

S. F. No. 137.

CHAPTER 124.

Game and fish
commission.

An act to amend an act for the preservation, propagation and protection of the game and fish of the state of Minnesota, approved April 20, 1891.

Be it enacted by the Legislature of the state of Minnesota:

Amending gen-
eral laws of
1891, chap. 9.

SECTION 1. That section one of chapter nine of the General Laws of the state of Minnesota for 1891 be amended by adding thereto the following, to-wit:

Executive agent
of commission-
ers.

That said board may from time to time appoint one of its members to act and exercise for it, when it shall not be in session, all the rights, powers and authority vested in it. He shall be known as "the executive agent of the board of game and fish commissioners of the state of Minnesota," and shall hold such office during the pleasure of said board, be subject to their direction and control, and receive such compensation as they shall determine to be reasonable for the services rendered, not exceeding twelve hundred dollars per annum, and expenses, exclusive of office rent, while in the performance of his duties.

SEC. 2. That section three of said chapter be amended so as to read as follows, to-wit:

Care of property
at fish hatchery.

It shall be the duty of said board to keep all property by the law of this state placed under their care, custody or control in the fish hatchery of the state of Minnesota, and to propagate and cultivate in and at said fish hatchery, for the purpose of stocking and replenishing the inland and bordering waters of this state, such kinds of food fishes as they believe are best adapted to live and multiply in such waters, and are for the best interests of the state to have used for such purposes, and to distribute the same and keep up a supply thereof in said waters as and in such manner as they shall deem best calculated to carry out the objects of this act, and to that end they shall have the right, power and authority to make such investigations and experiments in fish culture as they shall deem calculated to promote the objects of this act, and to at any and all times acquire or buy in any place or from any person, any fish, spawn or eggs that may in their judgment be required at said fish hatchery, or for the purpose of stocking and replenishing any of said waters, and to make application for and receive from the United States commissioner of fisheries such quota of stock, spawn or fry as may from time to time be allotted to this state; and to employ a competent person as superintendent of fisheries at a salary not to exceed the sum of two thousand dollars per annum, to be paid from the appropriation hereinafter made, whose duty it shall be to devote his entire time to the work of fish propagation and distribution under the direction of said board, and such assistants for said super-

Investigations
and experi-
ments in fish
culture.Superintendent
of fisheries.

intendent as the exigencies of the work may require, all of whom shall be subject to and be governed by the regulations adopted by said board.

It shall be the duty of said board to collect, classify and preserve all such statistics, data and information, as in their judgment will tend to promote the objects of this act; to take charge of and keep all reports, books, papers and documents, which shall, in the discharge of their duties hereunder, come into their possession, or under their control.

Statistics to be gathered.

It shall be the duty of said board on or before the first Monday in December of each year, to prepare and present to the governor of this state an annual report showing what has been done by them during the current year, the amount received by them and from what sources, and the amount expended by them, and for what purposes, with such recommendations for legislative action, if any, as the said board may deem wise for the better accomplishment of the purposes of this act. The governor shall lay said reports before the legislatures convening next after their receipt.

Annual reports to be made to governor.

It shall be the duty of said board to enforce all the laws of this state for the preservation, propagation and protection of the birds, animals and fish in this act mentioned, and to that end they shall have the power and authority to appoint such persons for such periods, and at such compensation as they shall determine upon, not exceeding fifty dollars per month for each person so appointed, and actual expenses incurred while in the performance of duty; but the aggregate amount of such compensation and expenses shall not exceed the sum of six thousand dollars in each year, to be known as "game wardens," to aid them in the enforcement of the duties herein imposed on them. Each warden, before entering upon the discharge of his duties as such, shall give a bond to said board with sureties in the sum of five hundred dollars for the faithful discharge of his duties as such warden, such bond and sureties to be approved by said board.

Enforcing laws for preservation of fish.

Game wardens to be appointed.

It shall be the duty of said board for and on behalf of the state of Minnesota to institute and prosecute all actions and proceedings against any and all persons to recover any and all claims due said board, whether arising out of contract or otherwise, or to protect the property of the state employed or in any manner connected with the work of said board. All actions and proceedings instituted by them shall be entitled in the name of the board of game and fish commissioners of the state of Minnesota as plaintiff.

