

CHAPTER 205.

[H. F. No. 818.]

AN ACT FOR THE PRESERVATION OF GAME.

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

Prescribes
times when
lawful to kill
prairie
chickens,
ducks, etc.

SECTION 1. No person shall kill, or pursue with intent to kill, any woodcock, save only during the month of July, after the third (3d) day of said month and during the months of August, September and October; nor any prairie hen or chicken, nor any white-breasted or sharp-tailed grouse, or prairie chicken save only during the month of August, after the twentieth (20th) day of said month, and during the months of September, October and November; nor any quail or partridge save only during the months of September, October and November; nor any ruffed grouse or pheasant, save only during the months of September, October and November; nor any wild duck of any variety, or wild goose, or brant of any variety, or aquatic fowl whatever, save only during the time between August twentieth (20th) and January tenth (10th) inclusive, of each year. Whoever kills any woodcock between the first (1st) day of November and the fourth (4th) day of July following; or kills any prairie hen or chicken, or white-breasted or sharp-tailed grouse between the first (1st) day of December and the twentieth (20th) day of August following; or kills any quail or partridge or ruffed grouse or pheasant between the first (1st) day of December, and the first (1st) day of September following; or kills any wild duck of any variety, or any wild goose or brant of any variety, or any aquatic fowl whatever between the tenth (10th) day of January and the twentieth (20th) day of August in any year, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than ten (10) dollars nor more than twenty-five (25) dollars for each and every bird so killed and costs of prosecution; and in default of the payment of such fine shall be imprisoned in the county jail not less than ten (10) days, nor more than thirty (30) days. The possession of one of such birds (except alive) during the time the killing thereof is prohibited, shall be prima facie evidence of the fact that such person killed the same contrary to the provisions of this section. *Provided*, that no quail shall be hunted or killed at any time until after December first (1st), one thousand eight hundred and ninety-three (1893).

Unlawful to
kill birds any
other way than
by shooting.

SEC. 2. No person shall at any time catch or kill any of the birds aforesaid in any other manner than by shooting them with a gun, held to the shoulder by the person discharging the same. And no person shall at any time set, lay or prepare any trap, snare, net or other contrivance

or device whatever with the intent to catch or kill any of the birds aforesaid, whether the same are caught or not. And no person or persons shall at any time in hunting any aquatic fowl make use of any artificial light, battery, or any deception whatever, whereby such wild fowl will be attracted or deceived (except that decoys may be used in hunting ducks, wild geese and brant). And whoever shall offend against any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten (10) dollars nor more than twenty-five (25) dollars and costs of prosecution; or, in default of the payment of such fine, shall be imprisoned in the county jail not less than ten (10) days nor more than thirty (30) days.

Penalty for violation.

SEC. 3. No person shall hunt with hounds or dogs any elk, moose, deer, buck, doe or fawn at any time, nor kill or take by any means, contrivance or device whatever, or pursue with intent to kill or take or worry any elk, moose, deer, buck, doe or fawn, save during the month of November in any year; and whoever hunts, or kills or destroys any such animals between the first (1st) day of December and the first (1st) day of November following in any year, or hunts the same with hounds or dogs, at any time, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than fifty (50) dollars nor more than seventy-five (75) dollars and costs of prosecution for each animal so destroyed, or in default of the payment of such fine, shall be imprisoned in the county jail for a period of not less than thirty (30) days nor more than sixty (60) days. The possession by any one of the carcass or any part thereof, of any such animal, between the fifteenth (15th) day of December and the first (1st) day of November following of each year shall be prima facie evidence of the fact that such person killed the same contrary to the provisions of this section.

Prescribes times when lawful to kill moose, deer, etc.

Penalty for violation

SEC. 4. No person shall at any time catch or kill any of the animals aforesaid, in any other manner than by shooting them with a gun held to the shoulder by the person discharging the same, and no person shall at any time set, lay or prepare any trap, snare or other contrivance or device whatever, with the intent to kill or catch any of the animals aforesaid. And whoever shall offend against any of the provisions of this section, whether any such animal is taken or killed or not, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than fifty (50) dollars nor more than one hundred (100) dollars and costs of prosecution, or in default of the payment of any such fine be imprisoned in the county jail not less than thirty (30) days nor more than sixty (60) days.

Shooting the only lawful way of killing game.

Penalty for violation.

