

REVISED LAWS

MINNESOTA

1905

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EDITED AND ANNOTATED BY
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the tests applied and the working power allowed, a copy of which the inspector shall furnish to the owner of the boiler or generator, who shall post and keep the same in a conspicuous place on or near such boiler or generator. The inspector shall be entitled to a fee of three dollars for the inspection of each single boiler and its steam connections, and two dollars for each additional boiler when connected and inspected at the same time, payable on delivery of the certificate. The fee for an engineer's license, and for each biennial renewal, shall be one dollar, which shall accompany the application. (491)

2185. Disposal of fees—All fees collected by inspectors under this chapter shall be retained by them as full compensation for their services, and be divided among them as determined at the annual meeting of the board of inspectors. (492)

2186. Exemptions—The provisions of this chapter shall not apply to railroad locomotives, to locomotive engineers employed by railroad companies, or to boilers insured by insurance companies and certified by their authorized inspectors to be safe. (493; '97 c. 271)

Exemptions do not render law unconstitutional (65-453, 68+77). Steam plants in dwellings and business blocks (94-207, 102+452).

CHAPTER 32

PRESERVATION OF GAME

[This chapter is superseded by 1905 c. 344]

2187. Game and fish commission—The state game and fish commission shall consist of five commissioners, to be appointed by the governor, each for the term of four years; but those heretofore appointed pursuant to Laws 1903 c. 336, shall continue in office during the terms for which they are respectively named. Vacancies shall be filled by like appointment for the remainder of the terms. The members shall serve without pay, but their necessary expenses as such shall be paid by the state, upon itemized statement thereof duly itemized by the commission.

2188. Office—The commission shall have an office in the capitol and be supplied by the state with furniture, stationery, blanks and postage for the proper transaction of its business.

2189. General powers—The commission shall enforce the laws of the state relating to the protection, preservation and propagation, taking, use, possession and transportation of all game animals, game birds, fish, and harmless birds and animals mentioned in this chapter.

2190. General duties—The commission shall have general charge of the following public matters, and necessary powers therefor:

1. The protection, propagation and breeding of game and fish of such species and varieties as they may deem of value to the people of the state.

2. The collection and diffusion of such statistics and information as they deem useful in regard to the protection and propagation of game and fish, and 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 and control.

3. Said commission shall annually on or before the first Monday in December of each year, submit to the governor of the state a detailed report showing what has been done by it during the preceding year, the amount of money received by it from all sources, a complete inventory of all game, guns, dogs and other property seized and sold, with the names of the purchasers and the amount received for the same, the amount of its disbursements in detail, and the books and vouchers of said commission shall be subject to examination by the public examiner at all times.

4. The control and management of all state fish hatcheries, the grounds used therefor, whether owned or leased, the buildings, ponds, apparatus and

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all other property belonging to or held by the state for the propagation of fish.

5. The purchase and establishment of new hatcheries in like manner when appropriations shall be made by law to purchase and maintain the same.

6. The receiving from the United States commissioner of fisheries, or other persons, of all spawn or fry donated to the state, and in the most practical way, by purchase, exchange or otherwise, to procure and receive fish, spawn or fry, and to distribute the same by stocking the waters of this state, and to take such measures as shall in their judgment best promote the supply of food fish in the waters in Minnesota.

7. The taking of fish from the public waters of this state at all seasons of the year for artificial propagation and stocking of other waters of this state.

8. Said commission may employ a competent person as superintendent of fisheries at a salary of not to exceed twelve hundred dollars per annum and to be paid to him out of the funds provided for the enforcement of this chapter and he shall devote his entire time to the work of fish propagation and distribution under the direction of said commission. He may be removed at any time by said commission. Said commission may employ such assistants for said superintendent of fisheries as the exigencies of the work may require at such compensation as the commission may fix.

9. Said commission shall have the power and authority to appoint such persons as game wardens for such periods at such compensation as said commission shall determine, to aid in the enforcement of said laws. Each game warden before entering upon the discharge of his duties shall give bond to said commission with sureties or security in the sum of five hundred dollars, conditioned for the faithful discharge of his duties as such warden, said bond to be approved by said commission.

10. Said commission shall be entitled to the possession of any and all property belonging to the state by virtue of this chapter, and to take possession for the state of any and all game and fish and any part thereof which is declared by this chapter as contraband and to dispose of the same; and to take possession for the state of any property by this chapter declared to be a public nuisance and to dispose of the same.

11. It shall be the duty of said commission, for and on behalf of the state of Minnesota, to institute and prosecute all actions and proceedings against all persons for the violation of any law of this state relating to game and fish, and to institute and prosecute all actions to recover any and all claims arising under this chapter, whether arising out of contract or otherwise, and to protect the property of the state in any manner connected with the work of said commission. All criminal actions shall be entitled "The State of Minnesota," as plaintiff, and all other actions and proceedings instituted by them shall be entitled "State Game and Fish Commission of the State of Minnesota," as plaintiff.

12. The commission may employ an attorney to perform such legal services as the commission may require. He may appear for said commission in all civil actions in which said commission or any of its wardens may be interested by reason of their position under this chapter, and he may assist the county attorney in the prosecution of criminal actions arising under this chapter, and when for any reason the county attorney does not prosecute such criminal action such attorney so employed may conduct such prosecution on behalf of the state with the same authority as the county attorney. The compensation to be paid the attorney so employed shall be fixed by said commission and paid out of the funds provided for the enforcement of this chapter.

13. Said commission may employ such other persons as may be necessary for the proper performance of its duties at such compensation as the commission may deem proper.

14. Said commission shall have such powers as are hereby or hereafter may be committed to or vested in them by law, with all powers necessarily incident to their due execution, and shall have an official seal which shall be used in authenticating documents, appointments and certificates issued by them.

2191. Executive agent—Said commission shall appoint one of its members to act for it and to exercise for it, when it shall not be in session, all the rights,

powers, and authority vested in said commission. Such person shall be known as the executive agent of the state game and fish commission of the state of Minnesota, and shall devote all his time to the discharge of the duties of such position. He shall act as such executive agent during the pleasure of said commission, and shall be subject to its direction and control. He shall receive not to exceed two thousand dollars per annum for his services to be paid to him out of the funds provided for the enforcement of this chapter. He shall before entering upon the discharge of his duties, give a bond with sureties or security to the state of Minnesota in the sum of five thousand dollars, conditioned for the faithful accounting for all state property coming into his hands, said bond to be approved by the commission.

