

WHEREFORE, your memorialists urge that the Department of Commerce take the necessary steps to locate and chart the halibut banks as well as other fishing banks in Bering Sea.

And your memorialists will ever pray.

Passed by the House, April 3, 1923.

Passed by the Senate, April 7, 1923.

HOUSE JOINT MEMORIAL NO. 12.

TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES:

Your memorialists, the Senate and House of Representatives of the Territory of Alaska, respectfully present:

That the people of the Territory of Alaska are deeply interested in the preservation as well as the utilization of game animals and fur-bearing animals in the Territory;

That the present time the Legislature of the Territory has no authority to legislate on the subject of game or fur-bearing animals; and the proper protection and upbuilding of our wild life in its present depleted condition is a greater financial burden than we can safely ask to be charged with until the Organic Act is changed;

That some legislation is at the present time necessary for the purpose of properly protecting the game and fur-bearing animals of the Territory;

THEREFORE, your memorialists most earnestly pray that the Organic Act of the Territory be amended so as to give the Legislature full authority to legislate on the subject of game and fur-bearing animals in the Territory and that meanwhile, pending the extension of such further authority to the Legislature of the Territory, the hereto attached bill, H. R. 12143 of the last Congress, be enacted by Congress, amended to provide for the election of the Alaska members of the Game Commission by the people of Alaska and have a vote on all rules and regulations.

And your memorialists will ever pray.

Passed by the House, April 18, 1923.

Passed by the Senate, April 28, 1923.

H. R. 12143.

A BILL

To establish an Alaska Game Commission, to protect game, land fur-bearing animals, and birds in Alaska, and for other purposes.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED;

That this Act shall be known by the short title of the "Alaska Game Law."

Section 2. DEFINITIONS. That for the purposes of this Act the following shall be construed, respectively, to mean:

Commission: The Alaska Game Commission.

Territory: Territory of Alaska.

Person: The plural or the singular, as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

Take: Taking, pursuing, disturbing, hunting, capturing, trapping, or killing game animals, land fur-bearing animals, game or nongame birds, attempting to take, pursue, disturb, hunt, capture, trap, or kill such animals or birds, or setting or using a net, trap, or other device for taking them, or collecting the nests or eggs of such birds, unless the context otherwise requires. Whenever the taking of animals, birds, or nests or eggs of birds is permitted, reference is had to taking by lawful means and in lawful manner.

Open Season: The time during which birds or animals may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof.

Close Season: The time during which birds and animals may not be taken.

Transport: Shipping, transporting, carrying, importing, exporting, receiving, or delivering for shipment, transportation, carriage, or export, unless the context otherwise requires.

Game animals: Deer, moose, caribou, mountain sheep, mountain goat, and the large brown and grizzly bears.

Land fur-bearing animals: Beaver, muskrat, fisher, fox, lynx, marten or sable, mink, weasel or ermine, land otter, wolverine,

polar bear, and black bear, including its brown and blue (or glacier bear) color variations.

Game birds: Migratory waterfowl, commonly known as ducks, geese, brant, and swans; shore birds, commonly known as plover, snipe, and curlew; and the several species of grouse and ptarmigan.

Nongame birds: All wild birds except game birds.

Section 3. APPLICATION AND CONSTRUCTION. That for the purpose of this Act a person not an alien who has been domiciled in the Territory not less than six months for the purpose of making his permanent home therein, or a foreign-born person who has declared his intention to become a citizen of the United States and has been domiciled in the Territory for a like period and purpose, shall be considered a resident. A foreign-born person who has not declared his intention to become a citizen of the United States and has not resided in the Territory for at least six months after having declared such intention shall be considered an alien.

