd Leg. Reg. S.), 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 (\$5) Dollars, nor more than Fifty (\$50) Dollars. No person shall take or catch any fish in the fresh water rivers, creeks, lakes, bayous, pools or lagoons in the counties above named 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 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. Any person violating any provision of this section shall be fined not less than Five (\$5) Dollars nor more than One Hundred (\$100) Dollars.

No person shall take from the fresh waters of any county mentioned more than thirty-five (35) of such fish in any one day. Any person violating this provision of this Article shall be fined not less than Five (\$5) Dollars nor more than One Hundred (\$100)

Dollars. The taking of such fish in excess to the number herein allowed shall be a separate offense.

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 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 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) Dollars. The allowing of each fish to die shall be a separate offense. (1925 P. C. Art. 955 as amended by H. B. 98 and S. B. 515 and H. B. 947, Acts 43rd Leg. Reg. S.)

#### **176. Bell County Minnow Law.**

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) nor more than Fifty Dollars (\$50). (Ch. 27, p. 76, H. B. 75, Acts 2nd C. S. 43rd Leg.)

#### **177. Minnows. Falls County.**

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.)

#### **178. Selling of Minnows. Panola, Wise, Collin, and Comal Counties.**

Section 1. It shall be unlawful to take from any stream or from any pond, lake or lagoon in Panola, Wise, Collin, and Comal Counties, any minnows commonly used for fish bait, when such minnows are to be used for the purpose of barter or sale, outside the Counties.

Sec. 2. It shall be unlawful for any person to transport at any one time beyond the borders of Panola, Wise, Collin, and Comal Counties more than one hundred and twenty-five (125) minnows taken from any of the above mentioned waters in Panola, Wise, Collin, and Comal Counties.

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 a sum not less than Ten Dollars (\$10), nor more than Fifty Dollars (\$50). (H. B. No. 26, Reg. Ses., 44th Leg.)

**179. Minnows. McCulloch, San Saba, Gillespie, Llano, Kendall, Blanco and Lampasas Counties.**

Section 1. It shall hereafter be unlawful for any person, firm or corporation, to sell, barter or exchange minnows in the Counties of McCulloch, San Saba, Gillespie, Llano, Kendall, and Lampasas, wherein such minnows are caught, seined or taken.

Section 1a. It shall hereafter be unlawful for any person to seine and/or possess any minnows in the Counties named in Section 1, hereby for the purpose of sale; the possession of more than five hundred (500) minnows shall constitute prima facie evidence that such minnows are possessed for the purpose of sale.

Sec. 2. 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 (\$200) Dollars, and each such sale, barter or exchange shall constitute a separate offense. (H. B. No. 692, Reg. Ses., 44th Leg.)

**180. Minnows. McCulloch, San Saba, Gillespie, Llano, Kendall, Blanco, Lampasas and Mason Counties.**

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. 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, and Mason.

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. 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). (H. B. No. 983, Reg. Ses., 44th Leg.)

## SALT WATER AND COMMERCIAL FISHING LAWS

### 181. 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. (1925 R. C. S., Art. 4026.)

### 182. Privilege License for Commercial Fishermen and Fish Dealers.

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.

(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 Dealer", "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 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.

Section 1. That Section 3 of House Bill No. 81, Chapter 29, Acts First Called Session, Forty-third Legislature, and House Bill No. 31, of the Third Called Session of the Forty-third Legislature be and the same is hereby amended so as to hereafter read as follows:

"Section 3. The license and the fees to be paid for the same are hereby provided for in this Act and are as follows:

"1. Commercial Fisherman's License, fee Three Dollars (\$3).

"2. Wholesale Fish Dealers' License, fee for each place of business, Two Hundred Dollars (\$200).

"2a. 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 ve-



hicle 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 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 ten (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 (1800) 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 ( $1\frac{1}{2}$ ) inches from knot to knot.

"7. Fish Boat License, for boats equipped with 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."

Sec. 2. Any person failing to comply with, or 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 Dollars (\$10) nor more than Two Hundred Dollars (\$200), and his license shall be automatically cancelled and he shall not be entitled to receive another such license for one year from the date of such conviction.

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 Dealer's 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 thereof. 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 a 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), and his license shall be automatically cancelled 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, 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 to 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 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 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.

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.

Sec. 9. If any paragraph, section or any part of this Act shall be 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. (Ch. 29, p. 85, H. B. 81, Acts 1st C. S. 43rd Leg. and as amended by H. B. 31, Acts 3rd C. S. 43rd Leg. and H. B. 60, Acts Reg. Ses. 44th Leg.)

### 183. 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 (\$5) Dollars nor more than Twenty-five (\$25) Dollars. (1925 P. C., Art. 935.)

### 184. 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 (\$10) Dollars and in addition thereto the sum of Twenty-five (\$25) Dollars for permission to use a dredge. (1925 R. C. S., Art. 4056.)

### 185. License for Mussel or Clam.

Whoever takes from the public waters of this State for sale, any mussels, clams, or naiad or shells thereof without first obtaining a license from the Commissioner, shall be fined not less than Ten (\$10) Dollars, nor more than One Hundred (\$100) Dollars. (1925 P. C., Art., 975.)

### 186. Oysters and Oyster Shell.

For all purposes mentioned in this title or section, a barrel of oysters shall be deemed and taken to consist of three boxes of oysters in the shell; said boxes to be the following dimensions: ten inches wide by twenty inches long and thirteen and one-half inches in depth. In filling such boxes for measurement, such oysters shall not be placed or deposited in such box in a way that will make them fill the box more than two and one-half inches in the center above the height of the box. Provided, that two gallons of shucked oysters without their shells shall be considered and deemed by this act as equal to one barrel of oysters in the shell. It is hereby specially provided that the title to the shells, from which oysters are taken shall remain in the State, and the Game, Fish and Oyster Commissioner is directed to handle, control or sell same as he may see fit. Provided, such oyster shells shall not be sold for a lower price than twenty-five cents the cubic yard. All moneys and royalties collected under and by provision of this article shall

be deposited by the Game, Fish and Oyster Commissioner to the credit of the Fish and Oyster Fund, hereinafter provided for. (Ch. 178, 39th Leg., Reg. S., Ch. 29 Acts 1st C. S. 43rd Leg.)

#### **187. To Tag Seines and Nets.**

All seines and nets 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 nets. 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 (\$20) Dollars, nor more than Two Hundred (\$200) Dollars. (1925 P. C., Art 496, Ch. 29, Acts 1st C. S. 43rd Leg.)

#### **188. Oyster Beds.**

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. (1925 R. C. S., Art. 4027.)

#### **189. Public or Private Oyster Bed.**

All oyster beds shall be public or private; all not designated private shall be public. All natural oyster beds and oyster reefs of this State shall be deemed public, and a natural oyster bed shall be declared to exist when as many as five barrels of oysters may be found 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. (1925 P. C., Art. 960.)

#### 190. Measurement of Oysters.

Whoever shall use any measurement other than that established in Article 937 for the measurement of oysters in the purchase and sale of oysters, shall be fined not less than Ten (\$10) Dollars nor more than Twenty-five (\$25) Dollars, and any person who shall fill the measuring box in the buying or selling of oysters higher than two and one-half inches in the center of such box, shall be fined not less than Ten (\$10) Dollars nor more than Twenty-five (\$25) Dollars. (1925 P. C., Art. 938.)

#### 191. 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 an 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 whenever 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 the 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. (1925 R. C. S., Art. 4028.)

#### 192. 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 (\$20) Dollars cash must accompany such application. (1925 R. C. S., Art. 4035.)

### 193. 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 landmarks. And the locator shall place and maintain under the direction of the Commissioner a buoy at each corner of this oyster claim farthest from the land. No person shall locate water or ground covered with water for planting oysters along any bay or shore in this State nearer than one hundred yards from the shore. (1925 R. C. S., Art. 4036.)

### 194. 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's 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 the Twenty (\$20) Dollars paid to the Commissioner, to the difference in amount shall be returned to such locator by the Commissioner. If such expenses amount to more than Twenty (\$20) 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 evi-

dence under the same rule governing the admission of deeds or certified copies thereof. (1925 R. C. S., Art. 4037.)

**195. 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. (R. C. S. 1925, Art. 4038.)

**196. Limiting Location.**

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. (1925 R. C. S., Art. 4039.)

**197. To 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. (1925 R. C. S., Art. 4040.)

**198. Buoy or Marker.**

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 (\$50) Dollars nor more than Two Hundred (\$200) Dollars. (1925 P. C., Art. 959.)

#### 199. Rental on Location.

The owner or locator of private oyster beds under the foregoing provision 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 (\$1.50) per acre per annum and Two Cents (2c) a barrel on oysters 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. (1925 R. C. S., Art. 4041.)

#### 200. Oyster Permit.

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 the beds or reefs designated by such Commissioner and name them in the 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. (1925 R. C. S., Art. 4042.)

### **201 Right to Private Oyster Bed.**

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 waters 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 whoever he offers such oysters for sale, shall be presumptive that such oysters were taken from a public bed, and no prosecution for the same shall devolve on the defendant to show that such oysters were taken from his private bed, or bottom, of oysters. (1925 P. C., Art. 961.)

### **202. 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 to the penitentiary for not less than one or more than two years. (1925 P. C., Art. 962.)

### **203. 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 reefs shall be closed. Whoever takes oysters from such reef within the time closed by the Commissioner shall be fined not less than Twenty-five (\$25) Dollars nor more than Two Hundred (\$200) Dollars. (1925 P. C., Art. 964.)

#### **204. Oysters from Insanitary Reef.**

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 (\$25) Dollars nor more than Two Hundred (\$200) Dollars (1925 P. C., Art. 965.)

#### **205. 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 (\$10) Dollars nor more than Two Hundred (\$200) 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. (1925 P. C., Art. 966.)

#### **206. 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 (\$10) Dollars nor more than One Hundred (\$100) Dollars. (1925 P. C. Art. 967.)

#### **207. 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; pro-

vided 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 (\$10) Dollars, nor more than One Hundred (\$100) Dollars. (1925 P. C., Art. 968.)

#### **208. 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 provisions of this article shall be fined not less than Twenty-five (\$25) Dollars nor more than Two Hundred (\$200) Dollars. (1925 P. C., Art. 963.)

#### **209. Dredging Reefs or Beds.**

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 of Fifteen (\$15) Dollars when using oyster dredges, which license shall expire August 31st following the date of issuance thereof, 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. (1925 R. C. S., Art. 4048, H. B. 81, Acts 1st C. S. 43rd Leg.)

#### **210. 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 must be deposited on shore as directed by the Game, Fish and Oyster Commissioner. Anyone violating any of the provisions of this Article shall be fined in a sum not less than Twenty-five (\$25) Dollars; nor more than One Hundred (\$100) 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 to 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. (1925 P. C., Art. 969.)

#### **211. 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 (\$50) Dollars nor more than Two Hundred (\$200) Dollars. (1925 P. C., Art. 970.)

#### **212. 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 of young oysters shall be fined not less than Ten (\$10) Dollars nor more than Two Hundred (\$200) 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 (\$25) Dollars, nor more than Two Hundred (\$200) Dollars. (1925 P. C., Art. 971.)

**213. 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 (\$25) Dollars, nor more than One Hundred (\$100) Dollars. (1925 P. C., Art. 972.)

**214. 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 oyster 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 shell fish, 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 (\$20) Dollars nor more than Two Hundred (\$200) Dollars. (1925 P. C., Art. 973.)

**215. Oysters. Head Waters 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 Head Waters 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 (\$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. No. 873, Reg. Ses., 44th Leg.)

#### 216. "Net" Defined.

Whenever a net mentioned in this chapter as a trammel, strike, gill, hoop, pound, purse or other kind of a 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. (1925 P. C., Art. 974.)

