

GAME, FISH AND OYSTER LAWS

OF THE

STATE OF TEXAS

TEXAS STATE LIBRARY

Austin, Texas



PUBLISHED BY
GAME, FISH AND OYSTER
COMMISSION
AUSTIN, TEXAS

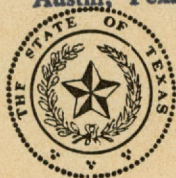
SEPTEMBER 1, 1941

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

Published By

Game, Fish and Oyster Commission

Austin, Texas

SEPTEMBER 1, 1941

GAME LAWS

GAME BIRDS AND GAME ANIMALS

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.)

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

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.)

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.)

Brown Pelicans Protected.

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

Sec. 2. Any person violating this Act shall be deemed guilty of a misdemeanor and shall be fined in a sum not more than Ten (\$10.00) Dollars. (S. B. 213, Reg. Ses. 46th Leg.)

Unprotected Birds.

English sparrows, crows, ravens, vultures or buzzards, "ricebirds" identified as harmful, blackbirds, pelicans, roadrunners, goshawk, Cooper's hawk or blue darter, sharp-shinned hawk, duck hawk, jay birds, sapsuckers, woodpeckers, butcher birds or shrike, starling, 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, as amended by H. B. 333, Reg. Ses. 46th Leg.)

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.)

Javelina—Open Season.

Section 1. The Collared Peccary, commonly called Javelina, is hereby declared to be a game animal and

it shall be unlawful for anyone to take, attempt to take, capture, shoot or kill, any Collared Peccary or Javelina at any time except during the open season provided for taking same, which said open season shall be during the period November 16th to January 1st of each year, and it shall be unlawful at any time for any person to take any Collared Peccary or Javelina or to have any Collared Peccary or Javelina, or any part of the same, in possession for the purpose of barter or sale, or to sell or offer for sale any Collared Peccary or Javelina or any part of same, and it shall be unlawful for any person to take in any one season more than two (2) Collared Peccary or Javelina. Provided, however, that the provisions of this Act shall not apply to any Collared Peccary or Javelina or their hides heretofore or hereafter imported from another State or foreign country.

Section 1a. Provided, however, that it shall be lawful to take, capture, shoot, or kill Collared Peccary or Javelina in the counties of Webb, Starr, and Zapata, Texas, at any time, and an open season for Collared Peccary or Javelina in such counties is hereby declared. Provided further, that it shall be unlawful in such counties to have or take any Collared Peccary or Javelina, or any part of the same, in possession for the purpose of barter or sale, or to sell or offer for sale any Collared Peccary or Javelina, or any part of the same, and any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50), and each Collared Peccary or Javelina, or part thereof, taken or possessed or offered for sale or possessed for the purpose of sale, or sold, in violation of this Act shall constitute a separate offense.

Sec. 2. Any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50) and each Collared Peccary or Javelina taken or possessed or offered for sale or possessed for the purpose of sale, or sold, in violation of this Act shall constitute a separate offense. (H. B. 884, Reg. Ses., 46th Leg., as amended by H. B. 1109, Reg. Ses., 46th Leg., and as further amended by H. B. 954, Reg. Ses. 47th Leg.)

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.

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.)

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 Commission, 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 officers 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 fees 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.)

Resident Hunting and Fishing Licenses Required In Certain Counties.

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

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

Sec. 3. It shall be unlawful for any resident citizen of this State to catch or attempt to catch any fish in any county named in Section 1 of this Act without first procuring a resident fishing license from the Game, Fish and Oyster Commission or from one of its authorized agents, for which he shall pay the sum of Fifty-five Cents (55c), Five Cents (5c) of which shall be retained by the officer issuing such license as his fee for collecting, provided that such

resident fishing license shall not be required of any person under seventeen (17) years of age or of any person fishing in the county of his residence on lands which he owns or upon which he resides or of any person who holds an artificial lure license or a commercial fisherman's license. The provisions of this section shall not extend to nor include the waters of the Colorado River, nor of Inks Lake, nor of

Buchanan Lake.

Sec. 4. All moneys collected from the sale of hunting licenses in the counties named in Section 1 of this Act, after the fee for collecting same has been deducted, shall be remitted to the Game, Fish and Oyster Commission at their office in Austin, Texas, by the tenth day of the month following the date of issuance of such licenses and shall be deposited by the Game, Fish and Oyster Commission in the State Treasury to the credit of the Special Game Fund of each of the several counties and shall be used for any or all of the purposes provided by law, and not less than ninety per cent (90%) of the amount collected in each county to which this Act applies shall be expended in such respective county from which such funds were collected. All moneys collected from the sale of fishing licenses, in the counties named in Section 1 of this Act, after the fee for collecting same has been deducted, shall be remitted to the Game, Fish and Oyster Commission at their office in Austin, Texas, by the tenth day of the month following the date of issuance of such licenses and shall be deposited by the Game, Fish and Oyster Commission in the State Treasury to the credit of the Fish Propagation and Protection Fund and shall be used for any or all of the purposes provided by law, and not less than ninety per cent (90%) of the amount collected in each county to which this Act applies shall be expended in such respective county from which such funds were collected.

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

Sec. 5. Any resident citizen of this State who hunts or attempts to hunt or who fishes or attempts to catch fish without first procuring the license required of him by the provisions of this Act, or who fails or refuses on demand by any officer to show such officer the license required of him by this Act, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than

Ten Dollars (\$10) nor more than Fifty Dollars (\$50), and shall automatically forfeit any license issued to him under the provisions of this Act, and any of the privileges given thereunder, for a period of one year following date of conviction.

Sec. 5a. No person shall be allowed to kill or take, in any of the above-named Counties, more than two (2) wild turkey gobblers during the open season, as provided by law, of any year, and each gobbler killed by any one person, above the limit herein prescribed, shall be a separate offense.

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

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

Sec. 7. If any paragraph, section, or part of this Act is held unconstitutional or inoperative it shall not affect any other paragraph, section, or part of this Act and the remainder of this Act, except the part declared unconstitutional or inoperative, shall continue to be in full force and effect. (H. B. 1000, Reg. Ses., 46th Leg.).

Vingt et Un Islands in Galveston Bay—Bird Sanctuary.

Sec. 1. The group of small islands located in Galveston Bay near Smith's Point and known as Vingt et Un Islands are hereby declared to be a State Wildlife Sanctuary and it shall be unlawful for anyone to hunt on any of the said islands or within fifty (50) yards of same, or to anyway molest any of the birds found on said Islands, or to enter upon said Islands for any purpose without first obtaining permission from the Game, Fish and Oyster Commission.

Sec. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five Dollars (\$25) nor more than One Hundred Dollars (\$100). (H. B. 629, Reg. Ses. 45th Leg.)

Hunting Prohibited In Parks Controlled by Texas State Parks Board.

Section 1. It shall be unlawful for any person to kill, wound, shoot at, hunt or molest any wild ani-

mals, wild birds, or wild fowl found within the borders of any public park under the control of the Texas State Parks Board, at any season of the year. Any person violating any 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 One Hundred Dollars (\$100). Any peace officer is authorized to arrest without warrant any person found committing a violation of any provision of this Act. (H. B. 683, Reg. Ses. 47th Leg.)

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.)

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).

Form of Licenses.

All hunting licenses issued shall have printed across their 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.)

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.)

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 birds, 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 in 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.)

Does, Fawns, Young Bucks Protected; Possession Of Deer Carcass or Green Deer Hide With Evidence of Sex Removed Prohibited.

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.)

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. (Article 923g, Penal Code).

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:

Turkey.

Wild turkey gobblers, three during the open season of any one year, as herein provided. (Editor's note: Bag limit two per season in 21 counties listed on Page 9 of this text).

Deer.

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

Bear.

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

Squirrel.

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

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. H. B. 161, 40th Leg.)

(Editor's note: No open season on plovers due to conflict with Federal regulations).

Prairie Chickens Protected.

Section 1. It shall be unlawful to kill, take, or attempt to take or kill, or have in possession, any prairie chickens in this State until September 1, 1946.

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

Section 3. Any person who violates any portion of this Act shall be deemed guilty of a misdemeanor,

and upon conviction shall be fined in a sum of not less than Fifty (\$50.00) Dollars, nor more than Two Hundred (\$200.00) Dollars, and upon conviction shall automatically forfeit his right to hunt with a gun in this State for a period of five (5) years. (S. B. 373, Reg. Ses. 47th Leg.)

Carrier Pigeons Protected.

Section 1. It shall be unlawful for any person, other than the owner thereof, to shoot, kill, maim, injure, molest, entrap, or detain any Antwerp Messenger or Homing Pigeon, commonly called "carrier pigeon," having the name of its owner stamped upon its wing or tail or bearing upon its leg a band or ring with the name or initials of the owner or an identification or registration number stamped thereon. It shall be no defense that any person, knowingly committed such prohibited act, did not know that the Antwerp Messenger or Homing Pigeon had the name of its owner stamped upon its wing or tail or bore upon its leg a band or ring with the name or initials of the owner or an identification or registration number stamped thereon.

Section 2. It shall be unlawful for any person other than the owner thereof or his authorized agent to remove or alter any stamp, leg band, ring, or other mark of identification attached to any Antwerp Messenger or Homing Pigeon.

Section 3. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed Twenty-five Dollars (\$25) for every such offense. (H. B. 440, Reg. Ses. 47th Leg.)

Lawful to Kill Golden Eagles or Mexican Brown Eagles.

Section 1. That from and after the passage of this Act it shall be lawful for any person to hunt, trap, shoot, or kill any Golden Eagle or Mexican Brown Eagle in the State of Texas. (H. B. 925, Reg. Ses. 47th Leg.)

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

tion 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.)

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.)

Hunting from Automobile, Airplane or Boat.

It is hereby declared unlawful for any person at any time and in any manner, to hunt, take, capture, or kill, or attempt to hunt, take, capture, or kill, any of the wild game birds, wild game 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 Dollars. (1925 P. C. Art. 901.)

Hunting with Headlight.

It shall be unlawful for any person at any time of the year to hunt deer or any other animal or bird protected by this chapter, by the aid of what is commonly known as a headlight or hunting-lamp, or by artificial light attached to an automobile, or by the means of any form of artificial light. Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than Fifty (\$50) 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.)

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.)

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 Spofard, 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 crosses 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.)

Doves—Open Season.

Section 1. The open season for taking mourning doves and white-winged doves in this State shall be as follows: Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Young, Palo Pinto, Parker, Johnson, Ellis, Kaufman, Van Zandt, Rains, Hopkins, Franklin, and Red River, and in all counties north and west thereof during the period September 1st to October 31st of each year. In the remainder of the State, the open season shall be during the period September 15th to November 15th, except that in the Counties of Webb, Zapata, Starr, Hidalgo, Cameron, and Willacy it shall be lawful to hunt, take, or kill mourning doves or white-winged doves only on each Sunday, Tuesday, and Thursday, between the hours of twelve noon and sunset, from September 15th to October 15th of each year, and on no other days or at any other times. In the other portions of the State, it shall be unlawful to hunt mourning doves or white-winged doves except during the open season provided therefor and then only during the hours from 7:00 a. m. to sunset.

Sec. 2. It shall be unlawful for any person to take or kill more than twelve (12) mourning doves or more than twelve (12) white-winged doves, or an aggregate of more than twelve (12) of both species, during any one day, and it shall be unlawful for any person to have in possession at any one time more than one day's limit of such birds.

Sec 3. It shall be unlawful to hunt or shoot mourning doves, white-winged doves, or any migratory bird, or any other game bird of this State, with a shotgun larger than ten-gauge, and that is capable of holding more than three (3) shells at one load-

ing, including the shell that may be held in the chamber of such gun, and providing that if a magazine-loading gun is used and the magazine of such gun would otherwise hold more than two (2) shells, before such gun is used it shall be permanently plugged so that such magazine will be rendered incapable of holding more than two (2) shells.

Sec. 4. Any game warden of the State of Texas is hereby authorized to take the affidavit of any person concerning or involving violation of any of the game laws of the State of Texas, and for such purpose is authorized to administer oaths. It shall be the duty of any person when requested by a game warden to give affidavit concerning any facts within such person's knowledge as to violation of any game laws of the State, provided no person shall be required to make affidavit of any fact that might incriminate the person making such affidavit.

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

Sec. 6. Any person who takes or attempts to take, any mourning dove or white-winged dove at any time other than the open season provided in this Act for taking same, or otherwise violates any provision of this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten Dollars (\$10), nor more than Two Hundred Dollars (\$200). Each bird taken, or possessed, in violation of any provision of this Act shall constitute a separate offense. Any person who, in making an affidavit as authorized and provided in this Act, shall knowingly make a false affidavit of fact, shall be deemed guilty of false swearing and punished in accordance with the provisions of the law regarding the offense of false swearing.

Sec. 7. Chapter 17, page 1887, Acts 1937, Forty-fifth Legislature, Second Called Session and any and all other laws in conflict herewith are hereby repealed.

Sec. 8. If any section, clause, phrase, or provision of this Act shall be held to be invalid, such holding shall not affect the remaining provisions of said Act. (H. B. 186, Reg. Ses. 47th Leg. as amended by H. B. 1067, Reg. Ses. 47th Leg.)

Doves—Ellis County.

Section 1. The open season for taking mourning doves in the County of Ellis shall be during the period September 1 to October 31 of each year, and all other laws of this State pertaining to taking mourning doves shall apply to taking such birds in Ellis County.

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 who takes mourning doves in Ellis County at any time other than during the open season herein provided, or who takes same in violation of any of the laws of this State, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five Dollars (\$25), and not more than Fifty Dollars (\$50), and each bird taken in violation of any provision of this Act shall constitute a separate offense. (H. B. 534, Reg. Ses. 46th Leg.)

Doves—Lamar and Red River Counties.

Section 1. There shall be open season or period of time when it shall be lawful to hunt, take, or kill wild mourning doves in Lamar and Red River Counties during the months of September and October of each year; and it shall be unlawful to hunt, take, or kill any such dove at any other time of the year. Any provision of law in conflict herewith is hereby repealed. (H. B. 306, Reg. Ses. 47th Leg.)

Doves—Palo Pinto County.

Section 1. The open season for hunting and taking mourning doves in the County of Palo Pinto shall be during the period from September 1st to October 31st of each year, and all laws of this State pertaining to the taking and hunting of mourning doves shall apply to the taking and hunting of such birds in Palo Pinto County.

Section 2. All laws or parts of laws, in so far as they conflict with this Act, are hereby repealed.

Section 3. Any person who hunts or takes mourning doves in Palo Pinto County at any time other than during the open season herein provided, or who takes or hunts same in violation of any of the

laws of this State, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Twenty-five Dollars (\$25) and not more than Fifty Dollars (\$50) and each bird taken in violation of any provision of this Act shall constitute a separate offense. (H. B. 927, Reg. Ses. 47th Leg.)

Doves—Van Zandt and Rains Counties.

Section 1. The open season for hunting and taking mourning doves in the Counties of Van Zandt and Rains shall be during the period from September 1st to October 31st of each year, and all laws of this State pertaining to the taking and hunting of mourning doves shall apply to the taking and hunting of such birds in Van Zandt and Rains Counties.

Section 2. All laws or part of laws, in so far as they may conflict with this Act, are hereby repealed.

Section 3. Any person who hunts or takes mourning doves in Van Zandt or Rains Counties at any time other than during the open season herein provided, or who takes or hunts same in violation of any of the laws of this State, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five Dollars (\$25) and not more than Fifty Dollars (\$50) and each bird taken in violation of any provision of this Act shall constitute a separate offense. (H. B. 893, Reg. Ses. 47th Leg.)

Quail and Chachalaca — Open Season and Bag Limits.

Sec. 1. 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. 2. It shall be unlawful to kill more than twelve (12) quail of any or all varieties in any one (1) day or to kill during any period of seven (7) days more than thirty-six (36) quail of any or all varieties or to 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. 3. 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 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 Dollars (\$100) and each bird killed or possessed in violation of any provision of this Act shall constitute a separate offense.

Sec. 4. All laws or parts of laws except local game laws in conflict with this Act shall be and the same are hereby repealed. (H. B. 101, Reg. Ses. 44th Leg.)

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 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 take more than thirty-six (36) quail 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. 423, Reg. Ses. 44th Leg.)

Quail—Franklin, Hopkins and Delta Counties.

Section 1. It shall be unlawful to hunt or kill quail in the Counties of Franklin, Hopkins, or Delta at any time except on Mondays, Wednesdays, and Fridays during the period December 1st to the following January 16th.

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

Section 3. All laws and parts of laws in conflict herewith are hereby repealed. (H. B. 542, Reg. Ses. 47th Leg.)

Roberts County—Quail.

Section 1. It shall be unlawful to take or kill any quail in Roberts County for a period of five (5) years from and after the effective date of this Act.

Section 2. Any person violating the above Section shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50), and each bird taken or killed in violation of this Act shall constitute a separate offense.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed. (H. B. 1007, Reg. Ses. 47th Leg. Effective June 5, 1941).

Gaines, Terry and Yoakum Counties Closed on Quail.

Section 1. It shall be unlawful to take or kill any quail in Gaines, Terry and Yoakum Counties for a period of five (5) years from and after the effective date of this Act.

Section 2. Any person violating the above Section shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten (\$10.00) Dollars nor more than Twenty-five (\$25.00) Dollars, and each bird taken or killed in violation of this Act shall constitute a separate offense.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed. (S. B. 261, Reg. Ses. 46th Leg. Effective July 15, 1939).

Quail—Erath, Hood and Panola Counties.

Section 1. It shall be unlawful for any person to hunt any quail with a gun or dog outside of the county of his residence on the private lands of an-

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

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

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

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

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

Quail—Camp County.

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

Sec. 2. Any person in this State who shall violate any provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine, in any sum not less than Twenty-five

Dollars (\$25), and not more than One Hundred (\$100).

Sec. 3. All laws and parts of laws in conflict with this Act are hereby repealed to the extent of the conflict only. (H. B. 991, Reg. Ses. 46th Leg.)

Quail—Smith and Kaufman Counties.

Section 1. It shall be lawful to kill quail in Smith and Kaufman Counties on Monday, Wednesday, and Saturday of each week after the first day of December, 1939, and continuing until and including the sixteenth day of January, 1940, and during the same time each year thereafter on the same days of the week. On said days no person may kill or take to exceed twelve (12) quail on any one day. It shall be unlawful to hunt or kill quail on any day other than Monday, Wednesday, or Saturday of each week during the time between December 1st and January 16th of each year, and any person found guilty of violating any provisions of this Section shall be fined in any sum not to exceed One Hundred Dollars (100). A person shall be presumed to be hunting if found with a gun and a bird dog upon any premises other than his own. (H. B. 995, Reg. Ses. 46th Leg.)

Quail—Comanche County.

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

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

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

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

Sec. 5. It shall be the duty of all officers operating in any county to which this Act applies to enforce all provisions of this Act. (H. B. 1117, Reg. Ses. 46th Leg.)

Quail—Guadalupe County.

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

Section 2. All laws or parts of laws, in so far as they may conflict with any portion of this Act be, and the same are hereby repealed. (S. B. 72, Reg. Ses. 46th Leg.)

Henderson County—Quail.

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

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

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

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

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

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

Van Zandt County—Quail.

Section 1. It shall be lawful to kill quail in Van Zandt County on Monday, Wednesday, and Friday of each week after the 1st day of December, 1941, and continuing until and including the 16th day of January, 1942, and during the same time each year thereafter on the same days of the week. On said days it shall be unlawful for any person to kill or take to exceed twelve (12) quail on any one day. It shall be unlawful to hunt or kill quail in Van Zandt County on any day other than Monday, Wednesday, or Friday of each week during the time between December 1st and January 16th of each year, and any person found guilty of violating any provision of this Act shall be fined in a sum not to exceed One Hundred Dollars (\$100). A person shall be presumed to be hunting if found with a gun and a bird dog upon premises other than his own.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed. (H. B. 949, Reg. Ses. 47th Leg.)

Hemphill and Lipscomb Counties—Quail.

Sec. 1. The open season or period of time when a person may hunt or kill wild quail in Hemphill and Lipscomb Counties shall be during the period from December 1st to January 16th, both days inclusive, and any person taking, hunting or killing any quail in said Counties at any time other than the open season herein provided shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten Dollars nor more than \$50.00.

Sec. 2. All laws or parts of laws, in so far as they may conflict with any portion of this Act be and the same are hereby repealed. (S. B. 35, 3rd C. S., 44th Leg.)

Montague County—Quail.

Sec. 1. It shall be unlawful for any person to

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

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

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

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

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

Wood County—Quail and Doves.

Sec. 1. It shall be lawful to kill quail in the County of Wood on Monday, Wednesday and Friday of each week and after the 1st day of December, 1937, and continuing until and including the 16th day of January, 1938, and during the same time each year thereafter on the same days of the week. On said days no person may kill or take to exceed twelve on any one day. It shall be unlawful to hunt or kill quail on any day other than Monday, Wednesday, or Friday of each week during the time between December 1st and January 16th of each year, and any

person found guilty of violating any provision of this Section shall be fined in any sum not to exceed One Hundred Dollars. A person shall be presumed to be hunting if found with a gun and a bird dog upon any premises other than his own.

Sec. 2. It shall be unlawful for any person to hunt or kill quail upon the premises of another without the written consent of the owner or person in charge of such premises, or in lieu of such written consent the oral consent of the owner or person in charge given in the presence of two witnesses to such consent.

Sec. 7. It shall not be unlawful for anyone to shoot mourning doves on his own premises or to authorize anyone else to hunt or shoot mourning doves where it is done to protect crops that are about to be destroyed by mourning doves; provided, however, that no person shall have the right to take a bird dog with him on such hunt. (H. B. 1035, Reg. Ses. 46th Leg., as amended by H. B. 981, Reg. Ses. 46th Leg.)

Duval County—Deer and Quail.

Section 1. From and after the passage of this Act and for a period of five (5) years it shall be unlawful to hunt, trap, take, or kill or attempt to hunt, trap, take, or kill, or otherwise molest any deer or wild quail in Duval County, and any person violating any provision of this Act shall be deemed guilty of a misdemeanor and shall be fined in a sum of not less than Fifty Dollars (\$50), nor more than Two Hundred Dollars (\$200).

Section 2. All laws or parts of laws in so far as they conflict with any portion of this Act, be and the same are hereby repealed. (H. B. 839, Reg. Ses. 47th Leg. Effective May 21, 1941).

Brewster County—Hunting.

Sec. 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 Javelina, Bear, Badger, Raccoon or Rock Squirrel in the territory embraced within the bounds of Brewster County south of the Southern Pacific Railroad tracks in said County.

Sec. 2. Every person violating any provisions of this Act shall upon conviction be punished by a fine of not less than One Dollar nor more than Twenty-five Dollars. (H. B. 75, 3rd C. S., 44th Leg.)

Duck Blinds in Harrison and Marion Counties.

Section 1. It shall be unlawful for any person, firm or corporation, to construct any blind or blinds

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

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

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

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

Sec. 5. In determining the guilt or innocence of any person accused of operating a blind nearer than three hundred (300) yards to another such blind, it shall be a defense that the blind so operated was located and established and ready for use before the building or construction of another blind at a point nearer than three hundred (300) yards thereto. (H. B. 503, Reg. Ses. 47th Leg.)

Deer and Bear—Open Season (General Law).

Sec. 1. That said Article 879g of the Penal Code of Texas be and the same is hereby amended so as to hereafter read as follows:

“Article 879g. Wild buck deer and wild bear. There shall be an open season, or period of time, when it shall be lawful to hunt, take or kill wild buck deer and wild bear, in both the North and South Zones, November 16th to December 31st of

each year, both days inclusive; provided, however, it shall be unlawful for any person or persons to hunt, take, or kill wild deer for a period of five years from and after November 15, 1939, in any of the following Counties: Callahan, Eastland, Stephens, Palo Pinto and Shackelford. That it shall not be unlawful to hunt, kill or take wild bear within the territorial limits of Polk County, Texas."

Sec. 2. All laws or parts of laws in conflicting provisions of this Act are hereby expressly repealed.

Sec. 3. This Act shall not become effective until February 1, 1938. (H. B. 1177, Reg. Ses. 45th Leg.)

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.)

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).

Turkeys Protected in Certain Counties.

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

Section 2. All laws or parts of laws of this State, insofar as they conflict with any provision of this

Act, and specifically Article 879c-1 Penal Code, Texas, be and the same are hereby repealed.

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

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

(Editor's Note: The Counties to which the 1941-1946 closed season on wild turkeys applies, as prescribed by the above law, are listed herewith according to the various Senatorial Districts: No. 2—Gregg, Harrison, Panola, Rusk, Shelby; No. 3—Angelina, Cherokee, Jasper, Nacogdoches, Newton, Sabine, San Augustine, Tyler; No. 4—Hardin, Jefferson, Liberty, Orange; No. 5—Grimes, Houston, Madison, Montgomery, Polk, San Jacinto, Trinity, Walker; No. 6—Anderson, Freestone, Henderson, Kaufman, Navarro; No. 7—Camp, Smith, Upshur, Van Zandt, Wood; No. 9—Cooke, Fannin, Grayson; No. 13—Falls, Limestone, McLennan, Milam; No. 14—Bastrop, Brazos, Burleson, Lee, Washington; No. 15—Austin, Colorado, Fayette, Lavaca, Waller; No. 16—Harris; No. 17—Chambers, Fort Bend, Galveston, and Wharton).