That if any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section .4 ALASKA GAME COMMISSION CREATED. That a commission to be known as the "Alaska Game Commission" is hereby created. The Commission shall consist of five members, four of whom shall be appointed by the Secretary of Agriculture within sixty days after the passage of this Act, one member from each of the four judicial districts of the Territory, and each of whom shall be a resident citizen of the district from which he is appointed, and all of whom shall serve until June 30 next following and thereafter one to serve one year, one to serve two years, and one to serve three years, and one to serve four years, as the members of the commission may determine by lot, and thereafter their successors to be appointed to serve for four years unless sooner removed. The fifth member shall be the chief representative of the Bureau of Biological Survey resident in Alaska, who shall be known as the executive officer and who shall also be the fiscal agent of the commission and under the direction of the commission shall direct the administration of the provisions of this Act, and disburse such sums as may be allotted therefor. The Secretary of Agriculture may remove a

commissioner for inefficiency, neglect of duty, or misconduct in office, giving him a copy of the charges against him and opportunity to be publicly heard in person or by counsel in his own defense, upon not less than thirty days' notice. The Secretary of Agriculture shall fill vacancies by appointment for the unexpired term, and a vacancy shall be filled by appointment from the same judicial district in which it occurs. The office of any commissioner shall be, and be deemed to be, vacant upon his removing his residence from the judicial district from which he was appointed.

That the members of the commission, other than the executive officer, shall receive no compensation for their services as members thereof, except a per diem of \$10 for each member for each day going to and from and in actual attendance at meetings of the commission, but the salary or per diem compensation of the member from the second judicial district shall not exceed the sum of \$1,500 and that of any of the other members the sum of \$800 in any one fiscal year, and each member shall have reimbursed to him in any one fiscal year for actual and necessary traveling and subsistence expenses incurred or made in the discharge of his official duties a sum not to exceed the maximum amount allowed him for salary, which shall be paid on proper vouchers from the appropriation for the enforcement of the Alaska game law. The executive officer shall be paid his salary and shall have reimbursed to him all actual and necessary traveling and other expenses and disbursements, payable from the appropriation for the enforcement of the Alaska game law and from such other appropriations for the work of the Bureau of Biological Survey in the Territory as the Secretary of Agriculture may designate.

That the commission shall maintain and have its principal office in Juneau. The members of the commission shall meet in Juneau immediately following their appointment at a time and place designated by the Secretary of Agriculture, and shall organize by electing one member chairman and one member secretary, and shall determine by lot the terms of the members, other than the term of the executive officer, as hereinbefore provided.

That a majority of the members shall constitute a quorum for the transaction of any business. All investigations, inquiries, hearings, and decisions of a commissioner shall be deemed to be the investigations, inquiries, hearings, and decisions of the commission, when approved by it and entered by it in its minute book, and every order made by a commissioner, when approved and confirmed by the commission and ordered filed in its office,

shall be and be deemed to be the order of the commission. The commission shall have an official seal.

Section 5. GENERAL DUTIES AND POWERS OF COMMISSION, WARDENS, AND OFFICERS. That the commission shall have authority to employ and remove game wardens, deputies, clerks, and such other assistants as may be necessary, to fix their periods of service and compensation, to rent quarters, and to incur other expenses, including printing, necessary for the enforcement of this act and for which appropriation has been made; but, subject to review by the commission, the executive officer may suspend or remove any game warden or other employee for cause, including insubordination.

That each member of the commission, any warden, any officer appointed by the Secretary of Agriculture or by the commission to enforce this Act, any Forest Service officer, marshal, deputy marshal, collector, or deputy collector of customs, officer of a Coast Guard vessel, special officer of the Department of Justice, or licensed guide shall have power, in or out of the Territory, and it shall be his duty to arrest without warrant any person committing a violation of this Act in his presence or view, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; he shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this Act; and he shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All guns, traps, nets, boats, dogs, sleds, and other paraphernalia used in or in aid of a violation of this Act, and all animals, birds, or parts thereof, or nests or eggs of birds taken, transported, or possessed contrary to the provisions of this Act shall, when found, be seized by any officer or person authorized to enforce this Act, and upon conviction of the offender or upon judgment of a court of the United States that the same were being used or were taken, transported, or possessed in violation of this Act, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction, and if sold the proceeds of sale to be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the commission. Any property, animals, birds, or parts thereof, or nests or eggs of birds seized by a licensed guide, shall be safely held and promptly delivered by him to the commission, a game warden, or to a marshal or a deputy marshal. It shall

be the duty of the Secretary of the Treasury, upon request of the Secretary of Agriculture, to aid in carrying out the provisions of this Act.

