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THE

GENERAL STATUTES

OF THE

STATE OF MINNESOTA

As Amended by Subsequent Legislation, with which are Incorporated
All General Laws of the State in Force December 31, 1894

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WITH ANNOTATIONS BY
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AND A GENERAL INDEX BY THE EDITORIAL STAFF OF THE NATIONAL
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CONTAINING THE CONSTITUTION OF THE UNITED STATES, THE ORDINANCE OF 1787,
THE ORGANIC ACT, ACT AUTHORIZING A STATE GOVERNMENT, THE STATE
CONSTITUTION, THE ACT OF ADMISSION INTO THE UNION, AND

Sections 1 to 4821 of the General Statutes

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CHAPTER 20.

PRESERVATION OF GAME [AND FISH].

§ 2130. White fish, trout, pike—Taking from Lake Superior in spawning season.

Whosoever willfully or intentionally kills, catches, or takes any white fish, trout, or pike from the waters of Lake Superior, or streams entering therein, in the state of Minnesota, during the spawning season in each and every year, without first stripping the eggs or milt, as the case may be, from each white fish, trout, or pike so killed, caught, or taken, and without intermingling the same together so that said milt may impregnate said eggs, and then planting said eggs so impregnated in said lake or streams from which said white fish, trout, or pike may be killed, caught, or taken, shall be fined in the sum of ten dollars for each and every violation of this act.

(1881, c. 143, § 1; G. S. 1878, v. 2, c. 20, § 35.)

§ 2131. Same—Prosecutions—Limitation—Disposition of fines.

All prosecutions of this act shall be commenced within one month from the time such offense was committed, [and the same shall be a complaint under oath before any justice of the peace in the county where the offense was committed,] and all fines imposed and collected under this act shall be paid, one-half to the complainant and one-half into the treasury of the county where such conviction takes place, for the use of the common schools within said county.

(1881, c. 143, § 2; G. S. 1878, v. 2, c. 20, § 35a.)

§ 2132. Killing fowl by the use of artificial light unlawful.

It shall be unlawful for any person or persons to kill, or pursue with intent to kill, any duck, geese, swan, or any other fowl, at night, by the use of artificial light, on any of the lakes, rivers, streams, or marshes in this state.

(1885, c. 213, § 1; G. S. 1878, v. 2, c. 20, § 52.)

§ 2133. Same—Penalty.

Any person or persons violating any of the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction thereof shall suffer and pay a fine of not less than five dollars, nor more than twenty-five dollars, together with costs of prosecution.

(1885, c. 213, § 2; G. S. 1878, v. 2, c. 20, § 53.)

§ 2134. Private fish-ponds—Posting notices—Trespass.

Any person or corporation desiring to raise, cultivate, preserve, or propagate speckled, river, salmon, mountain, hybrid, or brook trout, in any stream, pond, or lake within this state, flowing through or situate upon land owned or leased by him or it, shall post in at least two conspicuous places upon such land durable signs setting forth the name of the owner or lessee; that such premises are devoted to the purposes of a fish-pond, pound, or preserve; and that thereafter any person or persons entering upon such premises without permission or authority of the owner or lessee shall be guilty of trespass, and liable to be punished according to the law of the state of Minnesota. If a stream is sought to be preserved, such signs shall be posted upon its banks,

¹ An act to prevent the killing of duck, geese, swan, or any other fowl at night, by the use of artificial light, on any of the lakes, rivers, streams, or marshes in this state. Approved February 27, 1885.

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one at each end of the portion sought to be preserved, and also at points intermediate, not more than half a mile apart; and the whole of such stream between these upper and lower points shall be protected and preserved by this act.

(1887, c. 143, § 1;² G. S. 1878, v. 2, c. 20, § 36.)

§ 2135. Same—Constructing screens, fish-ways, etc.

Any person or corporation desirous of so raising, cultivating, preserving, propagating, or keeping such trout in any stream or water belonging to or leased by him or it, shall have the right and are hereby authorized to erect, construct, and maintain upon such premises, or in or upon such stream or water, such dams, sluices, screens, wires, pens, gates, obstructions, houses, buildings, boats, docks, and other things of every description which may be by him or it deemed necessary for such purposes: *provided*, the same shall not in any way obstruct navigation or cause the overflowing of any lands not owned or leased by him or it, nor the interfering with the rights or privileges previously acquired by any other person or corporation: *and provided, further*, that no dam or other artificial construction of any kind shall be placed or built in any water or stream, which shall in any way impede or prevent trout going freely to any other part or portion of such stream or water where they had previously gone, unless a fish-way over said obstruction or dam shall be built and maintained by the owner or lessee of said stream or water, in the manner and of the kind hereinafter described. If such dam or construction shall be built or maintained without such proper fish-way, any person interested may file with a magistrate or court having jurisdiction under this act an affidavit setting forth the facts, when the offending person, persons, or corporation shall be summoned into court, and, if found guilty, the court shall order the sheriff of the county to remove such obstruction or dam, and shall enter judgment to that effect, with costs, which, together with expenses of such removal, may be collected by execution. All fish-ways shall be constructed in a manner and according to plans satisfactory to, and which shall be approved by, the commissioners of fisheries of the state of Minnesota.

(1887, c. 143, § 2; G. S. 1878, v. 2, c. 20, § 37.)

§ 2136. Same—Injuring property—Penalty.

Any person or persons who shall, or who shall attempt to, without authority from the owner or lessee, tear down, destroy, deface, injure, or mutilate, or cause to be torn down, destroyed, defaced, injured, or mutilated, or shall tamper with or attempt to tamper with any dams, sluices, screens, pens, buildings, boats, signs, docks, or other contrivances or article erected, constructed, or used, pursuant to the provisions of this act, for the purposes aforesaid, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine for each such offense not less than twenty-five dollars, nor more than one hundred dollars, and by imprisonment in the county jail not less than thirty, nor more than ninety, days, and shall be liable also to the owner or lessee of the premises in civil action, in treble damages, for injuries done, but nothing in this section shall be construed to prevent prosecution and punishment in lieu thereof for any act declared an offense by any other statute or law of this state, and for which a greater penalty can be imposed than is prescribed by this act.

(1887, c. 143, § 3; G. S. 1878, v. 2, c. 20, § 38.)

§ 2137. Ownership of fish.

Such person or corporation shall have the exclusive control of and own all such fish as may at any and all times be in such stream or water so protected

²An act to encourage the raising and propagation of trout, and to protect streams, ponds, waters, and premises used for that purpose. Approved March 8, 1887.

By section 16 "all acts or portions of acts in conflict with this act are hereby repealed, so far as they refer to the matters mentioned in and covered by this act."

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and preserved, whether the same be actually raised, cultivated, bred, or placed therein by him or it, or shall naturally come into such stream or water from other streams or waters.

(1887, c. 143, § 4; G. S. 1878, v. 2, c. 20, § 39.)

§ 2138. Trespassing.

