

thereunder, shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court, be fined in a sum not exceeding \$500 or imprisonment not more than six months, or both. (June 28, 1930, c. 709, § 2, 46 Stat. 828.)

For title of Act see note to § 692.

Chapter 7.—PROTECTION OF MIGRATORY GAME AND INSECTIVOROUS BIRDS.

★ Section 701. Game and wild birds; preservation.—

"394" in line 6 of this section should read "395."

703. Taking, killing, or possessing migratory birds unlawful.—

Section 1001, par. 1518 of Title 10, provides "That nothing in [chapter 4 of Title 19] shall be construed to repeal the provisions [of §§ 703 to 711 of Title 16] or any other law of the United States, now of force, intended for the protection or preservation of birds within the United States."

704. Determination as to when and how migratory birds may be taken, killed, or possessed.—

See note to § 703.

705. Transportation or importation of migratory birds; when unlawful.—

See note to § 703.

706. Arrests; search warrants.—

See note to § 703.

707. Punishments.—

See note to § 703.

708. State or Territorial laws or regulations.—

See note to § 703.

709. Migratory birds, nests, or eggs for scientific or propagating purposes.—

See note to § 703.

710. Partial invalidity; short title.—

See note to § 703.

711. Breeding and sale for food supply.—

See note to § 703.

★ "this chapter" in lines 1 and 2 should read "sections 703 to 710 inclusive, of this title."

Chapter 7a.—MIGRATORY BIRD CONSERVATION ACT.

Section 715. Citation.—This chapter shall be known by the short title of "Migratory Bird Conservation Act." (Feb. 18, 1929, c. 257, § 1, 45 Stat. 1222.)

The Act cited to the text was entitled "An Act to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes."

Section 20 of said Act (45 Stat. 1226) provided as follows:

"Sec. 20. That this Act [chapter] shall take effect upon its passage and approval."

715a. Migratory Bird Conservation Commission; creation; composition; duties; approval of areas of land and water recommended for purchase or rental.—A commission to be known as the Migratory Bird Conservation Commission, consisting of the Secretary of Agriculture, as chairman, the Secretary of Commerce, the Secretary of the Interior, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives to be selected by the Speaker, is hereby created and authorized to consider and pass upon any area of land, water, or land and water that may be recommended by the Secretary of Agriculture for purchase or rental under this chapter, and to fix the price or prices

at which such area may be purchased or rented; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission. Any Member of the House of Representatives who is a member of the commission, if reelected to the succeeding Congress, may serve on the commission notwithstanding the expiration of a Congress. Any vacancy on the commission shall be filled in the same manner as the original appointment. The ranking officer of the branch or department of a State to which is committed the administration of its game laws, or his authorized representative, and in a State having no such branch or department, the governor thereof, or his authorized representative, shall be a member ex officio of said commission for the purpose of considering and voting on all questions relating to the acquisition, under this chapter, of areas in his State. (Feb. 18, 1929, c. 257, § 3, 45 Stat. 1222.)

See note to § 715.

715b. Same; annual report.—The commission hereby created shall, through its chairman, annually report in detail to Congress, not later than the first Monday in December, the operations of the commission during the preceding fiscal year. (Feb. 18, 1929, c. 257, § 3, 45 Stat. 1223.)

See note to § 715.

715c. Areas recommended for approval; character.—The Secretary of Agriculture shall recommend no area for purchase or rental under the terms of this chapter except such as he shall determine is necessary for the conservation of migratory game birds. (Feb. 18, 1929, c. 257, § 4, 45 Stat. 1223.)

See note to § 715.

715d. Purchase or rental of approved areas; gifts and devises; United States lands.—The Secretary of Agriculture is authorized to purchase or rent such areas as have been approved for purchase or rental by the commission, at the price or prices fixed by said commission, and to acquire by gift or devise, for use as inviolate sanctuaries for migratory birds, areas which he shall determine to be suitable for such purposes, and to pay the purchase or rental price and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, including options when deemed necessary by the Secretary of Agriculture, from moneys to be appropriated hereunder by Congress from time to time: *Provided*, That no lands acquired, held, or used by the United States for military purposes shall be subject to any of the provisions of this chapter. (Feb. 18, 1929, c. 257, § 5, 45 Stat. 1223.)