#### 217. Unlawful Possession of Seine.

Whoever shall carry on, or over, or into the waters of any pass leading from the inland bays or tidal waters of this State to the Gulf of Mexico any seine or net, except a cast net used for catching bait, or minnow net not exceeding twenty feet in length, or shall carry by vehicle or in any other way, any seine or net except a cast net used for catching bait or a minnow seine not exceeding twenty feet in length to any point or place within one mile of such pass or shall have in his possession within one mile of any such pass, any net or seine except a cast net for catching bait, or a minnow seine not exceeding twenty feet in length, shall be fined not less than Twenty-five (\$25) Dollars nor more than Two Hundred (\$200) Dollars, and be confined in the county jail not less than thirty nor more than ninety days. Nothing in this law shall apply to the carrying of nets or seines over closed waters within one mile of any town. (1925 P. C., Art. 942.)

#### 218. Exceptions.

Nothing in the foregoing articles shall apply to vessels engaged in carrying freight or passengers, and engaged as sea-going vessels in coast and foreign trade, and licensed and recognized as such by the Federal Government; provided, further, that the Game, Fish and Oyster Commissioner may grant permits to persons desiring to fish, to carry their boats, nets and seines, and vehicles into, over and on such passes or closed waters or on land to within the mile limits of such passes, and such permits shall state at what time such boats, vehicles, and nets and

seines shall be taken away from such mile limit and such passes. (1925 P. C., Art. 943.)

#### 219. Proof of Possession.

In all prosecutions under Articles 941 and 942 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 vehicles or seines or net. (1925 P. C., Art. 944.)

#### 220. Seining in Salt Water.

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 one-inch square mesh. No seine or net of any kind of over two thousand feet shall be dragged or pulled into the salt water of this State, and any person dragging such seine, or dragging two or more seines which are connected or tied together with a combined length of more than eighteen hundred feet, shall be upon first conviction thereof fined not less than Twenty (\$20) Dollars, nor more than One Hundred (\$100) Dollars; upon second conviction thereof shall be fined not less than Fifty (\$50) Dollars, nor more than Two Hundred (\$200) Dollars, and shall 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 not less than thirty nor more than ninety days, and shall have his license revoked for a period not less than one year. (1925 P. C., Art. 945.)

#### 221. 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 (\$25) Dollars, nor more than Two Hundred (\$200) 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. (1925 P. C., Art. 947.)

#### **222. 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 chapter, 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 chapter. 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 Fifty (\$50) Dollars, nor more than Two Hundred (\$200) Dollars. (1925 P. C., Art. 954.)

#### **223. Mischief in Prohibited Waters.**

Whoever shall willfully 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 (\$10) Dollars nor more than Two Hundred (\$200) Dollars and be confined in jail not less than thirty nor more than ninety days. (1925 P. C., Art. 956.)

#### **224. Certain Salt Waters Closed to Nets and Seines.**

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, trot line, 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 trawl 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, Harris, Galveston and Brazoria Counties, or in or on any of the inland waters, streams, lakes, bayous or canals of Matagorda County, or within or on the waters of Agua Dulce Creek, Oso Creek, Shamrock Cove, Nueces Bay, Ingleside Cove, Red Fish Cove, Shoal Bay, Mud Flats, Shallow Bay, 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 the waters lying from this line, the said Channel, and between Harbor Island and the Mainland to Aransas Bay; all of Aransas Bay between Port Aransas and Corpus Christi Bayou and lying between Harbor Island and Mud Island; Copano Bay, Mission Bay 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 Bay; 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; Aransas Pass, leading from Aransas Bay to the Gulf of Mexico; Corpus Christi Pass, leading from Corpus Christi Bay to the Gulf of Mexico; 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, 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 water of this State with the Gulf of Mexico or in or on or 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 coast 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.

Sec. 1a. Provided that it shall be unlawful for any person to drag any seine or use any drag seine, or shrimp trawl 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, and reel, artificial bait, trot line, 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.

Sec. 1b. Provided that shrimp trawls may be used for taking shrimp in Matagorda Bay, San Antonio Bay or that part of Aransas Bay and all that part of Corpus Christi Bay not mentioned in Section 1.

Sec. 1c. Provided that it shall be unlawful to attach to any set net, strike net or trammel net used in any of the waters of any of the tidal bays, streams, bayous, lakes, lagoons, or inlets of this State, any cork line or lead line of a size greater than one-fourth inch in diameter.

Sec. 1d. Provided that it shall be unlawful to take any shrimp from any of the waters of this State of less length than five and one-half inches; provided that fifteen per cent of any cargo of shrimp may be of less size.

Sec. 1e. Provided, that it shall be unlawful for any person to take or have in his possession in this State, any speckled sea trout of less length than twelve inches, any red fish of less length than twelve inches, or greater length than thirty-two inches, or any drum of less length than eight inches or greater length than twenty inches, any flounder of less length than twelve inches, or any sheephead of less length than eight inches.

Sec. 1f. Any person who shall violate 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 Twenty-five (\$25) 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 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 defendant and no suit shall be maintained against him therefor.

Sec. 1g. All laws or parts of laws in conflict herewith are hereby expressly repealed. (Art. 941, 1925 P. C. as amended by Ch. 119, S. B. 88, 41st Leg. Reg. S. and as amended by Ch. 13, H. B. 91, 41st Leg. 5th C. S.)

## 225. Oversize and Undersize Fish for Sale.

It shall be unlawful for any person to sell, or offer for sale, or to have in his possession or to have on board any boat or to have in any mercantile business establishment, or in any market where merchandise is disposed of, any redfish, or channel bass of greater length than thirty-two inches, or less

than twelve inches, any salt water or speckled sea trout of less than twelve inches; any-sheephead of less than eight inches in length; any flounder of less than twelve inches in length; any pompano of less than nine inches in length; any mackerel of less than fourteen inches in length, and any salt water gaff-topsail of less than eleven inches in length.

The place of sale or offering for sale or possession shall, for the purpose of this chapter to establish venue, be either the place from which such fish are shipped or where the fish are found or offered for sale. It shall be unlawful in selling or offering for sale any fish mentioned in this article to sever the head from the body, except in the case of the redfish and catfish in which case the head shall only be severed through the gill-cavity and the gill-fins shall remain on the body of such redfish or catfish. Such headless body of a redfish shall not measure more than twenty-seven inches in length, and such headless body of a catfish shall not measure less than eight inches in length; and all fish marketed or sold as mentioned in this article, must be weighted and sold with the head attached, except redfish and catfish as mentioned herein.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum of not less than Ten (\$10) Dollars, nor more than Fifty (\$50) Dollars. (P. C. 1925, Art. 929.)

#### **226. 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. (P. C. 1925, Art. 930.)

#### **227. Witness Must Testify.**

Any court officer or tribunal having jurisdiction of the offenses set forth in this chapter 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. (P. C. 1925, Art. 978.)

#### **228. Charts As Evidence.**

All United States Coastal Survey charts covering

the coast of Texas are admissible in any prosecution under this chapter. (P. C. 1925, Art. 977.)

**229. Shrimp Law for Lavaca Bay in Calhoun County.**

Section 1. That the waters of Lavaca Bay in Calhoun County, Texas be, and the same are now hereby opened for the purpose of trawling for shrimp during the months of September, October, November and December of each year; and that the waters of Powder Horn Lake, in Calhoun County, Texas are hereby opened for the purpose of seining during the months of January, December and February of each year.

Sec. 2. All laws and/or parts of laws in conflict with this Act are hereby expressly repealed. (Ch. 59, Page 162, H. B. 213, Acts 1st C. S. 43rd Leg.)

**230. Shrimp Trawling Law, Espiritu Santo Bay—Calhoun County.**

Section 1. That the waters of Espiritu Santo Bay in Calhoun County, Texas, be and the same are now hereby opened for the purpose of trawling for shrimp during the months of September, October, November and December of each year.

Sec. 2. All laws and/or parts of laws in conflict with this Act are hereby expressly repealed. (H. B. No. 94 as enacted by the 3rd C. S., 43rd Leg.)

**231. Seines Prohibited between Padre Island and Mainland in 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 bait in or on any of the waters lying between Padre Island and the mainland in Kleberg and Kennedy Counties including all back bays and inlets and that back of the Laguna Madre within 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 (\$25) 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 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. (Ch. 17, H. B. 67, 42nd Leg. 2nd C. S.)

### 232. Seining and Netting in East Galveston Bay.

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 the small abutting bodies known as follows: Swan Lake, Moses Lake, Clear Lake, Dickens 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, during the period beginning August 15th and ending May 15th of each year. 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 41st Legislature.

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 trawl is on board a vessel when such vessel is at port or in a channel while enroute 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 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

in 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 and 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 any officer of this State in or on any of the tidal waters of this State without any one 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 the tidal waters of this State at a point where its use was prohibited, which said affidavit shall describe said 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, 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 (\$25) Dollars and not more than Two Hundred (\$200) Dollars, 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 time of such conviction.

Sec. 5. All laws or parts of laws in conflict herewith shall be and the same are hereby repealed. (H. B. 80, 42nd Leg. 3rd C. S.)

**233. Seines and Nets Prohibited in Willacy County West of Padre Island.**

Section 1. It shall be unlawful to use a seine, net or trawl or to have in possession a seine, net or trawl 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 (\$25) Dollars nor more than Two Hundred (\$200) Dollars.

Sec. 3. All laws or parts of laws, insofar as they may conflict with the provisions of this Act, be and the same are hereby repealed. (H. B. 764, 43rd Leg. Reg. S.

**234. Net for Shrimp.**

The Commissioner is hereby authorized to permit the use of any shrimp seine or other device for catching shrimp in the tidal waters of this State. Any person desiring to use such seines shall apply to the Commissioner or his deputy for a permit to use such seine, net or other contrivance for catching shrimp, and such Commissioner or his deputy shall fix and establish the mesh, construction, depth and length of such seine or net or other contrivance so that it shall be used for other purposes than in taking shrimp, and he shall tag such seine officially and issue permit and shall state in what waters and localities such seines or nets shall be used. Any person using such shrimp seine or other contrivance for catching shrimp in the tidal waters of this State without the permit hereon provided for, or who shall use any seine or other contrivance or net in any waters or locality other than that stated in such permit, shall be fined not less than Twenty-five (\$25) Dollars, nor more than Two Hundred (\$200) Dollars. (1925 P. C., Art. 950.)

**235. Catching and Selling Shrimp for Bait.**

Section 1. It shall be lawful for any person at any time to take shrimp of any size for bait from any of the tidal waters of this State with a minnow seine of not more than twenty feet in length, with a cast net or a shrimp trawl, provided that such shrimp trawl shall not be more than ten feet in width at the mouth and not more than twenty-five feet in length and provided that any and all persons who offer such bait shrimp for sale shall comply with the provisions of the laws of this State requiring a license before any of the marine products of



this State may be taken for the purpose of sale.

Sec. 2. The towing of any shrimp trawl of a greater size than that herein specified in any of the waters of this State in which the use of shrimp trawls is otherwise prohibited shall be prima facie evidence of guilt.

Sec. 3. Any person 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 Twenty-five (\$25) Dollars nor more than One Hundred (\$100) Dollars. (Ch. 11, S. B. 87, 41st Leg. 4th C. S.)

### **236. 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 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 commisisoner to superintendent 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 the Commissioner Two Dollars and Fifty (\$2.50) Cents per day. (1925 R. C. S., Art. 4046.)

### **237. 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 (\$50) Dollars nor more than One Hundred (\$100) Dollars. (1925 P. C., Art. 957.)

### **238. Underweight Turtle or 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 (\$10) Dollars nor more than Two Hundred (\$200) Dollars. (1925 P. C., Art. 958.)

### **239. Dealers Required to Report Products Handled.**

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, 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. No. 175, Reg. Ses., 44th. Leg.)

## FUR-BEARING ANIMAL LAWS

### 240. 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 ring-tail cat, wild badger, wild polecat or skunk, wild racoon, wild o'possum, wild fox and wild civet cat are hereby declared to be fur bearing animals. (Ch. 177, H. B. 76, 39th Leg.)