If any person or persons shall enter in or upon the premises, stream, or waters so preserved and protected, without consent of the owner or lessee, he or they shall be guilty of trespass; and if, after such trespasser or trespassers shall so enter, he or they shall set or put or attempt to set or put any seine, net, hooks, or other device or contrivance for catching or killing fish, into said water or stream, or shall fish or attempt to fish therein by or with hook and line, or in any other manner, or by shooting fish therein with a gun, pistol, or bow and arrow, or by using or attempting to use a spear or gig, they shall, in addition to being guilty of trespass, be guilty of a misdemeanor.

(1887, c. 143, § 5; G. S. 1878, v. 2, c. 20, § 40.)

§ 2139. Destroying fish—Penalty.

Any person or persons, or officers or servants of any corporation, who shall place or explode in any stream or water so preserved and protected any gun-powder, giant-powder, dynamite, gun-cotton, or any other explosive substance, or deposit or allow to be deposited any dye stuff, coal tar, fish-berries, refuse, lime, or any other substance deleterious or injurious to fish, or cause or allow the same; or any of the same, to run or flow into or upon such waters or stream, shall, upon conviction thereof, be fined not less than fifty dollars, nor more than one hundred dollars, for each offense, and in addition thereto be imprisoned in the county jail for not less than thirty, nor more than ninety, days; and such person or persons, and the corporation whose officers or servants shall violate this section, shall be liable, in a civil action, to the owner or lessee of such stream or waters, in treble damages, for all injury thereby committed.

(1887, c. 143, § 6; G. S. 1878, v. 2, c. 20, § 42.)

§ 2140. Lake Superior—Nets, seines, etc., prohibited.

No person or persons shall set or put any nets, seines, hooks, or other device for catching fish, or any substance injurious to fish, in any of the waters of Lake Superior, within this state, within the distance of one thousand yards from the mouth of any stream flowing into said lake, or so as to prevent the free passage of fish to the mouth of said stream, and upon conviction thereof he or they shall be judged guilty of a misdemeanor.

(1887, c. 143, § 7; G. S. 1878, v. 2, c. 20, § 43.)

§ 2141. Contraband nets, seines, etc.—Destruction.

All nets, seines, or other contrivances or devices for catching or killing fish, if found placed, used, or attempted to be used, upon any premises, streams, or waters protected and preserved by this act, or in Lake Superior, within the limits or in the manner prohibited by this act, shall be and are hereby declared contraband; and any person finding the same, or any of the same, upon or in any such premises, streams, or waters, is hereby authorized to destroy the same, and no action for damages or any criminal proceeding shall lie against him for such destruction.

(1887, c. 143, § 8; G. S. 1878, v. 2, c. 20, § 44.)

§ 2142. Fish other than trout—Placing in protected waters—Penalty.

Any person or persons who shall place, or cause to be placed, in any water or streams sought to be preserved and protected under this act, or in Lake Superior within five hundred yards of the mouth of any stream flowing into

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said lake, any fish or fish spawn, other than trout or trout spawn, shall be guilty of a misdemeanor.

(1887, c. 143, § 9; G. S. 1878, v. 2, c. 20, § 45.)

§ 2143. Trout—Catching, etc., out of season—Penalty.

If any person, persons, or corporation shall catch, or have in his, their, or its possession, any trout such as are described in this act, save and except between the first day of May* and the fifteenth day of September in each year, or if any person, persons, firm, corporation, express company, or common carrier shall receive for transportation or shall transport any such trout save and except between such dates, he, they, or it shall be guilty of a misdemeanor, and upon conviction thereof shall be fined the sum of one dollar for each and every trout so caught, had, transferred, or attempted to be transferred, together with cost of prosecution, and such fish shall be declared contraband, and sold as in this act herein provided. If a corporation is accused of violating this section, the warrant may be served upon any officer, agent, or employe of said corporation, which shall be considered service upon the corporation, and execution to collect the fine imposed may be issued against any person, persons, or corporation adjudged guilty; but nothing in this section shall prevent any person, persons, or corporation owning trout protected and preserved by this act, from catching and having them at any time, or to prevent a person, common carrier, or express company from receiving and transporting the same at any time, provided, the shipment of trout is accompanied by a written statement signed by the owner or lessee of such fish-pond, pound, or preserve, stating in what fish-pond, pound, or preserve the same were caught; but such person, common carrier, or express company shall not be liable by reason of such statement being false in any respect; nor shall anything in this act prevent or forbid the shipment and transportation at any time of live trout.

(1887, c. 143, § 10; G. S. 1878, v. 2, c. 20, § 46.)

* By Laws 1891, c. 111, the foregoing section is amended as to Fillmore county only by striking out the word "May," and inserting in its place the word "April."

§ 2144. Arrests—Disposition of contraband property.

Any person or persons violating any of the provisions of this act may be at once arrested by any person, and shall be carried with all possible speed before some magistrate or court having jurisdiction, with whom or which an affidavit setting out the facts shall be filed, and a warrant caused to be issued, when the accused shall be delivered to the proper officer for safe-keeping, and if the property declared contraband by this act shall not have been destroyed it shall be delivered to such officer, with all trout found in the possession of the accused, who shall forthwith inventory the same. All trout so delivered shall be sold by said officer at public or private sale, for the highest possible price, and the product of such sale shall be subject to the judgment of the court.

(1887, c. 143, § 11; G. S. 1878, v. 2, c. 20, § 47.)

§ 2145. Warrants—Seizing contraband property—Affidavits.

Any magistrate or court having jurisdiction is hereby authorized and required, upon the making and filing of an affidavit alleging the violating by any person, persons, company, or corporation of any of the provisions of this act, to issue a warrant authorizing and commanding the sheriff, constable, or other proper officer of the village, city, county, or court in which trial is to be had, to arrest such offender or offenders, wherever found in the state, and bring him or them before such magistrate or court without delay, and to seize and take possession of all fish, fishing tackle, nets, seines, or other devices for catching trout, declared contraband by this act. The affidavits mentioned in the last two sections may be made by the owner or lessee of the premises where such offense is committed, or by any one authorized by him or it, or by

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any person or persons interested in enforcing this act. Such officer, upon receiving such warrant, shall forthwith proceed to execute the same in any part of this state which may be necessary.

(1887, c. 143, § 12; G. S. 1878, v. 2, c. 20, § 48.)

§ 2146. Prosecutions—Sale of contraband property—Disposition of proceeds and fines.

All processes shall issue and all proceedings be had in the name of the state of Minnesota, and the prosecution may be conducted by the county attorney, or by any attorney at law designated by the owner or lessee of the premises, upon which the offense was committed, or by the person making the affidavit. If the accused are found guilty, he or they shall be sentenced by the court to pay the fine, or be imprisoned, or both, as the case may be, as provided in this act, together with the costs and disbursements of the prosecution; and the court or magistrate shall condemn all property seized as contraband, and order the same sold at public vendue, one-half of all the fines imposed and collected, and one-half of the proceeds of the sale of any fish seized or property sold, shall be paid to the owner or lessee of the premises on which said offense was committed, and the other half to the commissioners of fisheries of the state of Minnesota.

