

such order, not to exceed in aggregate the amount of the appropriation.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 22, 1897.

CHAPTER 220.

S. P. No. 387.

An act to designate the place for taxation of grain in elevators.

Taxation of grain in elevators.

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

SECTION 1. All grain in elevators, or railroad right of way, or elsewhere, shall be assessed and taxed against the owners in the assessment district where such elevator is situated.

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

Approved April 23, 1897.

CHAPTER 221.

S. P. No. 475.

An act for the preservation, propagation, protection, taking, use and transportation of game and fish.

Preservation of game and fish.

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

SECTION 1. There is hereby created a board to be known as the board of game and fish commissioners of the state of Minnesota, which board shall consist of five (5) members, to be appointed by the governor. They shall serve without compensation, but each shall be reimbursed his actual expenses, certified by him, with a statement of items to have been necessarily incurred in the performance of his official duties in the business of the board, not to exceed seventy-five (75.00) annually except as hereinafter provided.

Board of commissioners.

SEC. 2. The terms of the present members of the board of game and fish commissioners of the state of Minnesota shall continue the same as if this act had not been passed, and at the expirations of the terms of office of the present commissioners the governor shall appoint

Terms of commissioners.

five (5) commissioners for two years and biennially thereafter. The governor shall fill vacancies by appointment, the person appointed to fill a vacancy to hold for the residue of the term only.

Office at state
capitol.

SEC. 3. Said board of game and fish commissioners shall be given a suitable room in the capitol building for an office, with proper furniture therefor, and also sufficient stationery and blanks for the use of the board and its officers in the transaction of the business of the board.

Duties and
powers.

SEC. 4. The board of game and fish commissioners shall have general charge of the following public matters, and necessary powers therefor:

Protection
and propaga-
tion of game
and fish.

1. The protection, propagation and breeding of game and fish of such species and varieties as they may deem of value to the people of the state.

Collection
and diffusion
of informa-
tion.

2. The collection and diffusion of such statistics and information as they deem useful in regard to the protection and propagation of game and fish, and 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 and control.

Biennial
report.

3. Said board shall biennially, on or before the first Monday in December prior to a meeting of the legislature, prepare and present to the governor a report showing what had been done by it during the prior two fiscal years, the amount of money received by it and from what sources, the amount of money expended by it and for what purposes, with such recommendations for legislative action as it may deem proper.

Control
of fish
hatcheries.

4. The control and management of all state fish hatcheries, the grounds used therefor, whether owned or leased, the buildings, ponds, apparatus and all other property belonging to or held by the state for the propagation of fish.

5. The purchase and establishment of new hatcheries in like manner, when appropriations shall be made by law to purchase and maintain the same.

To receive
and distribute
spawn or
fry.

6. The receiving from the United States commissioner of fisheries, or other persons, of all spawn or fry donated to the state, and in the most practical way, by purchase, exchange or otherwise, to procure and receive fish, spawn or fry, and to distribute the same by stocking the waters of this state, and to take such measures as shall in their judgment best promote the supply of food fish in the waters of Minnesota.

7. The taking of fish from the public waters of this state at all seasons of the year for artificial propagation and stocking of other waters of this state.

Sup't of
fisheries.

8. Said board may employ a competent person as

superintendent of fisheries at such compensation as the board may fix, not to exceed twelve hundred (1200) dollars per annum, whose duty it shall be to devote his entire time to the work of fish propagation and distribution under the direction of said board.

He may be removed at any time by said board. Said board may employ such assistants for said superintendent of fisheries as the exigencies of the work may require at such compensation as the board may fix.

9. It shall be the duty of the board to enforce the laws of this state for the protection, preservation, propagation, taking, use, possession and transportation of the birds, animals and fish in this act mentioned, and to that end said board shall have the power and authority to appoint such persons as game wardens for such periods and at such compensation as said board shall determine, to aid in the enforcement of said laws.

To enforce laws and appoint game wardens.

Each game warden before entering upon the discharge of his duties, shall give a bond to said board with two or more sureties in the sum of five hundred (500) dollars, conditioned for the faithful discharge of his duties as such warden, said bond to be approved by said board.

Wardens to give bonds.

