

information with respect to money and credits on demand of any taxing official with respect to the year 1938 or prior years, shall not be subject to criminal prosecution for or on account of any act in connection with any money and credits tax return heretofore made or supplemental information filed for the year 1938 or prior years.

(7) If any part or provision of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair nor invalidate any other part or provision in the remainder of the act; and if any part or provision of this act shall for any reason be adjudged by any court of competent jurisdiction constitutionally inapplicable to any case within the terms of such part or provision, such judgment shall not impair or invalidate such part or provision as applied to any other type of case within their terms. If the provisions and exceptions to the application of subsection (2) contained in subsection (4) herein be adjudged by any court of competent jurisdiction to be invalid or to invalidate the provisions of any other part or provision in the remainder of this act, the exceptions and conditions of said subsection (4) shall be deemed void and of no effect and the remaining parts and provisions of this act shall be construed as though subsection (4) had not been enacted.

Approved April 22, 1939.

CHAPTER 424—S. F. No. 698

An act relating to wild animals and amending Mason's 1938 Minn. Supp., Sections 5541, Subsections (1) and (2), 5542, Subsections (1) and (3), 5543, 5545, 5551, 5552, 5564, 5565, 5567, 5568, 5570 and 5573, and repealing Mason's Minnesota Statutes of 1927, Section 5549 as amended, and Mason's 1938 Minn. Supp., Sections 5548, 5553, 5554, 5555, 5571, and 5572, with special reference to the open and closed seasons.

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

Section 1. Law amended. — That Mason's 1938 Minn. Supp., Section 5541, Sub-sections (1) and (2), be and the same hereby is amended to read as follows:

“5541. Open season for gray and fox squirrel.—(1) Gray and fox squirrels may be taken and possessed between October 15 and December 31 following, both inclusive. No person shall

hunt, molest or take any gray, black, red, fox, flying or other squirrel at any time within the corporate limits of any city or village or within one-quarter of a mile thereof. A person may take, during the open season, not to exceed 7 gray or fox squirrels in the aggregate of all kinds in any one day and may have not to exceed 14 gray or fox squirrels in the aggregate in possession at any time.

Sec. 2. Law amended.—That Mason's 1938 Minn. Supp., Section 5542, Subsections (1) and (3), be and the same hereby is amended to read as follows:

"5542. Open season for mink and skunk.—(1) Mink may be taken by trapping between November 1st and *January 31* following, both dates inclusive, and bought, sold and possessed at any time; provided no traps for mink shall be set in any muskrat house or runway and provided that mink may not be dug from their dens or taken with the aid of dogs. *Provided, however, that mink may be taken or killed in any manner at any time by the actual occupant of any lands to which the mink so killed or taken are causing any damage or injury. Upon the killing of any such mink at any time other than during the regular season as hereinabove provided therefor, the entire carcass including hide shall be turned over and surrendered to the nearest warden or employee of the Division of Game and Fish within 24 hours of the time such animal was killed.*

(3) Skunk may be taken in any manner between October 20 and *March 1* following, both inclusive. *Provided, however, that skunk may be taken or killed in any manner at any time by the actual occupant of any lands to which the skunk so killed or taken are causing any damage or injury. Upon the killing of any such skunk at any time other than during the regular season as hereinabove provided therefor, the entire carcass including hide shall be turned over and surrendered to the nearest warden or employee of the Division of Game and Fish within 24 hours of the time such animal was killed.*

Sec. 3. Law amended.—That Mason's 1938 Minn. Supp., Section 5543, be and the same hereby is amended to read as follows:

"5543. Open season for fur bearing animals including beaver.—(1) No person shall take or possess *badger*, marten, fisher, otter or beaver at any time, or molest or disturb any *badger*, marten, fisher, otter or beaver, except as hereinafter provided.

(2) *Beaver may be taken only by trapping in such counties or portions of counties of the state as the commissioner shall designate for a period not exceeding 15 days between April 20th and May 20th following, both days inclusive. The commissioner of conservation, upon receipt of a license fee of \$2.50 shall issue to any person a license to take beaver, specifying therein the number of beaver that may be taken, provided that no more than ten beaver may be taken in any one season under such license."*

(3) *The licensee shall report, with 10 days after the close of the season for the taking of any beaver and the number of beaver so taken by him, to the commissioner, or to the game warden or wardens designated by the commissioner, and shall submit the skins of all such beaver to the inspection of the commissioner or warden, whereupon the commissioner or warden shall issue and affix to each skin a distinctive tag, stamp, or seal. The licensee shall pay the commissioner a fee of \$1.00 for each tag, stamp, or seal, so issued. Beaver skins so taken and tagged, stamped or sealed may be bought, sold and transported at any time upon compliance with all applicable provisions of law relating thereto. The commissioner shall keep a record of each such tag, stamp, or seal, the number issued, to whom issued and the date of issue. Provided, however, that beaver may be taken or killed in any manner at any time by the actual occupant of any lands to which the beaver so killed or taken are causing any substantial damage or injury. Upon the killing of any such beaver at any time other than during the regular season as hereinabove provided therefore, the entire carcass including hide shall be turned over and surrendered to the nearest warden or employee of the Division of Game and Fish within 24 hours of the time such animal was killed.*