Robertson County—Turkey.

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.)

Editor's Note: The above law now applies only to Robertson County, under terms of S. B. 204, Regular Session, 47th Legislature, which may be found on Page 31. Robertson County, therefore, is the only County in the State in which a March and April turkey gobbler season is allowed).

Upshur and Camp Counties—Deer and Turkey.

Section 1. From and after the effective date of this Act, it shall be unlawful to take, hunt, shoot, kill, or attempt to take, hunt, shoot, or kill any wild deer or wild turkey in Upshur, east of State Highway 154 in such County, and Camp Counties for a period of five (5) years.

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

Sec. 3. All laws or parts of laws in conflict with this Act are hereby repealed. (H. B. 1038, Reg. Ses. 47th Leg. Effective July 8, 1941).

Roberts and Hemphill Counties—Deer and Turkey.

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

Section 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. 557, Reg. Ses. 47th Leg. Effective April 26, 1941).

Live Oak County—Deer, Turkey, Quail and Javelina.

Section 1. From and after the effective date of this Act, it shall be unlawful to take, hunt, shoot, kill, or attempt to take, hunt, shoot, or kill any wild deer, wild turkey, quail, and Javelina in Live Oak County, Texas, for a period of three (3) years; providing, however, none of the provisions of this Act shall apply to that part of Live Oak County known and defined as the J. Frank Dobie Game Preserve.

Section 2. Any person who shall violate the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of

not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200).

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed to the extent of such conflict. (H. B. 932, Reg. Ses. 47th Leg. Effective May 21, 1941).

Culberson County—Deer, Doves and Quail; Hudspeth County—Quail and Doves.

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 deer, dove, and quail in Culberson County; and it shall be unlawful for any person to hunt, trap, shoot, or kill any quail and dove in Hudspeth County for a period ending February 1, 1945.

Section 2. Any person violating the provisions of Section 1 shall be deemed guilty of a misdemeanor and upon conviction shall be fined any sum not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200.00). (H. B. 921, Reg. Ses. 47th Leg.)

Shelby County—Deer.

Section 1. It shall be unlawful to take, kill, pursue, or attempt to take, kill, pursue, or otherwise molest or attempt to molest any deer in Shelby County from and after the passage of this Act and until November 16, 1946.

Sec. 2. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than Fifty Dollars (\$50), nor more than Two Hundred Dollars (\$200), and shall automatically forfeit his right to hunt with a gun in this State for a period of one year following date of conviction.

Sec. 3. All laws or parts of laws of this State, in so far as they conflict with any provision of this Act, be and the same are hereby repealed. (H. B. 1100, Reg. Ses. 47th Leg.)

Deer—Tom Green, Irion, Sterling, Reagan and Glasscock 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 Tom Green, Irion, Sterling, Reagan, and Glasscock Counties, State of Texas, for a period of five (5) years from and after the passage of this Act.

Section 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 Dollars (\$25) nor more than One Hundred Dollars (\$100). (H. B. 501, Reg. Ses. 47th Leg. Effective June 18, 1941).

Bastrop County—Deer and Turkey.

Section 1. From and after the passage of this Act, it shall be unlawful to take, or attempt to take, attempt to kill, or kill any deer or wild turkey in Bastrop County for a period of five (5) years. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in a sum of not less than One Hundred Dollars (\$100) nor more than Two Hundred Dollars (\$200).

Sec. 2. All laws or parts of laws, in so far as they conflict with any provision of this act, be and the same are hereby repealed. (H. B. 339, Reg. Ses. 46th Leg. Effective September 19, 1939).

Collingsworth County—Deer, Turkey and Antelope.

Section 1. That from and after the effective date hereof, and for a period of two (2) years, it shall be unlawful to hunt, kill, or pursue any wild deer, turkey, or antelope in Collingsworth County, Texas. (H. B. 1015, Reg. Ses. 47th Leg. Effective June 5, 1941).

Schleicher County—Deer and Turkey.

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

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

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed to the extent of such conflict. (H. B. 924, Reg. Ses. 47th Leg. Ef. Leg. Effective October 2, 1941).

Fannin County—Deer and Turkey.

Section 1. It shall be unlawful for any person to hunt, trap, take, shoot, or kill deer or wild turkey in Fannin County, Texas, for a period of five (5) years from and after the effective date of this Act.

Section 2. Any person violating 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 Dollars (\$25) and not more than Two Hundred Dollars (\$200). (H. B. 140, 2nd C. S. 45th Leg., as amended by H. B. 541, Reg. Ses. 47th Leg. Effective October 2, 1941).

Deer and Turkey—Somervell, Coryell, Hamilton, Erath, Hood and Johnson Counties.

Section 1. It shall be unlawful to hunt, shoot, or kill any deer or wild turkey in Somervell, Coryell, Hamilton, Erath, Hood, and Johnson Counties for a period of five (5) years, from and after the passage of this Act.

Section 2. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100).

Section 3. All laws or parts of laws in conflict herewith are hereby expressly repealed in so far as they apply to the Counties specifically named in Section 1 of this Act. (H. B. 813, Reg. Ses. 46th Leg., as amended by H. B. 1072, Reg. Ses. 46th Leg. Effective June 5, 1939).

Deer, Turkey and Chukars—Young and Jack 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, wild turkeys, or chukar quail in Young and Jack 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 such 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. 814, Reg. Ses. 46th Leg. Effective April 18, 1939).

Galveston County—Deer.

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 Dollars (\$50) nor more than Two Hundred Dollars (\$200).

Sec. 2. All laws or parts of laws in conflict with this Act are hereby repealed. (H. B. 624, Reg. Ses. 46th Leg. Effective September 19, 1939).

Burleson County—Deer and Turkey.

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

Section 2. Any person who shall violate the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars.

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed. (S. B. 441, Reg. Ses. 47th Leg. Effective May 28, 1941).

Hudspeth County Closed on Deer.

Section 1. It shall be unlawful for any person to in anywise kill or catch, by any means or method whatsoever, wild deer for a period of five (5) years, in the County of Hudspeth.

Sec. 2. It shall be unlawful for any person to have in his possession wild deer killed or caught in the County of Hudspeth.

Sec. 3. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and shall upon conviction be fined in a sum not less than Twenty-five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars. (S. B. 151, Reg. Ses. 47th Leg. Effective April 24, 1941).

Brown County—Open Season on Deer.

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

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

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

taken in violation of this Act shall constitute a separate offense.

Section 4. All laws and parts of laws in conflict herewith are hereby repealed. (H. B. 724, Reg. Ses. 47th Leg.)

Hardin County—Bear and Turkey.

Section 1. From and after passage of this Act and for a period of five (5) years, it shall be unlawful to hunt, take, or kill, or attempt to hunt, take, or kill or otherwise molest any bear or wild turkey in Hardin County, and any person violating any provision of this Act shall be deemed guilty of a misdemeanor and shall be fined in a sum of not less than Fifty Dollars (\$50), nor more than Two Hundred Dollars (\$200).

Section 2. All laws or parts of laws in so far as they conflict with any portion of this Act, be and the same are hereby repealed. (H. B. 779, Reg. Ses. 47th Leg. Effective May 22, 1941).

Liberty County—Deer, Bear and Turkey.

Section 1. From and after passage of this Act and for a period of five (5) years, it shall be unlawful to hunt, take, trap or kill, or attempt to hunt, take, trap or kill or otherwise molest any deer, bear or wild turkey in Liberty County, and any person violating any provision of this Act shall be deemed guilty of a misdemeanor and shall be fined in a sum not less than Fifty Dollars (\$50), nor more than Two Hundred Dollars (\$200).

Section 2. All laws or parts of laws in so far as they conflict with any portion of this Act, be and the same are hereby repealed. (H. B. 780, Reg. Ses. 47th Leg. Effective May 22, 1941).

Deer and Turkey—Red River, Lamar, Fannin and Bowie Counties.

Section 1. From and after the passage of this Act, for five (5) years, it shall be unlawful in the Counties of Red River, Lamar, Fannin, and Bowie, State of Texas, to take or attempt to take or in any manner molest any wild deer or any wild turkey.

Section 2. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Fifty Dollars (\$50), nor more than Two Hundred Dollars (\$200.00).

Section 3. All laws or parts of laws, in so far as they conflict with any provision of this Act, be

and the same are hereby repealed. (H. B. 714, Reg. Ses. 47th Leg. Effective April 26, 1941).

Unlawful To Take or Kill Deer or Turkey in Harrison, Marion, Cass, Brown, Coleman, Mills or Bowie Counties.

Sec. 1. It shall be unlawful for any person to in anywise kill or catch by any means or method whatsoever, wild deer or wild turkey for a period of five years, in the Counties of Harrison, Marion, Cass, Brown, Coleman, Mills and Bowie in the State of Texas.

Sec. 2. It shall be unlawful for any person to have in his possession wild deer and wild turkey killed or caught in the Counties of Harrison, Cass, Marion, Brown, Coleman, Mills or Bowie in the State of Texas.

Sec. 3. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and shall upon conviction, be fined in a sum not less than Twenty-five Dollars nor more than Two Hundred Dollars. (H. B. 89, Reg. Ses. 45th Leg. Effective August 21, 1937).

(Editor's Note: An open season on deer is now permitted in Brown County under authority of H. B. 724, Regular Session, 47th Legislature, which may be found on Page 37).

San Augustine and Sabine Counties—Deer and 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 deer, buck, doe, fawn, or wild turkey in San Augustine and Sabine Counties, 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, after conviction, be fined in any sum not less than Twenty-five Dollars (\$25) nor more than Fifty Dollars (\$50).

Sec. 3. All laws and parts of laws in conflict herewith, in so far as they conflict herewith, are hereby repealed. (H. B. 783, Reg. Ses. 46th Leg. Effective April 5, 1939).

Taylor County—Deer and Turkey.

Section 1. It shall be unlawful to take, hunt, trap, shoot, or kill any deer and/or wild turkey in the County of Taylor, 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. 938, Reg. Ses. 46th Leg. Effective May 15, 1939).

Williamson County—Deer and Turkey.

Section 1. For a period of five (5) years after November 15, 1941, it shall be unlawful for any person to hunt, trap, ensnare, take or kill any wild deer in Williamson County, Texas.

Section 2. For a period of three (3) years after November 15, 1941, it shall be unlawful for any person to hunt, trap, ensnare, take, or kill any wild turkey in Williamson County, Texas.

Section 3. Whoever 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) and not more than Two Hundred Dollars (\$200); provided each deer or turkey so hunted, trapped, ensnared, taken, or killed shall constitute a separate offense. (H. B. 439, Reg. Ses. 47th Leg.)

Deer and Turkey—Parker and Stephens 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 Parker County for a period of four (4) years from and after April 15, 1940 and in Stephens County 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 (\$200); provided, however, when deer are destroying pastures, crops, and/or gardens, the owner or person in charge of said pasture, crops, and/or gardens may kill such deer while in the act of destroying such pastures, crops, and/or gardens. (H. B. 698, Reg. Ses. 46th Leg.)

Deer and Turkey—Stephens and Palo Pinto 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 Stephens and Palo Pinto 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, pastures, or gardens, the owner or person in charge of said crops, pastures, or gardens may kill or have killed such deer while in the act of destroying such crops, pastures, or gardens.

Sec. 3. All laws or parts of laws in so far as they conflict with any portion of this Act be, and the same are, hereby repealed. (H. B. 217, Reg. Ses. 47th Leg. Effective March 17, 1941).

Closed Season on Deer in Certain Counties.

Section 1. From and after the passage of this Act, it shall be unlawful to kill any wild deer for a period of five (5) years in the counties of Motley, Floyd, Briscoe, Cottle, Hall, Childress, Dickens, Borden, Stonewall, Garza, Kent, or Scurry, State of Texas.

Sec. 2. All laws or parts of laws in so far as they provide an open season for the taking of deer in any of the counties of this Act be and the same are hereby repealed.

Sec. 3. Any person who takes or attempts to take any deer in violation of any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than One Hundred Dollars (\$100), and not more than Two Hundred Dollars (\$200). H. B. 212, Reg. Ses. 47th Leg. Effective March 17, 1941).

Deer and Turkey—Throckmorton, Shackelford and Haskell 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 wild deer or wild turkey in the Counties of Throckmorton, Shackelford, and Haskell for a period ending February 1, 1946.

Section 2. Any person violating the provisions of Section 1 shall be deemed guilty of a misdemeanor and upon conviction shall be fined any sum not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200).

Section 3. House Bill No. 198 of the Forty-seventh Legislature is hereby expressly repealed. (H. B. 995, Reg. Ses. 47th Leg.)

Deer and Turkey—Walker, San Jacinto, Montgomery, Brazos and Grimes Counties.

Section 1. It shall be unlawful for any person to hunt, snare, kill, or attempt to kill by any means

whatsoever any wild deer, buck, doe, fawn or wild turkey in the Counties of Walker, San Jacinto, Montgomery, Brazos, and Grimes, in the State of Texas, for a period of four (4) years from and after the passage of this Act.

Section 2. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined any sum not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200), and shall forfeit his right and license to hunt with a gun in this State for a period of one year from the time of his conviction. (H. B. 870, Reg. Ses. 47th Leg. Effective May 21, 1941).

Newton and Jasper Counties—Turkey.

Section 1. From and after the passage of this Act and for a period of five (5) years, it shall be unlawful to hunt, take, trap, or kill, or attempt to hunt, take, trap or kill or otherwise molest wild turkey in Newton and Jasper Counties, and any person violating any provision of this Act shall be deemed guilty of a misdemeanor and shall be fined in a sum of not less than Ten Dollars (\$10), nor more than Two Hundred Dollars (\$200).

Section 2. All laws or parts of laws in so far as they conflict with any portion of this Act be and the same are hereby repealed. (H. B. 802, Reg. Ses. 47th Leg. Effective May 2, 1941).

Madison, Guadalupe and Houston Counties Closed On Turkeys.

Section 1. It shall be unlawful, from and after the passage of this act, for a period of three (3) years, to kill or attempt to kill, take or attempt to take any wild turkey in the Counties of Madison, Guadalupe, and Houston.

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

Sec. 3. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum of not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200). (H. B. 272, Reg. Ses. 46th Leg. Effective March 15, 1939).

Turkey—Angelina and Tyler Counties.

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

Section 2. Any person violating any provisions of this Act shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than Ten Dollars (\$10) and not more than Fifty Dollars (\$50).

Section 3. All laws and parts of laws in conflict herewith are hereby repealed. (H. B. 937, Reg. Ses. 47th Leg. Effective May 27, 1941).

Austin County—Turkey.

Sec. 1. It shall be unlawful to take, hunt, trap, shoot or kill any wild turkey in Austin County for a period of five (5) years from and after 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) and not more than Fifty Dollars (\$50). (H. B. 810, Reg. Ses. 45th Leg. Effective August 21, 1937).

Turkey—Colorado, Wharton, Lavaca and Jackson Counties.

Section 1. From and after passage of this Act and for a period of four (4) years, it shall be unlawful to hunt, take, trap, or kill or attempt to hunt, take, trap, or kill or otherwise molest any wild turkey in Colorado, Wharton, Lavaca, and Jackson Counties, and any person violating any provision of this Act shall be deemed guilty of a misdemeanor and shall be fined in a sum of not less than Fifty Dollars (\$50), nor more than Two Hundred (\$200).

Sec. 2. All laws or parts of laws in so far as they conflict with any portion of this Act be and the same are hereby repealed. (H. B. 303, Reg. Ses. 47th Leg. Effective April 2, 1941).

Comal County—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, Chachalaca or wild Mexican pheasant in the County of Comal 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 Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500).

Sec. 3. All laws or parts of laws in so far as they may be in conflict with this Act be and the same are hereby expressly repealed. (H. B. 804, Reg. Ses. 46th Leg. Effective April 5, 1939).

Hunting Deer With Dogs.

Section 1. That Article 880 of the Penal Code of the State of Texas as amended by Chapter 47, page 1947, Section 1, Acts of the Second Called Session of the Forty-fifth Legislature is hereby amended so as to hereafter read as follows:

"Article 880. Hunting with Dogs. It is hereby declared unlawful for any person or persons to make use of a dog or dogs in the hunting of or pursuing or taking of any deer. Any person or person 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 Dollars (\$25), and not more than Two Hundred Dollars (\$200); provided, however, that this Article shall not apply to the Counties of Brazoria, Matagorda, Wharton, Jackson, and Fort Bend. And, provided further, that it shall be lawful to use 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, Banderas, Comal, Real, Kendall, Wharton, Schleicher, Crockett, Guadalupe, Jackson, Wilson, Concho, Karnes, Jones, Atascosa, Baylor, Bexar, Brewster, Caldwell, Denton, DeWitt, Frio, Gonzales, Haskell, Hays, Hidalgo, Jack, Kaufman, and Cameron." (Art. 880, Penal Code, 1925, as amended by H. B. 12, 4th C. S. 44th Leg., H. B. 75, 4th C. S. 43rd Leg., H. B. 111, 2nd C. S. 45th Leg., H. B. 114, 2nd C. S. 45th Leg., and H. B. 980, Reg. Ses 47th Leg.)

Harris County—Hunting Deer with Dogs.

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 provision 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, Reg. Ses. 42nd Leg.)

Lavaca County—Hunting With Dogs.

Sec. 1. It is hereby declared unlawful for any person or persons to make use of a dog or dogs in the hunting of or pursuing or taking of any deer in Lavaca County, Texas. Any person or persons owning or controlling any dog or dogs, and who permits or allows such dog or dogs to run, trail, or pursue any deer in Lavaca County at any time, shall be

deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than Twenty-five (\$25) Dollars and not more than Two Hundred (\$200) Dollars; provided that it shall be lawful to use one dog for the purpose of trailing a wounded deer in Lavaca County, Texas.

Sec. 2. All laws or parts of laws in conflict with this Act are hereby repealed to the extent of such conflict only. (S. B. 381, Reg. Ses. 46th Leg.)

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 any game animals, as defined in the laws in the State of Texas, except wild geese and wild ducks, in that part of Wichita County, included within the following described area:

Beginning at the center of the intersection of Tenth and 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. 194;

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

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

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

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

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

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

Sec. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than Ten (\$10) 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. Ses. 43rd Leg., as amended by H. B. 772, Reg. Ses. 47th Leg.)

Trapping Birds or Animals on Private Lands In Van Zandt County.

Section 1. It shall be unlawful to set any trap, snare, deadfall, or any other device for taking any of the birds or animals protected by the laws of this State on the private lands of another person without first having obtained written permission from the owner or authorized agent in charge of such lands to indulge in such privileges for the period of time specified in such permit.

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

Sec. 3. Any person who is found setting a trap or other device for taking birds or animals of this State on the private lands of another person without having first obtained and having in his possession the permit required by Sec. 1 of this Act, shall be prima facie guilty of a violation of this Act.

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

Sec. 5. It shall be the duty of all officers operating in any county to which this Act applies to enforce all provisions of this Act. (H. B. 126, 2nd C. S. 45th Leg.)

Squirrel Open Season—General Law.

There shall be an open season, or a period of time when it shall be lawful to hunt, take or kill wild red or fox squirrels and 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, Parker, Montague, Bell and Williamson. (Art. 879h, as amended by 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., S. B. 557, 42nd Leg. and S. B. 198, Reg. Ses. 46th Leg.)

Squirrel Bag Limit—General Law.

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. (H. B. 748, 42nd Leg., H. B. 936, 44th Leg.)

Squirrel—Coleman and Palo Pinto Counties.

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

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

Kinney County—Open Season on Squirrel.

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

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

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, Madison, Robertson and San Jacinto, to take, kill or have in his possession any squirrel or squirrels from the 1st day of January of each calendar year, through and including the 15th day of May of each calendar year, and during the months of August and September of each calendar year. During the remainder of each calendar year it shall be unlawful for any person to take, kill or have in 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 shall be fined in any sum not less than Ten Dollars (\$10) and not more than One Hundred Dollars (\$100).

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

Wood County—Squirrel.

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

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

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

Jasper, Newton and Young Counties—Squirrel.

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., and H. B. 184, 1st C. S., 43rd Leg.)

Squirrel—Nacogdoches and Cherokee Counties.

Section 1. It shall be unlawful for anyone to hunt, take, or kill any squirrel, except during the months of October, November, and December in Nacogdoches and Cherokee Counties; and any person who shall hunt, take, or kill any squirrel in the Counties of Nacogdoches and Cherokee at any time except during the months of October, November, and December shall be deemed 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).

Section 2. All laws or parts of laws in so far as they conflict with any portion of this Act, be and

the same are hereby repealed. (H. B. 585, Reg. Ses. 47th Leg.)

Squirrel—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)

Kaufman County—Squirrel.

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.)

San Augustine and Sabine Counties—Squirrel.

Sec. 1. It shall be unlawful for anyone to hunt, take, or kill any squirrel except during the period from November 10th to January 15th 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 the period from November 10th to January 15th of each year shall be deemed guilty of a misdemeanor and upon conviction shall be fined any sum not less than Ten Dollars nor more than Fifty 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.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed. House Bill No. 185, being Chapter 9, Special Laws of the 43rd Legislature, is hereby expressly repealed. (H. B. 1124, Reg. Ses., 45th Leg.)

Liberty and Hardin Counties—Squirrel.

Section 1. It shall be unlawful for anyone to hunt, take, or kill any squirrel except during the months of November and December in Liberty and Hardin Counties; and any person who shall hunt, take, or kill any squirrel in the Counties of Liberty and Hardin at any time except during the months of November and December shall be deemed 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).

Sec. 2. All laws or parts of laws in so far as they conflict with any portion of this Act be and the same are hereby repealed. (H. B. 143, Reg. Ses. 47th Leg.)

Angelina County—Squirrel.

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

Sec. 2. Anyone who shall hunt, take, or kill squirrel in the County named in this Act any time except during the months of October, November, and December 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 shall constitute a separate offense.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed. (H. B. 1022, Reg. Ses. 46th Leg.)

Sutton County—Open on Squirrels.

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

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

Shelby County—Quail and Squirrels.

Sec. 1. It shall be unlawful to take or kill any wild squirrels in Shelby County except during the period November 1st to January 31st, both days inclusive; and it shall be unlawful for any person to take in any one day or to have in his possession at any time more than ten (10) squirrels.

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

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

Sec. 4. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50), and each bird or animal taken or possessed in violation of any provision of this Act shall constitute a separate offense. (H. B. 230, Reg. Ses. 45th Leg.)

Shelby County—Squirrel.

Section 1. Except during the months of November, December, and January, it shall be unlawful to take any squirrels in Shelby County and any person violating any provisions of this Act, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than Ten Dollars (\$10) nor more than Twenty-five Dollars (\$25).

Sec. 2. All laws or parts of laws in so far as they conflict with this Act, and laws fixing an open season for squirrels in Shelby County, contrary to the provisions of this Act, be and the same are hereby repealed. (H. B. 300, Reg. Ses. 46th Leg.)

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. 85, 3rd C. S. 43rd Leg.)

Wharton County—Closed Season on Squirrel.

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

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

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

Bats Protected.

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, 1925 P. C. Art. 923b.)

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 prop-

erty 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.)

Rockport Wildlife Sanctuary Redefined.

Section 1. It shall be unlawful for anyone to hunt, take, kill, or attempt to take, hunt, or kill any bird or birds in an area of this State which is hereby declared to be the Rockport Wildlife Sanctuary. Said Sanctuary shall embrace an area in land and water within the metes and bounds of said Sanctuary in Aransas County, Texas, which are described as follows:

From the southern limits of the town of Rockport where the same meets Aransas Bay; thence in a northerly direction following the meanderings of the shore line of Aransas Bay to the west side of the neck of Frandlig's Point, also known as Nine Mile Point or Peninsula; thence with the western shore line of said Frandlig's Point, also known as Nine Mile Point or Peninsula, to the most southern

point thereof; thence east to a point in Aransas Bay one mile due east from a point on the northern shore line of the neck of said Frandlig's Point, also known as Nine Mile Point or Peninsula; thence in a southerly direction to a point in Aransas Bay one mile due east from the point of beginning; and thence due west a distance of one mile to the point of beginning.

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

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

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

Sec. 4. All laws or parts of laws in so far as they conflict with any portion of this Act, be and the same are hereby repealed. (H. B. 965, Reg. Ses. 46th Leg., as amended by H. B. 282, Reg. Ses. 47th Leg.)

Lake Corpus Christi—Game Sanctuary.

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

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

Section 2. Any person violating any provision of this Act or any person found on the waters of Lake Corpus Christi with a gun or rifle of any kind shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200).

Section 3. All laws or parts of laws, so far as they may conflict with any portion of this Act, be and the same are hereby repealed. (H. B. 843, Reg. Ses. 47th Leg., as amended by H. B. 1058, Reg. Ses. 47th Leg.)

Storage of Deer.

Section 1. Any deer or part of same lawfully killed or entered into this State may be possessed from the time that same was lawfully killed or entered into this State and until the following June 5th.

