

CHAPTER XXXIII.

An Act for the Preservation of Game.

March 6, 1871.

- SECTION 1. Penalty for killing woodcock, prairie chicken, quail, partridge, etc.—time when.
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Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. It shall be unlawful for any person to kill, destroy, or take, or pursue with intent to kill, destroy or take any woodcock, except between the fourth day of July and the first day of December in any year, or any prairie hen or chicken, or white-breasted, or sharp-tailed grouse, except between the first day of August and the first day of December in any year, or any quail, or partridge, or ruffed grouse, except between the first day of September and the first day of December in any year.

Penalty for killing woodcock, etc.—time when.

SEC. 2. Any person or persons who shall violate the provisions of the preceding section, and every person or corporation, railroad company or express company, and every employee thereof, who shall sell, or expose for sale, and shall have in his or their possession or custody, with intent to sell, dispose of, or transport, or for any other

Penalty for violation.

purpose, during the times when the killing of the same is prohibited by this act, any woodcock, prairie hen or chicken, white-breasted or sharp tailed grouse, quail or partridge, or ruffed grouse, shall, upon conviction thereof, suffer a fine of five dollars for each and every one of said birds so killed, destroyed, or taken, or pursued with intent to kill, destroy or take, or so sold or exposed for sale, or so had in possession, together with the costs of prosecution.

Penalty for killing deer, etc.—
time when.

SEC. 3. It shall be unlawful for any person or persons to kill, or take, by any means, contrivance, or device whatever, or sell, or expose for sale, or worry or hunt the same with hounds or dogs, any elk, deer, buck, doe, or fawn, between the first day of January and the first day of August in any year, and no person or persons, corporation, railroad company or express company, or agent or employee thereof, shall have in his or their possession or custody, for the purpose of sale or transportation, or for any other purpose, any elk, deer, buck, doe or fawn, or piece or green skin thereof, between the fifteenth day of January and the first day of August in any year; and any person or persons, corporation or company, and every agent or employee thereof, who shall violate the provisions of this section, shall upon conviction thereof, suffer a fine of ten dollars for each and every elk, deer, buck, doe, or fawn, or piece or green skin thereof, killed, taken, sold, exposed for sale, or had in possession, contrary to the provisions of this section, together with the costs of prosecution.

Penalty for destroying nests of certain fowls.

SEC. 4. Any person or persons who shall wantonly or maliciously break up or destroy, take away, or in any manner interfere with, any nest, or the eggs therein, of any prairie hen or chicken, woodcock, snipe, partridge or ruffed grouse, quail, plover, or any species of wild duck, brant or wild goose, or who shall have the eggs thereof in his or their possession, or shall sell or expose for sale the said eggs, shall upon conviction thereof, suffer a fine of five dollars for each and every nest so broken up, destroyed, taken away, or interfered with; and a further fine of one dollar for each and every egg so had in his or their possession, or so sold or exposed for sale, together with the costs of prosecution. Every railroad and every express company and all employees and agents thereof, who shall have said eggs in his or their possession or custody, shall be liable to the same penalty.

SEC. 5. Whoever shall at any time catch or kill any partridge or ruffed grouse, quail, prairie hen or chicken, or white breasted or sharp-tailed grouse, in any other manner than by shooting them with a gun, shall suffer a fine of five dollars for each and every bird so caught or killed; and whoever shall at any time set, lay, or prepare any trap, snare, net or other device, with intent to catch or kill any of the birds aforesaid, shall upon conviction suffer a fine of twenty-five dollars for each and every such offense.

Manner of killing game—penalty for violation.

SEC. 6. The possession of any elk, deer, buck, doe, fawn, or piece or green skin thereof, between the 15th day of January and the first day of August in any year, or of any woodcock before the 4th day of July or after the first day of December in any year, or of any prairie hen or chicken, or white-breasted or sharp-tailed grouse, before the first day of August, or after the first day of December in any year, or of any quail, or partridge or ruffed grouse before the first day of September or after the first day of December in any year, shall be deemed to be, and shall be received as evidence that said elk, deer, buck, doe, fawn, or bird was killed at a time when such killing is forbidden by the provisions of this chapter.

What to be deemed evidence of violation.