(4) *Beaver may be trapped in a game refuge only by the Division of Game and Fish by persons employed so to do by the Director of the Division of Game and Fish under conditions and regulations to be prescribed by the director.*

(5) *Any person who shall unlawfully take, possess, transport, sell, or otherwise dispose of any beaver or any part thereof shall be guilty of a gross misdemeanor and shall, upon conviction be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county jail for not more than 6 months, or by both such fine and imprisonment."*

Sec. 4. **Law amended.**—That Mason's 1938 Minn. Supp., Section 5545, be and the same hereby is amended to read as follows:

"5545. No closed season for certain animals.—Weasels, wild cat, lynx, wolves, foxes, gophers, porcupines and all other quadrupeds for which a closed season is not provided by law, may be taken either in the day time or at night and in any manner, except that poison may be used to aid in the taking thereof only by permission of the game and fish commissioner and in a manner prescribed by him. No person shall place any poison in any place inhabited or frequented by wild animals otherwise than as so permitted."

Sec. 5. Law amended.—That Mason's 1938 Minn. Supp., Section 5551, be and the same hereby is amended to read as follows:

"5551. Open season for certain game birds. — Quail, *partridges or ruffed grouse, and Chinese ringneck or English pheasants* may be taken and possessed in such counties of the state and in such numbers and during such times in the several counties not exceeding 23 days between September 16th and November 30th both inclusive and in any year in any county and subject to such other provisions not inconsistent with law as the Commissioner may by regulations from time to time prescribe according to the conditions existing in the respective counties, but nothing in this chapter shall be construed to permit the taking or killing of Canada spruce grouse, or of wild turkeys. *Prairie chicken (also called pinneated grouse), white breasted (also called sharptailed grouse), Hungarian partridge or chukar partridge* may be taken and possessed only in such counties of the State and during such times in the several counties, not exceeding any 15 days, between September 16th and November 30th following, both days inclusive, in any year in any county and subject to such other provisions not inconsistent with law, as the director of game and fish may by regulation from time to time prescribe so as properly to protect *any of said species of game birds* and prevent the undue depletion thereof, according to the conditions in the respective counties; provided, that no new regulation or amendment of any existing regulation shall become effective in any season unless promulgated and published according to law on or before the first day of September next preceding such season. No hunter shall discharge any firearm at any game birds which are within the limits of any state trunk highway, except migratory game birds."

Sec. 6. Law amended.—That Mason's 1938 Minn. Supp., Section 5552, be and the same hereby is amended to read as follows:

"5552. Limit of bag.—A person may take during the open season not to exceed 10 quail and not to exceed 5 partridge or ruffed grouse, and not to exceed 3 Chinese ringneck or English pheasants in the aggregate of both kinds, only one of which may be a female, *and not to exceed 5 prairie chickens or pinnated grouse, white breasted or sharp-tailed grouse* in one day. No person shall have more than 15 quail or 15 partridge or ruffer grouse, or more than 12 Chinese ringneck or English pheasants in the aggregate, of both kinds *or more than 10 prairie chickens or sharp-tailed grouse in the aggregate of both kinds* in possession at any one time. Not more than 18 Chinese ringneck or English pheasants in the aggregate of both kinds and not more than 30 in the aggregate of all kinds of game birds enumerated in this section may be taken in any one open season."

Sec. 7. Law amended.—That Mason's 1938 Minn. Supp., Section 5564, be and the same hereby is amended to read as follows:

"5564. Dividing line between districts.—*Large mouthed black bass and small mouthed black bass or yellow bass may be taken by angling, and thereafter possessed between May 29 and December 1 following, both inclusive, in that section of the state to be known as the southern zone lying south of a line commencing at the west boundary of the state, running easterly along state trunk highway number 28 to a point where said highway intersects state trunk highway number 52 at or near Sauk Centre, then easterly along number 52 to a point where said highway intersects state trunk highway number 95 at or near St. Cloud, then easterly along number 95 to a point where said highway intersects Trunk Highway No. 8, thence easterly to the boundary of the state and between June 21 and December 1 following, both inclusive, in that section of the state to be known as the northern zone lying north of the above described lines.* A person may take not to exceed 6 such bass in one day and may have not to exceed 12 such bass in his possession at one time. All such fish taken, regardless of size, may be retained in possession and counted. The use of three artificial flies in fishing is permitted. Such bass may not be bought or sold at any time."

Sec. 8. Law amended.—That Mason's 1938 Minn. Supp., Section 5565, be and the same hereby is amended to read as follows:

"5565. Open season for trout.—Trout (except lake trout) may be taken by angling and thereafter possessed between

May 1st and September 1st following, both days inclusive. All trout caught by angling regardless of size shall be retained in possession. A person may not take to exceed 15 such trout in one day, nor have in possession more than 25 such trout or twenty pounds thereof at any one time. The use of three artificial flies in trout fishing is permitted. Such trout may not be bought or sold at any time. No such trout may be taken by the use or with the aid of artificial light of any kind, including bonfires, automobile headlights and spot lights. No such trout may be taken between the hours of 9 P. M. and one hour before sunrise."