(1887, c. 143, § 13; G. S. 1878, v. 2, c. 20, § 49.)

§ 2147. Jurisdiction—Costs—Security.

Jurisdiction to enforce all the provisions of this act is hereby conferred upon any municipal court, police justice, city justice, or justice of the peace in the county in which such offense shall be committed, or in an adjoining county. Costs and disbursements of all proceedings under this act shall be paid in the first instance by the complainant, but shall be repaid to him as soon as collected from any person adjudged guilty, and before any process shall issue, the magistrate or court may require the complainant to deposit a sum of money in court sufficient to cover costs, or to execute a bond for costs, with one surety, and of and for an amount satisfactory to the court.

(1887, c. 143, § 14; G. S. 1878, v. 2, c. 20, § 50.)

§ 2148. Penalties.

Save as otherwise herein directed, any person or persons adjudged guilty of any misdemeanor or trespass described in this act shall be punished by a fine of not less than twenty dollars, nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten nor more than thirty days, or both; and any person or persons failing to pay any fine imposed under this act shall be imprisoned in said jail, in addition to such other imprisonment as may be imposed, one day for every dollar of such fine.

(1887, c. 143, § 15; G. S. 1878, v. 2, c. 20, § 51.)

§ 2149. Board of game and fish commissioners—Executive agent.

There is hereby created a board to be known by the name of the Board of Game and Fish Commissioners of the State of Minnesota, which board shall be composed of five members, who shall be appointed by the governor, for the term of six years each, in the manner hereinafter set forth, and who shall serve without compensation, either direct or indirect, and shall constitute the first board under the provisions of this act, one of whom shall hold this office as a member of said board until the first day of April, eighteen hundred and ninety-three, two of whom shall hold until the first day of April, eighteen hundred and ninety-five, and the remaining two of whom shall hold until the first day of April, eighteen hundred and ninety-seven; and the said persons shall, immediately after this act goes into effect, assemble at the state capitol, and, by lot, decide between themselves as to their respective terms of office. That said board may from time to time appoint one of its members to act and exercise for it, when it shall not be in session, all the rights, powers and authority vested in it. He shall be known as "the

executive agent of the board of game and fish commissioners of the state of Minnesota," and shall hold such office during the pleasure of said board, be subject to their direction and control, and receive such compensation as they shall determine to be reasonable for the services rendered, not exceeding twelve hundred dollars per annum, and expenses, exclusive of office rent, while in the performance of his duties.

(1891, c. 9, § 1,³ as amended 1893, c. 124, § 1.)

Laws 1891, c. 9, § 11, as amended by Laws 1893, c. 124, § 9, construed as prohibiting the having in possession, more than five days after the commencement of the closed season, certain kinds of game, although lawfully taken or killed during the open season. Held, that this statute is a proper exercise of the police power of the state to protect and preserve wild game. *State v. Rodman* (Minn.) 59 N. W. Rep. 1098; *State v. Northern Pac. Exp. Co.*, *id.* 1100.

It is within the police power of the state to enact such laws as will preserve from extermination or undue depletion wild game adapted to consumption as food, or to other useful purpose; and to that end the state may adopt any reasonable regulations, not only as to the time and manner of taking or killing such game, but also imposing such limitations or restrictions upon its use, or the right of property in it, after it is taken or killed, as will tend to prevent such extermination or depletion. *Id.*

The subject of the amendatory act of 1893 is sufficiently expressed in its title. *Id.* The provisions of § 2159, as amended, are not obnoxious to that part of the constitution which prohibits the imposition of excessive fines. *Id.*

The provision of the act prohibiting the shipment out of the state of certain kinds of fish caught within the state is not an unlawful interference with interstate commerce. *State v. Northern Pac. Exp. Co.*, *supra*.

§ 2150. Members appointed by governor.

The governor shall, on or before April first, eighteen hundred and ninety-three, appoint a member of said board, and on or before the first day of April in each odd-numbered year thereafter, he shall make similar appointments of members of said board, in place of the members whose terms shall expire; and, in case of any vacancy in the office of any member of said board, said vacancy shall be filled by appointment by the governor for the unexpired term.

(1891, c. 9, § 2.)

§ 2151. Duties of the board—Superintendent—Game wardens—Title of actions.

It shall be the duty of said board to keep all property by the law of this state placed under their care, custody or control in the fish hatchery of the state of Minnesota, and to propagate and cultivate in and at said fish hatchery, for the purpose of stocking and replenishing the inland and bordering waters of this state, such kinds of food fishes as they believe are best adapted to live and multiply in such waters, and are for the best interests of the state to have used for such purposes, and to distribute the same and keep up a supply thereof in said waters as and in such manner as they shall deem best calculated to carry out the objects of this act, and to that end they shall have the right, power and authority to make such investigations and experiments in fish culture as they shall deem calculated to promote the objects of this act, and to at any and all times acquire or buy in any place or from any person, any fish, spawn or eggs that may in their judgment be required at said fish hatchery, or for the purpose of stocking and replenishing any of said waters, and to make application for and receive from the United States commissioner of fisheries such quota of stock, spawn or fry as may from time to time be allotted to this state; and to employ a competent person as superintendent of fisheries at a salary not to exceed the sum of two thousand dollars per annum, to be paid from the appropriation hereinafter made, whose duty it shall be to devote his entire time to the work of fish propagation and distribution under the direction of said board, and such assistants for said superintendent as the exigencies of the work may require, all of whom shall be subject to and be governed by the regulations adopted by said board. It shall be the duty of said board to collect, classify and preserve all such statistics, data and information, as in their judgment will

³An act for the preservation, propagation and protection of the game and fish of the state. Approved April 20, 1891.

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tend to promote the objects of this act; to take charge of and keep all reports, books, papers and documents, which shall, in the discharge of their duties hereunder, come into their possession, or under their control. It shall be the duty of said board on or before the first Monday in December of each year, to prepare and present to the governor of this state an annual report showing what has been done by them during the current year, the amount received by them and from what sources, and the amount expended by them, and for what purposes, with such recommendations for legislative action, if any, as the said board may deem wise for the better accomplishment of the purposes of this act. The governor shall lay said reports before the legislatures convening next after their receipt. It shall be the duty of said board to enforce all the laws of this state for the preservation, propagation and protection of the birds, animals and fish in this act mentioned, and to that end they shall have the power and authority to appoint such persons for such periods, and at such compensation as they shall determine upon, not exceeding fifty dollars per month for each person so appointed, and actual expenses incurred while in the performance of duty; but the aggregate amount of such compensation and expenses shall not exceed the sum of six thousand dollars in each year, to be known as "game wardens," to aid them in the enforcement of the duties herein imposed on them. Each warden, before entering upon the discharge of his duties as such, shall give a bond to said board with sureties in the sum of five hundred dollars for the faithful discharge of his duties as such warden, such bond and sureties to be approved by said board. It shall be the duty of said board for and on behalf of the state of Minnesota to institute and prosecute all actions and proceedings against any and all persons to recover any and all claims due said board, whether arising out of contract or otherwise, or to protect the property of the state employed or in any manner connected with the work of said board. All actions and proceedings instituted by them shall be entitled in the name of the board of game and fish commissioners of the state of Minnesota as plaintiff.