10. Said board of game and fish commissioners shall be entitled to the possession of any and all property belonging to the state by virtue of this act, and to take possession for the state of any and all game and fish which is declared by this act as contraband and to dispose of the same, and to take possession for the state of any property by this act declared to be a public nuisance and to destroy the same.

Possession of property and confiscation of game and fish.

11. 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 all persons for the violation of any law of this state relating to game and fish, and to institute and prosecute all actions to recover any and all claims due said board, whether arising out of contract or otherwise, and to protect the property of the state in any manner connected with the work of said board. All criminal actions shall be entitled The State of Minnesota, as plaintiff, and all other actions and proceedings instituted by them shall be entitled The Board of Game and Fish Commissioners of the State of Minnesota, as plaintiff.

To institute prosecutions.

12. The board may employ an attorney to perform such legal services as the board may require. He may appear for said board in all civil actions in which said board or any of its wardens may be interested by reason of their position under this act, and he may assist the county attorney in the prosecution of criminal actions arising under this act, and when for

May employ attorney.

any reason the county attorney does not prosecute such criminal action such attorney so employed may conduct such prosecution on behalf of the state with the same authority as the county attorney. The compensation to be paid the attorney so employed shall be fixed by said board and paid out of the funds provided for the enforcement of this act.

13. Said board may employ such other persons as may be necessary for the proper performance of its duties at such compensation as the board may deem proper.

14. Said board shall have such powers as are now or hereafter may be committed to them by law with all powers necessarily incident to their due execution, and shall have a seal which shall be used in authenticating documents, appointments and certificates issued by them.

SEC. 5. Said board shall appoint one of its members to act for it and to exercise for it, when it shall not be in session, all the rights, powers and authority vested in said board. Such person shall be known as the executive agent of the board of game and fish commissioners of the state of Minnesota, and shall devote all his time to the discharge of the duties of such position. He shall act as such executive agent during the pleasure of said board, and be subject to its direction and control. He shall receive such compensation as the board may fix, not exceeding two thousand (2000) dollars per annum. He shall have charge of the office of said board in the capitol building.

He shall, before entering upon the discharge of his duties, give a bond to the state of Minnesota in the sum of five thousand (5000) dollars, conditioned for the faithful accounting of all state property coming into his hands, said bonds to be approved by the board.

SEC. 6. Said board shall elect one of its members to act as treasurer. Such treasurer shall have custody of the funds of said board, and shall, before entering upon the discharge of his duties as such treasurer, give a bond to the state of Minnesota, with two or more sureties to be approved by said board, in the sum of five thousand (5,000) dollars, conditioned for the faithful performance of his duties as such treasurer.

SEC. 7. 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.

SEC. 8. The executive agent of said board, all its members, and all wardens appointed by said board, shall have full power and authority to serve and execute all warrants and process of law issued by any court in enforcing the provisions of this act, or any other law of

Powers of board.

Executive agent, powers and salary.

To give a bond.

Treasurer of board.

Property exempt from taxation.

Executive agent and others may serve warrants and process of law.

this state relating to the preservation of game and fish, in the same manner as any constable or sheriff may serve and execute the same. And for the purpose of enforcing the provisions of this act they may call to their aid any sheriff, deputy sheriff, constable or police officer, or any other person, and it shall be the duty of all sheriffs, deputy sheriffs, constables or police officers and other persons when called upon to enforce and aid in enforcing the provisions of this act.

SEC. 9. 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 be and remain the property of this state. 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; and whenever any person kills, catches, takes, ships or has in his possession, or under control, any of the birds, animals or fish mentioned in this act at a time or in a manner prohibited by this act, such person shall thereby forfeit and lose all his right to the use and possession of such bird, animal or fish, and the state shall be entitled to the sole possession thereof.

Possession of
birds, ani-
mals and fish.