2192. Payments—How made—All payments out of the state treasury required to be made to carry out the provisions of this chapter, shall be made on duly approved vouchers and shall be paid the same as other state officers are paid.

2193. Exemption from taxation—The property owned or leased for use by said commission shall be exempt from taxation so long as held and used for the purposes herein specified.

2194. Execution of writs—The executive agent of said commission, all members and all wardens appointed by said commission shall have full power and authority to serve and execute all warrants and process of law issued by any court in enforcing the provisions of this chapter, or any other law of this state relating to the preservation and protection of game and fish, in the same manner as any constable or sheriff may serve and execute the same, and for the purpose of enforcing the provisions of this chapter they may call to their aid any sheriff, deputy sheriff, constable or police officer, or any other person; and it shall be the duty of all sheriffs, deputy sheriffs, constables or police officers and other persons, when called upon, to enforce and aid in enforcing the provisions of this chapter.

2195. Ownership in state—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 or any part thereof within this state of the kinds herein mentioned, but they shall always and under all circumstances be and remain the property of this state; except, that by killing, catching or taking the same 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 by any person at the time, in the manner and for the purposes herein expressly authorized; and whenever any person kills, catches, takes, ships or has in his possession, or under control, any of the birds, animals or fish, or any part thereof, mentioned in this chapter at a time or in a manner prohibited by this chapter, such person shall thereby forfeit and lose all his right to the use and possession of such bird, animal or fish, or any part thereof, and the state shall be entitled to the sole possession thereof.

58-393, 59+1098; 63-543, 65+1080; 73-185, 75+1120; 90-337, 96+785; 92-363, 100+94; 104+719.

2196. Nests and eggs—No person shall at any time take or have in possession or under control, break up or destroy, or in any manner interfere with any nest, or the eggs 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 one hundred dollars, and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than ninety days for each and every offence.

2197. Manner of taking—No person shall at any time catch, take or kill any of the birds or animals which are by this chapter permitted to be caught, taken or killed, in any other manner than by shooting them with a gun held to the shoulder of the person discharging the same. Whoever offends 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 ten dollars

nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than ninety days for each and every bird or animal so caught; taken or killed.

2198. Traps, snares, etc.—No person shall at any time set, lay, prepare or have in possession any trap, snare, artificial light, net, bird lime, swivel gun or set gun or any contrivance whatever for the purpose of catching, taking or killing any of the birds in this chapter mentioned, except that decoys and stationary blinds may be used in hunting wild geese, brant and ducks. 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 ten dollars, nor more than one hundred dollars, and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than ninety days, for each and every offence.

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2199. Hunting after dark—No person shall at any time hunt with or shoot from any boat, canoe or contrivance or device whatever on any of the waters in this state between dark and daylight, and no person shall at any time make use of, hunt with or shoot from any floating battery, sink boat, sunken barrels, boxes, tubs, floating blinds or any similar device whatever on any of the waters in this state. 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 ten dollars or more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than ninety days, for each and every offence.

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2200. Hunting with dogs—No person shall hunt, pursue, catch, take or kill any of the animals in this chapter mentioned, with dog or dogs. 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 ten dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than ninety days, for each and every offence. Any dog or dogs used or attempted to be used in violation of any provision of this section are hereby declared to be and are a public nuisance, and it shall be lawful for any person to kill or attempt to kill any dog or dogs so being used or attempted to be used.

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2201. Trespass—Notice—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, animal or fish, nor permit any dog with which he shall be hunting to do so for such purpose without permission from the owner or person in charge thereof. No person shall at any time enter upon any land not his own with intent to catch, recover, take or kill any bird, animal or fish after being notified by the owner or occupant thereof not to do so. Such notice may be given orally or by posting written or printed notices to that effect, in the English language, in conspicuous places on the land so protected, and no person shall in any manner destroy any sign so posted. Any person offending 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 offence. Nothing in this section contained, however, shall be 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.

2202. Possession of game from another state—No person shall at any time have in his possession or under his control within this state any bird, animal or fish or any part thereof which has been caught, taken or killed outside of this state at a time when it is unlawful to have in possession or under control such birds, animals or fish or parts thereof if caught, taken or killed in this state. 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 ten dollars nor more than one hundred dollars, and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than ninety days for each and every such bird, animal or fish or any part thereof had in his possession or under his control.

63-535, 65+940.

2203. Possession—Evidence—Exceptions—The possession or having under control by any person or persons within this state of any bird, animal or fish or any part of any bird, animal or fish, the killing of which is at any time 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 or killed in this state; to disprove which it shall be necessary to show by testimony of the party who actually caught, took or killed the same, that at the time it was caught, taken or killed it was caught, taken or killed outside of the state. The provisions of this chapter in regard to the shipping and having in possession of the hides of any moose, deer, or caribou, or the hides of any fur-bearing animals shall not apply to any of the hides which have been shipped from a point outside of this state, nor to any manufactured article made in whole or in part of any hides or furs, whether obtained within this state or from another state or from any foreign country, nor to any raw or dressed furs obtained in this state: Provided, that the shipping by mistake or ignorance of one or more moose, deer, caribou or elk skins during the close season with other goods or hides, the shipping or possession of which is not unlawful or in violation of this chapter, shall not render such other goods or hides subject to seizure or confiscation under the provisions of this chapter. The use of the words fur or fur-bearing animals as used in this section shall not apply to moose, deer, caribou or elk or the skin of any moose, deer, caribou or elk.

89-193, 94+548; 90-337, 96+785; 104+827.

2204. Fish nets—All fish nets had or maintained in any of the waters of any lake, pond or stream in this state, for the purpose of catching, taking, killing, deceiving or attracting any fish contrary to any of the provisions of this chapter, are hereby declared to be and are a public nuisance, and it shall be the duty of all of the members of the commission, all game wardens, sheriffs and their deputies, constables and police officers of this state, to take, seize, abate, dispose of or destroy any and all of the same used, had or maintained as aforesaid. And no liability shall be incurred to the owner or any other person for such seizure, abatement, disposition or destruction thereof, and said commission, and all wardens and other officers or persons, shall be released from all liability to any person or persons whatsoever for acts done or committed or property seized, abated, disposed of, or destroyed under and by virtue of this section.

