

having an assessed valuation of not less than six million nor more than twelve million dollars, the county treasurer shall be allowed for clerk hire for the year 1923 and each year thereafter, the sum of twenty-eight hundred (\$2,800.00) dollars, to be paid in the manner provided by the laws of this state, relating to the payment of clerk hire allowed county treasurers.

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

Approved April 21, 1923.

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CHAPTER 426—S. F. No. 230.

*An act appropriating money to the game and fish commissioner for game and fish propagation and preservation and to amend Chapter 400, General Laws of 1919 as amended by Chapter 35, 44, 347, and 450 of the General Laws of 1921, relating to the preservation, protection and propagation of wild animals, including quadrupeds, birds and fish of both this and other states.*

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

Section 1. Laws amended.—That Sections 5; 16 as amended by Chapter 44, General Laws of 1921; 21; 22; 24; 25; 26; 27; 28 as amended by Chapter 347, General Laws of 1921 and Chapter 44, General Laws of 1921; 29 as amended by Chapter 347, General Laws of 1921; 31; 43 as amended by Chapter 450, General Laws of 1921; 51 as amended by Chapter 44, General Laws of 1921; 56; 57; 58; 59; 61; 62; 68; 69; 73 as amended by Chapter 35, General Laws of 1921; 75 as amended by Chapter 35, General Laws of 1921; 76 as amended by Chapter 35, General Laws 1921; 78 as amended by Chapter 35, General Laws of 1921; 81; 86 and 92, be amended so as to read as follows:

"Sec. 5. **Manner of taking fish.**—Fish unless otherwise specifically permitted by this chapter, shall only be taken by angling. *Provided that it shall be unlawful to take fish by angling through the ice in the night time, by the use or with the aid of artificial lights.*

"Sec. 16. **Penalties for violation.**—Unless a different penalty or punishment is herein specifically prescribed, a person who buys, offers to buy, sells, offers for sale, takes, possesses, or transports any wild animal or part thereof in violation of this chapter *or carries a headlight and a firearm of any description at the same time* or of any of the laws of this state relating to the preservation of wild animals, or who violates any of the provisions of, or who fails to perform any duty imposed by this chapter, or who violates any duly adopted regulation of the commissioner or any person who attempts to do so, is guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not less than \$10.00 nor more than

\$100.00 for first offense nor less than \$25.00 nor more than \$100.00 for subsequent offenses or by imprisonment in the county jail for not less than 30 days nor more than three months, and each wild animal bought, sold, offered for sale, taken, possessed, or transported in violation of law shall constitute a separate offense; Provided that the minimum punishment for unlawfully taking deer or for violating any of the provisions of Part 6 hereof, relating to commercial fishing, shall be a fine of not less than \$50.00 or imprisonment in the county jail for not less than 60 days. A person who buys, offers to buy, sells, offers for sale, takes, possesses, or transports any moose or any part thereof, in violation of this chapter, or who violates any provisions of this chapter prohibiting the placing of a set gun, or the use of an artificial light in hunting, shall be guilty of a gross misdemeanor."

"Sec. 21. **Hunting and trapping licenses.**—No person shall hunt, pursue, or kill, any wild quadruped, fowl or bird for which a close season is provided by this chapter, or take with traps or other devices, any fur bearing animals, *except wolves* or engage in hunting or trapping or fishing except as herein provided, without first having procured a license so to do, and then only during the respective periods of the year when it shall be lawful, except that red fox cubs shall not be dug or taken from dens or taken in any other way to be shipped out of the state. *No person who is not a bona fide resident of this state shall take any wild quadruped, fowl or bird in this state without first having procured a license so to do from the commissioner or from an agent designated for the purpose by the commissioner.*"

"Sec. 22. **How procured—residents.**—Said license shall be procured from the county auditor of the county in which the applicant resides, or if the applicant does not reside in this state, from the commissioner. *Non-resident angling licenses shall be procured from the county auditor or the commissioner or his agents.* No person shall be deemed a resident of this state within the meaning of the chapter who has not resided in this state for the period of at least six months immediately preceding the date on which he makes application for a license. The applicant shall state under oath to the county auditor or commissioner, his name, age, residence and postoffice address and also whether a citizen of the United States or an alien. Any person who makes a false statement under oath in this regard is guilty of perjury."