### 241. Unlawful to Trap Muskrats on Lands of Another.

Sec. 12. It shall be unlawful for any person, at any time, to trap or kill upon the posted or inclosed lands of another, or be in possession of a muskrat or the hide of such animal, without the consent of the owner or lessee of such lands to trap thereon, provided that such person, may in relief against this provision show a rightful, legal possession of such muskrats or the hides of such animals. (id)

### 242. Unlawful to Destroy the Nest of Muskrats.

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. (id)

**243. Muskrats in Cottle County.**

Sec. 13a. Provided, that the open season for taking the 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. (id)

**244. Unlawful to Purchase the Furs of Muskrats on the Land of Another.**

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. (id)

**245. 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. (id)

**246. Posted Land Defined.**

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. (id)

**247. Misdemeanor Offense.**

Sec. 17. Any person required to procure a liense under this Act and who fails to carry said license on his person when trapping, killing or taking any of the fur-bearing animals or the pelts thereof for sale or barter, or who fails or refuses to exhibit the same to any officer authorized to enforce the laws of this State, or who uses the license of another or permits another to use his license shall be deemed guilty of a misdemeanor. (id)

**248. Duty of.**

Sec. 19. It shall be the duty of the Game, Fish and Oyster Commissioner and his deputies to enforce the provisions of this Act. (id)

## 249. Penalty.

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 (\$10) Dollars nor more than One Hundred (\$100) Dollars. (id) (The above Sections compose H. B. 75, Ch. 177, Acts of 39th Leg. Revised by Amendments and Conflicts.)

## 250. Regulating the Killing, Trapping and Taking of Fur-Bearing Animals.

Section 1. That Chapter 221, Acts of the Regular Session, 41st Legislature, be and the same is hereby amended so as to hereafter read as follows:

Sec. 1a. It shall be unlawful for any person to take or attempt to take the pelt of any fur-bearing animal of this State at any time other than the open season provided therefor. The open season for taking pelts of fur-bearing 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.

Sec. 2. Any person over the age of seventeen (17) years who takes or attempts to take the pelt or pelts of any of the fur-bearing animals of this State for the purpose of barter or sale, except persons who take the pelt or pelts of fur-bearing animals from their own land, or land on which such persons reside, before doing so, shall procure a trapper's license. If the trapper has been a resident of this State for twelve (12) months before applying for such license, he shall pay for such license the sum of One Dollar and (\$1.10) Ten Cents, Ten (10c) Cents of which shall be retained by the officer issuing the license. If he has not been a resident of this State for twelve (12) months prior to applying for such license, he shall pay for a non-resident trapper's license the sum of Twenty-five (\$25) Dollars. Such license shall be issued by the Game, Fish and Oyster Commission and shall be available on and after September 1st of each year, and shall expire August 31st of the following year. All trapper's licenses shall have blanks for the name of the trapper, his place of residence, age, height, weight, color of eyes and color of hair.

Sec. 3. That there be and is hereby levied a tax of one cent on each pelt taken from the fur bearing animals except pelts of racoons and mink, the tax for which shall be five cents on each pelt, which tax shall be payable as herein provided.

Sec. 4. It shall be the duty of the Game, Fish and Oyster Commission to provide suitable tags to be attached to the pelts of fur-bearing animals, as a receipt for the tax which has been paid thereon.

Such tags shall be available on and after September 1st of each year and shall be valid until August 31st of the year following. Tags shall be printed with the words "State of Texas—fur tax received 1 cent" and "State of Texas—fur tax received 5 cents," and shall show date of expiration, and have a blank for date pelt was tagged. The Game, Fish and Oyster Commission, or its authorized agents, shall issue tax receipt tags upon payment of the amounts for which such receipts are issued.

Sec. 5. It shall be the duty of the trapper to attach to the pelt of each fur-bearing animal taken by him a tax receipt tag as described herein for the amount of tax due on such pelt and place on each tag date it was tagged, before such pelt may be shipped, bartered, sold or offered for sale, and providing that all pelts held by a trapper for the purpose of sale shall be tagged within five (5) days after the close of the open season for taking such pelts. It shall be unlawful for any dealer to purchase a pelt taken in this State or shipped from any point in this State which does not bear a tax receipt tag.

Sec. 6. Any person, firm or corporation, except the trapper selling his own catch, who barter, buys, offers to barter, offers to sell, sells or offers for sale the pelt or pelts of any fur-bearing animal protected by the laws in this State, before engaging in such business in this State, shall procure a license as a dealer from the Game, Fish and Oyster Commission or its authorized agents by the payment of the sum of Five Dollars and \$5.50) Fifty Cents, Fifty (50c) Cents of which shall be retained by the officer issuing such license, provided that such applicant has been a resident of this State for Twelve (12) months prior to the application for license or is a resident firm or corporation organized twelve (12) months prior to such application. All others shall be non-residents and shall procure a non-resident dealer's license from the Game, Fish and Oyster Commission at Austin, Texas, by the payment of Fifty (\$50) Dollars, for each such license.

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 the pelts of fur-bearing animals purchased in this State and shipped out of this State during the preceeding 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 purchase 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 preceeding month.

Sec. 8. The possession in this State of any undried pelt from a fur-bearing animal at any time other than during the open season for taking 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.

Sec. 9. Any person who desires to take alive any of the fur-bearing 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) 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 fur-bearing 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 fur bearing animals held in captivity and giving the Commission the number of each kind of fur-bearing animal and pelts disposed of during the year previous.

Sec. 10. The pelts of all fur-bearing animals of this State are declared to be and continue to be the property of this State until all taxes levied thereon are paid, receipts for such taxes are issued and attached to such pelts, and all regulations herein are followed: provided, however, that any pelts taken during the open season for the taking of such pelts shall not come within the provision of this Act, when they are held for personal use.

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 were received for sale.

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 fur-bearing animals in this State for a period of Twelve (12) 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) Dollars and not more than One Hundred (\$100) 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.

Sec. 13. All monies collected from taxes, 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 Fund and used for the purpose provided for by law.

Sec. 14. Provided, that all laws or parts of laws in conflict herewith shall be and the same are hereby repealed, except that nothing herein shall repeal Chapter 68, Acts of the First Called Session of the 41st Legislature, protecting beaver and otter in this State and fox in certain sections of the State as specified therein.

Sec. 15. If any Section of this Act shall be held unconstitutional, it shall not affect any other Section of this Act, and all Sections except the one that may be declared unconstitutional shall continue to be in full force and effect. (Ch. 45, H. B. 86, 41st Leg. 5th C. S. as amended by Ch. 109, H. B. 625, 42nd Leg.)

#### **251. Bell County Fox Law.**

Section 1. That for five (5) years from and after passage of this Act it shall be unlawful for any person to trap, snare, shoot at, catch, or kill any wild fox in Bell County.

Sec. 2. Provided that nothing in this Act shall prohibit the trapping of predatory animals within three hundred yards of the residence of any bona fide resident of Bell County.

Sec. 3. That whosoever violates the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty (\$20) Dollars and not more than Fifty (\$50) Dollars. (Ch. 59, H. B. 109, 42nd Reg. Ses.)

#### **252. Freestone County Fur-Bearing Animal Law.**

Section 1. That for three (3) years from and after the passage of this Act it shall be unlawful for any person to take or trap by any means of any snare, deadfall or steel trap any fur bearing animals within the Territorial limits of Freestone County. Provided further that it shall not be unlawful to take fur bearing animals, except fox, by said means upon one's own property or upon property upon which a written permit has been given by the owner for trapping purposes, during the months of December and January of any year; and provided further that it shall not be unlawful to take fur-bearing animals in the immediate vicinity where domestic fowls or any domestic stock are being destroyed by said animals.

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. No. 33 as enacted by the 3rd C. S., 43rd Leg.)

### **253. Regulating the Taking of Wild Beaver, Wild Otter and Wild Fox.**

Section 1. That Chapter 68, House Bill No. 114, Acts 1st Called Session of the 41st Legislature, be and the same are hereby repealed.

Sec. 2. It shall be unlawful to take the pelts of any of the fur-bearing animals of this State at any time other than the open season provided therefor. The open season for taking the pelts of wild beaver, for that portion of the State of Texas lying west of the Pecos River, shall be during the month of January of each year. It shall be unlawful to take the pelts of wild beaver in any other portion of this State or to take the pelts of wild otter in any portion of this State within a period of ten (10) years following the passage of this Act.

Sec. 3. That there be and is hereby levied a tax of five (5) cents on each pelt taken from a wild beaver which shall be payable as provided in House Bill No. 86, Acts 5th Called Session of the 41st Legislature.

Sec. 4. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than Ten Dollars (\$10) nor more than One Hundred (\$100) Dollars and his trapper's and dealers license shall be forfeited at the time of conviction and he shall not be entitled to purchase another such license for a period of one (1) year.

Sec. 5. Provided that the provisions of this Act shall in no way apply to McLennan, Falls, Limestone, or Milam Counties nor to the Counties composing the



following Senatorial Districts: Eight (8), Ten (10), Eleven (11), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Twenty (20), Twenty-one (21), and Twenty-eight (28); except, however, it shall be effective as to Brazos County of the Fourteenth (14) Senatorial District.

Sec. 6. Provided that it shall be unlawful for any person to kill, take, or have in his possession for barter or sale within Caldwell, Williamson, Milam, or Lee Counties within a period of ten (10) years after the passage of this Act, any wild beaver, wild otter, or wild fox, or the pelts thereof. (Ch. 264, H. B. 215, 42nd Leg. Reg. S.) (Revised by H. B. 399, Acts 43 Leg. Reg. S.)

#### **254. Beaver. Val Verde County.**

Section 1. It shall be lawful, during the month of January of any year, to take wild beaver in the County of Val Verde and to dispose of their pelts in conformity to the laws of this State pertaining to the disposition of pelts of fur-bearing animals.

Sec. 2. Any person taking any wild beaver or the pelt of the same at any time other than the open season provided by the 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. No. 375, Reg. Ses., 44th Leg.)

#### **255. Unlawful to Transport a Live Wolf.**

Section 1. It shall be unlawful for any person to transport, or 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 lose, 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. (Ch. 46, H. B. 13, 41st Leg. 4th C. S.)

#### **256. Titus and Morris Counties Fox Law.**

Section 1. 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 Titus and Morris Counties, providing however, that it shall not be unlawful to kill wild fox in the act of destroying or about to destroy domestic fowls or other domestic stock. This law shall be in force and effect for a period of five (5) years.

Sec. 2. Every person violating any provision of this Act, shall, upon conviction, be punished by a fine of not less than One (\$1), nor more than Twenty-five Dollars (\$25). (Ch. 30, page 80, H. B. 91, Acts 2nd C. S. 43rd Leg.)

**257. Wild Beaver, Wild Otter, and Wild Fox Unlawful to Kill in Certain Counties.**

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 beaver, wild otter or wild fox, or the pelts thereof. Provided that this section shall apply to Polk, Trinity, Walker, San Jacinto, Shelby, Rusk and Jefferson Counties.

Sec. 3. Every person violating any provision of this Act shall, upon conviction, be punished by a fine not less than Ten (\$10) Dollars, nor more than One Hundred (\$100) Dollars. (H. B. 35, 42nd Leg. 3rd C. S., amended by H. B. 399, 43rd Leg. Reg. Ses.)

**258. Taking of Fur-Bearing Animals in the Counties of Nacogdoches and Angelina.**

Section 1. It shall be unlawful to take the pelt of any fur-bearing animal in Nacogdoches and 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 ones 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 Nacogdoches and 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 (\$10) Dollars nor more than Two Hundred (\$200) Dollars.

Sec. 3. All laws or parts of laws in conflict with this Act are hereby repealed. (H. B. 399, 43rd Leg. Reg. S.)