Board to prosecute actors.

SEC. 3. That section four of said chapter be amended so as to read as follows:

The property owned or leased for use by said board shall be exempt from taxation so long as held and used for the purposes herein specified.

Property for use of board exempt from taxation.

SEC. 4. That section five of said chapter be amended so as to read as follows, to-wit:

Game and fish
— sole property
of the state.

No person shall at any time or in any manner acquire any property in or subject to his dominion or control any of the birds, animals or fish within this state, of the kinds herein mentioned, but they shall always and under all circumstances and conditions be and remain the sole property of this state.

Use to the public
when taken
in the season.

By killing, catching, or taking the same, however, in the manner and for the purposes herein authorized, and during the periods when their killing is not herein prohibited, the same may be used at the time, in the manner and for the purposes herein expressly authorized, but not otherwise.

SEC. 5. That section six of said chapter be amended so as to read as follows, to-wit:

Protection of
harmless birds.

No person shall catch, take, kill or have in possession or under control for any purpose whatever, at any time, any whip-poor-will, nighthawk, bluebird, finch, thrush, linnet, lark, wren, martin, swallow, bobolink, robin, turtle-dove and catbirds, or any other harmless bird, except blackbirds, sparrows, except as hereinafter allowed; but nothing herein shall be construed to prevent the keeping of song birds in cages as domestic pets.

Nor any of the birds hereinafter mentioned within the periods herein limited, to-wit:

Close season for
game birds.

Woodcock and bertrams, or upland plover, between the thirty-first day of October and the fourth day of July following.

Prairie chickens, or white-breasted or sharp-tailed grouse, between the first day of November and the first day of September following.

Quail, partridge, ruffed grouse or pheasant between the first day of December and the first day of September following.

Wild duck of any variety, or any variety of wild goose or brant, or any variety of snipe, or any variety of any aquatic fowl whatever, between the first day of September and the twenty-fifth day of April following; but no person shall be permitted to kill any such aquatic fowl while nesting or in localities where they are accustomed to build their nests, during the nesting period.

Limit of time
for holding
after lawfully
taken.

Except that when said birds have been lawfully caught, taken or killed, they may be had in possession or under control for five days after the time herein limited for use in the manner and for the purposes herein allowed.

Penalties for
violation.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than ten dollars nor more than twenty-five dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days for each and every such bird so caught, taken, killed or had in possession or under control.

SEC. 6. That section seven of said chapter be amended so as to read as follows:

No person, for any reason or purpose whatever, shall take, have in his possession or under control, break up or destroy, or in any manner interfere with any nest or the eggs therein of any of the kinds of birds, the killing of which is at any or all times herein prohibited.

Taking of nests or eggs prohibited.

Any person offending against any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days.

SEC. 7. That section nine of said chapter be amended so as to read as follows:

No person at any time shall catch, take or kill any of the birds in this act mentioned in any other manner than by shooting them with a gun held to the shoulder of the person discharging the same.

No game to be taken except by shooting from the shoulder.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than ten dollars nor more than twenty-five dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days for each and every such bird so taken, caught or killed.

SEC. 8. That section ten of said chapter shall be amended so as to read as follows:

No person at any time shall set, lay or prepare any trap, snare, net, bird lime, swivel gun, or any other contrivance or device whatever with intent to catch, take or kill any of the birds in this act mentioned, nor make use of any artificial light, battery, or any other deception, contrivance or device whatever, with the intent to attract or deceive any of the birds in this act mentioned, except that decoys may be used in hunting ducks, wild geese and brant.

Prohibition of snares and nets etc.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty days nor more than ninety days.

SEC. 9. That section eleven of said chapter shall be amended so as to read as follows:

No person shall catch, take or kill, or have in possession or under control for any purpose whatever, any fawn, at any time, nor elk, moose, caribou, or antelope, before the first day of January, 1898; nor any variety of deer, at any time between the twentieth day of November and the first day of November following, except that when the same have been lawfully caught, taken or killed, they may be had in possession or under control for five days, after the time herein limited, for use in the manner and for the purposes herein allowed.

