

GENERAL STATUTES

OF

MINNESOTA

1913

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CHAPTER 32

PRESERVATION OF GAME

GENERAL PROVISIONS

4756. 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)

Section 68 repeals all inconsistent acts and parts of acts, superseding R. L. §§ 2187-2249.

See § 9398.

1905 c. 344 § 57 made an annual appropriation. See §§ 48, 49.

As to salaries, see § 294.

4757. 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)

4758. 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)

The first state hatchery is located at St. Paul (1901 c. 23); a second at Glenwood (1903 c. 211); a third at Deerwood (1907 c. 275); a fourth at Detroit (1911 c. 77); a fifth at Granite Falls, etc. (1913 c. 246); and a sixth in St. Louis county or Lake county (1913 c. 479).

As to salaries of superintendents of St. Paul and Glenwood hatcheries, see § 294.

4759. 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. ('05 c. 344 § 4, amended '07 c. 469 § 1)

4760. 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. ('05 c. 344 § 5, amended '07 c. 469 § 1)

As to salary, see § 294.

4761. 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)

4762. 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)

4763. 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. ('05 c. 344 § 8, amended '07 c. 469 § 1)

4764. 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)

4765. 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 oth-

er 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)

4766. **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)

4767. **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)

4768. **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)

4769. **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)

4770. **Limitations—**All prosecutions under this chapter shall be commenced within two years from the time the offense was committed. ('05 c. 344 § 15)

4771. **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)

4772. 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)

4773. 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)

4774. 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)

4775. 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)

4776. 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. ('05 c. 344 § 21, amended '07 c. 469 § 1)

4777. Domesticated deer, moose, elk and caribou—Permits—Private trout hatcheries—Prosecutions—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 (.50) 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, for the keeping of which a permit has been issued as hereinbefore provided, may be sold or shipped within or without the state upon receipt of a written permit to do so from the commission or from any duly authorized deputy game warden; and with a like written permit such animals may be killed by the owners thereof and the carcasses or any part thereof may be by him at any time sold or shipped.

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, amended '13 c. 485 § 1)

Previously amended by 1913 c. 131.

GAME BIRDS AND ANIMALS

4778. 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)

58-393, 59+1098; 63-543, 65+1080; 73-185, 75+1120; 90-337, 96+785; 92-363, 100+94, 66 L. R. A. 439, 104 Am. St. Rep. 677; 96-45, 104+719, 6 Ann. Cas. 934.

4779. 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)

4780. 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)

4781. 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)

4782. Hunting certain water fowl in nighttime—Devices—No person shall at any time hunt, take, shoot, or kill any duck, goose, mudhen or other water fowl in this state between one hour after sunset and one hour before the following sunrise, and no person shall at any time make use of, hunt with, or shoot from any floating battery, sink boat, sunken barrels, boxes, tubs, floating blinds

or any similar device whatever on the waters of this state. ('05 c. 344 § 27, amended '13 c. 212 § 1)

Previously amended by 1909 c. 288.

4783. Hunting with dogs—Training—No person shall hunt, pursue, catch, take or kill any of the animals in this chapter mentioned except game birds with any dog or dogs. 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 except from the fifteenth day of August to the first day of December each year 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. From the fifteenth day of August to the first day of September each year it shall be unlawful to run or train pointer or setter dogs in the said fields or upon the said lands in case any shot gun, rifle or other fire-arm is in the possession of or available for use by the owner, or person in possession, custody or control of said pointer or setter or in the possession or available for use of anybody accompanying the said owner or person so in possession, custody or control.

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, provided, that in case of any violation of this section the said pointer or setter and the said gun or other fire-arm shall be liable for confiscation by any game warden or deputy game warden of this state. ('05 c. 344 § 28, amended '11 c. 286 § 1)

4784. 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)

4785. 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)

63-535, 65+940.

4786. Possession of game and fish—Presumption—The possession or having under control by any person of any bird, animal 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)

89-193, 94+548; 90-337, 96+785; 96-135, 104+827.

4787. Skins of fur-bearing animals, etc.—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 legally 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, amended '11 c. 45 § 1)

114-463, 131+481.

4788. Deer and moose hides and heads—That the state game and fish commission may issue a permit to ship deer and moose hides for tanning purposes either within or without the state; also for shipping deer and moose heads for the purpose of having same mounted. Any person who is in lawful possession of deer and moose heads or deer and moose hides may make application to the game and fish commission for a permit to ship same for the purpose of tanning or mounting. Such application must be accompanied by an affidavit setting forth the fact that each animal was legally killed in open season, giving the number of the license held by the applicant and the name of the county from which it issued. The game and fish commission may thereupon, if satisfied that such application is made in good faith and not for the purpose of sale, issue to the applicant a permit to ship deer and moose heads and deer and moose hides. ('11 c. 46 § 1)

4789. Open season for birds—Number allowed—No person shall hunt, take, kill, ship, convey, or cause to be shipped or transported by common or private carrier, to any person either within or without the state, expose for sale, sell to any one, have in possession with intent to sell, or have in possession or under control at any time, any 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. ('05 c. 344 § 32, amended '09 c. 282 § 1)

72-335, 75+386, 40 L. R. A. 759; 93-148, 100+647, 3 Ann. Cas. 12; 96-45, 104+719, 6 Ann. Cas. 934.

4790. Deer, moose, etc.—Season for killing—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 hide or horns, except as hereinafter

provided. Provided, that deer may be killed between November 10th and November 30th of the same year and any deer or any part thereof may be had in possession by any person killing same during the same time, but no person shall kill or have in possession during said time more than two 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 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 November 10th and November 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 (1) 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 same for five (5) 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, amended '11 c. 93 § 1)

58-393, 59+1098; 64-130, 66+205, 32 L. R. A. 131, 58 Am. St. Rep. 524.

