

holding court or performing other official duties outside the limits of the county seat of any such county.

Sec. 2. The acts and parts of acts inconsistent herewith are hereby expressly repealed.

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

Approved April 24, 1925.

---

CHAPTER 380—H. F. No. 1433

*An act to amend the laws relating to the preservation, protection and propagation of wild animals.*

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

Section 1. **Laws amended.**—That the sections and subdivisions of sections of Chapter 32, General Statutes 1923, as hereinafter specified be and the same hereby are amended so as to read as follows:

"Sec. 5498. **Manner of taking game.**—Birds and quadrupeds protected by law shall be taken only in the daytime with a gun not larger in bore than a ten gauge fired from the shoulder, *except that upland game birds and quadrupeds may be taken with a rifle or pistol. It shall be unlawful to use any kind or type of silencer on firearms.* No person while in a motor vehicle shall take game, nor discharge any firearm therefrom at any protected wild animal, nor carry a gun or other firearm, except a pistol or revolver, in a motor vehicle unless the same be unloaded in both barrels and magazine and taken apart or contained in a case. Traps for the purpose of taking furbearing animals protected by law may be used as herein provided, but traps shall not be staked or set in any manner during the close season for the same. A person may take game birds during the open season with the aid of a dog, unless specifically prohibited herein."

"5499. **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, *including automobile head lights and spot lights.*"

"5500. **Limits on game and fish—Wanton waste.**—No person shall wantonly waste or destroy wild animals. The catching, taking or killing of more than fifteen game birds by any one person in any one day, or the catching, taking or killing of more than twenty-five fish by any one person in any one day, except fish lawfully caught, taken or killed with licensed nets, as by this chapter permitted, and destruction of all such game birds or fish caught, taken or killed in excess of such number, shall be deemed a wanton waste. No person

shall, after taking or killing any protected wild animal, abandon or permit the edible part of the carcass thereof to waste or decay, *provided this shall not prevent the manufacture of fish meal or other animal food out of lawyer burbot or eelpout or carp lawfully taken, or the sale or transportation of such fish meal or food.*"

"5502. **Cold storage prohibited.**—No person except the commissioner shall place or store, or receive or accept for storage in a cold storage warehouse, any protected wild animal, except fish or furs lawfully taken. *This shall not prohibit the placing of carcasses of wild animals in refrigerators or cooling rooms in butcher shops or other places not classified as commercial cold storage warehouses when done to prevent wanton waste.*"

"5505. **Transportation and exportation of salable fish and game.**—Any person may transport within this state or from a point within to a point without during the open season any wild animals or parts thereof, which may be lawfully sold, except as specifically prohibited by this chapter.

Any person, except agents or employes of a common carrier while engaged in the performance of their duties, may carry with him as baggage on a common carrier any wild animals, including fish, which may be legally in his possession, and common carriers are hereby permitted to carry such wild animals as baggage. If any such wild animal is carried as baggage and is contained in any package, sack, crate or other container there shall be attached to the outside thereof a tag signed by the licensee, written or printed, showing the name and address and license number of such licensee and the number and kind of wild animals or parts thereof contained in the same.

Any resident of this state may transport to any point in the county in which he resides 45 game birds, of which at least 15 shall be water fowl or shore birds in three shipments of not to exceed 15 birds each, and one deer, and may transport the head or hide of any deer for mounting or tanning purposes to a point within or without this state, provided the same were lawfully caught or killed or taken from deer so caught, and the provisions of section 12 of this chapter have been complied with.

A non-resident may transport to a point without this state 25 game birds and one deer lawfully taken or killed by him in this state, in the manner provided by section 12 of this chapter.

No person shall ship any fish except bullheads, buffalo fish, carp, redhorse, suckers, sheephead, eelpout, garfish and dogfish outside of this state.

*Any variety of fish lawfully taken in commercial fishing operations in interstate or international waters may be shipped outside of this state.*

A non-resident duly licensed to fish in this state, may, however, ship or transport by common carrier, or carry with him, to a point outside this state not to exceed 24 pounds of fish of any variety or

one fish lawfully caught by him in this state on the following conditions:

(a) *Each non-resident angling license shall have attached thereto a shipping or transportation coupon for which no charge shall be made and such coupon shall be divided into three equal parts each part of which shall state the license number and shall contain blank spaces for the name and address of the licensee, the point of origin, the point of destination of shipment, the number of pounds and the variety being shipped, and shall be executed in ink by the licensee and affixed by the licensee to the receptacle containing the fish. Each non-resident licensee holding such transportation coupon may ship or transport to a point outside the state not to exceed 8 pounds of undressed fish on each of the three coupons.*

(b) *Only undressed fish may be shipped.*

(c) *Such shipment shall be made by the licensee to himself only.*

*A resident may ship fish taken by him from one point in the state to another provided such shipment must be made to the person taking such fish."*

"5506. **Manner of transportation of game, birds and quadrupeds.**—No common carriers shall transport, and no person shall offer to a common carrier for transportation to a point within or without this state, any game birds or any deer or parts thereof except in the following manner: The person offering game birds or deer or parts thereof for shipment shall exhibit his license to an agent of the carrier, and shall sign his name to each section of one of the coupons attached to his license in the presence of such agent.

In case of game birds being shipped by a resident of this state, section "B" of a game bird coupon shall be attached by the licensee to the game birds offered for shipment.

Thereupon said agent shall detach section "A" of said coupon from the license and shall immediately forward the same by mail to the commissioner.

In the case of deer or parts thereof being shipped by a resident of this state, section "B" of a deer coupon shall be attached by the licensee to any deer, and section "C" thereof to any deer hide, and section "D" to any deer head, offered for shipment. Thereupon said agent shall detach section "A" of said coupon from said license and immediately forward the same by mail to the commissioner.

