

James C. Child
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THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
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which case the same time shall be allowed after the removal of such disability.

Exemption.

(25.) SEC. XXIII. The provisions of this act shall not apply to Olmsted county, nor destroy or impair the right of any person to erect and maintain a dam under the law heretofore and now existing.

CHAPTER 130.

GAME.

Amended by Chapter 215
1892 1896

SECTION

1. Prohibits killing of deer and elk between first of February and first of September; penalty.
2. Prohibits killing of grouse, prairie-chickens, partridge or quail from the fifteenth of February to the fifteenth of July.

SECTION

3. Act takes effect on passage.
4. Trout how not to be taken.
5. Penalty for taking trout unlawfully.
6. Sec. 4 and 5 when to take effect.

An Act for the Protection of Game,

[Passed March 8, 1858.] c. 19

Killing of deer or elk; penalty.

(1.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* That if any person shall, within this state, kill any deer or elk between the first day of February and the first day of September following, he shall, for every such offense, forfeit and pay the sum of fifteen dollars, to be collected by a civil action before any justice of the peace having jurisdiction thereof, which sum so recovered shall be paid by such justice to the proper officer, for the use of common schools in the school district where the offense was committed.

Killing of grouse, &c.; penalty.

(2.) SEC. II. If any person shall, within this state, shoot, trap or kill in any manner, any grouse, prairie-chicken, partridge or quail between the fifteenth day of February and the fifteenth day of July following, he shall for every such offense, forfeit and pay the sum of five dollars, to be collected in the same manner and paid over to the same use as is provided in the preceding section.

Take effect when.

(3.) SEC. III. This act shall take effect from and after its passage.

An Act for the Protection of Trout Fish.

[Passed July 30, 1858.] c. 15

Trout how may not be taken.

(4.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* That all persons are hereby forbidden to take trout from any waters of this state, by means of any seine, net, basket or trap.

Penalty for so taking.

(5.) SEC. II. That any and all persons upon being convicted of a violation of the provisions of this act, shall pay a fine of not more than twenty-five nor less than five dollars, which fine shall be paid into the school fund in the county where the offense was committed, and the conviction had.

Take effect when.

(6.) SEC. III. This act shall take effect and be in force from and after the first day of August, 1858.

remain in the petitioner, his heirs and assigns forever, subject to be lost as hereinafter provided, and payments of such judgments may be made as payments of assessments by the commissioners as hereinbefore provided.

(16.) SEC. XVI. No mill dam shall be erected or maintained under the provisions of this act to the injury of any water power previously improved.

No injury to previous improved water power.

(17.) SEC. XVII. [As amended on pages 288 and 289 of the laws of 1858.] No action for damages occasioned by the erection and maintenance of a mill dam, shall be hereafter sustained unless such action be brought within two years after the erection of said dam or within three years after the passage of this act: provided, that such limitation shall not run against or apply to persons living on and holding government land under the pre-emption laws, until a patent for the land damaged or overflowed shall have been issued.

Limitation of time for actions for damages.

(18.) SEC. II. (a) The said act of which this is an amendment, shall not deprive any person legally holding any land under the pre-emption laws, who had not received a patent for such lands at the time of the passage of said act, of a remedy, or right of action for any damages, he or she may have sustained in consequence of the overflowing of any such land, and an action may be brought therefor, within the time fixed in said act, as hereby amended, and in case damages to any land so held as aforesaid, shall be assessed as provided in said act, equitable damages shall be allowed, and the right of appeal had the same as in other cases under said act.

Rights of pre-emptors to a remedy for damage.

(19.) SEC. III. This act shall take effect and be in force from and after its passage.

Act when to take effect.

(20.) SEC. XVIII. Any person may obtain a right to maintain or raise a dam heretofore erected upon his own land, across any water-course not navigable, by complying, with the provisions of this act, adopting his petition to the nature of the case.

Right to raise a dam heretofore erected.

(21.) SEC. XIX. Upon evidence of the commencement of proceedings as provided in the second and eighteenth sections of this act, the court before which any suit for damages occasioned by such mill-dam shall be instituted after the commencement aforesaid, shall have power to suspend any such suit until the result of said proceedings shall be known.

Suits for damages.

(22.) SEC. XX. The costs of all proceedings under this act, except such as arise or grow out of appeals shall be paid by the petitioner, and costs of appeal shall be paid as the court may direct.

Costs.

(23.) SEC. XXI. For the purpose of making surveys and examinations relating to any proceedings under the provisions of this act, it shall be lawful to enter upon any land, doing no unnecessary injury.

Lawful to enter upon land.

(24.) SEC. XXII. Any person having obtained right to erect and maintain, or to maintain or raise any dam under the provisions of this chapter, who shall not within one year thereafter begin to build (if he has not previously built) said dam and finish the same, and apply the water-power thereby created to the purposes stated in his petition within three years; or in case the said dam and mills connected therewith shall be destroyed, shall not begin to rebuild in one year after such destruction and finish in three years, or having erected such mills shall fail to keep them in operation for one year any at one time, shall forfeit all rights acquired by virtue of the provisions of this act unless at the time of such destruction the owner be an infant or otherwise disabled in law, in

Duties of petitioner upon obtaining right to erect dam.

(a) This and the following section are from the act of August 11, 1858, which amends section 17 above, and refer to the act of which said section 17 forms a part.