

REVISED LAWS OF
MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY
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ST. PAUL
WEST PUBLISHING CO.

1910

CHAPTER 31.

INSPECTION OF STEAM VESSELS AND BOILERS.

2180. Duties of owners and engineers.

Constitutionality.—The provisions of sections 2180, 2181, with reference to the classification, qualification, and licensing of engineers, are not self-contradictory and unconstitutional. *Hyvonen v. Hector Iron Co.*, 103 Minn. 331, 115 N. W. 167, 123 Am. St. Rep. 332.

2181. Classification and qualifications of engineers.

Cited in *Hyvonen v. Hector Iron Co.*, 103 Minn. 331, 115 N. Y. S. 167, 123 Am. St. Rep. 332.

See note under section next preceding.

CHAPTER 32.

PRESERVATION OF GAME.

2187-2249. [Superseded.]

See section [2249-] 1, and note thereunder.

GENERAL PROVISIONS.

[2249-]1. Game and fish commission—Appointment—Terms.

—A state game and fish commission is hereby created, consisting of five members to be appointed by the governor for a term of four years each. Those heretofore appointed pursuant to chapter three hundred thirty-six of the Laws of 1903 shall continue in office until the expiration of their respective terms. Vacancies arising from any cause shall be filled by the governor. Members shall serve without compensation except for necessary expenses to be paid upon an itemized statement thereof duly audited by said commission. ('05 c. 344 § 1)

Historical.—“An act for the preservation, propagation, protection, taking, use and transportation of game and fish, and certain harmless birds and animals.” Approved April 19, 1905.

Section 68 repeals inconsistent acts.

See section 5504.

See note under section [2249-] 83.

[2249-]2. Office.—Said commission shall have an office in the capitol and be supplied with suitable stationery, a seal and blanks and postage for the transaction of its business. ('05 c. 344 § 2)

[2249-]3. General powers—Duties.—Said commission shall enforce the laws of this state involving the protection and propagation of all game animals, game birds, fish and harmless birds and animals. Said commission shall have general charge of—

1. The propagation and preservation of such varieties of game and fish as it shall deem to be of public value.

2. The collection and diffusion of such statistics and information as shall be germane to the purpose of this act.

3. The construction, control and management of all state fish hatcheries, including the control of grounds owned or leased for such purposes.

4. The receiving from the United States commissioner of fisheries or other person, and the gathering, purchase and distribution to the waters of this state, of all fish spawn or fry.

5. The taking of fish from the public waters of the state for the propagation and stocking of other waters therein.

6. The seizure and disposition of all game birds, game animals and fish, either taken, killed, transported or possessed contrary to law, of all dogs, guns, seines, nets, boats, light, or other instrumentalities unlawfully used or held with intent to use, in pursuing, taking, attempting to take, concealing or disposing of the same. ('05 c. 344 § 3)

By Laws 1907, c. 275, a third state fish hatchery was located at Deerwood. The first is located at St. Paul (Laws 1901, c. 23), and the second at Glenwood (Laws 1903, c. 211).

[2249—]4. **Biennial report—Public examiner.**—Said commission shall, on or before December 1st of each even numbered year, submit to the governor a detailed report of its actions, including the amount of money received from all sources, an inventory of all game, fish, guns, dogs, seines, nets and other property seized and sold, with the names of the purchasers, and the amount received, and an itemized statement of its disbursements. The books and vouchers of said commission shall be subject to examination by the public examiner at all times. (Laws 1905, c. 344, § 4, as amended by Laws 1907, c. 469, § 1.)

Historical.—"An act to amend sections 4, 5, 8, 21, 34, 38, 41, 45, 47, 49 and 59 of chapter 344 of the General Laws of 1905, being an act for the preservation, propagation, protection, taking, use and transportation of game and fish and certain harmless birds and animals." Approved April 26, 1907.

See note under section [2249—]1.

[2249—]5. **Executive agent.**—The commission shall appoint one of its members its executive agent, who shall devote all his time to the discharge of his duties, and shall receive compensation therefor to be fixed by said commission, not exceeding twenty-five hundred dollars per year. He shall act as such executive agent during the pleasure of the commission and be subject to its direction. When the commission is not in session, he is hereby authorized to exercise in its name all the rights, powers and authority vested in said commission. Before entering upon the discharge of his duties he shall give a bond to the State of Minnesota, with sureties or security, to be approved by the commission, in the penal sum of five thousand dollars, conditioned for the faithful accounting of all state property coming into his hands. (Laws 1905, c. 344, § 5, as amended by Laws 1907, c. 469, § 1.)

[2249—]6. **Superintendent of fisheries—Game wardens, etc.**—The commission may appoint and remove at pleasure, a superintendent of fisheries, at a salary not exceeding three thousand dollars a year, and such assistants as may be necessary. It may also employ a sufficient number of game wardens, other persons, and office assistants, as may be necessary to carry out the purposes of this chapter, and fix their periods of service and compensation. ('05 c. 344 § 6)

[2249—]7. **Duties of county attorneys, etc.—Compensation.**—The county attorneys, sheriffs, constables and other peace officers, are hereby required, and it is made their duty, to enforce the provisions of this chapter and the commission may employ an attorney or attorneys to perform such legal services as said commission may require. He shall appear for said commission in all civil actions in which it or its wardens may be interested officially, and 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 actions, he may conduct such prosecutions on behalf of the state with the same authority as the county attorney. The compensation to be paid said attorney shall be fixed by the commission and paid out of the funds provided for the enforcement of this act. ('05 c. 344 § 7)

[2249—]8. **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 the law issued by the court in enforcing the provisions of this act, or any other law of this state relating to the preservation and propagation 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. The executive agent and all deputies shall have the power to arrest without a warrant any person or persons found in the act of violating any law enacted for the purpose of protecting or propagating game or fish. (Laws 1905, c. 344, § 8, as amended by Laws 1907, c. 469, § 1.)

[2249—]9. **Bonds.**—The following appointees shall give bonds to be approved by the commission and filed in the office of the secretary of state, conditioned for the faithful discharge of their respective duties, in the following amounts:

First—Superintendent of fisheries, one thousand dollars.

Second—Each game warden five hundred dollars. ('05 c. 344 § 9)

[2249—]10. **Terms defined—Agency no excuse.**—The words "sell" and "sale" as used in this chapter shall be construed as meaning any sale of (or) offer to sell or having in possession with intent to sell, use or dispose of the same contrary to law. The word "person" shall be deemed to include partnerships, associations, and corporations, and no violation of any provisions of this chapter shall be excused for the reason that the prohibited act was done as the agent or employé of another, nor that it was committed by or through an agent or employé of the person charged. The word "possession" shall be deemed to include both actual and constructive possession as well as the control of the article referred to. The terms "waters of this state" shall be held to include all the boundary waters of the state, and the provisions of this chapter shall be deemed to extend and be in force and effect over, upon and in all thereof. The terms "any part thereof" or "the parts thereof," whenever used in this chapter shall be deemed to include the hides, horns and hoofs of any animal so referred to, and the plumage and skin and every other part of any bird so referred to. The terms "fur bearing animals" shall not be deemed to include deer, moose or caribou. ('05 c. 344 § 10)

[2249—]11. **Inspection of hotels, etc.—Obstructing commission—Penalty.**—The game and fish commission and all game wardens shall inspect from time to time hotels, restaurants, cold storage houses or plants and ice houses commonly used in storing meats, game or fish for private parties, including all buildings used for a like purpose, for the purpose of determining whether game or fish are kept therein in violation of the provisions of this chapter. Any person, in possession or control, or in charge of any hotel, restaurant, storage plant or building referred to, or any part thereof, who refuses or fails to permit any member of the game and fish commission or any warden appointed by said commission to enter any such building or any part thereof, or any receptacle therein, for the purpose of making such inspection, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty or over one hundred dollars, including costs of prosecution, or imprisonment in the county jail for a term of not

less than thirty or over ninety days for the first offense, and upon conviction for a second offense shall be punished by imprisonment in the county jail for a period of not less than sixty or over ninety days. ('05 c. 344 § 11)

[2249—]12. Contraband game—Seizure—Search warrants.—Any bird, animal, fish or any part thereof, caught, killed, shipped or had in possession or under control contrary to any of the provisions of this chapter, is hereby declared to be contraband. The game and fish commission, all game wardens, sheriffs and their deputies, constables and police officers, shall seize and take possession of any and all birds, animals, or fish or any part thereof 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 may upon complaint showing probable cause for believing that any bird, animal, fish or any part thereof caught, taken, killed or had in possession or under control by any person, or shipped or transported contrary to the provisions of this chapter, is concealed or illegally kept in any building, car or receptacle, shall issue a search warrant and cause a search to be made in any such place for any such birds, animals, fish or any part thereof, and 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, opened and the contents thereof examined. All such officers taking or seizing any such birds, animals or fish, or any part thereof, shall at once report all the facts attending the same to the commission. ('05 c. 344 § 12)