In the case of game birds or deer or parts thereof, being shipped by a non-resident, sections "B" and "C" of a game bird coupon, or a deer coupon, shall be attached by the licensee to any game birds or deer or parts thereof, offered for shipment. Thereupon said agent shall detach section "A" of said coupon from said license and shall immediately forward the same by mail to the commissioner. Section "C" shall be removed from said game birds or deer by the

carrier at the last stop made by it in this state and shall be immediately forwarded by it by mail to the commissioner."

"5507. **Packages to be labeled.**—No person shall ship, transport, or convey by common carrier any wild quadruped or bird or part thereof *including the raw or undressed furs of any protected wild animal* in any package, sack, box, crate, trunk or other receptacle or covering unless there is attached or affixed to the outside thereof, a proper coupon tag, and a statement signed by the licensee shipping the same, legibly written or printed, showing the name and address and license number of such licensee, and the name, number and kinds of wild animals or parts thereof contained in the same. Such licensee shall open such receptacles on the request of any game warden, and a game warden may, in the absence of the licensee, open the same to inspect and count the contents thereof. The waybill or receipt issued by any common carrier to a shipper shall specify therein the number of wild animals so shipped. *In case the owner or occupant of land ships furs or animals lawfully taken or killed on his own land, such statement in lieu of the foregoing shall state: 'The contents of this package were taken from animals killed on my land,' and shall be signed by the shipper.*

No person shall ship by common carrier within or without the state, any fish of any variety, in any package, sack, box, crate, trunk, or other receptacle or covering unless there shall be plainly marked on the same the name and address of the consignor and consignee with the number of pounds of each kind of fish contained therein. Any game warden or peace officer may open and examine any receptacle which he has reason to believe contains an unlawful shipment of fish."

"5514. **Hunting without license.**—Any person who is a resident of this state, and any member of such person's immediate family, may during the open season, hunt, pursue or kill with a gun any wild bird or quadruped, except deer or moose, which may legally be taken and may trap such fur-bearing animals, as may legally be taken, on land owned or leased and occupied as a permanent abode by such person, without procuring a license so to do.

*This shall not permit hunting without a license on land not occupied by a person as a permanent abode.*

*A license to trap beaver may be obtained in the manner prescribed by Section 5543 of this chapter."*

"5515. **Hunting and trapping licenses.**—No person shall hunt, pursue or kill any wild quadruped, fowl or bird for which a closed 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 *protected or unprotected* 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."

"5516. **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 post-office, *legal voting* 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. *But one license shall be issued to a non-resident for any one calendar year.*"

"5519. **Resident—Big game license—Coupons.**—Resident licenses for hunting big game shall have attached thereto one coupon, upon one of which shall be printed the word 'deer.' Such coupons shall be subdivided into four sections, marked respectively 'A,' 'B,' 'C,' and 'D.'"

"5521. **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,' 'C.' The word 'deer' shall be printed on each such coupon.

"5522. **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 *eighteen* 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 \$25.00 for a license to hunt small game, and the sum of \$3.00 for a license to take fish by angling or spearing, *provided that no non-resident angling license shall be required of any person under 18 years of age and further that such person shall not transport out of the state any fish so taken without license.* The county auditor shall transmit to the county treasurer at the end of each *month* the total amount of money received by him as fees for licenses to take game and fish during such *month*, 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 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."

"5523. **Disposition of fees—Establishment of fund.**—On the first working day of each calendar month the *state* 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. 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 white fish 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 moneys collected by game wardens for licenses or from other sources shall be promptly remitted by them to the state treasurer."

"5525. **Carrying and exhibiting licenses.**—Every person to whom a license has been issued shall have such license on his person at the time of taking, *or pursuing or attempting to take*, any wild animals in this state, and while going to and from the hunting grounds, *or while afield for hunting purposes*, and shall exhibit the same for inspection to any game warden or peace officer requesting to see the same, at any time."

"5530. **Revocation.**—Upon conviction of any person for any violation under any license issued to such person, such license shall immediately become null and void and no license *of the same kind* shall be issued to any such person for a period of one year thereafter. Upon conviction of any person for hunting, fishing or trapping without a license, no such license *of the same kind* shall be issued to any such person for one year thereafter. *This shall apply also to licenses to engage in the business of buying furs.*"

"5531. **Duplicates.**—Whenever any such license is lost the person to whom the same was issued may present to the commissioner an affidavit proving such loss, *and stating the number of the license lost and its date of issuance, and the manner in which lost, and that the affiant has not been convicted of a violation of this chapter which resulted in the cancellation of his license*, whereupon the latter may authorize the issuance of a duplicate license to such person."

"5532. **Non-resident fishing license.**—No person over the age of *eighteen years* who is not a bona fide resident of this state shall take any fish by angling or spearing in the waters of this state without first having procured a license so to do from the commis-

sioner, a county auditor or a game warden, or from an agent designated for the purpose by the commissioner."