"Sec. 24. **Resident game bird licenses—Coupons.**—Resident licenses for hunting *small game* shall have attached thereto three coupons upon which shall be printed the words *game birds, gray, black and fox squirrels.* Each coupon shall be subdivided into two sections, one of which shall be marked "A" and the other "B"."

"Sec. 25. **Resident big game licenses—Coupons.**—Resident licenses for hunting *big game* shall have attached hereto one coupon, upon one of which shall be printed the words "deer or

moose." Such coupon shall be subdivided into four sections, marked respectively "A" "B" "C" and "D."

"Sec. 26. **Non-resident small game licenses.**—Non-resident licenses for hunting *small game* shall have attached thereto one coupon divided into three sections, marked respectively "A" "B" and "C". The words *small game* shall be printed upon the face thereof."

"Sec. 27. **Non-resident big game licenses.**—Non-resident licenses for hunting *big game* shall have attached thereto one coupon, subdivided into three sections, marked respectively "A" "B" and "C". The words "deer or moose" shall be printed on each such coupon."

"Sec. 28. **Fees.**—The applicant, if a resident of this state shall pay to the county auditor issuing the license the sum of \$1.00 as a license fee for hunting *small game*, and the sum of \$2.00 as a license fee for hunting *big game*, and the sum of \$1.00 as a license fee for taking fur bearing animals, but no license shall be required of any person under twenty-one years of age, and if a non-resident or an alien shall pay to the commissioner the sum of \$50.00 for a license to hunt *big game*, and the sum of \$15.00 for a license to hunt *small game*, and the sum of \$2.00 for a license to take fish by angling or spearing. The county auditor shall transmit to the county treasurer at the end of each week the total amount of money received by him as fees for licenses to take game and fish during such day, and the county treasurer shall make a record of the amount so transmitted and as soon as practicable thereafter shall deposit such amount in the name of the county in a bank or trust company duly designated as a county depository, together with other public funds. The amount received from the issuance of licenses to take fish by spearing or angling shall be paid by the commissioner into the State Treasury, and the state treasurer shall accredit the same to a special game and fish fund, and the amount thereof is hereby annually appropriated to the commissioner to be used for the purpose of propagating and preserving game and fish in this state.

"Sec. 29. **Disposition of fees—Establishment of fund.**—(On the first working day of each calendar month the county treasurer shall pay on the auditor's warrant therefor 10 per cent of all moneys received from the county auditor to be retained by him as his compensation, and at such time the county treasurer shall on the auditor's warrant therefor pay the balance to the state game and fish commissioner. *The commissioner is authorized to allow a commission of not to exceed 10 per cent to all persons, except salaried game wardens or other state employes, selling non-resident or resident angling licenses, fish-house licenses or whitefish netting licenses.* All moneys collected by the commissioner for licenses issued by him, or upon bonds or contracts or received from other sources shall be remitted by him to the state treasurer. All mon-

eys collected by game wardens for licenses or from other sources shall be promptly remitted by them to the state treasurer. All moneys so received by the state treasurer shall constitute a separate fund to be known as the "State game and fish fund."

"Section 31. No hunting license shall be issued to any person under 14 years of age. Only one license of each kind shall be issued to any one person. No license shall be transferable. No trapping license shall be issued to a person not a resident of this state."

"Sec. 43. **Open season for big game.**—Deer may be taken from November 10th to November 20th, both inclusive *in even numbered years only*, but nothing in this chapter shall be construed to permit the taking or killing of *moose, elk or caribou* at any time."