Restriction as to killing fawn, elk, moose, caribou or antelope.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty days nor more than ninety days for each and every such animal so caught, taken, killed or had in possession or under control.

SEC. 10. That section twelve of said chapter be amended so as to read as follows:

Manner of shooting large game.

No person at any time shall catch, take or kill any of the animals hereinbefore mentioned in section nine of this act, in any other manner than by shooting them with a gun held to the shoulder of the person discharging the same.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than fifty dollars nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail for not less than sixty days nor more than ninety days for each and every such animal so caught, taken or killed.

SEC. 11. That section thirteen of said chapter be amended so as to read as follows:

Hunting with dogs, setting traps and snares prohibited.

No person at any time shall hunt with dogs any of the animals hereinbefore mentioned, in section nine of this act, nor set, lay or prepare any trap, snare, contrivance or device whatever, with intent to catch, take or kill any of said animals, nor make use of any artificial light or any other deception, contrivance or device whatever, with intent to attract or deceive any of said animals.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty days nor more than ninety days.

It shall be lawful for any person to kill or attempt to kill any dog while being used in violation of any provision of this section.

SEC. 12. That section fourteen of said chapter be amended so as to read as follows:

Close season for mink, muskrat, beaver and otter.

No person shall catch, take or kill, or have in possession or under control, any mink, muskrat, otter or beaver between the first day of May and the first day of November following, unless the same are found destroying private property when caught, taken or killed.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of ten dollars, or by imprisonment in the county jail for ten days for each and every of such animals so caught, taken, killed or had in possession or under control.

SEC. 13. That section fifteen of said chapter be amended so as to read as follows:

No person shall at any time enter into any growing or standing grain not his own with intent to catch, recover, take or kill any bird or animal, nor permit any dog with which he shall then be hunting to do so for such purpose without permission from the owner or the person in charge thereof.

Prohibits entering growing grain without permission.

No person at any time shall enter upon land not his own with intent to catch, recover, take or kill any bird or animal after being notified not to do so by the owner or occupant thereof. Such notice may be given by the owner or occupant of the land posting or causing to be posted a plain and conspicuous notice at least one foot square in the English language to that effect, at or near each corner of each forty acres or smaller subdivision thereof, of the land sought to be so protected.

Prohibits entering any private lands without permission.

Any person offending against any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than five dollars nor more than ten dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than fifteen days.

Penalty for violation.

Nothing in this act contained, however, shall be so construed as to limit or in any manner affect the remedy of the owner or occupant of any such lands or grain at common law or under the statutes of this state for trespass.

Rights of owner for to prosecute for trespass.

SEC. 14. That section sixteen of said chapter be amended so as to read as follows:

No person shall catch, take, kill, have in possession or under control for any purpose whatever, any of the fish hereinafter mentioned within the periods limited herein, to-wit:

Close season for fishing.

Any variety of trout between the first day of October and the first day of April following.

For trout.

Nor any other food fish (except that white fish, lake trout, lake herring and sturgeon, pickerel and any variety of pike except that commonly known as glass-eyed or wall-eyed pike, may be caught and taken in all international waters at any time) between the first day of December and the fifteenth day of April following.

For other food fishes.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five dollars nor more than twenty-five dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days, for each and every such fish so caught, taken, killed, had in possession or under control.

Penalty for offending.

SEC. 15. That section seventeen of said chapter be amended so as to read as follows:

No person at any time shall catch, take or kill any fish in any other manner than by angling for them with a hook

Manner of taking fish during open season.

and line held in the hand or attached to a rod or pole (except that suckers and buffalo fish may be taken with a spear during the months of April and May), or have in possession or under control any fish caught, taken or killed by any other manner, except that a net may be used for catching white fish, lake trout and sturgeon in international waters, and minnows for bait in ponds, lakes and rivers not inhabited by trout; provided, that the meshes in the net used for catching such white fish and lake trout and sturgeon, pike and pickerel shall not be less than three and one-half inches in size of mesh when the same is extended; provided, that lake herring may be taken with a net the meshes of which are at least two and one-half inches when extended.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than ten dollars nor more than twenty-five dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days for each and every fish so caught, taken, killed, had in possession or under control.

