

MASON'S MINNESOTA STATUTES

1927

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EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED
BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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5494-2. Pilots licenses—Of whom required—Revocation—Carrying and exhibition—No person other than members of the military or naval forces of the state or of the United States or employes of the post office department acting in line of duty as such, shall operate any aircraft of any description within or over the State of Minnesota, unless he holds a pilot's license therefor issued by the adjutant general, upon application and after such examination and tests as may be prescribed by him. Such license shall be subject to revocation by the adjutant general at any time for reckless or wild flying or handling aircraft in such manner as to endanger life or property, by the licensee. Such license shall be carried by the licensee at all times when operating aircraft, and shall be exhibited to any person upon request therefor made. ('25, c. 406, § 2)

5494-3. Exhibitions prohibited—Stunting exhibitions with aircraft directly over crowds or assemblages of people, or over any city or village and operating aircraft over any city or village at so low a height that

it may be impractical without power at any time to glide to a safe landing, are hereby prohibited and declared to be unlawful. ('25, c. 406, § 3)

5494-4. Fees for certificates and licenses—The fee for the certificate provided in Section 1 hereof shall be \$10.00, provided that every renewal certificate shall be issued for \$2.00. The fee for the pilot's license provided in Section 2 hereof shall be \$10.00. The fees received by the Adjutant General under this act shall be retained and disbursed by his department for the purpose of administering the provisions hereof. ('25, c. 406, § 4)

5494-5. Enforcement of law by adjutant general—The adjutant general is hereby charged with the enforcement of the provisions of this act. ('25, c. 406, § 5)

5494-6. Penalty for violations of law—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor. ('25, c. 406, § 6)

CHAPTER 32

PRESERVATION OF GAME [AND FISH].

Part I

Title To Wild Animals—Taking—Transportation, §§ 5495-5513.

| | |
|---|------|
| Title to Wild Animals—Taking—Transportation.. | 5495 |
| Ownership in state | 5496 |
| Taking of wild animals restricted | 5497 |
| Manner of taking game | 5498 |
| Manner of taking fish | 5499 |
| Limits on game and fish—Wanton waste | 5500 |
| Entering growing grain—Trespassing | 5501 |
| Cold storage prohibited | 5502 |
| Possession of imported game during close season | 5503 |
| Transportation of unlawfully killed game | 5504 |
| Transportation and exportation of salable fish and game | 5505 |
| Manner of transportation of game birds and quadrupeds | 5506 |
| Packages to be labeled | 5507 |
| Hunting by aliens | 5508 |
| Hunting within three miles of certain cities .. | 5509 |
| Penalties for violation | 5510 |
| Limitation on prosecutions | 5511 |
| Presumptive evidence | 5512 |
| Witnesses | 5513 |

Part II.

Licenses, §§ 5514-5562.

| | |
|--|--------|
| Hunting without license | 5514 |
| Hunting and trapping licenses | 5515 |
| How procured—Residents | 5516 |
| Form of license | 5517 |
| Resident game bird licenses—Coupons | 5518 |
| Resident big game licenses—Coupons | 5519 |
| Non-resident small game licenses | 5520 |
| Non-resident big game licenses | 5521 |
| Fees | 5522 |
| Disposition of fees—Establishment of fund | 5523 |
| Duties of auditor and commissioner | 5524 |
| Carrying and exhibiting licenses | 5525 |
| Termination | 5526 |
| Alteration | 5527 |
| Privileges conferred by license | 5528 |
| Restrictions | 5529 |
| Revocation | 5530 |
| Duplicates | 5531 |
| Non-resident fishing license | 5532 |
| Possession of deer, moose and game birds—When lawful | 5533 |
| Permits to retain game—How procured | 5534 |
| Not to be shipped or sold | 5535 |
| Reports of licenses | 5536 |
| Game and fish license act of 1927—Of whom required—No trapping licenses to non-residents—Licenses non-transferable | 5536-1 |

| | |
|---|---------|
| Same—Kinds of licenses—Manner of taking game and fish | 5536-2 |
| Same—Manner of issuing licenses—Agents for issue | 5536-3 |
| Same—Form of licenses | 5536-4 |
| Same—Applications for licenses—Oaths and false statements—Who are residents | 5536-5 |
| Same—Records of persons issuing licenses | 5536-6 |
| Same—Duties of county auditors—Agents—Duties—Fees—Disposition of fees | 5536-7 |
| Same—Violations of law by licensees | 5536-8 |
| Same—Duplicate licenses | 5536-9 |
| Same—Carrying and exhibition of licenses | 5536-10 |
| Same—Loaning, transferring, etc., of licenses—Penalty | 5536-11 |
| Same—Reports by licenses—Statistics | 5536-12 |

Part III.

Quadrupeds, §§ 5537-5547.

| | |
|---|------|
| Open season for big game | 5537 |
| Limit | 5538 |
| Manner of taking | 5539 |
| Dogs near deer habitats | 5540 |
| Squirrels, bear and raccoon open season | 5541 |
| Mink, fisher, skunk and muskrat | 5542 |
| Beaver and otter | 5543 |
| Homes for fur-bearing animals | 5544 |
| Hares, etc. | 5545 |
| Snow shoe rabbits | 5546 |
| Traffic in furs | 5547 |

Part IV.

Birds, §§ 5548-5562.

| | |
|--|------|
| Open season for game birds | 5548 |
| Limit | 5549 |
| Birds dogs—Hunting and training | 5550 |
| Open season for certain game birds | 5551 |
| Limit | 5552 |
| Water fowl—Open season | 5553 |
| Hours for taking | 5554 |
| Limit | 5555 |
| Manner of taking | 5556 |
| Bird snares, traps or nets | 5558 |
| Nests and eggs | 5559 |
| Certain wild birds protected | 5560 |
| Carrier pigeons, etc. | 5561 |
| Unprotected birds | 5562 |

Part V.

Fish, §§ 5563-5592.

| | |
|---------------------------------------|------|
| Minnows for bait | 5563 |
| Open season for black bass—Size | 5564 |

| | |
|--|------|
| Trout—Open season—Size—Limit—Sale | 5565 |
| Fishing in trout season | 5566 |
| Lake trout, salmon—Open season—Size | 5567 |
| Open season for pike and pickerel—Size—Limit .. | 5568 |
| Sturgeon—Open season—Size—Limit—Sale | 5569 |
| Open season for crappies—Size—Limit | 5570 |
| Open season for sand pike or saugers—Size—Limit .. | 5571 |
| Muskellunge—Open season—Size—Limit—Sale .. | 5572 |
| Open season for perch, sunfish and rock bass .. | 5573 |
| Carp, suckers, etc.—Open season—Size—Limit— | |
| Sale | 5574 |
| Placing carp in water prohibited | 5575 |
| Fishing in Minneapolis | 5578 |
| Fish—Limit of all kinds | 5579 |
| Sale of fish caught in certain counties | 5580 |
| Use of explosives prohibited | 5581 |
| Polluting streams | 5582 |
| Fish screens—Removal of | 5583 |
| Tip-ups, use of—License | 5584 |
| Fish houses—Use of—License | 5585 |
| White fish and herring netting—Open season— | |
| Sale | 5586 |
| Frogs—Not to be exported from state | 5587 |
| Turtles | 5588 |
| Dams | 5589 |
| Fishways—Dams—Plan of submitted to commis- | |
| sioner | 5590 |
| Fishways—Constitution | 5591 |
| Fishways—Fishing near forbidden | 5592 |

Part VI.

Commercial Fishing, §§ 5593-5609-8.

| | |
|---|--------|
| Nets may be used only when permitted | 5593 |
| Bullheads taken in certain water—Open season— | |
| Manner of taking—No Limit | 5594-1 |
| Same—Licenses or permits | 5594-2 |
| Same—Shipping transporting and sale | 5594-3 |
| Same—License—Application for—Issue | 5594-4 |
| Same—Tags for nets | 5594-5 |
| Same—Number of nets | 5594-6 |
| Same—Construction of nets | 5594-7 |
| Same—Licenses when not to issue | 5594-8 |
| Same—Manner of taking—Penalties—Proceeds of | |
| licenses | 5594-9 |
| Netting in certain interstate waters—Open season .. | 5595 |
| Mussels—Open season—Size—Sale | 5596 |
| Mississippi river—Netting in—License | 5597 |
| Open season for fishing | 5598 |
| Lake Superior fishing—Herring and trout—Open | |
| season | 5599 |
| Commercial fishing in boundary waters—Negotia- | |
| tions with South Dakota | 5599-1 |
| Same—Contracts by commissioner | 5599-2 |
| Same—Section 5595, Gen. St. 1923, not to apply to | |
| Lake Traverse | 5599-3 |
| Obstructions to commercial fishing—Removal of | |
| Obstructing navigation | 5601 |
| Certain waters closed to commercial fishing .. | 5602 |
| Revolving fund for conducting state fishing oper- | |
| ations | 5604 |
| Game and fish commissioner authorized to remove | |
| fish under certain conditions | 5605 |
| Surplus sold—Proceeds to revolving fund | 5606 |
| Commissioner given power to prescribe rules .. | 5607 |
| \$20,000 bond required | 5608 |
| Inconsistent acts repealed | 5609 |
| Removal by Commissioner of rough fish and tur- | |
| tles from public waters—Contracts | 5609-1 |
| Same—Disposal of fish and turtles removed— | |
| Pounds for keeping of fish | 5609-2 |
| Same—Rules and regulations | 5609-3 |
| Same—Contracts—Limitation on awarding | 5609-4 |
| Same—Disposition of moneys received—Compen- | |
| sation to contractors | 5609-5 |
| Same—Cancellation of contracts | 5609-6 |
| Same—Construction of dams, dykes, etc.. Limit | |
| on contracts—Purpose and construction of law .. | 5609-7 |
| Same—Laws repealed | 5609-8 |

Part VII.

[Game Refuges and Farms and State Parks] §§ 5610-5620.

| | |
|--|------|
| State game refuges—Wholly closed to hunting— | |
| Establishment | 5610 |
| State game refuges—Partially closed to hunting— | |
| Establishment | 5611 |
| Restrictions on establishing | 5612 |
| Hunting privileges—Excepted from game refuges .. | 5613 |
| Game refuges—What includes | 5614 |
| State parks—Additional protection | 5615 |
| State parks—Possession of firearms | 5616 |
| Trapping fur-bearing animals on game refuges | |
| and parks | 5617 |
| Freeborn County Game Refuge Game Farm estab- | |
| lished | 5618 |

| | |
|--|------|
| Game and fish commissioner to manage | 5619 |
| Land to be acquired | 5620 |

Part VIII.

Breeding Wild Animals [And Fish], §§ 5621-5626.

| | |
|--|---------|
| Fish raised in private hatcheries—Sale of | 5621 |
| Fish screens—Permits for | 5622 |
| Capture wild animals for breeding purposes | 5624 |
| Prosecutions—Burden of proof | 5625 |
| Farms for breeding and propagation of certain | |
| fur bearing animals—And game birds—Licenses .. | 5625-1 |
| Same—Licenses—Application for—Issue | 5625-2 |
| Same—Muskkrat and beaver farms—Licenses .. | 5625-3 |
| Same—Rights of licensee | 5625-4 |
| Same—Tagging pelts, etc., sold or transported .. | 5625-5 |
| Same—Licenses—Fees | 5625-6 |
| Same—Marking boundaries—Notices | 5625-7 |
| Same—Trespassing on—Damage | 5625-8 |
| Same—Reports by licensees | 5625-9 |
| Same—Public right of hunting, etc., Riparian | |
| rights | 5625-10 |
| Same—Additional licenses | 5625-11 |
| Same—Offenses—Penalties | 5625-12 |
| Same—Capturing wild animals for breeding pur- | |
| poses—Permits | 5625-13 |
| Same—Laws repealed | 5625-14 |
| Scientific collections—Permits | 5626 |

Part IX.

Commissioner and Wardens, §§ 5627-5644.

| | |
|---|------|
| Office of commissioner continued | 5627 |
| Biennial report | 5628 |
| Appointment of wardens and assistants—Bonds .. | 5629 |
| Commissioner—General powers and duties | 5630 |
| Police powers—Commissioner and wardens | 5631 |
| Search warrants | 5632 |
| Commingled shipment | 5633 |
| Assistance of local authorities | 5634 |
| Obstructing commissioner—Prohibited | 5635 |
| Disposition of fines | 5636 |
| Removal of fish shallow lakes | 5637 |
| Rewards | 5638 |
| Destruction of predatory animals | 5639 |
| Additional protection—Governor's orders | 5640 |
| Fox farms may not be entered | 5641 |
| Violation a misdemeanor | 5642 |
| Publication of orders and rules | 5643 |
| Publication of laws regulating wild animals | 5644 |

Part X.

Concurrent Jurisdiction, §§ 5645-5648.

| | |
|---|------|
| Common boundary waters | 5645 |
| Reciprocal jurisdiction—Courts and wardens .. | 5646 |
| Reciprocity in licenses | 5647 |
| Open season for fishing in boundary waters .. | 5648 |

Part XI.

Definitions and Construction, §§ 5649-5655.

| | |
|--|------|
| Definitions | 5649 |
| Construction | 5650 |
| Repeals | 5651 |
| Implied repeals | 5652 |
| Salaries of game and fish commissioner and as- | |
| sistants | 5653 |
| To be in full payment, except actual expenses .. | 5654 |
| Certain acts repealed | 5655 |

Department of Conservation, with commissioner of game and fish, see §§ 53-9 to 53-22, herein.

Commission for revision and codification of laws relating to wild animals, see Laws 1927, c. 429.

PART I. TITLE TO WILD ANIMALS: TAKING: TRANSPORTATION

5495. Title to Wild Animals—Taking—Transportation—That the laws of Minnesota relating to wild animals be, and the same hereby are amended, revised, consolidated, codified and rearranged in the order and form following, which revision shall be known as the "Law of Minnesota Relating to Wild Animals." ('19 c. 400 § 1)

'19 c. 400 § 143, repeals all inconsistent acts and parts of acts; chapter 400 supersedes G. S. '13 §§ 4756-4910.

5496. Ownership in state—The ownership of wild animals so far as they are capable of ownership, is

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Etc seq.
177m 483
225nw 430

hereby declared to be in the state, not as a proprietor, but in its sovereign capacity as the representative and for the benefit of all its people in common. ('19 c. 400 § 2)

58-393, 59+1098; 73-185, 75+1120; 90-337, 96+785; 92-363, 100+94; 96-45, 104+719.
165-128, 206+46.
211+577.

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177m 483
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5497. Taking of wild animals restricted—No person shall at any time of the year, pursue, take, wound or kill, in any manner, number or quantity, any wild animals protected by law, or buy, offer to buy, sell, offer, or expose the same, or any part thereof, for sale, transport, or have the same in possession, except as permitted by this act. No person shall acquire any property in any wild animals in this state except as authorized by this act, and the legal title to any wild animal taken or reduced to possession in violation of law shall remain in the state, and the title to any wild animal lawfully acquired shall revert to the state whenever any law relating to the possession, use or disposition of such wild animal shall be violated. ('19 c. 400 § 3, amended '21 c. 44 § 1)

58-393, 59+1098; 63-543, 65+1080; 73-185, 75+1120; 90-337, 96+785; 92-363, 100+94; 96-45, 104+719.
165-128, 206+46.

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5498. Manner of taking game—Kind and size of firearms—Use of motor vehicles—Traps—Hunting with dogs—Birds and quadrupeds protected by law shall be taken only in the daytime with a gun not larger in bore than a ten gauge fired from the shoulder, except that upland game birds and quadrupeds may be taken with a rifle or pistol. It shall be unlawful to use any kind or type of silencer on firearms. No person while in a motor vehicle shall take game, nor discharge any firearm therefrom at any protected wild animal, nor carry a gun or other firearm, except a pistol or revolver, in a motor vehicle unless the same be unloaded in both barrels and magazine and taken apart or contained in a case. Traps for the purpose of taking furbearing animals protected by law may be used as herein provided, but traps shall not be staked or set in any manner during the close season for the same. A person may take game birds during the open season with the aid of a dog, unless specifically prohibited herein. ('19, c. 400, § 4; amended '25, c. 380, § 1)

5499. Manner of taking fish—Fishing through ice with aid of lights—Fish, unless otherwise specifically permitted by this chapter, shall only be taken by angling. Provided, that it shall be unlawful to take fish by angling through the ice in the night time, by the use or with the aid of artificial lights, including automobile headlights and spot lights. ('19, c. 400, § 5; amended '23, c. 426, § 1; '25, c. 380, § 1)

5499
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5500. Limits on game and fish—Wanton waste—Manufacture of fish meal or other animal food—No person shall wantonly waste or destroy wild animals. The catching, taking or killing of more than fifteen game 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 lawfully caught, taken or killed with licensed nets, as by this chapter permitted, and destruction of all such game birds or fish caught, taken or killed in excess of such number, shall be deemed a wanton waste. No person shall, after taking or killing any protected wild animal, abandon or permit the edible part of the carcass thereof to waste or decay, provided this shall not prevent the manufacture of fish meal or other animal food out of lawyer burbot or ellpout or carp law-

5500
29 — 417

fully taken, or the sale or transportation of such fish meal or food. ('19, c. 400, § 6; amended '25, c. 380, § 1)

5501. Entering growing grain—Trespassing—No person shall at any time enter into any growing grain or standing grain not his own with intent to take or kill any wild 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 wild 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. ('19 c. 400 § 7)

5502. Cold storage in warehouses of animals prohibited—Exceptions—No person except the commissioner shall place or store, or receive or accept for storage in a cold storage warehouse, any protected wild animal, except fish or furs lawfully taken. This shall not prohibit the placing of carcasses of wild animals in refrigerators or cooling rooms in butcher shops or other places not classified as commercial cold storage warehouses when done to prevent wanton waste. ('19, c. 400, § 8; amended '25, c. 380, § 1)

5503. Possession of imported game during close season—No person shall have in possession in this state any wild animal which has been caught, taken or killed outside of this state at a time when it is unlawful to have such wild animals in possession if caught, taken or killed in this state, or which have been unlawfully caught, taken or killed outside of this state, or unlawfully shipped therefrom into this state, except as hereinafter provided in Sections 40 and 53. ('19 c. 400 § 9, amended '21 c. 44 § 2)

63-535, 65+940.
165-128, 206+46.

