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GENERAL STATUTES OF MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES
AND OTHER LAWS OF A GENERAL AND PERMANENT
NATURE, ENACTED BY THE LEGISLATURE
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

COMPILED BY

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1918

by. The act shall be liberally construed to promote its general objects for the health, safety and welfare of the community. ('17 c. 137 § 155)

[4755—]123. **When to take effect**—This act shall take effect sixty days from and after its passage. No dwelling, however, on which work has not progressed above the foundations by November first, 1917, shall be erected under the laws in force when this act takes effect, but such dwelling shall be erected in accordance with the provisions of this act. ('17 c. 137 § 156)

CHAPTER 32

PRESERVATION OF GAME

GENERAL PROVISIONS

4756. [Superseded.]

See §§ [4756—]1 to [4756—]3.

[4756—]1. **Game and fish commission abolished**—The position of state game and fish commission and the executive agent of said commission is hereby abolished. ('15 c. 355 § 1)

Section 4 repeals all acts and parts of acts inconsistent herewith.

By § 5 the act takes effect August 1, 1915.

See 1917 c. 461, creating a commission to revise and codify the game laws, etc.

[4756—]2. **Office of game and fish commissioner created**—There is hereby created the office of state game and fish commissioner who shall be appointed by the governor for a term of two (2) years at a salary of twenty-five hundred (\$2500.00) dollars a year. All of the duties, powers, privileges and prerogatives, including the appointment and fixing of salaries of necessary employees to carry on the work, prescribed by statutes now in force for the state game and fish commission and the executive agent thereof, is hereby conferred upon the state game and fish commissioner. ('15 c. 355 § 2)

[4756—]3. **Powers of employees**—The employees appointed to carry on the work shall have the same duties, powers, privileges and prerogatives which are conferred by statutes now in force upon the employees of the game and fish commission. ('15 c. 355 § 3)

4758. **General powers—Duties—**

See 1915 c. 359, authorizing sale of the property of the third state fish hatchery at Deerwood, and 1917 c. 504, establishing an eighth hatchery south of the Minnesota river.

[4758—]1. **Condemnation for fish hatcheries**—Whenever an appropriation shall have been made by the legislature of the State of Minnesota for the establishment of a fish hatchery on certain lands or parcels of land and when it is not possible to effect the purchase of such portion of such land as is necessary for the purpose, or when in the opinion of the State Game and Fish Commissioner the price demanded for such necessary land by the owners thereof is unreasonable and excessive, the Attorney General of the State of Minnesota shall, upon the written request of the State Game and Fish Commissioner, commence condemnation proceedings to secure such necessary land, together with the necessary water rights, if any, necessary to secure the successful operation of such fish hatchery, and such condemnation proceedings shall be had, conducted and completed substantially as provided for in Sections 5412 and 5413, G. S. 1913, and the appropriation referred to or such part thereof as may be necessary may be used either to purchase such necessary land and water rights or to pay therefor pursuant to the award or judgment in such condemnation proceeding. ('17 c. 3 § 1)

4768. **Contraband nets, devices, fire arms, etc.—Seizure—Sale, etc.**—All nets, seines, lanterns, snares, fire arms, spears, boats, traps, headlights, or other devices, contrivances and materials while in use or had or maintained

for the purpose of catching, taking or killing or attracting or deceiving any bird, animal or fish contrary to any provision of this chapter within this state or upon or in the boundary waters thereof, including fish houses, inclosed or other sheltering structures or appliances erected or maintained upon the ice or in any water or on the shore of any lake, pond or stream, is hereby declared to be a public nuisance. The commissioner, all game wardens, sheriffs and their deputies, constables and police officers shall, without warrant or process, take, seize, abate and destroy any and all of the same while being used, had or maintained for such purpose and no liability shall be incurred therefor to any person; provided, that all such articles, devices, contrivances and materials which have a lawful use may, in the discretion of the commissioner, be sold for the highest price obtainable and that all funds obtained from the sale of such seized articles shall be paid to the state treasurer. (Amended '17 c. 252 § 1)

4771. Exchange of specimens—The game and fish commissioner may secure, by purchase or otherwise and exchange specimens of game birds, eggs of game birds, game animals, fish eggs, or fish, with the game commission or state game warden of other states, or with the federal government for breeding and stocking purposes, and not otherwise; and may also grant permission under the seal of said commissioner, to any accredited representative of any incorporated society of natural history, college or university, to collect for scientific purposes only, nests eggs, birds, animals or fish protected by law, and may also grant permission under seal to any municipal corporation maintaining an established zoological collection under proper care, to procure specimens of animals or birds protected by law, for such zoological collections. (Amended '17 c. 281 § 1)

4772. Fishways—

Cited (126-110, 147+946).

4775. Disposition of other moneys—

Money received by auditors before August 1, 1913, and remitted to the state treasurer after that date, is not available by the commission for payment of expense incurred during the fiscal year ending July 31, 1914. The appropriation of hunters' license fees is abolished by §§ 48 and 49 (126-110, 147+946). States, ~~132~~.

4776. Rewards—The following rewards may be paid by the game and fish commission out of any fund subject to its order to any person or persons making complaint thereof for the arrest and conviction or for furnishing evidence sufficient to secure conviction of any person violating any of the provisions of this chapter or other enactments involving: (a) moose or caribou, the sum of fifty dollars: (b) deer, the sum of twenty-five dollars: (c) any game or other bird or fish, ten dollars, provided, however, that this section shall not apply to any game warden regularly employed and receiving salary from said commission. (Amended '17 c. 249 § 1)

GAME BIRDS AND ANIMALS

4782. Hunting certain aquatic fowl—It shall be unlawful and is hereby prohibited for any person or persons;

(1) To pursue, take, catch, or kill any aquatic fowl by any other means than by the use of guns held at arm's length and discharged from the shoulder;

(2) To pursue, take, catch, or kill any aquatic fowl, or to hunt with or shoot from any boat, canoe, contrivance or device whatever not otherwise prohibited on any of the waters of this state outside or beyond the natural covering of weeds, rushes, or other vegetation growing above the water, or within such natural covering or vegetation in any boat or craft except such as are propelled by paddle, oar, oars or pole held in the hands:

Provided that nothing in this act shall be construed to prohibit any person or persons from entering upon the open water with boat or boats for the purpose of pursuing, taking, catching or killing any of the aquatic fowl which such person or persons may have wounded by shooting in compliance with the provisions of this act.

(3) To hunt or molest aquatic fowl, other than wild geese and brant by the use of a rifle, between the 7th day of September of any year and the succeeding first day of December. But nothing in this section contained shall prevent the pursuing, taking, catching or killing of wild geese and brant, by the use of shot guns held at arm's length and discharged from the shoulder, upon the frozen waters, rivers and lakes of this state between the seventh day of September of any year and the succeeding first day of December. (Amended '15 c. 181 § 1; '17 c. 385 § 1)

4789. Open season for birds—Number allowed—No person shall hunt, take, kill, ship, convey, or cause to be shipped, or transported by common or private carrier, to any person either within or without the state, expose for sale, sell to any one, have in possession with intent to sell, or have in possession or under control at any time any mourning dove, snipe, prairie chicken or pinnated grouse, white, breasted or sharptailed grouse, quail, partridge or ruffed grouse, Chinese ringneck or English pheasant, wild duck of any variety, brant, or any variety of aquatic fowl whatever, or any part thereof, except—

First. That any mourning dove; snipe, prairie chicken or pinnated grouse, white breasted or sharptailed grouse, woodcock, upland plover, and golden plover may be killed and had in possession between the 16th day of September and the first day of October following: Provided that no mourning dove, snipe (other than Wilson or Jacksnipe and greater and lesser yellow legs) woodcock, upland plover or golden plover shall be taken, killed or had in possession before September 16th, 1920.

Second. That any quail, partridge or ruffed grouse, Chinese ringneck or English pheasant may be killed or had in possession between the first day of November and the first day of December following; provided that no partridge or ruffed grouse or Chinese-ringneck or English pheasant shall be killed or had in possession before the fifteenth (15th) day of October, 1920.

Third. That wild duck of any variety, coot, gallinules, fails, wild goose of any variety, brant, may be killed and had in possession between the 16th day of September and the first day of December following: Provided that no wood duck shall be taken, killed or had in possession before Sept. 16th, 1920.