See note to § 715.

715e. Same; examination of title; easements and reservations.—The Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this chapter, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General, but the acquisition of such areas by the United States shall in no case be defeated because of rights of way, easements, and reservations which from their nature will in the opinion of the Secretary of Agriculture in no manner interfere with the use of the areas so encumbered for the purposes of this chapter; but such rights of way, easements, and reservations retained by the grantor or lessor, from whom the United States receives title, shall be subject to rules and regulations prescribed from time to time by the Secretary of Agriculture for the occupation, use, operation, protection, and administration of such areas as inviolate sanctuaries for migratory birds; and it shall be expressed in the deed or lease that the use, occupation, and operation of such rights of way, easements, and reservations shall be subordinate to and subject to such rules and regulations. (Feb. 18, 1929, c. 257, § 6, 45 Stat. 1223.)

See note to § 715.

715f. Same; consent of State to conveyance.—No deed or instrument of conveyance shall be accepted by the Secretary of Agriculture under this chapter unless the State in which the area lies shall have consented by law to the acquisition by the United States of lands in that State. (Feb. 18, 1929, c. 257, § 7, 45 Stat. 1223.)

See note to § 715.

715g. Jurisdiction of State over areas acquired.—The jurisdiction of the State, both civil and criminal, over persons upon areas acquired under this chapter shall not be affected or changed by reason of their acquisition and administration by the United States as migratory bird reservations, except so far as the punishment of offenses against the United States is concerned. (Feb. 18, 1929, c. 257, § 8, 45 Stat. 1224.)

See note to § 715.

715h. Same; operation of State game laws.—Nothing in this chapter is intended to interfere with the operation of the game laws of the several States applying to migratory game birds in so far as they do not permit what is forbidden by Federal law. (Feb. 18, 1929, c. 257, § 9, 45 Stat. 1224.)

See note to § 715.

715i. Prohibited acts on areas acquired.—No person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this chapter, or cut, burn, or destroy any timber, grass, or other natural growth, on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture; nor shall any person take any bird, or nest or egg thereof on any area acquired under this chapter, except for scientific or propagating purposes under permit of the Secretary of Agriculture; but nothing in this chapter or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this chapter for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area. (Feb. 18, 1929, c. 257, § 10, 45 Stat. 1224.)

See note to § 715.

715j. Migratory birds defined.—For the purposes of this chapter, migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916. (Feb. 18, 1929, c. 257, § 11, 45 Stat. 1224.)

See note to § 715.

715k. Appropriations for purposes of chapter; disposal; reservation protectors.—For the acquisition, including the location, examination, and survey, of suitable areas of land, water, or land and water, for use as migratory bird reservations, and necessary expenses incident thereto, and for the administration, maintenance, and development of such areas and other preserves, reservations, or breeding grounds frequented by migratory game birds and under the administration of the Secretary of Agriculture, including the construction of dams, dikes, ditches, flumes, spillways, buildings, and other necessary improvements, and for the elimination of the loss of migratory birds from alkali poisoning, oil pollution of waters, or other causes, for cooperation with local authorities in wild life conservation, for investigations and publications relating to North American birds, for personal services, printing, engraving, and

issuance of circulars, posters, and other necessary matter and for the enforcement of the provisions of this chapter, there are authorized to be appropriated, in addition to all other amounts authorized by law to be appropriated, the following amounts for the fiscal years specified—

\$75,000 for the fiscal year ending June 30, 1930;

\$200,000 for the fiscal year ending June 30, 1931;

\$600,000 for the fiscal year ending June 30, 1932;

\$1,000,000 for the fiscal year ending June 30, 1933;