4791. Resident license for hunting game birds—Shipment of game—Every resident of this state over 21 years of age is prohibited from hunting, taking or killing any game bird unless he shall have first procured a license therefor from the county auditor of the county in which he resides, provided, however, that this shall not apply to any resident of the state hunting within his own 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 payment of the license fee of \$1.00 for each such license issued, 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 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 post office address. Only one of such licenses shall be issued to any person and it shall not be transferable, and it is hereby made the duty of such licensee to exhibit the same to any person upon request.

Such license shall describe the licensee, designate his place of residence and shall have attached thereto three (3) coupons upon which shall be printed the words "game birds." Each coupon shall be divided into two sections lettered respectively "A" and "B." Any resident who has paid said fee and procured such license to hunt game birds, may, during the open season hunt, take and kill game birds in the manner and subject to the limitations and conditions prescribed by this chapter and amendments thereto, and may ship by common carrier in the manner herein provided and not otherwise to any point in the county in which he resides fifty (50) game birds in three shipments of not to exceed seventeen (17) birds each, so lawfully shot or had in possession. Said game birds may be shipped by said licensee to himself to his place of residence by common carrier by attaching to such game birds section "B" of said coupon. Upon receiving such game it is made the duty of said common carrier to detach from the license section "A" of said coupon and at once forward same by mail to the game and fish 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 such game birds or fish as baggage when the same is so accompanied and carried on the same train or conveyance by the person who is legally in possession of same.

Provided, further, that nothing herein contained shall be construed to permit employes of a common carrier to carry any such game birds or fish with

them whether as baggage or otherwise, while engaged in the performance of the duties of their said employment and they are specifically prohibited from so doing.

Provided, further, that sections "A" and "B" of each said 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 common carrier of any game birds 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.

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

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than ten (\$10.00) nor more than twenty-five (\$25.00) dollars and the 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. ('05 c. 344 § 34, amended '07 c. 469; '11 c. 373 § 1)

4792. Resident license for hunting game animals—Shipment—Every resident of this state over 21 years of age is prohibited from hunting, taking, or killing any game animal unless he shall have first procured a license therefor from the county auditor of the county in which he resides. Said auditor shall not issue to any person a license prior to three days before the opening of the season, such license to be issued under his seal upon blanks to be furnished him by the game and fish commission and upon payment of the license fee of one dollar (\$1.00) 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 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 post office address. Only one of such licenses shall be issued to any person, and it shall not be transferable, and it is hereby made the duty of such licensee to exhibit the same to any person upon request. Such license shall describe the licensee, designate his place of residence and shall have attached thereto two coupons upon which shall be printed respectively the words "moose" and "deer." The coupon marked "deer" shall be divided into two sections, one of which shall be lettered "A" and one "B." The coupon marked "moose" shall be divided into two sections lettered respectively "A" and "B." Any resident who has paid said fee and procured such license to hunt game animals, may, during the open season hunt, take and kill one (1) moose and one (1) deer. He shall immediately upon the killing of a deer or moose detach one coupon marked "section B" and attach same to the animal killed, and the coupon shall remain upon said deer or moose as provided in this section. The said deer and

moose must be taken in the manner and subject to the limitations and conditions prescribed by this chapter and amendments thereto, and may ship by common carrier in the manner herein provided and not otherwise to any point in the county in which he resides one (1) moose and one (1) deer or any part thereof so lawfully shot or had in possession. Said game animals may be shipped by said licensee to himself to his place of residence by common carrier, upon attaching to such game animal or any part thereof section "B" of said coupon. Upon receiving such game it is made the duty of said common carrier to detach from the license section "A" of said coupon and at once forward the same by mail to the game and fish commission.

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

Provided, further, that sections "A" 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 animals or parts 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 the common carrier.

The shipment of any 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.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty (50) nor more than one hundred (100) dollars and the 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. ('11 c. 373 § 2)

4793. Non-resident license—Shipment of game—Every person not a resident of this state is prohibited from hunting, taking or killing any game bird or game animal unless he shall have first procured a license therefor from the game and fish 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)

4794. Non-resident defined—Fraud in obtaining license—Penalty—Any person who has not resided in this state for one year just previous to the time of applying for a hunting license shall be considered under the provisions of this chapter a non-resident. Any non-resident who shall make to any county auditor authorized to issue licenses for the hunting or killing of game birds or game animals a false statement concerning his residence, and thereby obtain such a license therefor, as only residents of this state are entitled to, shall be guilty of a misdemeanor. Any person who shall violate any of the provisions of this chapter and who at the time of such violation is in possession of a license duly issued to him, shall upon conviction thereof, forfeit such license. ('05 c. 344 § 36, amended '13 c. 131 § 2)

4795. 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 game 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)

Possession of head of moose lawfully killed, though untagged, not unlawful (114-463, 131-481).

4796. Beaver, mink, and muskrat—No person shall take, catch, or kill any beaver at any time, or any mink or muskrat between the fifteenth day of April, and the first day of December following, and no person shall molest, injure or destroy any muskrat, mink or beaver house, den or dam at any time, or hunt or pursue such animals with dog or dogs, except that in the open season herein provided for the taking, catching or killing of muskrats, muskrat houses, may for the purpose of placing traps therein, be opened in such manner only as will not destroy, damage or injure the same, as a place of habitation for muskrats. Provided, that when any of the animals mentioned in this section are doing damage to or destroying any property, or are likely to damage or destroy any property. The person whose property is being, or is likely to be, damaged, or destroyed may make complaint and report the facts to the executive agent of the game and fish commission, who shall either in person or by a deputy game warden, investigate the conditions complained of, and if it appears that the complaint is well founded, and the property of such complainant is being, or is likely to be damaged by any such animals, the executive agent of the game and fish commission may grant, permission, properly safeguarded to the complainant, to kill, such animals, or destroy the houses, dams or other structures erected by them. ('05 c. 344 § 38, amended '07 c. 469; '09 c. 412; '13 c. 573 § 1)

Previously amended by 1909 c. 317.