2205. Contraband game—Search warrant—Any bird, animal, fish, or any part of any bird, animal or fish, mentioned in this chapter caught, killed, shipped or had in possession or under control contrary to any of the provisions of this chapter is hereby declared to be and shall be contraband; and it shall be the duty of all members of the commission, all game wardens, sheriffs and their deputies, constables and police officers of this state, to seize and take possession of any and all birds, animals or fish or any part of any bird, animal or fish, which have been caught, taken, killed or had in possession or under control or shipped contrary to any of the provisions of this chapter. Any court having jurisdiction to try any person for any offence committed under this chapter may, upon receiving proof of probable cause for believing in the concealment of any bird, animal, fish, or any part of any bird, animal, or fish caught, taken, killed or had in possession or under control by any person or shipped by any person contrary to the provisions of this chapter, shall issue a search warrant and cause a search to be made in any place for any such birds, animals, fish, or any part of any such bird, animal, or fish; and to that end may cause any building, inclosure or car to be entered, and any apartment, chest, box, locker, crate, basket, package, or any other receptacle whatever to be broken open and the contents thereof examined.

All such officers taking or seizing any such birds, animals, or fish, or any part of any such bird, animal, or fish, shall at once report all the facts attending the same to the game and fish commission of this state.

2206. Same—Donated to charitable institutions—Any bird, animal, fish, or any part of any bird, animal, or fish, caught, taken, killed, had in possession or under control, or shipped contrary to any provisions of this chapter which shall come into the possession of the game and fish commission of this state, shall be donated by the commission to the various charitable institutions within this state for the use of the inmates thereof as food only.

2207. Exchange specimens—The commission upon application from the board of game and fish commissioners of any other state, are authorized and empowered to obtain and secure alive specimens of the game birds, animals and fish of the state of Minnesota, and to sell or exchange and ship such specimens to such board of game and fish commissioners to any point outside of the state of Minnesota; but such specimens shall only be used for breeding or for propagation of the same species.

2208. Terms defined—The word "person," as used in this chapter, shall include all individuals, firms, joint stock companies, corporations and all combinations, thereof, and the word "possession," as used in this chapter, shall include both actual and constructive possession. The word "animal," as used herein, shall not include any variety of birds.

2209. Attempts at violation—Any attempt to violate any of the provisions of any section of this chapter shall be deemed a violation of such provision, and any person attempting to violate any of the provisions of any section of this chapter 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 fifty dollars and cost of prosecution, or by imprisonment in the county jail for not less than ten days nor more than sixty days for each and every offence.

2210. Incriminating evidence—In any prosecution or judicial proceeding under any of the provisions of this chapter any participant in any violation thereof may testify as a witness against any other person violating the same without incriminating himself by so doing; nor shall the evidence so given by him be used in any criminal proceeding against him for such violation.

2211. Limitation—All prosecutions under this chapter shall be commenced within two years from the time the offence was committed.

2212. Duties of officers—It is hereby made a part of the official duty of every county attorney, sheriff, constable or other peace officers, to enforce the provisions of this chapter.

2213. Jurisdiction—The powers conferred and duties imposed on the commission and the game wardens herein shall extend to and include the territory and waters subject to the jurisdiction of this state.

2214. Resisting commission—Whoever shall resist or obstruct the executive agent of said commission, or any member thereof, or any warden or other officers of this state, in the discharge of his duties under this chapter shall be 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 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 offence.

2215. Collections for science—Procedure—Fees—Certificates may be granted by the commission 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 scientific purposes only, the nests, eggs, birds, animals or fish protected by this chapter. No person to whom such certificate 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 commission written testimonials from two well-known scientific men, certifying to the good character and

fitness of the applicant to be intrusted 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 this chapter, and shall pay said commission upon the issuance of such certificate the sum of two dollars. This bond shall be forfeited to the state and such certificate become void upon the conviction of said applicant of a violation of any of the provisions of this chapter. 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 of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of fifty dollars, or by imprisonment in the county jail for sixty days, or both.

2216. Fishways—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 commission. It shall be the duty of any corporation, person or persons, who now own or control or hereafter may erect, own or control any dam or other obstruction across any of the rivers, creeks, streams or other watercourses within or running through this state, to construct in connection with such dam or dams, durable and efficient fishways, so that the free passage of the 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, controlling, operating or using any dam or any obstruction as aforesaid, so that said fishways shall at all times be open and free from obstructions for the passage of fish. In case the owners or person controlling or operating or using any dam or obstruction aforesaid shall fail or refuse, after ten days' written notice by the commission, to construct and keep in good repair durable and efficient fishways as provided in this chapter, then said commission may construct or cause to be constructed durable and efficient fishways, or place the same in good repair, and the cost thereof may be recovered by the commission from the owner or any person in control thereof in a civil action 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 of such fishways in any such dam, or other obstruction after having been given ten days' written notice by the commission to construct or repair the same, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than five dollars nor more than twenty-five dollars and cost of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days for each and every day after the expiration of said notice that he shall neglect and refuse to do so. Every owner or person controlling any dam or obstruction in or in connection with which any fishway has been built as provided for in this chapter, and to the satisfaction and approval of said commission, may obtain from said commission a certificate that said fishway is constructed in compliance with this chapter, which certificate while in force shall be a full protection against any prosecution under this section. Such certificate may be suspended at any time by said commission when said fishway is not maintained or kept in repair as herein required. If any person so owning or controlling any dam or obstruction shall fail to construct such fishway to the satisfaction of said commission it shall be prima facie evidence of a violation of this section.

2217. Deposits of refuse—Any person who deposits any sawdust or other refuse in any stream or water wherein the said commission have deposited or shall deposit fry, or wherein brook trout naturally abound, shall be 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 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 offence.

2218. United States fish commission—Nothing in this chapter contained, however, shall be construed to in any way prevent the taking of spawn of

any kind and at any time from any of the inland waters of this state by the United States fish commission or its duly accredited agents.

2219. Fines—Where deposited—All fines collected under any of the provisions of this chapter shall be paid into the county treasury of the county wherein the conviction was had, to the credit of the general county fund.

2220. Disposal of money—All moneys recovered on any bond given to or contract made with the game and fish commission or received by them from licenses, or from other sources under any provision of this chapter shall be paid into the state treasury to be used for the purpose of carrying on and enforcing the provisions of this chapter.

2221. Rewards—Said commission is hereby authorized to offer and to pay over out of any moneys subject to their order a reward of ten dollars for the arrest and conviction of any person for the violation of any provision of this chapter, such reward to be paid to the person making the complaint in the case wherein the conviction was had, upon his furnishing to said commission a certified copy of the docket of the justice of the peace before whom the person found guilty of said offence has been convicted: Provided, that the person found guilty of such violation shall have been sentenced to pay a fine amounting to ten dollars or more, which sum shall have been paid by the person so fined to the justice before whom the conviction was had and by him paid into the county treasury of the county wherein the conviction was had: Provided, that this section shall not apply to game wardens regularly employed under pay, by the game and fish commission.

