

and imprisonment; and in any case where such employer is a corporation, the president, secretary, and treasurer thereof shall be also severally liable to such penalty of imprisonment as well as jointly liable with such corporation for such fine.

"(c) This section shall not affect any other liability of the employer under this Act."

Approved, June 25, 1938.

Liability of officers of corporation.

Other liabilities of employer not affected.

[CHAPTER 686]

AN ACT

To amend the Act of Congress entitled "An Act to establish an Alaska Game Commission, to protect game animals, land fur-bearing animals, and birds in Alaska, and for other purposes", approved January 13, 1925, as amended.

June 25, 1938
[H. R. 7844]
[Public, No. 728]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to establish an Alaska Game Commission, to protect game animals, land fur-bearing animals, and birds in Alaska, and for other purposes", approved January 13, 1925 (43 Stat. 739), as amended by the Act of February 14, 1931 (46 Stat. 1111), under the title "Definitions" is amended to read as follows:

Alaska Game Law, amendments.

43 Stat. 739; 46 Stat. 1111.
48 U. S. C. § 206.

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

Definitions.

"Commission: The Alaska Game Commission.

"Commission."

"Territory: Territory of Alaska.

"Territory."

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

"Person."

"Indian: Natives of one-half or more Indian blood.

"Indian."

"Eskimo: Natives of one-half or more Eskimo blood.

"Eskimo."

"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.

"Take."

"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.

"Open season."

"Closed season: The time during which birds and animals may not be taken.

"Closed season."

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

"Transport."

"Game animals: Deer, moose, caribou, elk, mountain sheep, mountain goat, bison, muskox, and the large brown and grizzly bears, and such other animals as have been or may hereafter be transplanted, introduced, or reintroduced into the Territory or any part thereof and found and declared by the Secretary of Agriculture to be game animals, which shall be known as big game.

"Game animals."

"Land fur-bearing animals: Beaver, muskrat, marmot, raccoon, pika, squirrel, 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, and such other animals as have been or may hereafter be transplanted, introduced, or reintroduced into the Territory or any part thereof and found and declared by the Secretary of Agriculture to be fur-bearing animals;

"Land fur-bearing animals."

but whenever the Secretary of Agriculture shall find that the aforesaid black bear, or its color variations, is predominantly hunted in any section of Alaska as a game animal rather than a fur-bearer, he shall so declare and then and thereafter, so long as such declaration remains in effect, such bear in the specified section of Alaska shall be considered to be a game animal to the same effect as if it had been expressly included in the foregoing definition of game animals.

"Game birds."

"Game birds: Anatidae, commonly known as waterfowl, including ducks, geese, brant, and swans; Haematopodidae, Charadriidae, Scolopacidae, and Phalaropodidae, commonly known as shorebirds, including oyster-catchers, plover, sandpipers, snipe, curlew, and phalaropes; Gruidae, commonly known as cranes; and the several species of grouse and ptarmigan, and such other birds as have been or may hereafter be transplanted, introduced, or reintroduced into the Territory or any part thereof and found and declared by the Secretary of Agriculture to be game birds.

"Nongame birds."

"Nongame birds: All wild birds except game birds."

43 Stat. 740.
48 U. S. C. § 207.

Residence require-
ments.

SEC. 2. That section 3 of said Act is amended by striking the period at the end of the first paragraph of said Act, following the word "alien", and inserting a colon in lieu thereof and after the colon the following: "Provided, That whenever the Secretary of Agriculture shall determine that the economic welfare and interests of native Indians or Eskimos, or the fur resources of Alaska, are threatened by the influx of trappers from without the Territory, he may, in his discretion and for such periods as he shall determine, require that citizens of the United States who are nonresidents of the Territory, and foreign-born persons and aliens within the meaning of this Act, shall have resided in Alaska for a continuous period of three years instead of one year before being eligible to obtain resident trapping licenses under the provisions of the Alaska game law, as amended, and regulations issued pursuant thereto."

43 Stat. 741.
48 U. S. C. § 192.

Duties and powers
of Commission, ward-
ens, and officers.

SEC. 3. That the first paragraph of section 5 of said Act is amended to read as follows:

"SEC. 5. DUTIES AND POWERS OF THE 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 necessary expenses payable from appropriations for carrying out the purposes of this Act, including printing and purchase, operation, maintenance, and repair of aircraft; restocking depleted areas and emergency feeding of wildlife; investigation of wildlife conditions; and protection of wildlife resources within the Territory; but, subject to review by the Commission, the executive officer may suspend or remove any game warden or other employee for cause, including insubordination."