Section 2. Any deer or part of same lawfully killed or lawfully entered into this State may be placed on storage in accordance with the provisions of Article 909, Penal Code, 1925. If any deer or part of same remains in a public cold storage plant on June 5th of any year, it shall be the duty of the operators of such plant to notify an agent of the Game, Fish and Oyster Commission of the State of Texas, and said agent of the Game, Fish and Oyster Commission shall remove said deer or part of same from such storage plant and deliver same to a charitable institution or an indigent person, take receipt for same, and all such receipts shall be filed in the Austin office of the Game, Fish and Oyster Commission. No damage shall be recovered by the owner of any deer or part of same thus removed from a public cold storage plant and disposed of in accordance with the provisions of this Act. Provided the terms of this Act shall not apply to the parts of any deer which is made up into deer sausage, jerk, or that which is cut and wrapped, or to such meat stored in any privately owned or leased locker located in a cold storage plant.

Section 3. Any person who possesses any carcass of a deer or any part of same during a period from June 5th to the following open season for taking deer in this State, unless said person can give evidence that said carcass of deer or part of same was lawfully entered into this State; or any operator of a cold storage plant who accepts any carcass of deer for storage or part of same at any time except during the open season for taking same in this State, and for a period of three days immediately following such open season, unless said carcass of deer or part of same is accompanied by a certificate issued by the Game, Fish and Oyster Commission of the State of Texas, showing the same deer or part of same was lawfully entered into this State at another time; or any operator of a storage plant who fails to notify an authorized agent of the Game, Fish and Oyster Commission of the presence in his plant of any carcass of deer or part of same that has remained in said plant until June 5th of any year shall be deemed guilty of a misdemeanor

(Editor's Note: Article 909, Penal Code, 1925, which is referred to in Section 2 of the above law, and which should be consulted in order to obtain a full understanding of the above law, may be found on Page 57 of this book).

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

Section 4. All laws or parts of laws in so far as they conflict with any provision of this Act be and the same are hereby repealed. (H. B. 153, Reg. Ses. 47th Leg.)

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, before accepting same shall provide a book in which he shall keep a legible record. Such record shall show the name of each and every person placing any game bird or game animal on storage in such public cold storage plant, the name of the person for whom it is placed on storage, the number of same, the kind of game bird or game animal placed on storage and the date on which such game 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 Britain, 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 provision of this Act, or any operator of the public cold storage plant refusing to permit any game and fish warden to inspect

his plant or the record book, as required under the provisions of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five (\$25) Dollars nor more than Two Hundred (\$200) Dollars."

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, 43rd Leg.)

Sale or Purchase of Game; Importation of Game Into This State.

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 prosecution for violation of this chapter it shall be no defense that such bird or animal was not taken or killed within this State.

It shall be further unlawful to bring into this State for any purpose whatsoever, 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.)

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.)

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.)

Possession of Game During Closed Season; Importation of Game From Mexico Permitted Under Certain Conditions.

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.)

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 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).

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 Commission 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.)

Specimen 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 persons 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 kild 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.)

Any person who so ships any game from any place within this State, without making the foregoing affidavit; or any agent of any express company or other common carrier who receives any shipment without it being accompanied by such affidavit and list attached; or any auditor or conductor or other person in charge of any railroad train, who knowingly permits any person to carry any wild birds, wild fowl or wild animals without such affidavit being made, as herein provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than Ten (\$10) 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.)

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. (1925 P. C. Art. 923f.)

Sale of Deer, Rocky Mountain 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 provided 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. 923h, P. C. 1925, as amended by H. B. 133, 43rd Leg.)

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.)

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 the Chapter, shall be disposed of by order of the Game, Fish and Oyster Commission, 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 any 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.)

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, Penal Code).

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. (1925 P. C. Art. 923d.)

Buying Game For Evidence.

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

Taking Game For Scientific or Propagation 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 nests or eggs. Such scientific collecting permit as issued by the State of Texas, will authorize the holder thereof to take, possess, and transport, in any manner and at any time, birds, and their nests and eggs, for scientific purposes; provided, that before migratory birds, or their nests or eggs, are taken the Federal permit indicated above must be obtained. Such scientific permit shall be issued for the fiscal year and shall be null and void after midnight of December 31st of the year issued.

If any person desires to bring into the State any wild 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 permission 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.)

Trespass on Enclosed Lands.

Whosoever shall enter upon the enclosed 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.)

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. 29, 2nd C. S. 41st Leg.)

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 Commissioner is authorized and empowered to cancel his license without refund or return of the license fee, and no license shall be renewed or issued to such party, or parties, thereafter for a period of one year.

Any manager of any club, shooting resort, shooting preserve, or premises leased for hunting purposes, who accommodates hunters for reward, without first having 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 Commissioner to have prepared and to furnish to all deputy game commissioners blank license with stubs attached, numbered serially, such license to be called "shooting preserve license" such shooting preserve license shall have printed across the face the year 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.)

License For Game Breeder.

Section 1. Any person, firm or corporation, before engaging in the business or 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 turkeys, wild prairie chickens, wild quail of all varieties, wild Chachalacas, commonly called Mexican pheasants, wild pheasants of all varieties, any wild migratory bird or water fowl when permit has been obtained from the Department or Bureau of the United States Government authorized to issue such permits. 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 birds or animal, except when permit for such shipment or transportation has been granted by the Game, Fish and Oyster Commission or one of its agents authorized to grant such permit.

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

Sec. 12: Each person, firm or corporation holding a game breeder's license in a 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 licenses issued after the effective date of this measure and before September 1, 1933, shall remain in effect until August 31, 1934.

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

Sec. 15. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Fifty (\$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

License to Fish.

Section 1. No person who is an non-resident of the State of Texas or who is an alien shall fish in the fresh waters of this State without first having procured from the Game, Fish and Oyster Commission of Texas, or a Deputy Game 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 fresh waters of this State without first having procured from the Game, Fish and Oyster Commission of Texas, or a Deputy Game Warden thereof, or from a County Clerk of 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 Commissioner 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) day 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 preceeding 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 Commissioner 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. Ses. 42nd Leg., and as further amended by H. B. 749, Reg. Ses. 47th Leg.)

Fishing Methods—General Law.

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.)

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.)

Closed Season on Crappie and 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.)

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.)

Bass and Crappie Size Limits.

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.)

Fishing From Bridges or Causeways Prohibited.

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

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

Sec. 3. The State Highway Commission, through and by its authorized agents or representatives, is hereby instructed to post signs on every causeway, bridge, or structure affected by this Act. (H. B. 518, Reg. Ses. 46th Leg.)

Fishing in Public Parks.

Section 1. Whoever shall take, catch, ensnare, or trap any fish by any means whatsoever in any waters which are within the confines of any public park under the control of the Texas State Parks Board, without the consent of the keeper, caretaker, or superintendent of said public park, shall be fined not exceeding One Hundred Dollars (\$100). Any peace officer is authorized to arrest without warrant any person found committing a violation of any provision of this Act. (H. B. 682, Reg. Ses. 47th Leg.)

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.)

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.)

Commissioner's Power to Forbid Use of Nets or Seines In Fresh Waters.

The Commissioner is authorized to close any fresh water river, creek, lake, pool, bayou, lagoon or tank in this State, against the use of nets or seines 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 intention for two weeks, at not less than three stores or other places in proximity of 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.)

Private Fresh Waters; Commission Authorized To Protect Fish In Such Waters.

Such of the fresh water lakes, rivers, creeks and bayous within this State as may be embraced in any survey of private land shall not be sold, but shall remain open to the public. If the Commissioner stocks them with fish he is authorized to protect same from such time and under such rules as he may prescribe. (Art. 4043, R. C. S. 1925.)

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.)

Trespass on Hatchery or Reservation.

Any person entering and trespassing on the grounds of any State fish hatchery or on the grounds set apart by the State for the propagation and keeping of birds and animals without the permission of the Commissioner or deputy in charge of such reservation, shall be fined not less than Ten (\$10) Dollars, nor more than Twenty-five (\$25) Dollars. (Art. 978a, P. C. 1925.)

Protecting Fish and Game on Reservations.

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.)

Metallic Nets and Seines Prohibited.

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

It shall be unlawful for any person to take or catch or attempt to take or catch fish in the fresh waters, rivers, creeks, lakes, bayous, lagoons, or in lakes or sloughs, subject to overflow from rivers or streams in this State, by any other means 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.)

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.)

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.)

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 dams, 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.)

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 thereof shall be fined not exceeding One Hundred (\$100) Dollars. (Art. 932, P. C. 1925.)

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.

"Anyone 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. 3, Reg. Ses. 44th Leg.)

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.)

Bag Limit on Certain Fish (General Law).

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-eye 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 misdemeanor and upon conviction shall be fined in any sum not less than Ten (\$10) Dollars, nor more than Fifty (\$50) Dollars. (H. B. 328, Reg. Ses. 42nd Leg.)

Taking of 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.)

SPECIAL LAWS

San Patricio, Jim Wells, and Live Oak Counties— Fishing.

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

Sec. 2. It shall be unlawful for any person to use a seine or net in any of the waters described in Section 1 of this Act, except that a minnow seine

not more than twenty feet in length may be used for the purpose of taking minnows for bait; and it shall be unlawful to set any trotline with the hooks spaced nearer than three feet on such line.

Sec. 3. It shall be unlawful for any person to take or attempt to take any fish of any kind from the waters mentioned in Section 1 of this Act during the months of February, March and April.

Sec. 4. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars, nor more than Two Hundred Dollars.

Sec. 5. All laws or parts of laws, in so far as they may conflict with any portion of this Act, be and the same are hereby repealed. (H. B. 624, Acts Reg. Ses., 45th Leg.)

Nolan County—Fishing.

Section 1. The provisions of this Act shall apply only to all lakes and streams situated in Nolan County, Texas.

Sec. 2. It shall be unlawful in said lakes and streams situated in said County to catch, take, or attempt to catch or take any fish by any method, means, or device, other than ordinary pole and line, rod and reel, fly rod, or trotline equipped with not more than twenty-five (25) hooks, or throw line equipped with not more than two (2) hooks; except artificial lures used with a rod and reel. It shall be unlawful for any person to fish with or in any way use, more than one (1) trotline, not to exceed twenty-five (25) hooks or more than one (1) throw line, not to exceed two (2) hooks, or to aid, assist, run, or be in any way connected with the use of more than one (1) trotline or throw line at any time. This Section shall not prohibit the use of a minnow seine of not more than twenty (20) feet in length for the purpose of taking minnows for bait.

Sec. 3. It shall be unlawful for any person in the above-named County to take or have in his or her possession any channel catfish, blue catfish, or yellow catfish less than eleven (11) inches in length; or any bass less than eleven (11) inches in length; or any crappie or white perch less than eight (8) inches in length; or any bream less than five (5) inches in length; or any perch less than five inches in length.

Sec. 4. It shall be unlawful for any person in the above-named County of Nolan to take in any one day or to have in his or her possession at any one time, more than six (6) bass, or more than six (6)

of the above-named catfish, or more than fifteen (15) crappie or white perch, or more than fifteen (15) perch, or more than fifteen (15) bream, or an aggregate of more than twenty (20) of all such fish. The taking of or possession of each fish in excess of the number allowed shall be a separate offense.

Sec. 5. It shall be unlawful during the months of February, March or April of any year to take or attempt to take any fish in the lakes and streams of said Nolan County.

Sec. 6. It shall be unlawful in said County for any person, other than the owner, to enter upon, or fish from, or to in any way use, injure or damage, any floating raft, pier or stationary raft or pier, or boat, owned by a private individual without the consent of the owner thereof.

Sec. 7. Any person violating any provisions of Sections 2, 3, 4, 5, and 6 of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than One Hundred Dollars (\$100). (H. B. 276, Reg. Ses. 47th Leg.)

Special Medina Lake License Required.

Section 1. It shall be unlawful for any person more than seventeen (17) years of age to fish or attempt to fish in the waters of Medina Lake in the Counties of Bandera and Medina without first obtaining a Medina Lake fishing license from the Game, Fish and Oyster Commission or one of its authorized agents, and for which he shall pay not more than the sum of One Dollar (\$1). Such license shall be effective until August 31st following date of issuance; provided such persons may purchase from the Game, Fish and Oyster Commission a daily permit permitting such persons to fish in Medina Lake for the date stamped on said daily license for the sum of Twenty-five (25) Cents. The officer or authorized agent of the Game, Fish and Oyster Commission shall remit all sums obtained from the sale of Medina Lake fishing licenses and Medina Lake daily permits to the Game, Fish and Oyster Commission at its offices in Austin, Texas, not later than the 10th day of the month following the date of issuance of such license or permit.

Sec. 2. Any person over seventeen (17) years of age who fishes, or attempts to take or catch fish, in the waters of Medina Lake without first having procured and having in his possession a Medina Lake fishing license, and valid at the time he is fishing, or attempting to take or catch fish, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Twenty-five Dollars (\$25), and the holding of an Artificial Lure License shall not ex-

empt a person from the provisions of this law nor the provisions of this law shall not exempt a person from the provision of law requiring an Artificial Lure License.

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

Sec. 3a. Provided that any fish that may be propagated because of expenditures made out of said Medina Lake Fund shall not only be used for the stocking of any of the waters of Medina Lake, but also for stocking the other waters of Medina County.

Sec. 4. There is hereby created the Medina Lake Advisory Board composed of three (3) members, one of whom shall be a resident citizen of Bandera County, and one of whom shall be a resident citizen of Medina County, and one of whom shall be a resident citizen of Bexar County. Said members shall be appointed by the County Judge of the county in which the respective members reside and shall be appointed for terms ending September 1, 1939, and their successors shall be appointed for terms of two (2) years. In the event of a vacancy on said Board, caused by death or resignation of one of the members thereof,

such vacancy shall be filled by the County Judge of the county in which said such deceased or resigned member resided by appointing a resident citizen of such county to the Board for the unexpired term of the deceased or resigned member. It shall be the duty of the members of the Board at the first meeting, to elect one of their members as Chairman of the Board and to serve as such Chairman for the full term of his appointment as a member of the Board. The members and chairman of said Board shall serve without compensation. It shall be the duty of the members of said Board to advise with the Game, Fish and Oyster Commission from time to time relative to the practices and policies for the protection and propagation of fish in Medina Lake and to give advice on all other matters pertaining to Medina Lake and over which the Game, Fish and Oyster Commission has jurisdiction because of this Act or other laws of this State. It shall be a specific duty of said Medina Lake Advisory Board to request the State Auditor to make an audit of the Medina Lake Fund at least once each year not earlier than October 1st and not later than November 1st of any year and at such other times as said Board may deem necessary and the Game, Fish and Oyster Commission is hereby authorized to pay for the expense of such audit out of any funds on deposit in the Medina Lake Fund. Said auditor's report shall be submitted to the Medina Lake Advisory Board, as soon as same is completed, and a copy furnished to the Game, Fish and Oyster Commission.

Sec. 5. For the purpose of this Act Medina Lake is hereby defined as that portion of terrain of this State covered by the waters of Medina River and impounded by the Medina Dam in Medina County, Texas, which waters are in Medina and Bandera Counties, Texas.

Sec. 6. All laws or parts of laws, in so far as they may conflict with any portion of this Act, be and the same are hereby repealed. (H. B. 137, 2nd C. S. 45th Leg., as amended by H. B. 1059, Reg. Ses. 46th Leg.)

Special Licenses Required on Lake Worth and Eagle Mountain Lake.

Section 1. It shall be unlawful for any person more than seventeen (17) years of age to fish or attempt to fish in the waters of Lake Worth in the County of Tarrant, or to fish or attempt to fish in the waters of Eagle Mountain Lake in the Counties of Tarrant and Wise, without first obtaining a Lake Worth-Eagle Mountain Lake fishing license from the Game, Fish and Oyster Commission or one of its authorized agents, and for which he shall pay the sum of One and 10/100 (\$1.10) Dollars; except that for such license issued prior to August 31, 1941,

he shall pay the sum of Fifty (50c) Cents. Such license shall be effective until August 31st following date of issuance; all subsequent license for which the regular charge of One and 10/100 (\$.10) Dollars is made shall be issued to cover a twelve (12) month period beginning on August 31st of the year in which said license is purchased and ending on August 31st in the following year; provided such persons may purchase from the Game, Fish and Oyster Commission a daily permit permitting such persons to fish in Lake Worth and Eagle Mountain Lake, or in either of them, for the date stamped on said daily license only for the sum of Twenty-five (25c) Cents. The officer or authorized agent of the Game, Fish and Oyster Commission shall remit all sums obtained from the sale of Lake Worth-Eagle Mountain Lake fishing licenses and Lake Worth-Eagle Mountain Lake permits to the Game, Fish and Oyster Commission at its office in Austin, Texas, not later than the 10th day of the month following the date of issuance of such license or permit.

Section 2. Any person over seventeen (17) years of age who fishes, or attempts to take or catch fish, in the waters of Lake Worth and Eagle Mountain Lake, or in the waters of either of such lakes, without first having procured and having in his possession a Lake Worth-Eagle Mountain Lake fishing license, and valid at the time he is fishing, or attempting to take or catch fish, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Five (\$5.00) Dollars nor more than Twenty-five (\$25.00) Dollars and the holding of an Artificial Lure license, non-resident license, or other license, shall not exempt a person from the provisions of this law and the provisions of this law shall not exempt a person from the provision of law requiring an Artificial Lure license, non-resident license, or other license; provided further that if a person is apprehended and arrested and charged with the offense of fishing or attempting to take or catch fish in Lake Worth or Eagle Mountain Lake without having on his person such fishing license as is described herein, and if such person at the time he was so arrested and charged with the violation of this law actually had already procured and was then and there the owner of a fishing license as herein provided for, the production of said proper and valid fishing license shall be a complete defense in court against the penalties herein provided for.

Section 3. All moneys collected from the sale of licenses, for fines or fees, because of the provisions of this Act shall be remitted to the office of the Game, Fish and Oyster Commission in Austin, Texas, and be deposited in the State Treasury in a special fund to be known and designated as the Lake Worth-Eagle Mountain Lake Fund and no expenditure shall

be made out of said fund except upon warrants issued through the State Comptroller's office for expenditures approved by the Game, Fish and Oyster Commission. Said Lake Worth-Eagle Mountain Lake Fund shall be used only for the purposes of propagating fish to be placed in Lake Worth or Eagle Mountain Lake, or either of such lakes, and for the protection of fish in Lake Worth or Eagle Mountain Lake, or in either of such lakes; for the construction, maintenance, and equipment of a fish hatchery for the purpose of propagating fish for Lake Worth and Eagle Mountain Lake, or either of them; for necessary living quarters and maintenance of same for employees engaged in fish propagation or protection work for Lake Worth and Eagle Mountain Lake, or either of them; for necessary book-keeping, auditing expense, necessary mailing, or other transportation expenses in connection with the work on Lake Worth or Eagle Mountain Lake, or either of them; and necessary printing expenses to carry out the provisions of this Act; and providing that any person who is employed out of funds collected because of the provisions of this Act and stationed at Lake Worth and Eagle Mountain Lake, or either of them, shall be given proper authority and shall be charged with the duty of enforcing all game and fish laws of this State on Lake Worth and Eagle Mountain Lake, or either of them, and its environs and shall give the major portion of his attention to the enforcement of any laws which apply specifically to Lake Worth and Eagle Mountain Lake, or either of them; and such funds shall also be used for purchase of necessary patrol boats, for their operation expense and maintenance and for such other equipment as may be needed for the protection and propagation of fish on Lake Worth or Eagle Mountain Lake, or either of them.

Section 4. There is hereby created the Lake Worth-Eagle Mountain Lake Advisory Board composed of three (3) members, who shall each be a resident of Tarrant County, Texas. Said members shall be appointed by the Game, Fish and Oyster Commission, one for a term ending September 1, 1942, one for a term ending September 1, 1943, and one for a term ending September 1, 1944, and their several successors shall be appointed for terms of two (2) years. In the event of a vacancy on said Board, caused by death, resignation or removal of one of the members thereof, such vacancy shall be filled by the appointment of a successor for the unexpired term of such former Board member. It shall be the duty of the members of the Board at the first meeting, to elect one of their members as Chairman of the Board and to serve as such Chairman for the full term of his appointment as a member of the Board. The members and Chairman of said Board shall serve without compensation. It shall be the duty of the members of said Board to advise with

the Game, Fish and Oyster Commission from time to time relative to practices and policies for the protection and propagation of fish in Lake Worth and Eagle Mountain Lake, or in either of them, and over which the Game, Fish and Oyster Commission has jurisdiction because of this Act, or other laws of this State. It shall be a specific duty of said Lake Worth-Eagle Mountain Lake Advisory Board to request the State Auditor to make an audit of the Lake Worth-Eagle Mountain Lake Fund at least once each year not earlier than October 1st and not later than November 1st of any year and at such other times as said Board may deem necessary and the Game, Fish and Oyster Commission is hereby authorized to pay for the expense of such audit out of any funds on deposit in the Lake Worth-Eagle Mountain Lake Fund. Said auditor's report shall be submitted to the Lake Worth-Eagle Mountain Lake Advisory Board, as soon as same is completed, and a copy furnished to the Game, Fish and Oyster Commission.

Section 5. For the purposes of this Act Lake Worth is hereby defined as that portion of the terrain of this State covered by the waters of the West Fork of the Trinity River, and of its tributaries, and impounded by the Lake Worth Dam in Tarrant County, Texas, which waters are in Tarrant County, Texas. For the purposes of this Act Eagle Mountain Lake is hereby defined as that portion of the terrain of this State covered by the waters of the West Fork of the Trinity River, and of its tributaries, and impounded by the Eagle Mountain Dam in Tarrant County, Texas.

Section 6. All laws or parts of laws, insofar as they may conflict with any portion of this Act, be and the same are hereby repealed.

Section 7. If any section, subsection, clause, phrase, or sentence of this Act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, clause, phrase, or sentence thereof, irrespective of the fact that one or more of the sections, subsections, clauses, phrases, or sentences be declared unconstitutional. (S. B. 88, Reg. Ses. 47th Leg.)

Fishing in Lake Austin and Lake Travis in Travis County.

Section 1. Except during the open season, and by means and methods provided in this Act, it shall be unlawful to fish or attempt to take or catch fish, or to have any kind of fishing tackle or gear in pos-

session on or in Lake Travis in Travis County or Lake Austin in Travis County, which are the lakes impounded by Marshall Ford Dam and Tom Miller Dam, both of which dams are situated on the Colorado River in Travis County, Texas.

Section 2. Open Season: The open season, or period of time when it shall be lawful to fish or attempt to catch or take fish, or to have fishing tackle or gear in possession, in or on Lake Travis in Travis County or Lake Austin in Travis County shall be from the first day of May to the 31st day of December of any year, both days inclusive.

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

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

Section 4. Bag or Possession Limit: It shall be unlawful for any person in any one day to take from or at any time to have in possession on or in, either Lake Travis in Travis County or Lake Austin in Travis County, more than five (5) black bass; eight (8) crappie; eight (8) white bass; ten (10) bream and/or goggle-eye; six catfish; or ten (10) gaspergou; or more than ten (10) in the aggregate of all varieties of fish named in this section.

Section 5. Length of Fish to be Taken: It shall be unlawful to retain or have in possession, any black bass less than eleven (11) inches in length; any crappie less than seven (7) inches in length; any white bass less than eleven (11) inches in length; any catfish less than eleven (11) inches in length; and any gaspergou less than eleven (11) inches in length, taken from Lake Travis in Travis County or Lake Austin in Travis County.

Section 6. Penalty: Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100) Dollars.

Section 7. All laws or parts of laws insofar as they conflict with any provision of this Act be and the same are hereby repealed. (S. B. 282, Reg. Ses. 47th Leg.)

Fishing in Lake Travis in Burnet County and Portions of Colorado River in Burnet County.

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

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

Fishing in Colorado River Lakes in Burnet, Llano, San Saba, Lampasas and Travis Counties.

Section 1. It shall be unlawful for any person to catch, take or have in his possession any black bass less than eleven (11) inches in length; any white bass less than eleven (11) inches in length; any crappie or white perch less than seven (7) inches in length; any catfish less than nine (9) inches in length, from any hereafter named lakes of said Burnet, Llano, San Saba, Lampasas or Travis Counties.

Sec. 2. It shall be unlawful for any person to catch and retain in any one day more than ten (10) black bass, ten (10) white bass, ten (10) crappie or white perch, or ten (10) catfish. Provided, further, that it shall be unlawful for any person to catch and retain from the lakes hereinafter named in the counties mentioned in Section 1 more than an aggregate of twenty (20) fish in any one day. And it shall be unlawful for any person to have in his possession

more than twenty (20) fish at any one time taken from the lakes of the counties named.

Sec. 3. It shall be unlawful for any prson to transport at any time beyond the borders of the counties mentioned in Section 1 hereof more than two hundred (200) minnows taken from any of the waters described in this Act; provided that transportation of not more than two hundred (200) minnows from any county to any one of the counties mentioned herein or from one of such counties to another shall not be unlawful.

