

State, and the Governor is hereby authorized to appoint a suitable person or persons to make such survey, whose report of the same shall be made to the Governor, and by him transmitted to the Legislature.

Approved March 4, 1864.

CHAPTER LX.

An Act for the preservation of Elk, Deer, Birds and Fish.

- SECTION 1. Penalty for killing elk, deer or fawn—time when.
2. Penalty for killing or having in possession any woodcock, partridge or quail—time when—what counties exempt from the provisions of this act.
3. Penalty for killing, caging or trapping any harmless bird, excepting aquatic fowl and wild pigeons.
4. Penalty for entering into any growing crop for sporting purposes, without consent of the owner.
5. Penalty for having in possession speckled trout—time when—manner of catching fish in any of the waters in the State of Minnesota.
6. Before whom tried—disposition of fines collected under the provisions of this act.
7. Duty of town supervisors and constables.
8. Repeal of former acts.
9. When act to take effect.

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

SECTION 1. That if any person or persons shall kill, or pursue with intent to kill, any elk, deer or fawn between the first day of January and the first day of August in each year, or shall expose for sale, or have in his, her or their possession, any green elk, deer or fawn skin, or fresh venison, at any time between the fifteenth day of February and the first day of August, such person, upon conviction thereof, shall be fined in the sum of twenty-five dollars for each elk, deer or fawn so killed, or for each green elk, deer or fawn or fresh venison, so exposed for sale, or had in possession.

Penalty for killing
elk, deer or fawn—
time when

SEC. 2. That if any person shall kill or have in his, her or their possession, or expose for sale within the State of Minnesota, any woodcock, between the first day of January and the fourth day of July, in any year, or any partridge or ruffed grouse, between the first day of January and the first day of September, or any quail, between the first day of January and the first day of October, such person shall, upon conviction thereof, be fined in the sum of five dollars for each and every bird so killed or had in possession; *Provided*, That the counties of Dakota and Hennepin, and all counties east of the Mississippi river, shall be exempted from the provisions of this act, so far as it applies to prairie fowl and pennated grouse, and in such counties so excepted, prairie fowl and pennated grouse shall not be killed between the first of January and the first of August in any year.

Penalty for killing
or having in pos-
session—time
when—exemption

SEC. 3. That if any person or persons shall at any time within this State, kill, cage or trap any nightingale, whipperwill, nighthawk, bluebird, finch, thrush, lark, linnnet, sparrow, wren, martin, swallow, bobolink, robin, turtle dove, catbird, or any other harmless bird not elsewhere herein mentioned, excepting aquatic fowl of every kind, blackbirds and wild pigeons, such person or persons shall, upon conviction thereof, be fined in the sum of five dollars for each and every of said birds so killed, caged or trrapped.

Penalty for killing
or caging any
harmless birds—
exceptions

SEC. 4. That if any person or persons shall enter into any growing crop not his own, with sporting implements about his person, or shall permit his dog or dogs to enter into any such growing crop, without permission of the owner of such crops, such person or persons, upon conviction thereof, shall be fined in the sum of ten dollars for each offence so committed.

Penalty for enter-
ing into any grow-
ing crop for sport-
ing purposes

SEC. 5. That if any person or persons shall catch or have in his, her or their possession, or expose for sale within the State of Minnesota, any speckled river or brook trout, between the first day of September and the first day of April, or shall take or catch at any time any of said trout, save with a hook and line, or shall take or catch any fish of any kind from any of the waters in the State of Minnesota, excepting Lake Superior, Mississippi, Minnesota, St. Croix and Root

Penalty for catch-
ing trout—time
when—manner of
catching fish

river, in any other manner than by shooting them with a gun, or by the use of the spear, or hook and line, such person or persons shall, upon conviction thereof, be fined in the sum of five dollars for each and every fish so taken or had in possession, or exposed for sale.

Before whom tried
—disposition of
fines collected

SEC. 6. That all prosecutions under the provisions of this act shall be commenced within one month from the time such offence shall have been committed, and not afterwards, and the same shall be upon complaint under oath, before any justice of the peace in the county where the offence shall have been committed, and all fines imposed and collected under this act shall be paid one-half to the complainant, and one-half into the treasury of the county where such conviction shall take place, for the use of common schools within such county.

Duty of town supervisors and constables

SEC. 7. It shall be and is hereby made the duty of the supervisors and constables of the town having knowledge of the violation of any of the provisions of this act, to make complaint thereof to any justice of the peace of the proper county, and any other person having such knowledge may make complaint before such justice, and the said justice shall issue his warrant for the arrest of the offender, and proceed to hear and determine matter in issue in the same manner as provided in other cases, and that each and every person convicted under any of the provisions of this act, shall stand committed to the common jail of the county wherein the offence was committed, until such fine be paid.

Repeal of former acts

SEC. 8. That all of the first seven sections of chapter fifty-five of the session laws of 1861, being an act entitled "An act for the preservation of elk, deer, birds and fish," approved February 11, 1861, be and the same is hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 4, 1864.