4797. Breeding mink, muskrat, skunk and raccoon—Permit, etc.—The game and fish commission of this state may issue permits to breed or domesticate mink, muskrat, skunk, and raccoon upon application to it which shall contain:

1. The name and address of the applicant.
2. A description of the premises upon 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 one cent for each such animal in possession. The commission may thereupon, issue a permit to the applicant to keep such animals. Any person so 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. The commission shall keep a record of all persons holding such permits.

Any person desiring to breed and domesticate such fur bearing animals may apply to the game and fish commission for a permit to catch and take;

for the purposes of breeding and domesticating only, any such animals within certain described territory and within a described portion of the closed season and upon such applicant giving a bond to the state of Minnesota in the sum of five hundred (\$500) dollars, with two or more sureties, to be approved by said commission, conditioned, among other things, that said applicant will only within the time prescribed and within the territory mentioned in the application, take and catch such animals for the purpose of breeding and domesticating, and that such applicant will not catch, take or use such animals for any other purposes, and will not sell or otherwise dispose of the same, or of the carcasses, fur and hides thereof, the said commission may issue to such applicant a permit to so catch and take such animals. At the end of the time stated in such permit the person named therein shall forthwith report to the game and fish commission the kind and number of such animals so caught and taken and receive a permit for their retention and domestication, as in this act provided.

Any person, who under the authority of this act, shall have in his lawful possession, any such fur bearing animals, shall be deemed to have a property right therein and to be the owner thereof and any person who shall enter the enclosure where such animals are confined, or who shall catch, take or molest such animals when in such enclosure, shall be subject to the same liabilities, penalties and punishments as though the animals in question were ordinary domestic animals the subject of property rights in this state.

Any such animals or their furs or hides may be sold or shipped within or without the state upon receipt of written permission to do so from the commission. ('13 c. 121 § 1)

4798. 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)

4799. Same—Penalty for violation—Every person violating the provisions of this act shall be guilty of a misdemeanor. ('09 c. 66 § 2)

4800. Game birds defined—Killing of other birds—No person shall catch, take, kill, ship or cause to be shipped to any person within or without 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)

4801. 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)

4802. Same—Penalty—Any person who shall violate any provision of this act shall be guilty of a misdemeanor. ('05 c. 56 § 2)

4803. 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)

4804. 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)

4805. Hunting squirrels in parks unlawful—It shall be unlawful for any person to hunt, shoot, catch, take, kill, or molest in any manner any fox, grey, black, red, flying or other timber squirrel in any manner whatsoever at any time in any public park, street, or other public grounds of any city or village of this state, or within a quarter of a mile thereof. ('13 c. 133 § 1)

Section 4 repeals inconsistent acts, etc.

4806. Same—Violation a misdemeanor—Any person violating any of the provisions of this act shall be guilty of misdemeanor. ('13 c. 133 § 2)

FISH

4807. Open season for fish—No person shall catch, take, kill or have in possession or under control, for any purpose whatever, any of the fish hereinafter mentioned within the periods herein limited, to-wit: Any variety of trout, except lake trout, between 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)

4808. Number allowed—Manner of taking—Nets in inland lakes—Permit—No person shall catch, take or kill more than twenty-five (25) except sunfish, 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 bait 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 limit any time, but no artificial lights shall be used in taking of said fish.

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 whitefish, trellipies for their own domestic use from November first (1st) to January 10th following. Said net shall not exceed one hundred (100) 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 whitefish and trellipies 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 (\$1.00) dollar for each net, but no person shall be permitted to use more than two (2) of such nets, and such fish shall not be sold or offered for sale. ('05 c. 344 § 41, amended '07 c. 469; '09 c. 190; '13 c. 67 § 1)

59-465, 61+560, 27 L. R. A. 76.

4809. Commission may take certain fish by net—The state game and fish commission is hereby authorized to take or contract for taking by means of nets from any of the waters in this state carp, sturgeon, dogfish, garfish, sheephead, buffalo, eelpout, and suckers where such fish or any of them become so numerous as to destroy or retard the propagation of game fish therein, and sell the fish so taken for the best price they can obtain therefor.

Provided that no nets shall be used as aforesaid in the waters situated in any county of this state wherein the county board of such county has passed and adopted a resolution to the effect that a particular lake or lakes situated in such county shall not be seined. Whenever such resolution has been adopted by the county board of such county, it shall be the duty of the county auditor thereof to forthwith forward by registered mail a certified copy of such resolution to the game and fish commission who shall thereafter not seine such lake or lakes until the resolution so adopted has been revoked by the county board provided, however, that no lake in this state that does not contain carp shall be seined under the provisions of this act. ('13 c. 477 § 1)

4810. Same—Temporary fish ponds—For the purpose of keeping such fish until they can sell the same, the game and fish commission may create temporary fish ponds in any of the waters of the state. ('13 c. 477 § 2)

4811. Netting in certain 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. ('03 c. 336, amended '05 c. 186 § 1)

Historical—1905 c. 186, § 8 repeals inconsistent acts, etc. 1903 c. 336 was repealed by § 9456. So far as the provisions of 1905 c. 186 differed from the Revised Laws, they were to be construed, by virtue of section 9398, as amendatory or supplementary.

See notes under § 4818.

See, also, §§ 4826-4841.