"5534. **Permits to retain game—How procured.**—Any person desiring to retain possession of deer, moose or game birds or *game fish*, after the close of the season therefor, shall surrender the license under which such deer, moose or game birds or *game fish* were taken, to the commissioner or game warden, and he, if satisfied that such application and surrender is made in good faith, and that the applicant is a resident of this state, shall cause distinctive tags or seals to be affixed to each deer, moose, game birds, or *game fish* or part thereof lawfully in possession of the applicant, or he shall issue a written permit to such applicant to keep and use such deer, moose, game birds, *game fish* or part thereof, and thereupon the applicant shall be entitled to retain possession of the same until consumed; provided, no moose or deer may be retained under a permit after the last day of February in the year following that in which they were taken or killed. Wild animals, lawfully taken and had in possession outside this state, may be brought or shipped into this state and had in possession at any time upon proof that they have been so lawfully taken, provided retaining tags herein provided for are attached thereto. *Provided game birds may not be retained in possession under a permit after the 10th day of January in the year following that in which they were killed.*"

"5536. **Reports of licenses.**—For the purpose of making annually an approximate census of game animals in the state, every person to whom a license to take birds or quadrupeds is issued shall, on or before thirty days after the expiration of his license, make a written report to the commissioner on a form prepared and furnished by him, stating the kind and number of each bird or quadruped taken under such license. A licensee who wilfully fails or neglects to make such report shall not be granted a license to take birds or quadrupeds for one year thereafter. *The commissioner prior to the opening of the hunting season in each year shall advise each county auditor of the names of licensees of the preceding year who have failed to make the report herein required, and no county auditor shall issue a license to a person whose name appears upon the list sent out by the commissioner as delinquent in this regard.*"

"5537. **Open season for big game.**—Deer may be taken from the third Saturday in November to the tenth day thereafter, 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."

"5538. **Limit.**—A person may take one such deer in an open season."

"5539. **Manner of taking.**—No artificial light, including automobile and motor cycle head lights and spot lights, snare, trap, satick set gun, swivel gun or other device to entrap or entice deer shall

be used, made or set, nor shall any deer be taken by aid or use thereof. Deer shall not be hunted or pursued or killed with dogs. The licensee shall, after killing a deer, immediately affix to the carcass thereof coupon tag "B" of his license. *Immediately after a deer has been killed* there shall be affixed to each carcass of deer before the same is transported or offered for transportation, a metal locking seal bearing the license number of the owner thereof and the year issued, in figures, said seal to be furnished by the commissioner through the county auditors when licenses are sold and for which a fee of 25 cents shall be paid."

"5541. **Squirrels, bear and raccoon open season.**—Gray and fox squirrels may be taken and possessed between October 15th and January 1st following, both inclusive. *Bear may be taken and possessed at any time. Raccoon may not be taken until the year 1928 and then only between October 15th and November 15th following, both inclusive.* No person shall hunt, molest or take any gray, black, red, fox flying, or other timber squirrel at any time within the corporate limits of any city or village, or within one-quarter mile thereof. *A person may take during the open season not to exceed 10 gray or fox squirrels in the aggregate of all kinds in any one day and may have not to exceed 15 gray or fox squirrels in the aggregate in possession at any time. Black squirrels may not be taken or possessed at any time.*

*Steel traps may be used for the purpose of taking or catching bear only upon permission of the Game and Fish Commissioner to do so. Rules and regulations for the safe use thereof shall be prescribed by the Commissioner and any one setting them so as to become a danger to persons walking in the woods shall be guilty of gross misdemeanor.*

*Any person desiring to retain in possession during the closed season the skins of protected fur bearing animals shall apply to the commissioner within five days after the close of the season for a permit so to do, and the commissioner or a game warden shall issue to the licensee a distinctive tag for each pelt to be retained in possession; and upon receipt thereof the licensee shall affix one such tag to each pelt retained in possession. Such pelts lawfully tagged may be bought and sold at any time. This shall also apply to furs taken from animals trapped or killed on land owned or occupied by the trapper."*

"5542. **Mink, fisher, skunk and muskrat.**—*Mink may be taken, bought, sold and possessed in any manner at any time and fisher may be taken in any manner between November 15th and March 1st following, both inclusive. Muskrat may not be taken until March 1st, 1928. Skunk may be taken in any manner between November 15th and March 1st following, both inclusive. Such animals, legally taken, may be possessed, bought and sold at any time. No person shall hunt or pursue muskrat at any time with a dog."*

"5543. **Beaver and otter.**—No person shall take or possess otter or beaver at any time, or molest or disturb any otter or beaver, except that, in the event that beaver shall at any time, in any locality, become so numerous that in the judgment of the commissioner, a limited number thereof may be taken without unduly depleting the species, or when they cause damage to a railroad right of way, public highway or private property. Then and in such case the commissioner, upon the receipt of a license fee of \$1.00, and upon the execution and delivery to the commissioner of a bond in the sum of \$500.00, with sureties to be approved by him, conditioned, upon the faithful observance of the laws of this state relating to wild animals and the regulations of the commissioner, may issue to any person a license to take beaver, specifying therein the number of beaver, the time when and the place where the same may be taken. The licensee shall report, within fifteen days after the taking of any beaver, the number of beaver so taken by him, to the commissioner, whereupon the commissioner shall issue to the licensee a distinctive tag for each beaver taken, and upon receipt thereof, the licensee shall affix one such tag to each beaver. The licensee shall pay the commissioner a fee of \$1.50 for each tag so issued. Beaver so taken and tagged may be bought, sold and transported at any time. *The commissioner shall keep a record of each tag, by number sold, to whom sold, and the date of sale.*

*Beaver may be trapped in a game refuge only by the Game and Fish Department by persons employed so to do by the Game and Fish Commissioner under the same conditions hereinbefore specified."*

"5544. **Homes of fur bearing animals.**—No person shall molest, injure or destroy any muskrat, or beaver house, burrow, den or other abiding place of the same, except that when any of said animals are injuring any property, the commissioner may cause said animals to be removed or destroyed or may permit the killing of such animals and the destruction of the homes or other structures erected by them, provided that this provision shall not be construed to prevent the trapping of muskrats in their houses in such a manner as not to injure or destroy the same. *Provided further that beaver may only be taken in the manner prescribed by Section 5543 of this chapter.*

*Openings made in such houses for the purpose of inserting or removing traps shall be sealed. Traps shall not be placed under the ice near muskrat houses, or in runways or channels used by muskrats.*

The commissioner may, under proper and suitable regulations adopted by him, permit the taking of muskrats in shallow marshes or sloughs in such cases where no deep water is found at any time, when it may be shown that such muskrats are in immediate danger of destruction by freezing or starvation."