\$1,000,000 for each fiscal year thereafter for a period of six years; and

\$200,000 for the fiscal year ending June 30, 1940 and for each fiscal year thereafter. Not more than 20 per centum of the amounts appropriated pursuant to this authorization for the fiscal year beginning July 1, 1930, and for each fiscal year to and including the fiscal year ending June 30, 1939, shall be expended for personal services in the District of Columbia and elsewhere incident to the administration and maintenance of acquired areas, printing, engraving, and issuance of circulars and posters. No part of any appropriation authorized by this section shall be used for payment of the salary, compensation, or expenses of any United States game protector, except reservation protectors for the administration, maintenance, and protection of such reservations and the birds thereon: *Provided*, That reservation protectors appointed under the provisions of this chapter shall be selected, when practicable, from qualified citizens of the State in which they are to be employed. The Secretary of Agriculture is authorized and directed to make such expenditures and to employ such means, including personal services in the District of Columbia and elsewhere, as may be necessary to carry out the foregoing objects. (Feb. 18, 1929, c. 257, § 12, 45 Stat. 1224.)

See note to § 715.

715l. Execution of provisions of chapter; powers and duties of United States judges, commissioners and employees of Department of Agriculture.—For the efficient execution of this chapter, the judges of the several courts established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce this chapter, shall have, with respect thereto, like powers and duties as are conferred by section 706 of this title upon said judges, commissioners, and employees of the Department of Agriculture appointed to enforce chapter 7 of this title. Any bird, or part, nest or egg thereof, taken or possessed contrary to this chapter, when seized shall be disposed of as provided by said section 706. (Feb. 18, 1929, c. 257, § 13, 45 Stat. 1225.)

See note to § 715.

715m. Violations of provisions of chapter; penalty.—Any person, association, partnership, or corporation who shall violate or fail to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$10 nor more than \$500, or be imprisoned not more than six months, or both. (Feb. 18, 1929, c. 257, § 14, 45 Stat. 1225.)

See note to § 715.

715n. Word "take" defined.—For the purposes of this chapter the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires. (Feb. 18, 1929, c. 257, § 15, 45 Stat. 1225.)

See note to § 715.

715o. National forest and power sites; use for migratory bird reservations.—Nothing in this chapter shall be construed as authorizing or empowering the Migratory Bird Conservation Commission herein created, the Secretary of Agriculture, or any other board, commission, or officer, to declare, withdraw, or

determine, except heretofore designated, any part of any national forest or power site, a migratory bird reservation under any of the provisions of this chapter, except by and with the consent of the legislature of the State wherein such forest or power site is located. (Feb. 18, 1929, c. 257, § 16, 45 Stat. 1225.)

See note to § 715.

715p. Cooperation of State in enforcement of provisions of chapter.—When any State shall, by suitable legislation, make provision adequately to enforce the provisions of this chapter and all regulations promulgated thereunder, the Secretary of Agriculture may so certify, and then and thereafter said State may cooperate with the Secretary of Agriculture in the enforcement of this chapter and the regulations thereunder. (Feb. 18, 1929, c. 257, § 17, 45 Stat. 1225.)

See note to § 715.

715q. Expenses of commission; appropriation.—A sum sufficient to pay the necessary expenses of the commission (sic) and its members, not to exceed an annual expenditure of \$5,000, is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission. (Feb. 18, 1929, c. 257, § 18, 45 Stat. 1225.)

See note to § 715.

715r. Partial invalidity of chapter; validity of remainder.—If any provision of this chapter or the application thereof to any person or circumstance is held invalid the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby. (Feb. 18, 1929, c. 257, § 19, 45 Stat. 1226.)

See note to § 715.

Chapter 8.—UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE.

Section 729. Upper Mississippi River Wild Life and Fish Refuge; price per acre.—The Secretary of Agriculture shall not pay for any land or land and water a price which shall exceed an average cost of \$10 per acre: *Provided further*, That this provision shall not apply to any land or land and water heretofore acquired or contracted for under the provisions of section 722 of this title. (As amended May 12, 1928, c. 534, 45 Stat. 502.)

The Resolution cited to the text was entitled "Joint Resolution to amend section 10 of the Act entitled 'An Act to establish the upper Mississippi River wild life and fish refuge,' approved June 7, 1924."