SEC. 16. That section eighteen of said chapter be amended so as to read as follows:

Prohibition as to fishing near fish ways.

Whoever at any time shall catch, take or kill any fish from any stream or water within four hundred feet of any fishway, or have in possession or under control any fish so caught, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars nor more than ten dollars and costs of prosecution, or be imprisoned in the county jail not less than five days nor more than ten days for every fish so caught, taken, killed, had in possession or under control.

SEC. 17. That section nineteen of said chapter be amended so as to read as follows:

Prohibits use of drugs etc., or trot lines or ropes or cables.

No person at any time shall lay, set, use or prepare any drug, poison, lime, medicated bait, fish berries, dynamite or other deleterious substance whatever, or lay, stretch, or place any set or trot line, or any wire, string, rope or cable of any sort having thereto attached directly or indirectly more than one hook, with intent to thereby catch, take or kill any fish.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty days nor more than ninety days.

SEC. 18. That section twenty of said chapter be amended so as to read as follows:

Size of fish to be taken.

No person at any time shall kill, destroy, have in possession or under control for any purpose whatever, any white fish, wall-eyed pike, trout or bass, except rock bass

less than six inches in length, except for the purpose of returning the same to the water from which they were taken as soon as they are taken therefrom, with as little injury to the fish as possible.

Any person catching any such white fish, wall-eyed pike, trout or bass less than six inches in length, shall at once return the same to the water from which they were taken, with as little injury to the fish as possible.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than ten dollars and costs of prosecution, or by imprisonment in the county jail for not less than five days nor more than ten days for each and every such fish so killed, destroyed, had in possession or under control, or not returned to the water with as little injury as possible, as soon as caught.

SEC. 19. That section twenty-one of said chapter be amended so as to read as follows:

No person at any time shall wantonly waste or destroy any of the birds, animals or fish in this act mentioned.

Waste of fish or game.

The killing of more than twenty-five birds by any one person, or the catching of more than fifty fish, excepting white fish, lake trout, lake herring and sturgeon, pickerel and any variety of pike except that commonly known as glass-eyed or wall-eyed pike, caught in international waters, by any one person in one day shall be deemed a wanton destruction of all such birds or fish killed or caught in excess of said number.

Limit of birds or fish to be taken.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than three dollars nor more than ten dollars and costs of prosecution, or by imprisonment in the county jail for not less than three days nor more than ten days for each and every such bird, animal or fish so wasted or destroyed.

SEC. 20. That section twenty-two of said chapter be amended so as to read as follows:

No person at any time shall catch, take or kill, or have in possession or under control any of the birds, animals or fish caught, taken or killed in this state except white fish, lake trout, lake herring and sturgeon, pickerel and any variety of pike except that commonly known as glass-eyed or wall-eyed pike caught in international waters at the time and in the manner herein allowed, with intent to ship the same beyond the limits of this state, or with intent to allow or aid in their shipment out of this state, or shall ship or intentionally allow or aid in their shipment out of this state. Provided, however, that when any fish other than "white fish, lake trout, sturgeon and herring caught in international waters" are so taken or caught as permitted by this act to be used exclusively for consumption and not for commercial purposes, and not in excess of the number or amount or quantity

Shipments of fish and game prohibited.

To be exclusively for consumption and not for commercial purposes.

expressly stipulated in the preceding section (number nineteen), and when the same are actually accompanied by the person who actually caught them in the manner and at the time herein specified and permitted by this act, they may be transported or taken out of the state, but not otherwise.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty dollars nor more than fifty dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days for each and every bird, animal or fish so caught, taken or killed, or had in possession or under control, or so shipped or so intentionally allowed or aided to be so shipped.

SEC. 21. That section twenty-three of said chapter be amended so as to read as follows:

Having game in possession out of season.

No person at any time shall have in possession or under control any bird, animal or fish which has been caught, taken or killed outside of this state which was caught, taken or killed at a time, in a manner or for a purpose forbidden by the laws of the state, territory or country where the same was caught, taken or killed, or which was shipped out of said state, territory or country in violation of the laws thereof.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty dollars nor more than fifty dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days for each and every such bird, animal or fish had in possession or under control.

