

of the substances enumerated in Section 1 of this act; provided that the provisions of this section shall not be construed to prevent any legally licensed physician from prescribing in good faith for the use of any patient under his care for the treatment of a drug habit such substances as he may deem necessary for such treatment; provided that such prescriptions are given in good faith for the treatment of such habit.

**Sec. 3. Penalty for violation.**—Any person who violates the foregoing provisions of this act shall be deemed guilty of a felony and for each violation thereof shall be punished on conviction thereof, by imprisonment in the penitentiary for not less than one year nor more than five years, or by a fine of not less than \$100.00 nor more than \$1,000.00, or both imprisonment and fine in the discretion of the court; provided, however, that a legally licensed pharmacist or druggist shall not be held liable for the innocent compounding and dispensing of any of the articles enumerated in Section 1 of this act, in consequence of a false, fraudulent or forged prescription which he in good faith believed to be a prescription of a licensed physician, licensed dentist or licensed veterinarian issued for a lawful purpose.

**Sec. 4. Licenses to be revoked on second conviction.**—Whenever any legally licensed physician, surgeon, dentist, veterinarian, pharmacist, druggist, manufacturer, wholesale or retail dealer or institution, shall have been twice convicted in a court of proper jurisdiction of any felony under this act, the officer or board, having power to issue licenses to any such licensed person, may, after giving such licensee reasonable notice and opportunity to be heard, revoke the license of said licensee.

**Sec. 5. Construction of term.**—The word "person" as used in this act shall be construed to mean and include a partnership, association, company or corporation, as well as a natural person.

**Sec. 6. Inconsistent acts repealed.**—All acts and parts of acts inconsistent with this act are hereby repealed.

**Sec. 7. Effective Dec. 31, 1915.**—This act shall take effect and be in force from and after December 31st, 1915.

Approved April 23, 1915.

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CHAPTER 261—S. F. No. 160.

*An Act authorizing the state game and fish commission to issue licenses to proper persons to fish for and take, catch or capture with seines carp, dogfish, garfish, sheephead, buffalo and suckers in any of the waters under the jurisdiction of this state, except that portion of the Mississippi river and Lake St. Croix which form the boundary between the States of Minne-*

*sota and Wisconsin, provided that no fish shall be so taken, caught or captured in any lake except such lake shall contain carp, and regulating the same.*

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

**Section 1. Licensing for taking rough fish from waters in Minnesota.**—That the State Game and Fish Commission shall issue to any proper person a license to fish for and take, catch or capture with seines carp, dogfish, garfish, sheephead, buffalo, and suckers in any of the waters under the jurisdiction of this state, except that portion of the Mississippi river and Lake St. Croix which form the boundary between the states of Minnesota and Wisconsin, provided that no fish shall be so taken, caught, captured in any lake except such lake shall contain carp, and no fishing or seining under this act shall be permitted in any county in which the county board at their regular meeting in July of each year by resolution shall have prohibited such fishing and seining.

Provided, however, that such person using or operating such nets or seines for the taking of such fish shall do so only under the direction and personal supervision of a duly commissioned game warden. Every person obtaining such license shall pay, as hereinafter provided, twenty per cent of the gross receipts from any and all fishing done pursuant to any license issued under the provisions of this act; and included as an item of expense in the doing of such fishing shall be the compensation and actual expenses of any game warden or game wardens necessary to enforce the provisions of this act.

**Sec. 2. Form of application and bond to be furnished.**—Application for such license to use nets or seines as herein provided shall state the name and residence of the applicant, the number and the size of the nets or seines he intends to use and operate, and the waters in which he intends to use or operate such nets or seines. Before any such license shall be issued the applicant shall execute and deliver to the game and fish commission a bond running to the State of Minnesota in such penal sum as may be determined upon by the state game and fish commission not to exceed the sum of \$5,000, to be approved by the said state game and fish commission.

**Sec. 3. Size of net.**—That no license shall be issued by virtue of the provisions of this act for the use of any net with a mesh less than two and one-half inches bar in the pot, and that it shall be unlawful for any person using or operating a seine or net under the provisions of this act to use any seine or net having a smaller mesh than as herein provided.

