

CHAPTER 143.

[H. F. No. 402].

AN ACT TO ENCOURAGE THE RAISING AND PROPAGATION OF TROUT, AND TO PROTECT STREAMS, PONDS, WATERS AND PREMISES USED FOR THAT PURPOSE.

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

SECTION 1. Any person or corporation desiring to raise, cultivate, preserve or propagate speckled, river, salmon, mountain, hybrid or brook trout, in any stream, pond or lake within this state, flowing through or situate upon land owned or leased by him or it, shall post in at least two conspicuous places upon such land, durable signs setting forth the name of the owner or lessee; that such premises are devoted to the purposes of a fish pond, pound or preserve; and that thereafter any person or persons entering upon such premises without permission or authority of the owner or lessee, shall be guilty of trespass and liable to be punished according to the law of the state of Minnesota. If a stream is sought to be preserved, such signs shall be posted upon its banks, one (1) at each end of the portion sought to be preserved, and also at points intermediate, not more than half a mile apart; and the whole of such stream between these upper and lower points shall be protected and preserved by this act.

Trout propaga-
tion and
protection. —

SEC. 2. Any person or corporation desirous of so raising, cultivating, preserving, propagating or keeping such trout in any stream or water belonging to or leased by him or it, shall have the right and are hereby authorized to erect, construct and maintain upon such premises, or in or upon such stream or water, such dams, sluices, screens, wires, pens, gates, obstructions, houses, buildings, boats, docks and other things of every description, which may be by him or it deemed necessary for such purposes, *Provided*, The same shall not in any way obstruct navigation or cause the overflowing of any lands not owned or leased by him or it, nor the interfering with the rights or privileges previously acquired by any other person or corporation, and provided further that no dam or other artificial construction of any kind shall be placed or built in any water or stream, which shall in any way impede or prevent trout going freely to any other part or portion of such stream or water where they had previously gone, unless a fishway over said obstruction or dam shall be built and maintained by the owner or lessee of said stream or water, in the manner and of the kind hereinafter described. If such dam or construction shall be built or maintained without such

Streams,
fishways, etc.

proper fishway, any person interested may file with a magistrate or court having jurisdiction under this act, an affidavit setting forth the facts, when the offending person, persons or corporation shall be summoned into court, and, if found guilty, the court shall order the sheriff of the county to remove such obstruction or dam, and shall enter judgment to that effect, with costs, which, together with expenses of such removal, may be collected by execution.

All fishways shall be constructed in a manner and according to plans satisfactory to and which shall be approved by the commissioners of fisheries of the state of Minnesota.

SEC. 3. Any person or persons who shall, or who shall attempt to, without authority from the owner or lessee, tear down, destroy, deface, injure or mutilate, or cause to be torn down, destroyed, defaced, injured or mutilated, or shall tamper with or attempt to tamper with any dams, sluices, screens, pens, buildings, boats, signs, docks or other contrivances or article erected, constructed or used, pursuant to the provisions of this act, for the purposes aforesaid, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine for each such offense, not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100), and by imprisonment in the county jail not less than thirty (30) nor more than ninety (90) days, and shall be liable also to the owner or lessee of the premises in civil action, in treble damages for injuries done, but nothing in this section shall be construed to prevent prosecution and punishment in lieu thereof for any act declared an offense by any other statute or law of this state, and for which a greater penalty can be imposed than is prescribed by this act.

Penalty.

SEC. 4. Such person or corporation shall have the exclusive control of and own all such fish as may at any and all times be in such stream or water so protected and preserved, whether the same be actually raised, cultivated, bred or placed therein by him or it, or shall naturally come into such stream or water from other streams or waters.

Control of fish in streams.

SEC. 5. If any person or persons shall enter in or upon the premises, stream or waters so preserved and protected, without consent of the owner or lessee, he or they shall be guilty of trespass, and if after such trespasser or trespassers shall so enter, he or they shall set or put or attempt to set or put any seine, net, hooks or other device or contrivance for catching or killing fish, into said water or stream, or shall fish or attempt to fish therein, by or with hook and line, or in any other manner, or by shooting fish therein with a gun, pistol or bow and arrow, or by using or attempting to use a spear or gig, they shall, in addition to being guilty of trespass, be guilty of a misdemeanor.