(1891, c. 9, § 3, as amended 1893, c. 124, § 2.)

§ 2152. Property used by board exempt from taxation.

The property owned or leased for use by said board shall be exempt from taxation so long as held and used for the purposes herein specified.

(1891, c. 9, § 4, as amended 1893, c. 124, § 3.)

§ 2153. Game and fish are sole property of the state — May be used, when.

No person shall at any time or in any manner acquire any property in or subject to his dominion or control any of the birds, animals or fish within this state, of the kinds herein mentioned, but they shall always and under all circumstances be and remain the sole property of this state. By killing, catching, or taking the same, however, in the manner and for the purposes herein authorized, and during the periods when their killing is not herein prohibited, the same may be used at the time, in the manner and for the purposes herein expressly authorized, but not otherwise.

(1891, c. 9, § 5, as amended 1893, c. 124, § 4.)

§ 2154. Harmless birds — Closed season for game birds — Penalty for violation.

No person shall catch, take, kill or have in possession or under control for any purpose whatever, at any time, any whip-poor-will, nighthawk, bluebird, finch, thrush, linnnet, lark, wren, martin, swallow, bobolink, robin, turtle-dove and catbirds, or any other harmless bird, except blackbirds, sparrows, except as hereinafter allowed; but nothing herein shall be construed to prevent the keeping of song birds in cages as domestic pets. Nor any of the birds hereinafter mentioned within the periods herein limited, to-wit: Woodcock and bertrams, or upland plover, between the thirty-first day of October and the fourth day of July following. Prairie chickens, or white-breasted or sharp-tailed grouse, between the first day of November and the first day of September following. Quail, partridge, ruffed grouse or pheasant between the first day of December and the first day of September following.

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Wild duck of any variety, or any variety of wild goose or brant, or any variety of snipe, or any variety of any aquatic fowl whatever, between the first day of September and the twenty-fifth day of April following; but no person shall be permitted to kill any such aquatic fowl while nesting or in localities where they are accustomed to build their nests, during the nesting period. Except that when said birds have been lawfully caught, taken or killed, they may be had in possession or under control for five days after the time herein limited for use in the manner and for the purposes herein allowed. Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than ten dollars nor more than twenty-five dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days for each and every such bird so caught, taken, killed or had in possession or under control.

(1891, c. 9, § 6, as amended 1893, c. 124, § 5.)

§ 2155. Nests and eggs—Interference prohibited—Penalty.

No person, for any reason or purpose whatever, shall take, have in his possession or under control, break up or destroy, or in any manner interfere with any nest or the eggs therein of any of the kinds of birds, the killing of which is at any or all times herein prohibited. Any person offending against any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days.

(1891, c. 9, § 7, as amended 1893, c. 124, § 6.)

§ 2156. Manner of taking or killing—Traps, snares, etc., prohibited—Penalty.

No person shall at any time catch or kill any of the birds or animals aforesaid in any other manner than by shooting them with a gun held to the shoulder by the person discharging the same. And no person shall at any time set, lay or prepare any trap, snare, net, bird lime, swivel gun or other contrivance or device whatever, with the intent to catch or kill any of the birds or animals aforesaid, whether the same are caught or not. And no person or persons shall at any time, in hunting any aquatic fowl, make use of any artificial light, battery, or any deception whatever, whereby such wild fowl will be attracted or deceived (except that decoys may be used in hunting ducks, wild geese and brant). And whoever shall offend against any of the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars and costs of prosecution; or, in default of the payment of such fine, shall be imprisoned in the county jail not less than ten days nor more than thirty days.

(1891, c. 9, § 8.)

§ 2157. Birds may be taken, how—Penalty.

No person at any time shall catch, take or kill any of the birds in this act mentioned in any other manner than by shooting them with a gun held to the shoulder of the person discharging the same. Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than ten dollars nor more than twenty-five dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days for each and every such bird so taken, caught or killed.

(1891, c. 9, § 9, as amended 1893, c. 124, § 7.)

§ 2158. Prohibition of snares, nets, etc.—Penalty.

No person at any time shall set, lay or prepare any trap, snare, net, bird lime, swivel gun, or any other contrivance or device whatever, with intent to catch, take or kill any of the birds in this act mentioned, nor make use of any artificial light, battery, or any other deception, contrivance or device whatever, with the intent to attract or deceive any of the birds in this act mentioned, except that decoys may be used in hunting ducks, wild geese and brant. Whoever shall offend against any of the provisions of this section

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shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty days nor more than ninety days.

(1891, c. 9, § 10, as amended 1893, c. 124, § 8.)

§ 2159. Taking certain animals prohibited—Penalty.

No person shall catch, take or kill, or have in possession or under control for any purpose whatever, any fawn, at any time, nor elk, moose, caribou, or antelope, before the first day of January, 1898; nor any variety of deer, at any time between the twentieth day of November and the first day of November following, except that when the same have been lawfully caught, taken or killed, they may be had in possession or under control for five days, after the time herein limited, for use in the manner and for the purposes herein allowed. Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty days nor more than ninety days for each and every such animal so caught, taken, killed or had in possession or under control.

(1891, c. 9, § 11, as amended 1893, c. 124, § 9.)

§ 2160. Shooting large game, how—Penalty for violation.

No person at any time shall catch, take or kill any of the animals hereinbefore mentioned in section nine of this act, in any other manner than by shooting them with a gun held to the shoulder of the person discharging the same. Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than fifty dollars nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail for not less than sixty days nor more than ninety days for each and every such animal so caught, taken or killed.

(1891, c. 9, § 12, as amended 1893, c. 124, § 10.)

See note to § 2149.

§ 2161. Hunting with dogs, setting traps, etc., prohibited—Penalty.

No person at any time shall hunt with dogs any of the animals hereinbefore mentioned, in section nine of this act, nor set, lay or prepare any trap, snare, contrivance or device whatever, with intent to catch, take or kill any of said animals, nor make use of any artificial light or any other deception, contrivance or device whatever, with intent to attract or deceive any of said animals. Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty days nor more than ninety days. It shall be lawful for any person to kill or attempt to kill any dog while being used in violation of any provision of this section.

(1891, c. 9, § 13, as amended 1893, c. 124, § 11.)

§ 2162. Closed season for mink, muskrat, beaver, and otter—Penalty.