**Sec. 4. License not to be issued to deputy game warden or to persons convicted of violation during past two years.**—That no license to use seines or nets under the provisions of this act

shall be issued or granted to any person duly commissioned to act as a game and fish warden under the laws of this state; or to any person who has within two years prior to the date of his application been convicted of a violation of any provision of the game and fish laws; and that it shall be unlawful for any duly and properly commissioned game and fish warden of the State of Minnesota to be a partner of, or in any way or manner financially interested with any person who shall fish for, take or capture by the use of seines or nets, any of the kinds of fish mentioned herein.

**Sec. 5. Certain fish to be returned to waters.**—Any person licensed by the provisions of this act to take any of the kinds of fish herein mentioned, shall immediately after the use and drawing of the nets and seines, return unharmed to the water any and all fish of any kind and description not by the terms of this act expressly permitted to be taken by the use of nets or seines.

**Sec. 6. Unlawful to take other fish.**—It shall be unlawful for any person using or operating a seine or net under a license issued according to the provisions of this act, to fish for, take, or capture any fish whatever, whether mentioned by the provisions of this act or not, at any time between the first day of April and the first day of October of any year; provided, however, that the provisions of this section shall not apply to any lakes or waters which form a boundary between the State of Minnesota and any other state.

**Sec. 7. License money to be paid into state treasurer.**—All moneys payable under the terms of any license issued pursuant to this act shall be paid to the state game and fish commission of the State of Minnesota and by them paid to the state treasurer.

**Sec. 8. Fishing under supervision of commissioner.**—All fishing done under the provisions of this act shall be under the direct supervision and control of the state game and fish commission and any person or persons doing such fishing shall keep an accurate account of any and all transactions had in connection with such fishing, and the books containing a record of such transactions shall be open to the inspection and examination of the state game and fish commission, or to such person as it may designate for that purpose. It is further provided, that any person or persons fishing pursuant to the terms and conditions of this act shall make weekly reports in writing to the state game and fish commission and as much oftener as may be required by said commission.

**Sec. 9. Violation a misdemeanor.**—Any person or persons who shall violate any of the provisions of this act, or any of the terms of any license issued by the state game and fish com-

mission under the authority of this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$25.00 nor to exceed the sum of \$100.00, or by imprisonment in the county jail for a period of not less than thirty days nor to exceed ninety days.

Sec. 10. **Inconsistent acts repealed.**—All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved April 23, 1915.

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CHAPTER 262—S. F. No. 265.

*An Act providing for re-assessment of benefits and damages in drainage proceedings where meandered lakes have been drained.*

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

Section 1. **Re-assessment of benefits authorized.**—That whenever any public ditch has been established under the provisions of Chapter 230, General Laws of Minnesota for the year 1905, as amended, which ditch has drained any meandered lake, and where damages and benefits have been assessed to abutting landowners on the basis of added lands to said abutting landowners, resulting from the drainage of said lake; and where thereafter by judgment of a competent court, it shall be adjudged that the said landowner or landowners own a portion of said meandered lake bed not agreeing in number of acres with the number of acres forming the basis for the assessment of benefits and damages in the ditch proceeding, the said landowners, or any of them, may petition the county board establishing such county ditch, or the judge of the district court establishing said judicial ditch, for a re-assessment of the benefits and damages to such land.

Such petition shall be in writing, signed by the party making the same, or his attorney, and filed with the county auditor in case of a county ditch, and with the clerk of the district court in case of a judicial ditch.

Sec. 2. **Time and place of hearing to be fixed.**—Upon the filing of such petition, the chairman of the county board in the case of a county ditch, or the judge of the district court in the case of a judicial ditch, shall fix a time and place for hearing thereof, and the county auditor or the clerk of the district court, as the case may be, shall cause notice of the filing of such petition, and of the time and place of hearing on the same, to be served on all the owners of any part of the lake bed of said