**259. Burleson, Falls, Henderson, Leon, Limestone, Madison, and McLennan Counties Fox Law.**

Section 1. That from and after the passage of this Act, it shall be unlawful for any person to kill any wild fox, to take or have in his possession for barter or sale the pelts of any wild fox, in the counties of Burleson, Falls, Henderson, Leon, Limestone, Madison and McLennan; 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 fine of not less than Ten Dollars (\$10.00) nor more than Twenty-five Dollars (\$25.00) 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. (H. B. No. 65 as enacted by the 3rd C. S., 43rd Leg.)

**260. Bowie, Delta, Franklin and Hopkins Counties Fox Law.**

Section 1. 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 Bowie, Delta, Franklin and Hopkins Counties; providing however, that it shall not be unlawful to kill any wild fox in the act of destroying or about to destroy domestic fowls or other domestic stock. This law shall be in force and effect for a period of five (5) years.

Sec. 2. Every person violating any provision of this Act, shall, upon conviction, be punished by a fine of not less than One Dollar (\$1.00), nor more than Twenty-five Dollars (\$25). (H. B. No. 8 as enacted by 3rd C. S. 43rd Leg.)

**261. Fur-Bearing Animals. Bowie and Smith Counties.**

Section 1. It shall be unlawful to set any steel trap, snare or deadfall in Bowie and Smith Counties for the purpose of taking any of the fur-bearing

animals of this State in said Counties for a period of two (2) years following the passage of this Act.

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.

Sec. 3. Any person setting a steel trap, snare or deadfall in Bowie and Smith Counties for the purpose of taking any fur-bearing animal in said Counties within a period of two (2) years following the passage 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). (H. B. No. 600, Reg. Ses., 44th Leg.)

#### **262. Fur Bearing Animals. Cherokee County.**

Section 1. It shall be unlawful for any person to use a steel trap for the purpose of taking any fur-bearing animal in Cherokee County, except during the period from December 15th to January 15th; provided however, that this Act shall not prevent the setting of a steel trap within two hundred (200) yards of a person's residence.

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) nor more than Fifty Dollars (\$50). (H. B. No. 908, Reg. Ses., 44th Leg.)

#### **263. Fox. Cherokee County.**

Section 1. It shall be unlawful for any person to sell, take, or have in his possession for the purpose of barter or sale, any wild fox, or the pelt thereof, in Cherokee County.

Sec. 2. It shall be unlawful for any person to kill wild fox in Cherokee County with a steel trap or other instrument or mechanical device, unless the fox is in the act of destroying or about to destroy domestic fowls or other domestic animals.

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) nor more than Fifty Dollars (\$50); and provided, further, that any person who catches a fox in a steel trap and does not liberate same shall have his license for trapping revoked for a period of one month.

Sec. 4. This Act shall remain in effect for a period of only two (2) years. (H. B. No. 909, Reg. Ses., 44th Leg.)

#### **264. Hill, Johnson and Navarro Counties Fox Law.**

Section 1. Chapter 101 of the Special Laws of the

Regular Session of the Forty-third Legislature, as amended by Chapter 54, of the General and Special Laws of the First Called Session of the Forty-third Legislature, are hereby amended so as to read hereafter as follows:

"Section 1. It is hereby declared unlawful for any person to take, kill or have in possession for the purpose of barter or sale, any wild fox or the pelt thereof, for a period of ten (10) years from and after the passage of this Act in the Counties of Hill, Johnson and Navarro.

"Section 2. It shall be unlawful for any person to set a steel trap, snare or deadfall for the purpose of taking any fur bearing animal in the counties of Hill, Johnson and Navarro.

"Section 3. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and shall be fined in a 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. No. 60 enacted by the 3rd C. S., 43rd Leg.)

#### **265. Upshur County Fox Law.**

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 Upshur.

Sec. 2. Any person who shall 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 be and the same are hereby expressly repealed. (Ch. 42, page 138, H. B. 59, Acts 1st C. S. 43rd Leg.)

#### **266. Hill, Johnson, Bosque and Navarro Counties Fox Law.**

Section 1. Chapter 101 of the Special Laws of the Regular Session of Forty-third Legislature is hereby amended so as to hereinafter read as follows:

"Sec. 1. It is hereby declared unlawful for any person to take, kill or have in possession for the purpose of barter or sale, any wild fox or the pelt thereof, for a period of ten (10) years from

and after the passage of this Act in the Counties of Hill, Johnson, Bosque, and Navarro.

"Sec. 2. It shall be unlawful for any person to set a steel trap, snare or dead fall for the purpose of taking any fur-bearing animal in the Counties of Hill, Johnson, Bosque, and Navarro.

"Sec. 3. Any person who violates any provision of this act shall be deemed guilty of a misdemeanor and shall be fined in a 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. (Ch. 54, page 156, H. B. 79, Acts 1st C. S. 43rd Leg.)

#### **267. Taking of Fur-Bearing Animals in Wood County.**

Section 1. It shall be unlawful to kill, take or have in possession for any purpose any wild fox or the pelt thereof in Wood County for a period of five years from and after the passage of this Act.

Sec. 2. It shall be lawful to take by trap or other device or with the aid of dogs during the open season provided for the taking of fur-bearing animals, any fur-bearing animal or its pelt, other than fox, in Wood County.

Sec. 3. Any person violating any provision of this Act by taking any fox or possessing such fox or pelt of same in Wood County for a period of five years from and after the passage of this Act; and any person taking the pelt of any other fur-bearing animal at any time other than the open season provided for taking same shall be 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.

Sec. 4. All laws or parts of laws, in so far as they may be in conflict with any provision of this Act are hereby repealed. (H. B. 599, 43rd Leg. Reg. S.)

#### **268. Five Year Closed Season on Fox in Van Zandt County.**

Section 1. All the fur-bearing animals in 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 here by 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, provided that this section shall apply to Van Zandt County; provided, however, that it shall

not be unlawful to kill wild fox in the act of destroying or about to destroy domestic fowls or other domestic stock. This law shall be in force and effect for a period of five (5) years.

Sec. 3. Every person violating any provision of this Act, shall, upon conviction, be punished by a fine of not less than Ten Dollars, nor more than One Hundred Dollars.

Sec. 4. That all laws and parts of laws in conflict herewith be and the same are hereby repealed. (H. B. 903, 43rd Leg. Reg. S.)

#### **269. Steel Traps Prohibited in San Augustine and Sabine Counties.**

Section 1. It shall be unlawful for any person to use a steel trap for the purpose of taking any fur-bearing animal in San Augustine and Sabine Counties; or to set any steel trap in these counties, unless same is set within two hundred yards of some person's residence.

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 (\$10) Dollars nor more than Fifty (\$50) Dollars.

Sec. 3. All laws or parts of laws in conflict with this Act are hereby specifically repealed. (H. B. 920, 43rd Leg. Reg. S.)

#### **270. Five Year Closed Season on Wild Fox in Liberty and Hardin Counties.**

Section 1. All the fur-bearing animals in 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.

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 Liberty and Hardin Counties; providing however, that it shall not be unlawful to kill wild fox in the act of destroying or about to destroy domestic fowls or other domestic stock. This law shall be in force and effect for a period of five (5) years.

Sec. 3. Every person violating any provision of this Act, shall, upon conviction, be punished by a fine of not less than Ten (\$10) Dollars, nor more than One Hundred (\$100) Dollars. (H. B. 827, 43rd Leg. Reg. S.)

**271. Houston County Fur Bearing Animal Law.**

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) nor more than Two Hundred Dollars (\$200). (Ch. 26, page 75, H. B. 65, Acts 2nd C. S., 43rd Leg.)

**272. Fox. Cooke, Grayson and Houston Counties.**

Section 1. It shall be unlawful for any person to sell, take or have in his possession for barter or sale after the passage of this Act, for a period of five (5) years, any wild fox or the pelts thereof in the Counties of Cooke, Grayson, and Houston, State of Texas, providing however, that it shall not be unlawful to kill wild fox in the act of destroying or about to destroy domestic fowls or other domestic stock.

Sec. 2. Any 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 Fifty Dollars (\$50). (H. B. No. 402, Reg. Ses., 44th Leg.)

**273. Fur-Bearing Animals. Harrison County.**

Section 1. 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 only to Harrison County; providing however, that it shall not be unlawful to kill wild fox in the act of destroying or about to destroy domestic fowls or domestic stock. This law shall be in force and effect for a period of two years.

Sec. 1a. It shall be unlawful to take or kill by use of steel trap, snare, or deadfall, any fur-bearing animals, except opossum, in Harrison County for a period of two years.

Sec. 2. Every person violating any provision of



this Act, shall, upon conviction, be punished by a fine of not less than One Dollar (\$1), nor more than Twenty-five Dollars (\$25). (H. B. No. 712, Reg. Ses., 44th Leg.)

**274. Fox. Kaufman County.**

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 County of Kaufman, State of Texas, for a period of five (5) years; providing however, that it shall not be unlawful in said County 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 Dollars (\$10) nor more than Fifty Dollars (\$50). (H. B. No. 818, Reg. Ses., 44th Leg.)

**275. Fox, in Brazos, Grimes, Robertson, and Washington Counties. All Fur-Bearing Animals, 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 ring-tail 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 Brazos, Grimes, Robertson, and Washington Counties; providing however, that it shall not be unlawful to kill wild fox in the act of destroying or about to destroy domestic fowls or other domestic stock. This law shall be in force and effect for a period of five years (5).

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 Fifty Dollars (\$50). (H. B. No. 294, Reg. Ses., 44th Leg.)

**276. Fox. Bastrop and Panola Counties.**

Section 1. 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, for a period of five

(5) year, any wild fox or the pelts thereof in the Counties of Bastrop and Panola, State of Texas, providing however, that it shall not be unlawful to kill wild fox in the Act of destroying or about to destroy domestic fowls or other domestic stock.

Sec. 2. Any 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 Fifty Dollars (\$50). (H. B. No. 386, Reg. Ses., 44th Leg.)

#### **277. Fur-Bearing Animals. Montgomery County.**

Section 1. It shall be unlawful for any person to use a steel trap for the purpose of taking any fur-bearing animal in Montgomery County or to set any steel trap in this County, unless same is set within two hundred (200) yards of some person's residence.

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) nor more than Fifty Dollars (\$50). (H. B. No. 834, Reg. Ses., 44th Leg.)

#### **278. Fox. Palo Pinto County.**

Section 1. 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 in the County of Palo Pinto for a period of four (4) years from and after the passage of this Act; providing however, that the provisions of this Act shall not prevent the killing of white fox while in the act of killing or catching chickens or other domestic fowls.

Sec. 2. Any person who violates the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not to exceed the sum of One Hundred Dollars (\$100). (H. B. No. 841, Reg. Ses., 44th Leg.)

#### **279. Fox. Hood and Erath Counties.**

Section 1. It is hereby declared unlawful for any person to take, kill, and have in possession for the purpose of barter or sale any wild fox or the pelt thereof for a period of five (5) years from and after the passage of this Act in the Counties of Hood and Erath.

Sec. 2. Any person who violates any provision of this Act shall be guilty of a misdemeanor, and shall be fined in a sum of 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. 912, Reg.

Ses., 44th Leg.)

**280. Fur-Bearing Animals. Shelby County.**

Section 1. It shall be unlawful to set a steel trap, snare or deadfall, or to take, attempt to take or offer for sale or sell the pelt of any fur-bearing animal, or to have in possession dead or alive any fur-bearing animal in Shelby County for a period of two (2) years following the passage of this Act.

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 Twenty-five Dollars (\$25) nor more than One Hundred Dollars (\$100). (H. B. No. 778, Reg. Ses., 44th Leg.)

## SAND, SHELL AND GRAVEL LAWS

**281. Property of the State.**

All the islands, reefs, bars, lakes, and bays within the tidewater 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 waters, 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. (1925 R. C. S., Art. 4051.)

**282. Powers of Commissioner.**

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 matter pertaining to the sale, the taking, carrying away or disturbing of all marl, sand or gravel of commercial value, and gravel and shells or mudshells and oyster beds

and their protection from free use and unlawful disturbing or appropriation of same, with such exceptions as may be provided herein. (1925 R. C. S., Art. 4052.)

