

## CHAPTER 365—H. F. No. 1348

*An act authorizing counties of this state now or hereafter having property of an assessed valuation of not less than \$350,000,000, exclusive of moneys and credits, and having a bonded indebtedness of not to exceed \$7,000,000, inclusive of bonds issued to defray the cost of permanently improving state trunk highways which the State of Minnesota has heretofore agreed to pay under the provisions of Chapter 522, Laws of 1921, to acquire easements for, and to construct or improve or aid in the construction or improvement of roads outside the county.*

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

**Section 1. Counties may acquire easements outside of county.**—By adoption of a resolution by a majority vote of the Board of County Commissioners, any county in this state now or hereafter having an assessed valuation of not less than \$350,000,000, exclusive of moneys and credits and having a bonded indebtedness of not to exceed \$7,000,000, inclusive of bonds issued to defray the cost of permanently improving state trunk highways, which bonds the State of Minnesota has heretofore agreed to pay under the provisions of Chapter 522, Laws of 1921, is hereby authorized to acquire by gift, purchase or condemnation easements for, and to construct or improve or aid in the construction or improvement of roads outside the limits of such county, but leading into the same and connecting with a duly laid established street in any city of the first class situated within such county. Provided that the total amount expended for such purpose under the authority of this act shall not exceed \$50,000.

**Sec. 2. Application.**—This act shall not be construed as repealing any existing act nor as limiting any power which any county has under an existing law.

Approved April 24, 1929.

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CHAPTER 366—S. F. No. 863

*An act relating to wild animals, to the preservation, protection, and propagation thereof, to the taking, keeping and disposition of live wild animals for breeding and other purposes, to the business of*

*dealing in the same and the increase and products thereof, and to the use of lands and waters therefor, amending General Laws 1927, Chapter 423.*

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

Section 1. Permits to engage in raising wild animals.—That Section 1 of Chapter 423, General Laws 1927, be and the same hereby is amended to read as follows:

“Sec. 1. The owner or lessee of any lands or *private waters* within the State of Minnesota, suitable for breeding and propagating *fur bearing animals and game birds* shall have the right to establish, operate, and maintain thereon a farm or ranch for the purpose of breeding, propagating, and dealing in such animals or game birds and their pelts or products, upon enclosing said lands or *private waters* or portions thereof as hereinafter provided and upon complying with the provisions of this act and obtaining a license therefor as hereinafter provided: *provided that the breeding or propagating of or dealing in deer or Hungarian partridge shall not be permitted under this act. The term “private waters” as used herein shall mean all bodies of water or streams, whether meandered or not, of a normally shallow, swampy, marshy or boggy character, not navigable in fact and no longer of any substantial beneficial use to the general public, and where all of the land immediately abutting upon, surrounding or bordering on said waters, together with all riparian rights incident thereto, are owned or held under written lease from the owner by the person, firm or corporation making application hereunder. Lands or private waters to be used as a farm or ranch for raising fur bearing animals or game birds shall have suitable enclosures approved by the commissioner for confining the respective kinds of fur bearing animals or birds to be raised thereon.*”

Sec. 2. Application must be made to Commissioner of Game and Fish.—That Section 2, of Chapter 423, General Laws 1927, be and the same hereby is amended so as to read as follows:

“Sec. 2. (1) *A verified application for such license in triplicate shall be filed by such owner or lessee with the commissioner of game and fish, describing the lands or private waters which the applicant desires to use for the purposes specified, setting forth the title or leasehold of the applicant and the number of acres enclosed, stating the approximate acreage of land and water separately, and with a suitable map or diagram of the same showing conditions therein, specifying the kinds of fur bearing animals and game birds which the applicant desires to keep and raise, and stating the num-*

ber and kind thereof already in his possession, if any, and that he obtained the same in lawful manner.