Sec. 4. No fish shall be taken or caught from Tom Miller (Lake Austin), Marshall Ford, Roy Inks and Buchanan Lakes except by ordinary pole and line, throw line with not more than six (6) hooks, rod and reel, artificial bait, or a trot line with not more than thirty (30) hooks but this Act shall not apply to any waters of the counties mentioned in Section 1 hereof other than the lake waters herei:

Sec. 5. No person shall catch or attempt to catch any fish, except catfish and gasper, from the waters of Buchanan, Inks, Marble Falls, Marshall Ford, or Tom Miller (Lake Austin) Lakes during the months of March and April of each year by any means or device. Provided, however, that this section shall not affect the present laws as to open and closed seasons in the waters of Burnet, San Saba, Llano, Lampasas, and Travis counties not included within the lake waters of the lakes mentioned in this Act.

Sec. 6. Any person violating any section of this Act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than Ten (\$10.00) Dollars, nor more than Two Hundred (\$200.00) Dollars. All laws or parts of laws in conflict herewith are hereby expressly repealed. (S. B. 240, Reg. Ses. 46th Leg.)

(Editor's Note: Fishing regulations for Lake Austin and Lake Travis as set out in the above law have been changed in some respects by later laws passed at the Regular Session of the 47th Legislature. For these new laws turn to Pages 87, 88 and 89).

Burnet County—Catfish Length Limit.

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 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 Five Dollars nor more than One Hundred Dollars. (H. B. 1,114, Reg. Ses., 45th Leg.)

Travis County—Fishing.

Sec. 1. It shall be unlawful to take or attempt to take any fresh water black bass, white bass, or crappie (commonly called white perch) from any of the waters of Travis County during the months of February, March, and April and it shall be unlawful to use any artificial lures in the waters of Travis County during the months of February, March and April.

Sec. 2. It shall be unlawful at any time in Travis County to take or attempt to take any bass of less length than eleven inches, any crappie of less length than seven inches; or any catfish of less length than eleven inches, or any fresh-water drum (commonly called gaspergou) of less length than eleven inches; and it shall be unlawful to take from any of the waters of Travis County in any one day more than ten bass, more than fifteen crappie, more than ten catfish or more than fifteen fresh-water drum or gaspergou, or more than twenty in the aggregate of all species of fish named herein, and it shall be unlawful at any time to possess more than one day's catch.

Sec. 3. It shall be unlawful at any time to take or attempt to take fish in Travis County except by ordinary hook and line, artificial lures, rod and reel, throw line or trot line, and it shall be unlawful to use any trot line or throw line where the hooks are spaced closer together than three feet on such line, provided, however, that permission must be issued by the Game, Fish and Oyster Commission to permit the use of seines or nets for the removal of predatory fish.

Sec. 4. It shall be unlawful for any person or persons in Travis County to take for the purpose of sale, or to offer for sale, or to have in possession for the purpose of sale, or to sell any fish taken from the waters in Travis County.

Sec. 5. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars nor more than Fifty Dollars and

(Editor's Note: Special regulations governing fishing in Lake Austin and that part of Lake Travis located in Travis County may be found on Pages 87, 88 and 89).

each fish taken, caught, or possessed in violation of any provision or this Act shall constitute a separate offense.

Sec. 6. All laws or parts of laws in so far as they conflict with any portion of this Act be and the same are hereby repealed. (H. B. 1028, Reg. Ses. 45th Leg.)

Fishing—Possum Kingdom Lake.

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

Sec. 2. It shall be the duty of the Game, Fish and Oyster Commission immediately, and thereafter from time to time, to make studies of the supply of fish and each species of fish in the body of water impounded by Possum Kingdom Dam; to determine the food supply available therein for the various fishes; the relationship of the species of fish one to the other; the spawning habits and rate of reproduction of the different species of fish in this body of water; and on the basis of this information to equitably permit the taking of any species of fish from said body of water at such time or seasons, and in such numbers and sizes, and with such tackle or gear as will not interfere with the conservation of fish in said body of water in the public interest. It shall be the duty of the Game, Fish and Oyster Commission to provide regulations that will permit a reasonable harvest of the annual increase of any and all species of fish in the lake waters impounded by Possum Kingdom Dam with due regard to the future supply of such fish and the maximum public recreational benefit therefrom.

Sec. 3. When any regulation permitting the taking of fish in Possum Kingdom Dam is promulgated by the Game, Fish and Oyster Commission in accordance with the provisions of this Act, a copy of same shall be immediately sent to the Board of Directors of the Brazos River Conservation and Reclamation District, and said regulation of the Game, Fish and Oyster Commission shall be in full force and effect only after it has been approved by the Board of Directors of the Brazos River Conservation and Reclamation District, and then has been published at least three times in one newspaper in each county in which said lake is situated, and after copies of said notice have been conspicuously posted on or near the shores or said lake. For the purpose of defining the headwaters of the Possum Kingdom

Lake, it shall be the duty of the Brazos River Conservation and Reclamation District to place suitable signs on each shore of the Possum Kingdom Lake where the first inflow enters said lake when it is full in order that the public will be informed of the area to which the regulations herein provided for are applicable, and the provisions of this Act shall apply to all of said defined area regardless of occasional fluctuation in the level of said lake.

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

Sec. 5. Any person who fishes, or attempts to take or catch fish, or has any fish in his possession, or disposes or attempts to dispose of same, or who uses any tackle or gear for taking or attempting to take or catch fish in any of the waters impounded by Possum Kingdom Dam, except in accordance with permissive regulations issued by the Game, Fish and Oyster Commission of the State of Texas and approved by the Board of Directors of the Brazos River Conservation and Reclamation District and then in effect, or without having in his possession the license required of him by this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10), nor more than Two Hundred Dollars (\$200).

Sec. 6. It shall be unlawful for any person who is more than seventeen (17) years of age to fish or attempt to take or catch fish in any of the waters impounded by Possum Kingdom Dam without first obtaining from the Game, Fish and Oyster Commission, or one of its authorized agents, a Possum Kingdom Lake Fishing License, for which he shall pay the sum of One Dollar and Ten Cents (\$1.10), Ten (10) Cents of which shall be retained by the officer issuing same, and the balance to be remitted to the Game, Fish and Oyster Commission and to be deposited in the State Treasury to the credit of the Special Fish Propagation and Protection Fund. Such license shall be valid until August 31st following date of issuance. All moneys deposited in the State Treasury because of the sale of Possum Kingdom Fishing Licenses shall be spent by the Game, Fish and Oyster Commission for the purpose of increasing and protecting fish in the waters to which this Act applies and for no other purpose. No license other than that herein required, except

that specifically provided for those fishing with artificial lures, and no fee for the privilege of fishing in Possum Kingdom Lake except that contained in this Section, shall be charged by any authority whatsoever.

Sec. 7. All laws or parts of laws of this State which to any degree permit fishing in Possum Kingdom Lake be and the same are hereby repealed, and all other fishing laws of this State, insofar as they may conflict with any provision of this Act, be and the same are hereby repealed. (H. B. 1049, Reg. Ses. 47th Leg.)

Sale of Fish Taken From Possum Kingdom Lake Prohibited.

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

Section 2. Any person found guilty of violation of any provision of this Act shall be fined not less than Five Dollars (\$5) nor more than One Hundred Dollars (\$100). (H. B. 1045, Reg. Ses. 47th Leg.)

Sale of Fish Caught West of Pecos Prohibited.

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

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

Section 3. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed. (S. B. 328, Reg. Ses. 46th Leg.)

DeWitt County—Sale of Fish.

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

Sec. 2. Any person found guilty or violation of

any provision of this Act shall be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). (H. B. 1098, Reg. Ses. 46th Leg.)

Bastrop County—Fishing.

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 Dollars (\$50). (H. B. 982, Reg. Ses., 44th Leg.)

Cherokee County—Seines and Nets.

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, Reg. Ses. 43rd Leg.)

Cooke County—Fishing.

Section 1. It shall be unlawful to take from any of the fresh waters of Cooke County, Texas, any fish other than by ordinary hook and line, set line, or

throw line, or by ordinary cord line, seine or net, the square meshes of which are not 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, Reg. Ses. 43rd Leg.)

Fishing—Cass, 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. (H. B. 99, 5th C. S. 41st Leg.)

Morris and Titus Counties—Fishing.

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 (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 provisions 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, Reg. Ses. 43rd Leg.)

Lamar County—Fishing.

Section 1. It shall be unlawful to use any seine or net for taking any fish in any of the waters of Lamar County except a 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, Reg. Ses. 43rd Leg.)

Rockwall and Grayson Counties—Fishing.

Section 1. It shall be unlawful to take from any of the fresh waters of Rockwall and Grayson Counties, Texas, any fish other than by ordinary hook and line, set line or throw line, or by ordinary cord line, seine or net, the square meshes of which are less than one and one-half inches, 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. (S. B. 566, Reg. Ses. 42nd Leg.)

Fishing—Fannin, Cooke, Grayson, Lamar, Red River, Bowie Counties.

Sec. 1. It shall hereafter be lawful to take fish in the waters of Red River with hooks, traps, seines, and nets where said waters of Red River lie wholly within the territorial limits of Fannin, Cooke, Grayson, Lamar, Red River, and Bowie Counties. (H. B. 1174, Reg. Ses. 45th Leg.)

Fishing—Bandera, Kerr, Edwards, Real, Sutton, Mason, Menard, Blanco, Kendall, and Gillespie Counties.

Section 1. It shall be unlawful in the Counties of Bandera, Kerr, Edwards, Real, Sutton, Mason, Menard, Blanco, Kendall or Gillespie to take or attempt to take any fish by any method, means, or device equipped with more than two (2) hooks, except artificial lures used with a rod and reel. Bottles, cans, and floats of any kind shall not be used unless the

(Editor's Note: Trotlines may be used in Blanco County under the terms of H. B. 826, Regular Session, 47th Legislature, which is printed on Page 101).

line to which the hooks are attached is tied securely to a stationary object or held by the fisherman. This shall not prohibit the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait.

Sec. 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 the above named Counties to take in any one day or to have in possession at any one time more than ten (10) bass or more than ten (10) catfish, or more than ten (10) bream, or an aggregate of more than twenty (20) of all such fish. The taking of any fish in excess of the number herein allowed shall be a separate offense. It shall be unlawful for any person to take from any of the Counties named in this Act minnows for the purpose of sale, or to transport beyond the borders of any of said Counties more than two hundred (200) minnows taken from the waters of any of said Counties.

(Editor's Note: Bag and possession limits of 10 crappie and 15 perch in Menard County are provided by H. B. 717, Regular Session, 47th Legislature, which is printed on Page 101).

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 March, April, or May of any year, to take or attempt to take any fresh water fish in any of the Counties above named.

(Editor's Note: The Menard County closed season was changed to the months of March and April by H. B. 717, Regular Session, 47th Legislature, which is printed on Page 101; and the Blanco County closed season was changed to the months of February, March and April by H. B. 969, Regular Session, 47th Legislature, which is printed on Page 101).

Sec. 6. Any person violating any provision of the Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Five Dollars (\$5) nor more than One Hundred Dollars (\$100).

Sec. 7. Provided that no portion of this Act shall include any part or portion of Medina Lake, Buch-

anan Lake, and Inks Lake. (H. B. 1114, Reg. Ses. 46th Leg., as amended by H. B. 717, Reg. Ses., 47th Leg., and as further amended, by conflict, by H. B. 969, Reg. Ses. 47th Leg. and H. B. 826, Reg. Ses. 47th Leg.)

Llano County—Fishing.

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; provided, however, that in Bandera County it shall be unlawful to take or attempt to take any fish from the waters of Medina Lake during the months of February, March, and April of each year only.

(Editor's Note: The above law applies only to Llano County, because fishing regulations affecting the other Counties mentioned in Section 1 have been

changed or superseded by later laws. These later laws may be found by referring to the index).

Sec. 6. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Five Dollars (\$5) nor more than One Hundred Dollars (\$100). (H. B. 641, Reg. Ses., 44th Leg., amended by H. B. 1103, Reg. Ses. 45th Leg.)

Blanco County—Fishing Season.

Section 1. The closed season on fishing in Blanco County shall be during the months of February, March and April.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed. (H. B. 969, Reg. Ses. 47th Leg.)

Blanco County—Trotlines.

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

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

Menard County—Fishing.

Section 1. The provisions of this Act shall apply to Menard County only, and will amend Chapter 56, page 806, Special laws of the Forty-sixth Legislature, 1939, to provide for a closed season in Menard County during the months of March and April only.

Section 2. It shall be unlawful in Menard County to take or attempt to take any fish by any method, means, or device equipped with more than two (2) hooks, except artificial lures used with a rod and reel. Bottles, cans, and floats of any kind shall not be used unless the line to which the hooks are attached is tied securely to a stationary object or held by the fisherman. This shall not prohibit the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait.

Section 3. It shall be unlawful for any person in the above named County 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.

Section 4. It shall be unlawful for any person in the above named County to take in any one day or to have in possession at any one time more than ten (10) bass or more than ten (10) catfish or more than (10) crappie or more than fifteen (15) perch or more than ten (10) bream or an aggregate of more than twenty (20) of all such fish. The taking of any fish in excess of the number herein allowed shall be a separate offense. It shall be unlawful for any person to take from said County minnows for the purpose of sale, or to transport beyond the borders of said County more than two hundred (200) minnows taken from the waters of said county.

Section 5. It shall be unlawful in said County to take for the purpose of sale or to offer for the purpose of sale or to have in possession for the purpose of sale in said County, any catfish, perch, crappie, bream, or bass.

Section 6. It shall be unlawful during the months of March and April of any year to take or attempt to take any fresh-water fish in said County above named.

Section 7. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Five Dollars (\$5) nor more than One Hundred Dollars (\$100). (H. B. 717, Reg. Ses. 47th Leg.)

Kimble County—Fishing.

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

Sec. 2. It shall be unlawful in the County of Kimble, to take or attempt to take any fish by any method, means, or device, other than ordinary pole and line, rod and reel, fly rod, or throw line equipped with one single hook; except artificial lures used with a rod and reel. This shall not prohibit the use of a minnow seine of not more than twenty (20) feet in length for the purpose of taking minnows for bait.

Sec. 3. Providing, however, that no person shall use more than six (6) ordinary poles and lines, or rods and reels, or fly rods, or throw lines for the purpose of taking or attempting to take any fish in the above-named County. Possession of tackle, other than mentioned above, within two hundred (200) yards of a stream or a lake in the above-named County is prima facie evidence of a violation of the above Act.

Sec. 4. It shall be unlawful for any person in the above-named County to take or have in his possession any catfish less than eleven (11) inches in length or any bass less than eleven (11) inches in length or any crappie less than eight (8) inches in length or any perch less than five (5) inches in length or any bream less than five (5) inches in length.

Sec. 5. It shall be unlawful for any person in the above-named County to take in any one day or to have in possession at any one time more than ten (10) bass or more than ten (10) catfish, or more than ten (10) crappie or more than ten (10) perch or more than ten (10) bream, or an aggregate of more than fifteen (15) of all such fish. The taking of any fish in excess of the number herein allowed shall be a separate offense.

Sec. 6. It shall be unlawful in the above named County to take for the purpose of sale, or to offer for the purpose of sale or to have in possession for the purpose of sale in said County any catfish, perch, crappie, bream, or bass.

Sec. 7. 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 the County above named; provided, however, it shall be unlawful during the months of January, February, March, April, May, or June of any year to take or attempt to take any catfish in the County above named.

Sec. 8. Any person violating any provision of Section 2, 3, 4, 5, 6, and 7 of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Five Dollars (\$5) nor more than One Hundred Dollars (\$100).

Sec. 9. It shall be unlawful for any person to transport at any time beyond the borders of Kimble County more than one hundred and twenty-five (125) minnows taken from the waters in the above-named County.

Sec. 10. Any person violating any provision of Sec. 9 of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10 nor more than Fifty Dollars (\$50). (H. B. 996, Reg. Ses. 46th Leg.)

El Paso County—Fishing.

Section 1. Any person who uses any method or device for the purpose of taking or attempting to take fish in El Paso and Kimble Counties, State of Texas, other than hook and line, pole and line, trot line, or set line, 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. (H. B. 1007, Reg. Ses. 42nd Leg.)

(Editor's Note: The above law applies only to El Paso County, since the provisions that relate to Kimble County have been superseded by a later law. That later law is H. B. 996, Regular Session, 46th Legislature, which may be found on Page 102).

Fishing—Comal, Guadalupe, Bexar, Kerr, Bandera, Medina and Wilson 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, Medina and Wilson 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 Section 3, 4, 5, and 6 of this article shall be fined not less than Ten (\$10) Dollars, nor more than Fifty (\$50) Dollars. (H. B. 480, 40th Leg. Reg. Ses., as amended by H. B. 432, Reg. Ses. 46th Leg.)

Dallas County—Fishing.

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

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

Provided, further, that it shall be lawful to use a minnow seine which is not more than 20 feet in length for the purpose of taking minnows for bait. No person shall use the minnow seine herein permitted for the purpose of taking any fish other

than minnows for bait, and all fish so taken shall be returned immediately to the water while alive.

Sec. 2. It shall be unlawful for any person to take in any one day from the fresh waters of Dallas County, more than 15 white perch, or crappie, or more than 10 bass, or more than 15 such fish combined or more than 25 green perch, bream, goggle eye, or sunfish combined, or more than 25 catfish. Further, it shall be unlawful for any person to have in his or her possession more than an aggregate of 35 of the fish herein mentioned.

Sec. 3. It shall be unlawful for any person to have in his or her possession any bass of less length than 11 inches; any white perch or crappie of less than 7 inches; any catfish of less length than 9 inches.

If at any time any person shall take, or catch from any of the fresh waters of Dallas County any bass of less length than 11 inches, any white perch or crappie of less length than 7 inches, or any catfish of less length than 9 inches, he or she shall immediately return same to the waters without unnecessarily injuring such fish, and the failure to return such fish to the water immediately or unnecessarily injuring such fish shall be deemed an offense under this Act.

Sec. 4. Any person violating any provision of this Act shall upon conviction be fined not less than \$10.00 and not more than \$100.00.

The possession of each device in violation of this Act shall be deemed a separate offense and the possession of each fish of any kind in violation of this Act shall be deemed a separate offense.

Sec. 5. All laws or parts of laws in conflict with this Act are hereby repealed. (H. B. 68, 3rd C. S. 44th Leg.)

Seines and Nets—Delta, Hopkins and Franklin Counties.

Section 1. From and after the passage of this Act, it shall be lawful during open season only, for a person to take or catch catfish, perch, buffalo, and drum, from the waters of Delta, Hopkins and Franklin Counties, by hand or with a seine or net having meshes one inch square. (H. B. 808, Regular Session, 42nd Legislature, as amended by H. B. 327, Regular Session, 43rd Legislature, and as further amended by H. B. 1046, Regular Session, 47th Legislature).

Sand Bass in Denton County.

Section 1. From and hereafter it shall not be unlawful to take or catch sand bass fish from the

fresh waters of Denton County, Texas, at any time during the year.

Sec. 2. During the months of March and April of each year it shall be unlawful for any person to take or catch more than ten (10) sand bass from the above-mentioned waters in any one day. During the months of May, June, July, August, September, October, November, December, January, and February, it shall be unlawful for any person to take or catch from said waters more than fifteen (15) such fish in any one (1) day.

Sec. 3. It shall be unlawful for any person to take or catch, or have in his possession at any time from the above described waters, any sand bass fish of less length than nine (9) inches. Any person catching any such fish of less length than nine (9) inches from such waters shall immediately return the same to the waters from which they came.

Sec. 4. It shall be unlawful for any person to possess at any one time, more than the daily bag limit of sand bass fish taken from the above described waters.

Sec. 5. It shall not be unlawful for any person in fishing for sand bass fish in the above described waters, to use a rod and reel and any character of natural bait or pork strips which are not manufactured or prepared for sale as bait.

Sec. 6. Any person violating any provisions of this Act shall be fined not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100).

Sec. 7. The provisions hereof shall apply only to the catching and possessing of fish commonly known as sand bass from the herein described waters and this Act shall not be taken to affect or repeal any law now in effect or hereafter passed regulating the taking of any other kind of fish. (H. B. 631, Reg. Ses. 46th Leg.)

Denton County—Fishing.

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. (S. B. 62, 2nd C. S. 41st Leg.)

Fishing—Coke, Irion and Sterling Counties.

Section 1. The provisions of this Act shall apply only to the Counties of Coke, Irion, and Sterling, State of Texas.

Sec. 2. It shall be unlawful to transport any minnows taken from the waters of Coke, Irion, and Sterling counties out of said Counties for the purpose of sale, or for anyone to transport out of said Counties for any purpose more than two hundred (200) minnows.

Sec. 3. It shall be unlawful for any person to use any trotline or throw line with more than twenty-five (25) hooks thereon, and any individual or group of individuals, in the same party, are limited to two (2) such lines of twenty-five (25) hooks each, or an aggregate of fifty (50) hooks, whether used on two (2) or more lines.

Sec. 4. It shall be unlawful from February 15th to April 30th, inclusive, of each year for anyone to take or attempt to take from any of the waters of Coke, Irion, and Sterling counties, any freshwater fish except suckers, carp, and gar, which said suckers, carp, and gar may be taken during the time specified above by the use of wire loop only.

Sec. 5. It shall be unlawful in the Counties of Coke, Irion, and Sterling, for any person to take or have in his possession any catfish less than eleven (11) inches in length.

Sec. 6. It shall be unlawful in the Counties of Coke, Irion, and Sterling, for any person to take in any one day or to have in his possession at any one time more than fifteen (15) catfish.

Sec. 7. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than Five Dollars (\$5) nor more than Fifty Dollars (\$50).

Sec. 8. The provisions of this Act shall expire June 1, 1943. (H. B. 788, Reg. Ses. 47th Leg.)

Tom Green County—Fishing.

Section 1. The provisions of this Act shall apply only to the County of Tom Green, State of Texas.

Section 2. It shall be unlawful to transport any minnows from Tom Green County for the purpose of sale, or for anyone to transport out of said County for any purpose more than two hundred (200) minnows, in any one day, captured in said County.

Section 3. It shall be unlawful for any person to use any trotline or throw line with more than twenty-five (25) hooks thereon, and any individual or group of individuals, in the same party, is limited to two such lines of twenty-five (25) hooks each, or an aggregate of fifty (50) hooks, whether used on two or more lines.

Section 4. It shall be unlawful from February 15th to April 30th, inclusive, of each year for any one to take or attempt to take, from any of the waters of Tom Green County, any fresh water fish, except suckers, carp, and gar, which said suckers, carp, and gar may be taken during the time specified above by the use of wire loop only.

Section 5. It shall be unlawful in the County of Tom Green for any person to take or have in his possession any catfish less than eleven (11) inches in length.

Section 6. It shall be unlawful in the County of Tom Green for any person to take in any one day or to have in his possession at any one time more than fifteen (15) catfish.

Section 7. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than Five Dollars (\$5) nor more than Fifty Dollars (\$50).

Section 8. The provisions of this Act shall expire June 1, 1943.

Section 9. All laws or parts of laws in conflict herewith are hereby repealed. (H. B. 515, Reg. Ses. 47th Leg.)

Val Verde County—Fishing.

Section 1. This Act shall apply to Val Verde County, State of Texas, except to the waters of the Rio Grande River, Pecos River, and San Felipe Creek in said County.

Section 2. Except during the open season, and by means and methods provided in this Act, it shall be unlawful to fish or attempt to take or catch fish or to have any kind of fishing tackle or gear in possession on or in any of the waters of Val Verde County to which this Act applies.

Section 3. Open Season. The open season, or period of time when it shall be lawful to fish or attempt to take or catch fish or to have fishing tackle or gear in possession in the portion of Val Verde County to which this Act applies, shall be from the 15th day of May to the following February 15th.

Section 4. Fishing Tackle or Gear Permitted. The fishing tackle or gear permitted to be used to take or attempt to take or catch fish in any of the waters of Val Verde County to which this Act applies shall be: ordinary pole and line; rod, reel and line; hand line; setline; throw line; trotline; and artificial lures. Providing that no person shall use or have in operation at any one time an aggregate

of more than twenty (20) hooks on any or all devices which are permitted to be used, and providing that during the open season for taking fish as herein provided a person shall be permitted to use a minnow seine that is not more than twenty (20) feet in length for the purpose of taking minnows and other bait.

Section 5. Bag and Possession Limit. It shall be unlawful for any person in any one day to take from or at any time to have in possession on or in any of the waters to which this Act applies more than five (5) black bass, ten (10) crappie, eight (8) white bass, six (6) catfish, or an aggregate of more than fifteen (15) of all such fish, and it shall be unlawful to take more than twenty-five (25) of any other fish or have in possession an aggregate of more than twenty-five (25) of all other fish found in the waters to which this Act applies.

Section 6. Length of Fish to be Taken. It shall be unlawful to retain or have in possession any black bass less than eleven (11) inches in length, any crappie less than eight (8) inches in length, any white bass less than eleven (11) inches in length, any catfish less than eleven (11) inches in length, and any gaspergou, or fresh water drum, less than eight (8) inches in length, taken from any of the waters to which this Act applies.