"5546. **Snow shoe rabbits.**—Varying hare or snow shoe rabbit and mink may be taken *either in the day time or at night and in any manner except that poison may not be used.*"

"5547. **Traffic in furs.**—Nothing in this act shall be construed as prohibiting the buying, shipping or having in possession at any time, of the skins of fur-bearing animals legally killed within or without the state, and of the hides of moose or deer legally killed within or without the state, upon proof that the hides were so taken. No person shall engage in the business of buying furs until he shall have procured a license so to do from the commissioner. Fees, payable to the commissioner, for such license shall be as follows: For a local resident or traveling fur buyer's license, \$1.00; for a resident traveling fur buyer's license, \$10.00; for a non-resident local or traveling fur buyer's license, \$25.00; for a wholesale fur buyer's license, \$1.00. Such fur buyer's licenses shall be issued for the calendar year and may be revoked by the commissioner for any violation of the law relating to wild animals or for fraudulent practices employed in connection with the buying of furs under such license. All fur buyers shall furnish to the commissioner such reports as he may require for statistical purposes on blanks furnished them for this purpose. *Any person applying for a fur buyer's license shall at the time of his application furnish a bond, either personal or corporate surety, in favor of the state in the penal sum of \$1,000.00 conditioned upon the observance of all laws of this state relating to wild animals. No beaver trapping license shall be issued to any person to whom a fur buyers' license shall have been issued and in force.*

"5550. **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 *August 15th* to *September 15th* following, both inclusive, provided that such owner or trainer shall carry no firearms of more than 22 caliber, and the use of firearms of 22 caliber with blank cartridges in training dogs is hereby permitted when done so as not to inflict injury 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.

"5551. **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, or of wild turkeys or Hungarian gray partridges. Male Chinese ringneck of English pheasants may be taken or pos-

sessed between October 15th and *November 1st* following, both inclusive. Partridges or ruffed grouse, Chinese ringneck or English pheasants 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. *Provided, however, that the taking of quail in any manner during the years of 1925 and 1926 is hereby prohibited.*"

"5552. **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 15 quail or partridge or more than 12 Chinese ringneck 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 15 male Chinese ringneck or English pheasant may be taken in any one open season."

"5554. **Hours for taking.**—Migratory game birds may be taken each day only from one-half hour before sunrise until sunset during the open season therefor."

"5555. **Limit.**—A person may take during the open season not to exceed 15 coots, rails or gallinules, Wilson or jacksnipe, and greater or lesser yellow legs, in the aggregate of all kinds and not to exceed 12 wild ducks or 5 wild geese in any one day. No person shall have in possession at any one time more than 36 wild ducks, coots, rails or gallinules, Wilson or jacksnipe, and greater or lesser yellow legs, in the aggregate of all kinds of which not more than 5 shall be wild geese. Not more than 120 ducks may be taken during any one open season."

"5556. **Manner of taking.**—Water fowl may be taken during the open season from any place on land from a stationary or permanent artificial blind used to conceal the hunter, when located on land, but not from a permanent artificial blind placed anywhere in public waters and may also be taken from a temporary but stationary blind or 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, sufficient to partially conceal the hunter, but may not be taken from power or sail boats or upon the open water, or from aeroplanes, or from sink boxes built in public waters. Rifles may not be used in taking waterfowl. Artificial decoys or live decoys may be used.

*The pursuing or shooting of wounded birds in the open water in a boat or canoe propelled by oar, paddle or pole is permitted.*

*Entering open water in a boat or canoe for the purpose and with the intention of causing a flight of birds resting thereon is forbidden.*

*Not more than 6 live decoys may be used to any one blind. The placing of decoys, or the erection of temporary blinds in public waters during the close season for water-fowl is forbidden."*

"5558. **Bird snares—Traps or nets.**—No wild bird, except those enumerated in *section 5562* hereof, and no bird for which a close season is provided, shall be trapped, netted or snared. No net, trap, snare, artificial light, bird line, swivel or set gun or other contrivance for taking birds shall be set, placed or used where such birds can be taken. Any such trap, net or snare, is declared to be a public nuisance, and may be summarily abated and destroyed by any person, and it shall be the duty of every game warden to seize and destroy any such device. The flushing of game birds by dragging a rope, wire, or other instrumentality across a field inhabited by game birds is hereby prohibited."

"5563. **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 140, may be bought and sold. Provided, however, no minnows shall be taken with a net, trap or seine in waters inhabited by trout. *The use of game fish except yellow perch for bait is prohibited. The sale, or transportation of live minnows imported from other states is prohibited for any purpose.*"

"5564. **Open season for black bass—Size.**—Black bass not less than 10 inches in length *and striped, silver grey, or yellow bass* may be taken by angling, and thereafter possessed, between *May 29th and February 1st* following, both inclusive, *in that section of the state to be known as the southern zone lying south of the north line of township one hundred twenty-four (124) west of the fifth (5th) principal meridian, and south of the north line of township thirty-five (35) west of the fourth (4th) principal meridian and between June 21st and February 1st following, both inclusive in that section of the state lying north of the above described township lines, this section of the state to be known as the northern zone.* A person may take not to exceed 8 such bass in one day and may have not to exceed 15 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."

"5565. **Trout—Open season—Size—Limit—Sale.**—Trout (except lake trout) may be taken by angling and thereafter possessed between April 15th and September 1st following, both inclusive. *All trout caught by angling regardless of size shall be retained in possession.* A person may not take to exceed 15 such trout in one day, nor have in possession more than 25 such trout or 20 pounds thereof at any one time. The use of three artificial flies in trout fishing is permitted. Such trout may not be bought or sold at any time."