No person shall catch, take or kill, or have in possession or under control, any mink, muskrat, otter or beaver between the first day of May and the first day of November following, unless the same are found destroying private property when caught, taken or killed. Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of ten dollars, or by imprisonment in the county jail for ten days for each and every of such animals so caught, taken, killed or had in possession or under control.

(1891, c. 9, § 14, as amended 1893, c. 124, § 12.)

(581)

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59-NW 1098

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58-M - 398
66-NW 205

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64-M - 130

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§ 2163. Entering standing grain on another's land—Posting notice, where—Penalty.

No person shall at any time enter into any growing or standing grain not his own with intent to catch, recover, take or kill any bird or animal, nor permit any dog with which he shall then be hunting to do so for such purpose without permission from the owner or the person in charge thereof. No person at any time shall enter upon land not his own with intent to catch, recover, take or kill any bird or animal after being notified not to do so by the owner or occupant thereof. Such notice may be given by the owner or occupant of the land posting or causing to be posted a plain and conspicuous notice at least one foot square in the English language to that effect, at or near each corner of each forty acres or smaller subdivision thereof, of the land sought to be so protected. Any person offending against any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than five dollars nor more than ten dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than fifteen days. Nothing in this act contained, however, shall be so construed as to limit or in any manner affect the remedy of the owner or occupant of any such lands or grain at common law or under the statutes of this state for trespass.

(1891, c. 9, § 15, as amended 1893, c. 124, § 13.)

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§ 2164. Closed season for fishing—Penalty.

No person shall catch, take, kill, have in possession or under control for any purpose whatever, any of the fish hereinafter mentioned within the periods limited herein, to-wit: Any variety of trout between the first day of October and the first day of April following. Nor any other food fish (except that white fish, lake trout, lake herring and sturgeon, pickerel and any variety of pike except that commonly known as glass-eyed or wall-eyed pike, may be caught and taken in all international waters at any time) between the first day of December and the fifteenth day of April following. Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five dollars nor more than twenty-five dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days, for each and every such fish so caught, taken, killed, had in possession or under control.

(1891, c. 9, § 16, as amended 1893, c. 124, § 14.)

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59-NW 1100
61-NW . 560
2165
59-M - 466

§ 2165. Manner of taking fish during open season—Penalty.

No person at any time shall catch, take or kill any fish in any other manner than by angling for them with a hook and line held in the hand or attached to a rod or pole (except that suckers and buffalo fish may be taken with a spear during the months of April and May), or have in possession or under control any fish caught, taken or killed by any other manner, except that a net may be used for catching white fish, lake trout and sturgeon in international waters, and minnows for bait in ponds, lakes and rivers not inhabited by trout; provided, that the meshes in the net used for catching such white fish and lake trout and sturgeon, pike and pickerel shall not be less than three and one-half inches in size of mesh when the same is extended; provided, that lake herring may be taken with a net the meshes of which are at least two and one-half inches when extended. Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than ten dollars nor more than twenty-five dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days for each and every fish so caught, taken, killed, had in possession or under control.

(1891, c. 9, § 17, as amended 1893, c. 124, § 15.)

See State v. Northern Pac. Exp. Co., cited in note to § 2149.

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§ 2166. Fishing near fishways—Penalty.

Whoever at any time shall catch, take or kill any fish from any stream or water within four hundred feet of any fishway, or have in possession or under control any fish so caught, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars nor more than ten dollars and cost of prosecution, or be imprisoned in the county jail not less than five days nor more than ten days for every fish so caught, taken, killed, had in possession or under control.

(1891, c. 9, § 18, as amended 1893, c. 124, § 16.)

§ 2167. Poisons, etc., trot lines, wires, etc., prohibited.

No person at any time shall lay, set, use or prepare any drug, poison, lime, medicated bait, fish berries, dynamite or other deleterious substance whatever, or lay, stretch, or place any set or trot line, or any wire, string, rope or cable of any sort having thereto attached directly or indirectly more than one hook, with intent to thereby catch, take or kill any fish. Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty days nor more than ninety days.

(1891, c. 9, § 19, as amended 1893, c. 124, § 17.)

§ 2168. Taking of small fish prohibited, when—Penalty.

No person at any time shall kill, destroy, have in possession or under control for any purpose whatever, any white fish, wall-eyed pike, trout or bass, except rock bass less than six inches in length, except for the purpose of returning the same to the water from which they were taken as soon as they are taken therefrom, with as little injury to the fish as possible. Any person catching any such white fish, wall-eyed pike, trout or bass less than six inches in length, shall at once return the same to the water from which they were taken, with as little injury to the fish as possible. Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than ten dollars and costs of prosecution, or by imprisonment in the county jail for not less than five days nor more than ten days for each and every such fish so killed, destroyed, had in possession or under control, or not returned to the water with as little injury as possible, as soon as caught.

(1891, c. 9, § 20, as amended 1893, c. 124, § 18.)

§ 2169. Waste of fish or game prohibited—Limit of catch.

No person at any time shall wantonly waste or destroy any of the birds, animals or fish in this act mentioned. The killing of more than twenty-five birds by any one person, or the catching of more than fifty fish, excepting white fish, lake trout, lake herring and sturgeon, pickerel and any variety of pike except that commonly known as glass-eyed or wall-eyed pike, caught in international waters, by any one person in one day shall be deemed a wanton destruction of all such birds or fish killed or caught in excess of said number. Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than three dollars nor more than ten dollars and costs of prosecution, or by imprisonment in the county jail for not less than three days nor more than ten days for each and every such bird, animal or fish so wasted or destroyed.

(1891, c. 9, § 21, as amended 1893, c. 124, § 19.)

§ 2170. Shipments of fish and game out of state—Penalty for violation.

No person at any time shall catch, take or kill, or have in possession or under control any of the birds, animals or fish caught, taken or killed in this state except white fish, lake trout, lake herring and sturgeon, pickerel and any variety of pike except that commonly known as glass-eyed or wall-eyed pike caught in international waters at the time and in the manner

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63-M - 543
65-NW1080

2167
58-M - 404

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59-NW 1100
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75-NW 386
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72-M - 336

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herein allowed, with intent to ship the same beyond the limits of this state, or with intent to allow or aid in their shipment out of this state, or shall ship or intentionally allow or aid in their shipment out of this state. Provided, however, that when any fish other than "white fish, lake trout, sturgeon and herring caught in international waters" are so taken or caught as permitted by this act to be used exclusively for consumption and not for commercial purposes, and not in excess of the number or amount or quantity expressly stipulated in the preceding section (number nineteen), and when the same are actually accompanied by the person who actually caught them in the manner and at the time herein specified and permitted by this act, they may be transported or taken out of the state, but not otherwise. Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty dollars nor more than fifty dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days for each and every bird, animal or fish so caught, taken or killed, or had in possession or under control, or so shipped or so intentionally allowed or aided to be so shipped.

(1891, c. 9, § 22, as amended 1893, c. 124, § 20.)

§ 2171. Possession of game killed elsewhere contrary to local laws.