43 Stat. 743.
48 U. S. C. § 198.
Regulations for tak-
ing game animals, etc.

SEC. 4. That section 10 of said Act is amended to read as follows:

"SEC. 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 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 on the date specified therein; but no such regulations shall permit any person to take any female yearling or calf moose, any doe yearling or fawn deer, or any female or lamb mountain sheep except under permit for scientific, propagation, or educational purposes; or to use any dog in taking game animals; or to sell the heads, hides, or horns

Prohibitions.

of any game animals, except the hides of moose, caribou, deer, and mountain goat, or black bears if and when declared to be game animals by the Secretary of Agriculture under authority of section 2 of this Act, which the regulations may permit to be sold under such restrictions as said Secretary may deem to be appropriate; or to use any shotgun larger than a number 10 gage; or to use any airplane, or steam or power launch, or any boat other than one propelled by paddle, oars, or pole, 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 or to serve any such game animals, game birds, or parts thereof in any cannery or to the employees on any such steamer or boat; nor, except as herein provided, shall prohibit any Indian or Eskimo, prospector, or traveler to take animals or birds during the closed season when he is in absolute need of food and other food is not available, but the shipment or sale of any animals or birds or parts thereof so taken shall not be permitted, except that the hides of animals so taken may be sold within the Territory, but said Secretary by regulation may prohibit such native Indians or Eskimos, prospectors, or travelers from taking any species of animals or birds for food during the closed season in any section of the Territory within which he shall determine that the supply of such species of animals or birds is in danger of extermination; nor shall any such regulation contravene any of the provisions of the Migratory Bird Treaty Act and regulations: *Provided*, That no person shall knowingly disturb, injure, or destroy any notice, signboard, seal, boat, vessel, sled, dog, or dog team, paraphernalia, or equipment, building, or other improvement or property of the United States used by the Commission in the administration and/or enforcement of the provisions of this Act, or as a notice to the public concerning the provisions of this Act or any regulation adopted pursuant thereto, or as a marker of the boundary of any area closed to hunting, trapping, or other special use under the provisions of this Act, or to destroy, remove, tamper with, or imitate any metal seal or seals issued by the Commission and attached to any skin, portion, or specimen of a wild animal or bird or other article for purposes of identification under its authority, in accordance with the provisions of this Act or any regulations thereunder."

SEC. 5. That subdivision C, the first paragraph of subdivision H, and subdivision J, of section 11 of said Act are amended as follows:

"SUBDIVISION C. RESIDENT HUNTING AND TRAPPING LICENSES.—That the Commission, whenever it shall deem expedient, may by regulation require residents of the Territory to procure resident hunting and trapping licenses authorizing them to take animals and birds protected by this Act, and when such licenses shall have been required of residents the fee therefor shall be as follows: For each hunting license the sum of \$1 and for each trapping license the sum of \$2, but no such license shall be required of native Indians and Eskimos, or of residents under the age of sixteen: *Provided*, That a licensed trapper shall be entitled to the privilege of hunting without a hunting license. After the effective date of such regulation, no resident shall take any animal or bird protected by this Act without having first procured resident hunting and trapping licenses as herein provided."

"SUBDIVISION H. FUR DEALERS, LICENSES, FEES.—No person shall buy or sell the skins of fur-bearing animals, or engage in, carry on, or be concerned in the business of buying, selling, or trading in the skins of fur-bearing animals protected by this Act without first

Ante, p. 1169.

Use of certain firearms; airplanes, boats, etc.

Sales of game, etc.

Use for food.

No contravention of migratory bird law.
40 Stat. 755.
16 U. S. C. § 703;
Supp. III, ch. 7.
Proviso.
Protection of property used by Commission.

43 Stat. 744, 745, 746.
48 U. S. C. § 199.

Resident hunting and trapping licenses.

Fees.

Proviso.
Hunting privileges of licensed trappers.

Fur dealers, licenses, fees.

Native Indians or Eskimos, cooperative stores, etc.

Proviso.
Records and reports by exempted stores.

43 Stat. 745.
48 U. S. C. § 199.

False statement in application for and alteration and expiration of licenses.

43 Stat. 747.
48 U. S. C. § 202.
Penalties.

Forfeiture of license.

Second conviction.

Third and successive convictions.

Cooperative stores.

Proviso.
Limitations.

Disposal of moneys from fines.

