

THE HISTORICAL SOCIETY
OF MONTANA

Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Twenty-third Legislative Assembly In Regular Session

Held at Helena, the Seat of Government of Said State,
Commencing January 2nd, 1933, and
Ending March 2nd, 1933

Including Constitutional Amendments Voted Upon by the People
at the General Election held November 8th, 1932

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within six (6) months from the alleged accident, injury

deemed and declared an act in full force and effect upon approval.

being taken, but no party shall be required to submit to such physical examination until the same is duly authorized by the Court in which said action or proceeding, is pending, or a Judge thereof."

Must be authorized by Judge or Court.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

LR 94

Section 651 of the Revised Codes relating to Depositions; Provision of a Party to an Amended Pleading and Rescribing the Terms and Conditions.

Assembly of the State of Montana:

Section 651 of the Revised Codes is hereby amended to read

Any party may have the deposition taken, in either of the cases mentioned, before a judge or officer of the court, on serving upon the adverse party, at the time and place of deposition, a copy of an affidavit showing the necessity for the deposition. Such notice must be served also one day for every five miles of the distance of the place of deposition from the person to whom it is served. When a shorter time is ordered, the order must be served with a copy of the deposition of a party or proceeding wherein the deposition is being taken, and the party shall have the right to require the deposition to be taken by a physician selected by the party. The benefit said deposition is

CHAPTER 95

An Act Defining the Navigable Public Waters of the State and Authorizing Anglers to Go Along Such Waters for the Purpose of Fishing Therein.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All lakes, wholly or partly within this state, which have been meandered and returned as navigable by the surveyors employed by the Government of the United States, and all lakes which are navigable in fact are hereby declared to be navigable and public waters, and all persons shall have the same rights therein and thereto that they have in and to any other navigable or public waters.

Definition and use of navigable waters.

Section 2. All rivers and streams which have been meandered and returned as navigable by the surveyors employed by the Government of the United States, and all rivers and streams which are navigable in fact are hereby declared navigable.

Section 3. Navigable rivers, sloughs or streams between the lines of ordinary high water thereof, of the State of Montana, and all rivers, sloughs and streams flowing through any public lands of the state, shall hereafter be public waters for the purpose of angling, and any rights of title to such streams, or the land between the high water flowlines or within the meander lines of navigable streams, shall be subject to the right of any person owning an angler's license of this state who desires to angle therein or along their banks to go upon the same for such purpose.

Anglers authorized to go along such waters to fish.

Repealing
clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 96

An Act to Amend Section 6198 of the Revised Codes of the State of Montana, 1921, and to Authorize and Empower Mutual Rural Insurance Companies to Insure Rural School Houses and Buildings Used in Connection Therewith, Community Houses, Churches and Other Public Places Owned by Rural Communities, and to Amend its By-Laws so as to Authorize Such Insurance.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6198, Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

What may
be insured.

“Section 6198. No corporation organized under the provisions of Chapter 17 of the Revised Codes of Montana, 1921, shall insure any property not owned by a member, or by his wife; provided, however, that any such corporation may insure school houses and buildings used in connection therewith, community houses or churches and no such contract of insurance effected upon the property of any school district shall be deemed to constitute such school district a member of such Mutual Rural Fire Insurance Company, nor shall any such contract of insurance be invalid by reason of the fact that the directors or any director or officer of such Mutual Rural Fire Insurance Company, at the time of issuing the contract or policy of insurance, is a trustee, director, agent, custodian or manager, or in anywise in control, supervision or management of such school house and buildings, community house, church or other rural public buildings or property so insured. It is further provided that no insurance shall be written, or taken by any such corporation upon any property situated within the limits of an incorporated city or town.”

Proviso.

HB 259

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ORIGINAL

HOUSE BILL NO. 257

INTRODUCED BY Fish & Game

A BILL FOR AN ACT ENTITLED:
"AN ACT DEFINING THE NAVI-
GABLE PUBLIC WATERS OF THE
STATE AND AUTHORIZING
ANGLERS TO GO ALONG SUCH
WATERS FOR THE PURPOSE OF
FISHING THEREIN."

FEB 10 1933

Read first and second time
and referred to Com. on

Fish & Game

FEB 14 1933

Committee recommends bill do pass.
Report adopted and referred to Printing Com.

FEB 16 1933

Report correctly printed. Report adopted
and referred to General Orders.

FEB 16 1933

On motion further consideration
passed for the day.

FEB 17 1933

On motion further consideration
passed for the day.

FEB 18 1933

Amended and as amended.

Recommended favorably by committee
of whole. Report adopted and referred
to Engrossing Committee.

FEB 20 1933

Reported correctly engrossed.
Report adopted and referred to
calendar for third reading.

FEB 20 1933

at three several times and passed,
Title and history agreed to. Trans-
mitted to Senate for its concurrence.

FEB 28 1933

IN THE HOUSE.

Referred to Enrolling Committee.

MAR 1- 1933

Reported correctly enrolled.

MAR 1- 1933

signed by speaker.

INTRODUCED BY Fish and Game

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING THE NAVIGABLE PUBLIC WATERS OF THE STATE AND AUTHORIZING ANGLERS TO GO ALONG SUCH WATERS FOR THE PURPOSE OF FISHING THEREIN."

* * * * *

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. All lakes wholly or partly within this state which have been meandered and returned as navigable by the sur-

House Com. of the Whole amendment to H. B. No. 259

In Section 1, strike out in lines 3 and 4 the words "whether meandered or not meandered"

and all persons shall have the same rights therein and thereto that they have in and to any other navigable or public waters.

Section 2. All rivers and streams which have been meandered and returned as navigable by the surveyors employed by

House Com. of the Whole amendment to H. B. No. 259: rivers, streams,

in Section 2, line 3, strike out the words "sloughs, bays, and marsh outlets whether meandered or non-meandered", and in line 4 strike out the words "for any purpose whatsoever"

are hereby declared navigable.

Section 3. Navigable rivers, sloughs or streams between the lines of ordinary high water thereof, of the State of Mont-

ana, and all rivers, sloughs and streams flowing through any House Com. of the Whole amendment to H. B. No. 259: public highways

In Section 3, line 3, strike out the word "highways" and insert in lieu thereof the word "waters"

or the land between the high water flowlines or within the meander lines of navigable streams, shall be subject to the right of any person owning an angler's license of this state who desires to angle therein or along their banks to go upon the same for such purpose.

Section 4. All Acts and parts of Acts in conflict

Introduced By Fish And Game Committee

A BILL FOR AN ACT ENTITLED: "An Act Defining the Navigable Public Waters of the State and Authorizing Anglers to go along such Waters for the purpose of Fishing therein."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. All lakes wholly or partly within this State which have been meandered and returned as navigable by the surveyors employed by the Government of the United States, and all lakes which are navigable in fact, are hereby declared to be navigable and public waters, and all persons shall have the same rights therein and thereto that they have in and to any other navigable or public waters.

Section 2. All rivers and streams which have been meandered and returned as navigable by the surveyors employed by the Government of the United States, and all rivers and streams, which are navigable in fact, are hereby declared navigable.

Section 3. Navigable rivers, sloughs or streams between the lines of ordinary high water thereof, of the State of Montana, and all rivers, sloughs and streams flowing through any public lands of the State, shall hereafter be public waters for the purpose of angling, and any rights of title to such streams, or the land between the high water flowlines or within the meander lines of navigable streams, shall be subject to the right of any person owning an angler's license of this State who desires to angle therein or along their banks to go upon the same for such purpose.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.