No person at any time shall have in possession or under control any bird, animal or fish which has been caught, taken or killed outside of this state which was caught, taken or killed at a time, in a manner or for a purpose forbidden by the laws of the state, territory or country where the same was caught, taken or killed, or which was shipped out of said state, territory or country in violation of the laws thereof. Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty dollars nor more than fifty dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days for each and every such bird, animal or fish had in possession or under control.

(1891, c. 9, § 23, as amended 1893, c. 124, § 21.)

§ 2172. Possession of game, evidence of what.

The possession or having under control of any bird, animal or fish of any of the kinds, the killing of which is at any or all times herein prohibited, shall be prima facie evidence that it was the property of this state at the time it was caught, taken or killed, and that it was caught, taken and killed in this state, to disprove which it shall be necessary to show by the testimony of the party who actually caught, took or killed the same, that at the time it was caught, taken or killed it was not the property of this state or that it was caught, taken or killed outside of this state. Whenever it shall appear that any bird, animal or fish of any of the kinds, the killing of which is at any or all times herein prohibited, was caught, taken or killed outside of this state, it shall be prima facie evidence that at the time it was caught, taken or killed it was the property of the state, territory or country in which it was caught, taken or killed, and that such bird, animal or fish was caught, taken or killed at a time, in a manner and for a purpose prohibited by the laws of the state, territory or country where it was caught, taken or killed, and that it was shipped out of said state, territory or country in violation of the law thereof, to disprove which it shall be necessary to show by direct and positive evidence that at the time it was caught, taken or killed it was not the property of the state, territory or country in which it was caught, taken or killed or that it was killed at a time, in a manner and for a purpose permitted by the law of the state, territory or country where it was killed, and that it was not shipped out of said state, territory or country in violation of any law thereof.

(1891, c. 9, § 24, as amended 1893, c. 124, § 22.)

See *State v. Northern Pac. Exp. Co.*, cited in note to § 2149.

(584)

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63-M - 535
65-NW 940

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58-M - 404

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§ 2173. Duties of common carriers—Penalty for violation.

It shall be the duty of every person, whenever any bird, animal or fish of any of the kinds, the killing of which is at any or all times herein prohibited, is offered to him for transportation out of or into this state, or had by him for such purpose, or is so shipped by him, to at once notify and give full particulars concerning the same to some member of the board of game and fish commissioners of this state, or to one of the game wardens appointed by them. Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty days nor more than ninety days, or both.

(1891, c. 9, § 25, as amended 1893, c. 124, § 23.)

§ 2174. An attempt equivalent to a violation.

Any attempt to violate any provision of any section of this act shall be deemed a violation of such provision.

(1891, c. 9, § 26, as amended 1893, c. 124, § 24.)

§ 2175. Construction of act.

All sections of this act relating to the having in possession or under control of any bird, animal or fish, or to the shipment thereof out of or into this state, shall be construed to include any and all parts of the flesh or meat thereof.

(1891, c. 9, § 27, as amended 1893, c. 124, § 25.)

§ 2176. Officers to enforce the law—Arrests.

It shall be the duty of all members of the board of game and fish commissioners, all game wardens, sheriffs and their deputies, constables and police officers of this state to enforce this law and to arrest all persons violating any of the provisions thereof. If caught in the violation thereof at the time of his arrest, he may be arrested therefor without a warrant, when he shall be at once taken before a court having jurisdiction of the offense, and a warrant issued, when the same proceedings shall thereafter be had as if a warrant had been issued before his arrest, but no person shall be arrested without a warrant for any such violation when not engaged in such violation at the time of his arrest.

(1891, c. 9, § 28, as amended 1893, c. 124, § 26.)

§ 2177. Seizures—Search warrants—Report to board.

It shall be the duty of all the members of the board of game and fish commissioners, all game wardens, sheriffs and their deputies, constables and police officers of this state at any and all times, to seize and take possession of any and all birds, animals or fish which have been caught, taken or killed at a time, in a manner, or for a purpose, or had in possession or under control, or have been shipped contrary to any provision of this act. Such seizure may be made without a warrant. Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing in the concealment of any bird, animal or fish caught, taken, killed, had in possession, under control, or shipped contrary to any of the provisions of this law, shall issue a search warrant and cause a search to be made in any place therefor, and to that end may cause any building, inclosure or car to be entered, and any apartment, chest, box, locker, crate, basket or package to be broken open and the contents thereof examined. All such officers taking or seizing any such birds, animals or fish, shall at once report all the facts attending the same to the board of game and fish commissioners of this state, and shall at their request turn the same over to them. After such taking such birds, animals or fish shall be subject to the direction and control of said board, and shall be considered in their possession.

(1891, c. 9, § 29, as amended 1893, c. 124, § 27.)

§ 2178. Board may sell game or fish, when.

Any bird, animal or fish caught, taken or killed, had in possession or under control contrary to any provision of this act, and which shall come into

(585).

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72-M - 336

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the possession of the board of game and fish commissioners of this state, or which shall be shipped to them for sale by the board of game and fish commissioners of any other state, territory or country, they shall have the right to sell and dispose of either within or without this state, and may issue a certificate to the party purchasing, certifying that the same was legally obtained and possessed, and to that end to ship the same out of this state, and any one so acquiring the same within this state shall have the right to deal therewith the same as if the same had been killed and was possessed in accordance with the law of this state, anything herein to the contrary notwithstanding. The board of game and fish commissioners shall remit to the game and fish commissioners from whom they shall receive for sale any birds, game or fish from outside of this state, the net amount they shall receive therefor.

(1891, c. 9, § 30, as amended 1893, c. 124, § 28.)

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§ 2179. Shipments through this state, lawful, when.

It shall be lawful for the board of game and fish commissioners of any other state, territory or country, to ship any birds, animals or fish through this state to the board of game and fish commissioners of any other state, territory or country, when accompanied by a certificate of the board so shipping, stating that the same is shipped by said board, anything herein to the contrary notwithstanding.

(1891, c. 9, § 31, as amended 1893, c. 124, § 29.)

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§ 2180. Seizure of devices, etc., whose duty.

It shall be the duty of all members of the board of game and fish commissioners, all game wardens, sheriffs and their deputies, constables and police officers of this state, without warrant or process, to take, seize and destroy any and all devices, contrivances, materials and substances whatever, while in use for the purpose of catching, taking, killing, attracting or deceiving any bird, animals or fish contrary to any of the provisions of this act, including the destruction of fish houses erected or maintained upon the ice or in any waters or on the shore of any lake or stream for the purpose of being used to aid in the violation of any provision of this law. Any complaint or objection made by any person to such taking, seizure or destruction shall be prima facie evidence that such person was using the same in violation of the provisions of this act at a time it was so taken, seized or destroyed.

(1891, c. 9, § 32, as amended 1893, c. 124, § 30.)

§ 2181. Jurisdiction of officers.

The powers conferred and duties imposed on the board of game and fish commissioners and the game wardens herein shall extend to and include all the territory and water subject to the jurisdiction of this state.

