

unconstitutional by any court, all other sections and provisions shall nevertheless be and remain in full force and effect.

Sec. 35. **Inconsistent acts repealed.**—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed so far, and only so far, as necessary to give full force and effect to this act.

Sec. 36. **Effective July 1, 1925.**—This act shall take effect and be in force from and after July 1st, 1925.

Approved April 18, 1925.

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CHAPTER 408—H. F. No. 1317

*An act relating to fish, and providing for the taking and removal of certain fish from public waters, and appropriating money to the Game and Fish Commissioner for improving public waters and preserving fish, and repealing Sections 5594 and 5600, General Statutes 1923 and Chapter 393, General Laws 1921 (not referred to in General Statutes 1923), relating to fish.*

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

Section 1. **Removal of rough fish from public waters.**—Whenever, after an investigation, the Game and Fish Commissioner finds that any of the following conditions exist:

(1) That carp, buffalofish, sheepshead, dogfish, eelpout, garfish and turtles inhabit any of the public waters of this state in such numbers as to interfere with or prevent the natural propagation of game fish therein, or that such fish inhabit any of the public waters of this state in such numbers as to destroy or substantially injure wild celery, wild rice or other aquatic plant life growing therein, or

(2) That the removal of the fish above designated and turtles, will result in an improvement in the quality of such fish remaining therein and will increase the quantity thereof, or will prevent the destruction of wild celery, wild rice and other aquatic plant life in such waters; Then, and in such case he may provide by contract, or by day labor, under his supervision, or both, for the taking and removal of the fish designated and turtles, by means of seines, nets, or by any other devices, from June 1st to April 1st following, both inclusive.

Provided, however, that in all counties of this State lying southerly of the St. Croix River and tributary to the Mississippi River and having a population of 28,000 or over, according to the last federal census, the respective boards of county commissioners shall have power to prohibit seining or fishing in any of the waters

lying within the boundaries of their respective counties by a resolution adopted at their July meeting, and not otherwise. Waters so closed shall not be opened at any subsequent meeting of the board during the ensuing year. No county board shall enter into any contract for such fishing or seining, nor shall the board or any member thereof solicit, or receive any commission or payment of money for that purpose, and

Provided further, that the Game and Fish Commissioner shall not conduct any operations in any body of water lying wholly within the corporate limits of any city of the fourth class, unless with the consent of the city council thereof.

**Sec. 2. Game and Fish Commissioner to dispose of fish.**—The Game and Fish Commissioner, or his duly authorized agent, is hereby authorized to sell such fish and turtles taken under this chapter, or to dispose of them in such manner as he may see fit, and such fish and turtles as are not of commercial value for food purposes may be sold or otherwise disposed of as fertilizer, poultry or hog feed, or destroyed, and in no case shall any of the fish or turtles taken under this chapter be returned unconfined to the waters from which they are taken, provided in case of fishing operations by the Commissioner hereunder by contract or day labor, the Game and Fish Commissioner, if the public interest will best be served thereby, may authorize the contractor, or the commissioner may establish pounds in a portion or portions of such waters in which said fish are taken, or adjacent thereto and connected therewith, or in artificial pounds, and may impound said fish therein by securely fencing said pounds or by otherwise making such fish secure therein, and such fish may be kept in such pound, pounds, artificial pounds, or in a natural inland body of water not exceeding twenty-five (25) acres in area, which in the discretion and upon the order of the commissioner may be safely used in the public interest for storage without endangering other public waters, by said contractor or commissioner for a period of time only until December 15th, during the year in which said fish are taken and must be removed therefrom on or before December 15th of the year in which they were taken.

**Sec. 3. Game and Fish Commissioner to adopt rules and regulations.**—The Game and Fish Commissioner is hereby authorized to adopt such rules and regulations as in his judgment are necessary to successfully prosecute the provisions of this chapter, to determine size of mesh in seines and nets, to provide for proper supervision of any and all fishing operations, to provide for proper reports on daily catches and sale of fish, to require necessary guarantees for the fulfillment of all conditions of any contract entered into, and provided that in waters inhabited by carp and for the purpose of ridding the same of carp and diminishing the num-

bers of carp therein, the game and fish commissioner may authorize the taking of carp therein at any time by a duly organized sportsmen's or conservation club, society, league, or association, under the supervision of a warden, to be paid by such organization so authorized to take carp therein. No carp so taken by such organization may be sold, but may be used for domestic or farm purposes or given away for such purposes. All fish, other than carp, dog-fish, eelpout, garfish and turtles, shall be returned to the water if taken by such organization hereunder.