Section 6. BOND OF COMMISSIONERS. That before entering upon the duties of his office each member of the commission, other than the executive officer, shall execute and file with the Secretary of Agriculture a bond to the people of the United States in the sum of \$1,000, with sufficient sureties, and the executive officer shall so file such a bond in the sum of \$20,000, and each game warden or other person authorized by the commission to sell licenses shall so file such a bond in the sum of \$500, conditioned for the faithful performance of their respective duties, and that they, respectively, will account for and pay over, pursuant to law, all moneys or property received by them respectively. Each member of the commission and each of such game wardens or other persons shall have reimbursed to him on proper voucher the premium paid by him on his bond.

Section 7. ESTIMATES AND REPORTS. That the commission, on or before the 15th day of July of each year, shall file with the Secretary of Agriculture a detailed estimate of the appropriation necessary for the service during the following fiscal year, and on or before the 1st day of October of each year shall submit a detailed report to him covering all expenditures and other operations for the preceding fiscal year.

Section 8. TAKING OF ANIMALS AND BIRDS RESTRICTED. That, unless and except as permitted by this Act or by regulations made pursuant to this Act, it shall be unlawful for any person to take, possess, transport, sell, offer to sell; purchase, or offer to purchase any game animal, land fur-bearing animal, wild bird, or any parts thereof, or any nest or egg of any such bird.

Section 9. POISON; USE OF PROHIBITED. That no person shall at any time use any poison to kill any animal or bird protected by this Act or shall put out poison or a poisoned bait where any such animal or bird may come in contact with it; but a game warden or predatory animal hunter employed by or under the direction of the commission may use poison to kill wolves, coyotes, or wolverines, under such regulations as the commission may adopt; and no person shall sell or give any strychnine or other poison designated by the commission to any hunter or trapper, including native Indians or Eskimos who hunt or trap. No hunter or trapper, including native Indians or Eskimos who hunt and trap, shall have any strychnine or other poison designated by the commission in his possession,

and any such poison found in the possession of any such person shall be seized and disposed of in such manner as the commission may determine. Any person selling or otherwise disposing of any strychnine, or any other poison designated by the commission, shall keep a record in a special book showing the name and address of each person purchasing or otherwise procuring it and the kind and amount thereof, which record shall at all times be open to inspection by any game warden or other officer authorized to enforce this Act, and he shall transmit such information monthly to the commission.

Section 10. REGULATIONS. That the Secretary of Agriculture, upon consultation with or recommendation from the commission, is hereby authorized and directed from time to time to determine when, to what extent, if at all, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests or eggs of such birds may be taken, possessed, transported, bought, or sold, and to adopt suitable regulations permitting and governing the same in accordance with such determinations, which regulations shall become effective ninety days after the date of publication thereof through the issuance of a departmental service and regulatory announcement by the Secretary of Agriculture; but no such regulation shall permit any person to take any female yearling or calf moose, any doe yearling or fawn deer, or any female yearling or lamb mountain sheep; or to use any dog in taking game animals, except bears; or to use a shotgun larger than number ten gauge, or any gun that cannot be fired from the shoulder; or to use an airplane, steam or power launch, or any boat other than one propelled by paddle or oars in taking game animals or game birds; or to sell any game animals, game birds, or parts thereof, to the owner, master, or employee of any coastal or river steamer or commercial power or sail boat, or to procure for serving and serve any such game animals, game birds, or parts thereof, in any cannery mess house or to the employees on any such steamer or boat; or shall permit any native Indian or Eskimo, prospector, or traveler to take animals or birds during the closed season except when in absolute need of food and other food is not available, or permit the shipment or sale of any animals or birds so taken.

Section 11. LICENSES: SUBDIVISION A. NONRESIDENT HUNTING LICENSE. That, except as otherwise permitted by this Act, no nonresident shall take or possess any of the animals or birds protected by this Act without first having procured a nonresident hunting license as herein provided.