And when any of the birds mentioned in this section have been lawfully caught, taken, killed or had in possession within the time herein allowed, they may be had in possession for five days thereafter, but no person shall, in any one day, take or kill more than five birds of any kind and all varieties, except wild ducks of which not over fifteen shall be taken or killed in one day or have in his possession at any time more than thirty game birds of any and all varieties, except wild ducks of which not more than forty-five may be had in possession at any one time, (provided that not more than ten (10) quail may be taken or killed in one day and that not over twenty (20) quail may be had in possession at any one time.) No person shall take or kill more than twenty-five (25) prairie chickens or pinnated grouse, or thirty (30) quail in any one open season. Provided, that whenever any of the game mentioned in this section shall have been lawfully shot or taken by any resident of this state in any state wherein the season for so lawfully taking the same shall be earlier or later than herein stated, such resident may ship, to himself only in this state, and have in possession therein during the seasons allowed by the law of such state for the taking thereof any such game so lawfully taken in such state and for five days thereafter. (Amended '15 c. 237; '17 c. 121 § 1)

4791. Resident license for hunting game birds—Shipment of game—Every resident of this state over fourteen years of age, is prohibited from hunting, taking or killing any game birds unless he shall have first procured a license therefor from the county auditor of the county in which he resides; provided, however, that this shall not apply to any resident of the state hunting on land owned or leased and occupied as the permanent residence by said resident, or to any member of his immediate family. Said auditor shall upon application issue to such person a license under his seal, upon blanks to be furnished by the game and fish commissioner, and upon payment of the license

fee of one dollar for each such license issued, which license shall be valid only for the open season for game birds during the year for which such license is issued. Ten cents of the amount received for the issuance of said license shall be retained by the county auditor as his fee and the balance remitted to the state treasurer. Every such applicant shall prove to the satisfaction of the county auditor that he is a bona fide resident of this state, and shall state under oath his name, residence and post office address. Only one of such licenses shall be issued to any person and it shall not be transferable, and it is hereby made the duty of such licensee to exhibit the same to any person upon request.

Such license shall describe the licensee, designate his place of residence, and shall have attached thereto three (3) coupons upon which shall be printed the words, "game birds." Each coupon shall be divided into two sections lettered respectively, "A" and "B." Any resident who has paid said fee and procured such license to hunt game birds, may, during the open season hunt, take and kill game birds in the manner and subject to the limitations and conditions prescribed by this chapter and amendments thereto, and may ship by common carrier in the manner herein provided and not otherwise, to any point in the county in which he resides forty-five (45) game birds in three shipments of not to exceed fifteen (15) birds each, so lawfully shot or had in possession. Said game birds may be shipped by said licensee to himself, to his place of residence by common carrier by attaching to such game birds section "B" of said coupon. Upon receiving such game it is made the duty of said common carrier to detach from the license section "A" of said coupon and at once forward same by mail to the game and fish commissioner.

Provided, however, that nothing in this chapter contained shall be deemed or construed to prevent any resident of this state from personally carrying with him as baggage, on any train or conveyance any game birds or fish which may be legally in his possession, and any common carrier is hereby permitted to carry such game birds or fish as baggage when the same is so accompanied and carried on the same train or conveyance by the person who is legally in possession of same.

Provided, further, that nothing herein contain[ed] shall be construed to permit employes of a common carrier to carry any such game birds or fish with them whether as baggage or otherwise, while engaged in the performance of the duties of their said employment and they are specifically prohibited from so doing.

Provided, further, that sections "A" and "B" of each said coupon shall have printed thereon the words "Signature of consignor" and so arranged as to provide a blank space for such signature.

At any time of shipping by common carrier of any game birds the consignor in such license shall personally sign his name to said section "A" and "B" in the presence of two witnesses, one of whom shall be the agent of said common carrier.

Provided, further, that in case any of the game birds when shipped and carried as herein permitted are covered, wrapped or contained in any package, sack, box, trunk or receptacle whatsoever, each such shipment, package, sack, box, trunk or receptacle whatsoever shall have upon the outside thereof in plain view while in transit the coupon tag herein provided for, also a clearly and legibly written or printed statement setting forth the full and correct name and address and license number of the licensee shipping or carrying same, and a full, true and correct list or statement giving the name, number and kinds of game birds or game animals or parts thereof contained in said shipment, package, sack, box, trunk, or other receptacle, which list or statement shall be personally signed by the licensee shipping or carrying same, and the person so shipping or carrying same shall promptly open, unwrap, or unlock every such package or receptacle whatsoever upon demand of any game warden and in the absence of licensee any game warden shall have the right to open any package, sack, box, trunk or receptacle whatsoever to inspect and count the contents of same. The shipment of any game bird by any common

carrier or agent thereof or by any person except after full compliance with the provisions of this section, is hereby made unlawful.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than ten (\$10) nor more than fifty (\$50.00) dollars and the cost of prosecution or by imprisonment in the county jail for not less than thirty nor more than sixty days for each and every offense. (Amended '15 c. 287; '17 c. 503 § 1)

126-110, 147+946; note under § 4775.

4792. Resident license for hunting game animals—Shipment—Every resident of this state is prohibited from hunting, taking, killing any game animals unless he shall have first procured a license therefor from the county auditor of the county in which he resides. Said auditor shall not issue to any person a license prior to three days before the opening of the season, such license to be issued under his seal and upon blanks to be furnished him by the game and fish commission and upon payment of the license fee of one (\$1.00) dollar, which license shall be valid only for the open season for game animals during the year for which said license is issued. Ten cents of the amount received for the issuance of said license shall be retained by the county auditor as his fee and the balance remitted to the state treasurer who shall credit same to the game and fish commission fund to be used for the purpose of enforcing the provisions of this chapter. Every such applicant shall prove to the satisfaction of the county auditor that he is a bona fide resident of the state and shall state under his oath, his name, residence and postoffice address. Only one of such license shall be issued to any person and it shall not be transferable and it is hereby made the duty of each licensee to exhibit the same to any person upon request. Such license shall describe the licensee, designate the place of his residence and shall have attached thereto two coupons upon which shall be printed respectively the words "moose" and "deer." The coupon marked "deer" shall be divided into four sections, lettered respectively "A," "B," "C" and "D." The coupon marked "moose" shall be divided into four sections lettered respectively "A," "B," "C" and "D."

Any resident who has paid said fee and procured such license to hunt game animals, may during the opening [open] season hunt, take and kill one (1) male, antlered moose or one (1) deer. He shall immediately upon the killing of a deer or moose detach one coupon marked "section B", and attach same to the animal killed and the coupon shall remain upon said deer or moose as provided in this section. The said deer or moose must be taken in the manner and subject to the limitations and conditions prescribed by this chapter and amendments thereto and may ship by common carrier in the manner herein provided and not otherwise, to any point in the county in which he resides one (1) moose or one (1) deer or any part thereof so lawfully shot or had in possession. Said game animals may be shipped by said licensee to himself to his place of residence, by common carrier, upon attaching to such game animals or any part thereof section "B" of said coupon. Upon receiving such game it is made the duty of said common carrier to detach from the license section "A" of said coupon and at once forward the same by mail to the game and fish commission.

Provided, however, that nothing contained shall be construed to permit employes of a common carrier to carry any such animals or parts thereof with them, whether as baggage or otherwise, while engaged in the performance of the duties of their said employment and they are specifically prohibited from so doing.

Provided further, that sections "A," "B," "C" and "D" of each said coupons shall have printed thereon the words "signature of consignor" and so arranged as to provide a blank space for such signature.

At any time of shipping by any common carrier of any animals or parts thereof the consignor named in such license shall personally sign his name to said sections "A," "B," "C" and "D" in the presence of two witnesses, one of whom shall be the agent of the common carrier.

The hide of any such game animal may be shipped by common carrier by

said licensee to any point within or without the state of Minnesota for the purpose of having the same tanned, upon attaching to such hide section "C" of said coupon. The head of any such game animal may be shipped by common carrier by said licensee to any point within or without the state of Minnesota, for the purpose of having the same mounted, upon attaching to said head section "D" of said coupon.

