

## CHAPTER 114.

H. F. No. 344.

*An act to amend chapter one hundred and thirty-seven (137) of the general laws eighteen hundred and ninety-one (1891), fixing the times of holding the general terms of court in the Eleventh (11th) judicial district.*

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

SECTION 1. Section one (1) of chapter one hundred and thirty-seven (137) of the general laws of eighteen hundred and ninety-one (1891) is amended so as to read when amended as follows:

The general terms of the district court of the Eleventh judicial district of this state shall be held at the times following:

Terms of court  
in eleventh  
district.

In the county of Carlton on the first (1) Tuesday in April and the third (3) Tuesday in October in each year.

In the county of St. Louis on the first (1) Wednesday in January, the first (1) Wednesday in March, the first (1) Wednesday in May, the first (1) Wednesday in September, and the first Wednesday in November of each year, *provided* that no term of said court shall be held in March eighteen hundred and ninety-five (1895).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 15th, 1895.

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## CHAPTER 115.

H. F. No. 350.

*An act to amend chapter nine (9) of the general laws of Minnesota for the year eighteen hundred and ninety-one (1891), as amended by chapter one hundred and twenty-four (124) of the general laws of Minnesota for the year eighteen hundred and ninety-three (1893), relating to the preservation, propagation and protection of the game and fish of the State of Minnesota.*

Preservation  
and protection  
of game and  
fish.

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

SECTION 1. That section one (1) of chapter nine (9) of the general laws of the State of Minnesota for eighteen hundred and ninety-one (1891), as amended by section one (1) of chapter one hundred and twenty-four (124) of the general laws of the State of Minnesota

for eighteen hundred and ninety-three (1893), be amended so as to read as follows, to-wit:

Board of game and fish commissioners—appointment—expenses—executive agent.

Section 1. There is hereby created a board to be known by the name of the Game and Fish Commissioners of the State of Minnesota, which board shall be composed of five (5) members, who shall be appointed by the governor for the term of two (2) years, and who shall serve without compensation, either direct or indirect (except that they shall be allowed annually for all expenses and salary the sum of not to exceed five hundred (500) dollars), and shall constitute the first (1st) board under the provisions of this act. That said board from time to time, may 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 (1200) dollars per annum and expenses, not to include office rent, while in the performance of his duties, and may, if he elect, keep and maintain his office and headquarters at the capitol building in the city of St. Paul.

Amendment of Sec. 2 Chap. 124 laws 1893.

SEC. 2. That section two (2) of chapter one hundred and twenty-four (124) of the general laws of the state of Minnesota for eighteen hundred and ninety-three (1893), be amended as follows, to-wit:

By striking out the words "six thousand (6,000) dollars in each year" wherever it occurs in said section, and substituting in place thereof the words, "nine thousand (9,000) dollars for each year."

SEC. 3. That the following portion of section five (5) of said chapter one hundred and twenty-four (124) of the general laws of the state of Minnesota for eighteen hundred and ninety-three (1893), to-wit:

Amending Sec. 5, id.

"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 (1st) day of September and the twenty-fifth (25th) 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."

Be amended so as to read as follows, to-wit:

Wild duck of any variety, or any variety of wild goose, brant, or any variety of snipe or aquatic fowl, whatever, between the fifteenth (15th) day of April and the

first (1st) day of September following; except that golden or prairie plover may be caught, taken, killed and had in possession between the first (1st) day of September and the first (1st) day of June following; but no person shall be permitted to kill any such fowl while nesting or in localities where they are accustomed to build their nests during the nesting period:

The following portion of said section five (5), to-wit:

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

Be amended so as to read as follows, to-wit:

No person shall catch, take, kill or have in possession or under control for any purpose whatever, at any time, any whip-poor-will, night hawk, blue bird, finch, thrush, linnet, lark, wren, martin, swallow, bobolink, robin, turtle dove, cat birds, spotted sand piper, pie bill grebe or hell diver, cormorant, bittern and great blue heron, gull or any other harmless bird, except black birds and English sparrows, except as hereinafter allowed; but nothing herein shall be construed to prevent the keeping of song birds in cages as domestic pets.

SEC. 4. That section eight (8) of said chapter 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 and blinds may be used in hunting wild geese and ducks, but no person shall at any time hunt or shoot from any boat, canoe, contrivance or device whatever on any waters in this state between dark and daylight.

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 (20) dollars nor more than one hundred (100) dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty (60) days nor more than ninety (90) days.

SEC. 5. That section nine (9) of chapter one hundred and twenty-four (124) of the general laws of the state

Amending Sec.  
5. id.

Amending Sec.  
9. id.

of Minnesota for eighteen hundred and ninety-three (1893) be amended to read as follows, to-wit:

No person shall catch, take, kill or have in possession or under control for any purpose whatever, any fawn at any time, nor any elk, moose or caribou, before the first (1st) day of January, eighteen hundred and ninety-eight (1898), nor any variety of deer at any time between the twentieth (20th) day of November and the first (1st) 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 (5) days after the time herein limited for use, in the manner and for the purpose herein allowed.