4812. Same—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)

4813. Same—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)

4814. Same—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)

4815. Same—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)

4816. Same—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)

4817. Same—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)

4818. 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 less than one and one-half inch bar in the pot, and fyke or hoop nets of not less 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 fourth inch bar between fish hooks; turtle nets of three and one-half inch bar at any time 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 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 (5) dollars for each two thousand (2,000) feet of gill net or fraction thereof; five (5) dollars for each seven hundred (700) feet of pound net leaders or fraction thereof, with one pound, and for each additional pound shall pay an additional fee of five (5) dollars; two (2) dollars for each two hundred (200) lineal feet of seine or fraction thereof for each fyke or hoop net; one (1) dollar for each bait or turtle net; one (1) dollar for each one thousand (1,000) yards of set line or fraction thereof. Each application shall also be accompanied by twenty-five (25) 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 (200) 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 (200) 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 the 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 (50) dollars nor more than one hundred (100) dollars and costs of prosecution, or by imprisonment in the county jail, of the county in which such offense was committed, not less than sixty (60) nor more than ninety (90) days or both such fine and imprisonment in the discretion of the court. ('09 c. 501 § 1, amended '11 c. 166 § 1)

Historical—The section amended was section 1 of "An act to amend" 1907 c. 315, which was "An act to amend" 1905 c. 186. 1905 c. 186 § 8, repeals inconsistent acts, etc. See §§ 4811-4817, 4819-4856.

See also 1911 c. 48, being "An act to amend chapter 315, of the General Laws of 1909, relating to the preservation, propagation, protection, taking, use and transportation of game and fish." 1909 c. 315 is an act to appropriate money to reimburse one Carley, and the act intended to be amended appears to be 1907 c. 315, above referred to. 1911 c. 48 appears to be superseded by 1911 c. 166, above set forth, and has not been included herein.

4819. Netting in parts of Mississippi river—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 bar and five inches when the same is extended, and before any such pound net or seine is used the person desiring to use the same shall first make application therefor to the game and fish commission of this state for permission to use such net or seine, which application shall state the name of the person and the place where the applicant desires to use the same, and which application shall be accompanied by a fee of five dollars for every net desired to be used. The commission may issue such a permit for the use of such net or seine to such applicant, which permit shall be for one season only. The person to whom such permit or license is issued shall not change the location of such net or seine without first giving written notice of his intention 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 § 4818.

4820. Fishing in international waters—License—Penalties, etc.—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 net shall not be less than one and one-half (1½) inches bar measure, or three (3) inches extension measure. Said pound nets may be set in strings, but no string of such nets shall exceed two (2) in number, and the leads of such shall in no case exceed the following lengths: The shore lead eighty (80) rods and the leads between the pounds or pots fifty (50) rods in length. Said net or string of nets shall not be less than twenty-five hundred (2,500) feet apart, nor within five hundred (500) feet of the mouth of any stream; provided that no pound net or string of pound nets shall be less than one (1) mile from the mouth of the Warroad river. 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 names 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 location of all other nets then in use in such waters situated within five thousand (5,000) 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 (\$25.00) for each net. The commission may issue a license to the applicant who shall be a citizen of the United States and a resident of this state. Said license shall not be transferable and shall be good for one (1) 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 interests of the state. The number of nets so licensed shall not exceed one hundred (100) in the Lake of the Woods. Said commission shall retain twenty-five dollars (\$25.00) for each net so licensed. The commission shall not issue to any one person, co-partnership or corporation, for the use or benefit of such applicant a license to use more than ten (10) nets during a single fishing season and whenever more than one (1) person shall apply for a license to fish in the same locality, the right to fish in said locality shall be determined in such manner as the commission may designate. The commission shall act on said applications at any regular or adjourned meeting held between the first day of January and the first day of June of any year. No such license shall be issued authorizing the use of any net or nets in international waters between the first day of November and the fourteenth day of May following, both inclusive, and it shall be unlawful for any person to assist in placing, or place any such net during such season. All persons fishing with pound nets legally licensed, shall be allowed to have fish in their possession one (1) week after the close of 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 person, except the owner, or some one authorized by him, taking fish from

licensed pound nets, or any person who wilfully or negligently disturbs them, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of twenty-five dollars (\$25.00) or by imprisonment in the county jail for thirty (30) days.

Any pound net, seine, dip net, gill net, or fish house which is being used without a license, or any pound net, seine, dip net, gill net or fish house 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 (\$100), or by imprisonment in the county jail for ninety (90) days, for each and every net so illegally used. ('05 c. 344 § 43, amended '11 c. 78; '13 c. 566 § 1)

4821. Same—Gill nets—The game and fish commission is hereby authorized to license the use, in international waters of gill nets, and to issue licenses therefor. The size of the mesh of gill nets shall not be less than five (5) inches extension measure, and each such net shall not be longer than seven hundred and fifty (750) feet and shall not be set nearer than one-half ($\frac{1}{2}$) mile from any pound net regularly licensed, and no person shall receive license for more than one net, and such net shall be personally fished by licensee, and anyone holding license shall not change the location thereof, when once fixed, without written consent of the game and fish commission. Any one desiring to use such net shall, before so doing, make written application for such privilege to the game and fish commission, which application shall be accompanied by a license fee of ten dollars (\$10.00); such gill net may be fished with from the first day of December to the last day of February following, both days inclusive, and from the 15th day of May to the 31st day of October following, both days inclusive. Each net shall display a tag giving the number of the license held by the licensee. ('13 c. 566 § 2)

See § 4824.

4822. Same—Fyke nets—The game and fish commission may issue licenses for the use of fyke nets in international waters for catching bullheads and perch only, from the first day of September to the fifteenth day of January following. The license fee for each such net shall be one dollar (\$1.00). ('13 c. 566 § 3)

4823. Same—Fish houses—The game and fish commission is hereby authorized to license the use of fish houses from the first day of December to the last day of February following. Provided, however, that no person shall be permitted to use more than one (1) fish house and the license fee for such fish house shall be one dollar (\$1.00). ('13 c. 566 § 4)

4824. Same—Gill nets—The game and fish commission is hereby authorized to license the use, in international waters, of gill nets, and to issue licenses therefor. The size of the mesh of gill nets shall not be less than five (5) inches extension measure; and each such net shall not be longer than two hundred (200) feet. Any one desiring to use such net shall, before so doing, make written application for such privilege to the game and fish commission, which application shall be accompanied by a license fee of one dollar (\$1.00); such gill net may be fished with, from the first day of December to the last day of February following, and from the 15th day of May to the 31st day of October, following. Each net shall display a tag giving the license number. ('13 c. 566 § 5)

See § 4821.