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5504. Transportation of unlawfully killed game—No person shall transport, ship or convey, or attempt so to do, any wild animal or any part thereof, taken, caught or killed in violation of law, and no common carrier or employe of such carrier shall, while engaged in such business, knowingly ship, or receive for shipment, or aid or abet in the shipment of any wild animals, or any part thereof, caught, taken or killed in violation of law. ('19 c. 400 § 10)

165-128, 206+46.

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33 — 392

5505. Transportation and exportation of salable fish and game—Shipments of fish by non-residents and residents—Any person may transport within this state or from a point within to a point without during the open season any wild animals or parts thereof, which may be lawfully sold, except as specifically prohibited by this chapter.

Any person, except agents or employes of a common carrier while engaged in the performance of their duties, may carry with him as baggage on a common carrier any wild animals, including fish, which may be legally in his possession, and common carriers are hereby permitted to carry such wild animals as baggage. If any such wild animal is carried as baggage and is contained in any package, sack, crate or other container there shall be attached to the outside thereof a tag signed by the licensee, written or printed, showing the name and address and license number of such licensee and the number and kind of wild animals or parts thereof contained in the same.

Any resident of this state may transport to any point in the county in which he resides 45 game birds, of which at least 15 shall be water fowl or shore birds

in three shipments of not to exceed 15 birds each, and one deer, and may transport the head or hide of any deer for mounting or tanning purposes to a point within or without this state, provided the same were lawfully caught or killed or taken from deer so caught, and the provisions of section 12 of this chapter have been complied with.

A non-resident may transport to a point without this state 25 game birds and one deer lawfully taken or killed by him in this state, in the manner provided by section 12 of this chapter.

No person shall ship any fish except bullheads, buffalo fish, carp, redhorse, suckers, sheephead, eelpout, garfish and dogfish outside of this state.

Any variety of fish lawfully taken in commercial fishing operations in interstate or international waters may be shipped outside of this state.

A non-resident duly licensed to fish in this state, may, however, ship or transport by common carrier, or carry with him, to a point outside this state not to exceed 24 pounds of fish of any variety or one fish lawfully caught by him in this state on the following conditions:

(a) Each non-resident angling license shall have attached thereto a shipping or transportation coupon for which no charge shall be made and such coupon shall be divided into three equal parts each part of which shall state the license number and shall contain blank spaces for the name and address of the licensee, the point of origin, the point of destination of shipment, the number of pounds and the variety being shipped, and shall be executed in ink by the licensee and affixed by the licensee to the receptacle containing the fish. Each non-resident licensee holding such transportation coupon may ship or transport to a point outside the state not to exceed 8 pounds of undressed fish on each of the three coupons.

(b) Only undressed fish may be shipped.

(c) Such shipment shall be made by the licensee to himself only.

A resident may ship fish taken by him from one point in the state to another provided such shipment must be made to the person taking such fish. ('19, c. 400, § 11; amended '25, c. 380, § 1)

58-403, 59+1100.

5506. Manner of transportation of game birds or deer—No common carriers shall transport, and no person shall offer to a common carrier for transportation to a point within or without this state, any game birds or any deer or parts thereof except in the following manner: The person offering game birds or deer or parts thereof for shipment shall exhibit his license to an agent of the carrier, and shall sign his name to each section of one of the coupons attached to his license in the presence of such agent.

In case of game birds being shipped by a resident of this state, section "B" of a game bird coupon shall be attached by the licensee to the game birds-offered for shipment.

Thereupon said agent shall detach section "A" of said coupon from the license and shall immediately forward the same by mail to the commissioner.

In the case of deer or parts thereof being shipped by a resident of this state, section "B" of a deer coupon shall be attached by the licensee to any deer, and section "C" thereof to any deer hide, and section "D" to any deer head, offered for shipment. Thereupon said agent shall detach section "A" of said coupon from

said license and immediately forward the same by mail to the commissioner.

In the case of game birds or deer or parts thereof, being shipped by a non-resident, sections "B" and "C" of a game bird coupon, or a deer coupon, shall be attached by the licensee to any games birds or deer or parts thereof, offered for shipment. Thereupon said agent shall detach section "A" of said coupon from said license and shall immediately forward the same by mail to the commissioner. Section "C" shall be removed from said game birds or deer by the carrier at the last stop made by it in this state and shall be immediately forwarded by it by mail to the commissioner. ('19, c. 400, § 12; amended '25, c. 380, § 1)

5507. Packages for transportation to be labeled—No person shall ship, transport, or convey by common carrier any wild quadruped or bird or part thereof including the raw or undressed furs of any protected wild animal in any package, sack, box, crate, trunk or other receptacle or covering unless there is attached or affixed to the outside thereof, a proper coupon tag, and a statement signed by the licensee shipping the same, legibly written or printed, showing the name and address and license number of such licensee, and the name, number and kinds of wild animals or parts thereof contained in the same. Such licensee shall open such receptacles on the request of any game warden, and a game warden may, in the absence of the licensee, open the same to inspect and count the contents thereof. The waybill or receipt issued by any common carrier to a shipper shall specify therein the number of wild animals so shipped. In case the owner or occupant of land ships furs or animals lawfully taken or killed on his own land, such statement in lieu of the foregoing shall state: "The contents of this package were taken from animals killed on my land," and shall be signed by the shipper.

No person shall ship by common carrier within or without the state, any fish of any variety, in any package, sack, box, crate, trunk, or other receptacle or covering unless there shall be plainly marked on the same the name and address of the consignor and consignee with the number of pounds of each kind of fish contained therein. Any game warden or peace officer may open and examine any receptacle which he has reason to believe contains an unlawful shipment of fish. ('19, c. 400, § 13; amended '25, c. 380, § 1)

165-128, 206+46.

5508. Hunting by aliens—No person who is an alien and who has not duly declared his intention of becoming a citizen of the United States, nor one who, having duly declared his intention to become a citizen and having failed to qualify as a citizen within the length of time in which he may legally do so shall take any wild animal in this state except in defense of person or property; provided, that such persons may take wild animals subject to the laws relating to taking thereof by non-residents. No such person shall own or have in possession any shotgun, rifle or other firearm, except for the purpose of hunting as a non-resident. Guns, firearms or wild animals had in possession in violation of this section are declared to be contraband. ('19 c. 400 § 14)

5509. Hunting within three miles of certain cities—No person shall hunt or have in possession for the purpose of hunting, within three miles of the corporate limits of any city having a population of 50,000 or more any gun, rifle or other firearm. Target practice on duly established and properly guarded rifle ranges,

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and trap shooting or gun practice by members of duly organized gun clubs on lands owned or leased or occupied for that purpose by such clubs, are excepted from the operation of this section. ('19 c. 400 § 15)

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5510
31 — 399

5510. Penalties for violation—Unless a different penalty or punishment is herein specifically prescribed, a person who buys, offers to buy, sells, offers for sale, takes, possesses or transports any wild animal or part thereof in violation of this chapter or carries a headlight and a firearm of any description at the same time or of any of the laws of this state relating to the preservation of wild animals, or who violates any of the provisions of, or who fails to perform any duty imposed by this chapter, or who violates any duly adopted regulation of the commissioner or any person who attempts to do so, is guilty of a misdemeanor and upon conviction therefor, shall be punished by a fine of not less than \$10.00 nor more than \$100.00 for first offense nor less than \$25.00 nor more than \$100.00 for subsequent offenses or by imprisonment in the county jail for not less than 30 days nor more than three months, and each wild animal bought, sold, offered for sale, taken, possessed or transported in violation of law shall constitute a separate offense; provided, that the minimum punishment for unlawfully taking deer or for violating any of the provisions of Part 6 hereof, relating to commercial fishing, shall be a fine of not less than \$50.00 or imprisonment in the county jail for not less than 60 days. A person who buys, offers to buy, sells, offers for sale, takes, possesses or transports any moose or any part thereof in violation of this chapter, or who violates any provisions of this chapter prohibiting the placing of a set gun, or the use of an artificial light in hunting, shall be guilty of a gross misdemeanor. ('19 c. 400 § 16, amended '21 c. 44 § 3; '23 c. 426 § 1)

5511. Limitation on prosecutions—No prosecutions under this chapter shall be commenced unless begun within three years after the commission of the offense complained of. ('19 c. 400 § 17)

5512
172m 469
215nw 837
235nw 537
5547
98984

5512. Presumptive evidence—Possession of wild animals during the time when the taking of the same in this state is prohibited, or when the possession of the same after the close of the open season is not permitted, shall be presumptive evidence that the same was unlawfully taken by the possessor, unless there is attached to such wild animal the tag and seal of the commissioner as hereinafter provided for. ('19 c. 400 § 18)

89-193, 94+548; 90-337, 96+785; 96-135, 104+827.
165-128, 206+446.

5513. Witnesses—The testimony of a person given in a prosecution for the violation of this chapter shall not be received as evidence in a prosecution for the same offense against the person so testifying. ('19 c. 400 § 19)

PART II—LICENSES

5514
29 — 170
5514
20 — 417

5514. Hunting without license by residents authorized on certain lands—Beaver trapping licenses—Any person who is a resident of this state, and any member of such person's immediate family, may during the open season, hunt, pursue or kill with a gun any wild bird or quadruped, except deer or moose, which may legally be taken and may trap such fur-bearing animals, as may legally be taken, on land owned or leased and occupied as a permanent abode by such person, without procuring a license so to do.

This shall not permit hunting without a license on land not occupied by a person as a permanent abode.

A license to trap beaver may be obtained in the manner prescribed by Section 5543 of this chapter. ('19, c. 400, § 20; amended '25, c. 380, § 1)

Explanatory note—This section was amended by Laws 1925, c. 380, § 1, by adding thereto the last two paragraphs as set forth above. As to the effect on the provisions of this section permitting hunting and trapping without a license on land owned, leased or occupied by the hunter or trapper of the game and fish license act of 1927 (Laws 1927, c. 438), infra, §§ 5536-1 to 5536-12, quare?

5515. Hunting, trapping or fishing licenses—Of whom required—No person shall hunt, pursue or kill any wild quadruped, fowl or bird for which a closed season is provided by this chapter, or take with traps or other devices, any fur-bearing animals, except wolves, or engage in hunting or trapping or fishing except as herein provided, without first having procured a license so to do, and then only during the respective periods of the year when it shall be lawful, except that red fox cubs shall not be dug or taken from dens or taken in any other way to be shipped out of the state. No person who is not a bona fide resident of this state shall take any protected or unprotected wild quadruped, fowl or bird in this state without first having procured a license so to do from the commissioner or from an agent designated for the purpose by the commissioner. ('19, c. 400, § 21; amended '23, c. 426, § 1; '25, c. 380, § 1)

One under 21 must procure license. 153-287, 198+1000.

Explanatory note—This section is superseded in part by the provisions of the game and fish license act of 1927 (Laws 1927, c. 438), infra, §§ 5536-1 to 5536-12.

5516. [Amended and superseded.]

This section was again amended by Laws 1925, c. 380, § 1 to read as follows: "Said license shall be procured from the county auditor of the county in which the applicant resides, or if the applicant does not reside in this state, from the commissioner. Non-resident angling licenses shall be procured from the county auditor or the commissioner or his agents. No person shall be deemed a resident of this state within the meaning of the chapter who has not resided in this state for the period of at least six months immediately preceding the date on which he makes application for a license. The applicant shall state under oath to the county auditor or commissioner, his name, age, residence and postoffice, legal voting address, and also whether a citizen of the United States or an alien. Any person who makes a false statement under oath in this regard is guilty of perjury. But one license shall be issued to a non-resident for any one calendar year." It is superseded by Laws 1927, c. 438, §§ 1, 3, 5, infra, §§ 5536-1, 5536-3, 5536-5.

5517. [Superseded.]

This section is superseded by Laws 1927, c. 438, § 4, infra, § 5536-4.

5518. Resident game bird licenses—Coupons—Resident licenses for hunting small game shall have attached thereto three coupons upon which shall be printed the words game birds, gray, black and fox squirrels. Each coupon shall be subdivided into two sections, one of which shall be marked "A" and the other "B." ('19 c. 400 § 24, amended '23 c. 426 § 1)
See infra, § 5536-4.

5519. Resident big game licenses—Coupons—Resident licenses for hunting big game shall have attached thereto one coupon, upon one of which shall be printed the word "deer." Such coupons shall be subdivided into four sections, marked respectively "A," "B," "C," and "D." ('19, c. 400, § 25; amended '23, c. 426, § 1; '25, c. 380, § 1)
See infra, § 5536-4.

5520. Non-resident small game licenses—Non-resident licenses for hunting small game shall have attached thereto one coupon divided into three sections,

marked respectively "A," "B" and "C." The words "small game" shall be printed upon the face thereof. ('19 c. 400 § 26, amended '23 c. 426 § 1)

See infra, § 5536-4.

5521. Non-resident big game licenses—Coupons— Non-resident licenses for hunting big game shall have attached thereto one coupon, subdivided into three sections, marked respectively "A," "B," "C." The word "deer" shall be printed on each such coupon. ('19, c. 400, § 27; amended '23, c. 426, § 1; '25, c. 380, § 1)

See infra, § 5536-4.

5522. [Amended and superseded.]

This section was again amended by Laws 1925, c. 380, § 1 to read as follows: "The applicant, if a resident of this state, shall pay to the county auditor issuing the license the sum of \$1.00 as a license fee for hunting small game, and the sum of \$2.00 as a license fee for hunting big game, and the sum of \$1.00 as a license fee for taking fur-bearing animals, but no license shall be required of any person under eighteen years of age, and if a non-resident or an alien shall pay to the commissioner the sum of \$50.00 for a license to hunt big game, and the sum of \$25.00 for a license to hunt small game, and the sum of \$3.00 for a license to take fish by angling or spearing, provided that no non-resident angling license shall be required of any person under 18 years of age and further that such person shall not transport out of the state any fish so taken without license. The county auditor shall transmit to the county treasurer at the end of each month the total amount of money received by him as fees for licenses to take game and fish during such month, and the county treasurer shall make a record of the amount so transmitted, and as soon as practicable thereafter shall deposit such amount in the name of the county in a bank or trust company duly designated as county depository, together with other public funds. The amount received from the issuance of licenses to take fish by spearing or angling shall be paid by the commissioner into the state treasury, and the state treasurer shall accredit the same to a special game and fish fund, and the amount thereof is hereby annually appropriated to the commissioner to be used for the purpose of propagating and preserving game and fish in this state." It is superseded by Laws 1927, c. 438, §§ 2, 7, infra, §§ 5536-2, 5536-7.

Exempts a person under twenty-one years of age from the necessity of procuring a license, not merely from the necessity of paying a license fee. 159-287, 198+1000

In so far as it exempts persons under twenty-one years of age, is unconstitutional as class legislation because based upon an arbitrary and unreasonable classification. 159-287, 198+1000.

The exception is incidental to the main purpose of the act. It alone is unconstitutional. The other portions of the act are operative. A person under twenty-one as well as one twenty-one or over is required to procure a license. 159-287, 198+1000.

5523. [Amended and superseded.]

This section was again amended by Laws 1925, c. 380, § 1, to read as follows: "On the first working day of each calendar month the state treasurer shall pay on the auditor's warrant therefor 10 per cent of all moneys received from the county auditor to be retained by him as his compensation. The commissioner is authorized to allow a commission of not to exceed 10 per cent to all persons, except salaried game wardens or other state employes, selling non-resident or resident angling licenses, fish-house licensees or white fish netting licenses. All moneys collected by the commissioner for licenses issued by him, or upon bond or contracts or received from other sources shall be remitted by him to the state treasurer. All moneys collected by game wardens for licenses or from other sources shall be promptly remitted by them to the state treasurer." It is superseded by Laws 1927, c. 438, § 7, infra, § 5536-7.

5524. [Superseded.]

This section is superseded by Laws 1927, c. 438, § 3, infra, § 5536-3.

5525. [Amended and superseded.]

This section was amended by Laws 1925, c. 380, § 1 to read as follows: "Every person to whom a license has been issued shall have such license on his person at the time of taking, or pursuing or attempting to take, any wild animals in this state, and while going to and from the hunting grounds, or while afield for hunting purposes, and shall exhibit the same for inspection to

any game warden or peace officer requesting to see the same, at any time." It is superseded by Laws 1927, c. 438, § 10, infra, § 5536-10.

5526. Termination—Every license shall be void after the last day of the open season for which it was issued. ('19 c. 400 § 36)

5527. [Superseded.]

This section is superseded by Laws 1927, c. 438, § 11, infra, § 5536-11.

5528. [Superseded.]

This section is superseded by Laws 1927, c. 438, § 2, infra, § 5536-2.

5529. Restriction—No hunting license shall be issued to any person under 14 years of age. Only one license of each kind shall be issued to any one person. No license shall be transferable. No trapping license shall be issued to a person not a resident of this state. ('19 c. 400 § 31; '23 c. 426 § 1)

This section is superseded except as to the prohibition against the issue of hunting licenses to persons under the age of 14, by Laws 1927, c. 438, § 1, infra, § 5536-1.