"5567. **Lake trout, salmon—Open season—Size—Limit.**—Lake trout, and salmon, may be taken by angling and thereafter

possessed between November 15th and *September 1st* following, both inclusive. A person may take not to exceed *10* such lake trout or salmon in one day, *nor have in possession more than 15 such trout or salmon at any one time.* Such lake trout, or salmon may not be bought or sold at any time."

"5568. **Open season for pike and pickerel—Size—Limit.**—Wall-eyed pike (except sand pike) and pickerel, not less than 14 inches in length, and yellow perch of any size may be taken by angling and thereafter possessed between May 15th and *February 1st* following, both inclusive. A person may take not to exceed *8* such pike or *15 such* pickerel in a day, and may have not to exceed *16* such pike or *25 pickerel* in his possession at one time. Wall-eyed pike, *Great Northern pike and pickerel*, except those taken from waters which may be open 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 *only* in spearing carp, dog fish, suckers, red horse 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.

"5569. **Sturgeon—Open season—Size—Limit—Sale.**—*Rock sturgeon or lake sturgeon and shovelnose sturgeon or hackleback and spoonbill or paddlefish may not be taken or possessed at any time.*"

"5570. **Open season for crappies—Size—Limit.**—Crappies not less than 7 inches in length, may be taken by angling and thereafter possessed between *May 29th* and *February 1st* following, both inclusive, *in the southern zone described in section 5564 of this act and between June 21st and February 1st following, both inclusive, in the northern zone described in section 5564 of this act.* A person may take not to exceed *15* crappies in one day, and *not more than 25 crappies may be had in possession at any one time.* Such crappies may not be bought or sold at any time."

"5571. **Open season for sand pike or saugers—Size—Limit.**—Sand pike or saugers, not less than *12* inches in length, may be taken by angling and thereafter possessed between May 15th and *February 1st* following, both inclusive. A person may take not to exceed *15* such sand pike or saugers in any one day, and *not more than 25 sand pike or saugers may be had in possession at any one time.* Such sand pike or saugers may not be bought or sold at any time."

"5572. **Muskellunge—Open season—Size—Limit—Sale.**—Muskellunge, not less than 30 inches in length, may be taken by angling, and thereafter possessed between May 15th and *February 1st* following, both inclusive. A person may take not to exceed *two*

such muskellunge in one day. Such muskellunge may not be bought or sold at any time."

"5573. **Open season for sunfish and rock bass.**—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 29th* and *February 1st* following, both inclusive, in the southern zone described in section 5564 of this act and between *June 21st* and *February 1st* following, both inclusive, in the northern zone described in section 5564 of this act. A person may take not to exceed 15 such sunfish or rock bass or such other fish, in one day and not more than 30 in the aggregate of all kinds may be had in possession at any one time, and not more than 30 such sunfish, or rock bass may be had in possession at any one time. A person may have in possession at any one time 30 of the mixed varieties. Such sunfish and rock bass may not be bought or sold at any time."

"5579. **Fish—Limit of all kinds.**—A person may take not to exceed 15 fish except perch by angling, in the aggregate of all kinds in any one day, except that any quantity or number of the fish described in section 5574 hereof may be taken in one day. Not more than 25 fish of mixed varieties except perch may be had in possession at any time. Provided that the commissioner may, whenever it has been shown to be necessary in any lake, make regulations fixing a daily limit of 25 perch per day therein."

"5580. **Sale of fish caught in certain counties.**—No fish of any variety, except minnows for bait, caught in waters lying within a county having a population of 200,000 or over, shall be bought, sold or otherwise trafficked in at any time. The commissioner may, when necessary to prevent the undue depletion of the fish in any lake or stream, prohibit the sale of any species of fish taken in any of the waters of this state.

*Provided black bass, crappies, sand pike, muskellunge, sunfish, and rock bass, except those taken in international waters in connection with commercial fishing operation, whether taken within or without this state, or in any county of this state, may not be bought or sold at any time in this state."*

"5585. **Fish houses—Use of—License.**—Fish houses or shelters to protect a person fishing through the ice to take by spearing or angling, pickerel, carp, dogfish, buffalo-fish, white fish, tullibees, sheepshead, bullheads, catfish, celpout, garfish, suckers and redhorse, may be used from December 1st to *February 1st*, following, both inclusive, in all waters of this state, including those over which Minnesota has concurrent jurisdiction with other states, only under license from the commissioner for which a fee of \$1.00 shall be paid. Such license shall be granted by the commissioner only on satisfactory evidence that such fish house will be used by the appli-

cant for taking fish for domestic or personal use, and not for commercial purposes, provided, that carp so caught may be bought and sold at any time. Not more than one fish house shall be used by any one person, and every licensee shall have his license on his person while fishing in a fish house. The number of the license shall be plainly marked on the exterior of the fish house. Licenses to erect fish houses on certain lakes may be denied by the commissioner when in his opinion conditions justify such denial."

"5587. **Frogs—Not to be exported from the state.**—Frogs may be taken and possessed, bought, sold and transported for *angling* 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 *neither live or dressed frogs shall be transported outside the state of Minnesota for commercial or any other purposes* and provided further that it shall be unlawful to use cloth screens or other similar contrivances and pitfalls in the catching of frogs."