SEC. 10. No person shall catch, take, kill or have in possession or under control for any purpose whatever, at any time, any whippoorwill, nighthawk, bluebird, finch, thrush, linnet, lark, wren, martin, swallow, bobolink, robin, catbird, or any other harmless bird, except blackbirds and English sparrows, except as hereinafter allowed; (but nothing herein contained shall be construed to prevent the keeping of song birds as domestic pets). It shall be unlawful and is prohibited to catch, take, kill or have in possession or ship any woodcock, turtle dove, snipe, upland plover, prairie chicken or pinnated grouse, white-breasted or sharp-tailed grouse, between the first day of November and the first day of September following; or any quail, partridges, ruffed grouse or pheasant, between the first day of December and the first day of October following; or upland plover, prairie or golden plover, between the thirty-first day of October and the fourth day of July following; or any Mongolian, English or Chinese pheasant at any time prior to the first day of September, A. D. one thousand nine hundred and four (1904). The sale, exposing for sale, having in possession with intent to sell, or the shipment to any person, either within or without this state, by

Protection
of birds.

Prohibitions
between Nov.
and Sep., Dec.
and Oct., Oct.
and July.

common or private carrier, of any ruffed grouse, sometimes known as partridge or pheasant, is hereby prohibited and made unlawful.

Wild duck of any variety, or any variety of wild goose, brandt, or any variety of aquatic fowl whatever, between the fifteenth (15th) day of April and the first day of September following.

Except that when the birds mentioned in this section have been lawfully caught, taken and killed within the time herein allowed, they may be had in possession for ten (10) days after the time hereinbefore limited, for use as herein specified, 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 ten (10) dollars nor more than twenty-five (25) dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days for each and every bird so caught, taken or killed, shipped or had in possession or under control.

SEC. 11. No person, for any reason or purpose whatever, shall take or have in 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.

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 (10) dollars nor more than one hundred (100) dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten (10) days nor more than ninety (90) days.

SEC. 12. No person shall at any time catch or kill any of the birds permitted to be killed by this act at any time in any other manner than by shooting them with a gun held to the shoulder of the person discharging the same.

No person shall at any time set, lay or prepare any trap, snare, net, bird lime, swivel gun or any contrivance or device whatever with intent to catch, take or kill any of the birds in this act mentioned, whether the same are caught or not, nor make use of any artificial light, battery or any other deception, contrivance or device whatever with 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, ducks and brandt. No person shall at any time hunt or shoot from any boat, canoe or contrivance or device whatever on any waters in this state between dark and daylight.

Aquatic
fowl.

Exception
and penalty.

Nests and
eggs.

Penalty.

Manner of
killing birds.

And no person shall at any time make use of, hunt or shoot from any floating battery, sink boat or sunken tub or any similar device, on any of the waters of this state.

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 ten (10) dollars nor more than one hundred (100) dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten (10) days nor more than ninety (90) days.

Penalty.

SEC. 13. No person shall at any time catch, take, kill, receive or have in possession or under control any of the birds in this act mentioned, caught, taken or killed in this state, 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 ship the same out of this state.

Shipment prohibited.

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 ten (10) dollars nor more than twenty-five (25) dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days for each and every bird so caught, taken, killed or had in possession or under control, or so shipped or allowed, or aid to be shipped.

Penalty.

SEC. 14. No person shall hunt, catch, take, kill, ship or have in possession any elk, fawn, deer, at any time, except that deer may be killed between October twenty-fifth (25th) and November fifteenth (15) of the same year, but no person shall kill more than five deer in any one season.

Elk, fawn and deer.

And provided further, that when any deer have been lawfully killed they may be had in possession for five (5) days after the time herein limited for killing the same, and be used in the manner herein allowed, but not otherwise.

It shall be and is hereby made unlawful for any person to ship or cause to be conveyed by common carrier, or convey or cause to be conveyed by any private conveyance at any time any elk, moose, caribou or deer to any person, except the same is in the control of and accompanied by some person in charge thereof other than an employe of a common carrier. *Provided further*, that it shall be and is hereby made unlawful for any person to ship or cause to be conveyed in the manner aforesaid any of such animals in excess of five (5) in number during any one year from and after October twenty-fifth (25th); and whoever shall offend against any provision of this

Shipment of same.

Penalty.

section shall be guilty of a misdemeanor, and, upon 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 for each and every deer, fawn or elk so caught, killed, taken, shipped or had in possession or under control.

Moose or
caribou.