No person shall take, catch or kill more than five (5) deer during any one open season.

All carcasses, saddles, or parts of venison; all game, birds and all protected fish inclosed in any covering, when shipped or transported by any common carrier, public or private conveyance shall be marked in plain letters in the English language, the kind of game with the full name of the owner, to whom shipped, and the destination of such shipment.

*Provided*, that it shall be unlawful for any person to consign by common carrier to any commission merchant or sale market, at any time, any elk, moose, caribou or deer or any part thereof, except the skin or head.

This provision shall also apply to any agent of any common carrier so consigning or handling such game.

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 (50) dollars nor more than one hundred (100) dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty (60) days nor more than ninety (90) days for each and every such animal so caught, taken or had in possession or under control, or so consigned, shipped or transported.

Amending Sec.  
11, id.

SEC. 6. That the following clause of section eleven (11) of chapter one hundred and twenty-four (124) of the general laws of the state of Minnesota for eighteen hundred and ninety-three (1893), to-wit:

"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,"

Be amended so as to read as follows:

That any dog while being used or attempted to be used in violation of any provision of this section is hereby declared to be and is a public nuisance, and it shall be lawful for any person to kill or attempt to kill any dog while being so used or attempted to be so used.

SEC. 7. That section thirteen (13) of chapter one hundred and twenty-four (124) of the general laws of the state of Minnesota for eighteen hundred and ninety-three (1893) 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. No person shall, at any time, 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.

Amending Sec.  
13, *id.*

Such notice may be given orally, in writing or print or by posting notices to that effect in the English language in conspicuous places on the land sought to be protected. 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 (5) dollars nor more than ten (10) dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten (10) days nor more than fifteen (15) days.

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.

SEC. 8. That the following portion of section fourteen (14) of chapter one hundred and twenty-four (124) of the general laws of the State of Minnesota for the year eighteen hundred and ninety-three (1893) to-wit:

"Nor any other food fish (except that whitefish, lake trout, lake herring, 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 (1st) day of December and the fifteenth (15th) day of April following, be amended so as to read as follows:

Amending Sec.  
14, *id.*

"Nor any other food fish (except that whitefish, lake trout, lake herring, 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 March and the first day of May following."

That the following portion of section fourteen (14) of chapter one hundred and twenty-four (124) of the general laws of eighteen hundred and ninety-three (1893), to-wit:

"Any variety of trout between the first (1st) day of

October, and the first (1st) day of April following." be amended so as to read as follows:

Any variety of trout between the first day of September and the first (1st) day of May following.

SEC. 9. That section fifteen (15) of chapter one hundred and twenty-four (124) of the general laws of the State of Minnesota for eighteen hundred and ninety-three (1893) be amended so as to read as follows, to-wit:

No person at any time shall catch, take or kill any fish in any other manner than by angling for them by a hook and line held in the hand or attached to a rod or pole (except that suckers, dogfish and buffalo fish may be taken with a spear at any time); or have in possession any fish caught, taken or killed in any other manner; except that a pound net may be used for catching whitefish, lake trout, lake herring, sturgeon, pickerel, buffalo fish and any variety of pike in all international waters; and except further, that a pound net may be used in all those waters lying between the states of Minnesota and Wisconsin, and the states of Minnesota and North and South Dakota, for catching whitefish, sturgeon, red horse, dog fish, gar fish, buffalo fish, catfish, pickerel and suckers; *provided*, that no such net shall be set or used within a distance of one thousand (1000) feet of the mouth of any river or stream.

*Provided further*, that the meshes in the net used for catching such whitefish, sturgeon, lake trout, pickerel, red horse, gar fish, dog fish, buffalo fish, catfish and suckers shall be not less than four (4) inches in size of mesh, when the same is extended. But before using any such net in the waters between the states aforesaid, the party or parties desiring to use or operate such net shall first make application therefor to the board of game and fish commissioners of the state, for permission to use said net, which application shall state the name of the party, the place where desired to be used and which application shall be accompanied by a fee of five (5) dollars for each net used. The said board shall issue a permit for the use of such net to said applicant, which permit shall be for one season only. The person to whom such permit or license is issued shall not change the location of such net without first giving written notice of his intention so to do, to the said board, and in such notice describing the place to which he intends to remove his net, for which he then holds a permit or license, and that the size and mesh of the net used for catching lake herring shall not be less than two and one-half (2½) inches in size of mesh when the same is extended, and except further, that in all the inland lakes of the state a net may be

used for the purpose of taking whitefish or tulipies, during the month of November in each year, which said net shall not exceed one hundred (100) feet in length and eight (8) feet in width, and the meshes of which net shall not be less than three and one-half (3½) inches in size of mesh when the same is extended, and provided any person desiring to use such net shall first make application for a permit for such use of said net, to the board of game and fish commissioners of this state, stating that the same is to be used by them for the purpose of obtaining fish for their domestic use, and not for commercial purposes, which application shall be accompanied by a fee of one (1) dollar. But no person or family making such application shall be permitted to use more than two nets of the size and description above mentioned. Said board may also authorize residents of this state to take with spear during the months of December, January and February from the inland lakes for home consumption and use, any fish except bass, wall-eyed pike and trout. The permit issued by said board shall be for one (1) season only. All permits issued by said board may be revoked by them at any time when the holder thereof is found to be exceeding or violating the terms thereof, and no further permit shall be issued to such party during that season.