[2249—]13. Contraband nets, devices, etc.—Seizure.—All nets, seines, lanterns, snares, devices, contrivances and materials, while in use, or had, or maintained, for the purpose of catching, taking or killing, or attracting or deceiving any bird, animal, or fish contrary to any provision of this chapter, within this state or upon or in the boundary waters thereof, including fish houses, inclosures or other sheltering structures or appliances erected or maintained upon the ice or in any water, or on the shore of any lake, pond or stream, is hereby declared to be and is a public nuisance. The commission, all game wardens, sheriffs and their deputies, constables and police officers shall without warrant or process, take, seize, abate and destroy any and all of the same while being used, had or maintained for such purpose and no liability shall be incurred therefor to any person. ('05 c. 344 § 13)

[2249—]14. Witnesses.—In any prosecution under the provisions of this chapter, a participant in the violation thereof may testify as a witness against any other persons violating the same, without incriminating himself. The evidence so given shall not be used in any criminal proceeding for such violation. ('05 c. 344 § 14)

[2249—]15. Limitations.—All prosecutions under this chapter shall be commenced within two years from the time the offense was committed. ('05 c. 344 § 15)

[2249—]16. Exchange specimens.—The commission may secure by purchase or otherwise, and exchange specimens of game birds, game animals or fish with the game commission or state game warden of other states for breeding purposes, and not otherwise; and may also grant permission under the seal of said commission, to any accredited representative of any incorporated society of natural history to collect for scientific purposes only, nests, eggs, birds, animals or fish protected by this chapter. Such specimens shall not be sold or transferred. ('05 c. 344 § 16)

[2249—]17. **Fishways.**—Any person owning, erecting, managing or controlling any dam or other obstruction across any river, creek or stream, within or forming the boundary line of this state, shall construct in connection with such dam, durable and efficient fishways in such a manner and of such shape and size that the free passage of all fish inhabiting such waters shall not be obstructed. Such fishways shall be maintained in such condition and kept in good repair by the person so owning, controlling, managing, operating or using such dam or obstruction. If any such person fails to construct or keep in good repair durable and efficient fishways as herein provided, for the space of ten days after notice, the commission may construct or repair the same and the cost thereof may be recovered from the owners or any person managing or being in control thereof, in a civil action brought in the name of the State of Minnesota. Any money so recovered shall be credited to the game and fish commission. 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. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor. ('05 c. 344 § 17)

[2249—]18. **Sawdust deposits.**—Any person who deposits any sawdust or other refuse in any streams or water wherein the commission has deposited fish fry, or may deposit any such fry, or where any brook trout naturally abound, shall be deemed guilty of a misdemeanor. ('05 c. 344 § 18)

[2249—]19. **Disposition of fines.**—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 revenue fund. ('05 c. 344 § 19)

[2249—]20. **Disposition of other moneys.**—All moneys collected by the commission upon licenses issued by it, or bonds or contracts entered into with any person, including money received from all other sources, except fines, shall be paid into the state treasury and credited to the game and fish commission fund to be used for the purpose of enforcing the provisions of this chapter. ('05 c. 344 § 20)

[2249—]21. **Rewards.**—The following rewards shall be paid by the game and fish commission out of any funds subject to its order to any person or persons making complaint thereof, for the arrest and conviction of any person violating any of the provisions of this chapter or other enactments involving: (a) Moose or caribou, the sum of fifty dollars; (b) Deer, the sum of twenty-five dollars; (c) Any game bird or fish, ten dollars; provided, however, that this section shall not apply to any game warden regularly employed and receiving salary from said commission. (Laws 1905, c. 344, § 21, as amended by Laws 1907, c. 469, § 1.)

[2249—]22. **Domesticated game and fish.**—The commission may issue permits to breed or domesticate deer, moose, elk and caribou upon application to it which shall contain:

1. The name and address of applicant.
2. A description of the premises on which applicant will keep such domesticated animals.
3. The number and kinds of animals in possession at the time of making the application and whether they are wild or domesticated.

The application shall be accompanied by a fee of fifty cents for each animal in possession. The commission may thereupon issue a permit to the applicant to keep such animals. Any person holding such permit shall annually on the first day of January report

to the commission any increase or decrease had upon the original number applied for, together with a fee of 50 cents for each additional animal. The commission shall keep a record of all persons holding such permits and shall send to them numbered tags to be attached to each of the animals. Any such animals may be sold or shipped within or without the state upon receipts of written permission to do so from the commission. Persons desiring to maintain a private hatchery for the propagation of trout may do so upon application to said commission giving the name and address of the person owning or controlling the same and a mark used to designate it. Trout grown in such hatcheries may be sold and shipped within or without the state in boxes or packages upon which such mark is placed. 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 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, or were not caught, taken or killed outside this state, or had in possession without license or permit therefor. ('05 c. 344 § 22)

GAME BIRDS AND ANIMALS.

[2249—]23. **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 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 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. ('05 c. 344 § 23)

[2249—]24. **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 prohibited. ('05 c. 344 § 24)

[2249—]25. **Manner of taking.**—No person shall at (any) time, catch, take or kill any of the birds or animals mentioned in this chapter, in any other manner than by shooting them with a gun held to the shoulder of the person discharging the same. ('05 c. 344 § 25)

[2249—]26. **Traps, snares, lights, 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

game animals or birds in this chapter mentioned, except that decoys and stationary blinds may be used in hunting wild geese, brant and ducks. ('05 c. 344 § 26)

[2249—]27. **Shooting after dark—Devices.**—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 hunt with or from any motor boat, launch or sail boat, floating battery, sink boat, sunken barrels, boxes, tubs, floating blinds or any similar device whatever on any of the waters of this state. (Laws 1905, c. 344, § 27, as amended by Laws 1909, c. 288, § 1.)

[2249—]28. **Hunting with dogs, etc.**—No person shall hunt, pursue, catch, take or kill any of the animals in this chapter mentioned, with any dog or dogs. Any dog or dogs used or attempted to be used in violation of any of the provisions of this section is hereby declared to be and is a public nuisance, and it shall be lawful for any person to kill any dog or dogs so being used or attempted to be used. The use or running of either pointer or setter dogs in fields or upon lands frequented by or in which game birds may be found during the month of August, or at any time except during the open season for killing game birds, and the keeping and maintaining of any dog at or about any hunting camp or lumber camp used by hunters, situated in any locality frequented by deer, moose or caribou, is hereby prohibited and made unlawful. ('05 c. 344 § 28)

[2249—]29. **Hunting hares with ferrets in certain counties.**—That it shall be unlawful for any person in this state to hunt, catch or kill any hare, or rabbit, by or with the use or assistance of a ferret or ferrets in counties having a population of over 225,000 inhabitants. ('09 c. 102 § 1)

Historical.—"An act to prevent the catching or killing of hares or rabbits with the assistance of ferrets in counties having a population of over 225,000 inhabitants," approved March 25, 1909.

[2249—]30. **Penalty for violation.**—That any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished in a sum not less than ten dollars nor more than twenty-five (25) for each aforesaid animal so caught or killed. ('09 c. 102 § 2)

[2249—]31. **Entering growing grain, etc.**—No person shall at any time enter into any growing or standing grain not his own with intent to take, or kill any bird, or animal, 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 take or kill any birds or animals 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. ('05 c. 344 § 29)

[2249—]32. **Game killed in 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, or which have been unlawfully taken or killed outside this state, or unlawfully shipped therefrom into this state. ('05 c. 344 § 30)

[2249—]33. **Possession of game and fish—Presumption.**—The possession or having under control by any person of any bird, ani-

mal or fish, or any part thereof, 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 and killed (in this state), also that such possession or having under control at any time when the killing, taking or possession thereof is by this chapter declared to be unlawful, shall be prima facie evidence that such taking and killing occurred during the closed season, unless there remains attached to such game bird or animal or any part thereof, the tag and seal of the state game and fish commission, provided for by this chapter to disprove which it shall be necessary for the party in possession thereof to show that at the time it was caught, taken or killed, it was lawfully caught, taken or killed outside, or within this state, or that it was lawfully caught, taken or killed within the state and that he was lawfully in possession thereof. ('05 c. 344 § 31)

[2249—]34. Skins of fur-bearing animals.—Nothing in this act shall be construed as prohibiting the buying, shipping or having in possession at any time the skins of fur-bearing animals killed within or without the state, or hides of moose, deer or caribou killed without the state upon proof that the hides were so taken. Provided, however, that raw hides of moose, deer or caribou taken or killed within this state out of season shall not be bought or sold at any time. ('05 c. 344 § 31½)

[2249—]35. Open season for birds—Number allowed.—No person shall hunt, take, kill, ship, convey, or cause to be shipped or transported by common or private carrier, to any person either within or without the state, expose for sale, sell to any one, have in possession with intent to sell, or have in possession or under control at any time, any turtle dove, snipe, prairie chicken, pinnated, white-breasted or sharp-tailed grouse, quail, partridge, ruffed grouse, Chinese, ring-neck or English pheasant, wild duck of any variety, brant, or any variety of aquatic fowl whatever, or any part thereof, except:

1st. 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 the 7th day of September and the 7th day of November following.