4825. Same—Sale of fish—Fish, especially all species of bass, caught in international waters in season by residents of this state with hook and line may be offered for sale. ('13 c. 566 § 6)

4826. St. Croix and parts of Mississippi rivers—This act shall apply only to the waters of the St. Croix river, including that part thereof known as Lake St. Croix, the waters of the Mississippi river, below the mouth of the St. Croix river, including that part thereof known as Lake Pepin. ('13 c. 545 § 1)

Section 25 repeals 1909 c. 65 and all inconsistent acts and parts of acts.

4827. Same—Game fish defined—For the purposes of this act the following named fish and varieties of fish are termed and described as game fish, to-wit: Pike of any variety, bass of any variety, pickerel, sun fish, ring perch and crappies, also catfish of any variety under fifteen inches in length from tip to tip in the rough or twelve inches in length when dressed, heads attached. ('13 c. 545 § 2)

4828. Same—Rough fish defined—All fish other than those described and specified in section 2 [4827] of this act are herein described and designated as "rough fish." ('13 c. 545 § 3)

4829. Same—Closed season for rough fish—It shall be unlawful for any person to take or catch in any manner any rough fish between the 15th day of April and the 15th day of June following in each year. Such period of time between the 15th day of April and the 15th day of June following in each year shall be termed the closed season for rough fish. The balance of the year shall be termed the open season, as to such fish. ('13 c. 545 § 4)

4830. Same—Closed season for game fish—It shall be unlawful for any person to take or catch in any manner any game fish, from or in the said waters at any time between the first day of March and the 29th day of May following in each year. Such period of time between the first day of March and the 29th day of May following in each year shall be termed the closed season for game fish. The balance of each year shall be termed the open season as to such fish. ('13 c. 545 § 5)

4831. Same—Taking fish only as authorized—It shall be unlawful for any person to take or catch any fish from or in the said waters at any time when the taking thereof is not absolutely prohibited, in any manner, except as authorized by the provisions of this act. ('13 c. 545 § 6)

4832. Same—Hook and line in hand, etc.—Game and rough fish may be caught or taken during the open season for game fish by means of a hook and line held in the hand or a line attached to a pole held in the hands. No license shall be required for fishing as authorized in this section. ('13 c. 545 § 7)

4833. Same—Rough fish—Rough fish may be taken during the open season for such fish by means of a spear, without a license.

Rough fish may be taken during the open season for such fish by any person duly licensed so to do, as hereinafter provided, by means of seines, pound nets, fyke or hoop nets, gill nets, bait nets and turtle nets. ('13 c. 545 § 8)

4834. Same—License for rough fish—The state game and fish commission shall upon application therefor and payment of the license fee hereinafter specified, issue to any person who is a resident of this state, a license to take rough fish during the open season therefor from said waters by means of seines and nets which conform to the following specifications, to-wit:

The nets licensed under the provisions of this section shall have the following sized mesh, stretched measure:

Seines: Not less than five inches mesh on wings, and not less than four inches mesh in the center of the pot, the pot not to exceed more than 150 feet in length.

Pound or hoop nets: Not less than six inch mesh for the leaders.

Not less than a five inch mesh for the hearts.

Not less than a three inch mesh in the hoops.

Bait nets: Not less than a three inch mesh. Said nets shall be used without leads and shall have not more than a four foot hoop front.

Gill nets: Not less than a seven inch mesh.

Provided, however, that any person who at the time of the passage of this act owns a seine or net which he is or may be licensed to use in said waters and which conforms to the requirements of the laws now in force, may be licensed to use such seine or net for a period of time not later than April 15th, 1914. ('13 c. 545 § 9)

4835. Same—Set lines—Any person duly licensed so to do may take and catch game fish and rough fish during the open season for game fish by means of a set line. No set line shall have more than twenty-five hooks thereon and such hooks shall not be baited with frogs, minnows or live bait. No person shall use or set more than one set line. ('13 c. 545 § 10)

4836. Same—Application for license—Fees—Applications for licenses to take or catch fish from or in the said waters shall be in writing subscribed by the person making the application and shall specify, when for a license to use a seine or net, what kind, and the number and length of seines or nets he desires to be authorized and licensed to use in such waters. He shall at the same time pay to the game and fish commission as a license fee the sum hereinafter specified:

1. The sum of \$1.00 for each one hundred feet of seine not exceeding five hundred (500) feet in length; for each additional one hundred feet in excess of 500 feet, up to one thousand feet, \$2.00; for each additional one hundred feet in excess of one thousand feet, up to fifteen hundred feet, \$3.00; for each additional one hundred feet in excess of fifteen hundred feet, up to two thousand feet, \$4.00; for each additional one hundred feet in excess of two thousand feet, up to twenty-five hundred feet, \$5.00; for each additional one hundred feet in excess of twenty-five hundred feet, up to four thousand feet, \$6.00.

2. For each gill net not exceeding 2,000 feet in length the sum of \$5.00.

3. For each gill net exceeding two thousand feet in length the sum of \$5.00 for the first two thousand feet and the sum of \$5.00 for each one thousand feet or fraction thereof in excess of two thousand feet.

4. For each pound net with leader not exceeding seven hundred feet in length, the sum of \$5.00.

5. For each pound net in excess of one used with one leader the sum of \$5.00.

6. For each fyke or hoop net, \$5.00.

7. For each bait or turtle net, \$1.00.

8. For each set line the sum of \$1.00.

9. For each metal tag furnished as hereinafter set forth the sum of twenty-five cents. ('13 c. 545 § 11)

4837. Same—Metal tags—A metal tag shall be furnished by the state game and fish commission to each person to whom a license is issued to use a set line.

A metal tag shall also be furnished for each two thousand feet, or fraction thereof of gill net, one tag for each pound net with leader, one tag for each five hundred feet or fraction thereof of seine licensed, one tag for each fyke, hoop, bait or turtle net so licensed.