SUBDIVISION B. NONRESIDENT SHIPPING LICENSE. That no nonresident shall export any game bird, head, hide, or

carcass of a game animal unless it was legally taken by him and he shall have first procured a nonresident shipping license as herein provided.

SUBDIVISION C. RESIDENT SHIPPING LICENSE. That no resident of the Territory shall export any game animal or part thereof, but he may export for mounting in any one year not to exceed two heads or trophies of each species of game animal legally killed by him upon first procuring a resident shipping license as herein provided.

SUBDIVISION D. RESIDENT HUNTING LICENSE. That the commission, whenever it shall deem expedient, may by regulation require residents of the Territory to procure resident hunting licenses authorizing them to take animals and birds protected by this Act and may fix the fees for such licenses. After the expiration of sixty days from the adoption of such regulation no resident shall take any animal or bird protected by this Act without having procured a resident hunting license as herein provided.

SUBDIVISION E. REGISTERED GUIDE LICENSE. That only a resident citizen or resident native Indian or Eskimo of the Territory who can read and write English may act as guide for a nonresident, and he shall first register with the commission in a book which it shall keep for this purpose and procure a registered guide license as herein provided. No person other than a registered guide shall act as guide for a nonresident in any section of the Territory where guides are required by regulation of the commission to be registered.

SUBDIVISION F. ALIEN SPECIAL LICENSE. That no alien shall take any of the animals or birds protected by this Act, or own or be possessed of a shotgun, rifle, or other firearm, except under an alien special license as herein provided.

SUBDIVISION G. FUR-FARM LICENSE. That no person shall engage in the business of farming land fur-bearing animals or possess them for purposes of propagation without first having procured a fur-farm license as herein provided.

SUBDIVISION H. PERMITS FOR SCIENTIFIC AND EXHIBITION PURPOSES. That no person shall take or export any specimen of animals or birds or parts thereof or nests or eggs of birds for scientific purposes, or take or export live animals or birds or eggs of birds for exhibition purposes, except under a special permit issued by the Secretary of Agriculture.

SUBDIVISION I. FEES, APPLICATION FOR AND ISSUANCE OF LICENSE. That the Secretary of Agriculture, upon

consultation with or recommendation from the commission, shall fix the fees for such license which, with the exception of alien special licenses and resident shipping licenses, shall be issued by the commission through its members, game wardens, and other persons authorized by it in writing to sell licenses. Alien special licenses shall be issued only by the executive officer, and resident shipping licenses shall be issued by the collector of the port of shipment. Applications for licenses shall be furnished by the commission and shall be in such form as the commission may by regulation determine; and applications therefor shall be subscribed and sworn to by an applicant before an officer authorized to administer oaths in the Territory; and the members of the commission and its game wardens and other persons authorized in writing by it to issue licenses are hereby authorized to administer oaths to applicants for such licenses.

SUBDIVISION J. FALSE STATEMENT IN APPLICATION FOR, ALTERATION, AND EXPIRATION OF LICENSES. That any false statement contained in an application for a license shall render null and void the license issued upon it. Any person who shall make any false statement in an application for a license shall be deemed guilty of perjury, and upon conviction thereof shall be subject to the penalties provided for the commission of perjury. No person shall alter, change, loan, or transfer to another any license issued to him in pursuance of this Act, nor shall any person other than the one to whom it is issued use such license; and each of such licenses shall expire the 30th day of June next succeeding its issuance.

SUBDIVISION K. PROCEEDS OF LICENSES, DISPOSITION OF. That each officer or person selling licenses shall, as soon as practicable after the first day of each month, transmit the proceeds with a report of such sales to the executive officer, who shall keep accurate records thereof and of receipts from all other sources and promptly transmit 50 per centum thereof to the Secretary of Agriculture to be covered into the Treasury of the United States as miscellaneous receipts, and 50 per centum thereof to the treasurer of the Territory to be covered into the territorial school and road fund.