2nd. That any quail, partridge, ruffed grouse or pheasant, other than Mongolian, Chinese, ring-neck or English pheasant, may be killed or had in possession between the first day of October and the first day of December following.

3rd. 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 the seventh day of September and the first day of December 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 thereafter. But no person shall in any one day take or kill more than fifteen birds, or have in his possession at any time more than forty-five turtle dove, prairie chicken, white-breasted or sharp-tailed grouse, quail, partridge, ruffed grouse or pheasant, woodcock, upland plover, golden plover or any or all of the same combined, or fifty snipe, wild duck, goose, brant, or any variety of aquatic fowl whatever, or any or all of the same combined. Provided, that whenever any of the game mentioned in this section shall have been lawfully shot or taken by any resident of this state in any state wherein the season for so lawfully taking the same shall be earlier or later than herein stated, such resident may ship, to himself only, in this state, and have in possession therein during the season

allowed by the law of such state for the taking thereof any such game so lawfully taken in such state, and for five days thereafter. (Laws 1905, c. 344, § 32, as amended by Laws 1909, c. 282, § 1.)

Historical.—"An act to amend section 32, chapter 344, General Laws 1905, relating to game and fish." Approved April 20, 1909.

The enacting clause in terms amends "section 32 of chapter 34" of Laws 1905.

[2249—]36. **Open season for deer, etc.**—No person shall hunt, catch, take, kill, ship, convey or cause to be shipped or transported by common or private carrier, to any person, either within or without the state, or purchase 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 hides and horns, except as hereinafter provided. Provided, that deer may be killed between Nov. 10 and Nov. 30 of the same year, and any deer or any part thereof, may be had in possession by any person during the same time; but no person shall kill or have in possession during said time more than two (2) deer, or parts thereof; and provided further, that any person who is lawfully in possession of any deer, or any part thereof, 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 antlered moose may be killed between Nov. 10th and Nov. 30th of the same year, and any such male moose, or part thereof, 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, or part thereof; and provided, further, that when any deer or such male moose or any part thereof, 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; and provided, further, that no cow or female moose can be killed or had in possession at any time. ('05 c. 344 § 33)

[2249—]37. **Resident license—Shipment of game.**—Every resident of this state over twenty-one years of age is prohibited from hunting, taking or killing any game bird or game animal, unless he shall have first procured a license therefor from the county auditor of the county in which he resides. Provided, however, that this shall not apply to any resident of said county. Said auditor shall, upon application, issue to such person a license under his seal, upon blanks to be furnished him by the game and fish commission, and upon the payment of a license fee of one dollar, which license shall expire on the fifteenth day of December following its issuance. Ten cents of the amount received for the issuance of said license shall be retained by the county auditor as his fee, and the balance remitted to the state treasurer, who shall credit the same to the game and fish commission fund, to be used for the purpose of enforcing the provisions of this chapter. Every such applicant shall prove to the satisfaction of the county auditor that he is a bona fide resident of this state, and shall state under oath, his name, residence and postoffice address. Only one of such licenses shall be issued to any person, and it shall not be transferable, and it is hereby made the duty of such licensee to exhibit the same to any person upon request. Such license shall describe the licensee, designate his place of residence, and shall have attached thereto three coupons, upon which shall be printed respectively the words "moose," "deer" and "game birds." Each coupon, except the ones marked "deer" and "game birds," shall be divided into two sections lettered respectively "A" and "B." The coupons marked "deer" and "game birds" shall be divided into four sections, two of which shall be lettered "A" and two "B." Any resident who has paid said fee and procured such license to hunt

game animals and game birds, may, during the open season hunt, take and kill one moose, two deer, and also game birds, in the manner and subject to the limitations and conditions prescribed by this chapter and amendments thereto, and may ship by common carrier in the manner herein provided, and not otherwise, to any point in the county in which he resides, one moose, and two deer, or any part thereof, and fifty game birds, in two shipments of not to exceed twenty-five birds each, so lawfully shot or had in his possession. Said game animals, and game birds may be shipped by said licensee to himself at his place of residence by common carrier, upon attaching to such game animals or any part thereof, or game birds, respectively, section "B" of said coupon. Upon receiving such game it is made the duty of said common carrier to detach from the license section "A" of said coupon, and at once forward the same by mail to the game and fish commission. Provided, however, that nothing in this chapter contained shall be deemed or construed to prevent any resident of this state from personally carrying with him, as baggage, on any train or conveyance, any game birds or fish which may be legally in his possession, and any common carrier is hereby permitted to carry any such game birds or fish as baggage, when the same is so accompanied and carried on the same train or conveyance by the person who is legally in possession of the same. Provided, further, that nothing herein contained shall be construed to permit employes of a common carrier to carry any such game birds, animals or fish or parts thereof with them, whether as baggage or otherwise, while engaged in the performance of the duties of their said employment, and they are specifically prohibited from so doing. Provided, further, that sections A and B of each said coupons shall have printed thereon the words "signature of consignor," and so arranged as to provide a blank space for such signature. At any time of shipping by any common carrier of any game birds or animals, of part thereof, the consignor named in such license shall personally sign his name to said sections A and B in the presence of two witnesses, one of whom shall be the agent of said common carrier. The shipment of any game bird or game animal by any common carrier or agent thereof, or by any person except after full compliance with the provisions of this section, is hereby made unlawful. Whosoever shall offend against any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction be punished by a fine of not less than fifty nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than thirty nor more than ninety days for each and every offense. (Laws 1905, c. 344, § 34, as amended by Laws 1907, c. 469, § 1.)

[2249—]38. Non-resident license—Shipment of game.—Every person not a resident of this state is prohibited from hunting, taking or killing any game bird or game animal unless he shall have first procured a license therefor from the game and fish commission. Said commission shall upon application issue to any non-resident, a license to hunt game animals, upon the payment to it of a license fee of twenty-five dollars and to hunt game birds upon the payment to it of a license fee of ten dollars, which license shall expire on the 31st day of December following its issuance. Said license to hunt game animals shall describe the licensee, designate his place of residence, and shall have attached thereto two coupons divided into three sections, lettered respectively "A," "B" and "C." The words "deer" and "moose" shall be printed upon the coupons attached thereto. Any non-resident who has paid said fee and procured such license to hunt game animals, may during the open season, kill in

the manner authorized by this chapter, one male antlered moose, and one deer, and also ship such deer so killed by him to his said place of residence outside the state, upon attaching to such game animal, or any part thereof, respectively, sections "B" and "C" of said coupon, and ship such moose to any place within the state by attaching section "B" of said coupon. Upon receiving said game, it is the duty of said common carrier to detach from the license section "A" of said coupon and at once forward the same by mail to the commission. Sections "B" and "C" of said coupons must remain on said deer, or part thereof, so shipped outside the state while in transit in this state, and section "C" of said coupon must be detached by said common carrier at the last station or place in this state where the train or other conveyance of such common carrier shall stop, and it shall be the duty of said common carrier to forward section "C" of said coupon to the game and fish commission immediately upon being detached. Said license to hunt game birds shall describe the licensee, designate his place of residence and shall have attached thereto one coupon divided into three sections, lettered respectively, "A," "B" and "C." The words "game birds" shall be printed upon the coupon attached thereto. Any non-resident who has paid said fee and procured a license to hunt game birds, may hunt, take and kill game birds, in the manner authorized by this chapter, during the open season, subject to the limitations applicable to residents of this state, and may ship to his place of residence outside this state twenty-five game birds so lawfully shot and taken by him, upon attaching to such game birds sections "B" and "C" of said coupon. Upon receiving said game birds, it is the duty of said common carrier to detach from the license section "A" of said coupon, and at once forward the same by mail to the game and fish commission. Sections "B" and "C" of said coupon must remain on said game birds while in transit in this state, and section "C" of said coupon must be detached by said common carrier at the last station or place in this state where the train or conveyance of such common carrier shall stop, and it shall be the duty of said common carrier to forward section "C" of said coupon to the game and fish commission immediately upon being detached. Said licenses shall not be transferable, and it is hereby made the duty of said licensee to exhibit the same to any person upon request. ('05 c. 344 § 35)

[2249—]39. **Forfeiture of license.**—Any person who shall violate any of the provisions of this chapter and who is at the time of such violation in the possession of a license duly issued to him, shall, upon conviction thereof, forfeit such license to the State of Minnesota, and such person shall deliver to the court before whom he was tried any such license, and the court shall forward the same to the commission. ('05 c. 344 § 36)

[2249—]40. **Permit to retain game—Application to commission—Tags or seals—Prohibitions—Penalties.**—Any person who is a resident of this state and legally in possession of any of the game birds or game animals, or any part thereof, which have been caught, taken or killed at a time or in a manner permitted by the provisions of this chapter, and who is desirous of retaining possession of the same for his own use after the time in this chapter limited, and who shall before such time make application to the commission for leave to retain the same, which application shall be in writing and signed or sworn to by the applicant, and shall state:

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

Second—The number, kind and location of said birds or animals

or parts thereof, which number shall not exceed forty-five 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 fifty snipe, wild duck, goose, brant or any variety of aquatic fowl whatever, or any or all of the same combined, two deer or the parts thereof, one male moose or the parts thereof for each applicant.