"Section 51. Hares, rabbits, weasels, wild cat, lynx, wolves, foxes, gophers and all other quadrupeds for which a close 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.*"

"Sec. 56. **Bird dogs—Hunting and training.**—Game birds may be taken during the open season with the aid of dogs. The owner or trainer of a dog may take the same afield for the purpose of training said dog, from September 10th to September 7th following, both inclusive, provided that such owner or trainer shall carry no firearms and that no injury be inflicted upon any game birds or quadrupeds contrary to law. The use or training of dogs between December 1st and *August 14th* following, both inclusive, in fields inhabited or frequented by game birds is prohibited. Any dog so used is hereby declared to be a public nuisance and may be summarily killed by any person."

"Sec. 57. **Open season for certain game birds.**—Quail, partridge or ruffed grouse, may be taken or possessed between October 15th and November 20th following, both inclusive, *but nothing in this chapter shall be construed to permit the taking or killing of Canada spruce grouse. Male Chinese ringneck or English pheasant may be taken or possessed between October 15th and October 18th following, both inclusive.* partridge or ruffed grouse, chinese ringneck or English pheasant *may be taken, killed or had in possession taken only in even numbered years.*" *No game birds may be taken at any time or in any manner within the limits of any public highway, except migratory game birds.*

"Sec. 58. **Limit.**—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 male Chinese ringneck or English pheasant* in the aggregate of all kinds in one day. No person shall have more than 20 quail or partridge in possession at any one time and no person shall take more than 30 of the game birds

enumerated in this section in the aggregate of all kinds in any one open season. Not more than 3 chinese ringneck or English pheasant may be taken in any one season."

"Sec. 59. **Water fowl—Open season.**—Wild ducks, wild geese, coots, rails, gallinules, Wilson or jacknipe, and greater and lesser yellowlegs, may be taken and possessed between September 16th and December 31st following, both inclusive.

"Sec. 61. **Limit.**—A person may take during the open season, not to exceed 15 wild ducks, coots, rails or gallinules, Wilson or jacksnipe, and greater and lesser yellowlegs, in the aggregate of all kinds and not to exceed 5 wild geese *or 2 wood ducks* in any one day. No person shall have in possession at any one time more than 45 wild ducks, coots, rails or gallinules, Wilson or jacksnipe, and greater and lesser yellowlegs, in the aggregate of all kinds, of which not more than 5 shall be wild geese *and of which not more than 2 shall be wood ducks.*" Not more than 135 ducks may be taken during any one open season.

"Sec. 62. **Manner of taking.**—Water fowl may be taken during the open season from the land, from a stationary blind used to conceal the hunter *and* from a boat or canoe propelled by paddle, oar or pole (other than a sail or power boat,) when the same is within a natural growth of weeds, rushes, flags or other vegetation, or in pursuit of wounded birds, but may not be taken from power or sail boats or upon the open water, *or from aeroplanes or from sink boxes or permanent artificial blinds built in public waters.* Rifles may not be used in taking waterfowl. Artificial decoys may be used."

"Sec. 68. **Minnows for bait.**—Minnows for bait may be taken at any time with a net, trap or seine, *except that immature game fish and carp shall be carefully sorted out at the time of taking and the game fish at once returned to the water, and the said carp at once destroyed.* minnows as defined in Paragraph 12, Section 170 may be bought and sold. Provided however, no minnows shall be taken with a net, trap or seine in waters inhabited by trout, nor shall minnows be taken with a net, trap or seine, in any lake which has been stocked within the previous three years with game fish fry by the Game and Fish Commissioner of Minnesota."

"Sec. 69. **Open season for black bass—Size.**—Black bass not less than 9 inches in length may be taken by angling and thereafter possessed between June 15th and March 1st, following, both inclusive. A person may take not to exceed 10 such bass in one day and may have not to exceed 20 such bass in his possession at one time. The use of three artificial flies in fishing is permitted. Such bass may not be bought or sold at any time."