**Sec. 4. Not to award contracts to fish in certain waters.**—The Game and Fish Commissioner shall not award contracts hereunder for bodies of water aggregating over 2500 acres to any one individual, association or society, provided if any contractor shall have completed his contract to the satisfaction of the Commissioner, then and in that case, such individual, association or society may be awarded additional contracts not to include at any one time more than 2500 acres of water.

**Sec. 5. Moneys to be collected by Game and Fish Commissioner.**—All moneys received from the sale of fish or turtles, under this Chapter, shall be deposited immediately by the contractor with the Game and Fish Commissioner, and by him disposed of according to Section 7 of this Chapter, and the contractor shall receive for his services such compensation as may be mutually agreed upon by the Commissioner and the contractor.

**Sec. 6. Contractors permit to be cancelled in certain cases.**—Any contractor who violates any of the regulations of the Game and Fish Commissioner pertaining to the taking of fish under this Chapter, and any contractor who through negligence shall cause the destruction of any game fishes while conducting fishing operations under a contract awarded to him shall have such contract cancelled and shall forfeit his right to secure another contract under the provisions of this chapter for a period of two years.

**Sec. 7. Moneys to be deposited in separate fund.**—All moneys received by the Game and Fish Commissioner in conformity with the provisions of this chapter shall be deposited immediately with the state treasurer, who shall deposit same to the credit of a "Fish Lakes Improvement Fund" and all moneys now in possession of the state treasurer and credited to said Fish Lakes Improvement Fund received under provisions of Section 98, Chapter 400, Laws of 1919, are hereby annually appropriated to said commissioner up to and including July 1, 1925, at which time all money then credited to said fish lakes improvement fund shall be covered into the general revenue fund and thereafter all moneys received as above by the commissioner shall be deposited by the commissioner with the state treasurer to the credit of the general revenue fund and the sum of \$137,500, or so much thereof as may

be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to the commissioner for each of the fiscal years ending June 30, 1926, and June 30, 1927, for the purpose of carrying out the provisions of this act, and the said Game and Fish Commissioner, whenever he deems necessary for the propagation and conservation of fish, may construct dams, dykes, or embankments, install fish screens, construct and maintain connecting water channels or make similar improvements in any of the waters of this State, or any streams connecting such waters and may acquire any land or any interest or easement in land he deems necessary for such purpose by donation, purchase or condemnation proceedings and to impound or store any unmarketable fish taken under this chapter and shall take such measures as to prevent their escape, and the Game and Fish Commissioner is authorized, if he deems it advisable, to purchase and plant such aquatic plants suitable for the waters so to be planted, and to secure by purchase fish eggs and fish fry for distribution in waters which have been seined or fished under this chapter and for payment of game warden supervision and other necessary help in executing the provisions of this chapter, and also for the preservation and propagation of game and fish. Provided, however, that no contract shall be entered into or no obligation incurred by the Commissioner under this chapter in excess of money herein provided.

Sec. 8. **Certain laws repealed.**—Sections 5594 and 5600, General Statutes 1923, and Chapter 393, General Laws 1921 (not referred to in General Statutes 1923), are hereby repealed.

Approved April 25, 1925.

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#### CHAPTER 409—H. F. No. 880.

*An act to provide for the protection and conservation of certain wild plants and imposing penalties for the violation of the provisions of this act.*

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

Section 1. **Protection for certain wild flowers.**—No person within the State of Minnesota knowingly shall buy, sell, offer or expose for sale, the state flower (*Cypripedium reginae*) or any species of lady slipper (*Cypripedae*) or any member of the orchid family trillium of any species, lotus (*Nelumbo lutea*), gentian (*Gentiana*), arbutus (*Epigaea repens*), or any species of lilies (*Lilium*), or any thereof, dug, pulled or gathered from any public land, or from the land of any private owner without the written consent of such owner or other occupant of such land.