(1891, c. 9, § 33, as amended 1893, c. 124, § 31.)

§ 2182. Repeal of certain acts.

Sections one hundred and three, one hundred and four, one hundred and five, and one hundred and six of Chapter six of the General Statutes of eighteen hundred and seventy-eight, and Chapter twenty of the General Statutes of eighteen hundred and seventy-eight, and Chapters two hundred and five, two hundred and six and two hundred and seven of the General Laws of eighteen hundred and eighty-nine, are hereby repealed.

(1891, c. 9, § 34.)

§ 2183. Resistance to officers—Penalty.

Whoever shall resist or obstruct any of said persons by threat or otherwise in the discharge of his duties under this act, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than two hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than ninety days nor more than one hundred and twenty days, or both.

(1893, c. 124, § 32.)

§ 2184. Collections for scientific purposes—Certificate—Bond.

Certificates may be granted by the board of game and fish commissioners to any member of any incorporated society of natural history or other scientific body organized for the study of natural history, or to any properly accredited person whom such society may designate, permitting the holder of such certificate to collect, for strictly scientific purposes only, the nests, eggs, birds, animals and fish protected by this act. No person to whom such certificates may be issued shall dispose of any such specimens secured by gift or otherwise, except by exchange of specimens for scientific purposes only. In order to obtain such certificate the applicant for the same must present to and file with the board of game and fish commissioners written testimonials from two well known scientific men, certifying to the good character and fitness of the applicant to be entrusted with such privilege, and a properly executed bond in the sum of one hundred dollars, signed by two responsible freeholders of this state as sureties, conditioned for the faithful compliance by the applicant with all the provisions of the law, and shall pay said board upon the issuance of said certificate the sum of two dollars. This bond shall be forfeited to the state and the certificate become void upon the conviction of said applicant of a violation of any of the provisions of this act. Such certificate shall be in force and effect for one year only from the date of its issue, and shall not be transferable. Whoever shall violate any provision of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of fifty dollars, or by imprisonment in the county jail for sixty days, or both. Nothing in this act contained, however, shall be construed to in any way abridge or curtail the duties, powers or authority imposed or conferred by chapter thirty of the general laws of 1872, or chapter one hundred and thirty-three of the general laws of 1873 of the state of Minnesota.

(Id.)

§ 2185. Fishways—Powers of board—Certificate.

All fishways heretofore or hereafter erected in any dam or obstruction across any of the streams of this state shall at all times be under the supervision and control of the board of game and fish commissioners. It shall be the duty of any person or persons who now own or control, or hereafter may erect or control any dam or other obstruction across any of the rivers, creeks, streams, bayous, or other water courses, wholly within or running through this state, in such manner as shall obstruct the free passage of fish up and down or through such water or water courses, to place or cause to be erected in, or in connection with such dam or dams, durable and efficient waterways so that the free passage of fish up and down such waters may not be obstructed. All such fishways shall be maintained and kept in good repair by the person so owning or controlling such dam or other obstructions during the whole time of the existence of such dam or other obstruction as aforesaid, so that said fishways shall at all times be open and free from obstruction for the passage of fish. In case the owner or person controlling, operating or using any dam or any obstruction aforesaid shall fail or refuse after ten days' written notice by the board of game and fish commissioners of this state to construct and keep in good repair durable and efficient fishways as provided in this act, then said board of game and fish commissioners may construct or cause to be constructed durable and efficient fishways, or place the same in good repair, said work to be let by contract to the lowest responsible bidder, and the costs thereof may be recovered in an action of debt by the board of game and fish commissioners in their own name, before any court having jurisdiction. Any person owning or controlling any such dam or other obstruction, who shall fail or refuse to comply with any of the provisions of this section with respect to the construction and maintenance in good repair of such fishways in any such dam, after having been notified in writing by the board of game and fish commissioners to construct or repair the same, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than five dollars nor more than twenty-five dollars and costs of prosecution, or by imprisonment in the county jail for not

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less than five days nor more than thirty days for each and every day after the expiration of said notice that he shall neglect or refuse so to do. Every owner or person controlling any dam or other obstruction in or in connection with which a fishway has been or shall be built as provided in this act, and to the satisfaction and approval of said board, may obtain from said board a certificate that such fishway is constructed in compliance with this act, which certificate while in force shall be a full protection against any prosecution for a violation of this act, for not providing a proper and suitable fishway. Such certificate may be suspended at any time by said board, when said fishway is not maintained or kept in repair as herein required. If such person so owning or controlling any such dam or other construction shall fail to construct or maintain such fishway to the satisfaction of said board, it shall be prima facie evidence of a violation of this act, provided, that no owner of any dam or dams shall be required to construct such fishway by using some particular patent, on which a patent fee is demanded, or to construct or repair such fishway when high water or climatic conditions may render such work impracticable.

(Id.)

§ 2186. Deposit of sawdust in streams prohibited, when.

Any person owning or operating a portable saw mill, who deposits any sawdust or other refuse in any stream or water wherein the fish commissioners of this state have deposited or shall deposit fry, or wherein brook trout naturally abound, shall be guilty of a misdemeanor, and on conviction thereof shall for each offense be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty days nor more than ninety days.

(Id.)

§ 2187. Definition of words in act.

The word "person" as used in this act, shall include all individuals, firms, joint stock companies, corporations, and all combinations thereof, and the word "possession" shall include both actual and constructive possession. The word "animals" as used herein shall not be construed to include any variety of birds.

(Id.)

§ 2188. Who may testify.

In any prosecution or judicial proceeding under the provisions of this law, any participant in any violation thereof may testify as a witness against any other person violating the same without criminating himself by so doing, nor shall the evidence so given by him be used against him in any criminal proceeding against him for such violation.

(Id.)

§ 2189. Prosecutions shall be begun within one year.

All prosecutions under this act shall be commenced within one year from the time the offense was committed, and may be had in any county in which the offense was committed, or the defendant resides, or is found at the time of instituting the same, before any court having jurisdiction of the offense.

(Id.)

§ 2190. Disposal of fines, etc.

All fines collected or moneys recovered on any bond given to or contract made with the board of game and fish commissioners, or received by them from the sale of any birds, animals or fish, except for the board of game and fish commissioners of another state, territory or country, under any of the provisions of this act, shall be paid into the state treasury, and be placed to the credit of said board, to be expended by them in the discharge of their duties and the enforcement of the provisions of this act.

(Id.)

§ 2191. Appropriation for 1893 and 1894.

The sum of fifteen thousand dollars annually, for the next two years, from January 1, 1893, is hereby appropriated for the purpose of carrying out and

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enforcing the provisions of this act, to be paid for such purpose out of any moneys in the state treasury, not otherwise appropriated.

(Id.)

§ 2192. Repeal of certain special laws relating to fishing in certain lakes and rivers.