The first part of section 10 of Act June 7, 1924, c. 346, 43 Stat. 652, read as follows:

"There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and to be available until expended, the sum of \$1,500,000, or so much thereof as may be necessary for the acquisition of any areas authorized by this Act [section 722 of this title] to be acquired for such refuge and for all necessary expense incident to the acquisition of such areas: *Provided That*," [and then followed the provision set out in the text.]

Chapter 9.—THE BUREAU OF FISHERIES.

★ **Section 747. Vessels of bureau; commutation of rations of officers and crews.**—

This section should be omitted from the Code as it is temporary legislation repeated from year to year in Appropriation Acts.

Chapter 10.—NORTHERN PACIFIC HALIBUT FISHERY.

This chapter appears to have been superseded by later legislation constituting Chapter 10A of this title.

Chapter 10A.—NORTHERN PACIFIC HALIBUT ACT OF 1932.

Section 771. Short title.—This chapter may be cited as the Northern Pacific Halibut Act. (May 2, 1932, c. 154, § 1, 47 Stat. 142.)

771a. Definition of terms; "close season," "territorial waters"; "convention waters."—For the purposes of this chapter "close season" shall mean the period from the 1st day of November in any year to the 15th day of February in the next following year, both days inclusive, unless this period or any part thereof shall be opened to fishing by regulation of the International Fisheries Commission, as empowered by the provisions of the Convention for the Preservation of the Halibut Fishery of Northern Pacific Ocean and Bering Sea, signed on behalf of the United States of America and the Dominion of Canada, May 9, 1930, or any other close season hereafter established by the International Fisheries Commission in accordance with the provisions of that convention; "territorial waters of the United States" shall mean the waters contiguous to the western coast of the United States and the waters contiguous to the southern and western coasts of Alaska; "territorial waters of Canada" shall mean the waters contiguous to the western coast of Canada; and "convention waters" shall mean the territorial waters of the United States, the territorial waters of Canada, and the high seas, including Bering Sea, extending westerly from the limits of the territorial waters of the United States and of Canada. (May 2, 1932, c. 154, § 2, 47 Stat. 142.)

771b. Fishing unlawful; when.—It shall be unlawful for any person to fish for, or catch, or attempt to catch, any halibut (*Hippoglossus*) at any time in any of the territorial waters of the United States closed to fishing under the provisions of the above-mentioned convention or by any regulations adopted in pursuance thereof, or under the provisions of this chapter, or for any national or inhabitant of the United States to fish for, or catch, or attempt to catch, any halibut at any time in any of the convention waters so closed to fishing, or to violate any regulations established pursuant to the authority of the convention. The unintentional catching of halibut, when legally fishing for other species of fish, shall not constitute a violation of this chapter if such halibut shall be used for food by the crew of the vessel catching the same, or be landed and immediately delivered to any official duly authorized by the Secretary of Commerce of the United States to accept delivery, or delivered to the proper authorities of the Dominion of Canada. The halibut delivered to any official of the United States pursuant to the provisions of this section shall be sold to the highest bidder for cash and the proceeds therefrom, exclusive of necessary expenses in connection therewith, shall be covered into the Treasury of the United States. (May 2, 1932, c. 154, § 3, 47 Stat. 142.)

771c. Unlawful port use; departures.—No person, firm, or corporation shall use any port of or place in the United States to furnish, prepare, or outfit any vessel, boat, or other craft intended to be used in violation of the Convention for the Preservation of the Halibut Fishery or in violation of this chapter, nor shall any person permit, or cause to be permitted, any vessel, boat, or other craft intended to be used in violation of the said convention or of this chapter to depart from any port or place in the United States. (May 2, 1932, c. 154, § 4, 47 Stat. 143.)

771d. Unlawful port entry; possession.—It shall be unlawful for any vessel, boat, or other craft having on board any halibut caught contrary to any of the provisions of the said convention or of this chapter to enter any port or place in the United States, or for any vessel, boat, or other craft to enter any such port or place while upon or in the prosecution of any voyage during which the vessel, boat, or other craft fished or