Section 12. DUTIES OF COLLECTORS OF CUSTOMS. That it shall be the duty of collectors of customs at ports of entry in the United States to keep accurate accounts of all consignments of game birds, game animals, and parts thereof, received from or returned to the Territory, except birds, nests, and eggs shipped under a scientific permit issued by the Secretary of Agriculture; and it shall be the duty of all collectors of customs to enforce the provisions of regulations adopted pursuant

to this Act with respect to shipments of animals or birds or nests or eggs of birds.

Section 13. UNITED STATES ATTORNEYS, DUTIES OF. That it shall be the duty of the United States attorney for the district in which any animal, bird, or part thereof, or nest or egg of any bird, or any gun, trap, net, boat, dog, sled, or other paraphernalia has been seized, or has been used, taken, transported, bought, sold or possessed contrary to the provisions of this Act, to institute an action in rem against it for the forfeiture thereof to the United States; the possession of any animal, bird, or part thereof, or nest or egg of any bird, during the time when the taking of it is prohibited, shall, in any such action, constitute prima facie evidence that it was unlawfully taken, possessed, bought, sold, or transported in violation of the provisions of this Act, and the burden of proof shall be upon the claimant of it to overcome the presumption of illegal possession and to establish the fact that it was obtained and is possessed lawfully; and in case of judgment being rendered in favor of the United States, it shall be disposed of as directed by the court having jurisdiction.

Section 14. TRANSFER OF FUNDS. That the unexpended balances of any sums appropriated by the Agricultural Appropriation Act for enforcing the provisions of section 1956 of the Revised Statutes, as amended, so far as it relates to the protection of land fur-bearing animals in the Territory, or by the Sundry Civil Act for the protection of game in the Territory, are hereby made available until expended for the expenses of carrying into effect the provisions of this Act and regulations made pursuant thereto.

Section 15. PENALTIES. That unless a different or other penalty or punishment is herein specifically prescribed, a person who violates any provision of this Act, or who fails to perform any duty imposed by this Act or any lawful order or regulation adopted pursuant to this Act, is guilty of misdemeanor and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both; and, in addition thereto, the conviction of any licensed hunter for a violation of any of the provisions of this Act shall cause a forfeiture of his license and he shall surrender it upon demand to any person authorized by the commission to receive it.

That any licensed guide who shall fail or refuse to report promptly to the commission any violation of this Act of which he may have knowledge, shall be guilty of a violation of this Act, and, in addition thereto, shall have his license revoked and shall be ineligible to act as a licensed guide for a period of five

years from the time of his conviction therefor or of the establishment to the satisfaction of the commission of definite proof of such offense.

Section 16. EXISTING LEGISLATION CONTINUED IN FORCE TEMPORARILY. That the provisions of existing laws relating to the protection of wild animals, birds, and nests and eggs of birds in the Territory shall remain in full force and effect until the expiration of ninety days from the date of the publication through the issuance of a departmental service and regulatory announcement of regulations of the Secretary of Agriculture adopted pursuant to the provisions of this Act.

Section 17. DATE EFFECTIVE. That the provisions of this Act relating to the creation and organization of the commission and with respect to making or adopting regulations shall take effect on its passage and approval; all other provisions of this Act shall take effect ninety days from the date of the publication through the issuance of a departmental service and regulatory announcement of regulations of the Secretary of Agriculture.

HOUSE JOINT MEMORIAL NO. 13.

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES:

Your memorialists, the Senate and House of Representatives of the Territory of Alaska, respectfully present:

That many of the provisions of the Organic Act of the Territory closely limiting the power of the Legislature have served their usefulness and become a detriment rather than an aid to the Territory. Especially is this true of that part of Section 3 of the Organic Act which prohibits the Legislature from modifying the laws of the United States providing for tax on business and trade, and of the act entitled "An Act to provide for the construction and maintenance of roads, establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, creating the Alaska Fund. The purpose of this provision was to insure permanent support for schools and for the construction of roads. The Fund created by the last named act yields for the above named purposes about two hundred thousand (\$200,000.00) dollars annually, while the Territorial Legislature regularly appropriates every biennium for the above named purposes nearly one million