5530. Revocation of licenses—Fur buyers licenses— Upon conviction of any person for any violation under any license issued to such person, such license shall immediately become null and void and no license of the same kind shall be issued to any such person for a period of one year thereafter. Upon conviction of any person for hunting, fishing or trapping without a license, no such license of the same kind shall be issued to any such person for one year thereafter. This shall apply also to licenses to engage in the business of buying furs. ('19, c. 400, § 32; amended '25, c. 380, § 1)

Explanatory note—This section is superseded except perhaps as to the provision therein relating to fur buyers' licenses, by Laws 1927, c. 438, § 8, infra, § 5536-8.

5531. [Amended and superseded.]

This section was amended by Laws 1925, c. 380, § 1 to read as follows: "Whenever any such license is lost the person to whom the same was issued may present to the commissioner an affidavit proving such loss, and stating the number of the license lost and its date of issuance, and the manner in which lost, and that the affiant has not been convicted of a violation of this chapter which resulted in the cancellation of his license, whereupon the latter may authorize the issuance of a duplicate license to such person." It is superseded by Laws 1927, c. 438, § 9, infra, § 5536-9.

5532. [Amended and superseded.]

This section was again amended by Laws 1925, c. 380, § 1 to read as follows: "No person over the age of eighteen years who is not a bona fide resident of this state shall take any fish by angling or spearing in the waters of this state without first having procured a license so to do from the commissioner, a county auditor or a game warden, or from an agent designated for the purpose by the commissioner." It is superseded by Laws 1927, c. 438, § 1, infra, § 5536-1.

5533. Possession of deer, moose and game birds— When lawful—No person shall have in possession any deer, moose or game birds or any part thereof, in this state, except during the open season therefor and for the period of five days thereafter, unless the tags or permit hereinafter referred to have been issued to him. Mounted specimens of wild animals, tanned hides and dressed furs are excepted from this chapter. ('19 c. 400 § 39)

72-335, 75+386; 93-148, 100+647; 96+45, 58-393, 59+1098; 104+719.

5534. Permits to retain game after close of season— Procedure—Any person desiring to retain possession of deer, moose or game birds or game fish, after the close of the season therefor, shall surrender the license under which such deer, moose or game birds or game fish were taken, to the commissioner or game warden, and he, if satisfied that such application and surrender

is made in good faith, and that the applicant is a resident of this state, shall cause distinctive tags or seals to be affixed to each deer, moose, game birds, or game fish or part thereof lawfully in possession of the applicant, or he shall issue a written permit to such applicant to keep and use such deer, moose, game birds, game fish or part thereof, and thereupon the applicant shall be entitled to retain possession of the same until consumed; provided, no moose or deer may be retained under a permit after the last day of February in the year following that in which they were taken or killed. Wild animals, lawfully taken and had in possession outside this state, may be brought or shipped into this state and had in possession at any time upon proof that they have been so lawfully taken, provided retaining tags herein provided for are attached thereto. Provided game birds may not be retained in possession under a permit after the 10th day of January in the year following that in which they were killed. ('19, c. 400, § 40; amended '21, c. 44, § 6; '25, c. 380, § 1)

165-128, 206+46.

5535. Not to be shipped or sold—No person shall ship or sell any deer, moose, game birds or part thereof which has been tagged with a retaining tag, or for which a permit has been issued as provided in section 40. A person may, however, dispose of by gift protected wild animals lawfully in his possession. ('19, c. 400 § 41)

5536. [Amended and superseded.]

This section was amended by Laws 1925, c. 380, § 1 to read as follows: "For the purpose of making annually an approximate census of game animals in the state, every person to whom a license to take birds or quadrupeds is issued shall, on or before thirty days after the expiration of his license, make a written report to the commissioner on a form prepared and furnished by him, stating, the kind and number of each bird or quadruped taken under such license. A licensee who willfully fails or neglects to make such report shall not be granted a license to take birds or quadrupeds for one year thereafter. The commissioner prior to the opening of the hunting season in each year shall advise each county auditor of the names of licensees of the preceding year who have failed to make the report herein required, and no county auditor shall issue a license to a person whose name appears upon the list sent out by the commissioner as delinquent in this regard." It is superseded by Laws 1927, c. 438, § 12, infra, § 5536-12.

5536-1. Game and fish license act of 1927—Of whom required—No trapping licenses to non-residents—Duration of license—Licenses non-transferable—No person shall kill, take or attempt to take in any manner any wild animal, or engage in hunting, pursuing, or trapping for the purpose of taking any wild quadruped or bird, or engage in fishing for the purpose of taking any fish, without first obtaining a license from the Commissioner of Game and Fish so to do, as provided by this act unless otherwise specifically permitted by law. Residents of the state shall be required to procure a hunting license at the age of 16 years for the purpose of hunting and a resident of the state shall be required to procure a fishing license at the age of 21 years for the purpose of fishing. Non-residents of the state under 16 years of age may take fish without procuring a license, but may not transport or ship any fish out of the state without procuring a license, and provided further that no non-resident under 16 years of age may fish without a non-resident angling license unless his or her parent or guardian shall have obtained and have in his or her possession such non-resident angling license. No trapping license shall be issued to any non-resident of the state. All licenses shall be issued for the calendar year, and no reduction

in fees shall be made for fractions of a year. Only one license of each kind shall be issued to any one person in any calendar year. No license shall be transferable. ('27, c. 438, § 1)

Explanatory note—Laws 1927, c. 438, § 13 repeals all inconsistent acts and parts of acts.

See supra, §§ 5514 to 5536, and notes thereunder.

5536-2. Same—Kinds of licenses and fees therefor—Game which may be taken under licenses—Manner of taking game and fish—The kinds of licenses, the fees to be paid therefor, and the kinds of animals which may be taken thereunder, respectively, subject to all other provisions of law relating to the taking of wild animals, shall be as follows:

Resident small game hunting license, \$1.00, to take all small game;

Non-resident small game hunting license, \$25.00, to take all small game;

Resident big game hunting license, \$2.00, to take all big game;

Non-resident big game hunting license, \$50.00, to take all big game;

Resident trapping license, \$1.00, to trap all furbearing animals;

Resident angling license, \$50 to take fish, provided that a resident angling license shall be issued to the head of the family or household authorizing all members thereof to use the same by paying a fee of \$1.00, and it shall be the duty of the Commissioner of Game and Fish to issue an identification card without payment of any fee for each member of a family or household of the age of 21 years or over, of which family or household the head thereof has applied for and received such resident angling license.

Non-resident angling license, \$3.00, to take fish;

The term "big game" as used herein shall include deer, moose, elk, caribou and bear, and the term "small game" as used herein shall include all other wild quadrupeds and wild birds.

Every license shall have printed thereon the kind thereof and the names of all wild animals which may lawfully be taken thereunder, and shall entitle the person to whom issued to take the wild animals therein specified in such manner and at such times and places as may be permitted by law. Wild animals may be taken under a hunting license only by hunting with a firearm or other lawful weapon. Furbearing animals may be taken under a trapping license only with lawful traps. Fish may be trapped under an angling license only by angling. ('27, c. 438, § 2)

5536-3. Same—Manner of issuing licenses—Agents for issue of licenses—Licenses shall be issued as follows:

Hunting or trapping licenses for residents of the state, by the county auditor of the county in which the applicant resides, or by any agent of such auditor.

Hunting licenses for non-residents of the state, by the commissioner or any agent of the commissioner outside of the state, or by any county auditor in the state, or his agent.

Angling licenses for residents of the state, by the county auditor of the county in which the applicant resides, or by any agent of such auditor.

Angling licenses for non-residents of the state, by the commissioner or any agent of the commissioner outside the state, or by any county auditor of the state, or his agent.

The commissioner may appoint agents to issue non-resident licenses of any kind outside the state. Such appointments shall be in writing and a record thereof

shall be kept by the commissioner. The commissioner may revoke any such appointment at any time. The commissioner may require any agent appointed by him to furnish a bond to the state, to be approved by the commissioner and filed in his office, in such sum as the commissioner may prescribe, at least equal to the total estimated amount of license fees and unsold licenses which will be in the hands of such agent at any one time, conditioned to secure the accounting by such agent for all license blanks furnished to and licenses issued by him and the payment by him according to law of all moneys received by him as fees for such licenses and the compliance by him with all the provisions of law relating to the issuance of such licenses. The commissioner may require a like bond of any county auditor if, in the opinion of the commissioner, his official bond is not sufficient for the purposes hereinafter specified.

Every county auditor may appoint agents to issue within his county such licenses as such agents are authorized to issue. He shall appoint at least one such agent in every city and village of his county outside of the county seat and at any other place in the county which may be designated by the commissioner and may appoint such other agents anywhere in the county as he deems necessary for the convenience of the public in obtaining licenses. Such appointments shall be in writing and a record thereof shall be kept by the auditor. Upon making any such appointment the auditor shall forthwith notify the commissioner of the name and address of the appointee. The auditor may revoke any such appointment at any time, and shall revoke any such appointment upon his own motion or when demanded by the Game and Fish Commissioner whenever such agent shall violate any provision of the laws relating to the issuance of such licenses, or shall fail to give proper attention to the issuance thereof, or shall fail to account promptly for unsold licenses or license fees. The county auditor shall be responsible for all license blanks issued to and license fees received by his agents, and such agents shall be responsible to the auditor therefor. The auditor may require any such agent to furnish a bond to the auditor, in such sum as the auditor may prescribe, to be approved by the auditor and filed in his office, conditioned in like manner as the bonds to be furnished by agents of the commissioner as hereinbefore provided. All license fees received by such agents shall be deemed public moneys of the state, and such agents shall be amenable to all the penalties provided by law relating to such moneys or to the issuance of such licenses. ('27, c. 438, § 3)

5536-4. Same—Form of licenses—The form of all licenses and applications therefor shall be determined and blanks therefor shall be prepared by the commissioner, who shall furnish a sufficient supply thereof to all officers and agents of the commissioner authorized to issue licenses. County auditors shall in turn furnish the same to their agents. Licenses shall have attached thereto such coupons or stubs, with proper markings and designations, as may be necessary to carry out the provisions of law relating thereto. All licenses shall be serially numbered. ('27, c. 438, § 4)

5536-5. Same—Applications for licenses—Oaths and false statements—Who are residents—Applications for licenses shall be made on oath in writing, stating the name, age, post office address, and legal residence of the applicant, the place where he last voted, or, if he has not voted, where he intends to vote, and whether a citizen of the United States or of any other

country. Any officer or agent authorized to issue licenses shall have authority to administer oaths upon such applications and to certify the same. Any person who shall make a false statement under oath in such application shall be guilty of a perjury. No person shall be deemed a resident of this state within the meaning of this chapter who has not resided in this state for the period of at least six months immediately preceding the date upon which he makes application for a license. ('27, c. 438, § 5)

5536-6. Same—Records of persons issuing licenses—Every officer and agent issuing licenses, including agents appointed by county auditors, shall keep such records thereof as the commissioner may prescribe. Such records shall be open to inspection by the commissioner or his authorized representative at any time. ('27, c. 438, § 6)

5536-7. Same—Duties of county auditors—Agents—Duties—Fees—Disposition of fees, etc.—Every county auditor shall promptly deposit with the county treasurer all moneys received by the auditor either directly or through his agents for license fees, and the treasurer shall make a record thereof and keep the same as other public funds. On or before the fifteenth of each month the county auditor shall make a written report to the commissioner for the preceding calendar month, stating the total number and the serial numbers of each kind of licenses sold, the amount of fees received for each kind of licenses, and the total amount received. He shall transmit to the commissioner with such report his warrant on the county treasurer in favor of the commissioner, or the county treasurer's check in payment of such warrant, for 90 per cent of all license fees received during such preceding calendar month. Thereupon the county auditor shall be entitled to the remaining ten per cent of such fees as his compensation, and may draw his warrant to himself upon the county treasurer in payment thereof. Every agent of any county auditor shall account to him for all licenses and transmit to him all license fees received at least at the end of each calendar month and at such other times as the auditor may direct. The county auditor shall fix and pay the compensation of his agents. On or before the tenth of each month every agent of the commissioner shall make a written report to the commissioner for the preceding calendar month, containing the same information as hereinbefore prescribed for reports by county auditors, and shall with such report transmit to the commissioner 90 per cent of all license fees received during the preceding calendar month, whereupon such agent shall be entitled to retain the remaining ten per cent of such fees as his compensation. The commissioner may also require any agent appointed by him to account to him for licenses and license fees at such other times as he shall direct. All moneys received by the commissioner for license fees, either directly or through county auditors or agents, shall be promptly remitted by the commissioner to the state treasurer, who shall credit the same to a special fund known as the game and fish fund, and all of said moneys are hereby appropriated for the maintenance and conduct of the activities of the office of commissioner of game and fish, as provided by law. ('27, c. 438, § 7)

5536-8. Same—Violations of law by licensees—Upon conviction of any person for any violation of any provision of law relating to any license issued to such person or relating to the wild animals covered by such license, such license shall immediately become null and

void and no license of the same kind shall be issued to such person for a period of one year after the date of commission of the offense. Upon conviction of any person for hunting, fishing, or trapping without a license or doing without a license any other act for which a license is required as hereinbefore provided, no license of the kind required for the doing of such act shall be issued to such person for one year after the date of commission of the offense, providing the penalty hereintofore mentioned shall not apply to residents of the State who may be guilty of angling without a license. Provided that this section shall not revoke any resident fishing license. ('27, c. 438, § 8)

5536-9. Same—Duplicate licenses—Whenever any such license is lost or destroyed, the person to whom the same was issued may present to the commissioner an affidavit proving such loss or destruction, stating the number and date of issuance of the license, by whom issued, and the manner in which lost or destroyed, and that the affiant has not been convicted of any violation of law which would operate to nullify his license, whereupon the commissioner may authorize the issuance of a duplicate license to such person. ('27, c. 438, § 9)

5536-10. Same—Carrying and exhibition of licenses—Every person to whom a license has been issued shall have such license on his person while hunting, fishing, trapping, or doing any other act for which such license is required, and while afield for any of said purposes and while going to and from the hunting or trapping grounds or fishing waters, and shall exhibit the same for inspection to any game warden or peace officer requesting to see the same at any time. No receipt for license fees or copy of any license or other evidence purporting to show the issuance of a license except the license itself shall be valid to entitle the holder to exercise the rights or privileges conferred by his license. ('27, c. 438, § 10)

5536-11. Same—Loaning, transferring, etc., of licenses—Penalty—No person shall at any time lend or transfer to another, or borrow or solicit from another any license or any coupon attached thereto, or use any license or coupon not issued to him. Any person who shall at any time alter in any material manner any license shall be guilty of a forgery. ('27, c. 438, § 11)

5536-12. Same—Reports by licensees—Statistics—For the purpose of enabling the commissioner to prepare statistics relating to the number of wild animals in the state, every person who has taken any protected wild quadruped or game bird, whether with or without a license, shall, on or before the last day of January in each year, mail or deliver to the commissioner a written report on a form prepared by the commissioner and furnished on application made to the commissioner or to any game warden, county auditor, or agent of the commissioner authorized to issue licenses, stating the number of each kind of protected quadrupeds and game birds taken by such person during the preceding calendar year. No person who is required to make such a report shall be entitled to hunt, trap, or take any wild quadruped or game bird until such report has been made. No person to whom a hunting or trapping license has been issued or who wilfully fails or neglects to make such a report shall be granted a license of the same kind for the year succeeding the year for which his license was issued, and if a new license of the same kind has been issued to such person it shall be null and void and shall be surrendered upon

demand to the commissioner or to any game warden. As soon as practicable in each year the commissioner shall furnish to each county auditor, game warden, and agent authorized to issue licenses a list of the names of all persons to whom licenses were issued by or within the county or territory of such auditor, game warden, or agent during the preceding year and who have failed to make the report hereby required. No such county auditor, game warden, or agent shall issue a license of the same kind for the current year to any person whose name appears upon such list as delinquent in this regard. ('27, c. 438, § 12)

PART III. QUADRUPEDS

5537. Open season for big game—Deer may be taken from November 10th to November 20th, both inclusive, in even numbered years only, but nothing in this chapter shall be construed to permit the taking or killing of moose, elk or caribou at any time. ('19, c. 400, § 43; amended '21, c. 450, § 1; '23, c. 426, § 1; '25, c. 380, § 1; '27, c. 263)

5538. Limit of big game—A person may take one such deer in an open season. ('19, c. 400, § 44; amended '25, c. 380, § 1)

5539. Manner of taking big game—No artificial light, including automobile and motor cycle head lights and spot lights, snare, trap, satlick set gun, swivel gun or other device to entrap or entice deer shall be used, made or set, nor shall any deer be taken by aid or use thereof. Deer shall not be hunted or pursued or killed with dogs. The licensee shall, after killing a deer, immediately affix to the carcass thereof coupon tag "B" of his license. Immediately after a deer has been killed there shall be affixed to each carcass of deer before the same is transported or offered for transportation, a metal locking seal bearing the license number of the owner thereof and the year issued, in figures, said seal to be furnished by the commissioner through the county auditors when licenses are sold and for which a fee of 25 cents shall be paid. ('19, c. 400, § 45; amended '21, c. 450, § 2; '25, c. 380, § 1)

5540. Dogs near deer habitats—No person shall take a dog of either sex into, nor shall any person keep or maintain a dog about any hunting lodge or lumber camp used by hunters in a locality frequented or inhabited by deer or moose. Any person may, and it shall be the duty of every game warden to kill any dog pursuing or killing deer or moose, and no action for damages shall be maintained against the person for such killing. The prohibitions of this section shall not apply to dogs on lands actually farmed or cultivated by the owner of such dog, or within the limits of an incorporated village or city. ('19 c. 400 § 46)

5541. Squirrels, Bear and raccoon—Open season—Number of squirrels which may be taken—Bear traps—Licenses for retaining pelts during closed season—Gray and fox squirrels may be taken and possessed between October 15th and January 1st following, both inclusive. Bear may be taken and possessed at any time. Raccoon may not be taken until the year 1928 and then only between October 15th and November 15th following, both inclusive. No person shall hunt, molest or take any gray, black, red, fox flying, or other timber squirrel at any time within the corporate limits of any city or village, or within one-quarter mile thereof. A person may take during the open season not to exceed 10 gray or fox squirrels in the aggregate of all kinds in any one day and may have not to exceed 15 gray or fox squirrels in the aggregate in

5537Eseq. 31 - 378
5537Eseq. 25 - 129R
29 - 418

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possession at any time. Black squirrels may not be taken or possessed at any time.