Sec. 5. Any person or persons, firm or company who shall purchase, sell, ship or otherwise dispose of or have in

Possession of
game out of
season a
misdemeanor.

his, her or their possession for his or their own use, or for any other purpose, any of the birds or animals mentioned in this act (except alive), during the time that the killing thereof is prohibited by this act (except during the first (1st) three (3) days of such time or close season and except as to animals as otherwise provided in this act), shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than ten (10) dollars, nor more than one hundred (100) dollars and costs of prosecution for each bird or animal purchased, sold, shipped or otherwise disposed of contrary to this act, and in default of the payment of such fine shall be imprisoned in the county jail not less than ten (10) days nor more than (60) days. The purchase, sale or shipment or possession of any such birds or animals contrary to the provisions of this section shall be prima facie evidence that such person purchased, possessed, sold, shipped or disposed of such birds or animals unlawfully and contrary to the provisions of this act.

Penalty for
violation.

Express and
railway com-
panies liable,
when.

SEC. 6. Any express company, railway company, common carrier or any other company or person carrying on business in this state, or any servant or agent or employee of any such company receiving or having in its, his or their possession, or that shall carry, ship or transport for compensation or otherwise any bird or animal mentioned in this act (except alive) whether for transportation or otherwise, and killed within this state during the time that the killing of any such bird or animal is prohibited by this act (except during the first three (3) days of such close season or time, and except as to animals as otherwise provided in this act), shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty (\$20) dollars, nor more than two hundred (\$200) dollars and costs of prosecution for each bird or animal so received, possessed, held, carried or transported, and may be prosecuted before a justice of the peace, police magistrate or district municipal court in any county where such birds or animals are found so unlawfully possessed, transported or disposed of; possession of any such bird or animal by any such company, servant, agent or employee shall be prima facie evidence that such bird or animal was killed, held or possessed contrary to the provisions of this act.

Game shall
not be exported

SEC. 7. No person, persons or corporation shall at any time export, or cause to be exported or carried out of the limits of Minnesota any of the birds or animals mentioned in this act (except alive); and any person or persons, or corporation who shall export or cause to be exported, or carry out or cause to be carried out of the limits of this state any of the birds or animals mentioned in this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than

ten (\$10) dollars, nor more than two hundred (\$200) dollars and costs of prosecution for each bird or animal so exported or caused to be exported or carried out of this state. And the provisions of this section shall apply to every corporation, railroad company or express company carrying on business within this state, and to any and every employee of such corporation, railroad company or express company.

Penalty.

SEC. 8. No person shall at any time enter into any growing or standing grain not his own with sporting implements about his person; nor permit his dog or dogs to enter into any such growing or standing grain without permission of the owner or occupant thereof; and no person shall at any time hunt or shoot upon any lands of another after being notified not to hunt or shoot thereon; and any person who shall without the right so to do, hunt or shoot upon any land of another after being notified not to hunt or shoot thereon, be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than ten (10) dollars, nor more than fifty (50) dollars and costs of prosecution for each and every offense, to be recovered by action before any justice of the peace of the county where the offense is committed, or of the county where the defendant may reside, to be brought by and in the name of the owner or occupant of the land; or in default of the payment of such fine shall be imprisoned in the county jail not less than ten (10) days nor more than thirty (30) days, but nothing in this section contained shall be so construed as to limit or in any way affect the remedy of the owner or occupant of any such grain or enclosed land, or unenclosed land, or of the person injured, at common law for trespass.

Hunters shall not trespass upon lands of another without permission

SEC. 9. The sheriffs and deputy sheriffs of the several counties, and constables of the several townships, the marshals and police officers of the several towns and villages in this state who are now or may hereafter be in office, shall be within their several jurisdictions the game wardens of the state and it shall be the duty of all of said wardens to faithfully enforce all of the laws of this state relative to the preservation of game, the same being the birds and animals above mentioned. And it shall be and is hereby made the duty of all such officer or officers to, but any other person may, take cognizance of all violations of this act, and when of their own knowledge or upon receiving information it shall appear that any provision of this act has been violated it shall be the duty of such officer to make complaint and prosecute such offender. All prosecutions under this act shall be commenced within ninety (90) days and the same may be by complaint before any justice of the peace of any county, or before any police justice or city justice of any city or municipal court in any county in which the defendant may be found. And all fines imposed

Sheriffs and other officers made game wardens, their duties.

and collected under the provisions of this chapter shall be paid to the warden (officer) making complaint, or in case any other person than a warden makes complaint then one-half ($\frac{1}{2}$) of the fine so imposed and collected shall be paid to such complainant and the balance into the treasury of the county where the conviction takes place, for the use of the common schools of said county.