SEC. 22. That section twenty-four of said chapter be amended so as to read as follows:

Possession of game out of season. Prima facie evidence of violation of law.

The possession or having under control of any bird, animal or fish of any of the kinds, the killing of which is at any or all times herein prohibited, shall be prima facie evidence that it was the property of this state at the time it was caught, taken or killed, and that it was caught, taken and killed in this state, to disprove which it shall be necessary to show by the testimony of the party who actually caught, took or killed the same, that at the time it was caught, taken or killed it was not the property of this state or that it was caught, taken or killed outside of this state.

Game killed outside of the state and brought into the state.

Whenever it shall appear that any bird, animal or fish of any of the kinds, the killing of which is at any or all times herein prohibited, was caught, taken or killed outside of this state, it shall be prima facie evidence that at the time it was caught, taken or killed it was the property of the state, territory or country in which it was caught, taken or killed, and that such bird, animal or fish was caught, taken or killed at a time, in a manner and for a

purpose prohibited by the laws of the state, territory or country where it was caught, taken or killed, and that it was shipped out of said state, territory or country in violation of the law thereof, to disprove which it shall be necessary to show by direct and positive evidence that at the time it was caught, taken or killed it was not the property of the state, territory or country in which it was caught, taken or killed or that it was killed at a time, in a manner and for a purpose permitted by the law of the state, territory or country where it was killed, and that it was not shipped out of said state, territory or country in violation of any law thereof.

SEC. 23. That section twenty-five of said chapter be amended so as to read as follows:

It shall be the duty of every person, whenever any bird, animal or fish of any of the kinds, the killing of which is at any or all times herein prohibited, is offered to him for transportation out of or into this state, or had by him for such purpose, or is so shipped by him, to at once notify and give full particulars concerning the same to some member of the board of game and fish commissioners of this state, or to one of the game wardens appointed by them.

Duties of common carriers as to receiving game for shipments.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty days nor more than ninety days, or both.

SEC. 24. That section twenty-six of said chapter be amended so as to read as follows:

Any attempt to violate any provision of any section of this act shall be deemed a violation of such provision.

Attempt at violation of law.

SEC. 25. That section twenty-seven of said chapter be amended so as to read as follows:

All sections of this act relating to the having in possession or under control of any bird, animal or fish, or to the shipment thereof out of or into this state, shall be construed to include any and all parts of the flesh or meat thereof.

Having in possession or under control.

SEC. 26. That section twenty-eight of said chapter be amended so as to read as follows:

It shall be the duty of all members of the board of game and fish commissioners, all game wardens, sheriffs and their deputies, constables and police officers of this state to enforce this law and to arrest all persons violating any of the provisions thereof.

Officers to enforce the law.

If caught in the violation thereof at the time of his arrest, he may be arrested therefor without a warrant, when he shall be at once taken before a court having jurisdiction of the offense, and a warrant issued, when the same proceedings shall thereafter be had as if a warrant had been issued before his arrest, but no person shall

Arrests without warrant.

be arrested without a warrant for any such violation when not engaged in such violation at the time of his arrest.

SEC. 27. That section twenty-nine of said chapter be amended so as to read as follows:

Seizures may be made without warrant.

It shall be the duty of all the members of the board of game and fish commissioners, all game wardens, sheriffs and their deputies, constables and police officers of this state at any and all times, to seize and take possession of any and all birds, animals or fish which have been caught, taken or killed at a time, in a manner, or for a purpose, or had in possession or under control, or have been shipped contrary to any provision of this act. Such seizure may be made without a warrant.

Search warrants may be issued.

Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing in the concealment of any bird, animal or fish caught, taken, killed, had in possession, under control, or shipped contrary to any of the provisions of this law, shall issue a search warrant and cause a search to be made in any place therefor, and to that end may cause any building, inclosure or ear to be entered, and any apartment, chest, box, locker, crate, basket or package to be broken open and the contents thereof examined.

Seizures to be reported at once to state board.