### 283. Permit to Use Marl, Etc.

Anyone desiring to purchase any of the marl and sand of commercial value and any of the gravel, shells or mudshell 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, and shells or mudshells 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 the permit. No permit shall be assignable, and 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 or person, 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. (1925 R. C. S., Art. 4053.)

### 284. 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 by 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. (1925 R. C. S., Art. 9954.)

### **285. 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 away 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, S. B. 484, Acts 40th Leg., Reg. S., amending Title 67., Ch. 3, R. C. S. 1925, by adding Art. 4054a.)

### **286. 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 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. (Ch. 311, H. B. 58, Acts 41st Leg., Reg. S., amending Ch. 3, Title 67, 1925 R. C. S. by adding Art. 4054a.)

### **287. Sale of Marl, Gravel, Sand, Etc.**

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, shell and gravel fund 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, shell and gravel shall be extended to include refunds to the State Highway Commission of money paid to the State through the Game, Fish and Oyster Commission for sand, shell and gravel 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, shell and gravel fund is hereby appropriated for the 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 Game, Fish and Oyster Commission when, in their judgment, a suitable location is secured and arrangements therefor have been completed. (Ch. 183, S. B. 190, Acts. 39th Leg. Reg. S.)

## 288. Condemnation of Land.

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 operation, including all such lands, rights of way, easement 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.

Condemnation suits brought under this chapter shall be brought in the name of the State by the county attorney in which the property or a part thereof affected is situated, and the county attorney shall receive a fee of Ten (\$10) Dollars for his service 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 determined as in 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. (1925 R. C. S., Art. 4055 amended by Ch. 74, S. B. 379, 39th Leg., Reg. S.)

## 289. Marl, Sand and Shell.

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 mudshells 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 (\$10) Dollars, nor more than Two Hundred (\$200) Dollars. Each day's operation shall be a separate offense. (1925 P. C., Art 976.)

## POLLUTION LAWS

### 290. Unlawful to Pollute Water Courses and Other Bodies of Water.

It shall be unlawful for any person, firm or corporation, private or municipal, to pollute any water course or other public body of water by throwing, casting or depositing, or causing to be thrown, cast or deposited any crude petroleum, oil or other like substance therein, or to pollute any water course, or other public body of water, from which water is taken for the use of farm livestock, drinking and domestic purposes, in the State of Texas, by the discharge, directly or indirectly, of any sewage or unclean water, or unclean or polluting matter or thing therein, or in proximity thereto as that it will probably reach and pollute the water of such water course or other public body of water from which water is taken, for the uses of farm livestock, drinking and domestic purposes; provided, however, that the provision of this bill shall not affect any municipal corporation situated on tide water; that is to say, where the tide ebbs and flows in such water course; provided however, that no city located on tide water shall discharge or permit to be discharged sewage, oil or other effluents into public tide waters of this State when such discharge will become a menace to or endanger the oyster beds or fish life in such waters or when such discharge becomes a menace to the bathing places in such waters; and, provided further, that drain ditches, where waste oil finds its way into water courses or public bodies of water, shall be equipped with traps of sufficient capacity to arrest the flow of oil. In so far as concerns the protection of fish and oysters, the Game, Fish and Oyster Commissioner, or his deputies, may have jurisdiction in the enforcement of this chapter. A violation of any of the provisions of this chapter shall be punished by a fine of not less than One Hundred (\$100) Dollars, and not more than One Thousand (\$1000) Dollars. When the offense shall have been committed by a firm, partnership, or association, each member thereof who has knowledge of the commis-



sion of such offense shall be held guilty. When committed by a private corporation, the officers and members of the board of directors, having knowledge of the commission of such offense, shall each be deemed guilty, and when by a municipal corporation the mayor and each member of the board of aldermen or commission having knowledge of the commission of such offense, as the case may be, shall be held guilty as representatives of the municipality; and each person so indicated as above shall be subject to the punishment provided hereinbefore; provided, however, that the payment of the fine by one of the persons so named shall be a satisfaction of the penalty as against his associates for the offense for which he may have been convicted. Each day such pollution is knowingly caused or permitted shall constitute a separate offense; provided, the provisions of this article shall not apply to any place or premises of manufacturing plants whose effluents contain no organic matter that will putrefy, or any poisonous compounds, or any bacteria dangerous to public health or destructive of the fish life of streams or other public bodies of water. (1925 P. C., Art. 698.)

#### **291. Polluting Public Body of Water.**

(This article provides in substance the same as Article 698 except in lieu of penalty provisions the following is added):

Upon the conviction of any person for violating this law, the court or judge thereof in which such conviction is had shall issue a writ of injunction enjoining and restraining the person or corporation responsible for such pollution. For a violation of such injunction, the court, and the judge thereof shall have the power of fine and imprisonment as for contempt of court within the limits prescribed by law in other cases, and this remedy by injunction and punishment for violation thereof shall be cumulative of the fine imposed. The State Board of Health shall enforce the provisions of this article. The Governor shall appoint an inspector to act under the direction of said Board and the State Health Officer, and said inspector shall make such investigations, inspection and reports and perform such other duties in respect to the enforcement hereof as the said health officer may require. (1925 R. C. S., Art. 4444.)

#### **292. Pollution of Streams by Means of Oil, Acids, Sulphur, Salt Water, Etc.**

Section 1. It shall be unlawful to throw, cast, discharge or deposit crude petroleum, oil, acids, sulphur, salt water, oil refinery wastes or oil well wastes in or

on any stream, water course or natural body of water of this State or in such proximity thereto that such crude petroleum, oil, acids, sulphur, salt water, oil refinery wastes or oil well wastes will reach such stream, water course, or natural body of water, providing, however, that salt water or sulphur water, when such sulphur water is so treated that it will not be harmful to aquatic life or marine organisms, may be deposited in the tidal waters of this State; and providing further that when it is charged that there is a violation of this Act by throwing, casting, discharging or depositing crude petroleum, oil refinery wastes or oil well wastes into any of the waters of this State adequate proof must be submitted that crude petroleum, oil, refinery wastes or oil well wastes or accumulations of such deposits, covered an area of such water in excess of ten thousand (10,000) square feet or was on the surface of a river, stream, bayou or channel of this State for a distance in excess of three hundred (300) feet.

Sec. 2. Provided that salt water may be discharged into a fresh water stream or other natural body of fresh water of this State at such time in such quantities that it will not be harmful to or contribute to the injury nor prevent the propagation or aquatic life, nor render such water unfit for livestock, domestic or irrigation purposes. All discharges of salt water contributing to conditions inhibited by this Act or cumulative of conditions inhibited by this Act shall be violations of this Act; providing that any and all discharges of salt water into a fresh water stream or other natural body of fresh water of this State, that produces or contributes to a salinity in excess of two thousand parts of salt in one million part of water shall be violations of this Act.

Sec. 3. Any person violating any provision of this Act or any director or officer of a corporation or member of a firm or partnership or receiver whose corporation, firm, partnership or receivership is responsible for the operations causing a violation of any provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Two Hundred Dollars (\$200) nor more than One Thousand (\$1000) Dollars, and each day that such violation is committed shall constitute a separate offense. The Game, Fish and Oyster Commission and its representatives is charged with the duty of enforcing the provisions of this Act and all fines and fees of the arresting officer, imposed for violations of this Act, shall be remitted to the Game, Fish and Oyster Commission and deposited in the State Treasury to the credit of the Special Game Fund.

Sec. 4. This act shall be cumulative of all laws relating to the subject matter of this Act. If any part of this Act shall be held unconstitutional or

inoperative all remaining parts of this Act shall remain in full force and effect. (Ch. 42, H. B. 12, Acts. 42nd Leg. 1st C. S.)

## THE COMMISSION, POWERS, DUTIES AND MISCELLANEOUS

### 293. Game, Fish and Oyster Commission, Creation of.

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 (\$5000) 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 regular 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 fund 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 Commissioners 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 (\$10,000) 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. Each 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 (\$1,000) 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 (\$10,000) 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 secretary shall be liable on their respective bonds for any act of any 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 moneys 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. (Ch. 118, S. B. 83, Acts 41st Leg. Reg. S.)

294. **Commissioners Authorized to Prescribe Open Season and Bag Limit on Migratory Waterfowl and Shore Birds.**

Section 1. It shall be unlawful for anyone to hunt, take or pursue any wild duck, wild goose, wild brant, wild snipe or wild coot at any time other than during the open season provided for the taking, hunting or pursuing of such game birds, or to have in possession such game birds in excess of the bag limit provided for the possession of such birds, or to kill in any one day, any week or any open season wild ducks, wild geese, wild brant, wild snipe or wild coot in excess of the bag limit provided for such period. For the purpose of this Act "Open Season" is hereby defined as the period of time when it shall be lawful to take, kill, 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 any 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. 2. Any person who takes, kills, pursues or attempts to take or kill any game bird in this Act at any time other than during the open season provided for the taking, killing, or pursuing of such game birds; or any person taking any game birds named in this Act, in excess of the bag limit provided for taking or killing during the period when such game bird is taken or killed; or any person possessing any game bird in excess of the bag limit for possession of such game birds or aggregate of all such species, 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 One Hundred (\$100) Dollars and shall forfeit his right to hunt with a gun in this State for a period of one year following date of conviction and each game bird killed, or possessed in violation of any provision of this Act shall constitute a separate offense.

Sec. 3. All laws or parts of laws providing an open season for wild ducks, wild geese, wild brant, wild snipe or wild coot, or any of them, or bag limits or possession limits pertaining to such birds, or any of them, in so far as they pertain to such open seasons and bag limits, be and the same are hereby repealed.

Sec. 4. The Game, Fish and Oyster Commission of the State of Texas is hereby charged with the duty of proclaiming the open seasons and bag limits to regulate the taking or possession of any of the game birds named in this Act. An open season shall be provided for only such length of time as is justified by the supply of such birds in this State or in the North or South Zone of this State to which such open season shall apply and the bag limit or possession limit of any species of wild

ducks, wild geese, wild brant, wild snipe or wild coot allowed to be taken or possessed shall be provided so as to permit the most equitable harvest in this State of the species named in this Act by those who may desire and are qualified to participate in the taking of such game resources, and such open seasons and bag limits shall be provided by said Game, Fish and Oyster Commission which will grant only such privileges as experience has proven will not prevent a future normal supply of game of the species affected in this State or in the North or South Zones of this State to which such regulations may apply.

Sec. 5. It shall be the duty of the Game, Fish and Oyster Commission to make such investigations and procure such information as to the supply of wild ducks, wild geese, wild brant, wild snipe or wild coot as will permit it to proclaim open season and bag limits for same when such is justified, and to carry out the mandate of the Legislature as expressed in Section 4 of this Act.

Sec. 6. Any open season for the taking or killing of any of the species of game birds named in this Act, and bag limits and possession limits for such species to be operative during such open season, shall be proclaimed by the Game, Fish and Oyster Commission immediately after the passage of this Act and thereafter not later than October 1st, of any year. Any open season or bag limit proclaimed by the Game, Fish and Oyster Commission, in obedience to the directions given in this Act, shall be in full force ten days after same is issued and shall remain in full force until suspended by said Game, Fish and Oyster Commission. Whenever any proclamation, as authorized under this Act, is issued by the Game, Fish and Oyster Commission, a copy of same shall be incorporated in the limits of the meeting at which it was adopted, a copy 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. 7. 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 or them. Such suit shall be advanced 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 regulation and such regulation or order so complained of shall

be prima facie valid until otherwise shown. (Ch. 61, p. 114, Acts. 3rd C. S. 43rd Leg.)

#### **295. Commissioner's Duties 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 powers 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. (1925 R. C. S., Art. 4018.)

#### **296. To 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 ponds stocked, the number and kinds 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. (1925 R. C. S., Art. 4019.)

