

servation Commissioner, under any provisions of law, shall be transferred to and thereafter be exercised and performed by the said Conservation Commission as created by this Act, who shall be the lawful successor of the said Conservation Commissioner, to the same extent and effect as if the said Conservation Commission had been named in said provisions of law as the body or official upon whom the said rights, powers, duties, obligations and functions were conferred.

*The Power to Regulate Taking Wild Birds, Wild Animals and Fish.* Having a due regard for the distribution, abundance, economic value and breeding habits of wild birds, wild animals, and fish in inland waters, the Conservation Commission as a part of the duties imposed on it by Article 39, Section 3, of the Code, is hereby vested with the necessary power and authority to determine when, to what extent, if at all, and by what means it is desirable to restrict, or prohibit in any degree the provisions of law obtaining in any county in this State for the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage or export of any wild bird, wild animal, or fish from non-tidal waters and may upon its own initiative or upon written petition of fifty licensed residents of any county propose regulations for such purpose. The full text of any regulations proposed shall be published ten days before the same may be acted upon and shall name the time and place that the matters mentioned therein will be taken up, at which time any interested citizen shall be heard. Such publication shall be made in a newspaper published in the county, and, if there be none such, in a newspaper in the adjoining county or section or in such other manner as may be convenient. If the commission is satisfied that the proposed regulation, or any part thereof is advisable, such regulation, or any part thereof, may be adopted and if so, it shall be published in the manner directed for proposing the same and shall name the date when it is to become effective. It shall be a misdemeanor to violate such regulation, or any part thereof, and any person convicted of such violation shall be fined not less than ten or more than one hundred dollars and may be sentenced to thirty days in jail, either, or both. A copy of any regulation adopted by the commission shall be mailed to the clerk of the circuit court, who shall make a record thereof and cause the same to be posted in front of the courthouse of the county.<sup>1</sup>

As to duties of Conservation Commission relative to fish and fisheries, see art. 39.

### **Rare Earths and Minerals.**

1929, ch. 574, sec. 13.

**13.** Every person, firm, association or corporation taking any minerals, or rare earths, under the provisions of this sub-title, shall file, on or before

<sup>1</sup> Secs. 2 and 3 of ch. 523 of acts of 1935 abolished the office of Conservation Commissioner and provided that the word "Commission" shall be substituted for the word "Commissioner" wherever it occurs in this article.

Sec. 4 of said ch. 523 provides that all acts heretofore enacted not inconsistent therewith shall continue in full force and effect.