All such officers taking or seizing any such birds, animals or fish, shall at once report all the facts attending the game to the board of game and fish commissioners of this state, and shall at their request turn the same over to them. After such taking such birds, animals or fish shall be subject to the direction and control of said board, and shall be considered in their possession.

SEC. 28. That section thirty of said chapter be amended so as to read as follows:

State board authorized to sell game seized.

Any bird, animal or fish caught, taken or killed, had in possession or under control contrary to any provision of this act, and which shall come into the possession of the board of game and fish commissioners of this state, or which shall be shipped to them for sale by the board of game and fish commissioners of any other state, territory or country, they shall have the right to sell and dispose of either within or without this state, and may issue a certificate to the party purchasing, certifying that the same was legally obtained and possessed, and to that end to ship the same out of this state, and any one so acquiring the same within this state shall have the right to deal therewith the same as if the same had been killed and was possessed in accordance with the law of this state, anything herein to the contrary notwithstanding.

The board of game and fish commissioners shall remit to the game and fish commissioners from whom they shall receive for sale any birds, game or fish from outside of this state, the net amount they shall receive therefor.

SEC. 29. That section thirty-one of said chapter be amended so as to read as follows:

It shall be lawful for the board of game and fish commissioners of any other state, territory or country, to ship any birds, animals or fish through this state to the board of game and fish commissioners of any other state, territory or country, when accompanied by a certificate of the board so shipping, stating that the same is shipped by said board, anything herein to the contrary notwithstanding.

Shipments by state board to other state boards.

SEC. 30. That section thirty-two of said chapter be amended so as to read as follows:

It shall be the duty of all members of the board of game and fish commissioners, all game wardens, sheriffs and their deputies, constables and police officers of this state, without warrant or process, to take, seize and destroy any and all devices, contrivances, materials and substances whatever, while in use for the purpose of catching, taking, killing, attracting or deceiving any bird, animals or fish contrary to any of the provisions of this act, including the destruction of fish houses erected or maintained upon the ice or in any waters or on the shore of any lake or stream for the purpose of being used to aid in the violation of any provision of this law. Any complaint or objection made by any person to such taking, seizure or destruction shall be prima facie evidence that such person was using the same in violation of the provisions of this act at the time it was so taken, seized or destroyed.

Authorized to seize and destroy all devices, etc., being used illegally.

SEC. 31. That section thirty-three of said chapter be amended so as to read as follows:

The powers conferred and duties imposed on the board of game and fish commissioners and the game wardens herein shall extend to and include all the territory and water subject to the jurisdiction of this state.

Jurisdiction of state board.

SEC. 32. That said chapter be amended by adding thereto the following sections:

Section 35. Whoever shall resist or obstruct any of said persons by threat or otherwise in the discharge of his duties under this act, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than two hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than ninety days nor more than one hundred and twenty days, or both.

Resistance or obstruction to officers.

Section 36. Certificates may be granted by the board of game and fish commissioners to any member of any incorporated society of natural history or other scientific body organized for the study of natural history, or to any properly accredited person whom such society may designate, permitting the holder of such certificate to collect, for strictly scientific purposes only, the nests, eggs, birds, animals and fish protected by this act. No person to whom such certificates may be issued shall dispose of any such specimens secured by gift or otherwise, except by exchange of specimens for scientific purposes only. In order to obtain such certificate the applicant for the same

Certificates may be issued for collection to be made for scientific or educational purposes.

must present to and file with the board of game and fish commissioners written testimonials from two well known scientific men, certifying to the good character and fitness of the applicant to be entrusted with such privilege, and a properly executed bond in the sum of one hundred dollars, signed by two responsible freeholders of this state as sureties, conditioned for the faithful compliance by the applicant with all the provisions of the law, and shall pay said board upon the issuance of said certificate the sum of two dollars. This bond shall be forfeited to the state and the certificate become void upon the conviction of said applicant of a violation of any of the provisions of this act. Such certificate shall be in force and effect for one year only from the date of its issue, and shall not be transferrable.

Whoever shall violate any provision of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of fifty dollars, or by imprisonment in the county jail for sixty days, or both. Nothing in this act contained, however, shall be construed to in any way abridge or curtail the duties, powers or authority imposed or conferred by chapter thirty of the general laws of 1872, or chapter one hundred and thirty-three of the general laws of 1873 of the state of Minnesota.