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

If said commission is satisfied that said application is made in good faith and said applicant will keep said birds and animals and parts thereof for his own use and not for sale, the said commission shall cause tags or seals, which shall not be duplicated by others, and which shall not be removed, to be attached to each bird or animal, or parts thereof, not exceeding forty-five 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 fifty snipe, wild duck, goose or brant or any varieties of aquatic fowl whatever, or any or all of the same combined; two deer or the parts thereof and one male moose, or the parts thereof, for each applicant; or in lieu thereof, if any applicant therefor resides at a distance from any game warden, then the commission may issue to such applicant a written permit to keep and use such game. The person making such application shall, before said tags or seals are attached, pay to the commission the reasonable expense of making and attaching such tags and seals. After the tags and seals have been so attached, or such permit received, the person holding such permit may, while the tags or seals remain upon said birds and animals and parts thereof, retain possession of the same until consumed; provided, that nothing in this chapter contained shall prevent a person from disposing of as a gift any of the birds and animals mentioned herein. The having in possession of any game bird or animal or any part thereof which is not so tagged and sealed, or for which a retention permit has not been received, except during the open season and five days thereafter, is hereby made unlawful. Any such game bird or game animal, or any part thereof, had or held in possession by any person during the season when it is unlawful to have the same in possession, is hereby declared contraband and the right of any such person to retain or use the same shall cease. Any person who shall destroy, imitate or duplicate any tag or seal attached to any bird or animal, or part thereof, or who shall ship, sell or dispose of any bird or animal, or any part thereof, which has been tagged or sealed as aforesaid, or for which a permit to keep and use the same has been issued, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than fifty dollars and costs of prosecution, or by imprisonment in the county jail for not less than thirty nor more than sixty days for each and every bird or animal or part thereof, so shipped, sold or disposed of. ('05 c. 344 § 37)

[2249—]41. Mink—Muskrat—Raccoon.—No person shall take, catch or kill any mink, muskrat or raccoon between the first day of May and the first day of November 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. (Laws

1905, c. 344, § 38, as amended by Laws 1907, c. 469, and Laws 1909, c. 317, § 1.)

Historical.—"An act to amend section 38 of chapter 344 of the General Laws of 1905, as amended by chapter 469 of the General Laws of 1907, relating to fur bearing animals." Approved April 21, 1909.

See note under section next following.

[2249—]41 [bis]. **Mink, muskrat and beaver.**—No person shall take, catch or kill any beaver at any time or any mink or muskrat between the fifteenth day of April and the fifteenth day of November following, and no person shall molest, injure or destroy any muskrat house at any time. 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. (Laws 1905, c. 344, § 38, as amended by Laws 1907, c. 469, and Laws 1909, c. 412, § 1.)

Historical.—"An act to amend section 38, chapter 344, of the General Laws of the State of Minnesota for 1905, as amended by chapter 469 of the General Laws of 1907, relating to mink, muskrat, and beaver." Approved April 22, 1909.

See section next preceding.

[2249—]42. **Trapping mink, muskrat, otter and beaver—License for non-residents.**—Every person not a resident of this state is prohibited from trapping mink, muskrat, otter and beaver in this state unless he shall have first procured a license therefor from the game and fish commission. Such commission shall upon application issue to any non-resident a license to trap mink, muskrat, otter and beaver, upon the payment of a license fee of ten dollars, which license shall expire on the 31st day of December following its issuance. ('09 c. 66 § 1)

Historical.—"An act requiring non-residents of Minnesota to take out a license for trapping mink, muskrat, otter and beaver in this state." Approved March 12, 1909.

[2249—]43. **Same—Penalty for violation.**—Every person violating the provisions of this act shall be guilty of a misdemeanor. ('09 c. 66 § 2)

[2249—]44. **Game birds defined—Killing of other birds.**—No person shall catch, take, kill, ship or cause to be shipped to any person within or without the state, purchase, offer or expose for sale, sell to any one, have in possession with intent to sell, or have in possession or under control at any time, living or dead, any wild bird other than a game bird, nor any part thereof, and for the purposes of this chapter the following only shall be considered game birds. The Antidas, commonly known as swan, geese, brant, river and sea ducks, the linolae, commonly known as plover, snipe and woodcock; the gallinae, commonly known as grouse, prairie chickens, pheasants, partridges and quail; provided, that blackbirds, crows, English sparrows, sharp-shinned hawks, cooper hawks and greathorned owls may be killed and had in possession at any time; but nothing herein contained shall be construed to prevent the keeping and sale of song birds as domestic pets. ('05 c. 344 § 39)

[2249—]45. **Carrier pigeons, etc.**—No person shall take, capture, molest or in any way interfere with any Antwerp, or homing or carrier pigeon if it have the name of its owner stamped upon its wing or tail, or wear a ring or seamless leg band with its registered number stamped thereon, or have any other distinguishing mark; nor shall any person remove any such distinguishing mark from any such pigeon. ('05 c. 56 § 1)

Historical.—"An act to prevent the capture or molestation of certain kinds of pigeons and providing a penalty for its violation. Approved March 21, 1905.

[2249—]46. **Penalty.**—Any person who shall violate any provision of this act shall be guilty of a misdemeanor. ('05 c. 56 § 2)

[2249—]47. **Pheasants.**—The killing, hunting or pursuing, with intent to kill, of any Mongolian, English, Golden, Reeves, Japanese, Temmincks, Tragopan and Ring-neck, or China Torquatus pheasant in any manner, or attempting to kill the same at any time prior to Jan. 1st, 1910, is hereby prohibited and made unlawful. ('05 c. 39 § 1)

Historical.—"An act to protect Mongolian, English, Golden, Reeves, Japanese, Temmincks, Tragopan and Ring-neck or China Torquatus pheasant." Approved March 15, 1905.

[2249—]48. **Same—Penalty for violation.**—Any person violating the provisions of this act shall be punished by a fine of not less than twenty-five dollars, or exceeding one hundred dollars for each and every pheasant so killed, hunted or pursued with an intent to kill, and in default of payment of such fine, may be imprisoned in the county jail for a period not exceeding sixty days, for each offense. ('05 c. 39 § 2)

FISH.

[2249—]49. **Open season for fish.**—No person shall catch, take, kill or have in possession or under control, for any purpose whatever, and of the fish hereinafter mentioned within the periods herein limited, to-wit: Any variety of trout, except lake trout, between the first day of September and the fifteenth day of April following; any black, grey or Oswego bass between the first day of March and the twenty-ninth day of May following; any variety of pike, muskallonge, crappie, perch, sunfish, sturgeon, catfish or any other variety of fish between the first day of March and the first day of May following. ('05 c. 344 § 40)

[2249—]50. **Number allowed—Manner of taking—Nets in inland lakes—Permit.**—No person shall catch, take or kill more than twenty-five, except sunfish, perch, pickerel or bullheads, in any one day, nor in any other manner than by angling for them, with a hook and line held in the hand, or attached to a rod so held, nor with more than one line or with more than one hook attached thereto; and no person shall have in his possession any fish caught, taken or killed in any of the waters of this state except as provided in this chapter. Provided, that pickerel, suckers, redhorse, carp and bullheads may be taken with a spear without a limit any time but no artificial lights shall be used in taking of said fish during the months of May and June each year. Provided, further, that in all of the inland lakes in this state permission having been granted therefor, but not otherwise, a net may be used for the purpose of taking and catching white fish, trelipies for their own domestic use, from November tenth to January tenth following. Said net shall not exceed one hundred feet in length and three feet in width, and the meshes of said net shall not be less than three and one-half (3½) inches in size of mesh when the same is extended. And no net shall be set in such a manner that the floats and cork lines are submerged over twelve inches. No nets shall be set nearer together than fifty feet, and each net must have attached thereto when in use a metal tag to be furnished for that purpose by the game and fish commission. The sale of white fish and trelipies so caught is hereby prohibited. Any person desiring to use any such net shall first make application for a permit therefor to the commission, in writing, and shall state that the said net is to be used by them for the purpose of obtaining fish for their domestic use and not for the purpose of sale, which application shall be accompanied by a fee of one dollar for each net, but no person shall be permitted to use more than two of such nets, and such fish shall not be

sold or offered for sale. (Laws 1905, c. 344, § 41, as amended by Laws 1907, c. 469, and Laws 1909, c. 190, § 1.)

Historical.—"An act to amend section 41 of chapter 469 of the General Laws of 1907, being an act for the manner of taking fish in all of the inland lakes in the state of Minnesota." Approved April 14, 1909. Section 1 amends "section 41 of chapter 469 of the General Laws of 1907," as above set forth. Laws 1905, c. 344, § 41, was amended by Laws 1907, c. 469, § 1.

See note under section [2249—] 4. See, also, section next following.

