

Property acquired by general tax to be joint property of town and village after separation.

SECTION 1. That wherever any regularly organized village has heretofore separated or may hereafter separate itself, for all purposes, from the town in which it is situated, in the way and manner provided by law, and has complied with the laws of this state for the purpose of effecting such separation, and there has been prior to such separation purchased, built or erected any property, which has been paid for by a tax collected from an assessment in common of the property within said village and said town, and which said property is located within, and upon separation remains within, the corporate limits of said village, such property, and all thereof after such separation, shall be and remain the joint property of such town and village, and after such separation the same shall be and remain the common property of such town and village, notwithstanding the fact that such property is within the corporate limits of said village.

May be divided when practical.

SEC. 2. That whenever a division of any such property is practical, it shall be divided between said town and village in such proportion as the taxable property of such village bears to the taxable property of said town, according to the last assessment thereof preceding such separation, and such property and all thereof shall be owned by such town and village after such separation in the proportion hereinbefore in this section stated; and in case said joint property is to be divided, sold or disposed of, and the supervisors of any such town and the council of such village are unable to agree on the value of any such joint property, then in such case the chairman of the board of the town and the president of the council of such village shall each appoint a suitable person as arbitrators, who shall jointly select a third person to act with them as a board of arbitration, and the value placed upon such property, by a majority of such board, shall be binding on the respective parties.

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

Approved April 17, 1899.

H. F. No. 565.

## CHAPTER 242.

Game and fish, propagation and preservation of.

*An act to amend chapter two hundred and twenty-one (221) of the General Laws of one thousand eight hundred and ninety-seven (1897), entitled "An act for the preservation, propagation, protection, taking, use and transportation of game and fish."*

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

SECTION 1. That section ten (10) of chapter two hundred and twenty-one (221) of the General Laws of one thousand eight hundred and ninety-seven (1897) be amended so as to read as follows:

Sec. 10, c. 221,  
Laws 1897,  
amended.

Sec. 10. No person shall catch, take, kill or have in possession or under control for any purpose whatever at any time any whippoorwill, night hawk, bluebird, finch, thrush, linnnet, lark, wren, martin, swallow bobolink, robin, catbird or any other harmless bird, except black-birds, crows, hawks 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 turtle dove, snipe, 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, partridge, ruffled grouse or pheasant, between the first day of December and the first day of October following; or woodcock, upland plover, between the thirty-first (31st) 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 the state, by common or private carrier, of any quail, ruffled or sharp-tailed grouse, prairie chicken or ruffled grouse, sometimes known as partridge or pheasant, is hereby prohibited and made unlawful. Wild duck of any variety, or any variety of wild goose, brant or any variety of aquatic fowl whatever between the first (1st) day of January and the first (1st) day of September following.

Birds which  
are not to be  
taken at any  
time.

Birds not to  
be taken  
except in cer-  
tain seasons.

Birds not to  
be exposed to  
sale or  
shipment.

*Provided*, that the sale, exposing for sale, having in possession with intent to sell or the shipment to any person, either within or without the state, by common or private carrier, of any wild duck of any variety, or any variety of wild goose, brant, or any variety of aquatic fowl between the first day of January and the fifteenth (15th) day of April in any year is hereby prohibited and made unlawful. 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 and 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

Duck, goose  
and brant not  
to be sold or  
shipped except  
in time  
allowed.

Penalties for  
violation.

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. 14, c. 221,  
Laws 1897,  
amended.

SEC. 2. That section fourteen (14) of said act be amended so as to read as follows:

Elk, deer, not  
to be killed  
except first  
twenty days  
in November.

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 November first and November twentieth (20th) of the same year, but no person shall kill more than five (5) deer in any one season.

Not to be sold  
first five days  
of season.

*Provided*, that no buck, doe, deer or fawn shall be offered for sale or sold during the first five (5) days of the open season.

May be had in  
possession for  
five days  
after close  
of season.

And *provided, further*, that when any deer has 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 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.

May not be  
shipped unless  
with person.

*Provided, further*, that it shall be and is hereby made unlawful for any person to ship or cause to be conveyed in any manner aforesaid any of such animals in excess of five (5) in number during any one year from and after November fifth (5th), and whoever shall offend 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 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 deer, fawn or elk so caught, killed, taken, shipped or had in possession or under control.

Only five to be  
shipped per  
year; penalty.

SEC. 3. That section twenty-three (23) of said act be amended so as to read as follows:

Sec. 23, c. 221,  
Laws 1897,  
amended.

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, A. D. one thousand nine hundred and two (1902). 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 (5) dollars nor more than twenty-five (25) dollars and costs of prose-

Fish, kinds  
not to be  
caught except  
in season;  
penalty.

cution or by imprisonment in the county jail for not less than five (5) days nor more than thirty (30) days for each and every fish so had in possession for sale, offered for sale, exposed for sale or sold or purchased."