Fishways to be under control of state board.

Section 37. All fishways heretofore or hereafter erected in any dam or obstruction across any of the streams of this state shall at all times be under the supervision and control of the board of game and fish commissioners.

Maintaining and controlling fishways.

It shall be the duty of any person or persons who now own or control, or hereafter may erect or control any dam or other obstruction across any of the rivers, creeks, streams, bayous, or other water courses, wholly within or running through this state, in such manner as shall obstruct the free passage of fish up and down or through such water or water courses, to place or cause to be erected in, or in connection with such dam or dams, durable and efficient waterways so that the free passage of fish up and down such waters may not be obstructed. All such fishways shall be maintained and kept in good repair by the person so owning or controlling such dam or other obstructions during the whole time of the existence of such dam or other obstruction as aforesaid, so that said fishways shall at all times be open and free from obstruction for the passage of fish. In case the owner or person controlling, operating or using any dam or any obstruction aforesaid shall fail or refuse after ten days' written notice by the board of game and fish commissioners of this state to construct and keep in good repair durable and efficient fishways as provided in this act, then said board of game and fish commissioners may construct or cause to be constructed durable and efficient fishways, or place the same in good repair, said work to be let by contract to the lowest responsible bidder, and the costs thereof may be recovered in an action of debt by the board of game and

fish commissioners in their own name, before any court having jurisdiction. Any person owning or controlling any such dam or other obstruction, who shall fail or refuse to comply with any of the provisions of this section with respect to the construction and maintenance in good repair of such fishways in any such dam, after having been notified in writing by the board of game and fish commissioners to construct or repair the same, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than five dollars nor more than twenty-five dollars and costs of prosecution, or by imprisonment in the county jail for not less than five days nor more than thirty days for each and every day after the expiration of said notice that he shall neglect or refuse so to do.

Every owner or person controlling any dam or other obstruction in or in connection with which a fishway has been or shall be built as provided in this act, and to the satisfaction and approval of said board, may obtain from said board a certificate that such fishway is constructed in compliance with this act, which certificate while in force shall be a full protection against any prosecution for a violation of this act, for not providing a proper and suitable fishway. Such certificate may be suspended at any time by said board, when said fishway is not maintained or kept in repair as herein required. If such person so owning or controlling any such dam or other construction shall fail to construct or maintain such fishway to the satisfaction of said board, it shall be prima facie evidence of a violation of this act, provided, that no owner of any dam or dams shall be required to construct such fishway by using some particular patent, on which a patent fee is demanded, or to construct or repair such fishway when high water or climatic conditions may render such work impracticable.

Certificate to be issued to owner of fishway.

Section 38. Any person owning or operating a portable saw mill, who deposits any sawdust or other refuse in any stream or water wherein the fish commissioners of this state have deposited or shall deposit fry, or wherein brook trout naturally abound, shall be guilty of a misdemeanor, and on conviction thereof shall for each offense be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty days nor more than ninety days.

Sawdust in fishing streams prohibited.

Section 39. The word "person" as used in this act, shall include all individuals, firms, joint stock companies, corporations, and all combinations thereof, and the word "possession" shall include both actual and constructive possession. The word "animals" as used herein shall not be construed to include any variety of birds.

Definition of "person."

Sec. 40. In any prosecution or judicial proceeding under the provisions of this law, any participant in any violation thereof may testify as a witness against any

Participants in violation of law may testify without crimination.

other person violating the same without criminating himself by so doing, nor shall the evidence so given by him be used against him in any criminal proceeding against him for such violation.

Prosecutions to be commenced within one year.

Sec. 41. All prosecutions under this act shall be commenced within one year from the time the offense was committed, and may be had in any county in which the offense was committed, or the defendant resides, or is found at the time of instituting the same, before any court having jurisdiction of the offense.

Fines, etc., to be paid into the state treasury.