#### **297. To Keep Record.**

The Commissioner shall keep a well bound record book in which shall be recorded all special taxes collected, all licenses issued and licenses 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. (1925 R. C. S., Art. 4020.)

#### **298. 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. (1925 R. C. S., Art. 4021.)

#### **299. Oath and Bond of Deputies.**

Before entering upon the duties of his office, each deputy shall file with the Commissioner a good and sufficient bond, with two or more securities, in the sum of One Thousand (\$1,000) Dollars, and take the same oath of office as the Commissioner, and said bond and oath shall be governed by the provisions of Article 4017. (1925 R. C. S., Art 4022.)

### **300. Fees of Commissioner.**

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 the sheriffs' fees. (1925 R. C. S., Art. 4024.)

### **301. Fish and Oyster Fund.**

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 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 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 the better protection and conservation of same; the propagation and distributing 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. (1925 R. C. S., Art. 4030.)

### **302. Commissioner to Keep Lists 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 the 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 particular which he may deem proper. (1925 P. C. Art. 898.)

### **303. Commissioner to Enforce Game Laws.**

The Game, Fish and Oyster Commissioner and his deputies shall have the same power and authority as sheriffs to serve criminal process in connection with cases growing out of the violation 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 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. (1925 P. C., Art. 905.)

### **304. Duty of the Commissioner to Enforce Law.**

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. (1925 P. C., Art. 906.)

### **305. Special Deputy Game Commissioners.**

It shall be the duty of the Game, Fish and Oyster Commissioner to appoint Special Deputy Game Commissioners who shall be ex-officio Deputy Game, Fish and Oyster Commissioners to enforce conservation laws in the various districts of the State, with all the powers of the latter to enforce the game, fish and oyster laws of this State. Such Special Deputy Game Commissioners shall not receive more than One Hundred and Fifty (\$150) Dollars per month and expenses. Each Special Deputy Game Commissioner shall take the oath of office, and shall give a good and sufficient bond in the sum of One Thousand (\$1,000) Dollars, for the faithful performance of his duties, such bond to be approved by and filed with the Game, Fish and Oyster Commissioner. Such Special Deputy Game Commissioners shall hold office at the discretion of the Game, Fish and Oyster Commissioner, and shall have all the power in the discharge of their duties as are conferred on the Game, Fish and Oyster Commissioner.

The Game, Fish and Oyster Commissioner, in order to enforce conservation laws in the various sections of the State, shall also have the power to appoint Deputy Game Commissioners in any county of the State; and said deputies shall have, in the discharge of their duties, the same powers and authority as are herein provided for the Game, Fish and Oyster Commissioner, and shall be subject to the supervision and control and removal by said Game, Fish and Oyster Commissioner; except that they shall not be authorized to carry on or about their person, saddle, or saddle-bags, any pistol, dirk, dagger, slung-shot, sword, cane, spear, or knuckles made of any metal or any hard substance, bowie knife or other knife manufactured or sold for the purpose of offense or defense. Such Deputy Game Commissioner shall not receive more than Three (\$3) Dollars a day for each day of service performed, together with all necessary expenses incurred, when same have been rendered on sworn account, and when the performance of said services was authorized by the Game, Fish and Oyster Commissioner, the Chief Deputy Commissioner, or a Special Deputy Game Commissioner, which account shall be approved by the Game, Fish and Oyster Commissioner or Chief Deputy Commissioner, and paid on warrant drawn by the Comptroller. (1925 P. C., Art. 914.)

### **306. Special Deputy Commissioners to Enforce Game Law.**

All Special Deputy Game Commissioners and Deputy Game Commissioners are hereby empowered and required to enforce the Game, Fish and Oyster Laws of this State, and such deputy who violates such laws shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than One Hundred (\$100) Dollars, nor more than Two Hundred (\$200) Dollars. (1925 P. C., Art. 915a.)

### **307. 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 anyone, 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. (1925 P. C., Art. 918.)

### **308. Hatcheries, Salt Water.**

Section 1. The Game, Fish and Oyster Commis-

sioner of this State is hereby authorized to construct and maintain salt water hatcheries, and propagation farm 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 the money available to said Commissioner for the enforcement of game, fish and oyster laws of this State. (Ch. 180, S. B. 107, 40th Leg., Reg. S.)

### 309. Game Preserves; How Acquired.

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 direction declare the lands described in said instrument a State Game Preserve and thereafter for the period named therein shall be for all the purposes relating to the preservation, protection and propagation of game birds and game animals under control of the Game, Fish and Oyster Commissioner. That 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 preserve 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) Dollars, nor more than Two Hundred

(\$200) Dollars. (1925 P. C. Art. 917.)

**310. Power of Commissioners 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. (1925 P. C., Art. 919.)

**311. Brazos Island, Lease Thereof.**

Section 1. Article 4056A. 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 purpose 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 authorized 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" as provided by Article 4030 of this Title. (Ch. 3, Title 67, R. C. S., amended

by H. B. 194, 41st Leg., 1st C. S., by adding Art. 4056A.)

### **312. 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 the council during their respective terms of office. (1925 P. C., Art. 896.)

### **313. County Clerk to Issue License.**

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 fund of this State, and shall be paid over by the Game, Fish and Oyster Commissioner, 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 employment 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. (1925 P. C., Art. 895.)

#### **314. Clerk and 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 of 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. (1925 P. C., Art. 912.)

#### **315. 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 State, and shall have full right to hunt within the confines of such State prop-



erty; 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. 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. 3. The Game, Fish and Oyster Commission of the State of Texas as is hereby vested with full control over 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 (\$10) Dollars nor more than One Hundred (\$100) Dollars, 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.

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 in 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 ten (10) days after copies of such regulations are published in each newspaper in accordance with the provisions of this Act.

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 unconstitutional, that all laws in effect at this time applying to the areas specified in this

Act, shall remain in full force and effect. (Ch. 23, H. B. 27, 42nd Leg. 2nd C. S.)

### 316. Caddo Lake.

Section 1. That all public land lying beneath or adjacent to the waters of Caddo Lake in Marion, Harrison and adjoining counties, and all such public lands heretofore sold by the State that may hereafter revert to the State and become a part of the public domain, be and the same is hereby withdrawn from the market and the title thereto shall remain in the State of Texas to be enjoyed by the public for fishing and hunting and for State park purposes as may hereafter be provided by law; and the Land Commissioner is hereby directed to offer no portion of said land for sale nor to receive any bids therefor.

Sec. 2. The Commissioner of the General Land Office may lease any or all of said land for mineral purposes, as now provided by law, but before the same shall be leased it shall be advertised in some newspaper published at Marshall or Jefferson, Texas, stating what land is to be leased and the prices offered therefor; and such advertisement shall invite other and additional bids thereon, and the lease shall only be made to the highest bidder. (Ch. 198, Acts 41st Leg. Reg. S.)

### 317. Fish Sanctuaries, Certain Counties.

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 provide 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. Typewritten 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 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 than once each week, and if there be no newspaper in such county, then in any newspaper in any adjoining 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 sanctuary set aside or designated by the Game, Fish and Oyster Commission, with nets, trot lines, seines, hooks and lines, artificial bait, or otherwise 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) Dollars, nor more than Two Hundred (\$200) Dollars. (H. B. 749, Ch. 351, 42nd, Leg.)

### **318. May Take 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 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. (R. C. S. 1925, Art. 4050.)

## INDEX

Alien or Non-Resident—defined .....	32
Andrews County:	
Fishing—bag limit .....	83
Quail .....	41
Anderson County—deer and turkey .....	46
Angelina County:	
Fishing—seines and sale of fish .....	102
Hunting—squirrels .....	58
Hunting—turkey .....	52
Trapping—fur bearing animals .....	152
Animals—fur bearing .....	144
Animals—game defined .....	31
Animals—game property of State .....	30
Animals and Birds—bag limit .....	34, 35
Animals Destroying Crops .....	62
Antelope and Rocky Mountain Sheep .....	64
Application for Oyster Beds .....	125
Aquatic Life Property of State .....	117
Aransas County—hunting squirrels .....	54
Armstrong County:	
Fishing—season .....	84
Hunting—deer and turkey .....	46
Archer County—fishing .....	106, 109
Artificial Bait—closed season .....	78
Artificial Bait, license for .....	75
Atascosa County:	
Hunting—deer .....	51
Hunting—squirrels .....	54
Audubon Society .....	59
Austin County—hunting squirrel .....	54
Authority to Close Waters .....	79
Automobile, Hunting from .....	37
Bag Limit:	
Bear .....	35
Deer .....	35, 45
Doves .....	34, 39
Fish .....	83
Prairie chicken .....	36
Quail .....	34, 39
Squirrel .....	35, 54
Turkey .....	35
Bag Limit—penalty .....	36
Bailey County—fishing .....	83
Bait—shrimp .....	142
Bandera County:	
Hunting—deer .....	51
Hunting—squirrel .....	54, 55
Fishing .....	83, 88, 89, 114
Bass:	
Closed season .....	79
Sale prohibited .....	82
Undersize .....	82
Caddo Lake .....	85

Bastrop County:	
Fishing .....	84
Hunting—deer and turkey .....	46
Hunting—quail and doves .....	40
Hunting—squirrels .....	54, 55
Trapping—fox .....	159
Bats—protected .....	59
Baylor County:	
Fishing .....	106, 109
Hunting—deer .....	51
Bear—bag limit .....	35
Beaver .....	150, 151, 152
Bee County—Squirrels .....	54
Bell County:	
Fishing .....	105
Minnows .....	115
Trapping fox .....	149
Bexar County:	
Fishing .....	83, 89, 114
Deer .....	51
Birds—property of State .....	30
Birds—game defined .....	30
Birds—non game .....	30
Birds—closed season .....	30
Birds—bag limit .....	84
Birds—not protected .....	30
Birds—gun permissible .....	30
Birds—hunting at night .....	30
Birds—quail, doves, chachalaca .....	39, 40
Birds—sanctuary .....	59
Birds—trapping of .....	63
Birds—nests .....	65
Blanco County:	
Fishing .....	85, 88, 105, 116
Deer .....	51
Squirrels .....	54, 55
Borden County:	
Fishing .....	83
Hunting—quail .....	41
Bosque County:	
Fishing .....	105
Hunting—squirrels .....	54, 55
Trapping .....	155
Bosque River—fishing .....	99, 100
Bowie County:	
Fishing .....	87
Hunting—deer and turkey .....	49
Trapping .....	153
Brazos County:	
Hunting—quail and doves .....	40
Hunting—squirrels .....	55
Hunting—turkeys .....	52
Trapping .....	159
Brazoria County:	
Fishing .....	83
Hunting—deer .....	51

Hunting—prairie chickens .....	44
Hunting—squirrels .....	54
Brewster County—deer .....	51
Briscoe County:	
Fishing .....	84
Hunting—deer and turkey .....	46
Brooks County—fishing .....	83
Brown County:	
Fishing .....	114
Hunting—deer and turkey .....	46
Hunting—squirrels .....	54, 55
Burleson County:	
Hunting—quail and doves .....	40
Hunting—turkeys .....	52
Trapping—fox .....	153
Burnet County:	
Fishing .....	110, 114
Hunting—deer and turkey .....	49, 51
Hunting—squirrels .....	54, 55
Buying for Evidence .....	67
Caddo Lake—bass and crappie .....	85
Caldwell County:	
Hunting—deer .....	51
Hunting—squirrels .....	54, 55
Calhoun County:	
Commercial fishing .....	139
Hunting—squirrels .....	54
Callahan County:	
Fishing .....	83
Hunting—squirrels .....	54, 55
Cameron County:	
Fishing .....	83
Hunting—running deer .....	51
Camp County—hunting deer and turkey .....	49
Canals or Pipes .....	80
Carson County—fishing season .....	84
Cass County:	
Fishing .....	87
Hunting—deer and turkey .....	49
Castro County—fishing .....	84
Chachalacas—season and bag limit .....	39
Chambers County:	
Fishing .....	83, 105
Hunting—squirrels .....	54
Cherokee County:	
Fishing .....	86
Hunting—squirrels .....	54
Hunting—turkeys .....	52
Trapping .....	154
Citizen—defined .....	32
Closed Season—defined .....	37
Club—shooting or hunting .....	70
Cochran County—fishing .....	83
Coleman County:	
Fishing .....	114
Hunting—deer and turkey .....	46