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2222. Exceptions—The provisions of this chapter shall not apply to domesticated birds or animals, or to trout grown in private hatcheries: Provided, however, that in any prosecution for any violation of any of the provisions of this chapter it shall not be necessary for the prosecution to allege or prove that the birds or animals were not domesticated or that the trout were not grown in a private hatchery, or that the birds, animals or fish were not taken for scientific purposes, but the person claiming that such birds or animals were domesticated, or the trout were grown in a private hatchery, or that the said birds or animals were taken for scientific purposes as herein provided, shall prove on the hearing or trial that such birds or animals were domesticated, or that such trout were grown in a private hatchery, or that such birds or fish were taken for scientific purposes, as by law provided.

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2223. Appointments—Preferences—In making appointments under this chapter preference shall always be given to honorably discharged soldiers of the Union army.

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2224. Possession—How retained—Tags, etc.—Any person who is a resident of this state and is legally in possession of any of the birds or animals or any part of any of the birds or animals herein mentioned, 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 when they may be had in possession, and who shall, before the expiration of the time in this chapter limited within which they may be had in possession, make application to the game and fish commission for leave to retain the same, which application shall be in writing and signed or sworn to by the applicant, and shall state:

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

2. The number, kind and location of said birds or animals or parts thereof, which number shall not exceed fifty turtle dove, prairie chicken, pinnated, white-breasted or sharp-tailed grouse, quail, partridge, ruffed grouse or pheasant, woodcock, upland plover or golden plover or any or all of the same combined; or one hundred snipe, wild duck, goose, brant, or any variety of aquatic fowl whatever, or any or all of the same combined; three deer, or the parts thereof, one male moose, or the parts thereof, and one male caribou, or the parts thereof, for each applicant.

3. That if permitted to retain the same by said commission the applicant

will keep in 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 and animal or parts thereof, not exceeding fifty turtle dove, prairie chicken, pinnated, white-breasted or sharp-tailed grouse, quail, partridge, ruffed grouse or pheasant, woodcock, upland plover or golden plover or any or all of the same combined; or one hundred snipe, wild duck, goose, brant or any variety of aquatic fowl whatever, or any or all of the same combined; three deer, or the parts thereof; one male moose, or the parts thereof, and one male caribou, or the parts thereof, for each applicant. The person making such application shall, before said tags or seals are attached, pay to said commission the reasonable expense of making and attaching such tags and seals. After such tags or seals have been so attached as aforesaid by said commission, and the person who made such application keeps possession of such birds or animals or parts thereof for his own use, and does not ship, sell or dispose of the same, or any part thereof, and such tags or seals remain upon said birds and animals or parts thereof, he may retain possession of such birds and animals or parts thereof until consumed: Provided, that nothing in this section contained shall prevent a person from disposing of, as a gift, any of the birds, animals or fish mentioned herein. Any person who shall destroy or duplicate any tag or seal attached to any bird or animal or part thereof, or who shall ship, sell or dispose of any bird or animal, or any part thereof, which has been tagged or sealed as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars, nor more than fifty dollars, and costs of prosecution, or by imprisonment in the county jail for not less than thirty days nor more than sixty days, for each and every bird or animal or part thereof, so shipped, sold or disposed of.

2225. Hunters' license—Resident—Every person who is a bona fide resident of this state and who desires to hunt, take, kill or have in possession any of the game animals of this state, must first obtain a license therefor of the county auditor of the county wherein the person resides, and said license shall be issued by the county auditor under seal, upon blanks furnished him by the game and fish commission. Said license shall certify that the licensee is a bona fide resident of the state of Minnesota, and shall contain a description of the licensee and shall grant to the licensee permission to hunt, take, kill or have in possession any of the game animals of this state at the time and in the manner not prohibited by this chapter. Every applicant for such license must prove to the satisfaction of the county auditor issuing such license that he is a bona fide resident of this state, and he shall give his residence and post-office address. All licenses shall expire December 31 next after their issuance, and not more than one license shall be issued to the same person in any one year and shall be non-transferable. Every applicant for such license must, upon applying for the same, pay to the county auditor one dollar, of which amount ten cents shall be retained by the county auditor as his fee for issuing such license, and the balance shall be deposited by the county auditor in the state treasury to be used for the purpose of carrying on and enforcing the provisions of this chapter. Any license issued to any person according to the provisions of this section shall be at all times subject to the inspection of any person who may demand to see or inspect such license. The license so issued to any resident of this state shall have attached thereto five coupons, each coupon to be divided into two sections, lettered "A" and "B" respectively. Any resident of this state who is lawfully the holder of a coupon license duly issued to him as provided for by this section shall be entitled to ship from himself to himself from any point in this state to any point in the county wherein such license was issued, three deer or any part thereof, one male moose or any part thereof and one male caribou or any part thereof, according to the following provisions, and during the time when it is lawful to have

such animals in possession; three of the coupons may be used for the purpose of shipping three deer or any part thereof, one of the coupons may be used for the purpose of shipping one male moose or any part thereof, and one of the coupons may be used for the purpose of shipping one caribou or any part thereof. Each coupon shall state thereon the kind of animal which may be shipped thereunder, such coupon to be used for shipping only those animals named on such coupon. Every animal or part thereof shipped according to the provisions of this section must be shipped openly and not concealed in any trunk, box, bag, sack, can or other receptacle whatsoever, and must have attached thereto a card or tag on which must be plainly printed or written the name of the person shipping the same, the name of the place from where the animal was shipped, the destination of the shipment and the name of the person to whom the animal was shipped. The agent of the transportation company or common carrier who receives the animal or parts thereof for shipment shall detach section "A" of the coupon on which the same is to be shipped and forward said section to the office of the game and fish commission of this state at St. Paul, Minnesota. Section "B" is to be attached to the animal or part thereof received for shipment and the two sections of the coupon must be canceled by the receiving agent, with the date of reception for shipment and his initials written or stamped plainly thereon in ink. While in transit section "B" of the coupon must be on the animal or part thereof, or the said animal or any part thereof shall be subject to seizure as contraband game. The receiving agents and employees of transportation companies or common carriers who are required to transmit to the commission said section "A" of the coupon, as herein required, must so transmit the same within two days of the date of shipment. Any agent, servant or employee of any transportation company or common carrier who shall receive for shipment or ship any animal or any part thereof without having the coupon attached as herein provided, or who shall refuse or neglect to detach section "A" of the coupon as herein provided, or who shall fail to transmit or forward to the game and fish commission of this state as herein provided the section by him detached shall be 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 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 offence. Any person, transportation company or common carrier who shall ship, cause to be shipped, receive for shipment, carry or deliver any deer or any part thereof, any moose or any part thereof, or any caribou or any part thereof, in any other manner than provided for by this section, shall be 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 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 offence. Provided, however, that nothing in this chapter contained shall be deemed to prevent any resident of this state from carrying with him 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 any such game birds or fish when the same is accompanied on the same train or conveyance by the person who is legally in possession of the same.