Sec. 42. All fines collected or moneys recovered on any bond given to or contract made with the board of game and fish commissioners, or received by them from the sale of any birds, animals or fish, except for the board of game and fish commissioners of another state, territory or country, under any of the provisions of this act, shall be paid into the state treasury, and be placed to the credit of said board, to be expended by them in the discharge of their duties and the enforcement of the provisions of this act.

Annual appropriation for state board.

Sec. 43. The sum of fifteen thousand dollars annually, for the next two years, from January 1, 1893, is hereby appropriated for the purpose of carrying out and enforcing the provisions of this act, to be paid for such purpose out of any moneys in the state treasury, not otherwise appropriated.

Repeal of private laws relating to fishing in certain lakes and rivers.

Sec. 44. That chapters three hundred and fifteen and three hundred and twenty-three of the special laws of 1883; chapters two hundred and fifty-nine, two hundred and sixty, two hundred and sixty-one, two hundred and sixty-two, two hundred and sixty-three, two hundred and sixty-four, two hundred and sixty-five, two hundred and sixty-six, two hundred and sixty-seven, two hundred and sixty-eight, two hundred and sixty-nine, two hundred and seventy-one, two hundred and seventy-two, two hundred and seventy-three, two hundred and seventy-four, two hundred and seventy-five, two hundred and seventy-seven, two hundred and seventy-eight, and two hundred and eighty of the special laws of 1885; chapters three hundred and twenty-two, three hundred and thirty-six, three hundred and thirty-eight, three hundred and forty-eight, three hundred and forty-nine, three hundred and fifty, three hundred and fifty-one, three hundred and fifty-two and three hundred and fifty-three of the special laws of 1887; chapters four hundred and fifty-three, four hundred and fifty-five, four hundred and fifty-six, four hundred and fifty-seven, four hundred and fifty-eight, four hundred and fifty-nine, four hundred and sixty, four hundred and sixty-one, four hundred and sixty-two, four hundred and sixty-three, four hundred and sixty-four, four hundred and sixty-five, four hundred and sixty-six, four hundred and sixty-seven, four hundred and sixty-nine, four hundred and seventy, four hundred and seventy-one, four hundred and seventy-two,

four hundred and seventy-three, four hundred and seventy-four, four hundred and seventy-five, four hundred and seventy-eight, four hundred and seventy-nine and four hundred and eighty of the special laws of 1889; and chapters four hundred and eighty-six, four hundred and eighty-seven, four hundred and eighty-eight, four hundred and ninety, four hundred and ninety-one, four hundred and ninety-two, four hundred and ninety-three, four hundred and ninety-four, four hundred and ninety-five, four hundred and ninety-six, four hundred and ninety-seven, four hundred and ninety-eight, four hundred and ninety-nine, five hundred, five hundred and one, five hundred and two, five hundred and three and five hundred and four of the special laws of 1891, are hereby repealed.

Sec. 45. Nothing in this act, however, shall be construed to in any way prevent the taking of spawn of any kind at any time from any of the inland waters of this state by the United States fish commission or its duly accredited agent or representative.

Spawn for
United States
fish commis-
sioners.

Sec. 46. In making appointments under this act preference shall always be given to honorably discharged soldiers of the Union army.

Appointments
to Union
soldiers.

Sec. 47. This act shall take effect and be enforced from and after its passage.

Sec. 33. That section thirty-five of said chapter be and the same is hereby repealed.

Sec. 34. This act shall take effect and be in force from and after its passage.

Approved April 21, 1893.

CHAPTER 125.

H. F. No. 874.

An act to amend section two of chapter ten of the general laws of the state of Minnesota for the year 1891, relating to pools and trusts, by increasing the punishment thereof.

Pools and trusts.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section two of an act entitled an act to prohibit pools and trusts in the state of Minnesota, approved April 20, 1891, being section two of chapter ten of general laws of eighteen hundred and ninety-one, be and the same is hereby amended by striking out the last eight words of said section two and insert in lieu thereof the following, viz.: And be imprisoned in the state prison for not less than one year nor more than ten years. Provided, however, that this act shall not affect nor shall the same apply to any offense committed before the passage hereof; but any person having violated the provisions of said section previous

Amending gen-
eral laws of 1891,
chap. 10.

Providing for
imprisonment
in case of con-
viction.