SEC. 15. No person shall hunt, catch, ship or have in possession or under control at any time any moose or caribou, except that antlered moose and antlered caribou may be killed between the fifth day of November and the tenth day of November in the same year, but no person shall kill more than one moose and one caribou in any one season; *and provided further*, that when any male moose or male caribou have been lawfully killed they may be had in possession for five days after the time herein limited for killing the same, and be used in the manner herein allowed, but not otherwise.

Penalty.

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 one hundred dollars nor more than three hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than ninety days nor more than two hundred days, for each and every moose or caribou caught, taken, killed, shipped or had in possession or under control.

Method of
killing.

SEC. 16. No person at any time shall catch, take or kill any deer, moose or caribou 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 costs of prosecution, or by imprisonment in the county jail for not less than sixty days nor more than ninety days.

Penalty.

SEC. 17. No person shall at any time hunt with dogs any deer, moose or caribou, nor set, lay or prepare any trap, snare, contrivance or device whatever, with intent to catch, take or kill any such 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 im-

Dogs, traps
and artificial
lights pro-
hibited.

Penalty.

prisonment in the county jail for not less than sixty days nor more than ninety days.

Any dog 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 so being used or attempted to be used.

SEC. 18. No person shall at any time catch, take, kill or have in possession or under control any elk, deer, moose or caribou, or any part thereof, caught, taken or killed in this state, 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 allow or aid in their shipment out of this state.

Shipment out of state prohibited.

Whoever shall offend against any of this provision 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, for each and every deer, moose, caribou or any part of the same so caught, taken or killed, or had in possession, or under control, or so shipped, or allowed to be shipped, or aided to be shipped.

Penalty.

SEC. 19. Any person who is legally in possession of any of the birds or animals herein mentioned which have been caught, taken and killed at a time and in a manner permitted by the provisions of this act, and who is desirous of retaining possession of the same for his own use after the time hereinbefore limited when they may be had in possession, and who shall before the expiration of the five days hereinbefore limited within which they may be had in possession, make application to the board of game and fish commissioners for leave to retain the same, which application shall be in writing and signed and sworn to by the applicant, and shall state:

Legal possession of game.

First—The name and residence of the person in possession of such birds or animals.

Application to retain same.

Second—The number, kinds and location of said birds or animals, which unless (number) shall not exceed one hundred birds, five deer, one moose and one caribou for each applicant.

Third—That if permitted to retain the same by said board the applicant will keep possession of said birds and animals for his own use and will not ship, sell or dispose of the same.

If said board is satisfied that said application is made in good faith, and said applicant will keep said birds or animals for his own use and not for sale, the said board

Board to attach tags or seals.

shall cause tags or seals which cannot be duplicated by others, and which cannot be removed without destroying the same, to be attached to each bird or animal, not exceeding one hundred birds, five deer, one moose, one caribou, for each applicant. The person making such application shall, before said tags or seals are attached, pay to such board the reasonable expense of making and attaching such tags or seals.

After such tags or seals have been so attached as aforesaid by said board, and the person who made such application keeps possession of such birds or animals for his own use and does not ship, sell or dispose of the same, and such tags or seals remain upon said birds or animals, he may retain possession of such birds or animals until consumed.

Any person who shall ship, sell or dispose of any birds or animals which have been tagged or sealed as aforesaid shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars and costs of prosecution, or by imprisonment in the county jail for not less than thirty nor more than sixty days for each and every bird or animal so shipped or sold or disposed of.

SEC. 20. 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 on conviction thereof shall be punished by a fine of not less than ten dollars, or by imprisonment in the county jail for not less than ten days, for each and every such animal so caught, taken or killed or had in possession or under control.

SEC. 21. 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, animal or fish, nor permit any dog with which he shall be hunting to do so for such purpose without permission from the owner or person in charge thereof. No person shall at any time enter upon any land not his own with intent to catch, recover, take or kill any bird, animal or fish after being notified by the owner or occupant thereof not to do so.

Such notice may be given orally or by posting written or printed notices to that effect, in the English language, in conspicuous places on the land so protected. Any person offending against any provision of this section

Sale or shipment of tagged birds a misdemeanor.

Mink, muskrat, otter and beaver.

Entering growing grain or another person's land prohibited upon notice of owner.

Penalty.

shall be guilty of a misdemeanor, and on conviction thereof be punished by a fine of not less than five dollars nor more than ten dollars and cost of prosecution, or by imprisonment in the county jail for not less than five days nor more than ten days.