"5600. **Destruction of carp damaging duck feeding places.**—*The cutting or destruction of wild celery, wild rice, weeds, rushes, flags or other vegetation in any of the public waters of this state, in cases where such vegetation can be used as a place of partial concealment by hunters is prohibited;* provided that this shall not be construed as prohibiting the owner or occupant of property adjoining any of the public waters from cutting such vegetation immediately in front of his property for the purpose of beautifying the same or of improving the same for bathing purposes. Carp, inhabiting the waters of any lake containing wild celery and wild rice beds, may at any time and in any manner be taken, and removed from such waters by the commissioner, or the commissioner may enter into a contract for the taking and removal thereof. In case such carp are removed under contract with the commissioner, he or a warden shall supervise such removal, and the expense of such supervision shall be paid by the contractor.

Subdivision 1. Bullheads, dogfish, garfish, sheepshead, buffalo fish, eelpout and suckers taken together with carp, may be retained, but all other fish taken in such operations shall be released and returned to the water.

Subdivision 2. Fish so caught shall be sold by the commissioner, or by the contractor, and the net proceeds of such sale or the amount due under the contract, shall be paid into the state treasury."

"5610. **State game refuges—Wholly closed to hunting—Establishment.**—Whenever all the owners, leasees or persons in possession of lands located outside the corporate limits of any city or village, present a petition to the commissioner *accompanied by a map showing clearly the land proposed to be set aside and also accompanied by a certificate by the county treasurer of the county where such lands are situated to the effect that the persons named in*

*such petition as the owners, lessees or persons in possession of the land described are according to the records of the county and his information, owners, lessees, or persons in possession as represented, and stating the legal descriptions of the land sought to be set aside and requesting him to set aside such lands as a state game refuge, the commissioner may, without notice or hearing, set aside such lands as a state game refuge. The petitioners shall thereafter post signs, to be furnished by the commissioner, in conspicuous places upon said lands. Said signs shall state that the lands are a state game refuge and that trespassing thereon by a person carrying firearms is prohibited under penalty of the law. The commissioner may at any time, acting upon his own motion or upon petition, vacate or modify such order, as to the boundaries of such refuge or as to the wild animals that may be taken thereon or both. No person shall take any quadruped protected by law, or any game birds, nor shall any person carry firearms on any game refuge established hereunder, except that the commissioner may issue permits to take unprotected wild animals thereon, or to take, either within or without a game refuge protected wild animals other than beaver thereon when such animals are shown to be causing injury to property, and to carry firearms for that purpose."*

**"5611. State game refuges—Partially closed to hunting—Establishment.**—Wherever 25 or more residents of any county or counties in this state, owning real property therein, present a petition to the commissioner describing certain lands and requesting that a closed season for the taking of game birds or quadrupeds protected by law be ordered therein, then and in such case the commissioner shall fix a date for a hearing on said petition, and shall post in five of the most conspicuous places in such proposed game refuge, at least 15 days prior thereto, a notice of said hearing. If it shall appear at said hearing that by reason of the depletion of game birds or protected quadrupeds therein, the same are in danger of extermination and that the proposed closed season is in the public interest, then and in such case the commissioner shall declare a close season, either permanently or for a specified number of years thereon, and make his order reciting the same. Fifteen days after the posting of said order in said district (as provided herein for the posting of the notice of hearing), it shall take effect and be in force. Said order may be vacated, modified or revised *with respect to the boundaries of the refuge established or the varieties of wild animals protected*, upon a similar notice, hearing, order and posting. No person shall take any quadruped protected by law, or any game bird, on any game refuge established under this section, *nor shall any persons carry firearms on any refuge established hereunder except that the commissioner may issue permits to take unprotected wild animals, or protected wild animals, other than beaver, doing dam-*

*age to property or other animals, and to carry firearms for that purpose on such refuge."*

"5612. **Restrictions on establishing.**—No game refuge shall be established of less than 640 acres of contiguous lands, provided that refuges of less than 640 acres in area may be established for the protection of waterfowl. *Refuges for waterfowl shall be established only on lakes or land adjacent thereto."*

"5613. **Hunting privileges excepted from game refuges.**—Hunting or trapping rights on lands where wild animals may be lawfully taken, owned or acquired, by any person in good faith before the commencement of proceedings to establish a game refuge thereon, and in force at the time such game refuge is established may *not* be excluded and excepted from the prohibitions relating to the taking of wild animals on such game refuge, *but shall be deemed extinguished by the establishment of the refuge."*

"5614. **Game refuges—What includes.**—Any game refuge so established, *under sections 5610 or 5611 General Statutes 1923 and including both land and water* shall include all public waters and all state, federal or public lands, *and all railroad lands, railroad right of way, and public highways* enclosed within the boundaries thereof, and may include adjacent public waters, state, federal or public lands, in the discretion of the commissioner. *The removal or defacement of any posted notice of a game refuge by any one other than at the direction of the commissioner is prohibited."*

"5615. **State parks—Additional protection.**—No person shall take or disturb any game birds or quadrupeds protected by law on any state parks, or upon any lands which may be designated by the *Game and Fish* Commissioner as game propagating or breeding grounds. Provided, however, wolves and other noxious animals on such lands or parks may be killed or destroyed in any manner under *a permit issued by the game and fish commissioner*, and he may prescribe and enforce additional measures of protection for wild animals in such parks."