It shall be the duty of the licensee to keep said metal tags attached to the line, net or seine licensed and the respective parts thereof during all of the time the same are in use for the purpose of taking or catching fish in said waters. ('13 c. 545 § 12)

4838. Same—Game fish to be returned, etc.—Every person taking fish from the waters described in section 1 [4826] of this act by means of seines or nets shall immediately return to such waters all game fish which may be found in any such seine or net when the same is drawn or lifted; the possession of any such fish by any licensee shall be deemed prima facie evidence of a violation of the provisions of this section. ('13 c. 545 § 13)

4839. Same—When licenses expire—Licenses issued under the provisions of this act shall expire on the fifteenth day of April next succeeding the date of their issuance and shall not be transferable. ('13 c. 545 § 14)

4840. Same—Nets, how set—Such nets shall not be set, used or 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.

Any person who shall set any net described herein, shall maintain at the ends of any such net or nets, a white flag or a board not less than six inches square, which shall project at least two feet above the ice or water and shall have marked thereon the number of the license under which the same is so set, in figures at least three inches in height.

No person shall lay out, draw, land or use any seine in the waters described in section 1 [4826] of this act, of a greater length than four thousand feet, nor shall two or more licensees join their seines together.

No person shall raise any net or lay out or land any seine after one hour after sunset until sunrise of the following morning. ('13 c. 545 § 15)

4841. Same—Fyke nets—Every fyke net must be lifted at least once in every seven days. ('13 c. 545 § 16)

4842. Same—Record of licenses—The state game and fish commission shall keep in their office a complete record of all licenses issued hereunder and all moneys received for the same shall be paid to the state treasurer and credited to the state game and fish commission. ('13 c. 545 § 17)

4843. Same—Temporary fish pounds—Licensees operating seines and nets under the provisions of this act are hereby authorized to construct temporary fish pounds for the purpose of keeping therein fish lawfully caught or taken under the provisions of this act until such time as the same can be marketed. The fish so taken may be shipped to points within or without this state at any time and in any quantity. ('13 c. 545 § 18)

4844. Same—Forfeiture of license, etc.—The license of any person convicted of violating any of the provisions of this act shall be forfeited and revoked and no license hereunder shall be issued to any person so convicted for the period of five years from and after the date of such conviction. ('13 c. 545 § 19)

4845. Same—Wisconsin licenses—Any person duly licensed by the authorities of the state of Wisconsin to take and catch fish from or in the waters described in section 1 [4826] of this act lying and being within the territorial jurisdiction of the state of Wisconsin, are hereby authorized to take and catch fish from and in the waters thereof lying and being within the territorial jurisdiction of the state of Minnesota without first having procured a license therefor from the authorities of the state of Minnesota, provided that such persons so licensed by the authorities of Wisconsin shall not take or catch any fish within the territorial jurisdiction of the state of Minnesota at a time or in a manner otherwise prohibited by this act, except that Wisconsin fishermen may until the 15th day of April, 1914, use in such waters seines and nets which do not conform to the provisions of this act, provided they are such that the use thereof within the territorial jurisdiction of the state of Wisconsin is not prohibited by the laws of that state. Provided, further, that the laws of the state of Wisconsin provide for and extend a similar privilege to persons licensed hereunder by the authorities of the state of Minnesota, to take and catch fish from and in the waters lying within the territorial jurisdiction of the state of Wisconsin without a license from the authorities of the state of Wisconsin. ('13 c. 545 § 20)

4846. Same—Fish for propagation—The provisions of this act shall not apply to or be deemed to prohibit the authorities of this state from taking fish from said waters at any time for the purpose of propagation thereof. ('13 c. 545 § 21)

4847. Same—Wisconsin game wardens—The game and fish commission of this state may appoint any person who is a resident of the state of Wisconsin and duly appointed, qualified and acting game and fish warden or a deputy game and fish warden of the state of Wisconsin, to the office of game warden and any such person so appointed shall have and possess all the rights, powers and privileges as are by law conferred on duly appointed game wardens of this state. Residents of Wisconsin so appointed shall not receive any compensation from this state. ('13 c. 545 § 22)

4848. Same—Arrests—The executive agent of the game and fish commission and all game wardens shall have authority to arrest without a warrant, any person found violating any provision of this act. ('13 c. 545 § 23)

4849. Same—Penalty for violation—Every person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and punished by a fine of not more than one hundred (\$100) dollars or by imprisonment in the county jail of the county in which such offense was committed for a period not to exceed three months. ('13 c. 545 § 24)

4850. 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, dog-fish, 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)

See note under § 4818.

4851. Same—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)

4852. Same—Regulation of seines and nets—That no license shall be issued by virtue of the provisions of this act for the use of any net with a mesh less than 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)

4853. Same—License not to issue to certain persons—That no license to use seines or nets under the provisions of this act shall be issued or granted to any person duly commissioned to act as a game and fish warden under the laws of this state; or to any person who has within two years prior to the date of his application been convicted of a violation of any provision of the game and fish laws; and that it shall be unlawful for any duly and properly commissioned game and fish warden of the state of Minnesota to be a partner of, or in any way or manner financially interested with any person who shall fish for, take or capture by the use of seines or nets, any of the kinds of fish mentioned herein. ('09 c. 54 § 4)

4854. Same—Certain fish to be returned to water—Any person licensed by the provisions of this act to take any of the kinds of fish herein mentioned, shall immediately after the use and drawing of the nets and seines, return unharmed to the water any and all fish of any kind and description not by the terms of this act expressly permitted to be taken by the use of nets or seines. ('09 c. 54 § 5)

4855. Same—Close season—It shall be unlawful for any person using or operating a seine or net under a license issued according to the provisions of this act, to fish for, take, or capture any fish whatever, whether mentioned by the provisions of this act or not, at any time between the first day of May and the first day of October of any year; provided, however, that the pro-

visions 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)