Nothing in this act contained, however, shall be 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 statute(s) of this state for trespass.

SEC. 22. 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 herein limited, to-wit:

Any variety of trout between the first day of September and the first day of May following, nor any black, gray or Oswego bass between the first day of March and the fifteenth day of May following. Nor any other food fish between the first day of March and the first day of May following, except pike, pickerel, white fish, lake trout, sturgeon and herring, caught in international waters or in any other waters wherein fishing is permitted with nets by the state.

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 not less than five days nor more than thirty days, for each and every fish so caught, taken, killed, had in possession or under control.

SEC. 23. No person shall have in possession for sale, expose or offer for sale, or sell to any one, or purchase from any one, any brook trout, any black bass, gray or Oswego bass, at any time prior to January first (1st), Anno Domini one thousand nine hundred (1900).

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 five days nor more than thirty days, for each and every fish so had in possession for sale, offered for sale, exposed for sale or sold or purchased.

SEC. 24. No person shall at any time catch, take or kill any fish in any other manner than by angling for them with a hook and line held in the hand or attached to a rod and pole held in the hand. No person shall at any time have in his possession or under his control any fish caught, taken or killed in any other manner

Fish.

Trout, bass
and other
food fish.

Exceptions.

Penalty.

Purchase or
sale of trout
and bass.

Penalty.

Manner of
taking fish.

than by angling for them with a hook and line held in the hand or attached to a rod or pole held in the hand, except fish caught in international waters and in the Mississippi river, or in any other waters wherein fishing is permitted by this act as hereinafter authorized; and no person shall at any time fish with more than one line to each person or with more than one hook attached to such line. And except, further, that in all the inland lakes of this state a net may be used for the purpose of taking white fish or tulopies during the month of November and the first fifteen days of December in each year, which said net shall not exceed two hundred feet in length and eight feet in width, and the meshes of which net shall not be less than three and one-half inches in size of mesh when the same is extended; *and provided*, that any person desiring to use such net shall first make application for a permit for such use 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 dollar. But no person or family shall be permitted to use more than two of such nets.

Exceptions.

Use of nets.

May use nets for minnows.

Provided, further, that a net for catching minnows for bait may be used in all waters uninhabited by any variety of trout. *And provided, further*, that a spear may be used in the St. Croix, Pelican, Des Moines, Otter Tail, Minnesota rivers and the Mississippi river from the falls of St. Anthony for the purpose of catching sturgeon, red horse, dog fish, buffalo fish, cat fish, pickerel and suckers. *Provided, further*, that pickerel may be speared for private use only at any time in all Minnesota waters.

Use of net or seine in the Mississippi river for certain fish.

And excepted, further, that a pound net, seine, or dip net may be used in the Mississippi river from the falls of St. Anthony to a point one thousand feet above the mouth of the St. Croix river for catching sturgeon, red horse, dog fish, buffalo fish, cat fish, pickerel and suckers, but no such net or seine shall be used within a distance of one thousand feet of the mouth of any stream, and that the said pound net shall not exceed seventy-five (75) feet in length in the Mississippi river above the mouth of the St. Croix river, and the length of such seine shall not exceed one hundred and fifty (150) feet and shall not be used below the mouth of the St. Croix river; the meshes in said net or seine shall not be less than two and one-half on the bar and five inches when the same is extended; and before any such pound net or seine is used the party desiring to use the same shall first make applica-

tion therefor to the board of game and fish commissioners of this state for permission to use such net or seine, which application shall state the name of the party, the place where the applicant desires to use the same, and which application shall be accompanied by a fee of five dollars for every net used. The board may issue such a permit for the use of such net or seine to such 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 or seine without first giving written notice of his intention so to do to said board of game and fish commissioners, and in such notice describing the place to which he intends to remove his or her net or seine.

Board may grant permission.

No fish shall be caught in any of said waters during the months of March and April in any year. 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 dollars, or by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days.

Fishing prohibited in March and April.

Penalty.

SEC. 25. No person shall at any time catch, take or kill any fish in any stream or water within four hundred feet of any fishway, or have in his possession or under his control any fish so caught, taken or killed. 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 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 five (5) days nor more than ten (10) days, for each and every fish so caught, taken or killed, or had in his possession or under his control.