The shipment of any game animal, or the hide or head thereof, by any common carrier or agent thereof, or by any person except after full compliance with the provisions of this section, is hereby made unlawful.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty (\$50.00) nor more than one hundred (\$100.00) dollars and the cost of prosecution, or by imprisonment in the county jail for not less than thirty nor more than ninety days for each and every offense. (Amended '15 c. 287; '17 c. 226 § 1)

4793. Non-resident license—Shipment of game—Every person not a resident of this state is prohibited from hunting, taking or killing any game bird or game animal unless he shall have first procured a license therefor from the game and fish commissioner. Said commissioner shall upon application issue to any non-resident, a license to hunt game animals, upon the payment to said commissioner of a license fee of twenty-five dollars, and to hunt game birds, upon a payment to said commissioner of a license fee of ten dollars, which license shall expire on the 31st day of December following its issuance. Said license to hunt game animals shall describe the licensee, designate his place of residence, and shall have attached thereto two coupons divided into three sections, lettered respectively "A," "B," and "C." The words "deer" and "moose" shall be printed upon the coupons attached thereto. Any non-resident who has paid said fee and procured such license to hunt game animals, may during the open season, kill in the manner authorized by this chapter, one male antlered moose or one deer, and also ship such deer or moose so killed by him to his said place of residence outside the state, upon attaching to such game animal, or any part thereof, respectively, sections "B" and "C" of said coupon. Upon receiving said game, it is the duty of the common carrier to detach from the license section "A" of said coupon and at once forward the same by mail to the commissioner. Sections "B" and "C" of said coupons must remain on said deer, or part thereof, so shipped outside the state, while in transit within this state, and section "C" of said coupon must be detached by said common carrier at the last station or place in this state where the train or other conveyance of such common carrier shall stop, and it shall be the duty of said common carrier to forward section "C" of said coupon to the game and fish commissioner immediately upon being detached. Said license to hunt game birds shall describe the licensee, designate his place of residence, and shall have attached thereto one coupon divided into three sections, lettered respectively, "A," "B," and "C." The words "game birds" shall be printed upon the coupon attached thereto. Any non-resident who has paid said fee and procured a license to hunt game birds may hunt, take and kill game birds in the manner authorized by this chapter, during the open season, subject to the limitations applicable to residents of this state, and may ship to his place of residence outside this state, twenty-five game birds so lawfully shot and taken by him, upon attaching to such game birds sections "B" and "C" of said coupon. Upon receiving said game birds, it is the duty of the common carrier to detach from the license, section "A" of said coupon, and at once forward the same by mail to the game and fish commissioner. Sections "B" and "C" of said coupon must be detached by said common carrier at the last station or place in this state where the train or conveyance of such common carrier shall stop, and it shall be the duty of said common carrier to forward section "C" of said coupon to the game and fish commissioner immediately upon being detached. Said licenses shall not be transferable, and it is hereby made the duty of said licensee to exhibit the same to any person upon request. ('05 c. 344 § 35, amended '17 c. 310 § 1)

Cited (126-110, 147+946).

4795. Permits to retain game—Application to commission—Tags or seals—Prohibitions—Penalties—Any person who is a resident of this state and legally in possession of any of the game birds or game animals, or any part thereof, which have been caught, taken or killed at a time or in a manner permitted by the provisions of this chapter, and who is desirous of retaining possession of the same for his own use after the time in this chapter limited, shall before such time, make application to the commission for leave to retain the same, which application shall be in writing and signed or sworn to by the applicant and shall state:

First. The name and residence of the person in possession of such birds or animals or parts thereof.

Second. The number, kind and location of said birds or animals or parts thereof.

Third. That if permitted to retain the same by said commission the applicant will retain possession of said birds and animals for his own use and will not ship, sell or dispose of the same.

If said commission is satisfied that said application is made in good faith and said applicant will keep said birds and animals and parts thereof, for his own use and not for sale, the said commission shall cause tags or seals which shall not be duplicated by others, and which shall not be removed, to be attached to each bird or animal or parts thereof, or in lieu thereof; if any applicant therefor resides at a distance from any game warden then the commission may issue to such applicant a written permit to keep and use such game.

The person making such application shall, before said tags or seals are attached, pay to the commission the reasonable expense of making and attaching such tags and seals. After the tags and seals have been so attached, or such permit received, the person holding such permit may, while the tags or seals remain upon said birds and animals and parts thereof, retain possession of the same until consumed; provided, that no game birds may be retained or had in possession after December thirty-first (31) of the year in which such game birds were taken or killed, and that no moose or deer or parts thereof may be retained or had in possession after January 31st of the year following that in which such game was taken or killed.

Provided, that nothing in this chapter contained shall prevent a person from disposing of as a gift, any of the birds and animals mentioned herein. The having in possession of any game bird or animal or any part thereof which is not so tagged and sealed or for which a retention permit has not been received, except during the open season and five days thereafter is hereby made unlawful. Any such game bird or game animal, or any part thereof, had or held in possession by any person during the season when it is unlawful to have the same in possession, is hereby declared contraband and the right of any such person to retain or use the same shall cease. Any person who shall destroy, imitate, or duplicate any tag or seal attached to any bird or animal or part thereof, or who shall ship or sell any game bird or animal or any part thereof, which has been tagged or sealed as aforesaid, or for which a permit to keep and use the same has been issued, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than fifty dollars and costs of prosecution, or by imprisonment in the county jail for not less than thirty nor more than sixty days for each and every bird or animal or part thereof, so shipped, sold or disposed of. (Amended '15 c. 351 § 1)

4796. Beaver, otter, mink, muskrat, and certain other animals—No person shall take, catch or kill any beaver at any time, or any mink or muskrat between the fifteenth day of April and the first day of December following, and no person shall molest, injure or destroy any muskrat, mink or beaver house, den or dam at any time, or hunt or pursue such animals with dog or dogs, except that in the open season herein provided for the taking, catching or killing of muskrats, muskrat houses, may for the purpose of placing traps therein, be opened in such manner only as will not destroy, damage or injure the same as a place of habitation for muskrats. Provided, that when any of

the animals mentioned in this section, excepting beaver, are doing damage to or destroying any private property or public highway, or are likely to damage or destroy any such private property or public highway, the person whose private property is being or is likely to be damaged, or destroyed, or the town board of the town in which such public highway is situate that is being or is likely to be so damaged or destroyed, may make complaint and report the facts to the game and fish commissioner, who shall either in person or by a deputy game warden, investigate the conditions complained of, and if it appears that the complaint is well founded, and the property of such complainant or the public highway, as the case may be, is being or is likely to be damaged or destroyed by any such animals, the game and fish commissioner may grant permission properly safe-guarded to the complainant in case of private property or in case of public highways to such person or persons as may be designated by the town board in question, to kill such animals or destroy the houses, dams, or other structures erected by them. (Amended '17 c. 497 § 1)

See 1917 c. 413.

4800. Game birds defined—Killing of other birds—No person shall catch, take, kill, ship or cause to be shipped to any person within or without this state, purchase, offer or expose for sale, sell to any one, have in possession with intent to sell, or have in possession or under control at any time, living or dead, any wild bird, other than a game bird, nor any part thereof, and for the purpose of this chapter the following only shall be considered game birds:

The family anatidae, commonly known as swan, geese, brant, river and sea ducks; The family rallidae, including rails, gallinules and coots; the order limicolae, commonly known as plover, snipe and woodcock; the order gallinae, commonly known as grouse, prairie chickens, pheasants, partridges and quail; the order columbae, or pigeons and doves; provided that blackbirds, crows, English sparrows, sharp-skinned hawks, goshawks and cooper hawks and great horned owls may be killed and had in possession at any time; and provided further that any birds may be killed or destroyed under authority of the game and fish commissioner when they are found to be destroying or injuring game birds on state game farms or state game refuges, or destroying or injuring fish in state fish hatcheries; but nothing herein contained shall be construed to prevent the keeping and sale of song birds as domestic pets. (Amended '17 c. 253 § 1)

[4806—]1. **Hunting from motor vehicle—**It shall be unlawful for any person at any time to hunt, take, shoot or kill any of the game, birds or animals mentioned in chapter 32, General Statutes of Minnesota for 1913 [1612-1614 (sic)], from a motor vehicle. ('17 c. 225 § 1)

[4806—]2. **Same—Penalty for violation—**Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than fifty dollars and the costs of prosecution or by imprisonment in the county jail for not less than sixty days. ('17 c. 225 § 2)

FISH

4807. State divided into two zones for catching of fish—Open seasons—For the purposes of this section the state shall be divided into two zones, namely zone one (1) and zone two (2). Zone one (1) shall include all that part of the state of Minnesota north of the north line of township one hundred twenty-four (124), west of the fifth (5th) principal meridian and north of the north line of township thirty-five (35) west of the fourth (4th) principal meridian. Zone two (2) shall include all that part of the state of Minnesota 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.

