

**LAWS OF INDIANA
RELATING TO THE
CONSERVATION OF
NATURAL RESOURCES**

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Laws of Indiana Relating to the Conservation of Natural Resources by Various

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VARIOUS

**LAWS OF INDIANA
RELATING TO THE
CONSERVATION OF
NATURAL RESOURCES**

Indiana Laws ~~of~~ *Indiana*
" **Laws of Indiana**

RELATING TO THE

**Conservation of Natural
Resources**

Including the Laws Relating to Geology, Natural Gas, Entomology,
Forestry, Lands and Waters and Fish and Game

Prepared Under the Supervision of Richard Lieber
Director of the Department of Conservation

publications

By Charles Kettleborough, Director of the
Legislative Reference Bureau

INDIANAPOLIS

1919

PREFACE

This compilation contains all of the laws of the State of Indiana now in force relating to the conservation of natural resources, including the law creating the Department of Conservation and prescribing its powers and duties, together with the laws governing the departments of Geology, Natural Gas, Entomology, Forestry, Lands and Waters, and Fish and Game, which the Department of Conservation is required to execute and administer. Burns' Annotated Indiana Statutes, Revision of 1914, and the Supplement of 1918 have been used as the basis for the compilation but all laws included therein which are clearly obsolete or are repealed or superseded by the Conservation Act of 1919 have been eliminated.

An appendix contains that part of the Migratory Bird Treaty Act which pertains to the laws of the State of Indiana. Attention is called to the fact that state and federal legislation is not entirely concurrent.

The laws embodied in this collection are arranged by subjects and numbered by compiler's sections in consecutive order. The first number, given in bold face type, is the compiler's section number; then follows the general descriptive title of the section and this is succeeded by the original number of the section as assigned in the session laws. At the close of each section is given the citation to the page of the session laws where the section is found, and to the corresponding section in Burns' Annotated Statutes of 1914 and the Supplement of 1918. Words, phrases, clauses and sentences printed in italics have been repealed or superseded by provisions of the Conservation Act and words inserted in brackets indicate the correct reading where changes have been effected. Following the sections will be found annotations in smaller type giving the substance of the decisions of the higher courts in construing and interpreting the law.

RICHARD LIEBER,

Director of the Department of Conservation.

Indianapolis, June, 1919.

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ANNOUNCING

DIRECTORY

The Department of Conservation

JAMES P. GOODRICH, Governor.

CONSERVATION COMMISSION

W. A. Guthrie, Chairman.
John W. Holtzman.
Stanley Coulter.
Richard M. Holman, Secretary.

DIRECTOR OF CONSERVATION

Richard Lieber.

DIVISION CHIEFS AND STAFF

GEOLOGY

W. N. Logan, State Geologist.
B. J. Malott, Assistant State Geologist.
Arthur J. Coleman, Curator of Museum.

ENTOMOLOGY

Frank N. Wallace, State Entomologist.
Charles O. Yost, Chief Inspector Apiaries.

FORESTRY

Charles C. Deam, State Forester.
L. E. Deam, Custodian Forest Reserve.

LANDS AND WATERS

Richard Lieber, Superintendent.
R. P. Luke, Superintendent State Parks.

FISH AND GAME

_____, Superintendent Fisheries and Game.
George Berg, Superintendent Hatcheries.

OFFICES

Rooms 5-10 Southeast Section Basement, State House, Indianapolis.

PART I

DEPARTMENT OF CONSERVATION

1. **Department of Conservation.** Section 1. That there shall be and hereby is created an administrative department to be known as the Department of Conservation. (Acts 1919, p. 375.)

2. **Commission, Nomination and Appointment of Members.** Sec. 2. The powers and duties of the Department of Conservation shall be vested in a conservation commission which shall consist of four (4) members who shall be appointed by the Governor, and not more than two (2) of whom shall be adherents of the same political party. Upon the taking effect of this act, the Governor shall appoint the four (4) members of the conservation commission, one (1) of whom shall be designated to hold office for one (1) year, one (1) for two (2) years, one (1) for three (3) years and one (1) for four years, and until their successors have been appointed and qualified: Provided, That at least one (1) member of such commission may be appointed by the Governor from a list of persons nominated by the Indiana Academy of Science, and the successors of such appointee may in like manner be so nominated and appointed. At the expiration of the term of office of each of the commissioners so appointed, and every four (4) years thereafter, the Governor shall appoint a successor to hold office for the term of four (4) years, and until his successor has been appointed and qualified. The Governor shall fill any vacancy occurring in the membership of the commission and may remove any member of the commission after a hearing for cause. The members of the commission shall serve without compensation but shall receive their traveling and other necessary expenses when engaged upon their official duties. (Acts 1919, p. 375.)

3. **Director, Salary.** Sec. 3. The commission shall appoint a director who shall be chosen solely for fitness irrespective of political beliefs or affiliations, who shall serve at the pleasure of the commission, who shall be the executive officer

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of the department who shall act as chief of one or more of the divisions hereinafter created, and who shall receive a salary of not to exceed four thousand dollars (\$4,000.00) annually, to be fixed by the commission, subject to the approval of the Governor. The director shall have power, with the approval of the commission, to appoint, and remove for cause, chiefs of divisions, and, upon the recommendation of said chiefs, to appoint and remove all assistants, inspectors and employees thereof. (Acts 1919, p. 376.)