Steel traps may be used for the purpose of taking or catching bear only upon permission of the Game and Fish Commissioner to do so. Rules and regulations for the safe use thereof shall be prescribed by the Commissioner and any one setting them so as to become a danger to persons walking in the woods shall be guilty of gross misdemeanor.

Any person desiring to retain in possession during the closed season the skins of protected fur bearing animals shall apply to the commissioner within five days after the close of the season for a permit so to do, and the commissioner or a game warden shall issue to the licensee a distinctive tag for each pelt to be retained in possession; and upon receipt thereof the licensee shall affix one such tag to each pelt retained in possession. Such pelts lawfully tagged may be bought and sold at any time. This shall also apply to furs taken from animals trapped or killed on land owned or occupied by the trapper. ('19, c. 400, § 47; amended '23, c. 342, § 1; '25, c. 380, § 1)

5542. Mink, fisher, muskrat and skunk—Open season—Possession and sale—Hunting muskrat with dogs—Mink may be taken, bought, sold and possessed in any manner at any time and fisher may be taken in any manner between November 15th and March 1st following, both inclusive. Muskrat may not be taken until March 1st, 1928. Skunk may be taken in any manner between November 15th and March 1st following, both inclusive. Such animals, legally taken, may be possessed, bought and sold at any time. No person shall hunt or pursue muskrat at any time with a dog. ('19, c. 400, § 48; amended '23, c. 342, § 1; '25, c. 380, § 1)

Explanatory note—Laws 1925, c. 129, superseded by this section as last amended, reads as follows: "Muskrats may be taken only by trapping between March 1st and April 30th, each year, both inclusive, and during only such portion of said months as is permitted by executive order. Upon recommendation of the Game and Fish Commissioner, the Governor shall zone the state and by executive order prohibit the taking of muskrats during any portion of such open season in any zone; provided, that not more than thirty days of open season shall be permitted each year in any one zone."

165-128, 206+46.

5543. Beaver and otter—When allowed to be taken—Licenses—Taking beavers by commissioner—Trapping beaver in game refuge—No person shall take or possess otter or beaver at any time, or molest or disturb any otter or beaver, except that, in the event that beaver shall at any time, in any locality, become so numerous that in the judgment of the commissioner, a limited number thereof may be taken in the interest of conservation without unduly depleting the species, or when they cause substantial damage to a railroad right-of-way, public highway or private property such as to seriously prejudice property rights therein, then and in such case the commissioner, upon the receipt of a license fee of \$1.00, and upon the execution and delivery to the commissioner of a bond in the sum of \$500.00, with sureties to be approved by him, conditioned, upon the faithful observance of the laws of this state relating to wild animals and the regulations of the commissioner, may issue to any person as herein-after provided, a license to take beaver, specifying therein the number of beaver, the time when and the place where the same may be taken. The licensee shall report, within fifteen days after the taking of any beaver, the number of beaver so taken by him, to the commissioner, whereupon the commissioner shall issue

to the licensee a distinctive tag for each beaver taken, and upon receipt thereof, the licensee shall affix one such tag to each beaver. The licensee shall pay the commissioner a fee of \$1.50 for each tag so issued. Beaver so taken and tagged may be bought, sold and transported at any time. The commissioner shall keep a record of each tag, the number sold, to whom sold, and the date of sale.

Beaver may be trapped in a game refuge only by the Game and Fish Department by persons employed so to do by the Game and Fish Commissioner under the same conditions hereinbefore specified.

Whenever, for the reasons existing as provided in Section 5543, the commissioner deems it essential to take beaver as provided herein, he shall give to the occupant of any land upon which such beaver taking is contemplated, providing the same is occupied, a written notice of such intention and the approximate number of beaver proposed to be taken, such notice to be sent by registered mail to the actual postoffice address of each such occupant, if any there be. The said occupant of any such lands so proposed to be affected shall thereupon have first right and privilege, if exercised within fourteen days after the receipt of such notice from the commissioner, to make personal application to trap, and without payment of fee, to himself take and trap such beaver, in the manner herein provided. Failure of such occupant within such fourteen-day period to avail himself of such right shall entitle the commissioner to proceed as in the case of unoccupied lands to grant such license to any other person applying therefor as provided by this act.

The word "occupant" as herein used shall not apply to those who are trespassers, campers, or squatters upon lands and who hold without color of title, lease, or actual consent of the true owner thereof. The area of land embraced within such occupancy shall be the entire acreage, and the private waters thereon, which are actually under the control and supervision of the occupant and immediately contiguous to his place of abode thereon. ('19, c. 400, § 49; amended '23, c. 342, § 1; '25, c. 380, § 1; '27, c. 333)

Explanatory note—The reference to § 5543 in this section should read "in this section."

5544. Protection of homes of muskrat and beaver—Taking of beaver and muskrat—No person shall molest, injure or destroy any muskrat, or beaver house, burrow, den or other abiding place of the same, except that when any of said animals are injuring any property, the commissioner may cause said animals to be removed or destroyed or may permit the killing of such animals and the destruction of the homes or other structures erected by them, provided that this provision shall not be construed to prevent the trapping of muskrats in their houses in such a manner as not to injure or destroy the same. Provided further that beaver may only be taken in the manner prescribed by Section 5543 of this chapter.

Openings made in such houses for the purpose of inserting or removing traps shall be sealed. Traps shall not be placed under the ice near muskrat houses, or in runways or channels used by muskrats.

The commissioner may, under proper and suitable regulations adopted by him, permit the taking of muskrats in shallow marshes or sloughs in such cases where no deep water is found at any time, when it may be shown that such muskrats are in immediate danger of destruction by freezing or starvation. ('19, c. 400, § 50; amended '23, c. 342, § 1; '25, c. 380, § 1)

5545. Hares, etc.—Hares, rabbits, weasels, wild cat, lynx, wolves, foxes, gophers and all other quadrupeds for which a close season is not provided by law, may be taken either in the day time or at night and in any manner, except that poison may be used to aid in the taking thereof only by permission of the Game and Fish Commissioner and in a manner prescribed by him. ('19 c. 400 § 51, amended '21 c. 44 § 7; '23 c. 426 § 1)

5546. Snow shoe rabbits and mink—How taken—Varying hare or snow shoe rabbit and mink may be taken either in the day time or at night and in any manner except that poison may not be used. ('19, c. 400, § 52; amended '25, c. 380, § 1)

5547. Traffic in furs—Licenses—Fees—Reports and bonds of fur buyers—Beaver trapping licenses not to be issued to licensed fur buyers—Nothing in this act shall be construed as prohibiting the buying, shipping or having in possession at any time, of the skins of fur-bearing animals legally killed within or without the state, and of the hides of moose or deer legally killed within or without the state, upon proof that the hides legally killed within or without the state, upon proof that the hides were so taken. No person shall engage in the business of buying furs until he shall have procured a license so to do from the commissioner. Fees, payable to the commissioner, for such license shall be as follows: For a local resident or traveling fur buyer's license, \$1.00; for a resident traveling fur buyer's license, \$10.00; for a non-resident local or traveling fur buyer's license, \$25.00; for a wholesale fur buyer's license, \$1.00. Such fur buyer's licenses shall be issued for the calendar year and may be revoked by the commissioner for any violation of the law relating to wild animals or for fraudulent practices employed in connection with the buying of furs under such license. All fur buyers shall furnish to the commissioner such reports as he may require for statistical purposes on blanks furnished them for this purpose. Any person applying for a fur buyer's license shall at the time of his application furnish a bond, either personal or corporate surety, in favor of the state in the penal sum of \$1,000.00 conditioned upon the observance of all laws of this state relating to wild animals. No beaver trapping license shall be issued to any person to whom a fur buyer's license shall have been issued and in force. ('19, c. 400, § 53; amended '23, c. 342, § 1; '25, c. 380, § 1)

165-128, 206+46.
114-463, 131+481.

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PART IV. BIRDS

5548. Open season for game birds—Mourning dove, prairie chicken or pinnated grouse, white-breasted or sharp-tailed grouse and upland plover may be taken or possessed between September 16th and October 1st following, both inclusive, and woodcock may be taken or possessed between October 1st and November 30th, both inclusive. No mourning dove shall be taken, killed or had in possession prior to September 16, 1920, no woodcock prior to October 1, 1920, and no upland plover prior to September 16, 1927, no prairie chicken or sharp-tailed grouse shall be taken or killed or had in possession prior to September 16, 1921, and thereafter may be taken only in odd-numbered years. ('19 c. 400 § 54, amended '21 c. 242 § 1)

5549. Limit—A person may take, during the open season not to exceed 9 mourning doves, prairie chicken or pinnated grouse, white-breasted or sharp-tailed

grouse, woodcock, or upland plover, in the aggregate of all kinds in one day.

No person shall take more than 30 of the game birds enumerated in this section, in the aggregate of all kinds in any one open season, and no person shall take more than 18 prairie chickens, or sharp-tailed grouse, in any one open season. ('19 c. 400 § 55, amended '21 c. 242 § 2)

5550. Bird dogs—Use of for taking game birds—Training period—Dogs unlawfully used a public nuisance and may be killed—Game birds, may be taken during the open season with the aid of dogs. The owner or trainer of a dog may take the same afield for the purpose of training said dog, from August 15th to September 15th following, both inclusive, provided that such owner or trainer shall carry no fire-arms of more than 22 caliber, and the use of firearms of 22 caliber with blank cartridges in training dogs is hereby permitted when done so as not to inflict injury upon any game birds or quadrupeds contrary to law. The use or training of dogs between December 1st and August 14th following, both inclusive, in fields inhabited or frequented by game birds is prohibited. Any dog so used is hereby declared to be a public nuisance and may be summarily killed by any person. ('19, c. 400, § 56; amended '21, c. 242, § 3; '23, c. 426, § 1; '25, c. 380, § 1)

Dogs are property in view of § 10366. 160-402, 200+446. The statute is aimed at use by a person of a dog in the prohibited period and place, and does not authorize the summary destruction of a dog that accidentally strays into a protected field at a forbidden time. 160-402, 200+446.

The ruling excluding evidence as to the character and habits of the dog was right, since it was offered solely to justify killing him without any offer of proof that the animal was then being used or trained by any one, or that the field in which he was found was inhabited or frequented by game birds. 160-402, 200+446.

5551. Open season for certain game birds—Quail, partridge or ruffed grouse, may be taken or possessed between October 15th and November 20th following, both inclusive, but nothing in this chapter shall be construed to permit the taking or killing of Canada spruce grouse, or of wild turkeys or Hungarian gray partridges. Male Chinese ringneck or English pheasants may be taken or possessed between October 15th and November 1st following, both inclusive. Partridges or ruffed grouse, Chinese ringneck or English pheasants may be taken, killed or had in possession taken only in even numbered years. No game birds may be taken at any time or in any manner within the limits of any public highway, except migratory game birds. Provided, however, that the taking of quail in any manner during the years of 1925 and 1926 is hereby prohibited. ('19, c. 400, § 57; amended '23, c. 426, § 1; '25, c. 380, § 1)

5552. Limit on number of birds which may be taken—A person may take during the open season not to exceed 10 quail, and not to exceed 5 partridge or ruffed grouse, and not to exceed 3 male Chinese ringneck or English pheasant in the aggregate of all kinds in one day. No person shall have more than 15 quail or partridge or more than 12 Chinese ringneck in possession at any one time and no person shall take more than 30 of the game birds enumerated in this section in the aggregate of all kinds in any one open season. Not more than 15 male Chinese ringneck or English pheasant may be taken in any one open season. ('19, c. 400, § 58; amended '23, c. 426, § 1; '25, c. 380, § 1)

5553. Water fowl—Open season—Wild ducks, wild

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177m 398
Art 4 §27
225nw 436
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172m 469
215nw 837
235nw 537
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5551-52
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geese, coots, rails, gallinules, Wilson or jacksnipe, and greater and lesser yellowlegs, may be taken and possessed between September 16th and December 31st following, both inclusive. ('19 c. 400 § 59, amended '23 c. 426 § 1)

5554. Hours for taking migratory game birds—Migratory game birds may be taken each day only from one-half hour before sunrise until sunset during the open season therefor. ('19, c. 400, § 60; amended '25, c. 380, § 1)

5555. Limit on number of coot, duck, etc., which may be taken—A person may take during the open season not to exceed 15 coots, rails or gallinules, Wilson or jacksnipe, and greater or lesser yellow legs, in the aggregate of all kinds and not to exceed 12 wild ducks or 5 wild geese in any one day. No person shall have in possession at any one time more than 36 wild ducks, coots, rails or gallinules, Wilson or jacksnipe, and greater or lesser yellow legs, in the aggregate of all kinds of which not more than 5 shall be wild geese. Not more than 120 ducks may be taken during any one open season. ('19, c. 400, § 61; amended '23, c. 426, § 1; '25, c. 380, § 1)

5556. Manner of taking water fowl—Water fowl may be taken during the open season from any place on land from a stationary or permanent artificial blind used to conceal the hunter, when located on land, but not from a permanent artificial blind placed anywhere in public waters and may also be taken from a temporary but stationary blind or from a boat or canoe propelled by paddle, oar or pole (other than a sail or power boat), when the same is within a natural growth of weeds, rushes, flags or other vegetation, sufficient to partially conceal the hunter, but may not be taken from power or sail boats or upon the open water, or from aeroplanes, or from sink boxes built in public waters. Rifles may not be used in taking waterfowl. Artificial decoys or live decoys may be used.

The pursuing or shooting of wounded birds in the open water in a boat or canoe propelled by oar, paddle or pole is permitted.

Entering open water in a boat or canoe for the purpose and with the intention of causing a flight of birds resting thereon is forbidden.

Not more than 6 live decoys may be used to any one blind. The placing of decoys, or the erection of temporary blinds in public waters during the close season for water-fowl is forbidden. ('19, c. 400, § 62; amended '23, c. 426, § 1; '25, c. 380, § 1)

5558. Bird snares, traps or nets—Public nuisance—Abatement—Flushing—No wild bird, except those enumerated in section 5562 hereof, and no bird for which a close season is provided, shall be trapped, netted or snared. No net, trap, snare, artificial light, bird line, swivel or set gun or other contrivance for taking birds shall be set, placed or used where such birds can be taken. Any such trap, net or snare, is declared to be a public nuisance, and may be summarily abated and destroyed by any person, and it shall be the duty of every game warden to seize and destroy any such device. The flushing of game birds by dragging a rope, wire, or other instrumentality across a field inhabited by game birds is hereby prohibited. ('19, c. 400, § 63; amended '25, c. 380, § 1)

5559.—Nests and eggs—Nests of wild birds other than the English sparrow, Cooper hawk, sharp shinned hawk, goshawk, blackbird, crow and great horned owl shall not be robbed or wilfully destroyed except when necessary to protect buildings to prevent their deface-

ment, or when taken under the authority of the commissioner. ('19 c. 400 § 64)

5560. Certain wild birds protected—Wild birds, other than the English sparrow, blackbird, crow, and all species of hawks and owls shall not be taken or possessed at any time, dead or alive, except under the authority of a certificate issued by the commissioner. No part of the plumage, skin or body of any bird protected by this section, or of any birds coming from without the state, whether belonging to the same or a different species from that native to the state of Minnesota, provided such birds belong to the same family as those protected by this chapter, shall be bought, sold or had in possession for sale. This section shall not apply to game birds for which an open season is provided in this chapter, nor to the keeping and selling of parrots or song birds as domestic pets; provided, that nothing herein shall be construed to permit the buying or selling of wild song birds. ('19, c. 400, § 65; amended '25, c. 380, § 1)

5561. 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. ('19 c. 400 § 66)

5562. Unprotected birds—English sparrows, blackbird, crow, and all species of hawks and owls may be taken and possessed without limit in any manner at any time. ('19, c. 400, § 67; amended '25, c. 380, § 1)

PART V—FISH

5563 29 — 84 31 — 399
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5563. Minnows for bait—Game fish for bait—Sale or transportation of minnows imported from other states—Minnows for bait may be taken at any time with a net, trap or seine, except that immature game fish and carp shall be carefully sorted out at the time of taking and the game fish at once returned to the water and the said carp at once destroyed. Minnows as defined in Paragraph 12, Section 140, may be bought and sold. Provided, however, no minnows shall be taken with a net, trap or seine in waters inhabited by trout. The use of game fish except yellow perch for bait is prohibited. The sale, or transportation of live minnows imported from other states is prohibited for any purpose. ('19, c. 400, § 68; amended '23, c. 426, § 1; '25, c. 380, § 1)

Explanatory note—For par 12, § 140, see § 5649, herein.