*"(2) If the applicant is a corporation, the application shall be made in the name of the corporation by the president or authorized managing officer thereof, and shall set forth the names and addresses of all the officers, directors, and stockholders of the corporation, stating the number and par value of the shares of stock owned by each. If the applicant is a partnership or unincorporated association, the application shall be made by an authorized partner, member, or managing officer, and shall set forth the names and addresses of the members of the partnership or association and their respective financial interests and other rights of ownership and control therein.*

*"(3) Upon the filing of such application the Commissioner shall forthwith investigate the same, and may require the applicant to produce satisfactory evidence of the facts therein stated and of compliance by the applicant with the provisions of this act. If upon examination it shall appear that the applicant is the owner or lessee of such lands and of such waters and the riparian rights therein, as the case may be, and intends in good faith to establish, operate, and maintain a farm or ranch for the raising of such fur bearing animals and game birds in accordance with this act, and has complied with all the provisions of this act, the commissioner shall issue a license to the applicant, describing the lands and waters and certifying that the licensee is lawfully entitled to use the same for breeding, propagating, trapping, and dealing in the kind or kinds of fur bearing animals and game birds therein specified.*

*"(4) When such license has been granted the licensee shall become the owner of all protected fur bearing animals of the kind or kinds specified in the license lawfully held in captivity on such lands or waters as provided by this act and of all their offspring remaining thereon; provided that as to muskrats and/or beaver, the provisions of Section 3 of this act shall be complied with: provided further, that the licensee shall not become the owner of any wild game birds found upon his premises, and no such game birds shall be confined or taken thereon except as otherwise expressly permitted by this act or other provisions of law.*

*"(5) Such license or any interest therein shall be transferable with the title or leasehold of the lands for which the same was granted, or a corresponding interest therein, upon the conditions hereinafter prescribed. No such transfer shall be valid unless and until a verified written report thereof is made in triplicate to the commissioner by the licensee making the transfer, accompanied by a copy of any deed, assignment, lease, or other instrument transferring the corresponding title or leasehold in the premises. No transfer of any*

*interest in any license less than the whole thereof shall be valid except to a bona fide partner or associate in the ownership and operation of the farm or ranch for which the license was issued, and unless such transfer is accompanied by a deed, assignment, lease, or other proper instrument conveying to the transferee a corresponding undivided or joint interest in the title or leasehold of the entire farm or ranch.*

*“(6) No grantee or lessee of any portion of the area of any such farm or ranch less than the whole thereof, or of any interest in such portion, shall acquire therewith any right or interest in any such license on such farm or ranch; provided, that in case of the transfer of the title or leasehold of a portion of such farm or ranch which complies with the original requirements for obtaining such license, the entire license may be transferred therewith. In case of any sale, lease, or other transfer of any portion of such farm or ranch where the entire license is not transferred therewith, the licensee shall immediately make a verified written report thereof in triplicate to the commissioner, accompanied by a copy of the deed, lease, or other instrument evidencing the transaction. After any such sale, lease, or transfer, the license for such farm or ranch shall be valid upon the remaining portion thereof only in so far as such remaining portion complies with the original requirements for obtaining such license, as herein provided, and in so far as such remaining portion fails to comply with such requirements, such license shall be void.*

*“(7) One copy of every application for license and of every report of transfer filed with the commissioner of game and fish, as hereinbefore provided, shall be by him transmitted to the commissioner of securities.*

*“(8) All licenses heretofore issued by the commissioner of game and fish under Chapter 423, General Laws 1927, under which the licensees have fenced and enclosed lands and waters in accordance with such licenses, are hereby validated and they shall remain and be in full force and effect, provided the present holder of any such license and his successors and assigns shall comply with the provisions of this act and all amendments thereof.”*

**Sec. 3. License to purchase animals on land.**—That Section 3 of Chapter 423, General Laws 1927, be and the same hereby is amended so as to read as follows:

“Sec. 3. Upon the filing with the commissioner of an application for a license for a muskrat and/or beaver farm or ranch, the commissioner shall appoint a qualified game warden, the applicant shall appoint one person, and these two shall select a third person to act as a board to go upon the lands or waters embraced within the license and determine as nearly as possible the number of muskrats and/or

beaver thereon at the time of the granting of the license. The necessary expenses of all members of such board shall be paid by the licensee. Within ten days after the date of such determination, the licensee shall pay to the commissioner of game and fish 50 cents for each muskrat, and \$10.00 for each beaver so found on said lands or waters. When such payment has been made, the licensee shall become the owner of all the muskrats and/or beaver on said lands or waters and all of their offspring."