Failure of licensed guides to report violations.

having procured a license as herein provided, but no license shall be required of native Indians or Eskimos, or of cooperative stores operated exclusively by and for native Indians or Eskimos, or of stores operated by missions exclusively for native Indians or Eskimos: *Provided*, That the stores exempted from procuring licenses as herein provided shall, on or before thirty days after the expiration of each license year as specified in this Act, make a written statement to the Commission on a form prepared and furnished by it setting forth such material facts concerning the management and operation of such store as the Commission may by such form require and in addition thereto shall keep the records, make the reports, incur the penalties, and in all other respects be subject to the requirements of subdivision F of section 11 to the same extent as licensed fur dealers, or of a hunter or trapper selling the skins of such animals which he has lawfully taken, or of a person not engaged or employed in the business of trading in such skins to purchase them for his own use but not for sale."

"SUBDIVISION J. FALSE STATEMENT IN APPLICATION FOR AND ALTERATION AND EXPIRATION OF LICENSES.—That any false statement in an application for license as to citizenship, place of residence, or other material facts shall render null and void the license issued upon it. Any person who shall make any false statements in an application for a license shall be guilty of a violation of this Act and upon conviction of any such violation shall be punished as provided in section 15 hereof. 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."

SEC. 6. That section 15 of said Act is amended to read as follows:

"SEC. 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 order or regulation adopted pursuant to this Act, is guilty of misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$500 or be imprisoned not more than six months, or both; and, in addition thereto, any person convicted of a violation of any provision of this Act who is the holder of any form of license issued thereunder shall thereupon forfeit said license and shall surrender it upon demand of any person authorized by the Commission to receive it, and upon a second conviction he shall not be entitled to, nor shall he be granted, a license of such form for a period of one year from date of such forfeiture, and upon a third or successive conviction, for a period of five years from the date of such forfeiture; and any cooperative store operated exclusively by and for native Indians or Eskimos, or any store operated by missions exclusively for native Indians or Eskimos, without a license as provided in this Act, upon a second or third conviction for violation of this Act, shall not be entitled to engage in the business of dealing in furs for such time as the court before whom such conviction is had may decide: *Provided*, That such prohibition shall not be imposed for the first conviction, nor for a period in excess of one year from date of the second conviction, nor for a period in excess of five years from date of the third or any subsequent conviction; that all moneys from fines shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the Commission.

"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."

Approved, June 25, 1938.

[CHAPTER 687]

AN ACT

To provide for conveying to the State of North Dakota certain lands within Burleigh County within that State for public use.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to grant and convey to the State of North Dakota, for public use, fee-simple title to the lands and improvements thereon comprising the Bismarck Indian School buildings and grounds: *Provided*, That in consideration of this conveyance the State of North Dakota shall convey to the United States in trust for such Indian tribes as may be designated at the time of conveyance by the Secretary of the Interior, lands (and improvements thereon, if any) situated convenient to existing Indian reservations and suitable for agricultural and stockraising purposes: *Provided further*, That the land and improvements conveyed to the United States shall in value be equal to the value of the property conveyed by the United States to the State of North Dakota: *And provided further*, That the conveyance by the United States to the State of North Dakota shall protect existing easements or rights-of-way across the Indian school property.

SEC. 2. Prior to the conveyance of any land or improvements, as herein authorized, the Secretary of the Interior shall cause an appraisal thereof to be made by an appraisal committee consisting of a representative of the Commissioner of Indian Affairs, a representative of the General Land Office, and a third person satisfactory to the Secretary of the Interior, to be appointed by the Governor of the State of North Dakota.

Approved, June 25, 1938.

[CHAPTER 688]

AN ACT

Authorizing the disbursement of funds appropriated for compensation of help for care of material, animals, armament, and equipment in the hands of the National Guard of the several States, Territories, and the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That moneys hereafter appropriated under the provisions of the National Defense Act, as amended, for compensation of help for care of material, animals, armament, and equipment in the hands of the National Guard of the several States, Territories, and the District of Columbia shall be available for the hire of caretakers who may also perform clerical duties incidental to their employment, and such moneys may be used as supplemental to money appropriated by the several States, Territories, and the District of Columbia for the support of the National Guard: *Provided*, That nothing herein contained shall be construed to prevent the utilization of the services of such caretakers on duties other than

Penalty.

June 25, 1938

[H. R. 7868]

[Public, No. 729]

State of North Dakota.
Conveyance of lands to, for public use.

Provisos.
Conveyance of lands to United States in trust.

Value of property conveyed.

Protection of existing easements, etc., across Indian school property.

Appraisal.

June 25, 1938

[H. R. 9721]

[Public, No. 730]

National Guard.
Availability of designated funds.
39 Stat. 166.

Caretakers, duties.

Provisos.
Other duties.