4856. Same—Penalty for violation—Any person or persons who shall violate any of the provisions of this act, or any of the terms of any license issued by the state game and fish commission under the authority of this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$25.00 nor to exceed the sum of \$100.00, or by imprisonment in the county jail for a period of not less than thirty days nor to exceed ninety days. ('09 c. 54 § 7)

4857. 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)

4858. Same—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)

4859. Same—Fishing in designated streams prohibited—From and after ten (10) 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 or to fish or attempt to fish in any manner as aforesaid at any time during the year in any such stream between the hours of nine o'clock in the evening and four o'clock in the morning. ('09 c. 346 § 3, amended '11 c. 55 § 1)

4860. Same—Penalty for violation—Any person violating the provisions of this act shall be guilty of a misdemeanor. ('09 c. 346 § 4)

4861. Fish screens for commercial trout culture—The state game and fish commission is hereby granted authority to authorize and permit the construction and maintenance of fish screens in all or any portion of any spring-fed stream within the state, which does not, and never has contained trout, such screening to be for the purpose of commercial trout culture. ('13 c. 322 § 1)

Section 4 repeals all inconsistent acts, etc.

4862. Same—Propagation of bass—Said commission is also hereby granted authority to authorize the propagation and culture of bass in private artificial

waters, not now containing any such fish, and the sale thereof. ('13 c. 322 § 2)

4863. Same—Commission, how governed—In granting the authority and rights set forth in this act, the commission shall be governed by the provisions of chapter 32, of the General Laws of 1905, and all acts and parts of acts supplemental thereto or amendatory thereof, in so far as the same may be applicable. ('13 c. 322 § 3)

The reference intended was apparently to R. L. 1905 c. 32. For 1905 c. 32, see § 8527.

4864. 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. ('05 c. 344 § 44, amended '09 c. 453 § 1)

See 63-543, 544, 65+1080.

4865. 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. ('05 c. 344 § 45, amended '07 c. 469 § 1)

4866. Fish houses prohibited—Permits in certain cases—No person shall erect, have or maintain upon the ice of any waters of this state any fish house, structure, inclosure 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 redhorse 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 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. () ('05 c. 344 § 46, amended '09 c. 376; '11 c. 350; '13 c. 354 § 1)

4867. Fishing in winter in certain waters—That it shall be lawful for citizens of this state, duly licensed as hereinafter provided, to fish through the ice with hooks and lines, equipped with tip-ups or tell-tales, so-called, between the first day of December and the first day of March of each year under the conditions hereinafter set forth. The waters in which such fishing may be carried on shall be the Mississippi river, between the falls of St. Anthony and the mouth of the St. Croix river and lakes emptying directly into the Mississippi river between said points. ('11 c. 187 § 1)

4868. Same—License—Penalty—The persons desiring so to fish shall procure a license and permit from the state game and fish commission describing the waters in which they are permitted to fish.

A. The number of tip-ups or tell-tales shall not exceed six (6) for each permit.

B. Only carp, buffalo, pickerel, cat-fish and other rough fish shall be included in such permit and no game fish shall be permitted to be included within such permit or caught by means of such tip-ups or tell-tales.

C. The game and fish commission may charge a license fee not to exceed one dollar (\$1.00) for each permit.

D. Not more than twenty-five (25) fish shall be caught under any one permit in any one day.

E. Not more than one permit shall be issued to the members of any one household and family

F. Any person fishing with tip-ups or tell-tales, not being duly licensed and authorized as hereinabove referred to, shall be guilty of a misdemeanor.

G. The game and fish commission may, in their discretion, revoke and cancel any permit at any time. ('11 c. 187 § 2)

4869. **Same—Violation a misdemeanor**—Any person violating any of the provisions of the foregoing act shall be guilty of a misdemeanor. ('11 c. 187 § 3)

4870. **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. ('05 c. 344 § 47, amended '07 c. 469 § 1)

4871. **Sale of walleyed 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)

4872. **Same—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)

4873. **Size of fish to be taken**—No person shall at any time catch, kill or have in possession or under control any fish for any purpose whatever, except minnows for bait, rock bass, sunfish and bullheads that are less than six inches in length; or any grey, black or Oswego bass less than nine (9) inches in length. Any person on 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 of less than two pounds, round or undressed weight, or one and one-half pounds, dressed weight, or any whitefish of less than two and a half pounds, undressed weight, or two pounds dressed weight or any sturgeon less than fifteen pounds dressed weight, or any wall-eyed pike of less than fourteen inches in length or one pound round or dressed weight, or any muscallonge less than thirty inches in length, or any blue pike or saugers of less than ten inches in length. Measurement in each case to be made from tip of the snout to the fork of the tail. Any such fish when caught shall be immediately returned to the water. ('05 c. 344 § 48, amended '11 c. 235 § 1)

"An act to amend section 48 of chapter 344, General Laws of the state of Minnesota for the year 1905." Section 1 of the amendatory act amends "section 48 of" 1905.

4874. **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. ('05 c. 344 § 49, amended '07 c. 469 § 1)

Previously amended by 1907 c. 403.

4875. Shipping outside 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 bullheads, buffalo fish, carp, red-horse, suckers, sheepshead, eel-pout, garfish, dogfish and sturgeon. Provided, further, that any nonresident of this state who is desirous of taking any fish beyond its boundaries 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 packages of any description used in shipping fish either within or without the state shall be plainly marked with the name and address of the consignor and consignee, and with the number of pounds of each kind of fish contained therein and it shall be within the power of every officer charged with the enforcement of laws protecting fish and game to inspect any package in the possession of a transportation company which he shall have reason to believe contains contraband fish or game, and it is hereby made the duty of every common carrier, agent, or employé thereof to permit any such officer to inspect and open any package in the possession of said common carrier, agent or employé thereof, which said officer shall have reason to believe contains fish or game, protected by the laws of the state, and not entitled under such law to be transported. All packages used for shipping fish shall be so constructed that the same may be easily opened for inspection.