Sec. 4. Licensee must manage and control land.—That Section 4 of Chapter 423, General Laws 1927, be and the same hereby is amended so as to read as follows:

"Sec. 4. (1) The holder of any license issued pursuant to this act shall have the right to manage and control the *lands or waters* described therein and all *fur bearing* animals or game birds of the kind or kinds specified in the license, lawfully enclosed or held in captivity thereon as provided by this act, and to take and trap the same at any time or in any manner which he sees fit and deems to the best advantage of his business, and to sell and transport the same or the pelts or products therefrom at any time. Such license shall be *prima facie* evidence in all courts and proceedings of the lawful right of the licensee therein named or his or its successors or assigns, for the term of the license, to establish and operate a farm or ranch for the raising of the kind or kinds of *fur bearing animals or game* birds specified in the license upon the premises described therein, and shall entitle the licensee therein named or his or its successors or assigns to the exclusive right for and during said term to breed, propagate, trap and deal in such *fur bearing animals or game* birds, their pelts and products and to the exclusive and sole ownership of any property and of such *fur bearing animals or game* birds caught or taken thereupon, all subject to the provisions hereof.

"(2) *No such animals or birds shall be sold alive within this state except to the holder of a license covering animals or birds of the same kind under this act or to a person otherwise authorized to purchase and keep such animals alive according to law.*

"(3) *No sale or contract for the sale of any such live animals or birds by any such licensee shall be valid unless and until the particular animals or birds affected by such sale or contract are actually delivered to the purchaser, or, if not delivered, unless and until such animals or birds are segregated, identified, and kept separately, subject to the rights of the purchaser under the sale or contract, and no contract, agreement, or arrangement for the keeping, breeding, or ranching of any such live animals or birds by any person other than the owner thereof, providing for or permitting the mingling of such*

*animals with other of the same kind, shall be valid. No contract, agreement, or arrangement for the keeping, breeding, or ranching of any such live animals or birds for a period longer than 30 days by any licensee other than the owner thereof upon any premises other than those of such owner shall be valid unless made with another licensee as such licensee is defined in this act and unless, within five days after the consummation thereof, a written report of such contract, agreement, or arrangement is made to the commissioner of game and fish by the licensee in whose possession such animals and birds are to be kept, setting forth the terms of the contract, agreement or arrangement, giving the names, addresses, and license numbers of the parties thereto, describing all animals or birds covered thereby, and stating how and where the same are to be confined so that they can be identified and distinguished from other animals or birds kept on the same premises. When any animals or birds kept under any such contract, agreement or arrangement are disposed of, a written report thereof shall be made to the commissioner within five days by the licensee in whose possession such animals or birds were kept.*

*"(4) No live beaver shall be transported for any purpose unless the person transporting the same shall first obtain a special permit therefor from the commissioner. Any person desiring such permit shall make a verified written application therefor to the commissioner, setting forth the number of such beaver, the place where the same are kept, how, where, and from whom and under what authority the same were obtained, the date and place from which it is proposed to transport the same, the method and route of transportation, the place of destination, the name and address of the consignee, the purpose for which the beaver are intended, and the authority of the consignee to receive, keep, and dispose of the beaver for such purpose. If all provisions of law relating to such beaver and to the proposed transportation and disposition thereof have been and will be complied with, the commissioner shall grant such special permit, and shall issue therewith suitable tags which shall be affixed to the cages or other containers in which such beaver are transported.*

