

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

Approved April 19, 1923.

CHAPTER 348—S. F. No. 492.

An act giving bidders upon public work of any kind in this state a right of action against any political subdivision of the state for reimbursement for any loss suffered or sustained by reason of the unlawful conversion of any money, certified check, bond or other property deposited by such bidder with the proper officer of such political subdivision as security for the performance of his bid upon any public improvement or work.

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

Section 1. **Bidders to have right of action in certain cases.**—From and after the passage of this act any bidder upon any public work or public improvement of any kind in the state of Minnesota where bids therefor are received and where in connection with such bids a deposit of money, or a certified check, or bond or other security is required to be given for the performance of said bid if accepted, the political subdivision of the state causing said public work or other public improvement to be made or done shall be liable to such bidder for a return to him of the money, certified check or other thing of value so deposited by him in the event of the non-acceptance of his bid on such public work or improvement, or in the event of the acceptance of his bid, during the interval between such acceptance and the entering into of a contract for such work and the giving of security in connection therewith by him and this liability shall exist even though the failure to return such money, certified check or other thing of value be occasioned by the defalcation or unlawful conversion thereof by the officer of such political subdivision clothed with the custody thereof.

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

Approved April 19, 1923.

CHAPTER 349—S. F. No. 520.

An act to amend Section 102, Chapter 400, General Laws 1919, relating to the preservation, protection and propagation of wild animals, including quadrupeds, birds and fish of both this and other states, and commercial fishing in international waters.

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

Section 1. **Open season for fishing.**—That Section 102,

Chapter 400, Laws of 1919, be amended so as to read as follows:

"Section 102. Any variety of fish, *except black bass, rock bass, crappies, and sunfish*, may be taken by residents of Minnesota who are citizens of the United States by means of pound nets, *gill nets and fyke nets*, except during the months of April, May, and November, in Lake of the Woods, and during the months of November, April and the first fifteen days in May in Rainy Lake, Kabetogama Lake and Namekan Lake, provided a license to do so shall first be obtained from the commissioner.

Subdivision 1. Such license shall be procured from the commissioner. The applicant shall make a written application, to the commissioner, stating the location, size and kind of each net he proposes to use, and shall pay the following license fees: For each pound net, the sum of \$25.00; for each fyke net, the sum of \$5.00; and for each 100 feet of gill net, the sum of \$1.00.

Subdivision 2. The size of the nets and the size of mesh of nets shall be as follows: Pound nets: Not less than 1- $\frac{1}{2}$ inches bar measure or 3 inches stretched measure in the pound. Pound nets may be set in strings in Lake of the Woods, but there shall not be more than two nets to each such string. The shore lead shall not exceed 80 rods and the leads between the pots shall not exceed 50 rods. Said nets or strings shall not be less than 2,500 feet apart. In lakes other than Lake of the Woods, not more than one license shall be issued for any one section. No license shall be granted until the applicant shall have satisfied the commissioner that the pound net stakes used during the previous year have been removed from the water.

Gill nets: Not less than 4 inches stretched measure for taking pickerel and pike-perch, not less than 5 inches for taking whitefish. *There shall be no limitation on the length of any gill net excepting the limit provided in the license of the user. No gill net shall be set within 2500 feet of a duly licensed pound net provided the pound net is in its rightful location under license, and is in operation.*

Fyke nets: Not less than 2 inches extension measure. *The hoop of such nets shall not be more than 6 feet in height, but there shall be no limitation on the height of the fyke net leads. No such net shall be more than 300 feet in length.*

Subdivision 3. Licenses for more than seven pound nets or for more than 2000 feet of gill nets, or for more than ten fyke nets shall not be issued to any one applicant. No licensee shall operate more than one pound net station, *nor shall such licensee be interested, directly or indirectly, in the ownership of any other station, nor shall pound net stations be hereafter established within one half mile of the location of another such station. No pound net licensee shall use or permit to be used his fishing equipment, nets or boats at any such station other than his own, except in cases of emergency.* Each licensee shall designate in his application

the approximate location at which he intends to set gill net and he shall not set the same elsewhere except with the consent of the commissioner. Licenses shall not be issued in excess of the following for each body of water named:

Lake of the Woods: 60 pound nets, 75,000 feet of gill nets.