Justices
authorized to
issue search
warrants in
suspected cases
of violation.

to prosecute. ⁷³

SEC. 10. Any justice of the peace, police justice or city justice, or other court is hereby authorized and required, upon showing by affidavit of probable cause to believe, that any person or persons, or corporation, or their agents, servants or employes thereof, within his jurisdiction, has or had concealed any bird or animal, or wild fowl, mentioned in this chapter, during any of the prohibited periods, or has obtained or possessed the same in any manner prohibited in this chapter, to issue his search warrant and cause search to be made in any house, market boat, car or other building or premises or any vehicle; and the sheriff, constable or other officer shall execute said warrant as in other cases provided. In case the sheriff, constable or other officer executing such search warrant shall find such game, bird, or animals, or wild fowl, he shall arrest the person or persons complained against and so having the same in his or their possession, or under his or their control, and shall also seize and take possession of all such game, birds, or animals, or wild fowls, and make immediate returns of his proceedings to the justice by bringing before him the person or persons arrested and the property seized as herein before directed. And it shall be the duty of such officer or officers, and also of all county, town, village, or city attorneys, to prosecute such person or persons, corporations or employes to judgment. In case of the seizure of any birds or animals, the court, upon being satisfied from the returns of the officer seizing the same, or having it in his possession, or from other satisfactory evidence that the same would spoil or become impure or unwholesome if kept during the pending of the prosecution or until final judgment may order the officer to sell the same, and may prescribe the time and manner of conducting such sale. The proceedings of such sale shall be paid by the officer to the justice before whom the case is pending, and if it shall appear upon the trial of any such action that the possession of any such birds or animals were lawful, the money arising from such sale shall be paid forthwith to the defendant, and he shall have judgment against the county wherein such action was commenced for his costs and disbursements.

Penalty for
wilfull neglect
of duty on part
of officers.

SEC. 11. If any sheriff, constable, marshal, police officer, justice, county attorney or other officer wilfully neglects or refuses to perform any duty required of him by the provisions relating to the preservation of game, he shall be deemed guilty of a malfeasance in office, and shall there-

after be disqualified from holding the same for and during the remainder of the term for which he was elected or appointed.

SEC. 12. That chapter one hundred and forty-two (142) of the general laws of Minnesota, eighteen hundred and eighty-seven (1887), and chapter twenty (20) of the general statutes of the state of Minnesota, so far as said chapter applies to the preservation of game, birds or animals, and all acts amendatory thereof, be and the same are hereby repealed.

Acts repealed

SEC. 13. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved April 23, 1889.

CHAPTER 206.

[H. F. No. 619.]

AN ACT TO PROVIDE FOR THE PRESERVATION AND PROTECTION OF THE WHITE FISH FRY AND YOUNG BROOK TROUT DEPOSITED IN LAKE SUPERIOR AND STREAMS THEREOF BY THE MINNESOTA FISH COMMISSION, AND THE UNITED STATES FISH COMMISSION, AND TO PROMOTE THE GROWTH OF THE FISHING INDUSTRY ON LAKE SUPERIOR. BY A PROPER REGULATION AND ADJUSTMENT OF THE SIZES OF MESHES IN ALL SEINE, GILL AND POUND NETS, AND TO PROVIDE FOR THE SERVICES OF A FISH WARDEN FOR THIS PORTION OF THE STATE OF MINNESOTA.

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

SECTION 1. That no seine nets shall be used for the purposes of fishing in the Minnesota waters of Lake Superior having meshes of less than three and a half ($3\frac{1}{2}$) inch mesh; nor shall any gill nets be used for fishing of less than four and a quarter ($4\frac{1}{4}$) inch mesh; nor shall pound nets be set or used for fishing of less than three and a half ($3\frac{1}{2}$) inch mesh for the purpose of fishing for white fish and lake trout. Any person found setting or using said gill, seine or pound nets for the purpose of fishing, of less size of mesh than described in this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five (25) dollars, nor more than one hundred (100) dollars, or by fine and imprisonment, as prescribed by the laws of this state governing misdemeanors; such fines, if levied, shall be applied to the funds of the Minnesota fish commission.

White fishing
in Lake
Superior,
seines.