

## **JAMESTOWN MAN FOUND**

### **GUILTY OF ILLEGAL HUNTING**

A jury of 12 men in the Stutsman county court last Wednesday decided that, whether or not an Irish water spaniel was a bird dog, it is illegal to allow one to run in the fields during the hunting season, and that John Canham, prominent business man of Jamestown, was guilty of hunting prairie chickens with a dog. The jury was out about 30 minutes and brought in their verdict just before 6 p. m., after the whole day had been spent on the case which hinged largely on the point of when is a dog a bird dog.

The defendant was represented by Attorney F. G. Kneeland and several local business and professional men were called as witnesses in an attempt to show that the dog in question was not one "known as a bird dog." The state, Attorney R. D. Chase prosecuting, had only one witness, District Game Warden Brown, who had arrested Mr. Canham on the opening day of the hunting season.

The defendant admitted that he had taken the dog with him into the chicken country and, at the time the game warden came upon him, had loosed the dog from the chain to see if he could find a wounded bird in the brush.

Defense made a motion, after all evidence was in, that Judge McFarland instruct the jury to bring in a verdict of not guilty on the ground that no evidence had been introduced to prove that the dog was known as a bird dog and that in dropping the word "spaniel" from the statute, while "pointer, setter, and dropper" were retained in the revision, the legislature clearly indicated that the spaniel was not of the breed of dog "known as a bird dog" nor prohibited from running in the field. Attorney Chase, however, offset this argument by bringing up the matter of the paragraph added to the law by the 1923 legislature, with reference to retrievers and the judge denied the motion. It is generally thought that the case will be appealed.