Trespassing.

SEC. 6. Any person or persons or officers or servants of any corporation, who shall place or explode in any stream or water so preserved and protected, any gun powder, giant powder, dynamite, gun cotton or any other explosive substance, or deposit or allow to be deposited any dye stuff, coal tar, fish berries, refuse, lime or any other substance deleterious or injurious to fish, or cause or allow the same or any of the same to run or flow into or upon such waters or stream, shall, upon conviction thereof, be fined not less than fifty (50) dollars nor more than one hundred (100) dollars for each offense and in addition thereto be imprisoned in the county jail for not less than thirty (30) nor more than ninety (90) days. And such person or persons and the corporation whose officers or servants shall violate this section, shall be liable, on a civil action, to the owner or lessee of such stream or waters, in treble damages, for all injury thereby committed.

Destruction of fish—penalty.

SEC. 7. No person or persons shall set or put any nets, seines, hooks or other device for catching fish, or any substance injurious to fish, in any of the waters of Lake Superior, within this state, within the distance of one thousand (1000) yards from the mouth of any stream flowing into said lake, or so as to prevent the free passage of fish to the mouth of said stream, and upon conviction thereof, he or they shall be judged guilty of a misdemeanor.

Nets, seines, etc.

SEC. 8. All nets, seines or other contrivances or devices for catching or killing fish, if found placed, used or attempted to be used upon any premises, streams or waters protected and preserved by this act, or in Lake Superior, within the limits or in the manner prohibited by this act, shall be and are hereby declared contraband, and any person finding the same or any of the same, upon or in any such premises, streams or waters, is hereby authorized to destroy the same, and no action for damages, or any criminal proceeding shall lie against him for such destruction.

Destruction of nets, etc., authorized.

SEC. 9. Any person or persons who shall place or cause to be placed in any water or streams sought to be preserved and protected under this act, or in Lake Superior, within five hundred (500) yards of the mouth of any stream flowing into said lake, any fish or fish spawn, other than trout or trout spawn, shall be guilty of a misdemeanor.

Penalty.

SEC. 10. If any person, persons or corporation shall catch or have in his, their or its possession, any trout such as are described in this act, save and except between the first (1st) day of May and the fifteenth (15th) day of September in each year, or if any person, persons, firm, corporation, express company or common carrier shall receive for transportation or shall transport any such trout save and except between such dates, he, they or it shall be guilty of a misdemeanor, and upon conviction thereof, shall be

Trout fishing.

fined the sum of one (1) dollar for each and every trout so caught, had, transferred, or attempted to be transferred, together with costs of prosecution, and such fish shall be declared contraband, and sold as in this act herein provided.

If a corporation is accused of violating this section, the warrant may be served upon any officer, agent or employee of said corporation which shall be considered service upon the corporation, and execution to collect the fine imposed may be issued against any person, persons or corporation adjudged guilty, but nothing in this section shall prevent any person, persons or corporation owning trout protected and preserved by this act, from catching and having them at any time, or to prevent a person, common carrier or express company from receiving and transporting the same at any time, provided the shipment of trout is accompanied by a written statement signed by the owner or lessee of such fish pond, pound or preserve, stating in what fish pond, pound or preserve the same were caught; but such person, common carrier or express company shall not be liable by reason of such statement being false in any respect; nor shall anything in this act prevent or forbid the shipment and transportation at any time of live trout.

Arrests for violation—how made.

SEC. 11. Any person or persons violating any of the provisions of this act, may be at once arrested by any person, and shall be carried with all possible speed before some magistrate or court having jurisdiction, with whom or which an affidavit setting out the facts shall be filed, and a warrant caused to be issued, when the accused shall be delivered to the proper officer for safe keeping, and if the property declared contraband by this act shall not have been destroyed, it shall be delivered to such officer, with all trout found in the possession of the accused, who shall, forthwith inventory the same. All trout so delivered, shall be sold by said officer at public or private sale, for the highest possible price, and the product of such sale shall be subject to the judgment of the court.

Duties of courts and officers.

