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# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE  
THE STATUTES OF THE STATE, BY ACT OF THE  
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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1865.

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1 SECT. 36. From the proceeds of such sale, the person  
 2 making the same shall retain sufficient to pay the amount of <sup>1865—p. 107, Sect. 8.</sup>  
 3 his fees, the cost of keeping such beasts, and the charges of  
 4 such sale; and he shall pay to the distrainer the damages  
 5 so certified, with fees of the appraisers and of the justice,  
 6 and if there is any surplus, the same shall be paid to the  
 7 owner of such beasts, if known. If no owner appears at  
 8 the time of such sale, or within one week thereafter, and  
 9 claim such surplus, the same shall be paid to the treasurer  
 10 of the county in which such sale is made.

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1 SECT. 37. The county treasurer shall, after deducting  
 2 two per cent. for his fees, pay such surplus money, if claim- <sup>1865—p. 108, Sect. 9</sup>  
 3 ed within one year after the distress, to the owner of such  
 4 beasts, if not claimed within that time, to the school fund  
 5 of that town in which the beasts were distrained.

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1 SECT. 38. In case the owner or occupant of lands shall  
 2 not distrain the beasts doing damage as provided herein, the <sup>1865—p. 108, Sect.</sup>  
 3 owner of such beasts shall be liable in an action at law for <sup>10.</sup>  
 4 all damages done by such beasts during the night time, with-  
 5 out regard to the sufficiency of the fences on the lands in  
 6 which damage is done.

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1 SECT. 39. If any person, without the authority of law,  
 2 and without first paying the damages and costs, takes such <sup>1865—p. 108, Sect.</sup>  
 3 beasts after being distrained, out of the possession of the <sup>11.</sup>  
 4 person making distress, or out of the possession of the sher-  
 5 iff, constable, or pound master, as the case may be, without  
 6 his consent, then such person shall be deemed to have com-  
 7 mitted a misdemeanor, and shall be punished therefor by  
 8 fine, not exceeding one hundred dollars, or by imprison-  
 9 ment not exceeding three months, and shall also be liable  
 10 in double the amount of damages committed by such beasts  
 11 to the person injured thereby.

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## CHAPTER XX.

### PRESERVATION OF GAME.

1 SECTION 1. Whoever kills or pursues with intent to  
 2 kill, any elk, deer or fawn, between the first day of Janua-  
 3 ry and the first day of August in each year, or exposes for <sup>1864—p. 112, Sect. 1.</sup>  
 4 sale, or has in his possession, any green elk, deer or fawn  
 5 skin, or fresh venison, at any time between the fifteenth  
 6 day of February, and the first day of August, shall be fined

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7 in the sum of twenty-five dollars for each elk, deer or fawn  
8 so killed, or for each green elk, deer or fawn or fresh ven-  
9 ison, so exposed for sale, or had in possession.

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1864—p. 113, Sect. 2.  
Amended.

1 SECT. 2. Whoever kills or has in his possession, or ex-  
2 poses for sale any woodcock between the first day of Janu-  
3 ary and the fourth day of July, in any year, or any part-  
4 ridge or ruffed grouse, between the first day of January and  
5 the first day of August, or any quail between the first day  
6 of January and the first day of October, shall be fined in  
7 the sum of five dollars for each bird so killed or had in pos-  
8 session.

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1864—p. 113, Sect. 3.

1 SECT. 3. Whoever kills, cages or traps any nightingale,  
2 whippoorwill, nighthawk, bluebird, finch, thrush, lark, lin-  
3 net, sparrow, wren, martin, swallow, bobolink, robin, tur-  
4 tle dove, catbird, or any other harmless bird not elsewhere  
5 herein mentioned, excepting aquatic fowls of every kind,  
6 blackbirds and wild pigeons, shall be fined in the sum of  
7 five dollars for each and every of said birds so killed, caged  
8 or trapped.

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1864—p. 113, Sect. 4.