"5616. **State parks—Possession of firearms.**—No person, including Indians, shall take or disturb or have in possession any wild bird or quadruped *whether protected by law or not* or any part thereof within the limits of any territory set apart, designated, used or maintained as a state public park or within one-half mile of the outer limits thereof, and no person shall have in possession within such park, or within one-half mile of the outer limits thereof, any gun, revolver or other firearm, unless the same is unloaded and duly sealed by the park commissioner and is maintained so sealed and unloaded during the time it is kept within the park, *except in the case of persons holding a permit as provided in Section 5615 herein."*

"5617. **Trapping fur bearing animals on game refuges and parks.**—The commissioner may, in his discretion, employ persons

*or he may issue permits to persons to take injurious species of wild animals and fur-bearing animals by traps on any duly established state game refuge or state park, under such rules and regulations as he may prescribe. No permit shall be issued to trap wild animals on the Superior State Game Refuge, but in lieu thereof the commissioner may employ game warden trappers to hunt or trap injurious or predatory species of wild animals and pelts of all animals so taken shall belong to the state and shall be sold at the highest price obtainable and proceeds of such sales shall be paid into the state treasury and be accredited to a "Predatory Animal Control Fund" and amount thereof is hereby annually appropriated to the game and fish department for maintenance. Provided insofar as Itasca State Park is concerned the authority conferred by sections 5615, 5616 and 5617 hereof, on the commissioner, shall be exercised jointly by the commissioner and the state forestry board, and in all other respects said park shall continue under the control management, and supervision of the state forestry board."*

**"5621. Fish raised in private hatcheries—Sale of.**—Any person desiring to engage in the business of propagating and selling fish raised in a private hatchery may make application in writing on a form prepared by the commissioner for a permit so to do. The commissioner when it appears that such application is made in good faith, and when satisfied of the intention and ability of the applicant to construct and maintain all ponds, buildings, and hatching and rearing equipment necessary for the artificial propagation of such fish, shall, upon payment of a fee of \$5.00, issue to such applicant a permit to propagate, raise and sell fish of the kind specified in the application, during the entire calendar year; provided, however, that before any fish shall be transported, sold or offered for sale, the package containing the same shall be duly tagged under regulations prescribed by the commissioner. Upon obtaining a like permit fish raised in a private hatchery without the state may be possessed and sold within this state, provided the same shall be tagged as prescribed under rules and regulation of the commissioner. Such permit shall expire on the last day of December in each year."

*The taking of fish in any way at any time in such parts of the public waters of this state as may be designated by the commissioner as natural spawning beds, is prohibited. Notices of the designation by the commissioner of spawning beds in such waters shall be posted therein and the removal or mutilation of the notices so posted except under the direction of the commissioner is prohibited."*

**"5629. Appointment of wardens and assistants—Bonds.**—Said commissioner may appoint and at his pleasure remove a superintendent of fisheries and such wardens, game refuge patrolmen and office and scientific assistants as he deems necessary. He may fix their periods of service and their compensation. Said wardens shall make written reports of their doings to the commissioner under

rules and regulations prescribed by him. The superintendent of fisheries shall give a bond to the state in the sum of \$1,000.00 and each warden and patrolmen shall give a bond to the state in the sum of \$500.00. *Bonds given by game wardens or refuge patrolmen shall have as surty therein a corporation duly authorized to write surety bonds and to transact business in this state.* Said bonds shall be conditioned for the faithful discharge of their respective duties and shall be approved by the commissioner and filed in the office of the secretary of state. He may also appoint, without compensation, a warden or deputy game warden of the state of Wisconsin to the office of game warden in this state."

"5630. **Commissioner general powers and duties.**—*The Commissioner shall be charged with the execution of the laws of this state relating to wild animals, and he shall have the power and it shall be his duty:*

(1) To preserve and cultivate varieties of wild animals deemed by him to be of value to the public, and to destroy, kill and exterminate, varieties of unprotected and predatory animals deemed by him to threaten injury to, or destruction of other animals, or to retard the growth or development of other animals.

(2) To receive and acquire by purchase, gift, exchange, or other arrangement, specimens of wild animals, and of the eggs of wild birds, and of fish eggs, for breeding and stock purposes.

(3) To take fish or fish eggs, or to authorize such taking, from any of the public waters of this state in any manner during the open or close season for the purpose of stocking other waters herein, and may sell such fish as are necessarily killed in taking fish eggs and may sell suckers, redhorse, or mullets, taken in connection with such spawning, the proceeds of the sale of such fish to be paid into the state treasury as required of other receipts of the department.

(4) To collect, compile, disseminate and publish statistics and information germane to the purpose of this act, *including the publication of a department bulletin to be known as "Fins, Feathers and Fur," the annual subscription price thereof to be 50 cents and the money received for subscriptions shall be paid into the State Treasury by the Commissioner and the amount thereof is hereby annually appropriated to the Game and Fish Department for the purpose of defraying the cost of the editing, publication and mailing thereof. Such bulletin shall be distributed free of charge only to schools, libraries, daily and weekly newspapers and trade publications published in Minnesota, the heads of State Departments and Bureaus of Minnesota and to the heads of Game and Fish Departments of other states.*

*The said department bulletin, known as "Fins, Feathers and Fur," or any other bulletin or publication now issued, or that may at any time hereafter be issued, by the Department of Game and*

*Fish, shall not be known or designated as the official publication of any sportmen's organizations.*

(5) To acquire by gift, or by purchase or condemnation when money has been appropriated therefor, the fee title to land, or any easement therein, suitable for game farm or fish hatchery purposes, to construct and maintain buildings and hatcheries on sites so acquired, and to manage, superintend and control those already or hereafter established.

(6) To set aside and reserve any of the waters of this state for the purpose of fish propagation, and by order designate certain streams as trout streams. The taking of fish from any of the waters so reserved and set aside, except as may be permitted by the commissioner, is prohibited.

(7) To make rules and regulations relating to the breeding of wild animals and such other matters as may be specifically mentioned in this chapter as requiring rules and regulations to be adopted by him."