SEC. 7. Whoever kills, cages or traps any nightingale, whippoorwill, night-hawk, blue bird, finch, thrush, lark, linnet, sparrow, wren, martin, swallow, bobolink, robin, turtle dove, catbird, or any other harmless bird not elsewhere mentioned in this chapter, excepting aquatic fowls of every kind, blackbirds and wild pigeons, shall suffer a fine of five dollars for each and every bird so killed, caged or trapped.

Penalty for killing any bird—exceptions.

SEC. 8. Whoever enters into any growing crop not his own, with sporting implements about his person, or permits his dog or dogs to enter into any such growing crop without permission of the owner thereof, shall suffer a fine of ten dollars for each offense so committed.

Penalty for trespass.

SEC. 9. Whoever catches or has in his possession, or exposes for sale within the state of Minnesota, any speckled river or brook trout, before the first day of April or after the first day of October in any year, or takes, catches or kills at any time, any of said trout, save with a hook and line, or takes, catches or kills, at any time, any fish of any kind, from any of the waters in the state of Minnesota, excepting Lake Superior, the West Chain lakes in Martin county, the Mississippi, Minnesota

Penalty for catching trout—time when.

and St. Croix rivers, in any other manner than by shooting them with a gun or by the use of a spear or hook and line, shall suffer a fine of five dollars for each and every fish so caught, taken, had in possession, or exposed for sale; and whoever shall at any time put into any waters within the state of Minnesota any deleterious substance with intent to kill or take fish, shall upon conviction thereof, suffer a fine of twenty-five dollars for each and every such offense, together with the costs of prosecution.

Prosecutions,
when commenced—fines, how
paid—power of
justice.

SEC. 10. All prosecutions under the provisions of this chapter shall be commenced within one month from the time when such offense was committed, and the same shall be upon complaint under oath before any justice of the peace in any town, or police justice of any city in the county where the offense was committed, or where the defendant may reside or be found, and all fines imposed and collected under this chapter shall be paid, one-half to the complainant and one-half into the treasury of the county where such conviction takes place, for the use of the common schools within such county. Any such justice of the peace or police justice is authorized, upon receiving sufficient security for the costs on the part of the complainant, and satisfactory proof by affidavit, of the violation of any of the provisions of this chapter, by any person being temporarily within his jurisdiction, but not residing therein, or by any person whose name and residence are unknown, to issue his warrant and have such offender committed or held to bail to answer the charge against him; and any such justice of the peace or police justice may upon proof of probable cause to believe in the concealment by any person within his jurisdiction of any fish, game, game bird, or wild fowl mentioned in this chapter during any of the prohibited periods, or obtained in any manner prohibited by this chapter, issue his search warrant and cause search to be made in any house, market, boat, car or other building or premises, or wheeled vehicle, and for that end may cause any apartment, chest, box, crate or locker to be broken open and the contents examined.

Duty of town supervisors and constables.

SEC. 11. It is the duty of supervisors and constables of towns and police officers of cities, having knowledge of the violation of any of the provisions of this chapter, to make complaint thereof to any justice of the peace of the proper county, or police justice of the city, 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 the matter in issue in the same manner as provided in other cases; and every person convicted under any of the provisions of this chapter shall stand committed until such fine is paid: *Provided*, That such imprisonment shall not exceed three months.

SEC. 12. The exportation of the carcasses of any of the game birds specified in sections one and two, or of any of the game animals specified in section three of this act, from any point within this state to any place or point within any other state, for purposes of sale or traffic, is hereby declared to be unlawful, and any offender against the provisions of this section, shall, upon conviction thereof before any justice of the peace, or any court of competent jurisdiction, be punished by fine of not more than fifty nor less than ten dollars for each and every carcass of game bird and game animal so exported from beyond the limits of this state, for purposes of sale or traffic as aforesaid, or by imprisonment not longer than thirty days.

Exporting game
for traffic, penal-
ty.

SEC. 13. Chapter twenty of the general statutes of the state of Minnesota, together with all amendments thereto, are hereby repealed.

Repeal of former
act.

SEC. 14. This act shall take effect and be in force from and after its passage, and shall be published during the first week in April in each year in some newspaper printed and published at the county seat of each county in the state, the expenses of such publication to be paid out of the treasuries of the respective counties; and it shall be the duty of the county treasurer of each county to cause such publication to be made.

When act to take
effect.

SEC. 15. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal of incon-
sistent acts.

Approved March 6, 1871.