[2249—]50a. **Netting in interstate waters.**—The taking of any fish with or the placing, maintaining or using a net or seine in any river, lake or waters forming the boundary line between Minnesota and any other state of the United States, is hereby prohibited and made unlawful, except in Lake St. Croix, Lake Pepin and the Mississippi river, where they form the boundary between the states of Minnesota and Wisconsin, where the same are placed, maintained and used in the manner hereinafter prescribed; and except also the person so placing, maintaining or using any such net or seine shall first obtain from the commission a license therefor, and shall have complied with all the requirements of this chapter. (Laws 1903, c. 336, as amended by Laws 1905, c. 186, § 1.)

Historical.—Laws 1903, c. 336, was amended by adding thereto this section and the six sections next following, by an act entitled "An act to amend chapter 336 of the Laws of 1903 relating to the preservation, propagation, protection, taking, use and transportation of game and fish," approved April 13, 1905 (Laws 1905, c. 186). Section 8 repeals inconsistent acts. Laws 1903, c. 336, was repealed by R. L. § 5546. So far as the provisions of Laws 1905, c. 186, differed from the Revised Laws, they were to be construed, by virtue of section 5504, as amendatory or supplementary.

See note under sections [2249—] 1 and [2249—] 51.

[2249—]50b. **License.**—The game and fish commission shall between the first day of May and the first day of April following, upon written application therefor, issued to any resident of this state, a license to use seines, or pound nets of not less than two and one-fourth inch bar and gill nets of not less than a four-inch bar, fyke nets, or hoop nets, in Lake St. Croix, Lake Pepin and the Mississippi river where they form the boundary between the states of Minnesota and Wisconsin, for the purpose of catching buffalo fish, carp, red horse, suckers, sheephead, eel-pout, garfish, dogfish, sturgeon and catfish. Such nets shall not be used by any licensee except in the manner provided for in this chapter and only upon compliance with such regulations as are prescribed by the commission or its executive agent. Every licensee shall immediately return to the water all fish not above enumerated when taken in any net used by or under his control. ('05 c. 186 § 2)

[2249—]50c. **Application for license—Fee—Bond—Revocation.**—Application for such privilege shall state the name and residence of the applicant, where it is his intention to locate the same, and shall be accompanied by a license fee of twenty-five dollars for such privilege. Prior to the issuance of a license to any applicant he shall make and deliver to the game and fish commission a bond running to the State of Minnesota in a penal sum to be fixed by the commission, conditioned that in the use of said nets, and in the shipping of fish caught therein he will in all particulars comply with the laws of the State of Minnesota and the rules and regulations of the game and fish commission. Upon the failure of any licensee to comply with any of the provisions of the laws of the State of Minnesota, and the rules and regulations laid down by the game and fish commission regarding the use of said nets, the said commission may, and it is hereby made its duty to cancel his license and declare his bond forfeited. The commission shall employ a sufficient number of wardens to rigidly enforce the provisions of this section. ('05 c. 186 § 3)

[2249—]50d. **Shipment of fish.**—Nothing in this chapter contained shall be construed as prohibiting the shipment of the fish named in this chapter, either within or without the state, when caught pursuant to the provisions of this section. ('05 c. 186 § 4)

[2249—]50e. **Penalty for violation.**—Any person who shall place, use or raise any net in the above mentioned waters without first complying with the provisions of this chapter, or who shall place, use or raise any net after his license shall have been, for any cause, cancelled by said commission, or who shall fail to at once return to the water any fish not allowed to be taken according to the provisions of this chapter, or who shall ship, cause to be shipped or had in possession or under control for the purpose of shipping contrary to any of the provisions of this chapter, shall be deemed guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment for not less than sixty or more than ninety days, or both for each any [and] every offense. ('05 c. 186 § 5)

[2249—]50f. **Use of more than one net, etc., prohibited—Penalty.**—No person or association or combination of persons shall be permitted to use more than one net of the same kind during any season. Any person or combination of persons using or controlling more than one net of the same kind, or any combination of persons for the purpose of controlling the use or output of more than one net of the same kind shall be deemed guilty of a misdemeanor and upon conviction thereof punished by a fine of not less than fifty nor more than one hundred dollars or by imprisonment for not less than sixty nor more than ninety days for each and every offense. ('05 c. 186 § 6)

[2249—]50g. **Jurisdiction of commission.**—For the purpose of enforcing the provisions of this chapter the courts of this state sitting in the various counties contiguous to said waters, and said commission and wardens duly appointed by it, are hereby given and shall have jurisdiction over the entire waters of the state to the furthestmost shore lines; and concurrent jurisdiction of the courts and the administrative officers of the States of Wisconsin, Iowa, North and South Dakota, over all boundary waters existing between such states and Minnesota, and the whole thereof, is hereby recognized. ('05 c. 186 § 7)

[2249—]51. **Manner of taking—Seines and nets in certain waters—License, etc.—Penalty for violation.**—It shall be unlawful and is hereby prohibited to take, or attempt to take, any fish by any other methods than by angling or trolling with hook and line, or by use of licensed set lines, or for the purpose of propagation when taken by the superintendent of fisheries or his duly authorized agents, or taking rough fish by the aid of spears in the day time, without first having complied with all of the requirements of this act. The state game and fish commission shall upon application therefor issue to any person a license to set, use and operate seines and pound nets of not more than one and one-half inch bar in the pot, and fyke or hoop nets of not more than one and one-half inch bar back of the tail hoop, and gill nets of not less than four inch bar, bait nets without leads with four foot hoop front, twenty-one inch tail hoop, not more than fifteen feet in length, two-inch bar in front, and one and one-half inch bar between throats, and one and one-quarter inch bar between fish hooks; turtle nets of three and one-half inch bar, from June 1st, to April 1st of the following year, in that part of St. Croix river known as Lake St. Croix, that part of the Mississippi river known as Lake Pepin and the Mississippi

river, where they form the boundary line between the state[s] of Minnesota and Wisconsin, for the purpose of catching and taking all fish except pike of any variety, bass of any variety, perch, sunfish, and crappies or buffalo fish of less than three pounds round or undressed weight. Such nets shall not be set, used and operated except in the manner hereinafter provided, and then only in compliance with such rules and regulations as are or may hereafter be prescribed by law. Set lines may be licensed for use in said waters for catching catfish and sturgeon only. A metal tag shall be furnished by the state game and fish commission for each one hundred yards or fraction thereof of set lines so licensed, but no more than ten such tags shall be issued with each license. A metal tag shall also be furnished for each two thousand feet of gill net or fraction thereof, each pound with seven hundred feet of leads, five hundred feet of seine or fraction thereof, fyke, hoop, bait or turtle net so licensed. Every licensee shall immediately return to the water from which the same have been taken all fish above enumerated when taken in any net used by him, or under his supervision or control, and the possession of said fish by said licensee, shall be deemed to be prima facie evidence of a violation of this act. Licenses issued under the provisions of this act shall expire on the first day of April succeeding the date of their issuance, and shall not be transferable. Any person who shall desire to set, use and operate a net or nets or set lines under the provisions of this act, shall make application to the state game and fish commission therefor upon blanks to be furnished by them and shall accompany such application with a fee of five dollars for each two thousand feet of gill net or fraction thereof; five dollars for each seven hundred feet of pound net leaders or fraction thereof, with one pound, and for each additional pound shall pay an additional fee of five dollars; two dollars for each two hundred lineal feet of seine or fraction thereof, or for each fyke or hoop net; one dollar for each bait or turtle net; one dollar for each one thousand yards of set line or fraction thereof. Each application shall also be accompanied by twenty-five cents for each metal tag required. Before any such license shall be issued the applicant shall execute and deliver to the state game and fish commission a bond running to the state of Minnesota in the sum of two hundred dollars, with two sureties, conditioned that if the applicant shall well and faithfully observe and comply with all of the requirements of this act and the rules and regulations which are, or may hereafter be prescribed by law, said obligation to be null and void, otherwise to remain in full force. Each such surety shall be worth at least the sum of two hundred dollars in property in this state over and above all debts and liabilities, and property exempt by law from sale by execution. The state game and fish commissioners shall keep in their office a complete record of all licenses issued under this section and all moneys received for same shall be paid to the state treasurer and credited to the state game and fish commission fund. Licensees operating nets under the provisions of this act are hereby permitted to construct temporary fish ponds for the purpose of keeping fish therein until the same can be marketed, provided that fish so taken may be shipped to points within or without this state at any time and in any quantity. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, forfeit his bond, and 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 of the county in which such offense was committed, not less than sixty nor more than ninety days, or both such fine

and imprisonment, in the discretion of the court. (Laws 1907, c. 315, § 1, as amended by Laws 1909, c. 501, § 1.)

Historical.—This is section 1 of an act entitled "An act to amend chapter 186 of the General Laws of 1905, relating to the preservation, propagation, protection, taking, use and transportation of game and fish," approved April 23, 1907 (Laws 1907, c. 315), as amended by section 1 of "An act to amend section 1 of chapter 315 of the General Laws of 1907, relating to the preservation, propagation, protection, taking, use and transportation of game and fish," approved April 24, 1909 (Laws 1909, c. 501). Laws 1907, c. 315, § 2, repeals all acts and parts of acts inconsistent with that act. It is not clear whether the amended section above set forth supersedes Laws 1905, c. 344, §§ 42, 43 (sections [2249—] 52, [2249—] 53, post), Laws 1905, c. 186, and Laws 1909, c. 54 (sections [2249—] 56 to [2249—] 62, post).