Hunting—deer, turkey and quail .....	50
Hunting—squirrels .....	55
Collin County:	
Fishing .....	105
Minnows .....	115
Collingsworth County—prairie chickens .....	43
Colorado County—squirrels .....	54
Comal County:	
Fishing .....	86, 89, 103, 114, 115
Hunting—chachalaca .....	52
Hunting—deer .....	51
Hunting—squirrels .....	54, 55
Comanche County:	
Fishing .....	105
Squirrels .....	54, 55
Commercial Fishing License .....	117
Commercial Fishing Seines and Nets .....	123
Concho County:	
Fishing .....	114
Hunting—deer .....	51
Hunting—squirrels .....	54
Cooke County:	
Fishing .....	86
Hunting—deer and turkey .....	51
Hunting—squirrels .....	54, 55
Coryell County:	
Fishing .....	105
Hunting—deer .....	47
Hunting—squirrels .....	54, 55
Cottle County:	
Fishing .....	83
Trapping—muskrats .....	145
Crappie—closed season .....	79
Sale prohibited .....	82
Crockett County—running deer .....	51
Crosby County—fishing .....	83
Dallam County—fishing .....	84
Dallas County—fishing .....	89
Dams—equipped with ladders .....	81
Dawson County—fishing .....	83
Deaf Smith County—fishing .....	84
Deer:	
Female and fawn protected .....	34
Call prohibited .....	34
Bag limit .....	35
Black tail—season and bag limit .....	45
Hunting with dogs .....	47, 50, 51
Shipping .....	64
Sale of .....	64
Delta County:	
Fishing .....	90
Hunting—squirrels .....	54
Trapping—fox .....	153
Denton County:	
Fishing .....	90, 105
Hunting—deer with dogs .....	51



DeWitt County:	
Fishing .....	105
Hunting—running deer .....	51
Hunting—squirrels .....	54, 55
Dickens County—fishing .....	83
Dimmit County:	
Fishing .....	83, 114
Hunting—squirrels .....	54, 55
Hunting—running deer .....	51
Donley County:	
Fishing .....	84
Hunting—prairie chickens .....	43
Doves—season and bag limits .....	39, 40
Dredging Oysters .....	130, 131
Drum Seining .....	143
Duval County—fishing .....	83
Eastland County:	
Fishing .....	83
Hunting—squirrels .....	54, 55
East Galveston Bay .....	140
Ector County—quail .....	41
Edwards County:	
Fishing .....	88, 103, 114
Hunting—deer .....	51
Hunting—squirrels .....	54, 55
Ellis County—fishing .....	83
El Paso County—fishing .....	90
Enclosed Lands .....	69
Erath County:	
Fishing .....	99
Hunting—deer, turkey and pheasants .....	47
Hunting—squirrels .....	54, 55
Trapping—fox .....	160
Espiritu Santo Bay .....	139
Evidence—illegal game .....	66
Explosives .....	81
Falls County:	
Fishing—minnows .....	115
Trapping—fox .....	153
Fannin County—fishing .....	105
Fayette County:	
Hunting—quail and doves .....	40
Hunting—squirrels .....	54, 55
Federal Regulations—migratory birds .....	35
Fish and Game at Hatcheries .....	79
Fish Reservation .....	78
Fish Retained by Seiners .....	80
Fish Ladder .....	81
Fish Injuring .....	81
Fish—property of State .....	117
Fish—dealers license .....	117
Fish—dealers reports .....	143
Fish—pound net .....	135
Fish—under and over-size .....	137
Fisher County—fishing .....	83, 105
Fishing License .....	75

Fishing—fresh waters .....	76
Fishing on Private Property .....	77
Fishing—closed fresh waters .....	77
Fishing—closed season .....	78, 84
Floyd County—fishing .....	83
Fort Bend County:	
Fishing .....	83
Hunting—running deer .....	51
Hunting—squirrels .....	54
Franklin County:	
Fishing .....	90
Hunting—squirrels .....	54
Trapping—fox .....	153
Freestone County—hunting deer .....	48
Fresh Water—defined .....	77
Frio County:	
Fishing .....	83
Hunting—running deer .....	51
Fur Bearing Animals .....	144
Gaines County:	
Fishing .....	83
Hunting—quail .....	42
Galveston County	
Fishing .....	83
Fishing—East Bay .....	140
Hunting—deer .....	48
Hunting—squirrels .....	54
Game Animals—defined .....	31
Game Birds—defined .....	30
Game Birds and Animals—property of State .....	30
Game, Storage of .....	60
Game, Sale of .....	61, 62
Game Animals or Birds Destroying Crops .....	62
Game Unlawfully Taken .....	65
Game, Importation of .....	66, 67
Game Breeder .....	71
Game for Propagation .....	67
Garza County—fishing .....	83
Gillespie County:	
Fishing .....	88, 91, 103, 114
Minnows .....	116
Hunting—running deer .....	51
Hunting—squirrels .....	54, 55
Gin and Glade Creeks .....	106
Glasscock County—quails and doves .....	42
Goliad County—squirrels .....	54, 55
Gonzales County:	
Fishing .....	92, 105
Hunting—chachalaca .....	53
Hunting—running deer .....	51
Hunting—squirrels .....	54, 55
Gray County:	
Fishing .....	84
Hunting—chickens and grouse .....	43
Grayson County:	
Fishing .....	90, 98, 105

Trappers—fox .....	158
Grimes County:	
Hunting—quail and doves .....	40
Hunting—squirrels .....	55
Hunting—turkeys .....	52
Trapping—fox .....	159
Guadalupe County:	
Fishing .....	89, 92
Hunting—chachalaca .....	53
Hunting—running deer .....	51
Hunting—squirrels .....	54, 55
Gun Unlawful .....	31
Hale County—fishing .....	83
Hall County—fishing .....	84
Hamilton County:	
Fishing .....	94, 100, 105
Hunting—deer .....	47
Hunting—squirrels .....	54, 55
Hansford County—fishing .....	84
Hardin County:	
Fishing .....	105
Hunting—turkey .....	44
Hunting—deer .....	40, 51
Hunting—squirrels .....	58
Trapping—fox .....	157
Harris County:	
Hunting—deer .....	47
Hunting—turkey .....	52
Harrison County:	
Fishing .....	93, 94
Hunting—deer and turkey .....	40
Trapping—fox and steel traps .....	158
Hartley County—fishing .....	84
Haskell County:	
Fishing .....	83
Hunting—deer and turkey .....	46, 47
Hays County:	
Fishing .....	93
Hunting—running deer .....	51
Hunting—squirrels .....	54, 55
Headlight Hunting .....	37
Hemphill County:	
Fishing .....	84
Hunting—quail and chickens .....	43
Hunting—deer and turkey .....	46
Henderson County:	
Fishing .....	89
Hunting—deer and turkey .....	46
Trapping—fox .....	153
Hidalgo County:	
Fishing .....	83
Hunting—running deer .....	51
Hill County:	
Fishing .....	83
Hunting—squirrels .....	54, 55
Trapping—fur bearing animals .....	154, 155

Hockley County—fishing .....	83
Hood County:	
Fishing .....	83
Trapping—fox .....	160
Hopkins County:	
Fishing .....	90
Hunting—squirrels .....	54
Trapping .....	153
Houston County:	
Hunting—turkey .....	52
Trapping .....	158
Howard County—fishing .....	83
Hunt County—fishing .....	95, 114
Hunting at Night .....	31
Hunting License .....	31
<b>Hunting License Form</b> .....	<b>33</b>
Hunting under License of Another .....	33
Hunting for Hire .....	33
Hunting from Automobile, Boat, or Airplane .....	37
Hunting with Headlight .....	37
Hunting Boat License .....	38
Hunting Zones .....	38
Hunting Deer with Dogs .....	51
Hunting Club .....	70
Hunting Rights Forfeited .....	66
Hutchinson County:	
Fishing .....	84
Hunting—deer and turkey .....	46, 47
Injuring Small Fish .....	81
Importing Game .....	66, 67
Jack County:	
Fishing—seines and nets .....	105
Hunting—running deer .....	51
Jackson County:	
Fishing—seine law .....	95
Hunting—running deer .....	51
Hunting—squirrels .....	54, 55
Jefferson County:	
Fishing .....	105
Hunting—squirrels .....	57
Trapping—fox .....	152
Jim Hogg County—fishing .....	83
Jim Wells County—fishing .....	83
Johnson County:	
Fishing .....	83
Trapping .....	154, 155
Jones County:	
Fishing .....	88
Hunting—deer and turkey .....	46, 50
Karnes County:	
Hunting—quail .....	42
Hunting—running deer .....	51
Hunting—squirrels .....	54, 55
Kaufman County:	
Fishing .....	95
Hunting—running deer .....	51

Hunting—squirrel .....	57
Trapping—fox .....	159
<b>Kendall County:</b>	
Fishing .....	83, 85, 88, 91, 105
Minnows .....	116
Hunting—running deer .....	51
Hunting—squirrel .....	54, 55
<b>Kenedy County—fishing .....</b>	<b>83, 139</b>
<b>Kent County:</b>	
Fishing .....	83
Hunting—deer and turkey .....	46
<b>Kerr County:</b>	
Fishing .....	83, 88, 89, 103, 114
Hunting—running deer .....	51
Hunting—squirrel .....	54, 55
<b>Kimble County:</b>	
Fishing .....	88, 90, 103, 114
Hunting—running deer .....	51
Hunting—squirrels .....	54, 55
<b>King County—fishing .....</b>	<b>83</b>
<b>Kleberg County—fishing .....</b>	<b>83, 139</b>
<b>Lake Waco .....</b>	<b>99, 100</b>
<b>Lamar County:</b>	
Fishing .....	96, 105
Hunting—deer and turkey .....	40
Hunting—squirrels .....	54
<b>Lamb County—fishing .....</b>	<b>83</b>
<b>Lampasas County:</b>	
Fishing .....	114
Minnows .....	116
Hunting—deer and turkey .....	40
Hunting—squirrels .....	54, 55
<b>LaSalle County—fishing .....</b>	<b>83</b>
<b>Lavaca Bay—fishing .....</b>	<b>139</b>
<b>Lavaca County—hunting squirrels .....</b>	<b>54, 55</b>
<b>Lee County:</b>	
Hunting—quail and doves .....	40
Turkey season .....	52
Hunting—squirrel .....	55
<b>Leon County:</b>	
Hunting—deer .....	48
Hunting—squirrels .....	55
Trapping—fox .....	153
<b>Liberty County:</b>	
Hunting—turkey .....	44
Hunting—deer .....	49, 51
Hunting—squirrels .....	58
Trapping—fox .....	157
<b>License—Fishing .....</b>	<b>76</b>
<b>License—Fish Dealers .....</b>	<b>117</b>
<b>License—Game Breeders .....</b>	<b>71</b>
<b>License—Hunting .....</b>	<b>31</b>
<b>License—Hunting Boat .....</b>	<b>38</b>
<b>License—Dredge Oysters .....</b>	<b>130</b>
<b>License—Mussels .....</b>	<b>122</b>
<b>License—form required .....</b>	<b>33</b>