Section 7. It shall be unlawful for any person in Val Verde County to use any crappie, catfish, or bass on any device for bait or to have any of such fish in possession for such purpose, and it shall be unlawful for any person to transport from Val Verde County any minnows that were taken in Val Verde County, and the possession by any person of more than two hundred (200) minnows at one time shall be prima facie evidence of a violation of this Act.

Section 8. Penalty. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10), nor more than One Hundred Dollars (\$100).

Section 9. All laws, or parts of laws, in so far as they conflict with any provision of this Act, or in so far as they grant privileges greater than those granted in this Act, be and the same are hereby repealed. (H. B. 1031, Reg. Ses. 47th Leg.)

Gonzales County—Fishing.

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, perch, calico bass, bream of any variety, or retain or have in his

possession any bass, crappie, perch, calico bass or bream of any variety 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 of not less than Five Dollars nor more than Fifty Dollars. (H. B. 506, Acts Reg. Ses. 45th Leg., as amended by H. B. 264, Reg. Ses, 46th Leg.)

Guadalupe County—Fishing.

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 law 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. 845, Reg. Ses. 44th Leg.)

Hays County—Fishing.

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 Feb-

ruary, 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. (H. B. 866, Reg. Ses. 42nd Leg.)

Caddo Lake Boating Law.

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

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

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

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

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

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

Sec. 7. It shall be the duty of the game wardens and all peace officers to inspect boats or other water craft upon all the waters affected by this Act and to enforce the provisions of this Act said game wardens and other peace officers may make such inspections without warrant, nor shall any warrant

be required for the arrest of any person who violates any of the provisions of this Act, done in the presence of such officers or wardens.

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

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

Harrison and Marion Counties—Fishing.

Section 1. House Bill No. 386, Forty-sixth Legislature, Regular Session, approved February 15, 1939, shall be and the same is hereby amended to read as follows:

“Section 1. It shall be unlawful in the waters of Caddo Lake and all fresh waters of Harrison and Marion Counties, Texas, to take or attempt to take any game fish during the period February 15th to April 15th of any year. Any person fishing or attempting to take or catch game fish from the waters of Caddo Lake and all fresh waters of Harrison and Marion Counties during the period February 15th to April 15 shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than Ten Dollars (\$10), nor more than One Hundred Dollars (\$100).

“Section 2. The term ‘game fish’ as herein used does not apply to striped bass, they being a migratory, salt-water fish that only appear in Caddo Lake and all fresh waters of Harrison and Marion Counties during early spring.

“Section 3. It shall be lawful for any person who has first procured a license to fish with artificial bait to use artificial bait, by rod and reel, to take striped bass during the period herein provided; provided, however, if any person shall, while taking and attempting to take striped bass by the use of rod and reel and artificial bait, take and possess any game fish as defined by the laws of the State of Texas, he shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than

Twenty-five Dollars (\$25), nor more than Two Hundred Dollars (\$200).

“Section 4. All laws or parts of laws of this State, in so far as they fix a closed season for fishing on Caddo Lake and all fresh waters of Harrison and Marion Counties, be and the same are hereby repealed, save and except the penalty for taking game fish as provided in Section 3 of this Act, which is cumulative only, and applies only where, in fishing for striped bass with rod and reel and artificial bait, any person so fishing with artificial bait shall take and possess game fish.”

Sec. 2. All laws and parts of laws conflicting herewith are hereby repealed. (H. B. 386, Reg. Ses. 46th Leg., as amended by H. B. 504, Reg. Ses. 47th Leg.)

Harrison and Marion Counties—Fish Bag Limits and Fish Guides.

Section 1. From and after the passage of this Act, it shall be unlawful for any person to catch and retain for any one day, or have in his possession at any time, more than fifteen (15) bass, fifteen (15) white perch or crappie, or more than thirty (30) in the aggregate of both bass and white perch or crappie, thirty (30) game fish, thirty-six (36) goggle-eye and bream totaling sixty-six (66), in either Harrison or Marion County, Texas.

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

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

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

Sec. 5. All laws and parts of laws conflicting herewith are hereby repealed. (H. B. 650, Reg. Ses. 47th Leg.)

Harrison and Marion Counties—Possession and Transportation of Game Fish.

Section 1. House Bill No. 804, Forty-fifth Legis-

lature, Regular Session, approved May 1, 1937, shall be and the same is hereby amended to read as follows:

"Section 1. Definitions of the terms or words 'live box,' 'pond,' 'in storage,' and 'game fish.'

"(a) The term 'live box' as used in this Act, shall embrace, include and mean any box, barrel, net, trap, coop, or device of any character of whatsoever material or construction, used or capable of being used in or for the purpose of keeping live or living game fish confined or in captivity, but shall not embrace, include, or mean any ordinary live box in a bateau or pirogue, or ordinary row boat, where the dimensions of such live box are less than three (3) feet square, and while such boat, pirogue, or bateau is being actually used in fishing therefrom.

"(b) The word or term 'pond,' as used in this Act, shall embrace, include, and mean any artificial pond, tank, or pool of water or any part of any stream or natural body of water that is in any manner enclosed so as to confine game fish within the enclosed part hereof, used or capable of being used for the purpose of confining game fish therein, in such manner that they may be readily taken or removed therefrom at and when desired, by the use of any character of dip net, hand net, or ordinary minnow seine or net.

"(c) The term 'in storage,' as used in this Act, shall embrace, include and mean any refrigerator, ice box, or ice basket, ice house, cold storage plant, or cold storage house, or any place or compartment or receptacle howsoever named, where fish may be or are kept in or on ice, or kept and preserved by any cooling system, by or for the owner or owners thereof, or for any other persons.

"(d) The term 'game fish,' as used in this Act, shall embrace, include, and mean crappie and/or white perch, large-mouth black bass, small-mouth black bass, and white bass.

"Section 2. It shall be unlawful for any person or persons to have, keep, impound, or confine in any live box, as defined by this Act, or in any pond, as defined by this Act, any game fish, as defined by this Act, or to possess such fish so confined, or have in their possession, or in or under their care or control, or on their premises, any such live box, or pond in which such fish are impounded or confined, in the counties of Harrison and Marion in the State of Texas, provided this Section hereof shall not apply to such fish as are caught and kept by or through the Game, Fish and Oyster Commission of the State of Texas, to be used as brood fish in the fish hatcheries of the State of Texas.

"Section 3. It shall be unlawful for any person or persons to possess, have, place in, and/or keep

for himself or for others, a total of more than thirty (30) game fish in storage, as that term is defined in this Act, at any time or place, or for any person or persons to have in their possession, or under their control, any refrigerator, ice box, ice basket, ice house, cold storage plant, or house, or any other place or compartment, or receptacle in which more than thirty (30) game fish are placed or kept at any one time for himself or for others.

"Section 4. It shall be unlawful for any person or persons to transport in any manner, or by any means whatsoever, for himself, or for any other person or persons, or to have in his possession, any game fish for the purpose of being transported, or be in possession or control of any vehicle transporting or used in transporting any game fish, as defined in this Act, provided any person may transport not more than thirty (30) game fish actually caught or taken by such person from the place where such fish are caught or taken on, over, or by a direct route to the home or regular place of abode of the person transporting such fish, if such fish have been taken or caught in a manner not in violation of the laws of the State of Texas.

"Section 5. It shall be the duty of the Game, Fish and Oyster Commission of the State of Texas, and its wardens and/or deputy wardens, to take possession of and liberate, by placing the same in the public fresh waters of this State, any and all game fish found in any pond or live box, as defined by this Act, at and when same are found, and to take possession of and destroy any and all game fish in excess of thirty (30) found to be 'in storage,' as that term is defined by this Act.

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

Section 2. All laws and parts of laws conflicting herewith are hereby repealed. (H. B. 804, Reg. Ses. 45th Leg., as amended by H. B. 79, 1st C. S. 45th Leg. and H. B. 649, Reg. Ses. 47th Leg.)

Fishing—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 net 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." (H. B. 659, Reg. Ses. 42nd Leg.)

Fishing—Harrison and Marion Counties.

Sec. 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.)

(Editor's Note: The above bag and possession limits (except the bass bag limit) are no longer in effect, since they have been superseded by H. B. 650, Regular Session, 47th Legislature, which may be found on Page 114).

Gigging Allowed in Caddo Lake.

Section 1. From and after the passage of this Act it shall be lawful for any person or persons to gig buffalo fish, gar fish, catfish, shad, and bowfin or grindle in the waters of Caddo Lake in Harrison and Marion Counties. (H. B. 83, 1st C. S., 45th Leg.)

Fishing—Hunt, Kaufman, and Rains Counties.

Sec. 1. It shall be unlawful to take from any of the fresh waters of Kaufman County any fish other than by ordinary hook, line, set line, or throw line, or by the ordinary cord line.

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 Rains 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 Rains 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. (S. B. 44, 1st C. S. 42nd Leg., as amended by H. B. 513, Reg. Ses. 46th Leg.)

Hunt and Rains Counties—Fishing.

Sec. 1. It shall be unlawful to take from any of the fresh waters of Hunt and Rains Counties, Texas, any fish other than by ordinary hook line, set line or throw line, provided, however, that during the period from March 1st through September 30th of each year, both dates inclusive, an ordinary cord line, seine or net, the meshes of which are not less than one and one-half inches square, may be used for such purpose.

Sec. 2. Any person violating any provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars. (H. B. 1135, Reg. Ses. 45th Leg.)

Fishing—Fort Phantom Hill Lake in Jones and Taylor Counties.

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

Sec. 2. It shall be unlawful in Fort Phantom Hill Lake in the Counties of Jones and/or Taylor to catch, take, or attempt to catch or take any fish by any method, means, or device, except by ordinary pole and line, rod and reel, fly rod, or throw line equipped with not more than two (2) hooks. Artificial lures may be used. No person shall place in the waters of Fort Phantom Hill Lake in the Counties of Jones and/or Taylor any seine, net, or other device or trap for taking or catching fish. This shall not prohibit the use of minnow seine of not more than twenty (20) feet in length for the purpose of taking minnows for bait.

Sec. 3. Providing, however, that no person shall use more than two (2) ordinary poles and lines, or rods and reels, or fly rods, or two (2) throw lines, each equipped with not more than two (2) hooks for the purpose of taking or attempting to take any fish in the above named lake.

Sec. 4. It shall be unlawful for any person in the above named Lake to take or have in his or her possession any channel catfish, blue catfish, or yellow catfish less than twelve (12) inches in length or any bass less than twelve (12) inches in length or any crappie or white perch less than nine (9) inches in length or any bream less than five (5) inches in length or any perch less than five (5) inches in length.

Sec. 5. It shall be unlawful for any person in the above named Lake, Counties of Jones and/or Taylor to take in any one day or to have in possession at any one time more than five (5) bass or more than five (5) of the above named catfish or more than ten (10) crappie or white perch or more than ten (10) perch or more than ten (10) bream, or an aggregate of more than fifteen (15) of all such fish. The taking of or possession of each fish in excess of the number herein allowed shall be a separate offense.

Sec. 6. It shall be unlawful during the months of February, March, or April of any year to take or attempt to take any fresh-water fish in the Lake above named.

Sec. 7. It shall be unlawful for any person to take from the waters of Fort Phantom Hill Lake in the Counties of Jones and/or Taylor minnows of any and all species commonly used for fish bait, when such minnows are to be used for the purpose of barter or sale.

Sec. 8. It shall be unlawful for any person at any one time to have in his or her possession more than one hundred (100) minnows taken from the waters of Fort Phantom Hill Lake in the Counties of Jones and/or Taylor.

Sec. 9. Any person violating any provisions of Sections 2, 3, 4, 5, 6, 7, and 8 of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100). (H. B. 933, Reg. Ses. 47th Leg.)

Jones and Shackelford Counties—Commercial Fishing Prohibited.

Section 1. It shall be unlawful for any person to take for commercial purposes fish from the public waters of Jones and Shackelford Counties. Any person violating the provisions hereof shall, upon conviction, be deemed guilty of a misdemeanor, and shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred and Fifty Dollars (\$250.00). Each day in which such person shall engage in the taking of fish for commercial purposes from the public waters of Jones and Shackelford Counties shall be deemed a separate offense. (H. B. 1103, Reg. Ses. 46th Leg.)

Jackson County—Fishing.

Sec. 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 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 nor more than One Hundred Dollars. (H. B. 120, 1st C. S. 40th Leg.)

Montgomery County—Use of Nets.

Section 1. From and after the passage of this Act it shall be lawful for any person at any time during the year, except the months of February, March, April and May, to use set nets or gill nets, the meshes of which shall not be less than four (4) inches square, in any of the waters of Montgomery County for the purpose of taking or catching fish of any kind except crappie, perch, bass and catfish.

Section 2. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than Twenty-five Dollars (\$25), nor more than Fifty Dollars (\$50).

Section 3. All laws or parts of laws of this State, in so far as they may conflict with any portion of this Act, be and the same are hereby repealed. (H. B. 952, Reg. Ses. 47th Leg.)

Montgomery County—Use of Seines.

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. 915, Reg. Ses. 44th Leg.)

(Editor's Note: The above law is still valid so far as seines are concerned in Montgomery County, but if set nets or gill nets are used in that County,

they must be used in accordance with terms of H. B. 952, Regular Session, 47th Legislature, which may be found on Page 121).

Fishing in Lake Waco, Bosque Rivers and Their Tributaries in McLennan and Bosque 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, 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.

Section 3. It shall be unlawful to catch or take from the waters of Lake Waco or from the Bosque Rivers and their tributaries in McLennan County, or from any other fresh waters in McLennan County, any bass, crappie, perch, channel or Opelousas catfish during the months of March and April of any year. Provided further that it shall be lawful at all times to catch, take, seine, and use shad for bait in and from the waters described above.

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 district of the counties named in Section 1 of this Act to give a special charge upon this Law to the grand juries of these counties.

Sec. 9. This law is cumulative of all General Laws relating to fish and the protection thereof. (H. B. 12, 2nd C. S. 42nd, Leg., as amended by H. B. 978, Reg. Ses. 47th Leg.)

Trotline Law for Lake Waco.

Section 1. From and after the passage of this Act, it shall be lawful to use a trotline in Lake Waco, provided that such line is not used during the months of March and April and that such trotline or trotlines, shall not be used by any person at any time if such line contains more than fifty (50) hooks and if said hooks are spaced closer than three (3) feet on such line.

Sec. 2. Any person who uses a trotline in Lake Waco, except in accordance with the provisions contained in Section 1 of this Act, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200).

Sec. 3. All laws or parts of laws, in so far as they conflict with this Act, be and the same are hereby repealed. (H. B. 531, Reg. Ses. 46th Leg.)

Bosque County—Catfish and Perch.

Section 1. That from and after the effective date of this Act, it shall not be unlawful for any person in this State to take from any of the fresh waters of Bosque County by the use of ordinary hook and line any channel or opelousas catfish or any perch at any time, provided said taking is done by the use only of ordinary hook and line.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed to the extent of the conflict only. (S. B. 422, Reg. Ses. 47th Leg.)

Bosque County—Suckers, Buffalo, Carp, Shad and Gar.

Section 1. It shall be lawful for any person to place or set any net, the meshes of which shall be not less than one and one-half ($1\frac{1}{2}$) inches square, for the purpose of catching suckers, buffalo, carp, shad and gar in the waters of Bosque County during the months of November, December, January, February, May and June; provided however, that any bass, crappie or white perch, catfish, perch, bream or trout caught by the above mentioned method shall be immediately released in the waters from which they were caught.

Section 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 a drag seine or nets of any kind during the months named in Section 1 of this Act.

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

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

Section 5. Any person violating any of the provisions of Sections 1, 2, 3, and 4 of this Article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars for each violation. (S. B. 411, Reg. Ses. 47th Leg.)

Erath County—Fishing.

Section 1. It shall be unlawful for any person, firm or corporation or their agents to barter or sell

or offer for barter, or sale or to buy any bass, crappie, perch, channel or Opelousas catfish or any other fish taken from the waters of Lake Waco or the Bosque Rivers and their tributaries in the 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 water 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 Section 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. The law is cumulative of all General Laws relating to fish and the protection thereof. (H. B. 671, Reg. Ses. 42nd Leg., as amended by H. B. 12, C. S. 42nd Leg. by reason of conflict).

Fishing—Erath and Hood Counties.

Section 1. From and after the passage of this Act, it shall be lawful at all times for any person to take fish in public waters and streams of Erath and Hood Counties by the use of an ordinary pole, hook and line, with bait consisting of earth worms or flesh; and any person so taking fish shall not be required to have a license provided such person is a bona fide resident of one of the two (2) counties affected in this Act; and provided, however, that no person shall take fish in the public waters and streams of Erath and Hood Counties by the use of artificial bait unless licensed to do so.

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

Sec. 2. Every person in this State who violates any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Twenty-five Dollars (\$25) nor more than One Hundred Dollars (\$100).

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed, and House Bill No. 351, passed at the Regular Session of the Forty-sixth Legislature, 1939, is hereby expressly repealed. (H. B. 919, Reg. Ses. 46th Leg.)

Hamilton County—Fishing.

Section 1. The provisions of this Act shall apply to the waters of the Bosque River and its tribu-

taries in Hamilton County, and to all other fresh waters of Hamilton County.

Section 2. In or on the waters described in Section 1 of this Act it shall be lawful at any time of the year to use a set net of not less than one and one-half ($1\frac{1}{2}$) inch square mesh for the purpose of taking suckers, buffalo, carp, shad and/or gar; provided, however, that it shall be unlawful for any person to take or have in his or her possession any other species of fish when using a net of the character described above for the purpose of catching the specific kinds of fish herein mentioned.

Section 3. It shall be unlawful to use drag seines or drag nets at any time in or on the waters described in Section 1 of this Act; provided, however, that nothing herein contained shall prevent the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait.

Section 4. It shall be unlawful to take any fish by gigging, roping, snaring, grappling with the hands or by the use of grab hooks or fish traps of any kind in the waters described in Section 1 of this Act.

Section 5. It shall be lawful at any time of the year to take catfish and/or perch by the use of trot lines, throw lines, set hooks, or ordinary pole and line.

Section 6. It shall be unlawful to take any catfish from the waters of Hamilton County that are less than ten (10) inches in length.

Section 7. It shall be unlawful to sell or offer for sale, or to have in one's possession for the purpose of sale, or to buy, any catfish taken from the waters described in Section 1 of this Act.

Section 8. It shall be unlawful to take minnows for the purpose of sale in Hamilton County, or to offer same for sale, or for any one person to transport out of said Hamilton County more than one hundred twenty-five (125) minnows for whatever purpose, at any one time.

Section 9. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than Five (\$5) Dollars, nor more than Two Hundred (\$200) Dollars.

Section 10. House Bill No. 51, of the First Called Session of the 45th Legislature is hereby in all things repealed; and House Bill No. 12, of the Second Called Session of the 42nd Legislature and

House Bill No. 610 of the Regular Session of the 42nd Legislature as amended by House Bill No. 236 of the Regular Session of the 43rd Legislature, insofar as they apply to Hamilton County, are hereby repealed; and all other laws or parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed. (S. B. 445, Reg. Ses. 47th Leg.)

Nacogdoches County—Seines and Nets.

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, Reg. Ses. 43rd Leg.)

Seines in Sabine River in Sabine County.

Section 1. That from and after the effective date of this Act it shall be lawful for any person to take or catch any fish from the waters of the Sabine River in Sabine County by the use of a seine; provided, however, that such seine shall not be less than three (3) inch mesh; provided, however, that this law shall be confined to Sabine River and shall not apply to other streams, lakes, sloughs, lagoons, or other fresh waters of Sabine County, it being the purpose of this Act to legalize the taking of fish only in the Sabine River in Sabine County, subject to the limitations hereinabove set forth.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed to the extent of the conflict only. (H. B. 1017, Reg. Ses. 46th Leg.)

Nets 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 or 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. Ses. 43rd Leg. and H. B. 70, 42nd Leg. 3rd C. S.)

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

Sec. 3. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Twenty-five (\$25) Dollars nor 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, 3rd C. S. 42nd Leg.)

Fishing—San Saba, Gillespie, Kerr, Comal, Llano, Medina, 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, Reg. Ses. 43rd Leg.)

Wood County—Fishing.

Section 1. That hereafter any person living in Wood County shall be permitted and it shall be lawful to catch or take any catfish, drum, buffalo, suckers, carp, shad or gar in the fresh waters of Wood County, during any month of the year 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. (H. B. 846, Reg. Ses. 42nd Leg.)

Wise, Jack and Lamar Counties—Seines and Nets.

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. (S. B. 400, Reg. Ses. 42nd Leg.)

(Editor's Note: Use of hoop nets, trammel nets or barrel nets of any kind is prohibited in Jack County, under terms of H. B. 889, Regular Session, 46th Legislature, which may be found on Page 132. Seines and nets may not be used during March and April in Lamar County, under terms of H. B. 362, Regular Session, 43rd Legislature, which may be found on Page 97).

Seines and Nets Forbidden in West Fork of Trinity River in Wise County.

Section 1. From and after the passage of this Act it shall be unlawful for any person to use any

trap, seine, gill net, trammel net, hoop net, or any other nets of whatsoever kind or character for the purpose of taking or catching any fish out of the west fork or tributary of the Trinity River in Wise County, Texas.

Providing, however, that nothing contained in this Act shall prohibit the use of a minnow seine when used for the purpose of taking minnows for bait.

Section 2. This Act shall be operative for a period of three (3) years from and after the date it becomes effective.

Section 3. Any person who violates any provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined in the sum of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00). (H. B. 276, Reg. Ses. 46th Leg. Effective February 15, 1939).

Fishing—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) Dollars and not more than One Hundred (\$100) Dollars. (H. B. 1019, Reg. Ses. 42nd Leg.)

(Editor's Note: The above law applies only to Henderson and Wise Counties. The Dallas County bag limit restrictions may be found in H. B. 68, Third Called Session, 44th Legislature, which may be found on Page 105).

Jack County—Certain Nets Prohibited.

Section 1. That from and after the effective date of this Act, it shall be unlawful for any person to use for the purpose of catching or taking fish from any of the fresh water lakes, rivers, bayous, sloughs, and/or any other fresh waters in Jack County, Texas, by the use of any hoop nets, trammel nets, and/or barrel nets, of whatsoever kind or character, and irrespective of the size of the mesh of such nets.

Sec. 2. Any person violating any of the provisions of this Act, shall upon conviction be fined in any sum not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100).

Sec. 3. All laws and parts of laws in conflict with this Act are hereby repealed to the extent of the conflict only. (H. B. 889, Reg. Ses. 46th Leg.)

Fishing—Uvalde, Zavala and Dimmit Counties.

Section 1. It shall be unlawful to take or attempt to take any fish in Uvalde, Zavala, and Dimmit Counties during the period of January 1st to May 1st of any year.

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

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

Section 4. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50). (H. B. 482, Reg. Ses. 46th Leg., as amended by H. B. 747, Reg. Ses. 47th Leg.)

Seines and Nets—Zavala County.

Section 1. It shall be lawful in Zavala County to use a seine and net, the meshes of which are three (3) or more inches square, for the purpose of taking buffalo, carp, garfish, and/or turtles. It shall be unlawful, however, to use any seine or net in the waters of Zavala County during the months of January, February, March or April, and it shall be unlawful for any person who is using a seine or net as permitted under the provisions of this Act to have in his possession any fish other than suckers, buffalo, carp, garfish, and/or turtles.

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

Sec. 3. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100). (H. B. 481, Reg. Ses. 46th Leg.)

Fishing—Coryell, Johnson, Bosque, and Somervell Counties.

Section 1. It shall be unlawful to use any seine or net for the purpose of taking the fish from any of the waters of Coryell County, Texas, provided, however, that this section shall not apply to any seine or net of not less than three (3) inches square

mesh used for the purpose of taking suckers, carp, shad, buffalo, or gar, nor shall it apply to a minnow seine not more than twenty (20) feet in length used for the purpose of taking minnows for bait.

Section 2. It shall be unlawful for any person in Coryell County, Texas, to take or have in his possession any bass less than eleven (11) inches in length or any catfish less than nine (9) inches in length or any crappie or white perch less than seven (7) inches in length.

Section 3. It shall be unlawful for any person to take minnows from the waters of Coryell, Bosque, or Somervell Counties, Texas, for the purpose of selling same, or to take minnows in Johnson County for the purpose of selling same for use outside of said Johnson County, and it shall be unlawful for any person at any time to take minnows in either Coryell, Johnson, Somervell, or Bosque Counties and transport more than one hundred and twenty-five (125) minnows outside of the county where same were taken.

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

Section 5. The provisions of this law shall be cumulative of all General and Special Laws on the subject not in actual conflict herewith, and all such laws and parts of all such laws in conflict herewith are hereby repealed only in so far as they conflict with the provisions of this Act in its local application, and in case of such conflict the provisions of this Act shall control and be effective. (H. B. 1152, Reg. Ses 45th Leg., as amended by H. B. 412, Reg. Ses. 47th Leg.)

Coryell County—Fishing.

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

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

Sec. 2. It shall be unlawful to sell or offer for sale, or have in possession for the purpose of sale in Coryell County any catfish taken from the waters of that County.