Any officer charged with the enforcement of laws protecting fish and game, may, without a warrant enter and inspect all camps, boats, wagons, cars, tents, and other receptacles, where he has reason to believe that fish or game taken or held in violation of the laws of this state are to be found. ('05 c. 344 § 50, amended '13 c. 131 § 3)

Previously amended by 1911 c. 47.
58-403, 59+1100.

4876. 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)

4877. Sale of certain fish may be prohibited—The game and fish commission may, in its discretion, prohibit the sale or offering for sale, or having in possession with intent to sell, any crappies, perch or sun fish, caught in any lake of this state, which may have been heretofore or shall hereafter, be stocked with fish fry, or the shipment or having in possession with intent to ship for purposes of sale to any person, either within or without the state, or having such fish in his possession except during the season for taking same. ('11 c. 248 § 1)

4878. Same—Violation a misdemeanor—Any person violating any of 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 or more than sixty days, for each offense. ('11 c. 248 § 2)

4879. Non-resident license—Every person over the age of 21 years, not a resident of the state of Minnesota, is prohibited from fishing with hook and line in any waters of this state without first having secured a license therefor from the game and fish commission, from a county auditor, or from a local game warden. The fee for such license shall be \$1.00. ('11 c. 267 § 1)

4880. Same—How issued—Fees—The county auditor shall, upon application, issue to persons applying therefor, under his seal, upon blanks to be furnished him by the game and fish commission, upon the payment of the fee of \$1.00 a license for such fishing which shall expire at the close of the fishing season of the year in which the license is issued. Ten cents of the amount received for the issuance of said license shall be retained by the county auditor as his fee, and the balance remitted to the state treasurer monthly, who shall credit the same to the game and fish commission fund to be used for the purpose of enforcing the game and fish laws of Minnesota. ('11 c. 267 § 2)

4881. Same—Duties of deputy warden and commission—When a license is issued by a deputy game warden, the full amount of the license fee shall be promptly remitted to the office of the game and fish commission and by it deposited with the state treasurer and credited as above provided, as shall also all moneys paid to the game and fish commission for licenses so issued by it. ('11 c. 267 § 3)

4882. Same—Violation a misdemeanor—Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one (1) dollar nor more than five (5) dollars for every fish so taken. ('11 c. 267 § 4)

4883. Fishing in certain lakes without permission of park board—Payment—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 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. ('09 c. 32, amended '11 c. 115 § 1)

4884. Removal of fish from lakes in cities of first class—The board of park commissioners of any city of the first class is hereby empowered to remove, by means of nets, seines, or otherwise, at any season of the year, from any lake lying wholly within the city limits, suckers, red-horse, dogfish, bull-heads and pickerel, and to sell or otherwise dispose thereof, as the board may see fit. ('11 c. 282 § 1)

4885. Taking fish in lakes in cities of first class prohibited—The taking, killing or injuring by any means whatever of any of the fish in any lake situated partly or wholly within the corporate limits of any city of the state of the first class, between the first day of November in any year and the twenty-ninth day of May the next following, is hereby prohibited. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall be punished accordingly. ('13 c. 266 § 1)

4886. Same—To what cities applicable—This act shall not apply to any city governed by a home rule charter adopted under the provisions of section 36 of article 4 of the constitution and the laws of this state relating to the adoption of such home rule charter. ('13 c. 266 § 2)

4887. Catching fish in certain counties—Closed season—No person shall catch, take or kill, or attempt to catch, take or kill any fish of any kind whatsoever in or about any waters, except rivers, lying wholly or partly in any of the counties of this state, to which this act shall apply, between the 15th day of October and the first day of May following. ('13 c. 68 § 1)

4888. Same—How caught—No person shall catch, take or kill, or attempt to catch, take or kill any fish of any kind whatsoever in or about any waters, except rivers, lying wholly or partly in any of the counties of this state, to which this act shall apply, at any time, in other manner, than by angling for them with a hook and line held in the hand, or attached to a rod so held, nor with more than one line or with more than one bait attached thereto. ('13 c. 68 § 2)

4889. Same—Possession—No person shall have in his possession any fish caught, taken or killed in violation of this act. ('13 c. 68 § 3)

4890. Same—Violation a misdemeanor—Any person violating any of the provisions of this act, shall be guilty of a misdemeanor. ('13 c. 68 § 4)

4891. Same—To what counties applicable—This act shall apply to all counties of this state, now or hereafter having a population of not less than 200,000 and not more than 275,000 inhabitants. ('13 c. 68 § 5)

4892. Catching fish in certain counties—No person shall catch, take or kill, or attempt to catch, take or kill any fish of any kind whatsoever, in or

about any waters, except rivers, lying wholly or partly in any of the counties of this state, to which this act shall apply, at any time, in other manner than by angling for them with a hook and line held in the hand, or attached to a rod so held, nor with more than one line or with more than one hook attached thereto. ('13 c. 328 § 1)

4893. **Same—Possession**—No person shall have in his possession any fish caught, taken or killed in violation of this act. ('13 c. 328 § 2)

4894. **Same—Violation a misdemeanor**—Any person violating any of the provisions of this act shall be guilty of a misdemeanor. ('13 c. 328 § 3)

4895. **Same—To what counties applicable**—This act shall apply to all counties of this state, now or hereafter having a population of not less than three hundred thousand (300,000) inhabitants. ('13 c. 328 § 4)

MISCELLANEOUS PROVISIONS

4896. **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)

4897. **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)

4898. **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)

4899. **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)

4900. **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 misde-

meanor. 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)

This section held to impose reasonable regulations and not to be obnoxious to state or federal constitution (100-40, 41, 110+254).

4901. **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)

4902. **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. ('05 c. 344 § 59, amended '07 c. 469 § 1)

4903. **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

4904. **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)

4905. **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)

4906. 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)

4907. 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)

4908. 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)

4909. 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 [4800] 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)

4910. 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)