*"(5) No licensee under this act shall keep alive any beaver which has been permanently injured by trapping or otherwise, but all such beaver shall be promptly killed as soon as such injury is discovered, and disposed of according to the provisions of this act; provided, that this shall not apply to any injured beaver lawfully in possession of any such licensee at the time of the passage of this act, upon condition that such licensee shall within sixty days after the passage of this act report to the commissioner of game and fish the number and description of such injured beaver in his possession."*

Sec. 5. License fee.—That Section 6 of General Laws 1927, Chapter 423, be and the same hereby is amended so as to read as follows:

“Sec. 6. (1) The holder of any such license shall pay an annual license fee of three dollars for any such farm *or ranch* of ten acres or under, and an additional fee of fifteen cents per acre for any additional land *or waters* actually devoted to the raising of *fur bearing animals or game* birds of any kind or kinds specified in the license. Such licenses shall expire on the thirty-first day of December of each year, but *shall* be renewed from year to year upon payment by the licensee of the annual license fee, *subject to the provisions of this act.*”

Sec. 6. Licensee to mark boundary of farm.—That Section 7 of Chapter 423, General Laws 1927, be and the same is hereby amended so as to read as follows:

“Sec. 7. Within thirty days after the date of the issuance of any such license the licensee shall erect posts or stakes at intervals of not more than twenty rods within the boundary of the lands *or waters* embraced in said license, whenever the same are not already enclosed, and shall post and maintain upon said posts, stakes or other enclosures at intervals of not more than twenty rods, notices furnished by the commissioner of game and fish proclaiming the establishment of a farm *or ranch* of the kind specified in the license. For such notices the licensee shall pay to the commissioner of game and fish the sum of 25 cents each.”

Sec. 7. Trespassers.—That Section 8 of Chapter 423, General Laws 1927, be and the same hereby is amended so as to read as follows:

“Sec. 8. (1) Any person other than the licensee or his agents who shall hunt, trap, take or attempt to take *fur bearing animals* of any kind or kinds specified in the license upon any lands *or waters* described in any such license shall be liable to the licensee in the sum of twenty-five dollars (\$25.00) in addition to all damages which he may do to said farm *or ranch* or to such *fur bearing animals or game* birds and property thereon, *to be recovered by such licensee in a civil action.*

“(2) *All lands and water heretofore or hereafter enclosed and fenced under the provisions of this act shall become and be permanent waterfowl refuges on which hunting and shooting of waterfowl*

*is prohibited. Any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor."*

Sec. 8. Licensee to report annually.—That Section 9 of Chapter 423, General Laws 1927, be and the same hereby is amended so as to read as follows:

"Sec. 9. (1) On or before the first day of March of each year such licensee shall make a report verified by affidavit to the commissioner of game and fish, covering the period from the first day of January to the thirty-first day of December of the previous year, upon blanks furnished by the commissioner, stating the number of the license and the total number of *fur bearing animals or game* birds of each kind specified in his license killed, transported or sold from the farm or ranch operated under such license.

"(2) *The commissioner and any game warden expressly authorized by the commissioner, or any other officer so authorized, shall have authority at all reasonable times, with or without a warrant, to enter, inspect and search the premises of any licensee under this act, including the premises described in the license and all other premises used by the licensee in any manner for taking, keeping, storing, buying, selling, transporting, shipping, or otherwise disposing of such wild animals or birds or their skins or other parts or products; provided, that such inspection or search shall not be made at such time or in such manner as to interfere with or disturb the breeding of any animals or birds kept or raised under such license on such premises."*

Sec. 9. Additional license.—That Section 11 of Chapter 423, General Laws 1927, be and the same hereby is amended so as to read as follows:

"Sec. 11. (1) Any person desiring to obtain a license for raising *fur bearing animals or game* birds of a kind specified in this act upon the same premises already licensed for raising such *fur bearing animals or game* birds of another kind specified in this act and for which a license fee has already been paid, shall be entitled to obtain a license for the raising of such additional kind or kinds of *fur bearing animals or game* birds upon such premises upon making application therefor and complying with the provisions of this act as hereinbefore provided, but no additional license fee shall be charged therefor, and the raising of different kinds of *fur bearing animals or game* birds on the same premises shall be permitted upon the payment of one license fee for said premises.