No person shall catch, take, kill or have in possession or under control

for any purpose whatever any of the fish hereinafter mentioned within the periods herein limited, to-wit:

In zone one: Any variety of trout or salmon, except lake trout caught in international waters, between the first day of September and the first day of May, following: any black, or oswego bass between the first day of March and the fifteenth of June following; any variety of pike, muscallonge, crappie, perch, sunfish, sturgeon, catfish or any other variety of fish between the first day of March and the first day of May following.

In zone two: Any variety of trout or salmon, except lake trout caught in international waters, between the first day of September and the fifteenth day of April, following: any black, or oswego bass between the first day of March and the twenty-ninth day of May, following; any variety of pike, muscallonge, crappie, perch, sunfish, sturgeon, catfish or any other variety of fish between the first day of March and the first day of May following. (Amended '17 c. 468 § 1)

4808. Number allowed—Manner of taking—Nets in inland lakes—Permit—No person shall catch, take or kill more than twenty-five (25) crappies or trout of any variety, fifteen pikeperch or wall-eyed pike, fifteen (15) bass of any variety except rock bass, in any one day, nor in any other manner than by angling for them with a hook and line held in the hand or attached to a rod so held, nor with more than one line or with more than one bait attached thereto, except that it shall not be unlawful to use three artificial flies in trout fishing, and no person shall have in his possession more than twenty-five (25) bass of any variety except rock bass and no person shall have in his possession any fish caught, taken or killed in any of the waters of this state except as provided in this chapter.

Provided that not more than twenty-five (25) pickerel or buffalo fish, ten (10) whitefish, or one (1) sturgeon may be taken per day with a spear, and that suckers, redborse, carp dogfish, eel-pout, garfish and bullheads may be taken with a spear without limit at any time, but no artificial lights shall be used in taking of said fish, except that artificial lights may be used in spearing such fish in lakes from November 1st to November 15th, and in streams only during the months of April and October, provided that no such light shall be used in spearing fish within five hundred (500) feet of any lake, and provided further that no fish shall be speared at any time within one hundred (100) feet of any fishway or dam or within one hundred (100) feet of any state fish hatchery, but this provision shall not apply to any county now having a population of over 200,000 inhabitants, or to any lake or stream where the game and fish commissioner has declared that spearing shall not be permitted.

Provided further, that in all of the inland lakes of this state permission having been granted therefor, but not otherwise, a net may be used for the purpose of taking and catching whitefish, tullibees, or trelipies, exclusively for the domestic use of the licensee, from November first (1st) to January tenth (10th) following. Said net shall not exceed one hundred (100) feet in length and three (3) feet in width, and the meshes of said net shall not be less than three and one-half (3½) inches in the size of mesh where the same is extended. Each applicant shall indicate in his application the approximate location at which his nets are to be set, and it shall be unlawful for same to be set elsewhere than designated in said application.

There shall be set at one end of each net a stake or pole projecting at least two feet above the surface of the water.

No nets shall be set nearer together than fifty feet, and each net must have attached thereto when in use, a metal tag to be furnished for that purpose by the game and fish commissioner. The sale of whitefish and trelipies so caught is hereby prohibited.

Any person desiring to use any such net shall first make application for a permit therefor to the commissioner in writing and shall state that the said net is to be used by them for the purpose of obtaining fish for their domestic use and not for the purpose of sale, which application shall be accompanied by a fee of one (\$1.00) dollar for each net, but no person shall be permitted

to use more than two (2) of such nets, and such fish shall not be sold or offered for sale. (Amended '15 c. 352; '17 c. 501 § 1)

On a prosecution for illegal fishing with a seine under this section, the state makes out a prima facie case by proving the acts prohibited thereby without negating the exceptions in § 4850 (126-386, 148+458). Indictment and Information, ~~§~~111(1).

[4808—]1. Licenses for gill nets in inland lakes—The game and fish commissioner is hereby authorized to grant licenses for gill nets for use in taking fresh water herring in inland lakes of the state for the domestic use of the licensee, but not for sale, from November first (1st) to January tenth (10th) following.

Said nets shall not exceed 100 feet in length and three (3) feet in width, and the mesh of said nets shall not be less than one and three-quarters ($1\frac{3}{4}$) inches in size when same is extended.

Each applicant shall indicate in his application the approximate location at which his nets are to be set and it shall be unlawful for the same to be set elsewhere than designated in said application.

Said nets shall not be set deeper than three (3) feet below the surface of the water and there shall be set at one end of each net a stake or pole, projecting at least two feet above the surface of the water.

No nets shall be set nearer together than fifty (50) feet and each net must have attached thereto when in use, a metal tag to be furnished for that purpose by the game and fish commissioner.

No nets authorized by this act, shall be set in any lake except such as are known to contain herring. Any person desiring to use any such net shall first make application for a permit therefor to the game and fish commissioner in writing, which application shall be accompanied by a fee of one (\$1.00) dollar for each net, but no person shall be permitted to use more than two (2) of such nets. ('17 c. 176 § 1)

4818. Manner of taking—Seines and nets in certain waters—License, etc.—Penalty for violation—

1907 c. 315 and 1911 c. 48 cited—126-110, 147+946.

4820-4825. [Repealed.]

See § [4825—]14.

[4825—]1. Commercial fishing in international waters—Licenses—The game and fish commissioner is hereby authorized to issue licenses to residents of Minnesota, who are citizens of the United States, for pound nets, fyke nets, and gill nets for use in commercial fishing in international waters, excepting Lake Superior, under the jurisdiction of the State of Minnesota, subject to the following regulations and conditions: ('17 c. 96 § 1)

[4825—]2. Same—Size and kind of nets—Pound nets—The size of the mesh of the pot or pound of pound nets shall not be less than $1\frac{1}{2}$ inches bar-measure, or 3 inches extension measure. Pound nets may be set in strings in Lake of the Woods, but no string of such nets shall exceed 2 in number, and the leads of such shall in no case exceed the following lengths: The shore lead 80 rods and the leads between the pounds or pots 50 rods in length. Said net or string of nets shall not be less than 2500 feet apart. In lakes other than Lake of the Woods not more than one license shall be issued for any one section.

Gill Nets—The size of the mesh of gill nets shall not be less than 4 inches, extension measure, for taking pickerel and pike perch, and not less than 5 inch mesh, extension measure, for taking whitefish, and no net shall be longer than 750 feet. No gill net shall be set within one mile of any regularly licensed pound net.

Fyke Nets—The size of the mesh of fyke nets shall not be less than 3 inches, extension mesh; said nets shall not be larger than 6 feet in height in any part of the net, and leaders shall not exceed 300 feet in length.

No pound net, gill net or fyke net shall be used without first having obtained a license therefor, and it shall be unlawful to use any net in international waters except such as are expressly herein permitted to be used. ('17 c. 96 § 2)

[4825—]3. **Same—Number of nets—Licenses, in what waters—**Licenses shall not be issued for more than 10 pound nets, 4500 feet of gill net, or 5 fyke nets to any one person, firm, co-partnership, or corporation, for any one fishing season. Provided, however, that no license shall be issued to any one person, firm, co-partnership, or corporation to fish more than 1000 feet of gill netting in any lake whose area exceeds 400 square miles.

Licenses shall not be granted for any waters except the following lakes, nor in excess of the following number of pound nets and gill nets for each body of water named:

Lake of the Woods.....	100 pound nets, and 75,000 feet of gill nets
Rainy Lake.....	40 pound nets, and 45,000 feet of gill nets
Kabetogoma Lake.....	16 pound nets, and 11,250 feet of gill nets
Namekan Lake.....	20 pound nets, and 22,500 feet of gill nets
Sand Point Lake.....	5 pound nets, and 5,250 feet of gill nets
Loon Lake.....	3 pound nets, and 3,750 feet of gill nets
La Croix Lake.....	10 pound nets, and 7,500 feet of gill nets

No net shall be located elsewhere than as stated in the license therefor except upon written permission of the game and fish commissioner. ('17 c. 96 § 3)

[4825—]4. **Same—Applications and fees—**Applications for licenses under this act shall be made in writing on blanks to be furnished for that purpose by the game and fish commissioner, and shall state accurately the location of each pound net and each fyke net desired to be used. Fees, for each fishing season, shall accompany each application as follows:

For each pound net.....	\$25.00
For each fyke net.....	5.00
For each 100 feet of gill nets.....	1.00

Licenses shall not be transferable and may be granted for one fishing season only. ('17 c. 96 § 4)

[4825—]5. **Same—Nets to bear tags—How set—**Every net licensed under this act shall have attached thereto when in use a numbered metal tag, to be furnished by the game and fish commissioner.