SEC. 4. That section twenty-four (24) of said chapter be amended so as to read as follows:

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, nor make use of any artificial light therefor. That nothing in this law shall be construed to prevent any person from fishing within four hundred (400) feet of any fishway with a hook and line held in the hand or attached to a rod or pole held in the hand, except from the first day of March until the fifteenth (15th) day of May in each year. No person shall at any time have in his possession or under his control any fish caught, taken or killed in any other manner 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 in this state a net may be used for the purpose of taking white fish or trelipies during the month of November and the first fifteen (15) days in December of each year, which said net shall not exceed two hundred (200) 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*, 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 (1) dollar. But no such person or family shall be permitted to use more than two (2) of such nets.

*Provided, further*, that the board of game and fish commissioners may upon application and satisfactory proof being made to them grant permission to fish in all shallow lakes in this state where fish are annually frozen or smothered to death, under such rules, regulations and restrictions as they shall prescribe; and the designation by them of such lakes shall be final and conclusive.

Sec. 24, c. 231.  
Laws 1897,  
amended.

Fish, manner  
of taking.

Nets, may be  
used when and  
where.

Permission to  
take fish in  
shallow  
waters.

Net may be used 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*

Spear, may be used when and where.

*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, suckers and red horse may be speared or caught with hook and line in any manner at any time in all Minnesota waters.*

Pond or dip-net, where may be used.

*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 (1,000) 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 (1,000) feet from 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 (2½) 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 application 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 (5) 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.*

Fish not to be taken in March and April; penalty.

*No fish shall be caught in any of said waters during the months of March and April in any year, except pickerel, suckers and red horse hereinbefore provided, except as hereinbefore provided. Whosoever 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, or by imprison-*

ment in the county jail for not less than thirty (30) days nor more than ninety (90) days.

SEC. 5. That said chapter two hundred and twenty-one (221) be amended by striking out of said chapter all of that part thereof following section fifty-two (52), and inserting in lieu thereof the following:

Sec. 53. No person shall hunt for, take, catch or kill any deer, elk, caribou or moose, protected by the provisions of this act, without having in his possession a license duly issued to him, authorizing such hunting, taking, catching or killing during the open season thereof of such game so protected. The license fee for persons not residents of this state shall be the sum of twenty-five (25) dollars, and the license for such persons shall be issued by the county auditor of any county in this state on personal application therefor accompanied by the said fee. The license fee for residents of this state shall be the sum of twenty-five (25) cents, and the license for such persons shall be issued by the same officer upon personal application accompanied by said fee and proof of residence within the county in which such license is issued. Said licenses shall contain a physical description of the person so licensed, stating the age, height, weight, complexion, and color of hair and eyes and the usual written signature of such person written by him in the presence of said officer, and shall be good for one year from the date of issuance. It shall be the duty of any person holding any such license to exhibit the same to any officer charged with the execution of this law upon reasonable request, and any person who shall hunt for, catch, take or kill any deer, elk, caribou and moose without having in his possession a license duly issued to him in accordance with the provisions of section fifty-three (53) of this act, or who shall refuse to exhibit the same as herein provided, shall be punished by a fine of not less than fifty (50) dollars nor more than one hundred (100) dollars, or by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days. All moneys collected for licenses or fines under the provisions of this act shall be paid into the proper county treasury and shall be credited to the state revenue fund, and the expense of all prosecutions, commitments and imprisonments shall be paid out of the county treasury of the proper county in the same manner as in other criminal actions provided and shall be charged by the proper officer to said state revenue fund. Nothing in this act shall be construed to conflict with chapter thirty (30) of the General Laws of one thousand eight hundred and seventy-two (1872), entitled, "An act to provide for a geological and natural history survey of the state and to entrust the same to the University of Minnesota."

Chap. 221,  
Laws 1897,  
amended.

License must  
be had to kill  
deer, elk,  
moose, caribou;  
how  
obtained.

Sec. 37, c. 221,  
Laws 1897,  
amended.

SEC. 6. That section thirty-seven (37) of chapter two hundred and twenty-one (221) of the General Laws of one thousand eight hundred and ninety-seven (1897) be amended so as to read as follows:

Sale of game  
seized under  
law.

Sec. 37. When any bird, animal or fish caught, taken or killed, or had in possession or under control contrary to any provisions 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 same within 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 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 to be  
tagged before  
sale.

*Provided, further, that any game seized as aforesaid, before being sold, shall be tagged or sealed by the said board of game and fish commissioners, said tag or seal to be affixed to each bird, and to each animal or part thereof. Whoever shall, after buying game as in this section provided, sell the same to any person, market or commission merchant for resale, 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, animal or fish so caught, taken or killed, shipped or had in possession or under control.*

Game not to  
be resold;  
penalty.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 18, 1899.

H. F. No. 377.

#### CHAPTER 243.

National  
Guard, pay-  
ment of  
arrears.

*An act to provide for the payment of arrears due enlisted men of the national guard, who were mustered into the volunteer army of the United States during the war with Spain, for active service in the national guard on and between the date of mobilization and date of muster in such volunteer service.*

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