Sec. 10. Violations—Penalties.—That Section 12 of Chapter 423, General Laws 1927, be and the same hereby is amended so as to read as follows:



"Sec. 12. Any holder of a license issued pursuant to this act who shall, during the term of such license, violate any of the provisions of this act, or who shall, during the term of such license, unlawfully take, buy, sell, transport, ship, or have in his possession any *fur bearing animal or game* bird of any of the kinds specified in his license, or any part thereof, and any person who shall sell, transport, or ship any such *fur bearing animal or game* bird or any part thereof, falsely pretending or representing the same to have been raised by any licensee under any such license, or who shall *unlawfully* use any tag issued by the commissioner of game and fish pursuant to this act upon or for any *fur bearing animal or game* bird or part thereof, or who shall unlawfully buy, sell, transport, ship or have in his possession upon the premises of any such licensee any such *fur bearing animal or game* bird, or who shall violate any provision of this act for which no penalty is expressly prescribed, shall be guilty of a misdemeanor, and shall be punished upon conviction by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail, not exceeding ninety days."

Sec. 11. Permit to capture wild animals.—That Section 13 of Chapter 423, General Laws 1927, be and the same hereby is amended so as to read as follows:

"Sec. 13. (1) *Protected wild fur bearing animals may be taken alive only by licensed trappers during the open season therefor, or under special permit in the case of beaver or other animals for which such permit may be required by law. Any person so taking such animals alive may keep the same for breeding purposes only in case he is the holder of a license therefor as provided by this act, or may keep such live animals for sale, subject to compliance with all the provisions of law relating to the possession, sale, or other disposition of such protected wild animals; provided, that in so far as it is impracticable to apply to such live wild animals any requirements of law for tagging, stamping, or sealing wild animals or parts thereof, the commissioner may permit such requirements to be dispensed with upon compliance with such provisions for reporting, identifying and marking such live wild animals as he may by regulation prescribe. Subject to compliance with such laws, such live animals may be sold and transported, or otherwise disposed of, within or without the state; provided that within the state the same may only be sold to and purchased or possessed by the holders of licenses under this act covering such animals or to persons otherwise authorized to possess such animals alive according to law.*

"(2) *Protected wild animals of any kind may be taken for scientific, educational, or exhibition purposes, or for use as pets, and*

*may be possessed, transported, or otherwise disposed of for or in connection with such purposes only under special permits issued therefor by the commissioner and subject to such regulations and the payment of such fees as the commissioner may prescribe.*

*“(3) No person shall take, possess, transport, buy, sell, or otherwise dispose of any protected wild animal alive except as permitted by this act or as otherwise expressly permitted by law.”*

Approved April 24, 1929.

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CHAPTER 367—S. F. No. 1079

*An act to amend Section 4613, General Statutes Minnesota 1923, providing for the necessary expenses of blind students in the university, colleges and conservatories of music.*

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

Section 1. That Section 4613, General Statutes Minnesota 1923, be and the same is hereby amended so as to read as follows:

“Sec. 4613. **Blind student to receive expenses while at certain schools.**—That any blind person who is, and for five years immediately preceding the making of his application for aid under this act has been, a resident of this state, and who is a regularly enrolled student pursuing any course of study, profession, art, or science in any university, college, or conservatory of music approved by the board of directors of the Minnesota School for the Blind, and in the discretion and under direction of said board, receive a sum or sums of money not exceeding \$300 in any one year, for the purpose of defraying his necessary expenses, including those of a reader, while in attendance upon such university, college, or conservatory, such expenditures to be made from the appropriations for the current expenses of the Minnesota School for the Blind, provided that not more than *ten* such blind persons shall receive such aid in any one year.”

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

Approved April 24, 1929.