5564. Black bass—Open season—Size—Limit—Artificial flies—Buying and selling—Black bass not less than 10 inches in length and striped, silver grey, or yellow bass may be taken by angling, and thereafter possessed, between May 29th and February 1st following, both inclusive, in that section of the state to be known as the southern zone lying south of the north line of township one hundred twenty-four (124) west of the fifth (5th) principal meridian, and south of the north line of township thirty-five (35) west of the fourth (4th) principal meridian and between June 21st and February 1st following, both inclusive in that section of the state lying north of the above described township lines, this section of the state to be known as the northern zone. A person may take not to exceed 8 such bass in one day and may have not to exceed 15 such bass in his possession at one time. The use of three artificial flies in fishing is permitted. Such

5564 Sec. 29 — 323

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bass may not be bought or sold at any time. ('19, c. 400, § 69; amended '23, c. 426, § 1; '25, c. 380, § 1)

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5565 Et seq.
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5565. Trout—Open season—Size—All trout caught retained—Limit—Artificial flies—Buying and selling—Artificial lights—Trout (except lake trout) may be taken by angling and thereafter possessed between April 15th and August 15 following, both days inclusive, except in Lake county and Cook county, where in such trout may be so taken and possessed between May 25th and September 1st following, both days inclusive. All trout caught by angling regardless of size shall be retained in possession. A person may not take to exceed 15 such trout in one day, nor have in possession more than 25 such trout or 20 pounds thereof at any one time. The use of three artificial flies in trout fishing is permitted. Such trout may not be bought or sold at any time. No such trout may be taken by the use or with the aid of artificial light of any kind, including bonfires, automobile headlights and spot lights. ('19, c. 400, § 70; amended '25, c. 380, § 1; '27, c. 64)

5566. Fishing in trout streams—No fish of any variety shall be taken from any stream designated by order of the commissioner as a trout stream, except during the open season for taking trout. ('19 c. 400 § 71)

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5567. Lake trout and salmon—Open season—Limit—Buying and selling—Lake trout, and salmon, may be taken by angling and thereafter possessed between November 15th and September 1st following, both inclusive. A person may take not to exceed 10 such lake trout or salmon in one day, nor have in possession more than 15 such trout or salmon at any one time. Such lake trout, or salmon may not be bought or sold at any time. ('19, c. 400, § 72; amended '25, c. 380, § 1)

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5568. Pike and pickerel—Open season—Size—Limit—Buying and selling—Spearing—Artificial lights—Wall-eyed pike (except sand pike) and pickerel, not less than 14 inches in length, and yellow perch of any size may be taken by angling and thereafter possessed between May 15th and February 1st following, both inclusive. A person may take not to exceed 8 such pike or 15 such pickerel in a day, and may have not to exceed 16 such pike or 25 pickerel in his possession at one time. Wall-eyed pike, Great Northern pike and pickerel, except those taken from waters which may be open for the sale thereof by the commissioner, may not be bought or sold at any time. Pickerel may be taken by spearing except during the closed season therefor.

Artificial lights may be used only in spearing carp, dog fish, suckers, red horse and garfish in inland waters from March 20th to April 20th, both dates inclusive, and in interstate waters under the jurisdiction of the state of Minnesota from September 15th to November 15th, both dates inclusive. ('19, c. 400, § 73; amended '21, c. 35, § 1; '23, c. 426, § 1; '25, c. 380, § 1)

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5569. Sturgeon—No open season—Rock sturgeon or lake sturgeon and shovelnose sturgeon or hackleback and spoonbill or paddlefish may not be taken or possessed at any time. ('19, c. 400, § 74; amended '25, c. 380, § 1)

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Et seq.
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5570. Crappies—Open season—Size—Limit—Buying and selling—Crappies not less than 7 inches in length, may be taken by angling and thereafter possessed between May 29th and February 1st following, both inclusive, in the southern zone described in section 5564 of this act and between June 21st and February 1st following, both inclusive, in the northern zone described in section 5564 of this act. A person may take

not to exceed 15 crappies in one day, and not more than 25 crappies may be had in possession at any one time. Such crappies may not be bought or sold at any time. ('19, c. 400, § 75; amended '21, c. 35, § 2; '23, c. 426, § 1; '25, c. 380, § 1)

5571. Sand pike or saugers—Open season—Size—Limit—Buying and selling—Sand pike or saugers, not less than 12 inches in length, may be taken by angling and thereafter possessed between May 15th and February 1st following, both inclusive. A person may take not to exceed 15 such sand pike or saugers in any one day, and not more than 25 sand pike or saugers may be had in possession at any one time. Such sand pike or saugers may not be bought or sold at any time. ('19, c. 400, § 76; amended '21, c. 35, § 3; '23, c. 426, § 1; '25, c. 380, § 1)

5572. Muskellunge—Open season—Size—Limit—Buying and selling—Muskellunge, not less than 30 inches in length, may be taken by angling, and thereafter possessed between May 15th and February 1st following, both inclusive. A person may take not to exceed two such muskellunge in one day. Such muskellunge may not be bought or sold at any time. ('19, c. 400, § 77; amended '21, c. 35, § 4; '25, c. 380, § 1)

5573. Sunfish and rock bass and other fish not specifically provided for—Open season—Size—Limit—Buying and selling—Sunfish of not less than five inches in length and rock bass of not less than six inches in length, and all other varieties of fish for which a different season is not provided by this chapter, may be taken by angling and thereafter possessed, between May 29th and February 1st following, both inclusive, in the southern zone described in section 5564 of this act and between June 21st and February 1st following, both inclusive, in the northern zone described in section 5564 of this act. A person may take not to exceed 15 such sunfish or rock bass or such other fish, in one day and not more than 30 in the aggregate of all kinds may be had in possession at any one time, and not more than 30 such sunfish, or rock bass may be had in possession at any one time. A person may have in possession at any one time 30 of the mixed varieties. Such sunfish and rock bass may not be bought or sold at any time. ('19, c. 400, § 78; amended '21, c. 35, § 5; '23, c. 426, § 1; '25, c. 380, § 1)

5574. Carp, suckers, etc.—Open season—Size—Limits—Sale—Carp, dogfish, redhorse, sheepshead, catfish, suckers, eelpout, garfish, bullheads of any size, whitefish not less than 16 inches in length, and buffalofish of not less than 15 inches in length may be taken by angling, except during March and April, or by spearing at any time and possessed, without limit, unless otherwise specially provided. Such fish may be bought or sold in any quantity at any time. Artificial lights may be used in spearing the fish herein enumerated in streams only, between April 20th and June 1st following, both inclusive. ('19 c. 400 § 79)

5575. Placing carp in waters prohibited—No person shall put or place in any public waters of this state fish commonly known as carp, nor shall any person put or place in such waters the spawn of such fish or use such fish as bait in the water thereof. ('19 c. 400 § 80)

5576. Fishing in Ramsey County—[Repealed.] This section is repealed by Laws 1925, c. 380, § 2.

5577. Fishing in Hennepin county—[Repealed.] This section is repealed by Laws 1925, c. 380, § 2.

5578. Fishing in Minneapolis—No fish of any kind shall be taken in any manner, from waters lying wholly or partly, within the corporate limits of any

city of the first class not operating under a home rule charter, between November 1st and May 29th following, both inclusive. ('19 c. 400 § 83)

5579. Daily limit of all kinds of fish—A person may take not to exceed 15 fish except perch by angling, in the aggregate of all kinds in any one day, except that any quantity or number of the fish described in section 5574 hereof may be taken in one day. Not more than 25 fish of mixed varieties except perch may be had in possession at any time. Provided that the commissioner may, whenever it has been shown to be necessary in any lake, make regulations fixing a daily limit of 25 perch per day therein. ('19, c. 400, § 84; amended '25, c. 380, § 1)

5580. Sale of fish caught in certain counties—Other fish not to be bought or sold at any time—No fish of any variety, except minnows for bait, caught in waters lying within a county having a population of 200,000 or over, shall be bought, sold or otherwise trafficked in at any time. The commissioner may, when necessary to prevent the undue depletion of the fish in any lake or stream, prohibit the sale of any species of fish taken in any of the waters of this state.

Provided black bass, crappies, sand pike, muskellunge, sunfish, and rock bass, except those taken in international waters in connection with commercial fishing operation, whether taken within or without this state, or in any county of this state, may not be bought or sold at any time in this state. ('19, c. 400, § 85; amended '25, c. 380, § 1)

5581. Use of explosives prohibited—Fish shall not be taken by means of explosives, drugs, poisons, lime, medicated bait, fish berries, or other deleterious substances, or by nets, traps, tip-ups, snares, trot lines, wire strings, ropes or cables, except where otherwise expressly provided by this chapter. Possession of any of such substances or contrivances by any person on the waters, shores or islands of this state, shall be presumptive evidence that the same are possessed for use in violation of this section. It shall be unlawful to have in possession, fish nets, except minnow nets, landing nets and dip nets and all nets held in stock for sale by dealers, unless tagged and licensed by the Game and Fish Commissioner. Such tags and licenses shall be for the current year. Provided, that nets in the possession of licensed commercial fishermen shall not be subject to this regulation. ('19 c. 400 § 86, amended '23 c. 426 § 1)

5582. Polluting streams—No refuse, sawdust, shavings, tan bark, lime or other deleterious or poisonous substance shall be thrown or allowed to run into any of the waters of this state in quantities injurious to fish life inhabiting the same, or injurious to the propagation of fish therein. A continuous violation of this section is declared to be a public nuisance, and an action may be brought by the attorney general on the request of the commissioner to enjoin and abate such nuisance. ('19 c. 400 § 87)

5583. Fish screens—Removal of—No person, except under the authority of the commissioner, or the county board, in the manner now provided by law, shall by means of any rack, screen or other obstruction in any creek, stream or river, prevent the passage of fish. The commissioner may order such an obstruction removed by the person erecting the same or by the owner of the land on which the same is located. ('19 c. 400 § 88)

5584. Tip-ups, use of—License—Tip-ups or tell-tales may be used for fishing through ice to take carp, dogfish, redhorse, sheepshead, buffalofish, pickerel,

suckers, eelpout, garfish, bullheads and catfish, from December 15th to April 1st following in the Mississippi river between the Falls of St. Anthony and the mouth of the St. Croix river, and in lakes emptying into said river between said points, only under license and permit from the commissioner, for which a fee of \$1.00 shall be paid. No person shall operate or control at the same time more than six tip-ups. Not more than 25 fish shall be caught in one day under a tip-up license. Not more than one tip-up license shall be issued to members of the same household. Such licenses may be cancelled in the discretion of the commissioner. ('19 c. 400 § 89)

5585. Fish houses or shelters—Use of—Licenses—Fishhouses or shelters to protect a person fishing through the ice to take by spearing or angling, pickerel, carp, dogfish, buffalo-fish, white fish, tullibees, sheepshead, bullheads, catfish, eelpout, garfish, suckers and redhorse, may be used from December 1st to February 1st, following, both inclusive, in all waters of this state, including those over which Minnesota has concurrent jurisdiction with other states, only under license from the commissioner for which a fee of \$1.00 shall be paid. Such license shall be granted by the commissioner only on satisfactory evidence that such fish house will be used by the applicant for taking fish for domestic or personal use, and not for commercial purposes, provided, that carp so caught may be bought and sold at any time. Not more than one fish house shall be used by any one person, and every licensee shall have his license on his person while fishing in a fish house. The number of the license shall be plainly marked on the exterior of the fish house. Licenses to erect fish houses on certain lakes may be denied by the commissioner when in his opinion conditions justify such denial. ('19, c. 400, § 90; amended '21, c. 212, § 90; '25, c. 380, § 1)

5586. Whitefish and herring netting—Open season—Sale—Whitefish and tullibees may be taken by means of gill nets of the sizes herein specified between November 1st and December 10th following, both inclusive, and fresh water herring may be taken by means of gill nets of the sizes herein specified between November 1st and January 10th following, both inclusive, in inland lakes of the state, for private use or consumption, but not for sale, provided a license to do so shall be first obtained from the commissioner. ('19 c. 400 § 91, amended '21 c. 44 § 8)

5587. Frogs—Sale—Exportation from state prohibited—Manner of taking—Frogs may be taken and possessed, bought, sold and transported for angling purposes in any manner and at any time, except during the months of April and May, and may be taken for bait and scientific purposes at any time. Provided that neither live or dressed frogs shall be transported outside the state of Minnesota for commercial or any other purposes and provided further that it shall be unlawful to use cloth screens or other similar contrivances and pitfalls in the catching of frogs. ('19, c. 400, § 92; amended '23, c. 426, § 1; '25, c. 380, § 1)

5588. Turtles—Turtles and tortoises may be taken, possessed, bought, sold and transported in any manner at any time. ('19 c. 400 § 93)

5589. Whenever one or more owners of land abutting upon any of the public waters of this state present a verified petition to the commissioner stating (a) the name, residence and postoffice address of each petitioner, (b) a description of the lands abutting on such waters owned by the petitioners, (c) a map or plat showing the location of such lands with reference

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to such waters, (d) that in order to maintain a uniform stage of water in the public waters specified, or to conserve the fish supply therein, it is necessary to construct and maintain a dam or screen therein, (e) that the construction and maintenance of such a dam or screen will maintain a uniform stage of water or will conserve and increase the fish supply in such waters, (f) a plan of the proposed dam or screen and its location, (g) the approximate cost of such dam or screen; and that the petitioners are able and willing to pay for the construction thereof, then and in that case, if after investigation the commissioner finds the statements in the petition to be true, he shall issue to the petitioners a permit to construct a dam or screen of the kind specified in the petition of such waters, and thereafter the petitioners, their heirs or assigns, may construct and maintain such dam or screen, provided no public waters of this state shall be raised above their normal or natural level as evidenced by fixed monuments. No person shall knowingly interfere with or obstruct the erection of such dam or screen, and no person shall knowingly destroy, injure or in any manner impair the usefulness of such dam or screen after its construction. ('19 c. 400 § 93a)

5590. Fishways—Dams—Plan of submitted to commissioner—Before the construction of a dam is commenced on any of the waters of this state, including those over which Minnesota has concurrent jurisdiction with other states, the plan thereof, and a statement of the name, length and location of the waters on which the dam is to be built, shall be given to the commissioner by the person, or if by public authority, by the official directing or permitting the work. ('19 c. 400 § 94)

5591. Fishways—Construction —The commissioner may on notice to the owner of the land, or the official directing or permitting the work, make an order to be served by copy on such person or official, directing the construction of fishways in any dam heretofore or hereafter built, or if there be fishways, the making of changes therein in accordance with specifications to be embodied in said order, and it shall be the duty of the person or official so served to comply with such order within the time specified therein. ('19 c. 400 § 95)

5592. Fishways—Fishing near forbidden—No person shall catch or take any fish within 50 feet of any fishway. ('19 c. 400 § 96)

PART VI—COMMERCIAL FISHING.

5593. Nets may be used only when permitted—Seines, gill nets, fykes, pounds, traps, set lines and other nets and devices may be set and used only as herein specially provided. The size limits fixed by this chapter for the taking of fish by angling shall apply to the taking of fish by means of nets and set lines in commercial fishing, the length of fish to be determined by measurement from the tip of the nose to the fork of the tail. Fish taken in licensed commercial fishing as provided for in sections 97, 98, 99, 101 and 103, of the printed bill, may be shipped and sold either within or without the state. ('19 c. 400 § 97)

5594. Seining—Inland waters—Open season—[Repealed.]

This section (Laws 1919, c. 400, § 98) is repealed by Laws 1925, c. 408, § 8 and by Laws 1927, c. 437, § 8. See § 5609-3, herein.

5594-1. Bullheads taken in certain waters—Open season—Manner of taking—No limit—Bullheads may be taken in the manner hereinafter described in any

of the waters hereinafter enumerated by any resident of the county in which such waters are situated, respectively, to-wit:

Pequaywan Lake in Township 54, Range 12, St. Louis County:

Mud Lake in Townships 143 and 144, Range 26, Cass County:

That portion of Bowstring River beginning at the east line of Sections 22 and 27, Township 147, Range 26, in Itasca County and running northwesterly to the north line of said township:

Squaw Lake and Rice Lake in Townships 148 and 149, Range 27, Itasca County:

Shallow Pond Lake in Township 149, Range 28, Itasca County:

Round Lake in Township 148, Ranges 27 and 28, Itasca County:

Dunbar Lake in Township 148, Range 28, Itasca County.