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That chapters three hundred and fifteen and three hundred and twenty-three of the special laws of 1883; chapters two hundred and fifty-nine, two hundred and sixty, two hundred and sixty-one, two hundred and sixty-two, two hundred and sixty-three, two hundred and sixty-four, two hundred and sixty-five, two hundred and sixty-six, two hundred and sixty-seven, two hundred and sixty-eight, two hundred and sixty-nine, two hundred and seventy-one, two hundred and seventy-two, two hundred and seventy-three, two hundred and seventy-four, two hundred and seventy-five, two hundred and seventy-seven, two hundred and seventy-eight, and two hundred and eighty of the special laws of 1885; chapters three hundred and twenty-two, three hundred and thirty-six, three hundred and thirty-eight, three hundred and forty-eight, three hundred and forty-nine, three hundred and fifty, three hundred and fifty-one, three hundred and fifty-two and three hundred and fifty-three of the special laws of 1887; chapters four hundred and fifty-three, four hundred and fifty-five, four hundred and fifty-six, four hundred and fifty-seven, four hundred and fifty-eight, four hundred and fifty-nine, four hundred and sixty, four hundred and sixty-one, four hundred and sixty-two, four hundred and sixty-three, four hundred and sixty-four, four hundred and sixty-five, four hundred and sixty-six, four hundred and sixty-seven, four hundred and sixty-nine, four hundred and seventy, four hundred and seventy-one, four hundred and seventy-two, four hundred and seventy-three, four hundred and seventy-four, four hundred and seventy-five, four hundred and seventy-eight, four hundred and seventy-nine and four hundred and eighty of the special laws of 1889; and chapters four hundred and eighty-six, four hundred and eighty-seven, four hundred and eighty-eight, four hundred and ninety, four hundred and ninety-one, four hundred and ninety-two, four hundred and ninety-three, four hundred and ninety-four, four hundred and ninety-five, four hundred and ninety-six, four hundred and ninety-seven, four hundred and ninety-eight, four hundred and ninety-nine, five hundred, five hundred and one, five hundred and two, five hundred and three and five hundred and four of the special laws of 1891, are hereby repealed.

(Id.)

See the following acts, printed among the general laws, relating to fishing in the localities named:

Certain lakes in Carver county, 1873, c. 26, amended 1875, c. 130; 1889, c. 533.
Certain lakes in Kandiyohi county, 1874, c. 44, amended 1875, c. 132.
Freeborn lake, Freeborn county, 1875, c. 131, amended 1881, c. 157.
Hennepin, Ramsey, and Washington counties, 1873, c. 23.
Isanti and Chisago counties, 1875, c. 128.
Rice, Scott, and Dakota counties, 1874, c. 43.
Ripley lake, Meeker county, 1875, c. 127.
Watonwan county, 1873, c. 24, amended 1874, c. 42.

See the following special laws, relating to fishing, etc., in the localities named:

Afton, Washington county, 1876, c. 184; 1881, Ex. S. c. 137.
Anoka county, 1877, c. 151.
Barsness township, Pope county, 1885, c. 270.
Beaver lake, town of Berlin, Steele county, 1876, c. 182.
Certain lakes in Blue Earth county, 1876, c. 180.
Certain lakes in Rice county, 1877, c. 147.
Certain lakes in Stearns county, 1877, c. 155.
Certain lakes in town of Crow Lake, Stearns county, 1877, c. 161.
Certain lakes in towns of Clear Lake and Palmer, Sherburne county, 1877, c. 148, amended 1878, c. 78.
Chisago and Green lakes, Chisago county, 1885, c. 279.
Chisago county, 1891, c. 489.
Como lake or Hokah mill pond, Houston county, 1879, c. 274.
Elysian lake, Waseca county, 1881, c. 343.

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§§ 2192-2194 PRESERVATION OF GAME [AND FISH]. [Ch. 20]

Goodhue county, 1878, c. 237; 1881, c. 346.
Hanska lake, Brown county, 1881, c. 347.
Hennepin county, 1889, c. 477.
Hoof and Long lakes, towns of Danielson and Acton, Meeker county, 1876, c. 183.
Howard lake, Wright county, 1877, c. 150.
Kandiyohi county, 1878, c. 240.
Kandiyohi lakes, Kandiyohi county, 1877, c. 152.
Koronis lake, Stearns and Meeker counties, 1877, c. 155; 1879, c. 275; amended 1881, c. 131.
Le Sueur county, 1881, c. 345, amended 1881, Ex. S. c. 189; 1883, c. 64.
Minnesota river, Le Sueur county, 1881, Ex. S. c. 139.
Minnetonka lake, Hennepin county, 1879, c. 280, amended 1889, c. 476
Minnie Belle lake, Meeker county, 1879, c. 279.
North Branch of Crow river, Stearns county, 1877, c. 155.
Otter Tail county, 1877, c. 159; 1887, c. 354.
Prairie and Round lakes, Dakota county, 1883, c. 324; 1885, c. 91.
Prairie lake, Dakota county, 1870, c. 103; 1876, c. 179; 1883, c. 292.
Ramsey county, 1878, c. 247.
Rice county, 1889, c. 454.
Rice lake, Stearns county, 1877, c. 155; 1883, c. 308.
Rice lake, town of Foster, Faribault county, 1883, c. 317.
Ripley lake, town of Litchfield, Meeker county, 1878, c. 181.
Root river, Houston and Fillmore counties, 1885, c. 276, amended 1887, c. 93.
Round lake, Jackson county, 1877, c. 160.
Round lake, Le Sueur county, 1887, c. 347.
Shaokatau lake, Lincoln county, 1877, c. 149; 1879, c. 278.
Stevens county, 1876, c. 185; 1877, c. 153.
Swan lake, Nicollet county, 1877, c. 154.
Tetonka and Sakatah lakes, Waterville, Le Sueur county, and Morristown, Rice county, 1879, c. 282.
The "Four Lakes," Washington county, 1887, c. 87.
Thompson lake, Waseca county, 1879, c. 283.
Walker lakes and Spencer brook, Isanti county, 1876, c. 186.
Washington county, 1879, c. 277.
Washington lake, Le Sueur county, 1877, c. 156.
Waverly lake, Wright county, 1879, c. 276.
Whipple and Pelican lakes, Pope county, 1877, c. 157.
Woodville, Waseca county, 1869, c. 78, amended 1883, c. 63.
Wright county, 1879, c. 273.
Zumbro river and branches, 1877, c. 158.
Zumbro river, Oronoco village and city of Rochester, 1875, c. 84; 1881, c. 126.
Zumbro river, Wabasha county, 1879, c. 80.

§ 2193. Taking of spawn by United States fish commission.

Nothing in this act, however, shall be construed to in any way prevent the taking of spawn of any kind at any time from any of the inland waters of this state by the United States fish commission or its duly accredited agent or representative.

(1893, c. 124, § 32.)

§ 2194. Appointments.

In making appointments under this act preference shall always be given to honorably discharged soldiers of the Union army.

(Id.)