Penalty for taking fish within 400 ft. of fishways.

SEC. 26. No person shall at any time 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 tip-up trap, snare, set or trot line, or any wire, string, rope or cable of any sort, with intent to thereby or therewith catch, take or kill any fish.

Use of poisons, traps, etc., prohibited.

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 (50) dollars nor more than one hundred 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.

Penalty.

SEC. 27. No person shall erect, have or maintain upon the ice any fish house, structure, enclosure or shelter

Shelter for fishing on the ice prohibited.

whatever, to protect the person of the occupant while engaged in fishing through the ice.

Penalty.

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 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.

Penalty for retaining or destroying fish less than six inches long.

SEC. 28. No person at any time shall kill, destroy, have in possession or under control for any purpose whatever, any fish, except minnows for bait, 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 fish 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 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 (5) dollars nor more than ten (10) dollars and costs of prosecution, or by imprisonment in the county jail for not less than five (5) days nor more than ten (10) days, for each and every 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.

Wanton destruction of birds, animals or fish.

SEC. 29. No person shall at any time wantonly waste or destroy any of the birds, animals or fish in this act mentioned. The killing of more than twenty-five birds by any one person, or the killing of more than fifty fish, excepting fish caught in international waters, or by nets or seines in the Mississippi river between the falls of St. Anthony and the St. Croix river, as herein limited, by any one person in any one day, shall be deemed a wanton destruction of all such birds or fish caught or killed in excess of such number.

Penalty.

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 (10) dollars nor more than twenty-five (5) dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days for each and every bird or fish so wasted, caught or destroyed.

SEC. 30. Nothing in this act contained, however, shall be construed to in any way prevent the taking of spawn of any kind and at any time from any of the in-

land waters of this state by the United States fish commission or its duly accredited agents.

SEC. 31. No person shall at any time catch, take, kill or have in possession or under control any fish caught, taken or killed in this state, except fish caught in international waters or other waters wherein fishing is permitted by this act at the time and the manner by law 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 allow or aid their shipment out of this state; *provided, however,* that when any fish are caught or taken as permitted by this act, to be exclusively for consumption by the person or family of the person who caught the same and not for commercial purposes, and when the same are actually accompanied by the person who actually caught them in the manner and at the time herein permitted by this act, they may be taken out of this state, but not otherwise; but no person shall be permitted to take more than fifty of such fish outside of this state. 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 ten (10) dollars nor more than fifty (50) dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten (10) days nor more than sixty (60) days, for each and every fish so caught, taken or killed, or had in possession or under control, or so shipped or allowed to be shipped or aided to be shipped.

Shipping fish beyond the state forbidden.

Exception.

Penalty.

SEC. 32. No person shall at any time have in possession or under control in this state any bird, animal or fish caught, taken or killed outside of this state at a time when it is unlawful to have in possession or under control such birds, animals or fish when caught, taken or killed in this state.

Birds, animals or fish taken outside the state.

Penalty.

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 ten (10) dollars nor more than fifty (50) dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten (10) days nor more than sixty (60) days for each and every such bird, animal or fish had in possession or under control.

SEC. 33. The possession or having under control of any bird, animal or fish of any kind, 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 testimony of the party

Possession of game *prima facie* evidence.

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. 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 or 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 the 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.

Common carriers to notify commissioners of shipments of game, when.

SEC. 34. It shall be the duty of every common carrier, its agents and all other persons, whenever any bird, animal or fish of any of the kinds the killing of which is at any or all times herein prohibited, is, in violation of law, offered for transportation or had in possession for such purpose, or is shipped, to at once notify the board of game and fish commissioners of this state, or one of the game wardens appointed by them, of the name and residence of the party making such shipment, the place from whence shipped and the name and residence of the party to whom shipped, and the kinds of birds, animals or fish so shipped.

Penalty.

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 (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.

SEC. 35. 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.

When game is contraband and duty of officers.

