

trict, of an election or special meeting to be held within the proposed district, at a time and place specified in such notice, to vote upon the question of consolidation.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 20, 1917.

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CHAPTER 471—H. F. No. 235.

*An act relating to the conservation and protection of mussels in Minnesota waters.*

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

Section 1. **License required for catching mussels.**—It shall be unlawful to take, catch or kill mussels for commercial purposes without a license issued by the state game and fish commission.

Sec. 2. **Fees for licenses.**—The state game and fish commission shall upon application issue a license to take, catch or kill mussels. On making application for such license, residents of this state shall pay to the state game and fish commission a fee of five dollars and non-residents shall pay to such game and fish commission a fee of fifty dollars and for authority to use a dredge, a fee of twenty-five dollars in addition to the fee fixed for a resident or a non-resident license. All such licenses shall expire on the thirty-first day of December following their issue. Licenses shall be consecutively numbered as issued and a record shall be kept thereof in the office of the state game and fish commission. Such licenses shall state whether it is a resident or non-resident license, whether the licensee is authorized to use a dredge, the resident address of the licensee and the amount paid for the license. Said license shall also state what waters have been closed to the capture of mussels by authority of this act.

Every person, while taking, catching or killing mussels for commercial purposes, shall have his license with him ready for exhibition and shall exhibit the same when requested to do so by an authorized officer.

Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of twenty-five dollars or by imprisonment in the county jail not less than twenty days.

Sec. 3. **Conditions for operation.**—Any person, firm or corporation to whom a license under the provisions of this act has been issued, under such license so issued:

(1) May operate not more than one boat or one rig in taking catching or killing mussels for commercial purposes. Any such person, firm or corporation may use one additional boat for purposes of towing only when no apparatus for taking, catching or killing mussels is used or kept thereon.

(2) It shall be unlawful to have in possession on the waters while engaged in taking, catching or killing mussels for commercial purposes more than four crowfoot bars, not more than two of said crowfoot bars to be in water at one time, or more than one dredging mechanism or to use or have in possession a crowfoot-bar of greater length than twenty feet, or a dredge the length of the openings of which is more than three feet, and which has prongs or forks more than four inches in length, or to have in possession on the waters while engaged in taking, catching or killing clams, a dredge without licensed authority therefor provided it shall not be unlawful to use a pitchfork in gathering clam shells.

Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of twenty-five dollars, or by imprisonment in the county jail not less than twenty days.

**Sec. 4. Size of mussels permitted to be caught.**—It shall be unlawful to take, catch or kill, offer for sale or have in possession for commercial purposes, any mussel of a size less than one and three-fourths inches in greatest dimensions, except mussels taken in the ordinary course of clamming for larger mussels, and such undersized mussels shall be immediately culled and returned to the water whence taken without avoidable injury, excepting that the so-called "pig-toes" may be retained.

Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of fifty dollars, or by imprisonment in the county jail not less than thirty days.

**Sec. 5. Game and fish commissioner to prescribe areas and make other provisions.**—The state game and fish commission may from time to time and as may be required for the conservation of the mussel resources of the state, prescribe areas in any part of the state from which mussels shall not be taken for such a period as may be specified by the commission, but no such period shall exceed five years, nor shall more than one-half of the mussel producing waters of the state be closed at the same time. It shall be unlawful to take, catch, or kill mussels for commercial purposes in waters so closed.

All orders of the game and fish commission affecting mus-

sels shall be published once in a newspaper of general circulation, published within each county containing or having on its boundary waters affected by such order.

All such orders shall take effect at the time fixed therein, but not less than thirty days after the publication thereof. The game and fish commission may extend the time within which such order shall take effect.

Any person, firm or corporation who shall violate the provisions of this section in taking, catching or killing mussels for commercial purposes in any waters of this state which have been declared closed areas by the game and fish commission shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of one hundred dollars, or by imprisonment in the county jail not less than sixty days.

**Sec. 6. Written report required.**—On or before the thirty-first day of December of the year in which any license was issued, the holder thereof shall make a written report to the state game and fish commission on blanks furnished by them stating the total weight of mussels taken, caught or killed under such license, the names and locations of waters from which the mussels were taken and the amount received for shells sold. Upon failure to make such report, the state game and fish commission shall not issue another license to such person, firm or corporation to take, catch or kill mussels until such report shall be made.

**Sec. 7. Money to be paid into state treasury.**—All moneys received under the provisions of this act shall at the end of each month be paid into the general revenue fund of the state.

**Sec. 8. Powers of game and fish commissioner and agents.**—The state game and fish commission shall enforce the law relating to mussels and for the purposes of carrying into effect said law the commission, its executive agent and game wardens are authorized and empowered without warrant, to arrest any one violating any of the provisions of this act, and to seize mussels and devices adapted to taking, catching or killing mussels, and to inspect and examine mussels in any warehouse, boat, store, car, conveyance, vehicle, basket or other receptacle, they have good cause to believe that any of the provisions of the law relating to mussels has been violated, except when it is necessary forcibly to enter a dwelling house. Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing that mussels illegally taken, caught, killed or had in possession are concealed, shall issue a search warrant and cause a search of the alleged place of concealment to be made. The confiscation and sale of mussels by the state game and fish commission or by any game warden shall proceed in the manner provided by law for the sale of confiscated fish.

**Sec. 9. Construction of terms.**—As used in this act the words:

(1) "Mussels" shall mean and embrace the pearly, fresh water mussel, or clam, or naiad, and the shell thereof.

(2) "Crowfoot bar" shall mean a bar of any material bearing a series of hooks designed to catch or adapted for catching mussels by the insertion of such hooks between the shells of mussels.

(3) "Dredge" shall mean any mechanism of capture which is adapted for dragging the bottom of waters and is operated with or without the aid of mechanical power, except the crow-foot bar.

(4) "Commercial purposes" shall mean and be presumed the taking, catching or killing of any mussels and having in possession of mussels, unless the contrary is proven.

(5) "Rig" shall mean one boat equipped with not more than four crow-foot bars, one boat equipped with power and one barge.

**Sec. 10. Licensees under state of Wisconsin.**—Any person duly licensed by the authorities of the state of Wisconsin to take and catch mussels from or in the waters forming the boundary line between the states of Wisconsin and Minnesota are hereby authorized to take and catch mussels from and in that portion of said waters lying and being within the territorial jurisdiction of the state of Minnesota without first having procured a license therefor from the authorities of the state of Minnesota; provided that such persons so licensed by the authorities of Wisconsin shall not take or catch any mussels within the territorial jurisdiction of the state of Minnesota at a time and in a place or in a manner otherwise prohibited by this act. Provided further that the laws of the state of Wisconsin provide for and extend a similar privilege to persons licensed thereunder by the authorities of the state of Minnesota to take and catch mussels from and in the waters lying within the territorial jurisdiction of the state of Wisconsin without a license from the authorities of the state of Wisconsin.

**Sec. 11.** This act shall take effect and be in force from and after its passage, and all acts or parts of acts inconsistent with this act are hereby repealed.

Approved April 20, 1917.

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CHAPTER 472—H. F. No. 255.

*An act to amend Sections 874 and 875, General Statutes of Minnesota, 1913, as amended by Chapter 135, of the Laws of Minnesota for 1915, fixing salaries of county treasurers in counties having or which may hereafter have a population of 200,000 inhabitants or over and not more than 300,000 in-*