

lowed by special law at the same time when the revised laws take effect."

Approved April 13, 1939.

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CHAPTER 230—H. F. No. 1093

*An act relating to water, light, power and building commissions, in cities of the fourth class now or hereafter having a population of not less than 1,000, nor more than 1,500, located in counties now or hereafter having a population of not less than 30,000, nor more than 40,000, and amending Mason's Minnesota Statutes of 1927, Section 1860.*

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

**Section 1. Application of act.**—Mason's Minnesota Statutes of 1927, Section 1860, is hereby amended so as to read as follows:

"This act shall apply to any city of the 4th class, operating under a Home Rule Charter, having a population of not less than 1000 nor more than 1500, which is located in any county having a population of not less than 33,000 nor more than 34,000, according to the last Federal Census but, shall not include or apply to any other cities now or hereafter governed under a Charter adopted under and pursuant to Section 36, Article 4, of the constitution of this State, and the several acts of the legislature authorizing cities to adopt their own charter."

Approved April 13, 1939.

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CHAPTER 231—H. F. No. 1100

*An act relating to the protection and regulation of wild rice in the public waters of the State, declaring an emergency and granting certain rights and privileges to the Indians of Minnesota; and repealing Laws 1931, Chapter 373.*

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

**Section 1. Conservation of wild rice.**—From time immemorial the wild rice crop of the waters of the state of Minnesota has been a vital factor to the sustenance and the continued existence of the Indian race in Minnesota. The great

present market demand for this wild rice, the recent development of careless, wasteful and despoiling methods of harvesting together with water conditions of the past few years, have resulted in an emergency, requiring immediate stringent methods of control and regulation of the wild rice crop. The traditional methods of the Indian in such harvesting are not destructive. On the other hand, the despoilation of the rice fields as now progressing under commercial harvesting methods will result in imminent danger of starvation and misery to large bands of said Indians. They are in danger, therefore, of becoming relief charges upon the state and the counties, many of which are over burdened with relief loads now. It is further true that many of the reservation lands which were ceded in trust for the said Indians have never been sold and others are reverting because of non-payment by the purchasers. It is therefore the declared purpose of this act to meet said emergency and to discharge in part a moral obligation to said Indians of Minnesota by strictly regulating the wild rice harvesting upon all public waters of the state and by granting to the said Indians the exclusive right to harvest the wild rice crop upon all public waters within the original boundaries of the White Earth, Leach Lake, Nett Lake, Vermillion, Grand Portage, Fondulac and Mille Lacs Reservations.

**Sec. 2. To be harvested by Indians only in certain Indian Reservations.**—It shall be unlawful prior to November 1, 1941, for any person to take wild rice grain from any of the waters within the original boundaries of the White Earth, Leach Lake, Nett Lake, Vermillion, Grand Portage, Fondulac and Mille Lacs Reservations, except said persons be of Indian blood, or residents of the reservation upon which said wild rice grain is taken.

**Sec. 3. Unlawful to harvest with boats exceeding certain size.**—It shall be unlawful to use in harvesting wild rice in any public waters of this state, any water craft other than a boat, skiff or canoe propelled by hand, which boat, skiff or canoe has a top width of not more than 30 inches or any machine or mechanical device for gathering or harvesting the grain other than with flails not over 30 inches in length nor over one pound in weight, which flails must be held and operated by hand.

**Sec. 4. Must have license to harvest.**—It shall be unlawful for any person to take from any of the public waters of this state any wild rice grain either for commercial or domestic use, unless such person shall first have obtained from the

director of game and fish a license so to do. It shall be unlawful for any person in his wild rice harvesting, to operate more than three boats at any given time.

**Sec. 5. Definitions.**—For the purposes of this act the word “person” shall include any firm, corporation, association or co-partnership.

**Sec. 6. License fees.**—The fee for such license shall be \$.50. The applicant for such license shall make an application to the director of game and fish upon forms furnished by the director, which application shall give the name of the applicant, his place of residence, whether of Indian blood, tribal relation, if any, names of members of his family and ages thereof who are to engage in wild rice harvesting and the names of bodies of water and counties in which applicant proposes to operate. Licenses shall be granted for the calendar year only and all members of a family shall be entitled to engage in the harvesting of wild rice under a license issued to the head of the family, provided said members procure an identification card which shall be issued for each member upon request to the director.

