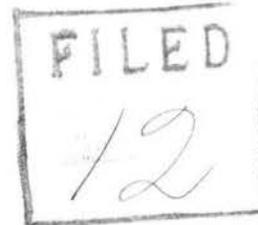


GAME AND FISH DEPARTMENT:

Hunting license not required to kill rabbits on own premises.

1-23
January 20, 1934.



Hon. Wilbur C. Buford
Commissioner
Game and Fish Department
Jefferson City, Missouri

Dear Mr. Buford:

This Department is in receipt of your letter of December 7th, 1933, with request for an opinion, which letter is as follows:

"This Department is desirous of knowing the following: 'Is a hunting license necessary for the sale of rabbits, alive or dead, when killed or caught on one's own premises, leased or owned, and when a sale is not made on said premises. For example, a man kills or traps rabbits on his own farm, takes them to town, offers them for sale, must he then have a hunting license.'"

Your question may be divisible into two parts: First; whether or not a person has a right to kill or take rabbits under the conditions set forth in your letter without a hunting license. Secondly; whether, after he has killed or taken the rabbits, they may be sold at some place other than the premises where they are taken or killed.

Section 8254 R. S. Mo. 1929, provides as follows:

"Resident licenses shall be issued as county resident licenses and state

resident licenses. A county resident license shall entitle the holder to hunt and fish in the county wherein such license is issued and any adjoining county. A state resident license shall entitle the holder to hunt and fish in all counties in the state of Missouri. Any person who has been a bona fide resident of this state for six months last past may secure a license for himself or herself by filing his or her affidavit with any county clerk or the license collector of the city of St. Louis, stating his or her name, age, place of residence, post office address, the color of his or her hair and eyes, and the fact whether he or she can or cannot sign his or her own name, and paying to said clerk the sum of one dollar for license to hunt and fish in the county where he or she resides and any county adjoining same, or two and fifty one-hundredths dollars (\$.50) for a state license: Provided, that this section shall not apply to owners and tenants of farm lands, used exclusively for agricultural purposes and members of their families under the age of twenty-one years, who may hunt and fish on their own or leased lands, without obtaining a license: Provided that no female nor minor who are resident citizens of this state shall be required to take out a fishing license; and provided further, that no person shall be required to take out a fishing license to fish in the water within the boundaries of the county in which he resides; but nothing herein shall be so construed as to permit a person to fish in any county other than that in which he resides without first taking out a fishing license as provided in this article."

It will be seen by the above section that a hunting and fishing license is not required of persons coming under this proviso:

"that this section shall not apply to owners and tenants of farm lands, used exclusively for agricultural purposes and members of their

families under the age of twenty-one years, who may hunt and fish on their own or leased lands, without obtaining a license:"

Therefore, replying to the first part of your question, will say that no license is necessary to take or kill the rabbits by the owner of the premises or the tenant occupying same, or members of their families under the age of twenty-one years, where the farm lands are used exclusively for agricultural purposes.

The ordinary rabbit is not protected by any of the fish and game statutes and there is no closed season for same under Section 8238; which section is as follows:

"It shall be unlawful, for any person to kill any fur-bearing wild animals, or take, have in possession, offer for sale, sell, bargain for, transport or ship the same or any part thereof, or their pelts, at any time except during the period between November 15th and December 31st of each year, and January 1st to January 15th of the following year, except as is otherwise provided for in this article: Provided, however, that pelts which have been manufactured for commercial uses, wearing apparel or ornament or for scientific purposes legally permitted, shall not be subject to the restrictions and limitations imposed in this article for wild animals and pelts before they have been legally acquired. Any person violating any of the provisions of this section shall, upon conviction, be guilty of a misdemeanor."

And further, Section 8242 R. S. Mo. 1929, designates by name what are fur-bearing animals, and rabbits are not included therein.

It is, therefore, the opinion of this Department that a hunting license is not required for the sale of rabbits, alive or dead, when killed or caught by the owner or tenant of farm lands, used exclusively for agricultural purposes, and members

January 20, 1934.

of their families under the age of twenty-one years; and they may be sold on or off the premises without first securing a hunting license.

Very truly yours,

COVELL R. HEWITT
Assistant Attorney-General.

APPROVED:

ROY McKITTRICK
Attorney-General

CRH:EG