2226. Same—Penalties—Any resident of this state who shall hunt, take, kill, ship, cause to be shipped, or have in possession, any of the game animals of this state or any part thereof, without being, at the time of such hunting, taking, killing, shipping or having in possession, in the possession of a resident license duly issued to him as provided for by this chapter, shall be 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 in the county jail for not less than thirty days nor more than ninety days for each and every offence.

2227. Hunters' license—Non-resident—Every person who is not a resident of this state, and who desires to hunt, take, kill or have in possession any of the game birds or animals mentioned in this chapter must first obtain a

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07 2227
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license therefor of the game and fish commission of this state, and said license shall be issued by said commission under seal and upon blanks furnished by said commission. Each license shall certify that the licensee is a non-resident of this state, shall contain a description of said licensee and shall grant permission to him to hunt, take, kill or have in possession game birds or animals of the state at the time and in the manner not prohibited by this chapter. Every applicant for such license shall upon applying for the same state his occupation, residence and postoffice address. All licenses shall expire December 31 next after their issuance, and not more than one license shall be issued to the same person in any one year, and shall be non-transferable. Any license issued to any person according to the provisions of this section shall be at all times subject to the inspection of any person who may demand to see or inspect such license. Every applicant for such license must upon applying for the same pay to the game and fish commission of this state twenty-five dollars for a license to hunt big game, and ten dollars for a license to hunt small game, and the said amounts when paid shall be deposited by the commission in the state treasury to be used for the purpose of carrying on and enforcing the provisions of this chapter. The license so issued to any non-resident of this state to hunt big game shall have attached thereto four coupons, and the license so issued to any such non-resident to hunt small game shall have attached thereto one coupon. Each of said coupons shall be divided into three sections lettered "A," "B" and "C" respectively. Any such non-resident who is lawfully the holder of a license to hunt big game duly issued to him as provided for by this section shall be entitled to ship beyond the borders of this state, from himself to himself, to his place of residence, two deer, or any part thereof, one male moose, or any part thereof, and one male caribou, or any part thereof according to the provisions of this section, and during the time when it is lawful to have such animals in possession in this state, and any such non-resident who is lawfully holder of a license to hunt small game, duly issued to him, as provided for by this section, shall be entitled to ship beyond the borders of this state, from himself to himself, to his place of residence, any game birds not to exceed twenty-five in number, according to the provisions of this section, and during the time when it is lawful to have such birds in possession in this state. Two of the coupons attached to the license to hunt big game may be used for the purpose of shipping two deer, or any part thereof, and one of said coupons may be used for the purpose of shipping one male moose, or any part thereof, and one of the same may be used for the purpose of shipping one male caribou, or any part thereof, as herein provided; and the coupon attached to said non-resident license to hunt small game may be used for the purpose of shipping game birds, not to exceed twenty-five in number, as provided in this section. Each coupon shall state thereon the kind of animal or birds which may be shipped thereunder, such coupon to be used for shipping only those animals or birds named on such coupon. Every animal or part thereof, and all birds shipped according to the provisions of this section must be shipped openly and not concealed in any trunk, box, barrel, bag, sack, can, or other receptacle whatever, and must have attached thereto a card or tag on which must be printed or written plainly the name of the person shipping the same, the name of the place from where the animals or birds were shipped, the destination of the shipment, and the name of the person to whom the animals or parts thereof, or the birds are shipped. The agent of the transportation company or common carrier who receives the animals, or parts thereof, or the birds, for shipment, shall detach section "A" of the coupon on which the same is to be shipped and forward the same to the office of the game and fish commission of this state, at St. Paul, Minnesota. Sections "B" and "C" are to be attached to the animals or parts thereof, or the birds received for shipment, and the three sections of the coupon must be canceled by the receiving agent with the date of reception for shipment and his initials written or stamped plainly thereon in ink. While in transit within this state sections "B" and "C" of this coupon must be on the animal or part thereof or the birds, or the said animals, or any part thereof, or the birds shall be subject to seizure as contraband game.

If the place of delivery of the said animals, or parts thereof, or said birds, is within the state of Minnesota the delivering agent of the common carrier or transportation company shall, before the delivery to the consignee detach section "C" of the coupon and forward said section to the office of the game and fish commission of the state of Minnesota, at St. Paul, Minnesota, leaving section "B" attached to the animal, or parts thereof, or the birds. The receiving and delivery agents and employees of common carriers and transportation companies who are required to transmit to the commission sections of coupons as herein required must so transmit the same within two days of the date of shipment or delivery respectively. If the animal, or part thereof or the birds, shall be consigned to a point outside the state of Minnesota, the agent, servant or employee of the transportation company or common carrier who shall be in charge of the animal, or part thereof, or the birds, while in transit in this state, shall detach section "C" of the coupon and deliver the same to the agent, servant or employee of the transportation company or common carrier at the last station or place in this state where the train or other conveyance of the said transportation company or common carrier shall stop; and it shall be the duty of said agent, servant or employee of the transportation company or common carrier to whom said section of the coupon is delivered to immediately forward the same to the office of the game and fish commission of this state at St. Paul, Minnesota, after writing or stamping thereon in ink the name of the station or place and date of reception thereof of said section of said coupon. Any agent, servant or employee of any transportation company or common carrier who shall receive for shipment or ship any animal or any part thereof or any bird or birds, without having the coupons or sections of coupons attached thereto as herein provided, or who shall refuse or neglect to detach the sections of the coupons as herein provided, or who shall fail to transmit or forward to the office of said commission, as herein provided, the section by him detached, shall be 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 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 offence. Any person, transportation company or common carrier who shall ship, cause to be shipped, receive for shipment, carry or deliver any deer or any part thereof, any moose or any part thereof, any caribou or any part thereof, or any bird or birds, in any other manner than provided for by this section, shall be 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 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 offence.