4. Duties of Director, Fish and Game Wardens. Sec. 4. The director shall have the supervision of the work of the department and of each of the divisions. He shall have the control of all officers, deputies, inspectors and employees charged with the enforcement of the penal provisions of this act or of the rules and regulations of the commission. He shall have direct charge of the fish and game deputies and wardens in the enforcement of the laws relating to fisheries and game. He may, with the approval of the commission, co-operate with any other department of the state government in the enforcement of law, and to that end may assign deputies to aid such department in making inspections and in the prevention or detection of crime and may receive like assistance from the deputies of any other state department. Whenever deputies or employees of one department are assigned to another department, such deputies or employees shall be paid from the funds of the department to which they are assigned. (Acts 1919, p. 376.)

5. Chiefs of Divisions and Assistants. Sec. 5. Chiefs of divisions, and all assistants, inspectors and employees, shall be chosen solely for fitness for the position, professional or practical, as the nature of the position shall demand, irrespective of political beliefs or affiliations, which fitness may be determined by examination or otherwise, as the commission shall determine. They shall each receive a compensation to be determined by the commission, upon the recommendation of the director, subject to the approval of the Governor. (Acts 1919, p. 376.)

6. Election of Officers, Rules and Regulations. Sec. 6. Immediately upon the taking effect of this act and the appointment of the commission, and annually thereafter, the

commission shall meet and organize by the election of one (1) of its members as chairman, who shall hold office for one (1) year. Three (3) members shall constitute a quorum to do business. The commission shall have power to make rules and regulations for the conduct of its meetings, and, upon the recommendation of the director of the department, for the conduct of the work of the department, and its several divisions. The commission may make rules and regulations authorized by this act and such others as may be necessary in their judgment to carry out its provisions, and such rules and regulations, when approved by the Governor, and promulgated as hereinafter provided, shall have the force and effect of law, and any person, firm or corporation who shall violate any of the provisions of such rules or regulations shall be subject to a fine of not less than ten dollars (\$10) nor more than three hundred dollars (\$300) for each offense, to which may be added imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months. In issuing such rules, the conservation commission shall have full authority to prescribe reasonable fees for any inspection or other like service within* the purview of this act, and performed by the commission or any of its assistants or employees. All such rules and regulations issued by the conservation commission shall bear the seal of the commission and be attested by the director and signed by the Governor, and shall state specifically therein the date on which such rules and regulations shall be promulgated by the conservation commission by publishing the same in pamphlet or leaf form and supplying at least twelve (12) copies thereof to the clerk of the circuit court of every county in the state, not less than ten (10) days prior to the date on which such rules and regulations will become effective. (Acts 1919, p. 377.)

7. Powers of the Department. Sec. 7. The Department of Conservation shall have power to investigate, compile and disseminate information and make recommendations concerning the natural resources of the state and their conservation; including the drainage and reclamation of lands; flood prevention; development of water power; culture and preservation of forests; fish and game; the preservation of soils; the prevention of the waste mineral resources; the prevention and

* Note.—Through an error in transcribing, the law as passed reads "without."

methods of control or [of] plant diseases, infections and pests; the prevention and methods of control of bee diseases and the increased production of honey and the use of bee appliances; and such other questions or subjects as may be contemplated in this act; and shall have power to co-operate with the appropriate departments of the federal government in conducting topographical and other surveys, experiments or work of joint interest to the state and the federal government. (Acts 1919, p. 378.)

8. Co-operation with Public or Private Institutions. Sec. 8. The Department of Conservation shall have the right to co-operate with any public or private institution or with individuals, societies or associations of individuals in making scientific investigations, compiling reports or otherwise in such manner and to such extent as the commission in its discretion may deem necessary or advantageous in carrying out the purpose of this act. (Acts 1919, p. 378.)

9. Power to Administer Oaths and Examine Records. Sec. 9. Each of the members of the conservation commission and each of the chiefs of divisions of the department of conservation, shall have the power to administer oaths, and to certify to official acts. The conservation commission, and each of the chiefs of divisions of the department of conservation, shall have the power to require information for any lawful purpose under this act from public officers, corporations, associations and individuals; to issue subpoenas, to require the attendance of witnesses; to examine witnesses under oath; to require the production of books, accounts, papers, records, documents and testimony, for any lawful purpose under this act. In case of disobedience on the part of any person or persons to comply with any lawful order of the commission, or of any member of the commission, or of any chief of division, or any lawful subpoena, or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated before the commission, or by any member of the commission, or by any chief of division, it shall be the duty of the circuit court or superior court of any county, or the judge thereof, having jurisdiction of the person or persons on application of the conservation commission, or of any member of the conservation commission, or of any chief of division, whose order or subpoena has been disobeyed, to compel