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

Sec. 4. Any person who violates any provision of this Act, or who fishes with any device prohibited by the provisions of this Act, or who uses a seine or net, other than that permitted by the provisions of this Act, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than Ten Dollars (\$10.00), nor more than Fifty Dollars (\$50).

Sec. 5. All laws or parts of laws insofar as they conflict with any provision of this Act shall be and the same are hereby repealed. (H. B. 982, Reg. Ses. 46th Leg.)

Taking Rough Fish 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 water of Bosque, Dimmit, Zavala, Medina, Uvalde, DeWitt, Brown, Hamilton, Coryell, Gonzales, Lamar, Bell, Collin, Grayson, Gillespie, Kendall, Menard, Kimble, Mills, Jefferson, Blanco, Llano, Mason, McCulloch, San Saba, Cooke, Denton, Orange, Mitchell, Fisher, Nolan, Chambers, Travis, Hardin, Lampasas, Fannin, Burnet, Williamson, and Parker Counties with a seine or net, the meshes of which shall not be 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.

(Editor's Note: Nolan, Hamilton and Brown Counties are now omitted from the provisions of the above law because of passage of other laws at the Regular Session of the 47th Legislature).

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 square mesh or using wire rope or gig for the purpose of taking suckers, buffalo, carp, shad or gar from any of the fresh waters of the Counties mentioned in Section 1.

Sec. 4. Any person violating any of the provisions in Sections 1, 2 and 3 of this Article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten (\$10) 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, Reg. Ses. 43rd Leg., and as further amended by H. B. 801, Reg. Ses. 47th Leg.)

Brown County—Seines and Nets.

Section 1. It shall be unlawful to use a seine or net for the purpose of taking fish in Brown County except that nothing contained in this Act shall prohibit the use of a minnow seine that is not more than twenty (20) feet in length when used for the purpose of taking minnows for bait. Provided, however, that it shall be unlawful to use a seine or net of any description in the waters of Lake Brownwood.

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).

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed. (H. B. 1081, Reg. Ses. 47th Leg.)

Concho County—Fishing.

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

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

Section 3. It shall be unlawful in the County of Concho for any person to take or have in his possession any catfish less than eleven (11) inches in length.

Section 4. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Five Dollars (\$5) nor more than Fifty Dollars (\$50). (H. B. 302, Reg. Ses. 47th Leg.)

Fishing in 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. (H. B. 137, Reg. Ses. 41st Leg.)

Fishing—Big Wichita River (Wichita, Archer and Baylor Counties).

An Act for the protection of fish in, and for the regulation of the catching and taking fish in, and for the prohibiting of the sale, barter and purchase of fish taken in 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. One, in the northeast corner of Archer County, Texas, and from said dam and above the same up the valley of the said Big Wichita River to the storage dam on the said river built by said Wichita County Water Improvement District No. One, in Baylor County, Texas, and up the valley of said river from said storage dam as far as the waters by said storage dam are impounded in said river in Baylor county, Texas, or in any waters which are impounded in Archer County, Texas, and in Baylor County, Texas, by said Diversion Dam, or in any water which is impounded in Baylor County, Texas, by said storage dam, or 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 the Big Reservoir, or Lake Kemp, created by said storage dam, with the Diversion Reservoir, or Diversion Lake formed in Baylor and Archer Counties, Texas, by said Diversion Dam, or in any waters of the irrigation canals connected with said Lake Kemp or said Diversion Dam, or in 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 waters in Wichita County, Texas, or in Archer County, Texas, in the lateral, canal or drainage ditch leading from what is known as the south canal out of said Diversion Lake from a point in said South Side Canal in Section 116, 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; and fixing penalties for the violation of this Act; and providing that the Game, Fish and Oyster Commissioner shall appoint not less than three deputies to be stationed on the waters described in this Act to enforce the provisions of this Act; and making it the duty of the district judges in 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 those counties; and providing that this Act shall be cumulative of the General Laws of the State of Texas; and providing that the holding unconstitutional or invalid of any provision of this Act by any court shall in no way affect the constitutionality and validity of the remainder of the Act; and declaring an emergency and suspending the constitutional rule requiring a bill to be read on three several days in each House.

BE IT ENACTED BY THE LEGISLATURE OF THE
STATE OF TEXAS:

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, 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 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 (\$1,000.00) Dollars, and may be imprisoned in the county jail for any time not exceeding one year.

Section 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 five (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 or all of 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, of 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.

Section 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.

Sec. 9. Any person violating any of the provisions of Section 1, 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.

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.

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

Sec. 12. If any court should hold unconstitutional or invalid any provisions of this Act such unconstitutionality or invalidity of that part shall in no way affect the constitutionality and validity of the remainder of this Act. (S. B. 352, 39th Leg. as amended by H. B. 317, 40th Leg.)

Trotline and Catfish Law for Big Wichita River, in Wichita, Archer, and Baylor Counties.

Sec. 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 Rivers 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 Dollars (\$75). (S. B. 324, Reg. Ses. 44th Leg.)

Young County—Fishing.

Sec. 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 sale, or to buy any bass, crappie, perch, or catfish, or any other fish except minnows taken from any river, creek, lake, slough, bayou, tank, or pond that flows or is situated within the boundary lines of Young County; provided, however, that the Brazos River and the Clear Fork of the Brazos River be excepted and not included in these waters situated within the boundaries of Young County; provided further, that it shall be unlawful for any person to place in the waters of the Clear Fork of the Brazos River situated within the boundaries of Young County, any seine, net or other device or trap for taking or catching fish with a mesh of less than 2 inches square and on conviction thereof shall be fined not less than \$5.00 nor more than \$50.00; provided further, that it shall be unlawful for any person to retain or have in his possession any bass or channel catfish which are less than 11 inches in length, or any crappie or white perch, or calico bass, or drum of less than 8 inches in length taken from the waters of the Clear Fork of the Brazos River situated within the boundaries of Young County and provided that fish of less than the described length shall be immediately returned to the waters where taken without unnecessarily injuring, and any person found guilty of a violation of this Act shall be fined not less than \$5.00 nor more than \$50.00.

Section 2. Any person who shall use any lime, dynamite, nitro-glycerin, giant powder or other explosive, or shall use any poison, drugs, substances or things deleterious to fish life, in catching, taking or attempting to take any fish in any of the rivers, creeks, lakes, sloughs, bayous, tanks or ponds that

flow or are situated within the boundary lines of Young County, including the Brazos River, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than One Hundred (\$100) 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 is 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 hatchery 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 taken 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) Dollars 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 Section 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. (S. B. 39, 1st C. S. 41st Leg., as amended by H. B. 83, 3rd C. S. 44th Leg.)

Regulating the Sale and Means and Methods 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, Bandera, Reeves, Ward, Loving, Pecos, Medina, Bexar, Hunt, Runnels, Rains, Williamson, Zavala, Dimmit, Lampasas, Llano, or Tom Green, 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 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 (\$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 of 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, Reg. Ses 43rd Leg.)

Falls County—Sale of Fish Prohibited.

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

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). (H. B. 75, 2nd C. S. 43rd Leg.)

Falls County—Minnows.

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

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

Bosque County—Minnow Law.

Section 1. It shall be unlawful to take minnows from any of the waters of Bosque County for the purpose of transporting same out of Bosque County for the purpose of sale, and when any person takes minnows from any of the waters of Bosque County and transports more than one hundred (100) minnows from Bosque County to any other county of this State, it constitutes prima facie evidence of a violation of this Act. Providing, however, that it shall not be unlawful for any licensed bait dealer of this State to take minnows from the waters of Bosque County for the purpose of selling same in Bosque County, and it shall not be unlawful for any person to take minnows from Bosque County for his personal use in Bosque County.

Section 2. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five (\$25.00) Dollars, nor more than Two Hundred (\$200.00) Dollars.

Section 3. All laws or parts of laws insofar as they conflict or deprive a person of privileges granted in this Act be and the same are hereby repealed. (S. B. 418, Reg. Ses. 47th Leg.)

Walker County—Minnows.

Section 1. It shall be unlawful to transport any minnows taken from the waters of Walker County out of Walker County for the purpose of sale, or for anyone to transport out of Walker County for any purpose more than two hundred (200) minnows, or to have more than two hundred (200) minnows in any vehicle in Walker County.

Sec. 2. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than One (\$1.00) Dollar, nor more than Twenty-five (\$25) Dollars.

Sec. 3. All laws or parts or laws insofar as they conflict with any portion of this Act, be and the same are hereby repealed. (S. B. 480, Reg. Ses. 46th Leg.)

Transportation of Minnows—McCulloch, Hill, Palo Pinto, Stephens, Parker, Jack and Young 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, Mason, Williamson, Burnet, Travis, Hill, Palo Pinto, Stephens, Parker, Jack and Young.

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. 983, Reg. Ses. 44th Leg., as amended by H. B. 1148, Reg. Ses. 45th Leg., and H. B. 82, 1st C. S. 45th Leg.)

(Editor's Note: The above law now applies only to McCulloch, Hill, Palo Pinto, Stephens, Parker, Jack and Young Counties. It is now legal to transport not more than 200 minnows from each of the remaining Counties mentioned in Section 2, because of the passage of later laws. See index).

Minnnows—Travis and Williamson Counties.

Section 1. It shall be unlawful for any person to transport at any one time beyond the borders of Williamson County or Travis County more than two hundred (200) minnows taken from any of the above described waters in Williamson County or Travis County.

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 One Hundred Dollars (\$100.00).

Sec. 3. All other laws and parts of laws in conflict herewith are hereby specifically repealed. (S. B. 76, Reg. Ses. 46th Leg.)

SALT WATER AND COMMERCIAL FISHING LAWS

Property of the State.

All fish and other aquatic animal life, contained in the fresh water rivers, creeks and streams and in lakes or sloughs subject to overflow from rivers or other streams within the borders of this State are hereby declared to be the property of the people of this State. All of the public rivers, bayous, lagoons, creeks, lakes, bays and inlets in this State, and all that part of the Gulf of Mexico, within the jurisdiction of this State, together with their beds and bottoms, and all of the products thereof, shall continue and remain the property of the State of Texas, except in so far as the State shall permit the use of said waters and bottoms, or permit the taking of the products of such bottoms and waters, and in so far as this use shall relate to or affect the taking and conservation of fish, oysters, shrimp, crabs, clams, turtle, terrapin, mussels, lobsters, and all other kinds and forms of marine life, or relate to sand, gravel, marl, mud shell and all other kinds of shell, the Game, Fish and Oyster Commissioner shall have jurisdiction over and control of, in accordance with and by the authority vested in him by the laws of this State. (1925 R. C. S., Art. 4026.)

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 by 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 Dealer's License, fee for each place of business, Two Hundred Dollars (\$200).

"2a. Wholesale Truck Dealer's Fish License, fee for each truck, One Hundred Dollars (\$100).

"3. (a) Retail Fish Dealer's License, fee Three Dollars (\$3) for each place of business in each city or town of less than seven thousand five hundred (7500) 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 (7500) 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 or business in each city or town of more than seven thousand five hundred (7,500) population. The sale of any fresh or frozen edible aquatic products,

other than oysters, by a retail fish dealer possessing the license named in this subsection, shall constitute a violation of this Act.

“(e) Retail Dealers’ Truck License, permitting the sale of edible aquatic products from a motor vehicle to consumers only, fee Twenty-five Dollars (\$25) for each truck; provided the owner of any retail fish dealers’ license issued since September 1, 1934, for a place of business in a city or town of more than five thousand (5,000) population, shall be entitled to a rebate on the same when said owner of such license shall furnish the Game, Fish and Oyster Commission a claim sworn to for said amount. When such claim is found to be correct and is approved by the Executive Secretary of said Commission, same shall be paid out of any moneys available in the State Treasury upon warrant issued by the State Comptroller.

“4. Bait Dealers’ License, fee Two Dollars (\$2) for each place of business.

“5. (a) Shrimp Trawl License for each boat operating or towing a trawl not more than ten (10) feet in width at the 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 (1½) 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 such inspection shall constitute a violation of this Act.

Sec. 5. All Wholesale Dealer's Licenses, Oyster Dredge License, Commercial Fishing Licenses, Boat Captain License, 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 in rebate due hereof. 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), nor more than Two Hundred Dollars (\$200), and his license shall be automatically can-

celled 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 Date, 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 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.)

License Required of Non-Resident Commercial Fishermen.

Section 1. A "non-resident commercial fisherman" for the purpose of this Act is hereby defined as follows:

"Any person who is a citizen of any other State, or any person who has not continually been a bona fide resident of this State for a period of time more than twelve (12) months, and who takes, catches, or assists in taking or catching, fish or shrimp or oysters or any other edible aquatic life from the tidal salt waters of this State for pay or for the purpose of sale, barter or exchange."

Sec. 2. Before any "non-resident commercial fisherman" shall take or assist in taking any fish or shrimp or oysters or any other edible aquatic life from the tidal salt waters of this State, a license, to be known as "Non-Resident Commercial Fisherman's License," shall first be procured from the Game, Fish and Oyster Commission of Texas, or one of its authorized agents privileging them so to do.

The fee for a Non-Resident Commercial Fisherman's License shall be Two Hundred Dollars (\$200).

Sec. 3. The licensed commercial fisherman, resident or non-resident, may fish commercially in the coastal waters bounded on the east by a line drawn from the center of Sabine Pass, cutting across the East Sabine Jetty at a point two thousand (2,000) feet north of the present fishing pier known as the Jaycee Pier, and extending three (3) marine leagues into the Gulf of Mexico, following along the coast line of Texas to the present acknowledged boundary between the State of Texas and the Republic of Mexico.

Sec. 4. It shall be unlawful for any non-resident commercial fisherman to bring into this State any aquatic products on any boat and in this State sell, or offer the same for sale, without first having procured a "Non-Resident Commercial Fisherman's License."

Sec. 5. 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 One Hundred Dollars (\$100) nor more than Five Hundred Dollars (500); and provided that the Game, Fish and Oyster Commission of Texas, or its authorized agent, shall

have the power and right to seize and hold boats, nets, seines, trawls, or other tackle in his possession as evidence until after trial of the defendant and no suit shall be maintained against him therefor.

Sec. 6. The State Game, Fish and Oyster Commission shall keep and maintain a suitable boat for the purpose of enforcing the provisions of this Act and other fishing laws in the vicinity of Sabine Pass.

Sec. 7. All moneys collected under provisions of this Act or because of fines paid for violation of the provisions of this Act, shall be remitted to the Game, Fish and Oyster Commission of Texas 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. (H. B. 683, Reg. Ses. 46th Leg.)

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.)

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 naiads 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. (R. C. S., Art. 4056).

Penalty For Not Having License To Remove Mussels, Etc. For Sale.

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.)

Seines and Nets To Be Tagged.

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 require-

ments 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).

Obstructing Fish Passes.

Section 1. It shall be unlawful for any person to use, operate, sail, anchor, tie, or moor to the bank any boat, sailboat, motorboat, skiff, barge, raft, or other floating device, or to place any post, piling, obstruction, wire, rope, cable, net or trap, in or upon the waters of any natural or artificial pass which is now or may be hereafter opened, reopened, dredged, excavated, constructed, and maintained, by the Game, Fish and Oyster Commission of the State of Texas as a fish pass, between the Gulf of Mexico and any inland bay, within a distance of two thousand, eight hundred (2,800) feet inside of such pass, measured from the mouth of said pass where it empties into or opens upon the Gulf of Mexico.

Sec. 2. Provided that the Game, Fish and Oyster Commission shall place and erect permanent iron or concrete stakes or monuments marking said restricted area, from the remaining section of such pass.

Sec. 3. Any person who shall violate any provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than One Dollar (\$1) nor more than One Hundred Dollars (\$100) for the first offense, and may upon any subsequent conviction for a violation of the same provision within the discretion of the jury, be given double the amount of punishment provided for a first violation.

Sec. 4. Provided that nothing herein contained shall be construed to restrict the right of the Federal Government to regulate navigation and it is provided further that in case any section, clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent or

final jurisdiction to be invalid such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the section, clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered. (H. B. 952, Reg. Ses. 46th Leg.)

Public Oyster Beds Defined.

All oyster beds not designated private shall be public. All natural oyster beds and reefs of this State shall be public. A natural oyster bed shall be declared to exist when as many as five barrels of oysters may be found therein within twenty-five hundred square feet of any position of said reef or bed; and any lands covered by water containing less oysters than the above amount shall be subject to location at the discretion of the Commissioner, but this shall not apply to a reef or bed that has been exhausted within a period of eight years. (1925 R. C. S., Art. 4041.)

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 rights 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, whenever 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.)

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.)

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.)

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

Rights of Locator.

Any person who shall be granted a certificate of location as provided for in the preceeding 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.)

Oyster Locations Limited.

No person, firm or corporation shall ever own, lease or otherwise control more than one hundred acres of land covered by water, the same being oyster locations under this chapter, and within the public waters of this State; and any person, firm or corporation that now holds more than one hundred acres of oyster locations, shall not be permitted hereafter to acquire, lease or otherwise control more; provided, that no corporation shall lease or control any such lands covered by water unless such corporation shall be duly incorporated under the laws of this State. (1925 R. C. S., Art. 4039.)

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.)

Markers Must Not Be Defaced.

Whoever shall deface, injure, or destroy or remove any buoy, marker or fence or any part thereof, used to designate or enclose a private oyster bed or a location where oysters have been deposited to be prepared for market, without the consent of the owner thereof, or any buoy, marker or sign placed or used by the Commissioner for the purpose of designating any waters closed against fishing or oyster taking, without the consent of said Commissioner, shall be fined not less than Fifty (\$50) Dollars nor more than Two Hundred (\$200) Dollars. (1925 P. C. Art. 959.)

Rental on Locations.

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 oyster sales. Failure to pay such rentals by the first day of March each year shall annul and be a forfeiture of his lease. And if oysters are not marketed or sold from such location within five years from the date of location, such location shall become void. (1925 R. C. S., Art. 4041.)

Oyster Permits Required.

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 his 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.)

Rights 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 rights 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.)

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 nor more than two years. (1925 P. C., Art. 962.)

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.)

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.)

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.)

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.)

Shipping Oysters in Closed Season.

No transportation company operating within this State, its officers, agents or employees, shall receive for shipment, or ship, within the boundaries of this State, from the first day of May to the first day of September of any year, any oysters from any public bed or reef for depositing or for marketing; provided that nothing in this chapter shall be construed to prohibit any such transportation company, its officers, agents, or employees, from shipping or receiving for shipment, any oysters taken from a private bed located under the laws of this State, offered for shipment by the owner or owners, locator or locators, of such bed, such fact to be established by the affidavit of the person or person 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.)

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.)

Dredging License Defined.

Any person who is an American citizen or any firm or corporation composed of American citizens desiring to use scrapers or dredges in removing oysters from the natural oyster reefs of this State shall procure from the Commissioner a license to do so, and such applicant shall pay to the Commissioner a license fee 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 hang 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.)

Oyster Dredging in Copano Bay.

Section 1. It shall be unlawful to use an oyster dredge or have an oyster dredge in possession on any boat in the waters of Copano Bay west of a line drawn from the east gable of Sorenson's old club house across to the island in the mouth of Mission Bay.

Provided, however, the Game, Fish and Oyster Commission may issue permits for the use of dredges on

any oyster reef when the use of such dredges will improve such reef; but only under the supervision and direction of a deputy of the Commission.

Provided, that nothing in this Act shall prohibit the use of any oyster dredge on any privately owned oyster bed or reef in the waters mentioned herein.

All United States Geodetic Maps of the coast of Texas are admissible in the prosecution for the violation of any of the fish and oyster laws of this State.

Sec. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200).

Sec. 3. All laws or parts of laws in so far as they may conflict with the provisions of this Act, be and the same are hereby repealed. (H. B. 1021, Reg. Ses. 46th Leg.)

Oyster Dredging in Portions of Aransas Bay.

Section 1. It shall be unlawful to use or operate an oyster dredge on or in the waters of Aransas Bay, west of a line running from the north end of Two by Four reef to the east side of Borup reef, thence to the mainland shore.

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

Sec. 3. All laws and parts of laws in conflict with any provision or provisions of this Act are hereby repealed. (H. B. 975, Reg. Ses. 47th Leg.)

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. Any one 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.)

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. 979.)

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.)

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.)

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.)

Oysters—Headwaters of Matagorda Bay.

Section 1. It shall be unlawful for any person to operate a dredge or to assist in the operation of any dredge for the purpose of taking oysters in the headwaters 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. 873, Reg. Ses. 44th Leg.)

"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.)

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 Augua 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 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. 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 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. and H. B. 820, Reg. Ses. 47th Leg.)

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 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.)

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.)

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 vehicle or seines or net. (1925 P. C., Art. 944.)

Salt Water Seines and Nets Defined.

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.)

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 net, traps, dams or weirs. A town or city in the meaning of this article shall be a 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.)

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 purposes. 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.)

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.)

Closed Season on Shrimp in Inland Salt Waters Defined; Size Limit on Shrimp Removed.

Section 1. It shall be unlawful to catch or have in possession any shrimp from the inland salt waters of this State during the period of time from and between the 15th day of July and the 31st day of August and during the period of time from and between the 15th day of December and the 1st day of March of any year.

It shall also be unlawful to use, operate, or possess any shrimp trawl in or on any of the salt waters of this State except the Gulf of Mexico during the period of time from and between the 15th day of July and the 31st day of August and during the period of time from and between the 15th day of December and the 1st day of March of any year, except as hereinafter provided in this Act.

Provided it shall be lawful at all times to possess shrimp lawfully taken from the waters of this State or imported from other states, and it shall be lawful for any person at any time to take shrimp or bait from any of the tidal waters of this State with a minnow seine of not more than twenty (20) feet in length, with a cast net or with a shrimp trawl, provided that such shrimp trawl shall be not more than ten (10) feet in width at the mouth and not more than twenty-five (25) feet in length, and provided that any and all persons who offer such shrimp for sale shall comply with the provisions of the laws of this State requiring a license for such sale.

Provided, it shall not be unlawful to have a shrimp trawl on board any vessel licensed to use or operate such a trawl during the period of time from and between the 15th day of July and the 31st day of August and during the period of time from and between the 15th day of December and the 1st day of March of any year when such vessel is at port or in a channel while en route to or from open waters.

Sec. 2. Provided that Section 1-D of Article 941 of the Penal Code is hereby repealed and that all laws or parts of laws in so far as they may conflict with the provisions of this Act be, and the same are hereby repealed.

Sec. 3. It shall be the duty of the Game, Fish and Oyster Commission to make continued investigations and classify and re-classify the salt-water fish of this State into two divisions, (1) the game fish, and (2) the non-game fish.

The game fish shall include all fish which strike or bite at a hook baited with natural or artificial

lures and which species is desirable to be encouraged and repropagated because of its value for sport and recreation.

The non-game fish shall include those having no sporting value, the predators, bony or rough-fleshed species, or any species of fish whose numbers should be controlled in order to protect and encourage the other game fish of this State.

In order to control such non-game marine species and to permit their utilization and when it has been found that the taking of such non-game species will not adversely affect the conservation of game species, it shall be the duty of the Game, Fish and Oyster Commission to issue permits for the use of any net or device for the taking of such non-game species under the terms, conditions, and stipulations herein provided.

(a) Permits shall be granted only to citizens of the United States who have continuously resided in the State of Texas for a period of at least six (6) months prior to their application for such permit, and who have not been convicted of violating any of the fishing regulations of this State for a period of two (2) years. For such permit the applicant shall pay to the Game, Fish and Oyster Commission the sum of Five Dollars (\$5), which it shall be the duty of the said Commission to deposit in the State Treasury to the credit of the Fish and Oyster Fund. A permit issued hereunder shall be valid for one year from date of issuance unless earlier revoked or suspended in accordance with the provisions of this Act.

(b) It shall be unlawful for the holder of a permit issued hereunder to operate any net or device that is not now legal in any of the tidal waters of this State in which a trammel net, set net, or gill net is now prohibited by law. And it shall be unlawful to operate a device permitted under the terms of this Act until such device has been inspected, approved, and tagged, and while in operation bears a metal tag identifying said device, issued by said Commission.

(c) It shall be unlawful to use a device otherwise prohibited by the laws of this State but permitted under the terms of this Act for the taking and possession of any game fish or any other species of salt-water fish, excepting those specifically named in the permit authorizing the use of said device; or to operate or permit the operation of such a device in a manner that will or does needlessly or carelessly injure marine products other than those permitted to be taken in the especially authorized net or device.

Sec. 4. Whenever an agent of the Game, Fish and Oyster Commission finds that any device for which a permit has been issued under the laws of this State is being used contrary to any provisions of this Act, it shall be the duty of said officer to immediately seize

such device and hold same until after the trial of this defendant, and no suit shall be maintained therefor. Pending the trial of the defendant, it shall be unlawful for said defendant to operate any device such as is permitted under the provisions of this Act in any of the tidal waters of this State.

Sec. 5. Any person violating any provisions of this Act, or any of the conditions of a permit issued hereunder, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10), nor more than Two Hundred Dollars (\$200), and shall automatically forfeit all privileges granted under this Act. (H. B. 820, Reg. Ses. 47th Leg.)