No net shall be set within 500 feet of the mouth of any stream, nor within one mile of the mouth of the Warroad River in Lake of the Woods, nor within three miles of the outlet of Rainy Lake. ('17 c. 96 § 5)

[4825—]6. **Same—Open season—**The open season for fishing under this act shall be from May 15th to March 31st following, both days inclusive, excepting the month of November, which month shall be closed to such fishing. ('17 c. 96 § 6)

[4825—]7. **Same—Fish may be kept, how long—**Fish caught in nets licensed under this act, may be had in possession by the licensee for one week after the close of the fishing season. ('17 c. 96 § 7)

[4825—]8. **Same—Persons other than owners forbidden to interfere with nets, etc.—**It shall be unlawful for any person not the owner, or his agent, duly authorized, to take any fish from any licensed nets, or to wilfully disturb or interfere with such nets. ('17 c. 96 § 8)

[4825—]9. **Same—Shipment of fish, etc.—**Fish caught in licensed nets, or with hook and line, in open season, in international waters, may be shipped and sold within or without the state. ('17 c. 96 § 9)

[4825—]10. **Same—Fish houses—**Fish houses may be used on international waters herein ascribed subject to the same provisions of law as govern the use of fish houses on other waters of the state. ('17 c. 96 § 10)

[4825—]11. **Same—Reports to commissioner—**Every person, firm, co-partnership or corporation receiving a license for fishing under this act shall make a written report, on blanks to be furnished for that purpose by the game and fish commissioner, at the end of each fishing season to said commissioner, stating accurately and in detail the amount in pounds of each kind of fish caught, the price at which such fish were sold, and the total value of each kind. ('17 c. 96 § 11)

[4825—]12. **Same—Nets for procuring eggs**—The game and fish commissioner shall have authority, for the purpose of procuring eggs of fish for supplying fish hatcheries, to authorize the use of nets in international waters at any time of the year under such regulations and restrictions as may be prescribed by him but no such nets shall be used for such purpose except under direct charge of the game and fish commissioner or his agents. ('17 c. 96 § 12)

[4825—]13. **Same—Penalty for violation**—Any person, violating any of the provisions of this act, shall, upon conviction thereof, be punished by a fine of from fifty (\$50.00) to one hundred (\$100.00) dollars or by imprisonment in the county jail from 30 to 90 days for each and every offense. ('17 c. 96 § 13)

[4825—]14. **Same—Laws repealed**—Chapter 566 of the General Laws of 1913 [4820-4825], and chapter 347 of the General Laws of 1915, are hereby repealed. ('17 c. 96 § 14)

[4825—]15. **Taking fish and game in state boundary waters prohibited—Exceptions—Licenses**—The taking of any fish with, or the placing, maintaining or using of a net or seine in any river, lake or waters forming the boundary line between Minnesota and any other state of the United States, or the taking of game, including any game birds or game animals of any kind in any such river, lake or waters, except as authorized by law of either of such abounding states, is hereby prohibited and made unlawful; provided that the state game and fish commissioner may in his discretion at such times as he may deem proper, permit the seining of rough or non-protected fish from such river, lake or waters. Provided, that no fishing for commercial purposes under license shall be done in any of the waters which form the boundary between the state of Minnesota and any other state, except under the personal supervision of a duly commissioned game warden one-half ($\frac{1}{2}$) the salary and expense of said supervising warden to be paid for by the licensee. Provided that the total amount for salary and expense for said supervising warden to be paid by the licensee, shall not exceed the sum of two (\$2.00) dollars per day, such supervising warden to be paid only for such time as he is actually employed, and more than one licensee may be supervised by the said supervising warden during the same day, and the said licensee, so joining, may join in the payment for such services. ('17 c. 505 § 1)

[4825—]16. **Same—Jurisdiction of courts and game wardens**—For the purpose of enforcing the provisions of this act, the courts of this state sitting in the various counties contiguous to said waters, and the game wardens of this state, are hereby given and shall have jurisdiction over the entire boundary waters of the state, to the furthestmost shore line; and concurrent jurisdiction of the courts and the administrative officers of this state, the states of North Dakota, South Dakota, Wisconsin and Iowa over all boundary waters between such states and the whole thereof, is hereby recognized. ('17 c. 505 § 2)

[4825—]17. **Same—Penalty for violation**—Whoever shall offend against any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment for not less than sixty days nor more than ninety days or both such fine and imprisonment for each and every offense. ('17 c. 505 § 3)

[4825—]18. **Same—Fishing with licensed set lines—When to take effect**—The provisions herein contained requiring supervision of commercial fishing by game wardens shall not apply to fishing with licensed set lines, and shall not take effect and be in force as to the boundary waters between the state of Minnesota and the state of Wisconsin until the state of Wisconsin shall have enacted a similar law. ('17 c. 505 § 4)

4830. **Same—Closed season for game fish other than black bass**—It shall be unlawful for any person to take or catch in any manner any game fish, except black bass, from or in the said waters at any time between the first (1st) day of March and the first (1st) day of May following in each year. Such period of time between the first (1st) day of March and the first (1st) day of

May following in each year shall be termed the closed season for game fish. The balance of each year shall be termed the open season as to such fish. The open and closed season for black bass shall be the same as in the inland waters of the state. (Amended '17 c. 483 § 1)

4835. Same—Set lines—Any person duly licensed so to do may take and catch rough fish during the open season for game fish by means of a set line. No set line shall have more than three hundred hooks thereon and such hooks shall not be baited with frogs, minnows, or live bait. No person shall use or set more than one set line. (Amended '17 c. 478 § 1)

4850-4856. [Superseded.]

See §§ [4856—]1 to [4856—]9.

4850—This section was not repealed by § 4808. Justification under this section was a matter of defense and the state need not negative it in a prosecution under § 4808 (126-386, 148+458). Indictment and Information, ~~§~~111(1).

[4856—]1. Seining certain fish except in certain rivers—License—Fees—That the state game and fish commissioner may issue to any proper person a license to fish for and take, catch or capture with seines, carp, dogfish, garfish, sheephead, lawyer or ling, buffalo, and suckers in any of the waters under the jurisdiction of this state, except that portion of the Mississippi river and Lake St. Croix which form the boundary between the states of Minnesota and Wisconsin and no fishing or seining under this act shall be permitted in any county in which the county board, at their regular meeting in July of each year shall have prohibited such fishing and seining; provided that no such action shall be taken by said county commissioners at any other meeting or at any other time and that no lake or lakes of any county having been closed by such action of said county commissioners, shall be re-opened at any subsequent meeting during the succeeding year and it shall be unlawful for any board of county commissioners to enter into any contract for or accept on behalf of their respective counties, any payment of any money or any commission on the proceeds of such fishing.

Provided, however, that such person using or operating such nets or seines for the taking of such fish shall do so only under the direction and personal supervision of a duly commissioned game warden. Every person obtaining such license shall pay not less than ten per cent of the gross receipts in case the quantity of fish caught does not exceed forty thousand (40,000) pounds per month; twenty per cent of the proceeds amounting to forty thousand (40,000) to one hundred thousand (100,000) pounds per month; thirty per cent of the proceeds of all in excess of one hundred thousand (100,000) pounds per month, from any and all fishing done pursuant to any license issued under the provisions of this act; and included as an item of expense in the doing of such fishing shall be the compensation and actual expenses of any game warden or game wardens necessary to enforce the provisions of this act. ('15 c. 261 § 1, amended '17 c. 386 § 1)

1915 c. 261 § 10 repeals all acts and parts of acts inconsistent with this act.