See, also, sections [2249—] 54, [2249—] 55.

[2249—]52. Netting in Mississippi river within state.—Except in certain portions of the Mississippi river hereinafter defined, and in certain defined boundary waters of the state, 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, dogfish, buffalo fish, catfish, pickerel, carp 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 mesh in said net or seine shall not be less than two and one-half inches in the bag 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 to do so to the commission, and in such notice describing the place to which he intends to remove his or her net or seine. ('05 c. 344 § 42)

See note under section [2249—] 51.

[2249—]53. Netting in international waters—Penalty.—The game and fish 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 therefor. 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 net 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 commission, 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 in, and a statement of the loca-

tion 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. The commission may issue a license to the applicant who shall be a citizen of the United States. 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 place 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. The commission shall not issue to any one person for the use or benefit of such applicant a license to use more than fifty nets during a single fishing season and whenever more than one person shall apply for a license to fish in the same locality, the priority of such application shall be determined in such manner as the commission may designate. No such license shall be issued authorizing the use of any net or nets in international waters between the first day of April and the twentieth day of May following, 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 such fishing season to said commission, stating the number of nets used and where used by him, and the amount in number, kind and the 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 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. The commission, game wardens, sheriffs, and their deputies, police officers and constables, shall seize any and all nets and seines when illegally used and all fish taken therewith, and at once report the seizure to the commission. Every person using, aiding or abetting the use of any such net contrary to the provisions of this section, 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 so illegally used. ('05 c. 344 § 43)

See note under section [2249—]51.

[2249—]54. Pound nets in Lake St. Croix and Lake Pepin.—

That no pound nets or string of pound nets licensed to be used or set in that part of the St. Croix river known as Lake St. Croix, that part of the Mississippi river known as Lake Pepin, and the Mississippi river, where they form the boundary line between the states of Minnesota and Wisconsin, under chapter 315, General Laws of Minnesota for 1907, shall be set less than 1,000 feet apart, and the leads of said nets or string of nets shall not extend nearer than 500 feet from the middle line of said waters. Provided, that in part of the Mississippi river known as Lake Pepin, and in the Mississippi river from the mouth of Lake St. Croix to the southern boundary line of this state, such nets shall not be set less than one thousand feet apart, and the leads of such nets or strings of nets shall not extend nearer than five hundred feet from the middle line of said waters, nor nearer than two hundred and fifty feet to the shore line. ('09 c. 65 § 1)

Historical.—"An act to regulate the setting of pound nets in the Mississippi river and Lake St. Croix where these waters form the boundary line between the states of Wisconsin and Minnesota." Approved March 12, 1909.

By section 3 the act took effect April 1, 1909.
For Laws 1907, c. 315, see section [2249—]51.

[2249—]55. **Penalty for violation.**—Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and shall upon conviction thereof, be punished by a fine of not less than \$25.00 nor more than \$100.00 and costs of prosecution. ('09 c. 65 § 2)

[2249—]56. **Seining certain fish except in certain rivers—License.**—That the State Game and Fish Commission may, in its discretion, issue to any proper person a license to fish for and take, catch or capture with seines carp, dogfish, garfish, sheephead, buffalo and suckers in any of the waters under the jurisdiction of this state, except that portion of the Mississippi river and Lake St. Croix which form the boundary between the states of Minnesota and Wisconsin. Provided, however, that such person using or operating such nets or seines for the taking of such fish shall do so only under the direction and personal supervision of a duly commissioned game warden. Every person obtaining such license shall pay to the game and fish commission a reasonable sum for compensation and expenses of the warden for such time actually employed by him in such supervision, not to exceed the sum of \$2.50 for compensation per day. ('09 c. 54 § 1)

Historical.—"An act to permit the use of seines in the taking of certain fish."
Approved March 12, 1909.

See note under section [2249—] 51.

[2249—]57. **Application for license—Bond—Fee.**—Application for such license to use nets or seines as herein provided shall state the name and residence of the applicant, the number and the size of the nets he intends to use and operate, and the waters in which he intends to use or operate such net or seine. Before any such license shall be issued the applicant shall execute and deliver to the game and fish commission a bond running to the State of Minnesota in the penal sum of \$200.00 with two sureties to be approved by said game and fish commission, and conditioned, that if the person to whom such license is issued shall well and faithfully observe and comply with all the requirements of this act, and with the provisions of the license issued thereunder, said obligation to be null and void, otherwise to remain in full force and effect, and shall also pay to the state game and fish commission a fee of \$5.00 for every 500 feet or fraction thereof of such seine or net to be so used or operated. ('09 c. 54 § 2)

[2249—]58. **Regulation of seines and nets.**—That no license shall be issued by virtue of the provisions of this act for the use of any net with a mesh less than four inches bar in the pot, and that it shall be unlawful for any person using or operating a seine or net under the provisions of this act to use any seine or net having a smaller mesh than as herein provided. ('09 c. 54 § 3)

[2249—]59. **License not to issue to certain persons.**—That no license to use seines or nets under the provisions of this act shall be issued or granted to any person duly commissioned to act as a game and fish warden under the laws of this state; or to any person who has within two years prior to the date of his application been convicted of a violation of any provision of the game and fish laws; and that it shall be unlawful for any duly and properly commissioned game and fish warden of the state of Minnesota to be a partner of, or in any way or manner financially interested with any person who shall fish for, take or capture by the use of seines or nets, any of the kinds of fish mentioned herein. ('09 c. 54 § 4)

[2249—]60. **Certain fish to be returned to water.**—Any person licensed by the provisions of this act to take any of the kinds of fish herein mentioned, shall immediately after the use and drawing

of the nets and seines, return unharmed to the water any and all fish of any kind and description not by the terms of this act expressly permitted to be taken by the use of nets or seines. ('09 c. 54 § 5)

[2249—]61. **Close season.**—It shall be unlawful for any person using or operating a seine or net under a license issued according to the provisions of this act, to fish for, take, or capture any fish whatever, whether mentioned by the provisions of this act or not, at any time between the first day of May and the first day of October of any year; provided, however, that the provisions of this section shall not apply to any lakes or waters which form a boundary between the state of Minnesota and any other state. ('09 c. 54 § 6)

[2249—]62. **Penalty for violation.**—Any person or persons who shall violate any of the provisions of this act, or any of the terms of any license issued by the state game and fish commission under the authority of this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$25.00 nor to exceed the sum of \$100.00, or by imprisonment in the county jail for a period of not less than thirty days nor to exceed ninety days. ('09 c. 54 § 7)

[2249—]63. **Fishing in certain lakes without permission of park board—Penalty.**—No person shall take any fish with nets or seines in any lake situated within the territorial limits of any city having a population of not less than twenty thousand nor more than fifty thousand according to the last preceding state or national census, when the shores of such lake are wholly or partially under control and management of a board of park commissioners, unless permission so to take such fish shall have been granted by such board of park commissioners. Such board shall have power to require payment from the person to whom such permission may be granted for the privilege of so taking fish, and all moneys paid for such privilege shall be placed in the city park fund of such city to be used for the maintenance of its public parks. Any person who shall take or attempt to take any fish contrary to the foregoing requirements shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by section 4763 of the Revised Laws of Minnesota. Nothing contained in this act shall deprive the game and fish commission of its general control of and supervision over fishing with nets and seines under the laws of this state. (Laws 1907, c. 315, as amended by Laws 1909, c. 32, § 1.)

Historical.—Laws 1907, c. 315, was amended by adding the foregoing section by "An act to amend chapter 315 of the General Laws of 1907, relating to the preservation, propagation, protection, taking, use and transportation of game and fish," approved February 27, 1909.

For Laws 1907, c. 315, see section [2249—]51.

[2249—]64. **Designation of streams for propagation of trout.**—Upon petition of not less than one hundred legal voters of any county in this state, it shall be the duty of the county commissioners of such county to designate the streams therein which are suitable for the growth or propagation of brook trout, and by order or resolution of the board of such county commissioners, which shall be filed in the office of the county auditor of such county and published along with the proceedings of such board had at the time such resolution or order shall be made, designate and describe such streams and state the points between which in said county such streams shall be suitable for the growth and propagation of such trout, and such commissioners shall attach to such order or resolution a map or diagram of said county, showing the name and general location of such streams and the points upon the same between

which such streams shall be suitable for the growth and propagation of brook trout. ('09 c. 346 § 1)

Historical.—"An act providing for the designation of certain trout streams in this state, and to prohibit any fishing therein except during such time as is allowed by law for the fishing of trout." Approved April 19, 1909.