Sec. 9. **Law amended.**—That Mason's 1938 Minn. Supp., Section 5567, be and the same hereby is amended to read as follows:

"5567. Open season for lake trout or land locked salmon.—Lake trout or land locked salmon may be taken by angling and thereafter possessed between December 1st and September 15th following, both inclusive *except on Lake Superior where the same may be taken by angling and thereafter possessed between December 1st and October 1st following, both inclusive.* A person may take not to exceed five such lake trout or salmon in one day, nor have in possession more than ten such trout or salmon at any one time. All such fish taken, regardless of size, may be retained in possession and counted. Such lake trout or salmon may not be bought or sold at any time."

Sec. 10. **Law amended.**—That Mason's 1938 Minn. Supp., Section 5568, be and the same hereby is amended to read as follows:

"5568. Open season for certain fish.—Wall-eyed pike, *saugars or sand pike*, Great Northern pike or pickerel, and *muskellunge* may be taken by angling and thereafter possessed between May 15th and February 15th following, both inclusive. *Provided, however, there shall be no authority to change by executive order or order of the Commissioner of Conservation the closing date above specified.*

A person may take not to exceed eight such pike, *saugars or sand pike*, Great Northern pike or pickerel, or two such *muskellunge* in a day, and may have not to exceed 16 such pike, *saugars or sand pike* or 20 Great Northern pike or pickerel in his possession at one time. Yellow perch may be taken and possessed without limit as to number; provided, that the commissioner may, whenever he deems it necessary to prevent the undue depletion of perch in any water, fix by regulation a limit of twenty-five (25) perch per day therein. All such fish

taken, regardless of size, may be retained in possession and counted.

Wall-eyed pike, *saugars and sand pike*, Great Northern pike or pickerel, and *muskellunge*, except those taken from waters which may be open for the sale thereof by the commissioner, may not be bought or sold at any time. Great Northern pike or pickerel may be taken by spearing through the ice between December 1st and March 1st following, both inclusive, and such fish so speared may be possessed during said time."

Sec. 11. **Law amended.**—That Mason's 1938 Minn. Supp., Section 5570, be and the same hereby is amended to read as follows:

"5570. **Open season for crappies.**—*Black and white crappies* may be taken by angling and thereafter possessed between May 29th and February 15th following, both inclusive, in the southern zone described in General Statutes 1923, Section 5564, as amended, and between June 21st and February 15th following, both inclusive, in the northern zone described in said section. *Provided, however, there shall be no authority to change by executive order or order of the Commissioner of Conservation the closing date above specified.* A person may take not to exceed 15 crappies in one day, and not more than 25 crappies may be had in possession at any one time. All such fish taken, regardless of size, may be retained in possession and counted. Such crappies may not be bought or sold at any time."

Sec. 12. **Law amended.**—That Mason's 1938 Minn. Supp., Section 5573, be and the same hereby is amended to read as follows:

"5573. **Open season for bass.**—Sun-fish and rock bass and all other varieties of fish for which a different season is not provided by this chapter may be taken by angling and thereafter possessed between May 29th and December 31 following, both inclusive, in the southern zone described in General Statutes 1923, Section 5564, as amended, and between June 21 and December 31 following, both inclusive, in the northern zone described in said section. A person may take not to exceed 15 such sun-fish or rock bass or such other fish in the aggregate of all kinds in one day; not more than 30 in the aggregate of all kinds may be had in possession at any time. All such fish taken, regardless of size may be retained in possession and counted. Such sunfish and rock bass may not be bought or sold at any time."

Sec. 13. Laws repealed.—Mason's Minnesota Statutes of 1927, Section 5549, as amended, Mason's 1938 Minn. Supp., Section 5548, 5553, 5554, 5555, 5571, and 5572 are hereby repealed.

Sec. 14. Open season for migratory game birds.—*All migratory game birds may be taken and possessed at any time between September 16th and December 15th following, both inclusive, whenever and so long as the taking thereof is not prohibited by Federal Laws or Regulations provided that it shall be unlawful to take any of the aforesaid kinds of birds or other migratory game birds at any time in violation of any Federal Law or Regulation. Provided, further, that the daily bag limits and the possession bag limits permitted to be taken shall not exceed the limits provided by any Federal Law or Regulation.*

Approved April 22, 1939.

CHAPTER 425—H. F. No. 211

An act to amend Mason's 1938 Minn. Supp., Section 1918-65, relating to powers of municipalities to contract with Federal agencies in construction and financing of public works projects.

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

Section 1. Powers of municipality.—Mason's 1938 Minn. Supp., Section 1918-65, is hereby amended to read as follows:

"1918-65. Except in pursuance of any contract or agreement theretofore entered into by and between any municipality and any Federal agency, no municipality shall exercise any of the powers conferred by this act after December 31, 1941."

Approved April 22, 1939.

CHAPTER 426—H. F. No. 345

An act to amend Laws 1929, Chapter 433, as amended by Laws 1931, Chapter 196, as amended by Laws 1935, Chapter 327, relating to chauffeurs licenses.

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