*Provided further*, that a net for catching minnows for bait may be used in all waters uninhabited by any variety of trout. And no person, persons, corporation or association shall at any time catch, take, kill or have in possession or under control any black bass, gray or Oswego bass, silver bass, croppies, rock bass, any variety of pike, perch or trout, taken or killed in the inland lakes, ponds or rivers in the state of Minnesota, with intent to ship the same out of this state, or with intent to allow or aid any such shipment.

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 twenty-five (25) dollars nor more than one hundred (100) dollars and costs of prosecution, or by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days for each violation of this section.

SEC. 10. That section thirty-six (36) of said chapter one hundred and twenty-four (124) of the general laws of the state of Minnesota for eighteen hundred and ninety-three (1893), be amended by adding thereto the following, to-wit:

Amending  
Sec. 36. id.

The board of game and fish commissioners of Minnesota upon application from the board of game and

fish commissioners of any other state, are authorized and empowered to obtain and secure alive specimens of the game, birds, animals and fish of the state of Minnesota and to sell or exchange and ship such specimens to such board of game and fish commissioners, to any point outside of the state of Minnesota; but such specimens shall be used only for breeding or for propagation of the same species.

SEC. 11. That section thirty (30) of said chapter one hundred and twenty-four (124) be amended so as to read as follows to-wit:

Amending  
Sec. 30, 1d.

Any and all devices, contrivances, materials and substances whatever, while in use or had and maintained for the purpose of catching, taking, killing, attracting or deceiving any bird animal or fish contrary to any of the provisions of this act, including fish houses erected or maintained upon the ice or in any waters or on the shore of any lake, pond or stream for the purpose of being used to aid in the violation of any provision of this law, is hereby declared to be and is a public nuisance, and 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, without warrant or process to take, seize, abate and destroy, any and all of the same, while being used or had or maintained for or on account of such taking, seizing, abating or destruction.

Any complaint or objection made by any person to such taking, seizure, abating or destruction, shall be prima facie evidence that such person was using and had and maintained the same in violation of the provisions of this act at the time it was so taken, used, abated or destroyed.

Amending  
Sec. 41, 1d.

SEC. 12. That section forty-one (41) of said chapter one hundred and twenty-four (124) of the general laws of the State of Minnesota for eighteen hundred and ninety-three (1893) be amended so as to read as follows, to-wit:

All prosecutions under this act shall be commenced within one (1) year from the time the offense was committed, before any court having jurisdiction of the offense.

SEC. 13. That section forty-three (43) of said chapter one hundred and twenty-four (124) be amended so as to read as follows, to-wit:

The sum of twelve thousand (12,000) dollars from January first (1st), eighteen hundred and ninety-five (1895), and thereafter the sum of fifteen thousand (15,000) dollars annually beginning with August first (1st), eighteen hundred and ninety-five (1895), is here-

by 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.

SEC. 14. That section forty-four (44) of said chapter one hundred and twenty-four (124) of the general laws of the State of Minnesota for eighteen hundred and ninety-three (1893), be amended by adding thereto the following, to-wit:

That chapter two hundred and thirty-seven (237) of the special laws of eighteen hundred and seventy-eight (1878), chapter three hundred and forty-six (346) of the special laws of eighteen hundred and eighty-one (1881), and chapter three hundred and fifty (350) of the special laws of eighteen hundred and eighty-seven (1887) are hereby repealed.

Amending  
Sec. 44, *id.*

SEC. 15. That section two (2) of said chapter one hundred and twenty-four (124) be amended by adding thereto the following:

It shall be the duty of said board to elect one (1) of their number as treasurer, such treasurer shall have the custody of the funds of said board and shall, before entering upon the discharge of his duty as such treasurer, give a bond to the State of Minnesota, with two (2) sureties in the sum of three thousand (3,000) dollars, for the faithful discharge of his duties as such treasurer, such bond and sureties to be approved by said board.

Amending  
Sec. 2, *id.*

SEC. 16. That section forty-two (42) of said chapter one hundred and twenty-four (124) be amended by adding thereto the following:

Said board of game and fish commissioners are hereby authorized to offer and pay over out of any monies subject to their order, a reward of ten (10) dollars for the conviction of any person for the violation of any of the provisions of this act, such reward to be paid to the person claiming the same, upon his furnishing to said board of game and fish commissioners, a certified copy of the docket of the justice of the peace before whom the person convicted of said offense has been convicted, when convicted, the offense for which he was convicted, the sentence imposed for such conviction; *provided* that the fine so imposed shall equal ten (10) dollars and shall have been paid to the treasurer of said board.

Amending  
Sec. 42, *id.*

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved April 8th 1895.