SEC. 36. Any bird, animal or fish mentioned in this act caught, killed, shipped or had in possession or under

control contrary to any provision of this act, is hereby declared to be and shall be contraband, and 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, 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. 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 or had in possession or under control, or shipped contrary to any provision of this act, 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 car to be entered, and any apartment, chest, box, locker, crate, basket or package to be broken open and the contents thereof examined. All such officers taking or seizing any such birds, animals or fish shall at once report all the facts attending the same to the board of game and fish commissioners of this state.

Court shall issue search warrant.

SEC. 37. When any bird, animal or fish caught, taken or killed, or 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, they shall sell or dispose of either within or without this state to the highest bidder, or for the highest offer, and shall issue a certificate to the party purchasing the same, 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 it had been killed and was possessed in accordance with the laws of this state, anything herein to the contrary notwithstanding. The proceeds of all such sales shall be deposited in the state treasury to the credit of the general revenue fund of the state of Minnesota.

Game seized to be sold and proceeds paid to state treasurer.

SEC. 38. Any and all devices, contrivances, materials and substances whatever while in use, or had, or maintained, for the purpose of catching, taking or killing, or attracting or deceiving any bird, animal or

Devices, materials, etc., used for taking game, to be seized and destroyed.

fish contrary to any provision of this act, including fish houses, enclosures or other sheltering structures or appliances erected or maintained upon the ice or in any waters, or on the shore of any lake, pond or stream, 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. And no liability shall be incurred to the owner or any other person for such seizure and destruction, and said board of game and fish commissioners, and all wardens and other officers or persons, shall be released from all liability to any person or persons whatsoever for acts done or committed or property seized or destroyed under and by virtue of this section.

Complaint by person evidence of violation of law.

Any complaint or objection made by any person to any 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.

Jurisdiction of board

SEC. 39. 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.

Penalty for resisting officer of the board.

SEC. 40. Whoever shall resist or obstruct the executive agent of said board, or any member thereof, or any warden or other officer of this state, 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 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 ninety (90) days nor more than one hundred and ninety (190) days, or both.

Certificates granting privileges

SEC. 41. 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 scientific purposes only the nests, eggs, birds, animals or fish protected by this act. No person to whom such certificate 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 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 (100) dollars, signed by two (2) 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 such certificate the sum of two (2) 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 (1) year only from the date of its issue, and shall not be transferable.

How obtained.

Bond in \$100.

Fee \$2.

Whoever shall violate 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 (50) dollars, or by imprisonment in the county jail for sixty (60) days, or both.

Penalty.

The board of game and fish commissioners of this state, 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 the such specimens to such board of game and fish commissioners to any point outside of the state of Minnesota, but such specimens shall only be used for breeding or for the propagation of the same species.

Exchange of specimens with other states.

SEC. 42. 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.

Fishways controlled by board.

It shall be the duty of any person or persons who now own or control or hereafter may erect, own or control any dam or other obstruction across any of the rivers, creeks, streams or other water courses within or running through this state, in such manner as to obstruct the free passage of fish up or 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 fishways so that the free passage of the fish up or down such waters may not be obstructed. All such fishways shall be maintained and kept in good repair by the person so owning, controlling, operating or using any dam or any obstruction during the whole time of the existence of such dam or obstruction as aforesaid,

Owners of dams or obstructions to construct fishways.

Owners must keep fishways in proper condition.

so that said fishways shall at all times be opened and free from obstruction for the passage of fish. In case the owner or person controlling or operating or using any dam or 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, and the cost thereof may be recovered by the board of game and fish commissioners from the owner or person in control thereof in a civil action before any court having jurisdiction. Any person owning or controlling 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 of such fishways in any such dam, after having been given ten (10) days' written notice 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 (5) dollars nor more than twenty-five (25) dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days for each and every day after the expiration of said notice that he shall neglect and refuse to do so. Every owner or person controlling any dam or obstruction in or in connection with which any fishway has been built as provided in this act, and to the satisfaction and approval of said board, may obtain from said board a certificate that said fishway is constructed in compliance with this act, which certificate while in force shall be a full protection against any prosecution under this section. 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 any person so owning or controlling any dam or obstruction shall fail to construct such fishway to the satisfaction of said board it shall be *prima facie* evidence of a violation of this section.

When board may construct fishways at expense of owners.

Penalty for refusing compliance with order of board.

Certificate of board.