2228. Same—Penalties—Any non-resident of this state who shall hunt, take, kill, ship, cause to be shipped or have in possession any of the game birds or animals of this state without being at the time of such hunting, taking, killing, shipping or having in possession, in the possession of a non-resident license duly issued to him as provided for by this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars or more than one hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, for each and every offence.

2229. License—Forfeiture—Any person who shall violate any of the provisions of this chapter and who is not at the time of such violation, in the possession of a license duly issued to him as in this chapter provided, shall upon being convicted of such violation, forfeit such license to the state of Minnesota and such person shall deliver to the court before whom he was tried any such license in his possession and the court shall forward the same to the game and fish commission of this state.

2230. Game birds defined—Killing, etc., of other birds—No person shall catch, take, kill, ship or cause to be shipped to any person within or without the state, purchase, offer or expose for sale, sell to any one, have in possession

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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 of the plumage, skin or body thereof. And for the purposes of this chapter the following only shall be considered game birds: The anatidae, commonly known as swans, geese, brant, river and sea ducks; the linicolae, commonly known as plovers, snipe and woodcock; the gallinae, commonly known as grouse, prairie chickens, pheasants, partridges and quail: Provided that blackbirds, crows, English sparrows, sharp-shinned hawks, coopers hawks, and great horned owls may be killed and had in possession at any time; but nothing herein contained shall be construed to prevent the keeping of song birds as domestic pets. 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 ten dollars nor more than twenty-five dollars, or by imprisonment in the county jail for not less than ten days nor more than thirty days, for each and every bird so caught, taken, killed, shipped or caused to be shipped to any person either within or without the state, purchased, sold to any one, had in possession with intent to sell, offered or exposed for sale, or had in possession or under control.

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2231. Open season for birds—No person shall catch, take, kill, ship, or cause to be shipped 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 turtle dove, snipe, prairie chicken, pinnated, white-breasted or sharp-tailed grouse, quail, partridge, ruffed grouse, pheasant, woodcock, golden plover, upland plover, mongolian, Chinese or English pheasant, wild duck of any variety, wild goose of any variety, brant, or any variety of aquatic fowl whatever; except, that any turtle dove, snipe, prairie chicken, pinnated, white-breasted or sharp-tailed grouse, woodcock, upland plover and golden plover may be killed and had in possession between September 1 and November 1 following, and except that any quail, partridge, ruffed grouse or pheasant may be killed and had in possession between October 15 and December 15 following; and except that wild duck of any variety, wild goose of any variety, brant or any variety of aquatic fowl whatever may be killed and had in possession between September 1 and December 1 following. 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 after the time herein allowed. But no person shall in any one day take or kill more than twenty-five birds or have in his possession at any time more than fifty turtle dove, prairie chicken, white-breasted or sharp-tailed grouse, quail, partridge, ruffed grouse or pheasant, woodcock, upland plovers or golden plovers, or any or all of the same combined; or one hundred snipe, wild duck, goose, brant, or any variety of aquatic fowl whatever, or any or all of the same combined. 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 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 bird, so caught, taken, killed, shipped, caused to be shipped to any person either within or without the state, sold to any one, had in possession with intent to sell, exposed for sale, or had in possession or under control.

72-335, 75+386; 93-148, 100+647; 104+719.

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2232. Removal of fish—Any non-resident of this state who is desirous of taking any fish beyond the borders of this state for his own use and not for the purpose of sale, may carry with him on the same train or conveyance not to exceed fifty pounds of fish: Provided, that the fish so carried have been legally caught by the person carrying the same, and his name, address and destination of said fish are printed or written plainly on a card or tag, which card or tag must be attached to the fish so carried. 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 twenty-

five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days for each and every offence.

2233. Open season for deer, etc.—No person shall hunt, catch, take, kill, ship or caused to be shipped to any person, either within or without the state, expose for sale, have in possession with intent to sell, sell to any person or have in possession or under control, at any time, any elk, moose, caribou, deer or fawn, or any part thereof, including the flesh, head, hide, horns, feet or bones, except as hereinafter provided: Provided, that deer may be killed between November 10 and November 30 of the same year, and any deer or any part thereof, including the flesh, head, hide, horns, feet and bones, may be had in possession by any person during the said time; but no person shall kill or have in possession during said time more than three deer, or parts thereof, including the flesh, head, hide, horns, feet and bones; and provided further, that any person who is lawfully in possession of any deer or any part thereof, including the flesh, head, hide, horns, feet and bones, may ship or cause the same to be shipped in the manner provided for by this chapter, but not otherwise; and provided further, that male moose and male caribou may be killed between November 10 and November 30 of the same year, and any male moose and male caribou, or any part thereof, including the flesh, head, hides, horns, feet and bones, may be had in possession by any person during the time aforesaid; but no person shall kill or have in possession during said time more than one male moose and one male caribou, or parts thereof, including the flesh, head, hide, horns, feet and bones; and provided further, that when any deer, male moose, or male caribou, or any part thereof, including the flesh, head, hide, horns, feet and bones, are lawfully in the possession of any person as provided for in this chapter, such person may continue in the possession of the same for five days after the time herein limited for killing said animals. 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 fifty dollars, nor more than one hundred dollars, and costs of prosecution, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, for each and every elk, moose, caribou, deer or fawn, or any part thereof, including the flesh, head, hide, horns, feet and bones, so hunted, caught, taken, killed, shipped or caused to be shipped, to any person either within or without the state, exposed for sale, had in possession with intent to sell, sold to any person, or had in possession or under control.

58-393, 59+1098; 64-130, 66+205.

2234. Open season for fur animals—No person shall catch, take or kill any mink, muskrat, otter or beaver between May 1 and November 1 following. Provided, that when any of the animals mentioned in this section are doing damage to or destroying any property the person whose property is being damaged or destroyed may kill them at any time. 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 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 mink, muskrat, otter or beaver caught, taken or killed contrary to any of the provisions of this section.