**Sec. 7. No license to be issued to non-resident.**—No license to harvest wild rice grain shall be issued to a non-resident of the state.

**Sec. 8. Wholesale dealers to be licensed.**—No person shall buy wild rice grain for the purpose of re-sale from any person who has harvested the same without first having obtained a license so to do from the director of game and fish. The fee for such license shall be five dollars.

**Sec. 9. Unlawful to harvest green rice.**—It shall be unlawful to harvest, sell or purchase green wild rice. For the purpose of this act, green wild rice shall be defined as any wild rice containing more than 15 per cent of grain still in the milk, said 15 per cent to be determined by volume.

**Sec. 10. Not to harvest at night.**—It shall be unlawful to harvest any wild rice grain between the hours of six p.m. and eight a.m. of the day following, nor shall any rice pole be used for propelling boats used in the harvesting of wild rice grain which is not forked at the end with each fork less than 12 inches in length.

**Sec. 11. Commissioner to appoint director.**—The commissioner of conservation shall appoint a director of the wild rice harvest, who shall be a man of proven experience in the actual

harvesting of wild rice for a period of not less than 20 years. The said director shall serve at the will of the commissioner and be paid a salary annually of the sum of \$300 and reasonable traveling expenses, from any sums available to the division of game and fish. Said director shall have the duty of investigating the conditions affecting the crop of wild rice upon any waters that are proposed to be harvested. Said director with the approval of the conservation commissioner shall prescribe such further rules and regulations as may be necessary to properly carry out the purposes of this act and to properly regulate the harvest. He may with the approval of the conservation commissioner appoint deputies to serve without pay to assist him in any or all of his duties. The commissioner of conservation is hereby authorized to designate the season for the harvesting of the wild rice in each of said lakes or rice beds upon the recommendation and report of the said director of rice harvest.

**Sec. 12. May restrict or prevent harvest.**—The commissioner of conservation may in his discretion restrict or prohibit the harvesting of wild rice grain on public waters of any designated area when upon investigation of conditions it shall be determined necessary or advisable to protect against undue depletion of the crop so as to retard reseeding or restocking on such areas.

**Sec. 13. Definition.**—The term “family” for the purposes of this act is defined as the immediate family, i. e., husband and wife or guardian and minor children having their abode and domicile with such parent or guardian.

**Sec. 14. Fees to be deposited with State Treasurer.**—All fees collected by virtue of this act shall be deposited with the state treasurer to be credited by him to the game and fish fund.

**Sec. 15. Not to apply to director of game and fish.**—Nothing in this act shall apply to harvesting or be construed to prevent harvesting of wild rice grain by the director of game and fish or his agents for the purpose of restocking depleted public waters with wild rice grain or wild rice plants from available sources.

**Sec. 16. Violations—Penalties.**—Any person or persons violating any of the provisions of this act or any of the orders of the conservation commissioner promulgated in pursuance of the provisions hereof shall be guilty of a misdemeanor and upon conviction his license shall become null and void and no license of the same kind shall be issued to him for

one year after the date of such conviction and any person violating or threatening to violate any provisions of this act may be restrained by injunction proceedings brought in the name of the state by the attorney general or by any county attorney.

**Sec. 17. Provisions severable.**—If any provision of this act or the application of any provision to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

**Sec. 18. Law repealed.**—Laws 1931, Chapter 373, are hereby expressly repealed.

Approved April 13, 1939.

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CHAPTER 232—H. F. No. 1176

*An act relating to salaries of judges of the Municipal Court in cities now having a population in excess of 400,000.*  
Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Salaries of municipal judges in certain cities.**—Whenever a judge of the municipal court in any city of this state having a population in excess of 400,000 has died subsequent to January 1, 1935, the governing body of said city is authorized and empowered to pay to the estate of such deceased judge the full salary of such judge at the rate provided by law at the time of his death for the calendar month in which such death occurred.

Approved April 13, 1939.

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CHAPTER 233—H. F. No. 1259

*An act authorizing the execution of deeds on behalf of the state conveying certain real estate in Martin County in exchange for other real estate.*

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

**Section 1. Adjutant General to execute deed in certain cases.**—The adjutant general is hereby authorized and directed to execute on behalf of the state, deliver and exchange quit-