License—Forfeiture of .....	66
License—displayed .....	122
License—penalty if not secured .....	33
License—Trapping and Fur Dealer .....	145, 146
<b>Limestone County:</b>	
Hunting—quail and doves .....	40
Hunting—deer and turkey .....	48
Trapping—fox .....	153
<b>Lipscomb County:</b>	
Fishing season .....	84
Hunting—quail and chickens .....	48
<b>Live Oak County—hunting squirrels</b> .....	54
<b>Llano County:</b>	
Fishing .....	88, 103, 114
Minnows .....	116
Hunting—running deer .....	51
Hunting—squirrels .....	54, 55
<b>Loving County—fishing</b> .....	114
<b>Lubbock County—fishing</b> .....	83
<b>Lynn County—fishing</b> .....	83
<b>McCulloch County:</b>	
Fishing .....	114, 116
Hunting—deer and turkey .....	50
Hunting—squirrels .....	54, 55
<b>McLennan County:</b>	
Fishing .....	100
Trapping—fox .....	153
<b>McMullin County:</b>	
Fishing .....	83
<b>Madison County:</b>	
Hunting—squirrels .....	55
Hunting—deer and turkey .....	52
Trapping—fox .....	153
<b>Marion County:</b>	
Fishing .....	93, 94
Hunting—deer and turkey .....	40
<b>Martin County:</b>	
Fishing .....	83
Hunting—quail and dove .....	43
<b>Mason County:</b>	
Fishing .....	88, 103, 114
Minnows .....	116
Hunting—squirrels .....	54, 55
Hunting—running deer .....	51
<b>Matagorda County:</b>	
Fishing .....	83
Hunting—chickens .....	44, 45
Hunting—running deer .....	51
Hunting—squirrels .....	54
<b>Matagorda Bay—dredging</b> .....	182
<b>Measurement of Oysters</b> .....	124
<b>Medina County:</b>	
Fishing .....	89, 114
Hunting—running deer .....	51
Hunting—squirrels .....	54, 55

Menard County:	
Fishing .....	88, 114
Hunting—squirrels .....	54, 55
Metalic or Wire Seines .....	79
Midland County—hunting quail .....	43
Migratory Birds—guns legal .....	31, 35
Milam County—hunting quail and doves .....	40
Mills County:	
Fishing .....	114
Hunting—squirrels .....	54, 55
Minnow Laws .....	115, 116
Mischief in Prohibited Waters .....	135
Mitchell County—fishing .....	83, 105
Montague County:	
Hunting—deer and turkey .....	46
Hunting—squirrels .....	54, 55
Montgomery County:	
Fishing .....	97
Hunting—quail and doves .....	40
Hunting—deer and turkey .....	46
Trapping—steel traps .....	160
Moore County—fishing .....	84
Morris County:	
Fishing .....	87, 96
Hunting—deer and turkey .....	49
Trapping—fox .....	151
Motley County—fishing .....	83
Muskrats:	
Trapping .....	144, 145
Nests .....	144, 145
Cottle County .....	145
Purchase of furs .....	145
Mussel License .....	122
Nacogdoches County:	
Fishing—seines .....	102
Hunting—deer and turkey .....	49
Hunting—squirrel .....	56
Trapping .....	152
Navarro County:	
Hunting—deer and turkey .....	46
Trapping .....	154, 155
Net—defined .....	133
Net Fish Pound .....	135
Net—shrimp .....	142
Newton County:	
Fishing .....	102
Hunting—deer .....	43
Hunting—turkey season .....	52
Hunting—squirrel .....	56
Nolan County—fishing .....	83
Non-Resident—defined .....	32
Nueces County—fishing .....	83
Ochiltree County—fishing .....	84
Oldham County—fishing .....	84
Orange County—fishing .....	105
Otter and Beaver .....	150, 152

Oysters and Oyster Shell.....	122
Oyster Beds .....	123, 124
Oyster—measurements .....	124
Oyster—application for leases .....	124
Oyster Bed Location .....	125, 126
Oyster—location rental .....	127
Oyster—location permit .....	127, 128
Oyster, Theft of .....	128
Oyster Reefs' .....	128, 129
Oyster Shipping .....	129
Oyster Dredge .....	130
Oyster—for planting .....	131
Oyster—young .....	131
Oyster—containers .....	132
Oyster—floating .....	132
Oyster—Matagorda Bay .....	132
Padre Island .....	139, 142
<b>Palo Pinto County:</b>	
Hunting—deer and turkey.....	51
Hunting—squirrel .....	55
Trapping—fox .....	160
<b>Panolo County:</b>	
Minnows .....	115
Hunting—deer and turkey .....	50
Trapping—fox .....	159
<b>Parker County:</b>	
Fishing .....	105
Hunting—deer and turkey .....	51
Hunting—squirrel .....	55
<b>Parmer County—fishing .....</b>	<b>84</b>
Pecos County—fishing.....	114
Penalty for Not Securing License.....	33
Pheasant .....	39
Plover—open season .....	35
Poisoning Waters .....	81
<b>Polk County:</b>	
Hunting—deer and turkey.....	50
Hunting—squirrels .....	57
Hunting—running deer .....	51
Hunting—turkey season .....	52
Trapping—fox .....	152
Polution of Public Waters .....	166, 167
Posted Land .....	145
<b>Potter County:</b>	
Fishing .....	84
Hunting—deer and turkey .....	46
Powers and Duties of Commission.....	169 to 185
Prairie Chicken—bag limit.....	36
Private Fresh Water—defined.....	78
Private Oyster Beds .....	123, 128
Propagation of Game .....	67, 71
Public Road, Shooting from .....	70
Quail—season and bag limit.....	39
Quail—bag limit .....	34
Rails and Plover—open season .....	35
Rainbow Trout .....	82



Rains County—fishing .....	95, 114
Randall County:	
Fishing .....	84
Hunting—deer and turkey .....	46
Real County:	
Fishing .....	88, 103, 114
Hunting—running deer .....	51
Hunting—squirrels .....	54, 55
Red River County:	
Fishing .....	97
Hunting—deer and turkey .....	49
Hunting—squirrels .....	54
Refugio County—hunting squirrels.....	54
Reeves County—fishing .....	114
Rental on Oyster Lease .....	127
Riparian Rights .....	124
Roberts County:	
Fishing .....	84
Hunting—deer and turkey .....	46
Robertson County:	
Hunting—quail and doves.....	40
Hunting—deer and turkey.....	51
Hunting—squirrels .....	55
Trapping—fox .....	159
Rockwall County—fishing .....	98
Rusk County:	
Fishing .....	93
Trapping—fox .....	152
Sabine County:	
Fishing .....	102
Hunting—deer .....	50
Hunting—turkey season .....	52
Hunting—squirrel .....	58
Trapping—steel traps .....	157
Sale of Rainbow Trout .....	82
Sale of Bass and Crappie .....	82
Sale of Game .....	61, 62
Sale of Over and Under Sized Fish.....	137, 138
Salt Water Tarrapin .....	143
San Augustine County:	
Fishing .....	102
Hunting—deer .....	50
Hunting—turkey season .....	52
Hunting—squirrels .....	58
Trapping—steel traps .....	157
Sand, Shell and Gravel—property of State.....	161
Sand, Shell and Gravel, Permit for.....	162
Sand, Shell and Gravel, Sale of.....	161, 164
Sand, Shell and Gravel, Use of.....	162, 163
San Jacinto County:	
Hunting—quail and doves.....	40
Hunting—running deer .....	50
Hunting—turkey season .....	52
Hunting—squirrel .....	55
Trapping—fox .....	152
San Patricio County—hunting squirrels.....	54

San Saba County:	
Fishing .....	103, 114
Minnnows .....	116
Hunting—running deer .....	51
Hunting—squirrels .....	54, 55
Schlecher County:	
Hunting—running deer .....	51
Hunting—squirrels .....	54, 55
Scientific Use of Game .....	67
Screening Canals or Pipe .....	80
Scurry County—fishing .....	83
Searching Vehicles .....	66
Season—open and closed defined .....	37
Seines—closed season .....	78
Seines and Nets .....	123
Seines and Nets—closed waters .....	135
Seines and Nets—East Galveston Bay .....	140
Seines and Nets—Willacy County .....	142
Seines and Nets—shrimp .....	142
Seines and Nets—unlawful .....	133, 134
Seines and Nets—salt water .....	134
Seining Drum .....	143
Shackelford County:	
Fishing .....	83
Hunting—deer and turkey .....	46, 50
Shelby County:	
Hunting—squirrel and quail .....	59
Trapping—fox .....	152
Trapping—steel traps .....	161
Shell—oyster .....	122
Sherman County—fishing .....	84
Shipping Game .....	63, 64
Shooting Club .....	70
Shooting from Public Road .....	70
Shrimp—Lavaca Bay .....	139
Shrimp—Espiritu Santo Bay .....	139
Shrimp for Bait .....	142
Smith County—trapping .....	153
Somerville County—fishing .....	83
Squirrel—bag limit .....	35
Starr County—fishing .....	83
Stephens County:	
Fishing .....	83
Hunting—deer and turkey .....	51
Hunting—squirrels .....	54, 55
Stonewall County—fishing .....	83
Storage of Game .....	60
Sutton County:	
Fishing .....	88, 103, 114
Hunting—running deer .....	51
Swisher County—fishing .....	84
Tarrant County—hunting squirrels .....	54, 55
Terrapin—salt water .....	143
Terrapin or Turtle .....	143
Taylor County:	
Fishing .....	83

Hunting—turkey .....	50
Taxidermist Specimens .....	63, 64
Terry County:	
Fishing .....	83
Hunting—quail and doves .....	43
Throckmorton County:	
Fishing .....	83
Hunting—deer and turkey .....	46
Hunting—squirrel .....	54, 55
Titus County:	
Fishing .....	87, 96
Hunting—deer and turkey .....	49
Trapping—fox .....	151
Tom Green County:	
Fishing .....	114
Hunting—running deer .....	51
Trapping Season .....	146
Trapping License .....	146
Travis County:	
Fishing .....	105
Hunting—squirrels .....	54, 55
Trespassing—fish reservation .....	78
Trespassing—on enclosed lands .....	69
Trinity County:	
Hunting—squirrels .....	57
Hunting—turkeys .....	52
Trapping—fox .....	152
Turkey—bag limit .....	35
Turkey Hens .....	52
Tyler County:	
Fishing .....	102
Hunting—squirrels .....	59
Hunting—turkeys .....	52
Upshur County:	
Fishing—Gin and Glade Creeks .....	106
Hunting—deer and turkey .....	49
Trapping—fox .....	165
Uvalde County:	
Fishing .....	114
Hunting—squirrels .....	54, 55
Hunting—running deer .....	51
Val Verde County:	
Fishing .....	114
Trapping .....	151
Van Zandt County:	
Hunting—quail .....	44
Trapping—fox .....	156
Vehicles Subject to Search .....	66
Venue .....	138
Victoria County—hunting squirrels .....	54, 55
Walker County:	
Hunting—turkey season .....	52
Trapping—fox .....	152
Waller County—hunting squirrels .....	54
Ward County—fishing .....	114

Washington County:	
Hunting—doves and quail.....	40
Hunting—turkey season .....	52
Trapping—fox .....	159
Waters Closed Nets and Seines.....	135, 139, 140, 142
Waters, Pollution of.....	166, 167
Webb County—fishing .....	83
Wharton County:	
Fishing .....	83
Hunting—running deer .....	51
Hunting—squirrels .....	54, 55
Wheeler County:	
Fishing .....	84
Hunting—chickens and grouse.....	43
Wichita County:	
Fishing .....	106, 109
Hunting—area closed .....	53
Wilbarger County—fishing .....	106, 109
Willacy County—fishing .....	83, 142
Williamson County:	
Fishing .....	114
Wilson County:	
Hunting—chachalaca .....	53
Hunting—running deer .....	51
Hunting—squirrels .....	54, 55
Wise County:	
Fishing .....	89, 105
Minnows .....	115
Hunting—squirrels .....	54, 55
Witness .....	138
Wolf—transportation .....	151
Wood County:	
Fishing .....	104
Hunting .....	44, 45
Trapping .....	156
Yoakum County—fishing .....	83
Young County:	
Fishing .....	110
Hunting—squirrels .....	56
Zapata County—fishing .....	83
Zavala County:	
Fishing .....	83, 114
Hunting—running deer .....	51
Hunting—squirrels .....	54, 55
Zones, Hunting .....	38