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2235. Fishing—Hook and line—Nets, etc.—No person shall at any time catch, take or kill any fish in any waters in this state 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 held in the hand, and no person shall at any time angle for any fish in any of the waters in this state with more than one line or with more than one hook attached to such line; and no person shall have in his possession at any time any fish caught, taken or killed in any of the waters of this state, in any other manner than as herein provided. Provided, that pickerel, suckers, redhorse, carp and bullheads may be taken with a spear between March 15 and May 1 following. Provided, further, that the game and fish com-

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07 - 469
09 2235 - 54
09 - 65
09 - 501

mission may give a written permit to any responsible person, a resident of this state, to ship fish commonly known as bullheads, out of the state, upon such reasonable conditions as they may adopt. Provided, that in all of the inland lakes in this state a net may be used for the purpose of taking and catching whitefish or trelipies from November 10 to December 10 of the same year. Said net shall not exceed two hundred feet in length and four feet in width, and the meshes of said net shall not be less than three and one-half inches in size of mesh when the same is extended. Any person desiring to use any such net shall first make application for a permit to use such net to the game and fish commission of this state. Said application must be in writing and shall state that the said net is to be used by them for the purpose of obtaining fish for their own domestic use and not for the purpose of sale, which application shall be accompanied by a fee of one dollar for each net, but no person shall be permitted to use more than two of such nets. Any person selling or shipping to any one, any fish caught, taken or killed with any net aforesaid, 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 for each and every fish so sold or shipped; and provided further, that a net for the purpose of catching minnows for bait may be used in all the waters in this state uninhabited by any variety of trout; and provided further, that a pound net, seine or dip net may be used in the Mississippi river from the Falls of St. Anthony to a point one thousand feet above the mouth of the St. Croix river for catching sturgeon, redhorse, dog fish, buffalo fish, cat fish, pickerel and suckers, but no such net or seine shall be used within a distance of one thousand feet from the mouth of any stream, and that the said pound net shall not exceed seventy-five feet in length, and the length of such seine shall not exceed one hundred and fifty feet. The meshes in said net or seine shall not be less than two and one-half inches in the bar and five inches when the same is extended; and before any such pound net or seine is used, the person desiring to use the same shall first make application therefor to the game and fish commission of this state for permission to use such net or seine, which application shall state the name of the person and the place where the applicant desires to use the same, and which application shall be accompanied by a fee of five dollars for every net desired to be used. The commission may issue such a permit for the use of such net or seine to such applicant, which permit shall be for one season only. The person to whom such permit or license is issued, shall not change the location of such net or seine without first giving written notice of his intention so to do, to said commission, and in such notice describing the place to which he intends to remove his or her net or seine; and provided further, that said commission is hereby authorized to license the use, in international waters of pound nets of the character and subject to the regulations hereinafter contained and to issue licenses for such use, and when said nets are of the character herein allowed and being used in conformity with this chapter and the license granted by said commission, their use is hereby legalized. The size of the mesh of the pot or pound of the pound net shall not be less than one and three-quarters inches bar measure, or three and one-half inches extension measure. Said pound nets may be set in strings, but no string of such nets shall exceed three in number and the leads of such nets shall in no case exceed the following lengths: the shore lead eighty rods; and the leads between the pounds or pots fifty rods in length. Said nets or string of nets shall not be less than twenty-five hundred feet apart, nor within five hundred feet of the mouth of any stream, and for every ten miles of net set there shall remain an open space of five miles where no net shall be set which five miles space shall be in excess of the twenty-five hundred feet above mentioned. Any one desiring to use such nets or string of nets shall, before so doing, make written application for such privilege to the game and fish commission of this state, setting forth therein the name of the applicant, the number of nets desired to be used, with an accurate description in detail of each net, the waters in which it is desired to set them, and a statement of the location of all other nets then in use in

such waters situated within five thousand feet of the place where it is desired to set such nets, which application shall be accompanied by a license fee of twenty-five dollars for each net desired to be used. Said commission may issue a license to the applicant, who shall be a citizen of the United States of America. Said license shall not be transferable and shall be good for one fishing season only. Said license shall permit the use of so many of said nets at the places indicated in said application as the commission shall deem for the best interest of the state. Said commission shall retain twenty-five dollars for each net so licensed, and return the balance to the applicant. But said commission shall not issue to any one person, firm or corporation, or to any one for the use or benefit of such applicant, a license to use more than fifty nets during a single fishing season, and whenever any two persons, firms or corporations shall apply for a license to fish in the same locality, the priority of such application shall be determined in such manner as such commission may designate. No such license shall be issued authorizing the use of any net or nets in international waters between April 1 and May 20 during each year, and it shall be unlawful for any person to assist in placing or place any such net during such season. Each applicant to whom a license is issued shall make a written report at the end of each fishing season to said commission stating the number of nets used, and where used by him, and the amount in number and pounds of each kind of fish taken by him in each net. Any pound net, seine, or dip net which is being used without a license, or any pound net, seine or dip net which is being used in violation of a license issued for its use, is hereby declared to be and is a public nuisance, and it shall be the duty of all the members of the game and fish commission, game wardens, sheriffs and their deputies, police officers and constables, without warrant or process, to take, seize, abate and destroy any and all of the same. It shall also be the duty of said commission, game wardens, sheriffs and their deputies, police officers and constables to seize and take any and all fish taken in any such net or seine while being so illegally used and at once report the seizure to said commission. Every person using, aiding or abetting the use of any such net or seine contrary to the provisions of this chapter, shall be 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 for ninety days for each and every net or seine so illegally used.

59-465, 61+560.

See 1905 c. 186

2236. Open season for fish—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: Any variety of trout, except lake trout, between September 1 and April 15 following; any black, gray or Oswego bass between March 1 and May 29 following; any variety of herring between April 1 and September 1 following; any variety of pike, muskallonge, whitefish, croppie, perch, sunfish, sturgeon, lake trout, catfish, or any other variety of fish between March 1 and May 1 following; except that pickerel, suckers, bullheads, redhorse and carp may be speared and had in possession between March 15 and May 1 following. Any person who shall violate 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 ten 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 fish so caught, taken, killed or had in possession or under control.

2237. Fishing—Prohibition—No person shall at any time catch, take or kill any fish in any lake or stream of water within four hundred feet of any fishway, or have in his possession or under his control any fish so caught, taken or killed. Whoever shall offend 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 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 fish so caught, taken or killed, or had in possession or under control.

See 63-543, 544, 65+1080.

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09 2236 - 346

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2238. Drugs, etc.—No person shall at any time lay, set, use or prepare any drug, poison, lime, medicated bait, fish berries, dynamite, or any other deleterious substance whatever, or lay, stretch or place any tip-up, trap, snare, set or trout line, or any wire, string, rope or cable of any sort in any of the waters in this state with intent to thereby or therewith catch, take or kill any fish. 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 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 offence.

2239. Fish-houses—No person shall erect, have or maintain upon the ice in any of the waters in this state, any fish-houses, structure, inclosure or shelter whatever, to protect the person or the occupant while engaged in fishing through the ice. 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 twenty-five dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, for each and every offence.