SEC. 12. Any magistrate or court having jurisdiction, is hereby authorized and required; upon the making and filing of an affidavit alleging the violating by any person persons company or corporation, of any of the provisions of this act, to issue a warrant authorizing and commanding the sheriff, constable, or other proper officer of the village, city, county or court in which trial is to be had, to arrest such offender or offenders, wherever found in the state, and bring him or them before such magistrate or court without delay, and to seize and take possession of all fish, fishing tackle, nets, seines or other devices for catching trout, declared contraband by this act. The affidavits mentioned in the last two sections, may be made by the

owner or lessee of the premises, where such offense is committed, or by any one authorized by him or it, or by any person or persons interested in enforcing this act. Such officer, upon receiving such warrant, shall forthwith proceed to execute the same in any part of this state which may be necessary.

SEC. 13. All processes shall issue, and all proceedings be had in the name of the State of Minnesota and the prosecution may be conducted by the county attorney, or by any attorney at law designated by the owner or lessee of the premises, upon which the offense was committed, or by the person making the affidavit. If the accused are found guilty, he or they shall be sentenced by the court to pay the fine, or be imprisoned; or both, as the case may be as provided in this act, together with the costs and disbursements of the prosecution. And the court or magistrate shall condemn all property seized as contraband, and order the same sold at public vendue, one-half of all the fines imposed and collected, and one-half of the proceeds of the sale of any fish seized or property sold, shall be paid to the owner or lessee of the premises on which said offence was committed, and the other half to the commissioners of fisheries of the state of Minnesota.

Processes shall issue in name of state.

SEC. 14. Jurisdiction to enforce all the provisions of this act is hereby conferred upon any municipal court, police justice, city justice, or justice of the peace in the county in which such offence shall be committed, or in an adjoining county.

Jurisdiction.

Costs and disbursements of all proceedings under this act shall be paid in the first instance by the complainant, but shall be repaid to him as soon as collected from any person adjudged guilty, and before any process shall issue, the magistrate or court may require the complainant to deposit a sum of money in court, sufficient to cover costs; or to execute a bond for costs, with one surety, and of and for an amount satisfactory to the court.

Costs.

SEC. 15. Save as otherwise herein directed, any person, or persons adjudged guilty of any misdemeanor or trespass described in this act shall be punished by a fine of not less than twenty (20) dollars, nor more than one hundred (100) dollars, or by imprisonment in the county jail for not less than ten (10) nor more than thirty (30) days, or both. And any person or persons failing to pay any fine imposed under this act, shall be imprisoned in said jail, in addition to such other imprisonment, as may be imposed, one day for every dollar of such fine.

Penalties.

SEC. 16. All acts or portions of acts in conflict with this act are hereby repealed, so far as they refer to the matters mentioned in and covered by this act.

When act to
take effect.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved March 8th, 1887.

CHAPTER 144.

[H. F. No. 338.]

AN ACT TO PROVIDE BOUNTIES FOR THE DESTRUCTION ON GOPHERS AND BLACKBIRDS.

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

Bounties for
gophers and
blackbirds.

SECTION 1. That gophers and blackbirds are declared public nuisances and any person who shall kill or destroy said gophers in this state shall be entitled to receive five (5) cents each for every pocket gopher so killed by him, and three (3) cents each for all other kinds of gophers so killed. And any person who shall kill or destroy blackbirds shall be entitled to receive ten (10) cents for each and every dozen so killed during the months of April, May and June of any year, five (5) cents for each and every dozen killed by him during the months of July, August, September and October of any year.

Bounties to be
paid by county.

SEC. 2. That it shall be the duty of the chairman of the board of supervisors of each town, on the production to him of the dead bodies of all such gophers and blackbirds killed as aforesaid in the town of which said chairman is supervisor, and of which he shall have satisfactory evidence were killed by the person so producing such bodies, to issue his certificate under his official signature to the county auditor of the county, certifying that such person has killed one (1) or more dozen, as the case may be, of said blackbirds, and giving the number of said gophers so killed and thereupon the count) auditor shall draw and issue a warrant on the county treasurer for the amount such person is entitled to receive under the provisions of the preceding section of this act;

Provided, that the provisions of this act shall not apply until the same has been submitted to the board of county commissioners of the several counties in the state, and a majority of such board of county commissioners shall vote to accept the same.

When act to
take effect

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

Approved March 8, 1887.