Such bullheads may be taken without limit by hook and line at any time, and by spearing or with forks, scoops and dip nets at any time, during the months of March, April and May of each year; and by hoop or fyke nets at any time except from April 15th to May 15th, both inclusive, of each year. ('27, c. 322, § 1)

5594-2. Same—Licenses or permits—No special license or permit shall be required for the taking of bullheads by hook and line, spear forks, scoops and dip nets, but to take bullheads by hoop or fyke nets a special license from the Commissioner of Game and Fish shall be required and the license fee therefor shall be ten per cent of the gross proceeds received by each such licensee from the sale of such bullheads so produced, payable to the Commissioner when payment is received by licensee. ('27, c. 322, § 2)

5594-3. Same—Shipping, transporting and sale—Bullheads taken under this act may be had in possession without limit, and be shipped or otherwise transported, and bought and sold, within or without the state. ('27, c. 322, § 3)

5594-4. Same—Licenses—Application for—Issue—Any person desiring to obtain a license as hereinbefore provided shall make written application to the Commissioner of Game and Fish in such form as he may prescribe, stating his name and residence, the approximate location in which he proposes to set or use such hoop or fyke nets, and the number, kind, size, and mesh thereof. Hoop or fyke nets shall not be used in any other place than that designated in the application and license unless the written consent of the commissioner or his agent be first procured. Licenses for hoop and fyke nets shall be issued for the calendar year. ('27, c. 322, § 4)

5594-5. Same—Tags for nets—The commissioner shall issue suitable tags to be affixed by licensee to each such hoop or fyke net, which the licensee is licensed to use, and no net shall be set or used or had in possession with intent to use the same, without such identification tag being affixed thereto. ('27, c. 322, § 5)

5594-6. Same—Number of nets—No person shall set or use more than two hoop or fyke nets, and no license to use such nets shall be issued by the commissioner to any individual for more than two such nets. ('27, c. 322, § 6)

5594-7. Same—Construction of nets—The hoop of a hoop or fyke net shall not exceed 4 feet in diameter; one leader not to exceed one hundred fifty feet in length, or two wings each not exceeding fifty feet in

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length, or both such leader and wings may be used on the hoop or fyke nets. The width of the leader and wings shall not exceed the width of the hoop. The mesh of the hoop nets and fyke nets shall be not less than one and one-half inches, extension measure. ('27, c. 322, § 7)

5594-8. Same—Licenses—When not to issue—Licenses to take bullheads with hoop or fyke nets shall not be issued covering the waters hereinbefore enumerated which are not inhabited by a sufficient quantity of bullheads to interfere with or prevent the natural propagation of game fish, and licenses to use hoop and fyke nets may be cancelled by the commissioner whenever, after investigation, he finds that bullheads in the body of water specified in such license or licenses have been reduced in quantity so as to no longer interfere with the natural propagation of game fish. The commissioner shall not undertake or provide for the taking or removal of bullheads from any of said waters or award any contract therefor or grant any license or permit therefor except as hereinbefore provided. ('27, c. 322, § 8)

5594-9. Same—Manner of taking—Penalties—Proceeds of licenses—Bullheads may not be taken in the waters hereinbefore enumerated in any other manner than hereinbefore set forth, except as provided by General Statutes 1923, Section 5574, and acts amendatory thereof. Upon conviction of any person for any violation under any license issued to such person under the provisions of this act such license shall immediately become null and void and no license of the same kind shall be issued to any such person for a period of one year thereafter. Upon conviction of any person for taking bullheads, without a license as hereinbefore provided, no such license for hoop or fyke nets shall be issued to any such person for one year thereafter.

No bullheads may be taken with hoop or fyke nets except under the supervision of a game warden, and the proceeds from the issuance of such licenses to use hoop and fyke nets shall be paid by the commissioner into the state treasury and by the treasurer credited to the state fish revolving fund and used by the commissioner to pay for game warden supervision of such hoop and fyke net fishing. ('27, c. 322, § 9)

5595. Netting in certain interstate waters—Open season—Fish, other than trout, pike, bass, pickerel, sunfish, yellow perch, crappies, and catfish under 15 inches in length, bullheads under 7 inches in length, may be taken in the St. Louis river, and in the St. Croix river, including Lake St. Croix, and in the Mississippi river beyond the mouth of the St. Croix river, including Lake Pepin, and in Lake Traverse where said waters form a common boundary between this and other states, between June 15th and April 15th following, both inclusive, by means of seines, pound nets, fyke or hoop nets, gill nets, bait nets, set lines and turtle nets, provided a license to do so shall be first obtained from the commissioner. Provided, that no fishing for commercial purpose under license shall be done in any of the waters described in this section except under the personal supervision of a duly commissioned game warden, one-half of the salary and expense of said supervising warden to be paid by licensee, and, provided that the total amount for salary and expense for said supervising warden to be paid by the licensee shall not exceed the sum of two (\$2.00) per day, such supervising warden to be paid only for such time as he is actually employed, and more than one licensee may be supervised by the said supervising

warden during the same day, and the said licensee, so joining, may join in the payment for such services. The provisions herein contained requiring supervision of commercial fishing by game wardens shall not apply to fishing with licensed set lines and shall not take effect and be in force as to the boundary waters between the state of Minnesota and the state of Wisconsin until the state of Wisconsin shall have enacted a similar law. Provided, further, that restrictions of this section as to open seasons for fishing and size of mesh nets, shall not apply to lakes or streams on interstate boundaries, where the laws of the adjoining state are more favorable or less restrictive in these respects than are the laws of this state, but on such interstate waters the open season for fishing and the size of mesh of nets shall be the same as provided by the laws of the adjoining state where such laws are more favorable or less restrictive than the laws of this state.

Subdivision 1. License—How procured—Fees—Such license shall be procured from the commissioner. The applicants shall make a verified application in writing to the commissioner stating (a) his name and residence, (b) the kind, size and number of seines or nets he proposes to use in such waters, and shall pay the following license fees: for each 100 feet of seine not exceeding 500 feet in length, the sum of \$1.00; for each 100 feet of seine in excess of 500 feet and not over 1,000 feet, the sum of \$2.00; for each 100 feet in excess of 1,000 feet and not over 1,500 feet, the sum of \$3.00; for each 100 feet of seine in excess of 1,500 feet and not over 2,000 feet, the sum of \$4.00; for each 100 feet of seine in excess of 2,000 feet and not over 2,500 feet, the sum of \$5.00; for each 100 feet of seine in excess of 2,500 feet and not over 4,000 feet, the sum of \$6.00; for each gill net not exceeding 2,000 feet in length the sum of \$5.00; for each gill net exceeding 2,000 feet in length and not over 4,000 feet, the sum of \$10.00; for each gill net exceeding 4,000 feet, the sum of \$5.00 for each 1,000 feet or fraction in excess thereof, for each pound net with leader not exceeding 700 feet in length, the sum of \$5.00; for each pound net in excess of one used with one leader, the sum of \$5.00; for each fyke or hoop net the sum of \$5.00; for each bait or turtle net, the sum of \$1.00; for each set line, the sum of \$1.00, and for each metal tag furnished by the commissioner, the sum of 25 cents.

Subdivision 2. Size of mesh—No seine or net shall be over 4,000 feet long and no two seines shall be joined together in the water. The size of the mesh of nets, stretched measure, shall be as follows:

Seines—Not less than 5 inches mesh on wings and not less than 4 inches mesh in the center of the pot, such pot not to exceed 150 feet in length.

Pound or hoop nets—Not less than 6 inches mesh for the leaders and not less than 5 inches mesh for the hearts and not less than 3 inches mesh in the hoops or pounds.

Bait nets—Not less than 3 inches mesh. Such nets shall be used without leads and shall have not more than a 4-foot front.

Gill nets—Not less than 7 inches mesh.

Subdivision 3. Set lines—Number of hooks—No person shall use or set more than one set line. No set line shall have more than 300 hooks. Frogs, minnows or live bait shall not be used on the same.

Subdivision 4. License—Restrictions on issuance—No such license shall be issued to any person who has been convicted of a violation of the laws of this state relating to wild animals within five years of his application nor to any person not a resident of this state. No such license shall be transferable.

Subdivision 5. Metal tags—Attached to nets—Metal tags shall be furnished by the commissioner to each person to whom a license is issued. One such tag shall be attached by the licensee to each set line, one to each 2,000 feet or fraction of gill net, one to each 500 feet or fraction of seine, one to each pound net with leader fyke, hoop, bait or turtle net so licensed, and shall be kept thereon during all the time the same are in use.

Subdivision 6. Manner of netting—A white flag or board six inches square shall be attached to the end of each net so as to project at least two feet above the water and shall have marked thereon the number of the license under which the same is so set in figures at least three inches high. Nets shall not be raised or laid out or landed between one hour after sunset and sunrise the following morning. Every fyke net must be raised at least once in seven days. Temporary fish ponds may be erected to keep fish lawfully caught under such license until the same may be marketed. Fish so taken may be shipped to points within or without this state at any time and in any quantity.

Subdivision 7. Wisconsin license—Reciprocity—Persons duly authorized by the state of Wisconsin to take fish of all kinds specified in this section from any of the waters described herein which formed a common boundary between Minnesota and Wisconsin, may take such fish at the time and in the manner herein provided from the portion of said waters lying within the jurisdiction of Minnesota, without having first procured a license therefor from the state of Minnesota, provided that the laws of Wisconsin extend a similar privilege to persons licensed by Minnesota to take such fish. Residents of Minnesota may be authorized by the commissioner to take fish from the St. Croix river under the same terms and conditions as residents of the state of Wisconsin are permitted to take fish from said waters.

Subdivision 8. Reports to commissioner—Written reports shall be made to the commissioner on blanks prepared by him at the end of his license period, by each person to whom such license has been issued, stating the total weight of each kind of fish taken, the price at which such fish were sold, and the total amount received from the sale of such fish. ('19 c. 400 § 99, amended '21 c. 71 § 2)

This section is made inapplicable to Lake Traverse by Laws 1925, c. 118, § 3. See § 5599-3, herein.

5596. Mussels—Open season—Size—Sale—Mussels, not less than 1¾ inches in greatest dimensions, including the pearly fresh water mussel or clam, or Naiad and the shells thereof, may be taken and possessed in any quantity at any time, in the manner hereafter described, in any of the waters of this state except those duly closed by the commissioner, provided a license so to do shall first be obtained from the commissioner. Such mussels may be bought, sold or transported at any time.

Subdivision 1. Areas closed to mussel taking—Commissioner's powers—The commissioner may, when in his judgment the conservation of the mussel resources of the state requires it, prescribe areas from which mussels may not be taken for a specified period or not to exceed five years, such closed areas not to exceed over one-half the mussel-producing waters of the state at the same time. All orders of the commissioner prescribing such closed areas shall be published once in a newspaper qualified to publish legal notices within each county having waters within its boundaries affected by such order, and shall take effect at the time fixed therein, but not earlier than thirty days after publication. The commissioner may, when in his judgment conditions warrant it, vacate,

modify or extend any such order. No mussels shall be taken from waters included in any area so closed by the commissioner.

Subdivision 2. Mussel licenses—How procured—Form—Fees, etc.—Such license shall be procured from the commissioner and may be issued to a resident or non-resident. It shall be in such form as the commissioner may determine, but shall state what waters have been closed by the action of the commissioner to the taking of mussels, and whether the licensee is a resident of this state, and whether he has been licensed to use a dredge. The applicant shall pay to the commissioner as a license fee, if a resident, the sum of \$5.00, and if not a resident, the sum of \$50.00, and in addition thereto the sum of \$25.00 for permission to use a dredge. All licenses shall expire on the 31st day of December following. Licensees, when taking mussels, shall exhibit their licenses to any game warden upon his request.

Subdivision 3. Mussels—Manner of taking—Not more than one boat or rig may be used for taking mussels. An additional boat for towing may be used when no mussel-taking apparatus is attached thereto. Not more than four crow-foot bars, or bars having hooks attached thereto adapted for the taking of mussels, shall be had in possession by a licensee while taking mussels at any one time, and not more than two of such crow-foot bars shall be placed in the water by a licensee while taking mussels, at any one time. No crow-foot bar of more than 20 feet in length shall be used. Not more than one dredging apparatus shall be used, and no dredge, the openings of which are more than 3 feet in length, or the prongs or forks of which are more than 4 inches, shall be used. No dredge shall be used unless a license for that purpose has been obtained from the commissioner. Pitchforks may be used in gathering clam shells. Undersized mussels, except pigtoes, shall be returned to the water without injury.

Subdivision 4. Reports of commissioner—Written reports shall be made to the commissioner on blanks prepared by him on or before December 31st, by each person to whom a license to take mussels has been issued, stating the total weight of mussels taken under authority of such license, the names and locations of the waters from which such mussels were taken, and the total amount received for the mussels sold.

Subdivision 5. Wisconsin licenses—Reciprocity—Persons duly authorized by the state of Wisconsin to take mussels from waters forming a common boundary between Minnesota and Wisconsin may take mussels from that portion of said waters within the jurisdiction of Minnesota and not closed by action of the commissioner, without having first procured a license therefor from the state of Minnesota, provided that the laws of Wisconsin extend a similar privilege to persons licensed by Minnesota to take mussels. ('19 c. 400 § 100)

5597. Mississippi river—Netting in—License—Pound nets with leaders not exceeding 75 feet in length, seines not exceeding 150 feet in length, dip nets and set lines having not more than 300 hooks, may be used in the Mississippi river, from the Falls of St. Anthony to a point 1,000 feet below the St. Croix river, and in the Minnesota river from its mouth to Mankato, to take sturgeon, sheephead, redhorse, dogfish, buffalo-fish, catfish, carp and suckers, provided a license shall be first procured for that purpose from the commissioner. Seines so used shall have meshes of not less than 2½ inches on the bar and not less than 5 inches when extended, and shall not be used within 500 feet.

of the mouth of any stream. The applicant shall make a written application to the commissioner stating (a) his name and residence and (b) the place where it is proposed to use nets or seines and shall pay a license fee of five (\$5.00) dollars for each net licensed to be used, and the sum of one (\$1.00) dollar for each set line so licensed. The licensee shall not change the location of his net or seine from the place specified in his application without notifying the commissioner to that effect. No person shall use more than one set line. ('19 c. 400 § 101, amended '21 c. 71 § 1)

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5598. Open season for taking certain fish by means of nets—Licenses—Reports by licensees—Licenses for fish buyers—Leaving dead fish on shores or throwing same into water—Penalties—Marking packages for shipment—Any variety of fish, except black bass, rock bass, muskellunge, and sunfish, may be taken by residents of Minnesota who are citizens of the United States, by means of pound nets, gill nets and fyke nets, except during the months of April, May and November, in Lake of the Woods, and during the months of November, April and the first 15 days in May in Rainy Lake, Kabetogama Lake and Namekan Lake, provided a license to do so shall first be obtained from the Commissioner, provided further no commercial fishing shall be authorized by the Commissioner in Kabetogama Lake after January 1st, 1926.

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Subdivision 1. Such license shall be procured from the Commissioner. The applicant shall make a written application to the Commissioner, stating the location in which he desires to fish, size, and kind of each net he proposes to use, and shall pay the following license fees; For each pound net, the sum of \$35.00; for fyke nets with four foot hoop or less the sum of \$5.00, over four to six foot hoop the sum of \$10.00, over six to eight foot hoop the sum of \$15.00; and for each 100 feet of gill net, the sum of \$1.50. If a license is revoked or cancelled it shall not be issued to any other applicant during the year for which it was originally issued. No license herein provided for shall be granted on applicant until the Commissioner is satisfied that such applicant has equipped himself in accordance with the requirements of this section as hereinafter provided.

Subdivision 2. The size of the nets and the size of mesh of nets shall be as follows: Pound nets, not less than one and one-half inches bar measure or three inches stretched measure in the pound. Pound nets may be set in strings in Lake of the Woods, but there shall not be more than two nets to each such string. The shore lead shall not exceed 60 rods and the leads between the pots shall not exceed 50 rods. A licensee shall not set single pound nets or a string of two pound nets, less than 2500 feet from another single pound net or string of pound nets, either of his own or from the nets of some other pound net licensee. Only one pound net licensee shall fish his pound nets in the same section of water, nor shall more than one such licensee operate from, sort his fish in, or in any other way pertaining to his fishing enterprise, use the same pound net station. In lakes other than Lake of the Woods, not more than one license shall be issued for any one section. A pound net licensee shall remove from the water all his pound net stakes, to which his nets have been attached, before December 30th in the year of his license. If a pound net licensee intends to operate his pound nets during the winter season he may have such stakes as he intends to use, in the water, provided he has first secured in writing the permission of the Commissioner so to do.

GILL NETS: Not less than four inches stretched measure for taking pickerel and pike-perch, not less than five inches for taking whitefish. There shall be no limitation on the length of any gill net excepting the limit provided in the license of the user. No gill net shall be set within 2,500 feet of a duly licensed pound net provided the pound net is in its rightful location under license, and is in operation.

FYKE NETS: Not less than two inches extension measure. The hoop of such nets shall not be more than eight feet in height. The wings leading from the hoop shall not be more than 100 feet in length and said wings shall not be any higher than the hoop. It shall be optional with the user of fyke nets to use either wings or one lead, or both, but said lead shall not be more than 300 feet in length and no higher than the hoop, provided, that in waters of Lake of the Woods under the jurisdiction of the State of Minnesota and lying north of Township One Hundred Sixty-Six North, and in Ranges Thirty-three and Thirty-four west of the principal meridian, there shall be no restrictions as to height of leads and wings on fyke nets, and provided that where the leads and wings used on fyke nets in such waters are higher than six feet, then the maximum fee for fyke net license shall be paid.

Subdivision 3. Licenses for more than six pound nets, or for more than 2,000 feet of gill nets or for more than ten fyke nets shall not be issued to any one applicant, provided that license for only 1,000 feet of gill net shall be issued to anyone having a license for 10 fyke nets; provided, however, that a license for only six fyke nets shall be issued to anyone having a license for more than 1,000 feet of gill nets. No licensee shall operate more than one pound net station, nor shall such licensee be interested directly or indirectly, either by contract, lease or otherwise, in the ownership, control or operation of any other station than his own. A pound net station is the buildings, where and in which a pound net licensee keeps his fishing equipment, nets and boats, and sorts or preserves his fish. No pound net license shall be granted until the applicant shall have satisfied the commissioner that he has equipped himself with a pound net station. An applicant may lease a station and equipment from anyone who is not a pound net licensee. No pound net licensee shall use or permit to be used his fishing equipment, nets, or boats at any such station other than his own or the one he operates under a lease, except in cases of emergency. Each licensee shall designate in his application the approximate location at which he intends to set gill pound or fyke nets and he shall not set the same elsewhere, except with the consent of the commissioner. Licenses shall not be issued in excess of the following for each body of water named.

LAKE OF THE WOODS: 60 pound nets, 90,000 feet of gill nets, 100 fyke nets.

RAINY LAKE: 20 pound nets, 20,000 feet of gill nets.

KABETOGAMA LAKE: 10 pound nets, 10,000 feet of gill nets.

NAMEKAN LAKE: 5 pound nets, 12,000 feet of gill nets.