2240. Sales prohibited—No person shall have in possession for sale, expose or offer for sale or sell to any person any brook trout, or any gray, black or Oswego bass, at any time prior to January 1, 1909. 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 twenty-five dollars and the 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 brook trout or black, gray or Oswego bass had in possession for sale, exposed or offered for sale, or sold prior to January 1, 1909.

2241. Shipping prohibited—No person shall ship, cause to be shipped or have in possession with intent to ship to any person, either within or without the state, any brook trout, or any black, gray or Oswego bass at any time. 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 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 brook trout, or black, gray or Oswego bass shipped, caused to be shipped or had in possession, with intent to ship to any person, either within or without the state.

2242. Size allowed—Bait—No person shall at any time catch, take, kill or have in possession or under control for any purpose whatever, any fish, except minnows for bait, that are less than six inches in length. Any person catching any such fish less than six inches in length shall at once return the same to the water from which they are taken with as little injury to the fish as possible. Whoever shall offend against 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 fish so caught, taken, killed, had in possession or under control, or not returned to the water with as little injury as possible as soon as caught.

2243. Fishing in Lake Superior—No person shall set, lay or maintain in the waters of Lake Superior inside of the three-mile limit, any net for the purpose of catching or taking herring therein, the meshes of which are less than one and three-quarters inches on the bar, or less than three and one-half inches extension measure. Whoever shall offend against 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 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 offence.

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2244. Sale prohibited—When—No person shall sell, have in possession, with intent to sell or offer for sale, any fish caught in any lake situated partly or wholly within a county in this state that has a population of one hundred and fifty thousand or over. 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 twenty-five dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than thirty days, nor more than ninety days for each and every fish so sold, had in possession with intent to sell or offered for sale.

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2245. Sale of trout and pike—No person shall have in possession for sale, offer for sale, or sell to any one, or have in possession or under control, for any purpose whatever at any time, any lake trout or whitefish of less than two pounds, round or undressed weight, or one and one-half pounds dressed weight, or any wall-eyed pike of less than one pound round or undressed weight. Whoever shall offend against the 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 fifty dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than sixty days for each and every fish of less than the above-mentioned weights had in possession for sale, offered for sale, sold to or purchased from any one or had in possession or under control.

2246. Shipping out of state—No person shall ship, have in possession with intent to ship or cause to be shipped beyond the borders of this state, any fish of the kinds mentioned in this chapter except as provided in this chapter. Any person who shall violate 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 ten 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 sixty days for each and every fish shipped, had in possession with intent to ship or caused to be shipped beyond the borders of this state.

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2247. Wanton killing or destruction—No person shall wantonly waste or destroy any of the birds, animals or fish of the kinds mentioned in this chapter. The catching, taking or killing of more than twenty-five birds by any one person in any one day, or the catching, taking or killing of more than fifty fish by any one person, in any one day, except fish caught, taken or killed in the Mississippi river or in international waters with nets or seines as by this chapter permitted, shall be deemed a wanton waste and destruction of all such birds or fish caught, taken or killed in excess of such number. 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 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 bird or fish wantonly wasted or destroyed.

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2248. State public parks—No person shall pursue, hunt, catch, take, kill or have in possession or under control at any time any wild bird or animal of any kind, variety or description whatsoever, or any part thereof, within the limits of any territory within this state now or hereafter set apart, designated, used or maintained as or for a state public park. And no person shall in any manner hunt with or have in possession at any time any loaded or any charged firearms at any point within the borders of any state public park within this state. And no person shall in any manner hunt with or have in possession at any time any loaded or charged firearms at any point within three thousand feet of any boundary line of any state public park within this state. This section shall not be held to supersede or amend any law or ordinance which provides for the regulation of any public park within the limits of any incorporated park within this state. The provisions of this section shall apply to any and all persons including Indians living on their reservation or otherwise. Whoever shall offend against any of the provisions

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of this section shall be 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 and cost of prosecution, or by imprisonment in the county jail for not less than sixty days nor more than ninety days for each and every violation of this section.

2249. Breeding deer, etc.—Any person desiring to breed or domesticate any deer, moose, elk or caribou within this state, shall make application to the board of game and fish commissioners of this state for permission to so breed or domesticate any of the said animals. Said applications shall state the name and residence of the applicant, also the place where the said animals are to be bred or domesticated and shall also state the number and kinds of said animals in the possession of the applicant at the time of making said application. Every person who has been granted permission by the board of game and fish commissioners of this state to breed or domesticate within this state any deer, moose, elk or caribou shall upon January 1 of each year make a report to the board of game and fish commissioners of this state, which report shall state the number and kinds of animals in his possession at the time of making said report.

CHAPTER 33

PUBLIC LIBRARIES

STATE PUBLIC LIBRARY COMMISSION

2250. Members—Term—The state public library commission shall be composed of the president of the state university, the state superintendent of public instruction, and the secretary of the state historical society, each ex officio, and two other members to be appointed by the governor upon the expiration of the terms of those now in office, each for the term of six years and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired terms. ('99 c. 353 ss. 1-5)

2251. Compensation—No member of such commission shall receive any salary or compensation for his services as such, but each shall be paid his traveling and other expenses necessarily incurred in attending meetings of the commission, in visiting or establishing libraries, and in performing his duties connected with the work of the commission. ('99 c. 353 ss. 6, 7)

2252. Purchase of books—Office—The commission may purchase collections of books, to be the property of the state, and used as a state circulating library, from which any town, village, or community may borrow under prescribed regulations. It shall divide such books into groups, to be known as traveling libraries, catalogue and prepare them for circulation, and make rules for the conduct of its business, such as shall insure the care, preservation, and safe return of all books loaned. Suitable rooms shall be provided in the capitol for its use. ('99 c. 353 ss. 8, 12)

2253. To advise librarians, etc.—Said commission, without charge, shall give advice and instruction to the managers of any public library, and to the trustees or agents of any village, town, or community entitled to borrow from said collections, upon any matter pertaining to the organization, maintenance, or administration of libraries. It shall assist, by counsel and encouragement, in the formation of libraries where none exist, and may send its members to aid in organizing the same, or in improving those already established. ('99 c. 353 s. 9)

2254. Statistics—Reports—Disbursements—The commission shall keep statistics of the free public libraries of the state, and a record of the work done and the books loaned by it, and report the same to each regular session of the legislature with a statement of its expenditures, the use made of the traveling libraries, and such other matters as it deems proper. Upon presentation of itemized vouchers, approved by at least three members of the