[2249—]65. **Affidavits to be filed.**—Any person or persons who shall place and set free in any of said streams, between the points so designated, trout fry, furnished from any fish hatchery authorized by the laws of this state, or of the United States, to such an amount and in such numbers as shall equal 1,000 fry for every mile or major fraction thereof, of such stream between the points designated, may file in the office of the auditor of such county, and in the office of the town clerk of each town, and the clerk or recorder of such village through which any such trout stream shall run, an affidavit or affidavits corroborated by one or more witnesses, to the said facts, stating the time when, and place where such fry were so deposited, the approximate number thereof so placed and freed, and the name of the stream in which the same were so placed, for the filing of which affidavit the county auditor, town clerk and village recorder shall be entitled to the fee of ten cents to be paid by the person offering such affidavit for filing. ('09 c. 346 § 2)

[2249—]66. **Fishing in designated streams prohibited.**—From and after ten days from the filing of such affidavit or affidavits and the depositing of such trout fry as aforesaid, of which facts a duly certified copy of such affidavit, with copy of certificate of filing thereon duly certified by the officer in whose office such affidavit is filed, shall be prima facie evidence, and for two years thereafter, it shall be unlawful for any person at any season or time of the year, except such time or season as shall be allowed by law for the catching of brook trout in such streams in this state, to fish or to attempt in any manner to fish or to have hook and line or any other device for catching fish, in, or extending into or over such stream. ('09 c. 346 § 3)

[2249—]67. **Penalty for violation.**—Any person violating the provisions of this act shall be guilty of a misdemeanor. ('09 c. 346 § 4)

[2249—]68. **Fishing near fishways.**—No person shall catch, take or kill any fish in any lake or stream within fifty feet of any fishway and then only with hook and line, or have in his possession or under his control any fish so caught, taken or killed. (Laws 1905, c. 344, § 44, as amended by Laws 1909, c. 453, § 1.)

[2249—]69. **Use of drugs, dynamite, traps, etc.**—No person shall lay, set, use or prepare any drug, poison, lime, medicated bait, nets, fish berries, dynamite or other explosives, or any other deleterious substance whatever, or lay, stretch or place, any tip-up, snare or net or trot line or any wire string, rope or cable of any sort in any of the waters of this state with intent to thereby or therewith catch, take or kill any fish. (Laws 1905, c. 344, § 45, as amended by Laws 1907, c. 469, § 1.)

[2249—]70. **Fish houses.**—No person shall erect, have or maintain upon the ice of any waters of this state any fish house, structure, enclosure or shelter whatever to protect the person of the occupant while engaged in fishing through the ice. Except, that on all inland lakes of this state, and on all interstate waters over which the state of Minnesota has concurrent jurisdiction with sister states, a fish house may be used for the purpose of taking pickerel, carp, buffalo, bullheads, suckers and redbhorse from the 15th day of December to the 1st day of April following; provided, further, that any person desiring to use such house shall first make application

for a permit for such use to, and obtain such permit from the game and fish commission, stating that the same is to be used by him for the purpose of obtaining fish for his domestic use and not for commercial purposes, which application shall be accompanied by a fee of one dollar, but no such person shall be permitted to use more than one fish house, and upon the payment of such fee said permit shall be issued and granted. Provided, further, that the game and fish commission may withhold permission to erect fish houses on certain lakes, where conditions, in their opinion, warrant it. (Laws 1905, c. 344, § 46, as amended by Laws 1909, c. 376, § 1.)

[2249—]71. Sale of trout and bass.—No person shall have in possession for sale, or with intent to sell, expose or offer for sale or sell to any person, any brook trout, or gray, black or Oswego bass, at any time, or ship, cause to be shipped, or had in possession with intent to ship, to any person either within or without the state, any such fish, or have any black, gray or Oswego bass in his possession except during the season for taking the same, or any trout during the closed season, except they are caught in a private hatchery. (Laws 1905, c. 344, § 47, as amended by Laws 1907, c. 469, § 1.)

[2249—]72. Sale of wall-eyed pike caught in certain waters.—No person shall have in possession for sale, or with intent to sell, expose or offer for sale, or sell to any person any walleyed pike caught in any lake or waters of this state which may have been heretofore or shall hereafter be stocked with walleyed pike fry of the game and fish commission of this state, at any time, or shall cause to be shipped or have in possession with intent to ship for purpose of sale to any person either within or without the state any such fish, or have any such walleyed pike in his possession except during the season for taking same. ('09 c. 403 § 1)

Historical.—"An act prohibiting the sale and disposition of wall-eyed pike caught in certain waters of this state." Approved April 22, 1909.

[2249—]73. Penalty for violation.—Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$10.00 nor more than \$50.00 and costs of prosecution, or by imprisonment in the county jail for not less than ten days, nor more than sixty days for each offense. ('09 c. 403 § 2)

[2249—]74. Size of fish to be taken.—No person shall at any time catch, take, kill or have in possession or under control any fish for any purpose whatever, except minnows for bait, rock bass, sunfish and bullheads that are less than six inches in length. Any person catching such fish shall at once return same to the water from which they are taken with as little injury as possible. No person shall take, kill, have in possession for sale or with intent to sell, offer or expose for sale, or have in possession or under control for any purpose whatever any lake trout 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 fourteen inches in length or one pound round or undressed weight, or any muskallonge less than thirty inches in length, or any blue pike or sangers of less than ten inches in length. Measurement in each case to be made from the tip of the snout to the fork of the tail. Any such fish when caught shall be immediately returned to the water. ('05 c. 344 § 48)

[2249—]75. Fishing in Lake Superior.—Fish of any description, except herring, shall not be caught with nets or seines in the waters of Lake Superior under the jurisdiction of the State of Minnesota between the first day of November and the first day of De-

ember following, and no net of any description shall be set or used in the waters of Lake Superior under the jurisdiction of Minnesota nearer the shore than one-half mile. No person shall take, catch or have in possession or under his control for any purpose whatsoever, any sturgeon caught in Lake Superior prior to June 1st, nineteen hundred and ten. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than one hundred nor more than five hundred dollars, and costs of prosecution, or by imprisonment in the county jail for not less than thirty nor more than ninety days for each and every net so used, had or maintained. (Laws 1905, c. 344, § 49, as amended by Laws 1907, c. 403.)

Historical.—Section 49 of Laws 1905, c. 344, was amended as above set forth by an act entitled "An act to amend section forty-nine (49) of chapter three hundred and forty-four (344) of the General Laws of Minnesota for nineteen hundred and five (1905), entitled 'An act for the preservation, propagation, protection, taking, use and transportation of game and fish and certain harmless birds and animals,' " approved April 24, 1907 (Laws 1907, c. 403). Said section was also amended by Laws 1907, c. 469 (approved April 26, 1907), as set forth in the section next following.

[2249—]76. **Fishing in Lake Superior.**—Fish of any description shall not be caught with nets or seines in the waters of Lake Superior under the jurisdiction of the State of Minnesota, between the 1st day of November and the 30th day of the same month. No person shall take, catch or have in possession or under his control for any purpose whatever, any sturgeon caught in Lake Superior prior to June 1st, 1910. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than one hundred nor more than five hundred dollars, and costs of prosecution, or by imprisonment in the county jail for not less than thirty nor more than ninety days for each and every net so used, had or maintained. (Laws 1905, c. 344, § 49, as amended by Laws 1907, c. 469, § 1.)

See note under section [2249—] 4.

See, also, section next preceding.

[2249—]77. **Shipping outside 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 herein provided, except that the commission may give a written permit to any responsible person (a bona fide resident of this state) to ship fish commonly known as bullheads, buffalo fish, carp, redhorse, suckers, sheephead, eel-pout, garfish, dogfish, sturgeon and catfish out of the state upon such reasonable conditions as it may adopt. Provided further, that any non-resident of this state who is desirous of taking any fish beyond its borders for his personal use may carry with him on the same train or conveyance, not to exceed fifty pounds of fish caught by him. Provided further, that all boxes and packages containing fish, or all boxes, bags, or packages of any description used in shipping fish, either within or without this state, shall be plainly marked with the name and address of the consignor and consignee, and with the contents of the package. ('05 c. 344 § 50)

[2249—]78. **Sale of certain fish prohibited.**—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. ('05 c. 344 § 51)

MISCELLANEOUS PROVISIONS.

[2249—]79. **Wanton waste prohibited.**—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 fifteen birds by any one person in any one day, or the catching, taking or killing of more than twenty-five fish by any one person in any one day, except fish caught, taken or killed in the Mississippi river or 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. ('05 c. 344 § 52)

[2249—]80. **State parks.**—No person shall pursue, hunt, take, catch, or kill any wild bird or animal of any kind within the limits of any territory set apart, designated, used or maintained as a state public park, or within one-half mile of the outer limits thereof or have any such bird or animal or any part thereof in his possession or under his control within said park or within one-half mile of said outer limits. No person shall have in his possession within any such park or within one-half mile of the outer limits thereof, any gun, revolver, or other firearm unless the same is unloaded, and except after the same has been sealed by the park commissioner or a deputy appointed by him, and except also such gun or other firearm at all times during which it may be lawfully had in such park remains so sealed and unloaded. Upon application to the park commissioner or any deputy appointed by him, it is hereby made his duty to securely seal any gun or firearm in such a manner that it cannot be loaded or discharged without breaking such seal. The provisions of this section shall apply to all persons including Indians. ('05 c. 344 § 53)

[2249—]81. **Sale of game by commission.**—The game and fish commission is hereby authorized to sell to residents of this state at the highest market price obtainable therefor, all furs, fish, game, game animals or game birds now or which may hereafter come into its possession. The proceeds thereof shall be turned into the state treasury and credited to the game and fish commission funds. A record of such sales, including the name of the purchaser and the price paid, shall be kept by the commission. Said commission shall, before selling, tag the same in a manner to be determined by it. ('05 c. 344 § 54)

[2249—]82. **Resale prohibited.**—Fish, game, game animals and game birds, or any part thereof, sold pursuant to the terms of the foregoing section, shall not be resold, offered for sale or held for the purpose of sale, or otherwise disposed of, to any other person by said purchaser. Said game shall not be bought or taken into possession by any person other than said purchaser from the commission. ('05 c. 344 § 55).