(Editor's Note: Section 2 of the above law, by repealing Section 1-D of Article 941 of the Penal Code, removes the size limit on shrimp. The limit formerly was five and one-half (5½) inches, with any cargo being permitted to contain 15 per cent of shrimp of less size).

Seine, Net, Gill Net, or Trotline Unlawful in Certain Waters.

Sec. 1. It shall be unlawful to use any seine, net, gill net, trotline, or other mechanical or physical device, except hook and line, for the purpose of fishing within the channel, turning basin, or other waters of any navigation district operating under and by virtue of Chapter 27 of the General Laws passed by the Forty-second Legislature at its Third Called Session, and Chapter 8 of the General laws passed by the Forty-third Legislature at its Second Called Session.

Sec. 2. The possession of any such mechanical device referred to in Section 1 hereof, on the right of way, lands, and premises of such navigation districts, shall constitute prima facie proof of the guilt of the person or persons so possessing such mechanical devices.

Sec. 3. Any person convicted of violating any of the provisions of this Act shall be punished by a fine of not less than Twenty-five Dollars (\$25) nor more than One Hundred Dollars (\$100), or by confinement in the County jail no less than five (5) nor more than thirty (30) days, or by both such fine and imprisonment. (H. B. 896, Reg. Ses., 45th Leg.)

Length Limits For Salt Water Fish.

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 busi-

ness 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; and 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 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 weighed 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 in a sum of not less than Ten (\$10) Dollars, nor more than Fifty (\$50) Dollars. (P. C. 1925, Art. 929.)

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.)

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 provisions 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.)

Charts As Evidence.

All United States Coastal Survey charts covering

the coast of Texas are admissible in any prosecutions under this chapter. (P. C. 1925, Art. 977.)

Seines, Nets, Oyster Dredge—Calhoun, Matagorda and Jackson 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 an ordinary pole and line, casting rod and reel, artificial bait, trot line, set line, or cast net or a minnow seine of not more than twenty (20) feet in length or a bait trawl of not more than ten (10) feet in width at its mouth for catching bait, in or on any of the following described waters in Calhoun, Matagorda, and Jackson counties:

The waters of Karankawa (Caranchua) Creek, Karankawa (Caranchua) Bay and the lakes and coves opening thereonto, Karankawa (Caranchua) Pass or within a radius of one thousand (1,000) yards from the mouth of said Pass in the waters of Matagorda Bay; Kellers Creek and that part of Kellers Bay within a radius of one thousand (1,000) yards from the southwest corner of the Olivia State Highway Roadside Park; all of Coloma Creek and Powder Horn Lake, Powder Horn Bayou—the same being the Pass between Powder Horn Lake and Matagorda Bay or within a radius of one thousand (1,000) yards from the mouth of said Pass in the waters of Matagorda Bay; Chocolate Creek leading into Chocolate Bay or within or radius of one hundred (100) yards from the mouth of Chocolate Creek in the waters of Chocolate Bay; all that part of Lavaca Bay within the distance of one thousand (1,000) yards of each side of the Lavaca Bay Causeway.

Provided that nothing in this Article shall prevent the use of the spear or gig and light for the purpose of taking flounders or other fish in the waters of Calhoun, Matagorda, and Jackson counties. Provided further than it shall be lawful to operate a pocket net or drag seine of a length not greater than eighteen hundred (1800) feet and of mesh not smaller than one and one-fourth inches square except for the sack or purpose which may be of a mesh not less than one inch square, in any of the waters of Calhoun, and Matagorda counties and of Matagorda Bay not specifically closed by this Act which are now open to the use of the gill net or trammel net; provided such pocket net or drag seine shall not be operated in water of less than eighteen (18) inches in depth. Provided further that it shall be unlawful to drag, use, or operate an oyster dredge in any of the waters of Karankawa (Caranchua) Bay, Karankawa (Caranchua) Pass or within a radius of three hundred (300) yards from the mouth of said Pass in the waters of Matagorda Bay.

Sec. 2. Any person who violates any of the provisions of this Act shall, upon conviction, be deemed guilty of a misdemeanor, and shall be fined in a sum of not less than Ten Dollars (\$10) nor more than Two Hundred (\$200); and, upon second offense, his license to fish may be canceled and he shall not be entitled to receive another such license for one year from the date of said conviction.

Provided that the Game, Fish and Oyster Commission of Texas or its deputies shall have the power and the right to seize and hold nets, seines, or other tackle as evidence, pending trial of said cause.

Sec. 3. Repealing House Bill No. 232 of the Regular Session of the Forty-fifth Legislature and House Bill No. 67, Acts of the First Called Session of the Forty-fifth Legislature, Article 937a, Penal Code of the State of Texas, and all laws or parts of laws in direct conflict herewith, in so far as they apply to the waters of Calhoun, Matagorda, and Jackson counties. (H. B. 744, Reg. Ses. 46th Leg.)

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. (H. B. 213, 1st C. S. 43rd Leg.)

Shrimp Trawling Law For Espiritu Santo Bay.

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. 94, 3rd C. S., 43rd Leg.)

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 Kenedy Counties including all back bays and inlets and that back of the Laguna Madre with 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 or 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. (H. B. 67, 2nd C. S. 42nd Leg.)

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 for a hereinafter defined part thereof, and the small abutting bodies known as follows in which it shall be unlawful to use said strike nets, gill nets, trammel nets, or shrimp trawls; Swan Lake, Moses Lake, Clear Lake, Dickinson Bayou west of the line running from Miller's Point to April Fool Point, Turtle's Bay, and all waters lying northwest of a line extending from Kemah in Galveston County to a point known as Mesquite Knoll in Chambers County, and all waters of Galveston Bay lying east of a line extending from the extreme western point of Smith's Point in Chambers County to the west bank of Siever's Cut where East Bay intersects with the north bank of the Intercoastal Canal on Bolivar Peninsula in Galveston County at Siever's Fish Camp, which Cut is at a point southwest of Elm Grove Point on Bolivar Peninsula in Galveston County, Texas, and northeast of Baffle Point on Bolivar Peninsula in Galveston County, Texas, during the period beginning August 15th and ending May 15th of each year. Provided, however, nothing in this Act shall be construed to prohibit the use of shrimp trawls of

not more than ten (10) feet in width at the mouth and not more than twenty-five (25) feet in length as permitted by Chapter 11, Acts 1930, Forty-first Legislature, Fourth Called Session. It shall be unlawful for any person to use a strike net, gill net, trammel net, or shrimp trawl, contrary to the provisions of Chapter 119, Page 269, Acts of the Regular Session of the Forty-first Legislature.

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 channel while en route to or from the Gulf of Mexico.

Sec. 3. When any officer of this State sees any seine, strike net, gill net, trammel net, or shrimp trawl in or on any of the tidal waters of this State where the use of such seine, strike net, gill net, trammel net, or shrimp trawl is prohibited from being used for the purpose of taking fish and/or shrimp, and has reason to believe and does believe that the same is being used or possessed in violation of the provisions of this Act, it shall be his duty to arrest the party using or possessing said seine, strike net, gill net, trammel net, or shrimp trawl and, without a warrant, shall seize such seine, strike net, gill net, trammel net, or shrimp trawl as evidence. It shall be the duty of said officer to deliver such seine, strike net, gill net, trammel net, or shrimp trawl to the County Judge or Justice of the Peace of the county in which it was seized, where it shall be held as evidence until after the trial. If the defendant is found guilty of possessing or using such seine, strike net, gill net, trammel net, or shrimp trawl unlawfully, the Court shall enter an order directing the immediate destruction of said 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 such seine, strike net, gill net, trammel net, or shrimp trawl was destroyed. When such device is found by an officer of this State in or on any of the tidal waters of this State without anyone in possession where its use is prohibited, it shall be seized by such officer without warrant and delivered to the County Judge or Justice of the Peace in the county in which it was found. Said officer shall make affidavit that such seine, strike net, gill net, trammel net, or shrimp trawl was found in or on the tidal waters of this State at a point

where its use was prohibited, which said affidavit shall describe such seine, strike net, gill net, trammel net, or shrimp trawl and the Court shall direct the sheriff or any constable of the county to post a copy of said affidavit in the Courthouse of the county in which said seine, strike net, gill net, trammel net, or shrimp trawl was seized, and said officer shall make his return to the Court showing when and where said notice was posted. Thirty (30) days after such notice is posted, the Court, either in term time or in vacation, shall enter an order directing the immediate destruction of such seine, strike net, gill net, trammel net, or shrimp trawl by the sheriff or any constable in the county, and said officer executing said order, shall, under oath, make his return to said Court, showing how, when, and where said seine, strike net, gill net, trammel net, or shrimp trawl was destroyed.

Sec. 4. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Twenty-five Dollars (\$25) and not more than Two Hundred Dollars (\$200), and his 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, 3rd C. S. 42nd Leg., as amended by H. B. 391, Reg. Ses. 46th Leg.)

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, Reg. Ses. 43rd Leg.)

Permit For Shrimp Seine.

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 localities 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.)

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 or not more than twenty feet in length, with a cast net or 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. (S. B. 87, 4th C. S. 41st Leg.)

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 Com-

missioner is satisfied that such damage is being done, he may grant such permission, specifying in such permit the length of time in which it is to be used and the claim or reef on which it is to be used. Such Commissioner shall assign a deputy fish and oyster commissioner to superintend such seining and no seine shall be dragged except in his presence, and for which a person obtaining the permission to seine as set forth above shall pay the Commissioner Two Dollars and Fifty (\$2.50) Cents per day. (1925 R. C. S., Art. 4046.)

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.)

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.)

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. 175, Reg. Ses., 44th Leg.)

Seines and Nets in Portions of Corpus Christi Bay and Redfish Bay.

Section 1. It shall be unlawful for any person to place, set, use, drag, or have in possession any seine, net, or other device for catching fish, or shrimp, other than the ordinary pole and line, casting rod and reel, artificial bait, trotline, setline, gig, cast net, or minnow seine of not more than twenty (20) feet in length, or trawl not over ten (10) feet in width at the mouth, for catching bait, in or on any of the waters of Corpus Christi Bay within one-half mile of the mainland shore line between Flour Bluff Point and the city limits of Corpus Christi, Texas, or in or on the waters of Corpus Christi Bay within one mile of Dimmit Island in Nueces County, Texas, or in or upon any of the waters of Corpus Christi Bay within one-half mile of the mainland shore between a point one-half mile east of Ingle-side Docks and the north end of the Nueces Bay causeway, or in or upon any of the waters on the east side of and within one-half mile of the Nueces Bay causeway, or in or upon any of the waters of Red Fish Bay in Nueces County.

For the purpose of this Act, the shore line shall be the water's edge at mean tide.

Sec. 2. Any person violating any of the above provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Twenty-five Dollars (\$25) and not more than Two Hundred Dollars (\$200), and the fishing tackle illegally used shall be disposed of as directed in House Bill No. 80, Third Called Session of the Forty-second Legislature. (H. B. 355, Reg. Ses. 47th Leg.)

Nueces and Aransas County—Fishing With Seine, Net or Trawl.

Sec. 1. It shall be unlawful for any person to place, set, use, or have in possession or to have on board any boat, or on any vehicle, any seine, net or trawl in the water of Corpus Christi Bay and Laguna Madre and connecting inlets or bayous, lying between a line on the shore running east from a stake or marker on the shore on the northeasterly point of Flour Bluff to a stake or marker on Mustang Island one mile north of Corpus Christi Pass, and the Nueces-Kleberg County line on the south; or Callo Del Oso and connecting inlets and bayous; or Oso Creek; or Corpus Christi Pass; or Aransas Pass; or within one mile of the Passes mentioned herein; all waters of Aransas Bay lying south of a line running from a stake or marker located on the shore of St. Joseph Island one mile north of the bayside entrance to the Pass, commonly known as North Pass, to the southern end of Mud Island, thence to the north side of the entrance to Corpus

Christi Bayou; all waters lying between Harbor Island and St. Joseph Island; all waters lying between Harbor Island and Mustang Island; or that part of Redfish Bay, and connecting inlets and bayous, lying south and southwest of a line starting at the juncture of the railroad dumps on the mainland, running east along the center of said dumps to its eastern extremity, thence northeast to the north side of the eastern entrance to Corpus Christi Bayou; thence southeast to the northern extremity of Harbor Island to a stake or marker, and north and northeast of a line running directly east and west from the mainland to Harbor Island across the southern extremity of Ransom Point; or in any pass or channel leading from one body of water to another in any of the salt waters of Nueces County, Texas.

Provided, it shall not be unlawful to use a cast net, or minnow seine of not exceeding twenty feet in length, or a licensed bait trawl, in any of the waters mentioned herein at any time for the purpose of taking bait.

Provided, it shall be lawful to possess or use a licensed trawl, net or seine in any other salt waters of Nueces County not mentioned in this Act as closed.

Provided, it shall not be unlawful to have a seine, net or trawl on board any vessel when such vessel is at port or while enroute to or from the Gulf of Mexico or other waters where it is lawful to use or possess such a seine, net or trawl.

Sec. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Twenty-five (\$25.00) Dollars, and not more than Two Hundred (\$200.00) Dollars.

The Game, Fish and Oyster Commission or any authorized agent shall have the power and right to seize and hold nets, seines, trawls or other tackle in possession as evidence until after the trial of the defendant, and no suit shall be maintained against it or him therefor.

Sec. 3. All laws or parts of laws insofar as they may conflict with this Act shall be, and the same are hereby repealed. (S. B. 317, Reg. Ses. 45th Leg.)

FUR-BEARING ANIMAL LAWS

Property of State.

Section 1. All the fur-bearing animals of this State are hereby declared to be the property of the people of this State. For the purpose of this Act, wild beaver, wild otter, wild mink, wild 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.

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. 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 (\$10) Dollars nor more than One Hundred (\$100) Dollars and his trapper's and dealer's 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. (H. B. 215, Reg. Ses. 42nd Leg. Effective Aug. 21, 1931).

Val Verde County—Beaver.

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 (\$10) Dollars nor more than Fifty (\$50) Dollars. (H. B. 375, Reg. Ses. 44th Leg.)

Unlawful to Trap Muskrats on Land of Another Without Permission.

That Article 923rr of the Penal Code of the State of Texas be and the same is amended so as to hereafter read as follows:

Article 923rr. Section 1. It shall be unlawful for any person, at any time, to set a trap for or trap or kill any muskrat upon any land of another, or be in possession of a muskrat or the hide of such animal taken from such land, without the consent of the owner or lessee of such land to trap thereon; provided that such person may, in relief against this provision, show a rightful, legal possession of such muskrat or the hide of such animal.

Section 2. Every person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars. (S. B. 199, Reg. Ses 47th Leg.)

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.

Cottle County—Fur-bearers.

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.

Purchase of Muskrat Hides.

Sec. 14. It shall be unlawful for any person to purchase the hide or furs of muskrats on the land of another, taken or trapped on the land of another, from any person other than the owner of such land or the duly authorized agent of such owner.

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.

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.

Responsibilities of License Holder.

Sec. 17. Any person required to procure a license 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.

Enforcement Agency Defined.

Sec. 19. It shall be the duty of the Game, Fish and Oyster Commissioner and his deputies to enforce the provisions of this Act.

Penalty Clause.

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. (The above Sections compose H. B. 75, Ch. 177, Acts of 39th Leg. Revised by amendments and conflicts.)

Wholesale Fur Buyer, Retail Fur Buyer, Trapper Defined.

Sec. 1. For the purpose of this Act the following words, terms and phrases are hereby defined:

(a) "Wholesale Fur Buyer." A Wholesale Fur Buyer is any person who purchases for himself or on behalf of another person, the pelt or pelts of any of the fur-bearing animals of this State from a Retail Fur Buyer and/or from the Trapper.

(b) "Retail Fur Buyer." A Retail Fur Buyer is any person who purchases the pelt or pelts of any of the fur-bearing animals of this State from the Trapper only.

(c) "Resident trapper; non-resident trapper." A trapper is any person who takes for the purpose of barter or sale, any who sells or offers for sale, the pelt or pelts of any of the fur-bearing animals of this State, and for the purpose of this Act, trappers are hereby divided into two (2) classes, namely 'resident' and 'non-resident.' Resident trappers are those who have, for a period of twenty-four (24) months previous to their application for a license, been bona fide residents of this State. All others are non-resident trappers.

(d) "Person" shall include the plural as well as the singular, as the case demands, and shall include individuals, partnerships, associations and corporations.

Sec. 2. Before any person shall operate in this State as a Wholesale Fur Buyer, Retail Fur Buyer, or Trapper, he shall be required to obtain and have in his possession a valid license entitling him to the privileges given in this Act and to no other privilege. Such license or licenses shall be obtained from the Game, Fish and Oyster Commission, or from one of their authorized agents.

(a) A Wholesale Fur Buyer's License may be purchased for the sum of Twenty-five Dollars, and shall entitle the holder to the privilege of purchasing the pelts of fur-bearing animals in this State from Trappers, Retail Fur Buyers, and Wholesale Fur Buyers, and the privilege of handling such pelts for shipment and sale.

(b) A resident trapper's license may be purchased for the sum of One Dollar (\$1), and a non-resident trapper's license may be purchased for the sum of Two Hundred Dollars (\$200), and the respective licenses shall entitle the holder to sell only his own catch of the pelts of fur-bearing animals of this State, which he has lawfully taken.

(c) A Retail Fur Buyer's license may be purchased for the sum of Five Dollars and shall entitle the holder to the privilege of purchasing the pelts of fur-bearing animals from the Trapper only and handling same for the purpose of shipment and sale.

All license provided for in this Section shall be valid until August 31st following date of issuance.

Sec. 3. All moneys collected from the sale of license provided for under the provisions of this Act, after the fees for issuing same are deducted, shall, before the 10th day of the month following the sale of such license, be remitted to the office of the Game, Fish and Oyster Commission at Austin, Texas, and shall be deposited in the State Treasury to the credit of the Special Game Fund and shall be used for any and all of the purposes provided by law. County Clerks and other authorized agents of the

Game, Fish and Oyster Commission shall be entitled to a fee of Twenty Cents for each license issued.

Sec. 4. When a person, firm or corporation operates as a Wholesale Fur Buyer or as a Retail Fur Buyer, a license shall be required for each place of business and be publicly displayed in said place of business at all times, and all such places of business shall be subject to inspection, without warrant, by any game and fish warden at any time. If a person operates as a Wholesale Fur Buyer, Retail Fur Buyer, or as a Trapper, other than at an establishment for which a license has been issued, he shall have on his person, whenever conducting such operations, the license required of him as a Wholesale Fur Buyer, Retail Fur Buyer, or Trapper, and any vehicle he operates shall be subject to inspection, without warrant, by any game and fish warden at all times that such vehicle is being used for the collection of the pelts of fur-bearing animals or for the purpose of transporting same.

Sec. 5. All laws or parts of laws, in so far as they conflict with any portion of this Act, and specifically that provision of law of this State requiring a tax tag to be attached to the pelt of each fur-bearing animal of this State before same is sold or offered for sale, and specifically the law of this state now in existence requiring a trapper's license and a resident fur dealer's license or a non-resident fur dealer's license, are hereby repealed.

Sec. 6. It shall be unlawful for any Wholesale Fur Buyer or any Retail Fur Buyer to purchase the pelt of any fur-bearing animal of this State from any person unless such person hold a trapper's license or a wholesale fur Buyer's license or a Retail Fur Buyer's license, and it shall be unlawful for any person to operate as a Wholesale Fur Buyer, Retail Fur Buyer, or Trapper as defined in this Act, without first obtaining the license required for the business engaged in.

Sec. 7. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five Dollars nor more than Two Hundred Dollars and any prson convicted under any provision of this Act shall automatically forfeit any license which he may hold under any provision of this Act and shall not be permitted to obtain any license provided for under this Act for a period of one year from date of his conviction. (H. B. 759, Reg. Ses., 45th Leg., as amended by H. B. 637, Reg. Ses. 46th Leg.)

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. 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 preceding month. Provided that no report shall be required for those months during which no pelts are purchased in this State. And providing that those dealers who 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 preceding 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. 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. (H. B. 86, 5th C. S. 41st Leg., as amended by H. B. 625, 42nd Leg.)

Robertson County—Fox.

Section 1. It shall not be unlawful for any person to catch, trap, shoot, or kill any wild fox in Robertson County, Texas; provided, however, that if any person who takes, traps, shoots, or kills any wild fox as permitted by this Section and who offers for sale

such wild fox or the pelt of pelts thereof shall be deemed guilty of a misdemeanor.

Sec. 2. It shall not be unlawful for any person to shoot, kill, or to set a steel trap, snare, or dead-fall for the purpose of taking any fur-bearing animal in Robertson County, Texas, nor shall it be unlawful to take, trap, or kill fox in said County under the conditions set out in Section 1 hereof.

Sec. 3. Any person who violates 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) and not more than One Hundred (\$100), and each wild fox pelt sold in violation of this Act shall constitute a separate offense.

Sec. 4. The provisions of this law shall be cumulative of all general laws on the subject not in actual conflict herewith, and all laws and parts of laws in conflict herewith are repealed only in so far as such laws are in actual conflict with the provisions of this Act in its local application, and in case of such conflict the provisions of this Act shall control and be effective. (H. B. 882, Reg. Ses. 47th Leg.)

Liberty and Hardin Counties—Fox.

Section 1. From and after passage of this Act and for a period of five (5) years, it shall be unlawful to kill any fox in Liberty and Hardin Counties, and any person violating any provisions of this Act shall be deemed guilty of a misdemeanor and shall be fined in a sum of not less than Fifty Dollars (\$50), nor more than Two Hundred Dollars (\$200).

Sec. 2. All laws or parts of laws in so far as they conflict with any portion of this Act, be and the same are hereby repealed. (H. B. 778, Reg. Ses. 47th Leg. Effective May 22, 1941).

Parker County—Fox.

Section 1. It shall be unlawful to liberate any wild fox in Parker County, or to have any wild fox in captivity in Parker County. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200).

Sec. 2. All laws or parts of laws in so far as they conflict with any portion of this Act be and the same are hereby repealed. (H. B. 869, Reg. Ses. 46th Leg.)

Cass County—Fox.

Section 1. It shall be lawful in Cass County, Texas, for any person to kill, take, or have in his

possession for barter or sale any wild fox or the pelts thereof from December 1st to December 31st, inclusive, of any year.

Sec. 2. All laws or parts of laws in conflict herewith are hereby repealed. (H. B. 936, Reg. Ses. 47th Leg.)

Cass, Bowie and Marion Counties—Fox.

Section 1. It shall be unlawful for any person to take or catch any fur-bearing animals in Cass, Bowie, or Marion Counties, Texas, with a steel trap, dead-fall, or any other mechanical device upon the land of any other person excepting only land owned and in possession of person doing trapping; providing, however, that this Act does not apply to or include such fur-bearing animals as gophers, moles, and salamanders, and provided further that nothing in this Act shall be construed as prohibiting the taking of any fur-bearing animals by the use of dogs.

Sec. 2. 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 Cass, Bowie or Marion Counties, Texas.

Sec. 3. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction, shall be fined not less than Twenty (\$20) Dollars, nor more than One Hundred (\$100) Dollars. This Act shall be in full force and effect for a period of five (5) years from the date of its passage.

Sec. 4. All laws and parts of laws in conflict herewith are hereby repealed. (H. B. 566, Reg. Ses., 45th Leg. Effective April 26, 1937).

(Editor's Note: Cass County is now exempt from the provisions of Section 2 of the above law. It is now lawful in Cass County to kill, take or have in possession for barter or sale any wild fox or their pelts during the month of December only, under terms of H. B. 936, Regular Session, 47th Legislature which may be found on Page 192).

Fox—Lamar, Fannin, Smith and Red River Counties.

Sec. 1. That for five years from and after the passage of this Act, it shall be illegal for any person to kill, capture or take possession of any wild fox within the territorial limits of Lamar, Fannin, Smith and Red River Counties, Texas.

Sec. 2. Any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than Ten Dollars and not more than Two Hun-

dred Dollars, providing that each fox so killed, captured or taken shall constitute a separate offense. (H. B. 515, Reg. Ses., 45th Leg. Effective August 21, 1937).

Erath and Hood Counties—Fox.

Section 1. From and after the passage of this Act it shall be lawful for any person to hunt, trap, shoot, or in any manner to kill and annihilate any species of fox in Erath and Hood Counties. (H. B. 354, Reg. Ses. 46th Leg.)

Fox—DeWitt County.

Section 1. From and after the effective date of this Act it shall be lawful for any person to hunt, take, or kill wild foxes in DeWitt County, Texas.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed. (H. B. 367, Reg. Ses. 47th Leg.)

Shelby County—Trapping.

Section 1. From and after passage of this Act, it shall be unlawful to use or set a steel trap in Shelby County for the purpose of taking any of the fur-bearing animals of this State, and it shall be a violation of this Act for any person to take a fur-bearing animal in a steel trap. 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 Dollars (\$10) nor more than Twenty-five Dollars (\$25.00).

Sec. 2. All laws or parts of laws in so far as they conflict with this Act, be and the same are hereby repealed. (H. B. 301, Reg. Ses. 46th Leg.)

Cherokee County—Fur-bearers.