No person shall be granted licenses to fish both pound and gill nets, or pound and fyke nets, but holders of gill net licenses may be licensed to fish fyke nets. All licenses for pound, gill, or fyke nets shall become void, and nets used under such license shall be subject to seizure and confiscation, and license revert to the state, except as hereinafter specified unless the

licensee devotes his personal attention to fishing under such licenses. Unless a licensee begins fishing his nets within 30 days after the opening of the season, his license shall be cancelled by the Commissioner. Personal attention to fishing is hereby defined to mean that the licensee shall in person attend to the sorting, caring for, and packing of fish caught in his nets in the station to which said fish are first brought, and to the marketing thereof, with such assistance as he may need to carry on his fishing enterprise. The provisions of this paragraph relating to the holding of both pound, gill and fyke nets by the same licensee, shall not apply to Rainy Lake, and tributary waters thereof.

No license issued hereunder shall be transferable, and an assignment or attempted transfer of any rights under such license shall subject it to cancellation. No licensee shall assign, transfer, or attempt so to do, any license or any rights therein issued to him. A commercial fisherman holding a license to fish shall not sell in his own name any fish caught by another such licensee, or caught by anyone not holding such a license.

Subdivision 4. Numbered metal tags shall be furnished by the Commissioner to each person to whom a license is issued. One such tag shall be attached by the licensee to each pound and fyke net and two tags to each gang of gill net, and shall be kept thereon during all the time the same are in use. The year for which the licenses are issued shall be stamped on each metal tag. Any pound, fyke, or gill nets fished without tags shall be contraband and subject to confiscation.

All gill net licenses may have double the amount of gill nets in running feet in his possession that his license calls for, but no more; but he shall at no time fish any more nets than the amount stated in his license. The Commissioner shall issue two metal tags, numbered and stamped "A" for each 1,000 feet of gill net granted an applicant, and two tags, numbered and stamped "B" for an additional 1,000 feet of gill net the owner of a license is allowed to have in his possession. If a licensee desires to fish strings of gill nets shorter than 1,000 feet he may make application in writing to the Commissioner for "A" and "B" tags for such length of net that he wished to operate, and the Commissioner may issue such additional tags. These tags shall be fastened to a buoy attached to each end of each 1,000 feet of net, said buoy to extend at least two feet above water when the net is in use, with a white flag not less than 12 by 12 inches at the top end of each buoy. These tags, "A" and "B", as the case may be, shall be on the buoys of the nets that are in the water fishing and on the nets that are on the shore drying, and the tags on the gangs of nets shall be so attached as to be visible when the nets are in boxes or on the net reel. Any nets not tagged in the possession of a licensee, in his boat or building, or on his premises, shall be contraband, and the same may be confiscated.

Subdivision 5. No net shall be used or set within 500 feet of the mouth of any stream, nor any net within two miles of the mouth of the Warroad River in Lake of the Woods. The mouth of the Warroad River in Lake of the Woods is hereby designated and fixed at the outside end of the breakwater therein. No nets shall be used within two miles of the mouth of Rainy River. The mouth of the Rainy River is hereby designated and fixed at a point in the international boundary line east of the eastern extremity of Oak Point. Said limit shall not apply to Four Mile Bay. No nets

shall be used elsewhere than as stated in the license, except the written consent of the commissioner be first obtained. Fish houses may be erected and used in such fishing, subject to the laws relating to fish houses in other waters.

Subdivision 6. Fish so taken may be had in possession, transported, bought and sold during such fishing season, and may be transported, possessed, bought and sold, but not taken for a period of seven days after the close of the fishing season. Such fish may be frozen or cured during the open season and said frozen or cured fish may be transported, bought, and sold at any time.

Subdivision 7. No person other than the licensee or his agent, shall take or remove any fish nets duly licensed hereunder by the commissioner, nor remove any fish from such nets, nor shall any person knowingly injure, obstruct, disturb, or interfere with such nets. A licensee shall not, knowingly, set his fyke nets, or his gang of gill nets within 500 feet from another licensee's fyke or gill nets, provided such fyke or gill nets are in their rightful place in the water and fishing.

Subdivision 8. Written reports, on or before fifteen days after the close of each season herein named, shall be made to the commissioner on blanks prepared by him, at the end of the summer season, November 1st, and at the end of the winter season, April 1st, stating in detail the total amount and kinds of fish caught, the amount for which such fish were sold, and the total value of each kind. A licensee who willfully fails or neglects to make such reports shall not be granted a license, as provided for in this section, for one year thereafter.

All persons licensed to take fish for commercial purposes in international waters shall, as a condition of such licenses, when requested of them by the commissioner, and when it can be done in connection with licensed commercial fishing, take eggs of fish for propagation purposes under such rules and regulations as the Commissioner may prescribe.

Subdivision 9. The Commissioner shall grant all applications for license to fish not to exceed 100 feet of gill net or one fyke net in Lake of the Woods, and Rainy Lake, tributary waters thereof, for domestic use of the applicant and his family, irrespective of the provisions of the section covering the amount of gill and fyke nets to be used in commercial fishing, if the applicant is otherwise entitled to a license, but no such licenses shall be granted to any commercial fisherman.

Subdivision 10. The Commissioner of Game and Fish is hereby authorized to close the season when sturgeon may be taken to conform with the laws or rules of the Department of Game and Fish of the Province of Ontario, Canada.

Subdivision 11. No person, company, or corporation shall engage in the business of buying fish caught under commercial fishing licenses in international waters for the purpose of shipping and reselling such fish, and no fish peddler shall engage in the business of peddling such fish until he, or they, as the case may be, shall have procured a license to do so from the Commissioner.

Fees payable to the Commissioner for such license shall be as follows: For a wholesale fish buyer's license who buys his fish direct from licensed fisherman, \$25.00. For a resident fish buyer's license who ships such fish from one place to another on international

waters only \$10.00. For a fish peddler's license who peddles such fish with the use of a motor vehicle, \$5.00. Such fish buyers' licenses SHALL be issued for the commercial fishing period in international waters, but no such license shall be required by a commercial fisherman who sells or peddles his own fish. All fish buyers shall furnish to the Commissioner such reports as he may require for statistical purposes, on blanks furnished them for that purpose.

Subdivision 12. Any person, company, or corporation granted a license to buy fish shall keep books and records which shall correctly set forth the names of those persons from whom fish are bought, the amount and kind of fish bought, with the amount paid for each kind of fish.

Subdivision 13. A fish buyers licensee shall at all reasonable hours allow the Commissioner, or any authorized employee of the State Game and Fish Department, to enter and inspect the premises and buildings where fish buying is being carried on under this section and to inspect the books and records of such licensee relating thereto.

Subdivision 14. No fish shall be taken in international waters, killed, possessed, bought, or sold, of less size than hereinafter provided. All such undersized fish shall be returned unharmed to the water immediately upon being taken from the net. Sturgeon not less than 40 inches in length or fifteen pounds dressed weight, with heads and tails detached; whitefish, not less than 16 inches in length; walleyed pike, and pickerel, not less than 14 inches in length; and sand pike and sauger, not less than 10 inches in length; perch, bullheads and crappies, not less than seven inches in length, measurements to be made from tip of the nose to fork of tail.

Subdivision 15. No one shall throw overboard, carry, leave or deposit, or cause to be thrown overboard, carried, left, or deposited in international waters, upon the shore, beach, or bank or upon any island of said waters, dead fish, remains or offal of fish, or leave decayed or decaying fish in any net; provided that such dead fish, remains or offal thereof, may be buried ashore, or may be disposed of in such manner as the Commissioner may prescribe.

Subdivision 16. A person who buys, offers to buy, sells, offers for sale, takes, possesses or transports any fish in violation of this section, or who violates any provision of, or fails to perform any duty imposed by this section, or any person who attempts to do so, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50.00 or imprisonment in the county jail for not less than 60 days. Upon conviction of any person for any violation under any license issued to such person under this section such person shall pay a fine of not less than fifty dollars or imprisonment in the county jail for not less than 60 days, and upon conviction for a second offense within a period of one year, any license issued to any person under this section shall become null and void, and no such license shall be issued to any such person for a period of one year after such conviction.

Subdivision 17. All monies collected for commercial fishing licenses and for fish buyers' and peddlers' licenses issued under the provisions of this act shall be paid to the State Treasurer and credited to the Revenue Fund.

Subdivision 18. No person shall ship by common carrier within or without the state, any fish of any variety, in any package, sack, box, crate, trunk, or other receptacle or covering unless there shall be

plainly marked on the same the name and address of the consignor and consignee with the number of pounds of each kind of fish contained therein.

Subdivision 19. The various provisions of this act shall be severable and if any part, provision or subdivision shall be held to be invalid it shall not be held to invalidate any other part, provision, or subdivision thereof. ('19, c. 400, § 102; amended '23, c. 349, § 1; '25, c. 195)

The provisions of chapter 195, Laws 1925, terminating commercial fishing in Kabetogama Lake after January 1, 1926, is constitutional. 211+577.

5599. Lake Superior fishing—Herring and trout—Open season—Herring, lake trout and ciscoes may be taken by residents of Minnesota who are citizens of the United States, by means of gill nets of the sizes herein specified and by the aid of skiffs and power boats, except during the month of November, in that part of Lake Superior under the jurisdiction of Minnesota, provided a license to do so shall be first obtained from the commissioner. Herring may also be so taken from said water during the month of November, unless the state of Wisconsin shall provide a similar close season for such fishing in Lake Superior. Lake trout may also be taken by set lines. Herring, lake trout or ciscoes so taken may be had in possession, bought, sold and transported within or without the state during open season and for a period of one week thereafter.

Subdivision 1. Size of mesh—The size of mesh of nets shall be as follows:

(a) Gill nets for taking herring of not less than 2½-inch mesh, provided that not less than 2¾-inch mesh nets may be used until the state of Wisconsin shall provide by law for a limit not less than 2½-inch mesh.

(b) Gill nets for taking lake trout, not less than 4¼ inches mesh, extension measure.

(c) Gill nets for taking ciscoes, not less than 2½ inches mesh, extension measure. Nets for taking ciscoes shall be set in water not less than 60 fathoms in depth.

Subdivision 2. Licenses—How procured—Fees—Such license shall be procured from the commissioner. The applicant shall make a verified written application to the commissioner on a form prepared by him, stating (a) his name and residence, (b) the number and size of nets and the number and size and kind of boats he proposes to use, and shall pay the following license fees: For each skiff to be used by one person, the sum of \$2.00; for each skiff to be used by two persons, the sum of \$4.00; for each power boat of one gross ton capacity or less, the sum of \$5.00; for each power boat of from one to five gross tons capacity, the sum of \$10.00; for each power boat of five gross tons capacity, the sum of \$25.00, and for each power boat of more than five gross tons capacity, the sum of \$2.00 for each gross ton or fraction thereof in excess of five gross tons. Licenses shall not be transferable and shall be issued for one fishing season only.

Subdivision 3. Packages to be marked—The name and license number of the person licensed to take fish under this section shall be legibly marked by stencil or otherwise, on each package of fresh or salted fish caught by such licensee. It shall be unlawful to ship, sell or offer for sale any spoiled or unwholesome fish. Any package containing spoiled or unwholesome fish shall be contraband and the same may be confiscated.

Subdivision 4. Location of nets—No net shall be set within one-fourth mile of the mouth of any stream flowing into Lake Superior.

Subdivision 5. **Protection for nets**—No person, other than the licensee, or his agent, shall take or remove any fish from nets set by persons licensed under this act, nor shall any person knowingly injure, disturb or interfere with such nets.

Subdivision 6. **Reports**—Written reports shall be made to the commissioner on forms prepared by him for that purpose, by each licensee at the close of the season, stating in detail the amount and kind of fish caught, the amount for which the same were sold, and the total value of each kind.

Subdivision 7. **Depositing offal**—No person shall deposit, or allow to run into Lake Superior or any of the waters tributary thereto, any fish gurry, or fish offal, or other deleterious substance. ('19 c. 400 § 103)

5599-1. Commercial fishing in boundary waters—Negotiations with South Dakota—The Game and Fish Commissioner of the State of Minnesota is hereby authorized to enter into negotiations with the proper authorities of the State of South Dakota relative to commercial fishing in boundary waters between the State of Minnesota and the State of South Dakota, and adopt such rules or make such contracts as may be found necessary governing the letting of contracts for commercial fishing and providing for the inspection and division of proceeds and for regulating all necessary matters relating to such commercial fishing in such boundary waters. ('25, c. 118, § 1)

5599-2. Same—Contracts by Commissioner—In the event that no agreement can be made or rules adopted between the Game and Fish Commissioner of Minnesota and the proper authorities of South Dakota relative to commercial fishing in boundary waters, then and in that event the Game and Fish Commissioner of Minnesota may make contracts for commercial fishing on a percentage basis in such boundary waters and provide for the supervision, inspection and regulation thereof, and in such contract or regulation conform so far as may be deemed necessary with the contracts or regulations observed in the State of South Dakota relating to such boundary waters. ('25, c. 118, § 2)

5599-3. Same—Section 5595, Gen. St. 1923, not to apply to Lake Traverse—After the passage of this act, Section 5595 of the General Statutes of 1923 shall not apply to or govern commercial fishing in Lake Traverse. ('25, c. 118, § 3)

5600. Destruction of carp, etc., damaging duck feeding places—[Amended and repealed.]

This section (Laws 1919, c. 400, § 104) was amended by Laws 1925, c. 380, § 1 to read as follows: "The cutting or destruction of wild celery, wild rice, weeds, rushes, flags or other vegetation in any of the public waters of this state, in cases where such vegetation can be used as a place of partial concealment by hunters is prohibited; provided that this shall not be construed as prohibiting the owner or occupant of property adjoining any of the public waters from cutting such vegetation immediately in front of his property for the purpose of beautifying the same or of improving the same for bathing purposes. Carp, inhabiting the waters of any lake containing wild celery and wild rice beds, may at any time and in any manner be taken, and removed from such waters by the commissioner, or the commissioner may enter into a contract for the taking and removal thereof. In case such carp are removed under contract with the commissioner, he or a warden shall supervise such removal, and the expense of such supervision shall be paid by the contractor.

Subdivision 1. Bullheads, dogfish, garfish, sheepheads, buffalo fish, eelpout and suckers taken together with carp, may be retained, but all other fish taken in such operations shall be released and returned to the water.

Subdivision 2. Fish so caught shall be sold by the commissioner, or by the contractor, and the net proceeds of such sale or the amount due under the contract, shall be paid into the state treasury." Said section 5600 was repealed by Laws 1925, c. 408, § 8 and by Laws 1927, c. 437, § 8. See § 5609-8, herein.

5601. Obstructions to commercial fishing—Removal of—No person shall knowingly place or maintain any obstruction which will hinder, prevent or interfere with licensed commercial fishing, except lawfully constructed docks or boat landings, licensed fishing apparatus, or boats or buoys properly anchored, in any of the waters of this state, including those over which Minnesota has concurrent jurisdiction with other states. Every such obstruction is hereby declared to be a public nuisance and may be summarily abated by any person. Licensed fishing nets, when necessary, may be removed by a licensee operating seines, provided that no injury shall be done to said nets, and provided the same be immediately reset as soon as the seines have been drawn. ('19 c. 400 § 105)

5602. Obstructing navigation—No person shall willfully set or use any nets in any established route or channel or navigation so as to interfere with navigation in any of the waters of this state. ('19 c. 400 § 106)

5603. Certain waters closed to commercial fishing—All that part of the waters known as Raft Channel, which lies in Houston county, hereby is closed to commercial fishing, and commercial fishing shall not be permitted or carried on therein or thereon. ('23 c. 186 § 1)

5604. Revolving fund for conducting state fishing operations—There is hereby created a state fish revolving fund available for the purpose of conducting state fishing operations as hereinafter prescribed. Said fund shall consist of all moneys heretofore or hereafter collected by the state game and fish commissioner as agent for the Minnesota commission of public safety in state fishing operations, and the said commissioner is hereby directed to pay over all moneys so collected to the state treasurer of the state of Minnesota, and an amount of money equal to the amount so paid over by said commissioner to said treasurer is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to said commissioner for the purpose of a revolving fund to be used in carrying out the provisions of this act.

All moneys hereafter received in the course of such fishing operations are hereby added to said revolving fund, and the expenses of such operations shall be paid in the same manner as other claims against the state are paid. ('19 c. 341 § 1)

5605. Game and fish commissioner authorized to remove fish under certain conditions—Whenever, after an investigation, the game and fish commissioner finds that any of the following conditions exist:

(1) That rough or non-game fish inhabit any of the public waters of this state in such numbers as to interfere with or prevent the natural propagation of game fish therein.

(2) That the taking and removal of a portion of such rough or non-game fish will result in an improvement of the quality of the fish remaining in such waters.

(3) That such removal is necessary and desirable to properly cultivate and preserve any species of fish therein.

(4) That such removal will be in accordance with the generally accepted principles of scientific fish culture, and

(5) That such removal may be undertaken and accomplished without the undue depletion of any species of fish therein.

(6) That such waters are not suitable for taking fish by angling: Then, and in such case he may provide, by contract, or by day labor under his supervi-

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sion or both, for the taking and removal of a portion of any fish therein by means of nets, by any other devices not deemed by him to be inconsistent with fish propagation, provided the commissioner shall not conduct said operations in any waters of this state where commercial fishing is being carried on by persons duly licensed by him. Provided, that no fish, except carp, buffalofish, sheephead, tullibeas, bullheads, dogfish, burbot, suckers and goldeyes, shall be taken under the provisions of this act from any lake of less area than two hundred square miles. ('19 c. 341 § 2, amended '21 c. 109 § 1)

See §§ 5609-1 to 5609-3, herein.