"5631. **Police powers—Commission and wardens.**—The state game and fish commissioner, game refuge patrolmen and game wardens are hereby authorized and empowered:

(1) To execute and serve all warrants and processes issued by any justice of the peace or magistrate, or by any court having jurisdiction under any law relating to wild animals in the same manner as any constable or sheriff may serve and execute such processes, and to arrest, with or without a warrant, any person detected in the actual violation, or whom such officer has reasonable cause to believe guilty of the violation of any of the provisions of this chapter, and to take such person before any court in the county in which the offense was committed, and make proper complaint.

(2) Upon receiving notice or information that any provision of this chapter has been violated, to make a thorough investigation thereof as soon as possible and to cause proceedings to be instituted if the proofs at hand warrant it.

(3) To enter and inspect any hotel, restaurant, cold storage warehouse, plant, ice house or building, actually used for the storage of dressed meats, game or fish, for the purpose of determining whether game or fish are kept or stored therein in violation of this chapter, *including the right to examine and inspect the books and records of persons, firms or corporations which the commissioner has reason to believe have violated the laws of this state relating to wild animals*, and with or without a warrant, to open, enter and examine all buildings, camps, vessels, boats, wagons, automobiles or other vehicles, cars, stages, tents, suitcases, valises, packages, crates, boxes and other receptacles and places where they have reason to believe the wild animals, taken or held in violation of this chapter, are to be found. Wilful hindering, obstructing, interfering or refusing such inspection shall constitute a misdemeanor.

(4) To seize and confiscate in the name of the state any wild animal, including birds or fish or carcasses or parts thereof, caught, killed, taken or had in possession or under control, or sold or transported in violation of this chapter, and to seize, confiscate and dispose of all guns, firearms, nets, boats, lines, rods, poles, fishing tackle, lights, lanterns, snares, to unlawfully use the same in pursuing, taking, attempting to take, conceal or dispose of, or transport such wild animals. Articles which have no lawful use may be summarily destroyed. All confiscated wild animals or carcasses or parts thereof, and all confiscated apparatus, appliance or devices, shall, if not destroyed as authorized by law, be retained by the commissioner for the use of the department or sold at the highest price obtainable by the commissioner or game wardens, or by an agent of the commissioner, under written authority and supervision of the commissioner. The net proceeds of such sales, after deducting the expense of seizure and sale, and any such commissions, shall be promptly remitted by the warden by whom and under whose authority and supervision the sales were made, to the commissioner, and by him paid into the state treasury; the remittance to be accompanied by the complete and certified report of such sales, supported by proper vouchers covering all deductions made for expenses and commissions, to be filed for record in the office of the commissioner.

(5) To open and examine any packages in the possession of a common carrier which they suspect or have reason to believe contains contraband, or is falsely labeled in violation of the provisions of this chapter; and every such common carrier and every agent, servant or employee thereof shall permit any such officer to examine and open any such package. Any package so opened shall be restored to its original condition. Violations of this section shall be a misdemeanor, and such officers shall, in the performance of their official duties, be exempted from any and all liability to any person for acts done or permitted, or property destroyed by authority of law."

"5634. **Assistance of local authorities.**—The county attorneys, sheriffs, constables and other peace officers, are hereby required and it is made their duty, to enforce the provisions of this chapter."

"5636. **Disposition of fines.**—All fines collected for violation of any of the provisions of this chapter shall be paid to the county treasurer of the county where the conviction was had and shall be by that officer transmitted to the commissioner who shall pay the same into the state treasury."

"5637. **Removal of fish from shallow lakes.**—The commissioner may, whenever after investigation, he finds that any fish are in danger of smothering in winter by reason of the shallowness of the waters inhabited by them, take the same in any manner at any time from such shallow lakes or sloughs, and may transfer such as may be suitable for stocking purposes to other waters in this state,

and may sell such as *are* not deemed suitable by him for stocking purposes, or he may issue permits so to do to other persons. *Money received therefrom shall be deposited in the state treasury and shall be accreditd to a "Fish Fry Fund"* and the amount thereof is hereby annually appropriated to the game and fish department for the purpose of purchasing, propagating and planting fish fry in public waters."

"5639. **Destruction of predatory animals.**—*Wild animals, whether protected by law or not, may when destroying or interfering with the breeding or propagation of protected wild animals, or when injuring or damaging private or public property be destroyed or killed under such rules and regulations as the commissioner may prescribe.*"

"5560. **Certain wild birds protected.**—Wild birds, other than the English sparrow, blackbird, crow, *and all species of hawks and owls* shall not be taken or possessed at any time, dead or alive, except under the authority of a certificate issued by the commissioner. No part of the plumage, skin or body of any bird protected by this section, or of any birds coming from without the state, whether belonging to the same or a different species from that native to the state of Minnesota, provided such birds belong to the same family as those protected by this chapter, shall be bought, sold or had in possession for sale. This section shall not apply to game birds for which an open season is provided in this chapter, nor to the keeping and selling of parrots or song birds as domestic pets; provided, that nothing herein shall be construed to permit the buying or selling of wild song birds.

"5562. **Unprotected birds.**—English sparrow, blackbird, crow, *and all species of hawks and owls* may be taken and possessed without limit, in any manner at any time.

Sec. 2. That section 5576 and 5577, General Statutes 1923, are hereby repealed.

Approved April 24, 1925.

#### CHAPTER 381—H. F. No. 1437.

*An act creating a commission to be known and designated as the Balaton-Tracy Tornado Relief Commission, defining the powers and duties thereof relative to providing relief in the matter of preserving the public health and relieving the poor in that portion of the State of Minnesota, and lying in the counties of Lincoln, Lyon, Murray and Cottonwood, swept by a tornado in June, 1923, and known as the Balaton-Tracy district, and appropriating funds therefor.*

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

**Section 1. Balaton-Tracy Tornado Relief Commission created.**—There is hereby created a commission to be known and designated as the "Balaton-Tracy Tornado Relief Commission."