[4856—]2. Same—Application for license—Bond—Application for such license to use nets or seines as herein provided shall state the name and residence of the applicant, the number and the size of the nets or seines he intends to use and operate, and the waters in which he intends to use or operate such nets or seines. Before any such license shall be issued the applicant shall execute and deliver to the game and fish commission a bond running to the State of Minnesota in such penal sum as may be determined upon by the state game and fish commission not to exceed the sum of \$5,000, to be approved by the said state game and fish commission. ('15 c. 261 § 2)

[4856—]3. Same—Regulation of seines and nets—That no license shall be issued by virtue of the provisions of this act for the use of any net with a mesh less than two and one-half inches bar in the pot, and that it shall be unlawful for any person using or operating a seine or net under the provisions of this act to use any seine or net having a smaller mesh than as herein provided. ('15 c. 261 § 3)

[4856—]4. **Same—License not to issue to certain persons**—That no license to use seines or nets under the provisions of this act shall be issued or granted to any person duly commissioned to act as a game and fish warden under the laws of this state; or to any person who has within two years prior to the date of his application been convicted of a violation of any provision of the game and fish laws; and that it shall be unlawful for any duly and properly commissioned game and fish warden of the State of Minnesota to be a partner of, or in any way or manner financially interested with any person who shall fish for, take or capture by the use of seines or nets, any of the kinds of fish mentioned herein. ('15 c. 261 § 4)

[4856—]5. **Same—Certain fish to be returned to water**—Any person licensed by the provisions of this act to take any of the kinds of fish herein mentioned, shall immediately after the use and drawing of the nets and seines, return unharmed to the water any and all fish of any kind and description not by the terms of this act expressly permitted to be taken by the use of nets or seines. ('15 c. 261 § 5)

[4856—]6. **Same—Close season**—It shall be unlawful for any person using or operating a seine or net under a license issued according to the provisions of this act, to fish for, take, or capture any fish whatever, whether mentioned by the provisions of this act or not, at any time between the first day of April and the first day of October of any year; provided, however, that the provisions of this section shall not apply to any lakes or waters which form a boundary between the State of Minnesota and any other state. ('15 c. 261 § 6)

[4856—]7. **Same—License moneys, to whom paid**—All moneys payable under the terms of any license issued pursuant to this act shall be paid to the state game and fish commission of the State of Minnesota and by them paid to the state treasurer. ('15 c. 261 § 7)

[4856—]8. **Same—Fishing under supervision of commissioner—Records and reports**—All fishing done under the provisions of this act shall be under the direct supervision and control of the state game and fish commission and any person or persons doing such fishing shall keep an accurate account of any and all transactions had in connection with such fishing, and the books containing a record of such transactions shall be open to the inspection and examination of the state game and fish commission, or to such person as it may designate for that purpose. It is further provided, that any person or persons fishing pursuant to the terms and conditions of this act shall make weekly reports in writing to the state game and fish commission and as much oftener as may be required by said commission. ('15 c. 261 § 8)

[4856—]9. **Same—Penalty for violation**—Any person or persons who shall violate any of the provisions of this act, or any of the terms of any license issued by the state game and fish commission under the authority of this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$25.00 nor to exceed the sum of \$100.00, or by imprisonment in the county jail for a period of not less than thirty days nor to exceed ninety days. ('15 c. 261 § 9)

[4856—]10. **Obstructions interfering with seining in certain rivers prohibited**—No person shall place, maintain or cause to be placed or maintained in any place which has been or shall be used or prepared for seining in the waters within this state or in the waters of the St. Croix river, including that part thereof known as Lake St. Croix, the waters of the Mississippi river below the mouth of the St. Croix river, including that part thereof known as Lake Pepin, any obstructions, except lawfully constructed docks or boat landings, or licensed fishing nets legally set, or buoys or boats properly stationed or anchored, which will in any manner interfere with, hinder or prevent such seining or the use of [or] operation of seines in such places by persons duly licensed to operate such seines in any of such waters; and any person or persons so licensed to operate such seines shall for such purpose have the full right to remove any and all such obstructions from such places in any

of such waters, and in case it becomes necessary in operating such seines to remove duly licensed fishing nets legally set no damage shall be done thereto and such fishing nets shall be immediately reset by such person or persons as soon as said seines have been drawn. ('17 c. 452 § 1)

[4856—]11. **Same—Penalty for violation**—Any person or persons who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25.00 nor more than \$100.00 or by imprisonment in the county jail for a period of not less than thirty days nor to exceed ninety days. ('17 c. 452 § 2)

4870. **Sale of trout, salmon and bass**—No person shall have in possession for sale, or with intent to sell, expose or offer for sale or sell to any person any brook trout or any other variety of trout or salmon whatever which may be caught in the inland waters of the state, or black or oswego bass, at any time, or ship, cause to be shipped, or had in possession with intent to ship, to any person either within or without the state any such fish, or have any black, or oswego bass in his possession except during the season for taking the same, or any trout during the closed season, except they are caught in a private hatchery. (Amended '17 c. 468 § 2)

4873. **Size of fish to be taken**—No person shall at any time catch, kill or have in possession or under control any fish for any purpose whatever, except minnows for bait, yellow perch, and bullheads that are less than six inches in length; or any black or oswego bass less than nine inches in length; or any lake trout or salmon caught in inland waters of the state less than sixteen inches in length. Any person catching such fish shall at once return same to the water from which they are taken with as little injury as possible.

No person shall take, kill, have in possession for sale or with intent to sell, offer or expose for sale, or have in possession or under control, for any purpose whatever, any lake trout caught in international waters, of less than two pounds, round or undressed weight, or one and one-half pounds, dressed weight with head, tail, fins and collar bone removed or any whitefish of less than sixteen inches in length or any sturgeon less than fifteen pounds dressed weight, or any wall-eyed pike of less than fourteen inches in length or one pound round or undressed weight, or any muscallonge less than thirty inches in length, or any blue pike or saugers of less than ten inches in length. Measurement in each case to be made from tip of the snout to the fork of the tail. Any such fish when caught shall be immediately returned to the water. (Amended '17 c. 468 § 3)

4874. [Repealed.]

See § [4874—]15.

[4874—]1. **Fishing in Lake Superior—License**—The state game and fish commissioner is hereby authorized to issue licenses to residents of Minnesota who are citizens of the United States, for skiffs and power boats for use in commercial fishing in that part of Lake Superior under the jurisdiction of the state of Minnesota, subject to the following regulations and conditions: ('17 c. 333 § 1)

[4874—]2. **Same—Nets to be used**—It shall be lawful to use nets as follows in such fishing:

Gill nets of not less than two and one-half ($2\frac{1}{2}$) inch mesh, extension measure, may be used for taking herring, provided that any gill nets of two and three-eighths ($2\frac{3}{8}$) inch mesh, extension measure, in use at the time of the passage of this act may be used until the end of the year 1918, and provided further, that gill nets of not less than two and one-eighth ($2\frac{1}{8}$) inch mesh, extension measure, may be used between April 15th and June 15th for the purpose of taking herring for use as bait only.

Gill nets of not less than four and one-fourth ($4\frac{1}{4}$) inch mesh, extension measure, may be used for taking lake trout. Gill nets of not less than two and five-eighths ($2\frac{5}{8}$) inch mesh, extension measure, may be used for taking ciscoes, provided that no nets for taking ciscoes shall be set in water less than sixty (60) fathoms in depth. ('17 c. 333 § 2)

[4874—]3. **Same—What nets unlawful**—No nets of any kind shall be used without first having obtained a fishing license therefor and it shall be unlawful to use any net in said waters except such as are herein expressly permitted to be used. ('17 c. 333 § 3)

[4874—]4. **Same—Set lines for trout**—Set lines may be used to taking lake trout. ('17 c. 333 § 4)

[4874—]5. **Same—Licenses for boats—Application—Fees—Tags, etc.**—Skiffs and power boats are hereby authorized to be used in such fishing as is authorized under this act when duly licensed. Applications for licenses for use of boats in fishing under this act shall be made in writing, on blanks to be furnished for that purpose, to the game and fish commissioner, which applications shall state the character and number of boats desired to be used.