Penalty for placing refuse in certain waters.

SEC. 43. Any person who deposits any sawdust or other refuse in any stream or water wherein the said board have deposited or shall deposit fry, or wherein brook trout naturally abound, shall be guilty of a misdemeanor, and on conviction thereof shall 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.

SEC. 44. 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, as used in this act, shall include both actual and constructive possession. The word animal as used herein shall not include any variety of birds.

SEC. 45. Any attempt to violate any of the provisions of any section of this act shall be deemed a violation of such provision and punishable in the same manner as a violation of such provision is punishable. Attempted violation, deemed actual violation.

SEC. 46. In any prosecution or judicial proceeding under the provision of this law any participant in any violation thereof may testify as a witness against any other person violating the same without criminating himself by so doing, nor shall the evidence so given by him be used in any criminal proceeding against him for such violation. Protecting participating witnesses who testify.

SEC. 47. All prosecution under this act shall be commenced within one (1) year from the time the offense was committed. Limit of time for prosecutions.

In addition to the powers conferred upon the board of game and fish commissioners, it is hereby made the duty of all county attorneys, sheriffs, constables and other peace officers to enforce the provisions of this act. All peace officers to enforce provisions of act.

SEC. 48. All fines collected or money recovered, on any bond given to, or contract made with the board of game and fish commissioners, or received by them for the sale of any birds, animals or fish, or from licenses, or for other purposes, except for the board of game and fish commissioners of other states, under any provision of this act, shall be paid into the state treasury and placed to the credit of the general revenue fund of the state of Minnesota. Fines and moneys collected to be paid to state treasury.

Said board is hereby authorized to offer and pay over out of any moneys subject to their order a reward of ten (10) dollars for the conviction of any person for the violation of any provision of this act, such reward to be paid to the person claiming the same upon his furnishing to said board a certified copy of the docket of the justice of the peace before whom the person of said offense has been convicted; *provided*, the fine so imposed shall equal ten (10) dollars and shall have been paid to the state treasurer. Board may offer rewards.

SEC. 49. The provisions of this act shall not apply to domesticated birds or animals, or to trout grown in private hatcheries. *Provided, however*, that in any prosecution for violation of any of the provisions of this act it shall not be necessary for the prosecution to allege or to prove that the birds or animals were not domesticated or that the trout were not grown in a pri- Act not to apply, when.

vate hatchery, or that the birds, animals or fish were not taken for scientific purposes, but the person claiming that such birds or animals were domesticated, or the trout were grown in a private hatchery, or that said birds or animals were taken for scientific purposes as herein provided, shall prove on the hearing or trial that such birds or animals were domesticated, or such trout were grown in a private hatchery, or that such birds or fish were taken for scientific purposes, as by law provided.

Repealing
clause.

SEC. 50. All acts and parts of acts inconsistent with this act are hereby repealed; *provided*, that such repeal shall not affect any civil or criminal action now pending or hereafter commenced for acts done or committed in violation of the game and fish laws of this state prior to the passage of this act.

\$25,000 ap-
propriated.

SEC. 51. The sum of twenty-five thousand (25,000) dollars, or so much thereof as may be necessary, is hereby appropriated annually, commencing August 1, 1897, for the purpose of carrying on and enforcing the provisions of this act, to be paid for such purpose out of any moneys in the state treasury not otherwise appropriated.

Preference to
Union
soldiers.

SEC. 52. In making appointments under this act preference shall always be given to honorably discharged soldiers of the Union army.

SEC. 53. This act shall take effect and be in force from and after its passage.

Approved April 23, 1897.

S. F. No. 286.

CHAPTER 222.

Service of
summons on
minors in cer-
tain cases.

An act to amend subdivision second of section fifty-nine (59), chapter sixty-six (66), general statutes one thousand eight hundred and seventy-eight (1878), being section five thousand one hundred and ninety-nine (5199), general statutes one thousand eight hundred and ninety-four (1894), relating to service of summons upon minors in certain cases.

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

Amendment.

SECTION 1. That subdivision second of section fifty-nine (59), chapter sixty-six (66), general statutes one thousand eight hundred and seventy-eight (1878), being section five thousand one hundred and ninety-nine (5199), general statutes one thousand eight hundred