Rainy Lake: 20 pound nets, 20,000 feet of gill nets.

Kabetogame Lake: 10 pound nets, 10,000 feet of gill nets.

Namekan Lake: 5 pound nets, 12,000 feet of gill nets.

No person shall be granted licenses to fish both pound and gill nets, but holders of pound or gill net licenses may be licensed to fish fyke nets. All licenses for pound, gill or fyke nets shall become void unless the licensee devotes his personal attention to fishing under such licenses, the provisions of this paragraph relating to the holding of both pound nets and gill nets by the same licensee, shall not apply to Rainy Lake and tributary waters thereof.

No license issued hereunder shall be transferable and no assignment or attempted transfer of any rights under such license shall be valid. No licensee shall assign, transfer or attempt so to do any license or any right therein issued to him.

Subdivision 4. Numbered metal tags shall be furnished by the commissioner to each person to whom a license is issued. One such tag shall be attached by the licensee to each net so licensed, and shall be kept thereon during all the time the same are in use.

Subdivision 5. No net shall be used or set within 500 feet of the mouth of any stream, nor any net within two miles of the mouth of the Warroad River in Lake of the Woods. *The mouth of the Warroad River in Lake of the Woods is hereby designated and fixed at the outside end of the breakwater therein. No nets shall be used, within 2 miles of the mouth of Rainy River. The mouth of the Rainy River is hereby designated and fixed at a point in the international boundary line east of the eastern extremity of Oak Point outside of Four Mile Bay.* No nets shall be used elsewhere than as stated in the license except the written consent of the commissioner be first obtained. Fish houses may be erected and used in such fishing, subject to the laws relating to fish houses in other waters.

Subdivision 6. Fish so taken may be had in possession for one week after the close of such fishing season, and may be bought, sold and transported during the open season.

Subdivision 7. No person other than the licensee or his agent, shall take or remove any fish nets or seines duly licensed hereunder by the commissioner, nor shall any person knowingly injure, obstruct, disturb or interfere with such nets.

Subdivision 8. Written reports shall be made to the commissioner on blanks prepared by him at the end of each license period, stating in detail the total amount and kinds of fish caught, the

amount for which such fish were sold and the total value of each kind. *All persons licensed to take fish for commercial purposes in international waters shall, as a condition of such licenses, when requested of them by the commissioner, and when it can be done in connection with licensed commercial fishing, take eggs of fish for propagation purposes under such rules and regulations as the commissioner may prescribe.*

Subdivision 9. The commissioner shall grant all applications for license to fish not to exceed 100 feet of gill net or fyke net not exceeding four feet in height or 300 feet in length in Lake of the Woods and Rainy Lake and tributary waters thereof for domestic use of the applicant and his family, irrespective of the provisions of this section covering the amount of gill nets to be used in commercial fishing, if the applicant is otherwise entitled to a license but no such licenses shall be granted to any commercial fisherman.

Subdivision 10. The Commissioner of Game and Fish is hereby authorized to close the season when sturgeon may be taken to conform with the laws or rules of the Department of Game and Fish of the Province of Ontario, Canada.

Subdivision 11. The various provisions of this act shall be severable and if any part or provision shall be held to be invalid it shall not be held to invalidate any other part or provision hereof.

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

Approved April 19, 1923.

CHAPTER 350—S. F. No. 1074.

An act to amend subdivision or paragraph numbered eleven (11) of section 4317 Revised Laws 1905 as amended, being section 7951 General Statutes 1913 relating to property exempt from execution, attachment or sale, by including additional grains and increasing the quantities of other grains so exempted.

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

Section 1. **Property exempt from execution.**—That subdivision or paragraph numbered eleven (11) of section 4317 Revised Laws 1905 as amended, being section 7951 General Statutes 1913, be and the same hereby is further amended so as to read as follows:

“11. Necessary seed for the actual personal use of the debtor for one season, not to exceed in any case the following amounts: one hundred bushels of wheat, *one hundred bushels of rye*, one hundred bushels of barley, one hundred bushels of potatoes, one hundred bushels of oats, one hundred bushels of flax, *one hundred*