"Sec. 73. **Open season for pike and pickeral—Size—Limit.**—Wall-eyed pike (except sand pike) and pickeral not less than 14 inches in length may be taken by angling and there after possessed between May 15th and March 1st, following, both inclusive. A

person may take not to exceed 10 such pike or 25 pickerel in a day and may have not to exceed 20 such pike in his possession at one time. Wall-eyed pike, except those taken from waters which may be opened for the sale thereof by the commissioner may not be bought or sold at any time. Pickerel may be taken by spearing except during the closed season therefor." Artificial lights may be used in spearing carp, dogfish, suckers, redhorse, and garfish in inland waters from March 20th to April 20th, both dates inclusive, and in interstate waters under the jurisdiction of the state of Minnesota from September 15th to November 15th, both dates inclusive.

"Sec. 75. **Open season for crappies—Size—Limit.**—Crappies not less than 7 inches in length may be taken by angling and thereafter possessed between May 15th and March 1st, following, both inclusive. A person may take not to exceed 20 crappies in one day. Such crappies, *may not be bought or sold at any time.*"

"Sec. 76. **Open season for sand pike or saugers—Size—Limit.**—Sand Pike or saugers, not less than 10 inches in length, may be taken by angling and thereafter possessed between May 15th and March 1st following, both inclusive. A person may take not to exceed 25 such sand pike or saugers in any one day. Such sand pike or saugers *may not be bought or sold at any time.*"

"Sec. 78. **Open season for perch, sunfish and rock bass.**—Yellow perch of any size, sunfish of not less than five inches in length and rock bass of not less than six inches in length, 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 15th and March 1st following, both inclusive. A person may take not to exceed 25 such sunfish or rock bass or such other fish, except perch, in one day. Such perch or other fish may be bought and sold during the open season. *Such sunfish and rock bass may not be bought or sold at any time.*"

"Sec. 86. **Use of explosives prohibited.**—Fish shall not be taken by means of explosives, drugs, poisons, lime, medicated bait, fish berries, or other deleterious substances, or by nets, traps, tip-ups, snares, trot lines, wire strings, ropes or cables, except where otherwise expressly provided by this chapter. Possession of any of such substances or contrivances by any person on the waters, shores, or islands of this state, shall be presumptive evidence that the same are possessed for use in violation of this section. *It shall be unlawful to have in possession, fish nets, except minnow nets, landing nets and dip nets and all nets held in stock for sale by dealers, unless tagged and licensed by the Game and Fish Commissioner. Such tags and licenses shall be for the current year. Provided that nets in the possession of licensed commercial fishermen shall not be subject to this regulation.*"

"Sec. 92. **Frogs Not to be exported from state.**—Frogs may be taken and possessed, bought, sold and transported for

commercial purposes in any manner and at any time, except during the months of April and May, and may be taken for bait and scientific purposes at any time. *Provided that frogs may not be transported outside the State of Minnesota for commercial purposes and provided further that it shall be unlawful to use cloth screens or other similar contrivances and pitfalls in the catching of frogs.*"

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

Approved April 21, 1923.

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CHAPTER 427—S. F. No. 236.

*An act adding route No. 72 to the trunk highway system.*

WHEREAS, subsequent to the adoption of Article 16 of the Constitution of Minnesota the county of Lake of the Woods has been created and the village of Baudette is the lawfully constituted county seat of said county, and the legislature is in such case authorized to add to the trunk highway system additional routes connecting such newly created county seat with other county seats and other points in the state, therefore:

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

Section 1. **Route No. 72 established.**—There is hereby added to the trunk highway system and created and established an additional route, to be known as route No. 72, which shall begin at a point on route No. 8 north of Bemidji and extend thence in a northerly direction to a point on route No. 11 at Baudette, affording Pukosky, Nebish, a point two and one-half miles east of Redby, the northwest corner of township 151 north, of range 31 west, of the 5th P. M., Waskish, Baudette, and intervening and adjacent communities, a reasonable means of communication each with the other and other places within the state.

Sec. 2. **All trunk highway laws to apply.**—That all of the provisions of law relating to the trunk highway system shall apply to the trunk highway route hereby created and established.

Approved April 21, 1923.

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CHAPTER 428—S. F. No. 302.

*An act prohibiting certain itinerant carnivals and declaring the same a public nuisance and providing penalties for the participation therein.*

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

Section 1. **Itinerant carnivals prohibited.**—Itinerant carni-