Fees for license for each fishing season shall accompany each application as follows:

For each skiff, limited to the use of one man.....	\$ 2.00
For each skiff, limited to the use of two men.....	4.00
For each power boat of one gross ton capacity or less.....	5.00
For each power boat of from one to five gross ton capacity.....	10.00
For each power boat of five gross ton capacity.....	25.00
For each gross ton in excess of five gross ton capacity.....	2.00

Licenses shall not be transferable and shall be granted for one fishing season only. Each net used under license granted under this act shall have attached thereto when in use, a numbered metal tag to be furnished by the game and fish commissioner. No net shall be set within one-fourth ($\frac{1}{4}$) mile of the mouth of any stream flowing into Lake Superior. ('17 c. 333 § 5)

[4874—]6. **Same—Open season**—The open season for fishing under this act shall be from the first day of December to the first day of November, following for taking herring, provided that this provision for closing herring fishing in November shall not be effective until the state of Wisconsin shall, provide for a similar close season; and from the first day of December to the first day of November, following, for taking lake trout. ('17 c. 333 § 6)

[4874—]7. **Same—Fish may be kept how long**—Fish caught in nets under license authorized by this act may be had in possession by the licensee for one week after the close of the fishing season. ('17 c. 333 § 7)

[4874—]8. **Same—Persons other than owners forbidden to interfere with nets, etc.**—It shall be unlawful for any person not the owner or his agent, duly authorized, to take any fish from any nets set by persons licensed under this act, or to wilfully disturb or interfere with such nets. ('17 c. 333 § 8)

[4874—]9. **Same—Shipment of fish, etc.**—Fish caught in such nets authorized for use by persons licensed under this act, or with hook and line in open season, may be shipped and sold within or without the state. ('17 c. 333 § 9)

[4874—]10. **Same—Packages to be marked**—All packages containing fresh or salted fish shall be plainly marked with a number, either by stencil or durable tag, said number to be furnished licensee by the game and fish commissioner. ('17 c. 333 § 10)

[4874—]11. **Same—Depositing offal prohibited**—It shall be unlawful for any person to place any fish gurry or fish offal in the waters of Lake Superior or in any waters tributary thereto. ('17 c. 333 § 11)

[4874—]12. **Same—Reports to commissioner**—Every person, firm, co-partnership, or corporation receiving a license for fishing under this act, shall make a written report on blanks to be furnished for that purpose by the game and fish commissioner at the end of each fishing season, to said commissioner, stating accurately and in detail the amount, in pounds, of each kind of fish caught, the price at which such fish were sold and the total value of each kind. ('17 c. 333 § 12)

[4874—]13. **Same—Nets for procuring eggs**—The game and fish commissioner shall have authority, for the purpose of procuring eggs of fish for

supplying fish hatcheries, to authorize the use of nets in the waters of Lake Superior at any time of the year under such regulations and restrictions as may be prescribed by him but no such nets shall be used for such purpose except under direct charge of the game and fish commissioner or his agent. ('17 c. 333 § 13)

[4874—]14. **Same—Penalty for violation**—Any person violating any of the provisions of this act, shall upon conviction thereof, be punished by a fine of not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars or by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days for each and every offense. ('17 c. 333 § 14)

[4874—]15. **Same—Laws repealed**—Section 4874 of the General Statutes of Minnesota for 1913 is hereby repealed. ('17 c. 333 § 15)

4881. Same—Duties of deputy warden and commission—

Cited (126-110, 147+946).

4892. Catching fish in counties having 300,000 inhabitants—No person shall catch, take or kill or attempt to catch, take or kill, any fish of any kind whatsoever, in or about any lake, lying wholly or partly in any of the counties of this state, to which this act shall apply, at any time, in any other manner than by angling for them with a hook and line held in the hand, or attached to a rod so held, nor with more than one line, nor with more than one bait attached thereto; provided, that pickerel, red horse, suckers, carp and bull-heads may be speared in a regularly licensed fish house between December 15 and March 1, following. (Amended '15 c. 157; '17 c. 65 § 1)

[4895—]1. **Fish in counties having 200,000 and not more than 275,000 inhabitants—Catching prohibited between March 1st and May 1st**—No person shall catch, take or kill, or attempt to catch, take or kill any fish of any kind whatsoever in or about any waters, except rivers, lying wholly or partly in any of the counties of this state, to which this act shall apply, between the first day of March and the first day of May following. ('17 c. 85 § 1)

Section 6 repeals inconsistent acts, etc.

[4895—]2. **Same—How caught**—No person shall catch, take or kill, or attempt to catch, take or kill any fish of any kind whatsoever in or about any waters, except rivers, lying wholly or partly in any of the counties of this state, to which this act shall apply, at any time, in other manner, than by angling for them with a hook and line held in the hand, or attached to a rod so held, nor with more than one line or with more than one bait attached thereto. ('17 c. 85 § 2)

[4895—]3. **Same—Possession**—No person shall have in his possession any fish caught, taken or killed in violation of this act. ('17 c. 85 § 3)

[4895—]4. **Same—Penalty for violation**—Any person violating any of the provisions of this act, shall be guilty of a misdemeanor. ('17 c. 85 § 4)

[4895—]5. **Same—To what counties applicable**—This act shall apply to all counties of this state, now or hereafter having a population of not less than 200,000 and not more than 275,000 inhabitants. ('17 c. 85 § 5)

[4895—]6. **Removing fish from sloughs, etc., in winter when in danger of smothering—Powers and duties of commissioner**—Whenever information shall have been furnished the state game and fish commissioner by petition or otherwise that fish in any certain shallow sloughs, lake or lakes in any county of the state are smothering, or may be in immediate danger of smothering during the winter by reason of the shallowness of said slough, lake or lakes, it shall be the duty of the state game and fish commissioner to immediately, in person or by a game warden, make an investigation of said conditions reported.

If it is found upon such investigation that the fish in said shallow slough, lake or lakes are in fact smothering or in immediate danger of smothering, said game and fish commissioner shall have authority to catch by means of

nets or otherwise all such fish and transfer such as may be suitable for stocking purposes to other waters of the state.

Such varieties of fish so taken as may not be desirable for stocking purposes shall be sold and the proceeds thereof paid into the state treasury. ('17 c. 84 § 1)

[4895—]7. **Same—Permission to residents to take fish**—In case such shallow sloughs, lake or lakes, do not contain fish desirable for stocking other waters the game and fish commissioner is hereby authorized to grant permission, properly safeguarded, to residents of the state to take such fish as may be found therein by any means desired and at any time, for their own personal use. ('17 c. 84 § 2)

MISCELLANEOUS PROVISIONS

[4903—]1. **Game refuges—Powers and duties of commission**—Any owner or owners, lessee or lessees in possession of real property located outside the corporate limits of any city or village in the state may request of the state Game and Fish Commission that his or their lands be constituted a game refuge and thereupon the said Game and Fish Commission may declare the said lands a game refuge. Said petitioner or petitioners shall thereupon post signs upon said property reciting said order, stating that the same is a state game refuge and that trespassing by a person carrying arms is prohibited thereon under penalty of the law. Said signs shall be furnished said petitioner or petitioners by the said Game and Fish Commission without cost provided it has funds sufficient available for that purpose. Said order may be vacated in whole or part by the said Game and Fish Commission at any time upon petition or upon their own motion. ('15 c. 288 § 1)

[4903—]2. **Same—Closed season for frogs, game birds and animals—Petition and hearing—Penalties—Game refuge to include what**—Twenty-five or more residents of any county or counties of Minnesota and property owners therein may at any time petition to the state Game and Fish Commission requesting that a closed season for the killing of frogs, game birds and animals protected by law be ordered in a certain district, describing said district by metes and bounds. Thereupon the said Game and Fish Commission shall order a hearing upon said petition and post in five of the most prominent places in said district a notice of said hearing which notice shall be posted at least fifteen days prior thereto. Upon said hearing if it shall appear that, by reason of the depletion of the said frogs, game birds and animals therein, that the same are in danger of extermination and that said closed season shall be in the public interest the said Game and Fish Commission may declare a closed season either permanently or for a number of years therein and enter its 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) the order shall go into effect. Said order may be revised from time to time upon notice, hearing, order, and posting as required herein.

Provided, that no game refuge shall be established under this chapter of less than 640 acres of contiguous lands. And provided further that no lands shall be included in such game refuge which are owned and occupied as a private duck pass.

Any party destroying or mutilating any of the signs or notices specified in this act shall be guilty of a misdemeanor.

Any person hunting or killing frogs, game birds or animals or trespassing while carrying arms upon any game refuge established in accordance with section 1 of this act [4903—1], shall be guilty of a misdemeanor.

Any person or persons hunting or killing any of the frogs, birds or animals protected by law upon any grounds upon which a closed season has been duly established in accordance with section 2 of this act [4903—2], shall be guilty of a misdemeanor.