1 SECT. 4. Whoever enters into any growing crop not  
2 his own, with sporting implements about his person, or per-  
3 mits his dog or dogs to enter into any such growing crop,  
4 without permission of the owner thereof, shall be fined in  
5 the sum of ten dollars for each offense so committed.

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1864—p. 113, Sect. 5.

1 SECT. 5. Whoever catches or has in his possession or  
2 exposes for sale within the state of Minnesota, any speckled  
3 river or brook trout, between the first day of September  
4 and the first day of April, or takes or catches at any time any  
5 of said trout, save with a hook and line, or takes or catches  
6 any fish of any kind from any of the waters in the state of  
7 Minnesota, excepting lake Superior, the Mississippi, Minne-  
8 sota, St. Croix and Root rivers, in any other manner than by  
9 shooting them with a gun, or by the use of the spear, or  
10 hook and line, shall be fined in the sum of five dollars for  
11 each and every fish so taken or had in possession, or ex-  
12 posed for sale.

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1864—p. 114, Sect. 6.

1 SECT. 6. All prosecutions under the provisions of this  
2 chapter shall be commenced within one month from the  
3 time such offense is committed, and the same shall be upon  
4 complaint, under oath, before any justice of the peace in  
5 the county where the offence is committed, and all fines im-  
6 posed and collected under this chapter, shall be paid one  
7 half to the complainant, and one half into the treasury of  
8 the county where such conviction takes place, for the use  
9 of common schools within such county.

1 SECT. 7. It is the duty of the supervisors and consta-  
 2 bles of the town having knowledge of the violation of any <sup>1864-p. 114, Sect. 7.</sup>  
 3 of the provisions of this chapter, to make complaint thereof <sup>Amended.</sup> c 60  
 4 to any justice of the peace of the proper county, and any  
 5 other person having such knowledge may make complaint  
 6 before such justice, and the said justice shall issue his war-  
 7 rant for the arrest of the offender, and proceed to hear and  
 8 determine the matter in issue in the same manner as provi-  
 9 ded in other cases, and every person convicted under any of the  
 10 provisions of this chapter, shall stand committed to the  
 11 common jail of the county wherein the offense was commit-  
 12 ted, until such fine is paid, *provided*, that such imprison-  
 13 ment shall not exceed three months.

## CHAPTER XXI.

### WEIGHTS AND MEASURES.

1 SECTION 1. The standard weights and measures received  
 2 from the secretary of state of the United States, and all <sup>1861-p. 150, Sect. 1.</sup> c 39  
 3 scalebeams, weights and measures owned by this state,  
 4 shall be deposited in the office of the state treasurer, who  
 5 shall receive and preserve the same.

1 SECT. 2. The state treasurer shall be the sealer of  
 2 weights and measures for the state. He shall try and <sup>1861-p. 150, Sect. 2.</sup> c 39  
 3 prove by said standards all weights and measures, scales or  
 4 beams sent or brought to him for that purpose, by any  
 5 county sealer, and shall seal such when found to be accu-  
 6 rate, by stamping upon them the letters "Min.," with a  
 7 seal he shall have and keep for that purpose.

1 SECT. 3. The treasurer of each county shall be the seal-  
 2 er of weights and measures for the county. He shall pro-  
 3 cure at the expense of the county (if not already provided), <sup>1861-p. 150, Sect. 3.</sup> c 39  
 4 a full set of weights and measures, scales and beams, which <sup>Amended.</sup>  
 5 he shall cause to be tried, proved and sealed by the state  
 6 standard, and certified by the state treasurer, and the coun-  
 7 ty treasurer for the time being, once in every five years  
 8 from the first day of January, eighteen hundred and sixty-  
 9 five, shall cause the standards in his keeping to be tried,  
 10 proved and sealed by the state standards, under the direc-  
 11 tion of the state treasurer. Such weights and measures  
 12 when so sealed and certified, shall be deposited in the office of  
 13 the county treasurer as the county standards, by which he  
 14 shall try and prove all scalebeams, steelyards, weights and