

peace who shall try the same, or make an assessment of damages therein, shall, in addition to finding the sum due the plaintiff, also find that the same is due for the cost of shoeing the horse, mule, ox, or other animal described in plaintiff's declaration, and is a lien upon the same; *provided, however*, that if the court, jury or justice of the peace shall find that the amount due the plaintiff is not a lien upon the property described in the plaintiff's declaration, the plaintiff shall not be non-suited thereby, but shall be entitled to judgment as in other civil action; but in such case said plaintiff shall not recover or tax any costs other than those allowed and taxable in such case; and in those cases where the amount due is found to be a lien upon the property mentioned in plaintiff's declaration, the finding or verdict may be in the following form: (The court, jurors or justice, as the case may be) say that there is due the sum of dollars from the said defendant, and that the same is due for plaintiff's reasonable charges for shoeing the animal mentioned in plaintiff's declaration (giving a description sufficient for identification of the animal), and that the plaintiff has a lien upon said animal for said amount.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved April 10, 1901.

Form of
verdict.

H. F. No. 567.

CHAPTER 229.

Amendment.
Game and
fish.

An act to amend chapter two hundred twenty-one (221) of the Laws of eighteen hundred ninety-seven (1897), as amended by chapter two hundred forty-two (242) of the Laws of eighteen hundred ninety-nine (1899), 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 one (1), of chapter two hundred twenty-one (221), of the Laws of eighteen hundred ninety-seven (1897), be and the same is hereby amended to read as follows:

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 as soon as this act is signed and takes effect. They shall serve without compensation, but each shall be reimbursed for his actual

Commission-
ers.

expenses, certified by him with a statement of items to have been necessarily incurred in the performance of his official duties.

SEC. 2. That section two (2) of chapter two hundred twenty-one (221), of the Laws of eighteen hundred ninety-seven (1897), be and the same is hereby amended so as to read as follows:

Section 2. Said commissioners shall be appointed as follows:

One (1) for a term of two (2) years, two (2) for a term of three (3) years, and two (2) for a term of four (4) years, and thereafter, upon the expiration of said terms of office, the same shall be filled for the full term of four (4) years.

Terms of office.

Section 14 of chapter two hundred twenty-one (221) of the Laws of eighteen hundred ninety-seven (1897), be and the same is hereby amended so as to read as follows:

Sec. 14. No person shall hunt, catch, take, kill, ship or have in possession, any elk, at any time, except that deer may be killed between November the 10th and November 30th of the same year, but no person shall kill more than three (3) deer in any one season; *provided*, that no buck, doe, deer or fawn shall be offered for sale or sold at any time.

Elk and deer.

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 public or private conveyance, at any time, any elk, moose, caribou or deer, or any part thereof, 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 it 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 three (3) in number, during any one (1) year, from and after November 10th, and whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished with 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) nor more than ninety (90) days for each and every deer, fawn or elk, or any part thereof, including the hide and horns, so caught, killed, taken, shipped or

Shipping elk, moose, caribou or deer.

Penalties.

had in possession or under control. *Provided, further,* the shipment by express, by private or public carrier, to any person within the state, when the party accompanies the shipment on the same train or conveyance, shall not be deemed a violation of this section.

Moose and
caribou.

Sec. 15. No person shall hunt, catch, kill, ship or have in possession or under control, at any time, any moose or caribou, except that male moose and male caribou may be killed between the 15th day of November and the 20th day of November, in the same year, but no person shall kill more than one (1) moose and one (1) 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 (5) days after the time herein limited for killing the same, and be used in the manner herein allowed, but not otherwise. 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 (\$100) dollars nor more than three hundred (\$300) dollars and costs of prosecution, or by imprisonment in the county jail for not less than ninety (90) nor more than two hundred (200) days for each and every moose or caribou, or any part thereof, including the hide and horns, caught, taken, killed, shipped or had in possession or under control.

Penalties.

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

Approved April 10th, 1901.

H. F. No. 571.

CHAPTER 230.

Board of
health. Local
fines
paid to
counties.

An act to provide for the disposition of fines and penalties imposed and collected at the instance of the local boards of health.

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

SECTION 1. That all fines and penalties imposed and collected on any grounds, at the instance of any local board of health, shall be paid into the treasury of the county in which such local board is located.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved April 10th, 1901.