Any game refuge established under section one (1) or section two (2) of this act shall be construed to include all public waters, and state, federal, or other public lands which may be enclosed within the boundaries of said refuge, and may include adjacent and contiguous public waters and state, federal or other public lands at the discretion of the state Game and Fish Commission. ('15 c. 288 § 2)

[4903—]3. **Same—Frogs for bait**—None of the provisions of this act shall be construed to prevent any person from using frogs for fish bait during any of the open seasons under the provisions of this act. ('15 c. 288 § 3)

[4903—]4. **Removal of carp from lakes containing feeding grounds for wild fowl**—Whenever, in any lake in this state containing wild celery beds which constitute a feeding ground for canvas-back, red head or other water fowl, carp become so numerous as to destroy or threaten the destruction of or serious damage to such celery beds, the state game and fish commission is hereby authorized to take or contract for the taking and removal of the carp from such waters. Such work if done by contract shall be directly supervised by the executive agent of the commission or by a game warden, the expense of supervision to be paid by the contractor. ('15 c. 348 § 1)

[4903—]5. **Same—How taken—Other fish**—In any such case, the carp may be taken at any season of the year, by the use of nets, or by the use of traps during the spawning season. If sturgeon, dogfish, garfish, sheephead, buffalo, eelpout or suckers are taken by such means together with the carp, they may likewise be retained and removed, but all other fish taken in the nets or traps shall be released and returned. ('15 c. 348 § 2)

[4903—]6. **Same—Cost, how paid, etc.**—The cost and expense of such work may be paid out of any funds in the state treasury appropriated for the use of the state game and fish commission, and any amounts realized therefrom shall be deposited in the state treasury, and of the amount so deposited there shall be available for the use of the commission an amount equal to that expended by it for such work. If the work is done by the commission, it may sell the fish taken for the best price it can obtain therefor. ('15 c. 348 § 3)

[4903—]7. **Same—Power of county board to forbid**—Fish shall not be so removed from any lake under the provisions of this act if the board of county commissioners of the county in which the lake is situated, shall pass a resolution forbidding the same but unless such resolution is passed before December 1st in any year, the county board shall not have power to forbid such removal of fish during the year following such December 1st. ('15 c. 348 § 4)

[MUSSELS]

[4910—]1. **Taking without license forbidden**—It shall be unlawful to take, catch or kill mussels for commercial purposes without a license issued by the state game and fish commission. ('17 c. 471 § 1)

Section 11 repeals all acts or parts of acts inconsistent with this act.
See 1905 c. 276.

[4910—]2. **License—Fees—Penalty for violation**—The state game and fish commission shall upon application issue a license to take, catch or kill mussels. On making application for such license, residents of this state shall pay to the state game and fish commission a fee of five dollars and non-residents shall pay to such game and fish commission a fee of fifty dollars and for authority to use a dredge, a fee of twenty-five dollars in addition to the fee fixed for a resident or a non-resident license. All such licenses shall expire on the thirty-first day of December following their issue. Licenses shall be consecutively numbered as issued and a record shall be kept thereof in the office of the state game and fish commission. Such licenses shall state whether it is a resident or non-resident license, whether the licensee is authorized to use a dredge, the resident address of the licensee and the amount paid for the li-

cense. Said license shall also state what waters have been closed to the capture of mussels by authority of this act.

Every person, while taking, catching or killing mussels for commercial purposes, shall have his license with him ready for exhibition and shall exhibit the same when requested to do so by an authorized officer.

Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of twenty-five dollars or by imprisonment in the county jail not less than twenty days. ('17 c. 471 § 2)

[4910—]3. **What licensee may and may not do—Penalty**—Any person, firm or corporation to whom a license under the provisions of this act has been issued, under such license so issued:

(1) May operate not more than one boat or one rig in taking catching or killing mussels for commercial purposes. Any such person, firm or corporation may use one additional boat for purposes of towing only when no apparatus for taking, catching or killing mussels is used or kept thereon.

(2) It shall be unlawful to have in possession on the waters while engaged in taking, catching or killing mussels for commercial purposes more than four crowfoot bars, not more than two of said crowfoot bars to be in water at one time, or more than one dredging mechanism or to use or have in possession a crowfoot bar of greater length than twenty feet, or a dredge the length of the openings of which is more than three feet, and which has prongs or forks more than four inches in length, or to have in possession on the waters while engaged in taking, catching or killing clams, a dredge without licensed authority therefor provided it shall not be unlawful to use a pitchfork in gathering clam shells.

Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of twenty-five dollars, or by imprisonment in the county jail not less than twenty days. ('17 c. 471 § 3)

[4910—]4. **Size of mussels—Penalty**—It shall be unlawful to take, catch or kill, offer for sale or have in possession for commercial purposes, any mussel of a size less than one and three-fourths inches in greatest dimensions, except mussels taken in the ordinary course of clamming for larger mussels, and such undersized mussels shall be immediately culled and returned to the water whence taken without avoidable injury, excepting that the so-called "pig-toes" may be retained.

Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of fifty dollars, or by imprisonment in the county jail not less than thirty days. ('17 c. 471 § 4)

[4910—]5. **Closed areas—Orders of commission—Penalty**—The state game and fish commission may from time to time and as may be required for the conservation of the mussel resources of the state, prescribe areas in any part of the state from which mussels shall not be taken for such a period as may be specified by the commission, but no such period shall exceed five years, nor shall more than one-half of the mussel producing waters of the state be closed at the same time. It shall be unlawful to take, catch, or kill mussels for commercial purposes in waters so closed.

All orders of the game and fish commission affecting mussels shall be published once in a newspaper of general circulation, published within each county containing or having on its boundary waters affected by such order.

All such orders shall take effect at the time fixed therein, but not less than thirty days after the publication thereof. The game and fish commission may extend the time within which such order shall take effect.

Any person, firm or corporation who shall violate the provisions of this section in taking, catching or killing mussels for commercial purposes in any waters of this state which have been declared closed areas by the game and fish commission shall be deemed guilty of a misdemeanor and upon conviction

thereof shall be punished by a fine of one hundred dollars, or by imprisonment in the county jail not less than sixty days. ('17 c. 471 § 5)

[4910—]6. **Licensee to make report**—On or before the thirty-first day of December of the year in which any license was issued, the holder thereof shall make a written report to the state game and fish commission on blanks furnished by them stating the total weight of mussels taken, caught or killed under such license, the names and locations of waters from which the mussels were taken and the amount received for shells sold. Upon failure to make such report, the state game and fish commission shall not issue another license to such person, firm or corporation to take, catch or kill mussels until such report shall be made. ('17 c. 471 § 6)

[4910—]7. **Moneys to whom paid**—All moneys received under the provisions of this act shall at the end of each month be paid into the general revenue fund of the state. ('17 c. 471 § 7)

[4910—]8. **Powers of commission and courts**—The state game and fish commission shall enforce the law relating to mussels and for the purposes of carrying into effect said law the commission, its executive agent and game wardens are authorized and empowered without warrant, to arrest any one violating any of the provisions of this act, and to seize mussels and devices adapted to taking, catching or killing mussels, and to inspect and examine mussels in any warehouse, boat, store, car, conveyance, vehicle, basket or other receptacle, [if] they have good cause to believe that any of the provisions of the law relating to mussels has been violated, except when it is necessary forcibly to enter a dwelling house. Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing that mussels illegally taken, caught, killed or had in possession are concealed, shall issue a search warrant and cause a search of the alleged place of concealment to be made. The confiscation and sale of mussels by the state game and fish commission, or by any game warden shall proceed in the manner provided by law for the sale of confiscated fish. ('17 c. 471 § 8)

[4910—]9. **Terms defined**—As used in this act the words:

(1) "Mussels" shall mean and embrace the pearly, fresh water mussel, or clam, or naiad, and the shell thereof.

(2) "Crowfoot bar" shall mean a bar of any material bearing a series of hooks designed to catch or adapted for catching mussels by the insertion of such hooks between the shells of mussels.

(3) "Dredge" shall mean any mechanism of capture which is adapted for dragging the bottom of waters and is operated with or without the aid of mechanical power, except the crowfoot bar.

(4) "Commercial purposes" shall mean and be presumed the taking, catching or killing of any mussels and having in possession of mussels, unless the contrary is proven.

(5) "Rig" shall mean one boat equipped with not more than four crow-foot bars, one boat equipped with power and one barge. ('17 c. 471 § 9)

[4910—]10. **Wisconsin licenses**—Any person duly licensed by the authorities of the state of Wisconsin to take and catch mussels from or in the waters forming the boundary line between the states of Wisconsin and Minnesota are hereby authorized to take and catch mussels from and in that portion of said waters lying and being within the territorial jurisdiction of the state of Minnesota without first having procured a license therefor from the authorities of the state of Minnesota; provided that such persons so licensed by the authorities of Wisconsin shall not take or catch any mussels within the territorial jurisdiction of the state of Minnesota at a time and in a place or in a manner otherwise prohibited by this act. Provided further that the laws of the state of Wisconsin provide for and extend a similar privilege to persons licensed thereunder by the authorities of the state of Minnesota to take and catch mussels from and in the waters lying within the territorial jurisdiction of the state of Wisconsin without a license from the authorities of the state of Wisconsin. ('17 c. 471 § 10)