Section 1. It shall be unlawful for any person to use steel traps 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 steep 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 (\$10) Dollars nor more than Fifty (\$50) Dollars. (H. B. 908, Reg. Ses., 44th Leg.)

Bosque County—Fox.

Sec. 1. It shall not be unlawful for any person to catch, trap, shoot or kill any wild fox in Bosque

County, Texas; provided, however, that if any person who takes, traps, shoots, or kills any wild fox as permitted by this Section and who offers for sale such wild fox or the pelt or pelts thereof shall be deemed guilty of a misdemeanor.

Sec. 2. It shall not be unlawful for any person to shoot, kill, or set a steel trap, snare, or deadfall for the purpose of taking any fur-bearing animal in Bosque County, Texas, nor shall it be unlawful to take, trap, or kill fox in said County under the conditions set out in Section 1 hereof.

Sec. 3. Any person who violates 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 and not more than One Hundred Dollars, and each wild fox pelt sold in violation of this Act shall constitute a separate offense.

Sec. 4. The provisions of this law shall be cumulative of all general laws on the subject not in actual conflict herewith, and all laws and parts of laws in conflict herewith are repealed only in so far as such laws are in actual conflict with the provisions of this Act in its local application, and in case of such conflict the provisions of this Act shall control and be effective. (H. B. 462, Reg. Ses., 45th Leg.)

Red River County—Raccoon and Mink.

Section 1. From and after the passage of this Act, for a period of five (5) years, it shall be unlawful to take, kill, or have an undried pelt of any raccoon or mink in possession in Red River County.

Sec. 2. Any person who takes or kills any raccoon or mink, or any person who possesses the undried pelt of any raccoon or mink in Red River County, or offers same for sale, 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 so far as they may conflict with any portion of this Act, be and the same are hereby repealed. (H. B. 794, Reg. Ses. 47th Leg. Effective May 2, 1941).

Raccoon and Mink—Guadalupe, Washington, Lee and Burleson Counties.

Section 1. It shall be unlawful for any person to take, trap, or kill any raccoons, or mink in the Counties of Guadalupe, Washington, Lee, and Burleson for a period of three (3) years from and after the passage of this Act.

Sec. 2. Any person violating the terms of this Act shall be guilty of a misdemeanor and be punished by a fine of not less than One Dollar (\$1), nor more than One Hundred Dollars (\$100). (H. B. 483, Reg. Ses. 47th Leg. Effective May 26, 1941).

Henderson County—Trapping.

Sec. 1. It shall be unlawful to set any trap, snare, deadfall, or any other device for taking any of the birds or animals protected by the laws of this State on the private lands of another person without first having obtained written permission from the owner or authorized agent in charge of such lands to indulge in such privileges for the period of time specified in such permit.

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

Sec. 3. Any person who is found setting a trap or other device for taking birds or animals of this State on the private lands of another person without first having obtained and having in his possession the permit required by Section 1 of this Act, shall be prima facie guilty of a violation of this Act.

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

Sec. 5. It shall be the duty of all officers operating in any county to which this Act applies to enforce all provisions of this Act. (H. B. 298, Reg. Ses., 45th Leg.)

Montgomery County—Trapping.

Section 1. It shall be unlawful for any person to use a steel trap for the purpose of taking any furbearing 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. 834, Reg. Ses., 44th Leg.)

Trapping—San Augustine and Sabine Counties.

Section 1. House Bill No. 920 of the Special Laws of the Forty-third Legislature, Regular Session, 1933, is hereby amended so as to hereafter read as follows:

“Section 1. From and after the passage of this Act it shall be lawful for any person to use a steel trap or any other type of trap or snare for the purpose of taking opossums, bobcats, and catamounts in San Augustine and Sabine Counties during each and every month of the years following the passage of this Act.

“Section 2. All laws and parts of laws in conflict with this Act are hereby specifically repealed.”
(H. B. 689, Reg. Ses. 47th Leg.)

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 loose, or to cause to be turned loose, any live wolf within this State.

Sec. 3. It shall not be unlawful for a State or County Official, in the performance of any official duty, to transport a live wolf, or for the owner or agent of any licensed circus, zoo or menagerie, to have, possess or transport any live wolf for exhibition or scientific purposes only.

Sec. 4. Any person who violates any provision of the preceding sections of this Act shall be guilty of a felony and shall upon conviction be confined in the penitentiary for not less than six months nor more than five years. (H. B. 13, 4th C. S. 41st Leg.)

Furbearers—Nacogdoches and Angelina Counties.

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 one's own property, or upon property upon which a written permit has been given by the owner for trapping purposes, but at any other time it shall be unlawful to use a trap or any other mechanical device for taking any fur-bearing animal in 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, Reg. Ses. 43rd Leg.)

(Editor's Note: The above statute has been altered in some respects by three laws passed by the Regular Session, 47th Legislature. The first, H. B. 430, for which see Page 199, provides that it is now unlawful in Nacogdoches County to kill, take or have in possession for barter or sale at any time any wild beaver, wild otter or wild fox. A later law, H. B. 999, for which see Page 199, provides that if, however, wild fox are in the act of destroying or are about to destroy domestic stock in Nacogdoches County, they may be killed. The third law, H. B. 931, for which see below, applies to Angelina and other Counties. It provides that it is lawful to kill, take or possess for sale wild fox in Angelina County during December and January, and it also provides that fox destroying or about to destroy domestic stock may be killed. The remaining portion of the above statute are still valid).

Fox—Angelina, Tyler, Newton and Jasper 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, any wild fox or the pelts thereof; providing this Act shall apply to Angelina, Tyler, Newton, and Jasper Counties only; providing, however, it shall not be unlawful to kill wild fox in the act of destroying or about to destroy domestic fowls or other domestic stock; and provided further that the provisions of this Act shall not apply during the months of December and January.

Sec. 2. This law shall be in force and effect for a period of two (2) years from and after its passage.

Sec. 3. Every person violating the terms of this Act shall, upon conviction, be punished by a fine of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50).

Sec. 4. All laws and parts of laws in conflict herewith are hereby repealed. (H. B. 931, Reg. Ses. 47th Leg. Effective July 2, 1941).

Nacogdoches and Houston Counties—Fox.

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 this Act shall apply to Nacogdoches and Houston Counties only; and providing, however, it shall not be unlawful to kill wild fox in the act of destroying or about to destroy domestic fowls or other domestic stock.

Sec. 2. This law shall be in force and effect for a period of two (2) years from and after its passage.

Sec. 3. Every person violating the terms of this Act shall, upon conviction, be punished by a fine of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50).

Sec. 4. All laws and parts of laws in conflict herewith are hereby repealed. (H. B. 999, Reg. Ses. 47th Leg. Effective June 9, 1941).

Furbearers—Nacogdoches, Walker, San Jacinto, Shelby, Rusk and Jefferson 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. Providing that this Section shall apply to Nacogdoches, 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 of not less than Ten Dollars (\$10), nor more than One Hundred Dollars (\$100). (H. B. 35, 3rd C. S. 42nd Leg., as amended by H. B. 430, Reg. Ses. 47th Leg.)

(Editor's Note: It is lawful to kill wild fox in Nacogdoches County when they are in the act of destroying or about to destroy domestic stock, under the terms of H. B. 999, Regular Session, 47th Legislature, which is printed above).

Houston County—Trapping.

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). (H. B. 65, 2nd C. S. 43rd Leg.)

(Editor's Note: It is now unlawful to kill, take, or have in possession for barter or sale any wild fox or their pelts in Houston County, except that fox in the act of destroying or about to destroy domestic stock may be killed. The new law here cited is H. B. 999, Regular Session, 47th Legislature, which may be found on Page 199).

Fox—Bastrop, Lee, Burleson, and Washington 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) years, any wild fox or the pelts thereof in the Counties of Bastrop, Lee, Burleson, and Washington, 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 provisions 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. 498, Reg. Ses. 47th Leg. Effective May 17, 1941).

Navarro County—Fox.

Section 1. From and after the effective date of this Act, it is hereby declared to be unlawful for any person in this State to take, kill, or have in his possession for the purpose of barter or sale, any wild fox or pelts thereof, for a period of five (5) years from and after the passage of this Act in

Navarro County.

Sec. 2. That from and after the passage of this Act, it shall be unlawful for any person in this State to set a steel trap, snare or deadfall for the purpose of taking any fox in Navarro County.

Sec. 3. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be fined in any sum not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100), and each pelt sold in violation of this Act shall constitute a separate offense. (S. B. 514, Reg. Ses. 43rd Leg., as amended by H. B. 79, 1st C. S. 43rd Leg., H. B. 60, 3rd C. S. 43rd Leg. and H. B. 517, Reg. Ses. 46th Leg. Effective April 24, 1939).

Brazos County—Fox.

Section 1. It shall be unlawful to take any wild fox in the County of Brazos for the purpose of sale or attempt to take such fox for such purpose. Providing, however, that it shall not be unlawful for any landowner or his tenant to trap wild foxes on his own premises or the premises on which he resides whenever the foxes on said premises have been determined to be harmful to poultry or to livestock.

Sec. 2. All laws or parts of laws governing the taking of fox in Brazos County be and the same are hereby repealed in so far as they may conflict with any provision of this Act.

Sec. 3. Any person taking any wild fox in Brazos County for the purpose of sale or offering same for sale or trapping any fox on any premises, except for the protection of poultry or livestock as provided for in this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Twenty-five Dollars (\$25). (H. B. 674, Reg. Ses. 47th Leg.)

Fox—Falls, Henderson, Leon, Limestone, Madison and McLennan Counties.

Section 1. That from and after the passage of this Act, it shall be unlawful for any person to kill any wild fox, or to take or have in his possession for barter or sale the pelts of any wild fox, in the Counties of Falls, 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 a fine of not less than Ten (\$10.00) Dollars nor more than Twenty-five (\$25.00) Dollars and his hunting license and trapper's license shall be forfeited at the time of conviction, and he shall not be entitled to purchase another such license until one year from date of such conviction. (H. B. 65, 3rd C. S. 43rd Leg., as amended by S. B. 209, Reg. Ses. 46th Leg.)

Denton and Hunt Counties—Fox

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 Denton and Hunt, 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. 1045, Reg. Ses. 45th Leg., as amended by H. B. 444, Reg. Ses. 46th Leg. Effective April 24, 1939).

Upshur County—Fox.

Section 1. That from and after the passage of this Act, it shall be unlawful for any person to trap or hunt with guns or have in his possession for barter or sale, any wild foxes or the pelts thereof in the County of 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. (H. B. 59, 1st C. S. 43rd Leg.)

Camp County—Fox.

Section 1. That from and after the passage of this Act it shall be unlawful for any person to trap or hunt with guns or have in his possession for barter or sale, any wild foxes or the pelts thereof in the County of Camp.

Sec. 2. Any person who shall trap or hunt with guns any foxes in the County of Camp or have such

pelts in possession for barter or sale shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50), provided, however, that no farmer or 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 shall be and the same are hereby expressly repealed. (H. B. 126, 1st C. S. 44th Leg.)

Hopkins and Wood Counties—Fox.

Section 1. From and after the passage of this Act for a period of five (5) years it shall be unlawful to take, kill or possess any wild fox or the pelt thereof in Hopkins and Wood 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 domestic stock.

Sec. 2. Any person who violates any provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine in a sum not less than Twenty-five Dollars (\$25), nor more than One Hundred Dollars (\$100).

Sec. 3. All laws or parts of laws, in so far as they conflict with any provision of this Act, be and the same are hereby repealed. (H. B. 781, Reg. Ses. 47th Leg. Effective May 21, 1941).

Harrison County—Trapping.

Section 1. From and after the effective date of this Act it shall be unlawful for any person to take or kill by the use of steel trap, snare, or deadfall any fur-bearing animals, or have in his possession the pelts thereof, in the County of Harrison for a period of two (2) years.

Sec. 2. Providing, however, it shall not be unlawful to take any of the above-mentioned animals in Harrison County when same is in the act of destroying, or about to destroy, personal property.

Section 2a. Provided that any person or association of persons, controlling as much as one thousand (1,000) acres of land, who are trying to protect or propagate game birds, may, during the months of December and January, trap predatory animals, including fur-bearing animals, upon their premises, and when such animals are taken the pelts may be marketed as though taken in the open season in open territory.

Sec. 3. Any person violating any provision of this Act upon conviction shall be fined not less than One Dollar (\$1) nor more than Twenty-five Dollars (\$25). (H. B. 892, Reg. Ses. 47th Leg. Effective May 26, 1941).

SAND, SHELL AND GRAVEL LAWS

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.)

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 matters pertaining to the sale, the taking, carrying away or disturbing of all marl, sand or gravel of commercial value, and gravel and shell 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.)

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 islands, reefs or bars included herein, such included in this chapter. (1925 R. C. S., Art. 4053.)

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 supervisions, 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. 9054.)

Constructing Seawall.

If any county, city or town authorized by Title 118 of the Revised Civil Statutes of 1925 to con-

struct, 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.)

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.)

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 legisla-

tive 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. (S. B. 190, Reg. Ses. 39th Leg.)

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 passage-ways to said place of operation, including all such lands, rights of ways, 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, damage or any sum whatsoever with respect to such proceedings. (1925 R. C. S., Art. 4055, amended by S. B. 379, Reg. Ses. 39th Leg.)

Penalty Clause.

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 shell or mudshells or gravel placed under the management, control and protection of the Commissioner, or shall disturb any of said marl, sand, shells or mudshells or gravel or oyster beds or fishing waters or shall operate in or upon any of said places for any purpose other than those 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

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 cor-

poration 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 discharges 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 commission 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. (Article 698, Penal Code).

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 of 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 parts 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 operation 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 (\$200) Dollars 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. (Article 698a, Penal Code).

Injunctions May Be Issued.

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 or 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.)

THE COMMISSION, POWERS, DUTIES, AND MISCELLANEOUS

Creation of Game, Fish and Oyster Commission.

Section 1. The office of Game, Fish and Oyster Commissioner of the State of Texas is hereby abolished. There is hereby created the Game, Fish and Oyster Commission which shall have the authority, powers, duties and functions heretofore vested in the Game, Fish and Oyster Commissioner, except where in conflict with this Act.

Sec. 2. Said Game, Fish and Oyster Commission shall consist of six members, one of whom shall be chairman. The chairman and other members of the Commission shall be appointed by the Governor from different sections of the State, which appointment shall be with the advice and consent of the Senate, if in session, and if not in session, the Governor shall appoint such chairman and members and issue a commission to them as provided by law, and their appointment shall be submitted to the next Session of the Senate for their advice and consent in the manner that appointments to fill vacancies under the Constitution are submitted to the Senate. The chairman and one member of said Game, Fish and Oyster Commission shall be appointed for a term ending September 1, 1935. Two members shall be appointed for a term ending September 1, 1933, and two members shall be appointed for a term ending September 1, 1931, or until their successors are appointed and qualified. Thereafter, the Governor shall appoint such chairman and members for terms of six years. The chairman and each member of said Commission shall

execute a bond payable to the State of Texas, in the sum of Five Thousand (\$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 funds available for the use of said Game, Fish and Oyster Commission.

Sec. 6. Said Game, Fish and Oyster Commission shall have power and authority to appoint an executive secretary who shall act as the chief executive officer under the direction of said Game, Fish and Oyster Commission. The Commission may perform its duties through said executive secretary and may delegate to him such executive duties as said Game, Fish and Oyster Commission shall deem proper. They shall also have power and authority to appoint an assistant executive secretary who, in the absence of the executive secretary shall perform all the duties of the executive secretary and shall perform such other duties as may be prescribed by the Game, Fish and Oyster Commission or under its direction. Said executive secretary shall have authority to appoint such heads of divisions and such Game and Fish Wardens and other employees as in his discretion may be deemed necessary to carry out and enforce the laws of this State, which it is the duty of said Game, Fish and Oyster Commission to carry out, execute and administer, and to perform all other duties and services authorized and required to be

performed by said Game, Fish and Oyster Commission, and shall have the authority, powers, duties and functions heretofore vested in Special Deputy Game, Fish and Oyster 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 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 (\$1000) 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 executive 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 monies collected or to be collected

by the Game, Fish and Oyster Commissioner or said Game, Fish and Oyster Commission, under any laws of this State relating thereto, for the purpose of carrying out this Act or performing any duties or services under any laws of this State.

Sec. 10. This Act shall take effect and be in force from and after September 1, 1929.

Sec. 11. If any section or provision of this Act should be declared unconstitutional or invalid for any reason it shall not affect any other provision or portion of this Act, and the same shall remain in full force and effect. All laws and parts of laws in conflict herewith are hereby expressly repealed. (S. B. 83, Reg. Ses. 41st Leg.)

Creation of Coastal Division of the Game, Fish and Oyster Commission.

Section 1. There is hereby created a Division of the Game, Fish and Oyster Commission to be known and designated as the Coastal Division of the Game, Fish and Oyster Commission.

Sec. 2. The Game, Fish and Oyster Commission shall have power and authority, and it shall be their duty to appoint an executive officer for the said Coastal Division to be known and designated as Director of Coastal Division who shall act as the chief executive officer of the Division under the direction of the said Game, Fish and Oyster Commission.

The Commission may perform its duties through said Director of Coastal Division and may delegate to him such executive duties as said Game, Fish and Oyster Commission deems proper. Provided that in the absence of the Coastal Director the Commission shall be empowered to designate an assistant to perform his duties. Said Director of Coastal Division shall also have power and authority to appoint 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 the 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 the Game, Fish and Oyster Commission, and shall have the power and authority of other employees of the Game, Fish and Oyster Commission. The other employees of the Coastal Division shall serve at the will of the Director of Coastal Division.

Sec. 3. The compensation of all employees of the Coastal Division herein provided for shall be fixed by the Game, Fish and Oyster Commission; provided that the Legislature in each biennial appropriation bill shall fix a maximum compensation to be paid.

Sec. 4. The Director of Coastal Division and Assistant Director of Coastal Division shall each enter into a good and sufficient bond in the sum of Two Thousand (\$2000) 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 Director of Coastal Division and Assistant Director of Coastal Division shall take the Constitutional Oath of office. All of the employees of the Coastal Division shall execute a bond in the sum of One Thousand (\$1000) Dollars to be approved by the Director of Coastal Division, payable to the State of Texas and conditioned on 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.

The Chairman nor the members of the Commission, the Director of Coastal Division nor Assistant Director of Coastal Division 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. 5. There is hereby appropriated out of the Treasury all moneys now in the Fish and Oyster Fund and all moneys collected or to be collected for such fund by the 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. 6. This Act shall take effect and be in force on and after September 1, 1937.

Sec. 7. If any section or provision of this Act should be declared unconstitutional or invalid for any reason it shall not affect any other provision 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. (H. B. 671, Reg. Ses. 45th Leg.)

Right to Condemn Lands.

Section 1. The State of Texas, through the Game, Fish and Oyster Commission, shall have the right to acquire by purchase any and all land in this State that may be deemed necessary for the construction, maintenance, enlargement and operation of fresh water fish hatcheries, and for the construction and maintenance of passes leading from one body of tide-water to another. Upon approval of the title by the Attorney General of this State said Game, Fish and Oyster Commission is hereby authorized to

pay for such land so purchased out of any money that has been, or may be hereafter appropriated to it by the Legislature.

Sec. 2. The State of Texas, through the Game, Fish and Oyster Commission, shall have the right, power and authority to enter upon, condemn, and appropriate lands, easements, rights-of-way and property of any person or corporation in the State of Texas for the purpose of erecting, constructing, enlarging and maintaining fish hatcheries, buildings, equipment, roads, passage-ways to said hatcheries and also shall have the right, power and authority to enter upon, condemn and appropriate lands, easements, rights-of-way and property of any person or corporation in this State for the purpose of constructing, enlarging and maintaining passes or channels from one body of tide-water to another body of tide-water in this State. Provided that the manner and method of such condemnation, easement, and payment of damages therefor shall be the same as is now provided by law in the case of railroads.

Sec. 3. Condemnation suits brought under this Act shall be brought in the name of the State of Texas by the Attorney General at the request of the Game, Fish and Oyster Commission in Travis County, Texas. All costs in such proceedings shall be paid by the State or by the person against whom such proceedings are had, to be determined as in the case of railroad condemnation proceedings. All damages and pay or compensation for property awarded in such proceedings shall be paid by the State of Texas by warrant drawn by the Comptroller against any fund in the State Treasury heretofore or hereafter appropriated to the Game, Fish and Oyster Commission. (S. B. 418, Reg. Ses. 46th Leg.)

Assenting to Federal Aid in Wildlife Restoration Act.

Section 1. The State of Texas hereby assents to the provisions of the Act of Congress entitled "An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," approved September 2, 1937 (Public, No. 415, 75th Congress), and the Game, Fish and Oyster Commission is hereby authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife-restoration projects, as defined in said Act of Congress, in compliance with said Act and Rules and Regulations promulgated by the Secretary of Agriculture thereunder. (S. B. 215, Reg. Ses. 46th Leg.)

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 ducks, 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 season 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 season 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 minutes 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 of 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.)

Commissioner's Duty and Powers.

The duties of the Commissioner shall be in the execution of the laws relating to game, fish, oysters and marine life, and such further duties as are imposed upon him by legislation. In the execution of these laws he shall exercise the 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.)

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 pond 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.)

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 license fees collected, all certificates issued for location of private oyster beds, showing the date of certificate and application, when and how the applications were executed and the manner in which the bottoms were examined and rents collected for such locations, showing also all stock fish furnished, to whom furnished, and the cost of same, the streams, lakes or pond 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.)

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.)

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 (\$1000) 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.)

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 sheriff's fees. (1925 R. C. S., Art. 4024.)

Fish and Oyster Fund.

All funds collected by the Game, Fish and Oyster Commissioner from the sale of commercial fisherman's licenses, fish dealers' licenses, taxes on fish, crabs, oysters and shrimps, 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 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., 4030.)

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 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.)

Authority To Make Arrests.

The Game, Fish and Oyster Commissioner and his deputies shall have the same power and authority as sheriffs to serve criminal 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 Sundays, 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.)

Duty of the Commissioner to Enforce Game Laws.

It is hereby made a special duty of the Game, Fish and Oyster Commissioner to enforce the statutes of this State for the protection and preservation of wild game and wild birds; and to bring, or cause to be brought, actions and proceedings in the name of the State of Texas, to recover any and all fines and penalties provided for in the laws now in force, or which may hereafter be enacted, relating to wild game and wild birds. Said Game, Fish and Oyster Commissioner may make complaint and cause proceedings to be commenced against any person for violating any of the laws for the protection and propagation of game or birds without the sanction of the county attorney of the county in which such proceedings are commenced; and in such cases he shall not be required to furnish security for costs. (1925 P. C., Art. 906.)

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 dangers 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.)

Salt Water Hatcheries.

Section 1. The Game, Fish and Oyster Commissioner of this State is hereby authorized to construct and maintain salt water hatcheries, and propagation 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 money available to said Commissioner for the enforcement of game, fish and oyster laws of this State. (S. B. 107, Reg. Ses. 40th Leg.)

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 acknowledgements, to the State of Texas the right to preserve, protect and introduce for propagation purposes any of the game birds or game animals mentioned in this chapter on the lands

mentioned therein, for a period of not less than ten years. Such instrument of writing shall be filed in the office of the Game, Fish and Oyster Commissioner, whereupon the Game, Fish and Oyster Commissioner may at his discretion, declare the lands described in said instrument a State Game Preserve and thereafter for the period named therein shall 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.)

Power of Commissioner 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 capacities as herein set forth. (1925 P. C., Art. 919.)

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 Com-

missioner, 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 rights 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 by 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.)

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.)

County Clerk to Issue Licenses.

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 Commissioner, 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 warrants 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 Commissioner at Austin, and the said Commissioner 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 Commissioner at Austin, in order that such Commissioner may furnish necessary information regarding holders of licenses to any officers in the State. (1925 P. C., Art. 895.)

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 re-

mit same to the Game, Fish and Oyster Commissioner 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 Commissioner. (1925 P. C., Art. 912.)

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 property; provided that such fishing or hunting is in accordance with the laws of this State or such laws or regulations that may hereafter be provided.

Sec. 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 is hereby vested with full control over the fishing and hunting in the Trinity River in Henderson and Navarro Counties and in such abandoned beds or channels of said river that continue the property of this State and said Game, Fish and Oyster Commission is hereby directed and charged with the duty of making necessary regulations that will conserve the game and fish within this area. Any hunting or fishing or the taking of any game or fish within the areas referred to in this Act, except in accordance with the regulations made by the Game, Fish and Oyster Commission, shall be a violation of this Act. Any person violating any such regulations or any part of such regulations shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten (\$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 (10) days after copies of the 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. (H. B. 27, 2nd C. S. 42nd Leg.)

Designation of Fish Sanctuaries.

Section 1. It shall be the duty of the Game, Fish and Oyster Commission with the approval of the Commissioner's Court of any county of the State of Texas to set aside and reserve portions of each public fresh water stream or other body of water as fish sanctuaries in the said county for the propagation in their natural state of fresh water fish. The Commission shall by this means increase and preserve the supply of such fish in any and all such waters where from any cause such supply has been reduced below the maximum number of fish 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 Commissioner 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, 42nd Leg.)

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