[2249—]83. **Gathering spawn—Obstructing commission.**—No person shall obstruct the commission, its executive agent or any warden appointed by it while engaged in gathering fish spawn, nor shall any person place in any stream or river any logs or other debris at any time when said commission and its employes are gathering spawn, or about to gather spawn or catch fish for that purpose in any such stream or river. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor. The commission may institute a civil action in the name of the state to recover from any person or persons obstructing it in the performance of its duties, or who shall place logs or other debris in such stream, for all damages resulting therefrom, and in addition thereto may in such action enjoin such party or parties from doing the acts hereby prohibited. ('05 c. 344 § 56)

Constitutionality.—Laws 1905, c. 344, complies with the constitutional requirement that no law shall embrace more than one subject, which shall be

expressed in its title.—State v. Tower Lumber Co., 100 Minn. 38, 40, 110 N. W. 254.

This section imposes reasonable regulations upon defendant company and all others in the use of the stream, and is not obnoxious either to the state or the federal Constitution.—State v. Tower Lumber Co., 100 Minn. 40, 41, 110 N. W. 254.

[2249—]84. **Annual appropriation.**—The sum of thirty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated annually, commencing August 1st, 1905, for the purpose of carrying on and enforcing the provisions of this chapter, to be paid for such purpose out of any moneys in the state treasury not otherwise appropriated. ('05 c. 344 § 57)

[2249—]85. **Illegal use of coupons.**—Any person who uses any coupon described in this chapter other than those issued and delivered to him personally by the county auditor in the shipping or transporting of any game bird or animal or any part thereof, or uses such coupon for any purpose or in any manner other than in this chapter authorized shall be guilty of a misdemeanor. ('05 c. 344 § 58)

[2249—]86. **Illegal procuring of coupon, etc.—Penalty.**—Any person who solicits, or directly or indirectly procures the issuance and delivery of any such coupon to any fictitious person or persons other than himself and uses it in any manner, or who obtains possession of any such coupon and delivers it to any person, or who solicits or procures the shipment to himself or any third person, from another, of any game bird or game animal or any part thereof, or who solicits another to come to Minnesota and hunt without having a license, or who hunts with another knowing he has not procured and is not in possession of a license, or who takes or uses the license of another person or coupon from such license, shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than fifty dollars, nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty nor more than ninety days for each and every offense. (Laws 1905, c. 344, § 59, as amended by Laws 1907, c. 469, § 1.)

[2249—]87. **Cold storage prohibited.**—The placing or receiving within or storage of any game bird or game animal, or any part thereof, in any cold storage plant is hereby prohibited and made unlawful. ('05 c. 344 § 60)

PENALTIES.

[2249—]88. **Resisting commissioner or warden.**—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 be punished by a fine of not less than fifty nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty nor more than ninety days for each and every offense. ('05 c. 344 § 61)

[2249—]89. **Moose, deer, etc.—Penalties for certain acts.**—Any person who takes or kills, has in possession, has in possession with intent to sell, sells, offers or exposes for sale, ships by common carrier, conveys or causes to be conveyed, has in possession with intent to so ship, or to convey in any manner, to any point within or without this state, any moose, deer, or any part thereof, including the hides and horns, or any person who buys any such game animal, or any part thereof, in violation of any of the provisions

of this chapter, or any common carrier or agent thereof who ships or aids or abets any person in shipping any such game animal or any part thereof, or has possession of the same with intent to ship or transport or convey to any point either within or without this state, contrary to any of the provisions of this chapter, shall be guilty of a misdemeanor and be punished by a fine of not less than fifty or more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than thirty nor more than ninety days for each and every moose or deer, or any part thereof, including the hide and horns, taken, caught, killed, sold, offered or exposed for sale, had in possession, or had in possession with intent to sell, shipped by common carrier or conveyed in any manner, or had in possession with intent to so ship, or transport to any point within or without this state in violation of any provisions of this chapter; provided, however, that such fine shall not exceed two thousand dollars, or such imprisonment exceed the term of one year. ('05 c. 344 § 62)

[2249—]90. Game birds, fish, etc.—Penalties for certain acts.—Any person who takes, catches, or kills, has in possession, or has in possession with intent to sell, sells, offers or exposes for sale, ships by common carrier, conveys or causes to be conveyed, has in possession with intent to so ship or convey to any point either within or without this state, any game bird or fish, or any part thereof, in violation of any of the provisions of this chapter, or any common carrier or agent thereof who aids or abets any person in shipping such game birds or fish, or has the same in possession with intent to ship or convey, to any point either within or without this state, contrary to any of the provisions of this chapter, shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not less than ten nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten nor more than sixty days for each and every game bird or fish or part thereof, taken, caught, killed, sold, offered or exposed for sale, had in possession, or had in possession with intent to sell, shipped by common carrier, or transported in any manner, or had in possession with intent to so ship or transport to any point within or without this state, in violation of any of the provisions of this chapter; provided, however, that such fine shall not exceed two thousand dollars or such imprisonment exceed the term of one year. ('05 c. 344 § 63)

[2249—]91. Attempts.—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 punished by a fine of not less than ten nor more than fifty dollars, and costs of prosecution, or by imprisonment in the county jail for not less than ten nor more than sixty days for each and every offense. ('05 c. 344 § 64)

[2249—]92. Hunting without license.—Any person, either a resident or non-resident of this state who shall hunt, take or kill any of the game birds or game animals in this state, without having first procured a license therefor as provided in this chapter, shall be guilty of a misdemeanor, and upon conviction thereof, punished by a fine of not less than twenty-five nor more than one hundred dollars, and costs of prosecution, or by imprisonment in the county jail for not less than ten nor more than ninety days for each and every offense. ('05 c. 344 § 65)

[2249—]93. Harmless birds—Penalties for certain acts.—Any person who takes, catches, kills, ships or causes to be shipped to

any person within or without this state, purchases, offers, or exposes for sale, sells, has in possession, has in possession with intent to sell, any harmless bird, either living or dead, or any part thereof, in violation of the terms of section thirty-nine [2249—44] of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof punished by a fine of not less than ten nor more than twenty-five dollars and costs of prosecution, or by imprisonment in the county jail for not less than thirty days, for each and every bird or any part thereof so caught, taken, killed, shipped or caused to be shipped to any person, either within or without this state, purchased or sold to any one, had in possession, had in possession with intent to sell, offered or exposed for sale, or had in possession or under his control. This section shall not be construed to apply to the keeping or selling of parrots or song birds as domestic pets. ('05 c. 344 § 66)

[2249—]94. **General penalty.**—Any person who violates any provision of this chapter for which a penalty has not been heretofore specifically provided, shall be guilty of a misdemeanor, and be punished by a fine of not less than ten nor more than fifty dollars and costs of prosecution, or by imprisonment in the county jail for not less than thirty nor more than sixty days. ('05 c. 344 § 67)

CHAPTER 33.

PUBLIC LIBRARIES.

PUBLIC LIBRARIES AND READING ROOMS.

2255. Establishment and maintenance—Tax.

See note under section [2255—] 1.

[2255—]1. **Establishment and maintenance — Tax — Non-residents—How established by vote—Existing libraries.**—That the city council of any incorporated city, or village council of any incorporated village, shall have power to establish and maintain a public library and reading room, or either of them, for the use and benefit of the inhabitants of such city or village, and by ordinance to set apart for the use and benefit of such library real estate or other public property belonging to the municipality, and may levy a tax not exceeding two mills on the dollar annually, and in cities of over twenty thousand inhabitants not to exceed one mill on the dollar annually on all the taxable property in the city; such tax to be levied and collected in like manner with other general taxes of said city or village, and to be known as "library fund." And the board of directors in this chapter provided for shall have power to admit to the benefit of such library persons not residing within the corporate limits of the city or village under such regulations and conditions as it may prescribe. Said board may also contract with the board of county commissioners of the county in which the library is situated, or of adjacent counties, or with the village trustees or governing body of any neighboring town, city or village to loan the books of said library, either singly or in traveling libraries, to the residents of said county, town, city or village, upon such terms as shall be agreed upon in such contract. All such boards or officers are hereby empowered to make contracts for such purposes, and to pay the consideration agreed upon out of the county, town or village treasury. Upon petition of fifty free-holding