5606. Surplus sold—Proceeds to revolving fund—Fish so taken and removed shall be sold by the commissioner at not more than the prevailing market price, and the proceeds of such sales shall be paid by the commissioner into the State Treasury and by the treasurer credited to the revolving fund aforesaid. ('19, c. 341, § 3; amended '21, c. 109, § 2; '27, c. 175)

5607. Commissioner given power to prescribe rules—Said commissioner is hereby granted authority to prescribe reasonable rules and regulations for the taking of such fish by a contractor, and may also require a bond of the contractor, conditioned upon his faithful observance of the terms and conditions of his contract and the rules and regulations, of the commissioner with such sureties and in such amount as he may deem proper. ('19 c. 341 § 4)

5608. \$20,000 bond required—In addition to the official bond already required to be given by said commissioner, he shall, before undertaking any operations hereunder, give a bond to the state in the sum of \$20,000.00 conditioned upon his faithful compliance with the provisions of this chapter. ('19 c. 341 § 5)

5609. Inconsistent acts repealed—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. ('19, c. 341, § 6)

5609-1. Removal by Commissioner of rough fish and turtles from public waters—Contracts for removal—Certain counties may close waters therein for fishing—**Waters in cities of four class—**Whenever, after an investigation, the game and fish commissioner finds that any of the following conditions exist:

(1) That carp, buffalo fish, sheephead, dogfish, elipout, garfish, and turtles inhabit any of the public waters of this state in such numbers as to interfere with or prevent the natural propagation of game fish therein, or that such fish inhabit any of the public waters of this state in such numbers as to destroy or substantially injure wild celery, wild rice or other aquatic plant life growing therein, or

(2) That the removal of the fish above designated and turtles will result in an improvement in the quality of such fish remaining therein and will increase the quantity thereof, or will prevent the destruction of wild celery, wild rice and other aquatic plant life in such waters; then, and in such case he may provide by contract, or by day labor, under his supervision, or both, for the taking and removal of the fish designated and turtles, by means of seines, nets, or by any other devices, at any time; provided, however, that the taking and removal of such fish regardless of the means used for so doing, during the time that game fish are spawning, shall not be done in such way or manner as to destroy any game fish spawn or otherwise interfere with the propagation of game fish in this state.

Provided, however, that in all counties of this state lying southerly of the St. Croix river and tributary to the Mississippi river and having a population of

28,000 or over, according to the last federal census, the respective boards of county commissioners shall have power to prohibit seining or fishing in any of the waters lying within the boundaries of their respective counties by a resolution adopted at their July meeting, and not otherwise. Waters so closed shall not be opened at any subsequent meeting of the board during the ensuing year. No county board shall enter into any contract for such fishing, or seining, nor shall the board or any member thereof solicit, or receive any commission or payment of money for that purpose and, provided further, that the game and fish commissioner shall not conduct any operations in any body of water lying wholly within the corporate limits of any city of the fourth class, unless with the consent of the city council thereof. Contracts for the taking and removal of the designated fish and turtles shall be awarded to residents of the State of Minnesota by the commissioner, and each resident applicant shall when submitting his application to the commissioner for the taking of the designated fish and turtles file a sworn statement with the commissioner giving his name and legal voting address, occupation, list of fishing equipment actually owned by him, value of such equipment and the nature and years of his experience in the taking and removal of the designated fish and turtles, and what particular knowledge he possesses of the body of water he desires to fish; and the commissioner may award contracts for each body of water on the basis of the experience, qualifications and equipment of the several applicants. Each application shall be separately made for each body of water to be fished. No contract shall be entered into with any person who has been convicted of violating the laws of this state relating to wild animals within a period of one year, nor to any person who is not fully equipped and experienced to undertake successfully the taking and removal of the designated fish and turtles. No contract shall be transferable nor shall any transfer or assignment thereof be valid. Based upon the size, quantity and quality of the designated fish and turtles to be taken and removed, size of lake or stream to be fished, depth of water therein, topography of bed, and kinds and sizes of nets which may be successfully used therein, the commissioner may award fishing contracts on a percentage basis, based on the gross proceeds received from the sale of the designated fish and turtles provided however that no more than 85 per cent of the gross proceeds from the sale of such fish shall be paid to any contractor covering any body of water. ('25, c. 408, § 1; amended '27, c. 437, § 1)

5609-2. Same—Disposal of fish and turtles removed—Pounds for keeping of fish—The game and fish commissioner, or his duly authorized agent, is hereby authorized to sell such fish and turtles taken under this chapter, at the highest price obtainable, all bids on such fish to be submitted to the commissioner or his agent in writing and in triplicate one copy to be filed with the commissioner, one copy with contractor and one copy with supervising warden, and may if necessary and advisable in order to secure such highest price obtainable employ agents to represent him in other states and may enter into contracts for the sale of the entire season's production of either live or dead fish taken and removed from any body of water after receiving sealed bids thereon. No fish taken and removed from any body of water may be sold to any wholesale or retail fish dealer or traveling fish buyer within or without the state unless such dealer or buyer shall have complied with the provisions of Chapter 254

Session Laws 1923, relating to the licensing of wholesale dealers in food products. Provided further such fish and turtles as are not of commercial value for food purposes may be sold or otherwise disposed of as fertilizer, poultry or hog feed, or destroyed, and in no case shall any of the fish or turtles taken under this chapter be returned unconfined to the waters from which they are taken, provided in case of fishing operations by the commissioner hereunder by contract or day labor, the game and fish commissioner, if the public interest will best be served thereby, may authorize the contractor, or the commissioner may establish pounds in a portion or portions of such waters in which said fish are taken, or adjacent thereto and connected therewith, or in artificial pounds, and may impound said fish therein by securely fencing said pounds or by otherwise making such fish secure therein, and such fish may be kept in such pound, pounds, artificial pounds, or in a natural inland body of water not exceeding 100 acres, in area which in the discretion and upon the order of the commissioner may be safely used in the public interest for storage without endangering other public waters, by said contractor or commissioner for a period of time only until January 31, during the year following that in which said fish are taken and must be removed therefrom on or before January 31 of the year following that in which they were taken. ('25, c. 408, § 2; amended '27, c. 437, § 2)

Explanatory note—For Laws 1923, c. 254, see §§ 6223 to 6240, herein. These sections are repealed by Laws 1927, c. 427, § 18, and substitutes provided therefor by said Laws 1927, c. 427. See §§ 6240-1 to 6240-18, herein.

5609-3. Same—Rules and regulations—The game and fish commissioner is hereby authorized to adopt such rules and regulations as in his judgment are necessary to successfully prosecute the provisions of this chapter, to determine size of mesh in seines and nets, to provide for proper supervision of any and all fishing operations, to provide for proper reports on daily catches and sale of fish, to require necessary guarantees for the fulfillment of all conditions of any contract entered into. ('25, c. 408, § 3; amended '27, c. 437, § 3)

5609-4. Same—Contracts—Limitation on awarding—The game and fish commissioner shall not award contracts hereunder for bodies of water aggregating over 2,500 acres to any one individual, association or society, provided if any contractor shall have completed his contract to the satisfaction of the commissioner, when and in that case, such individual, association or society may be awarded additional contracts not to include at any one time more than 2,500 acres of water. ('25, c. 408, § 4; amended '27, c. 437, § 4)

5609-5. Same—Disposition of moneys received—Compensation to contractors—All moneys received from the sale of fish or turtles, under this chapter, shall be deposited immediately by the contractor with the game and fish commissioner, and by him disposed of according to section 7 of this chapter, and the contractor shall receive for his services such compensation as may be mutually agreed upon by the commissioner and the contractor. ('25, c. 408, § 5; amended '27, c. 437, § 5)

Explanatory note—For section 7 see § 5609-7, herein.

5609-6. Same—Cancellation of contracts—Any contractor who violates any of the provisions of this act or the regulations of the game and fish commissioner pertaining to the taking of fish under this chapter, and any contractor who through negligence shall cause the destruction of any game fishes while conducting fishing operations under a contract awarded to him

and any contractor who shall dispose of any fish taken under any contract either by sale or otherwise without first notifying the supervising warden shall have such contract cancelled and shall forfeit his right to secure another contract under the provisions of this chapter for a period of two years. ('25, c. 408, § 6; amended '27, c. 437, § 6)

5609-7. Same—Fish lakes improvement revolving fund—Construction of dams, dykes, fish screens, etc.—Limit on contracts—Purpose and construction of law—All moneys received by the game and fish commissioner in conformity with the provisions of this chapter shall be deposited immediately with the state treasurer, who shall deposit same to the credit of a "Fish Lakes Improvement Revolving Fund" and all unexpended balances in the possession of the state treasurer and credited to the "Fish Lakes Improvement Fund" as of June 30, 1927, shall be converted and credited to the said "Fish Lakes Improvement Revolving Fund." All moneys credited to the said "Fish Lakes Improvement Revolving Fund" are hereby appropriated to the said commissioner for the purpose of carrying out the provisions of this act, and the said game and fish commissioner, whenever he deems necessary for the propagation and conservation of fish and waterfowl may construct dams, dykes or embankments, install fish screens, construct and maintain connecting water channels or make similar improvements in any of the waters of this state, or any streams connecting such waters and may acquire any land or any interest or easement in land he deems necessary for such purpose by donation, purchase or condemnation proceedings and to impound or store any unmarketable fish taken under this chapter and shall take such measures as to prevent their escape, and the game and fish commissioner is authorized, if he deems it advisable, to purchase and plant such aquatic plants suitable for the waters so to be planted and to make scientific surveys and investigations of any of the public waters of the state to determine the species of game fish which can be successfully planted and naturally propagated therein and to secure by purchase fish eggs and fish fry for distribution in waters which have been seined or fished under this chapter and for payment of game warden supervision and other necessary help in executing the provisions of this chapter, and also for the preservation and propagation of game and fish. Provided, however, that no contract shall be entered into or no obligation incurred by the commissioner under this chapter in excess of money herein provided.

The purpose and intent of this act is to clear the waters of this state of carp and other non game fish hereinbefore named, and to improve the waters of this state to the end that hunting and fishing may be improved and perpetuated therein, and to that end this act shall be liberally and broadly construed. ('25, c. 408, § 7; amended '27, c. 437, § 7)

Explanatory note—Laws 1921, c. 393, entitled: "An act, relating to the game and fish commissioner and to the conservation and preservation of fish in certain waters of this state, and to the construction of dams and the making of other improvements in waters of this state, and appropriating money for the purposes of this act," was amended by Laws 1925, c. 296 to read as follows: "The game and fish commissioner, whenever he deems it necessary for the protection or conservation of fish, may construct a dam, install a fish screen, dig a channel or make any other similar changes or improvement in any of the waters of this state wherein game fish now or hereafter abound or wherein licensed commercial fishing operations have been conducted, or in any stream connected with such waters, and may acquire any land or any interest or easement in land he deems necessary for such purpose by donation, purchase or condemnation proceedings. Any money hereto-

fore or hereafter received by said commissioner from licensees pursuant to and under Sections 5594 or 5600, General Statutes 1923, for commercial fishing operations in any of the waters of this state, is hereby annually appropriated to said commissioner for the purpose of constructing dams, installing fish screens, digging channels, or making other similar changes or improvements in such waters as provided for by this act, and for the purpose of payment for game warden supervision of fishing done under said Laws, and also for preservation and propagation of game and fish. Provided, however, that no contract shall be entered into or no obligation incurred by the commissioner under this section in excess of money in the Fish Lakes Improvement Fund as provided under Sections 5594 and 5600, General Statutes 1923, and Chapter 393, General Laws 1921, and available to pay all costs of such project at the time the obligation is incurred." This act was repealed by Laws 1925, c. 408, § 8 and by Laws 1927, c. 437, § 8. See § 5609-8, herein.

5609-8. Same—Laws repealed—Sections 5594 and 5600, General Statutes 1923 and Chapter 393, General Laws 1921 (not referred to in General Statutes 1923) are hereby repealed. ('25, c. 408, § 8; amended '27, c. 437, § 8)

Explanatory note—For Laws 1921, c. 393, see note to § 5609-1, herein.

[PART VII. GAME REFUGES AND FARMS, AND STATE PARKS.]

5610. State games refuges—Establishment—Signs

—Hunting or carrying firearms on—Exceptions—

Whenever all the owners, leasees or persons in possession of lands located outside the corporate limits of any city or village, present a petition to the commissioner accompanied by a map showing clearly the land proposed to be set aside and also accompanied by a certificate by the county treasurer of the county where such lands are situated to the effect that the persons named in such petition as the owners, leasees or persons in possession of the land described are according to the records of the county and his information, owners, leasees, or persons in possession as represented, and stating the legal descriptions of the land sought to be set aside and requesting him to set aside such lands as a state game refuge, the commissioner may, without notice or hearing, set aside such lands as a state game refuge. The petitioners shall thereafter post signs, to be furnished by the commissioner, in conspicuous places upon said lands. Said signs shall state that the lands are a state game refuge and that trespassing thereon by a person carrying firearms is prohibited under penalty of the law. The commissioner may at any time, acting upon his own motion or upon petition, vacate or modify such order, as to the boundaries of such refuge or as to the wild animals that may be taken thereon or both. No person shall take any quadruped protected by law, or any game birds, nor shall any person carry firearms on any game refuge established hereunder, except that the commissioner may issue permits to take unprotected wild animals thereon, or to take, either within or without a game refuge protected wild animals other than beaver thereon when such animals are shown to be causing injury to property, and to carry firearms for that purpose. ('19, c. 400, § 107; amended '25, c. 380, § 1)

5611. Same—Partially closed to hunting—Establishment—Hunting or carrying firearms on—Exceptions—

Wherever 25 or more residents of any county or counties in this state, owning real property therein, present a petition to the commissioner describing certain lands and requesting that a closed season for the taking of game birds or quadrupeds protected by law be ordered therein, then and in such case the commissioner shall fix a date for a hearing on said petition,

and shall post in five of the most conspicuous places in such proposed game refuge, at least 15 days prior thereto, a notice of said hearing. If it shall appear at said hearing that by reason of the depletion of game birds or protected quadrupeds therein, the same are in danger of extermination and that the proposed closed season is in the public interest, then and in such case the commissioner shall declare a close season, either permanently or for a specified number of years thereon, and make his order reciting the same. Fifteen days after the posting of said order in said district (as provided herein for the posting of the notice of hearing), it shall take effect and be in force. Said order may be vacated, modified or revised with respect to the boundaries of the refuge established or the varieties of wild animals protected, upon a similar notice, hearing, order and posting. No person shall take any quadruped protected by law, or any game bird, on any game refuge established under this section, nor shall any persons carry firearms on any refuge established hereunder except that the commissioner may issue permits to take unprotected wild animals, or protected wild animals, other than beaver, doing damage to property or other animals, and to carry firearms for that purpose on such refuge. ('19, c. 400, § 108; amended '25, c. 380, § 1)

5612. Same—Restrictions on establishing—Refuges for waterfowl—No game refuge shall be established of less than 640 acres of contiguous lands, provided that refuges of less than 640 acres in area may be established for the protection of waterfowl. Refuges for waterfowl shall be established only on lakes or land adjacent thereto. ('19, c. 400, § 109; amended '21, c. 44, § 9; '25, c. 380, § 1)

5613. Same—Hunting or trapping rights extinguished—Hunting or trapping rights on lands where wild animals may be lawfully taken, owned or acquired, by any person in good faith before the commencement of proceedings to establish a game refuge thereon, and in force at the time such game refuge is established may not be excluded and excepted from the prohibitions relating to the taking of wild animals on such game refuge, but shall be deemed extinguished by the establishment of the refuge. ('19, c. 400, § 110; amended '25, c. 380, § 1)

5614. Same—What included in—Removal, etc., of notices—Any game refuge so established, under sections 5610 or 5611 General Statutes 1923 and including both land and water shall include all public waters and all state, federal or public lands, and all railroad lands, railroad right of way, and public highways enclosed within the boundaries thereof, and may include adjacent public waters, state, federal or public lands, in the discretion of the commissioner. The removal or defacement of any posted notice of a game refuge by any one other than at the direction of the commissioner is prohibited. ('19, c. 400, § 111; amended '25, c. 380, § 1)

5615. State parks—Protection of game birds or animals on—No person shall take or disturb any game birds or quadrupeds protected by law on any state parks, or upon any lands which may be designated by the Game and Fish Commissioner as game propagating or breeding grounds. Provided, however, wolves and other noxious animals on such lands or parks may be killed or destroyed in any manner under a permit issued by the game and fish commissioner, and he may prescribe and enforce additional measures of protection for wild animals in such parks. ('19, c. 400, § 112; amended '25, c. 380, § 1)

5616. Same—Taking, disturbing or possessing birds or animals—Possession of firearms—No person, including Indians, shall take or disturb or have in possession any wild bird or quadruped whether protected by law or not or any part thereof 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, and no person shall have in possession within such park, or within one-half mile of the outer limits thereof, any gun, revolver or other firearm, unless the same is unloaded and duly sealed by the park commissioner and is maintained so sealed and unloaded during the time it is kept within the park, except in the case of persons holding a permit as provided in Section 5615 herein. ('19, c. 400, § 113; amended '25, c. 380, § 1)

5617. Trapping fur bearing animals in refuges and parks—Permits—Itasca State Park—The commissioner may, in his discretion, employ persons or he may issue permits to persons to take injurious species of wild animals and fur-bearing animals by traps on any duly established state game refuge or state park, under such rules and regulations as he may prescribe. No permit shall be issued to trap wild animals on the Superior State Game Refuge, but in lieu thereof the commissioner may employ game warden trappers to hunt or trap injurious or predatory species of wild animals and pelts of all animals so taken shall belong to the state and shall be sold at the highest price obtainable and proceeds of such sales shall be paid into the state treasury and be accredited to a "Predatory Animal Control Fund" and amount thereof is hereby annually appropriated to the game and fish department for maintenance. Provided insofar as Itasca State Park is concerned the authority conferred by sections 5615, 5616 and 5617 hereof, on the commissioner, shall be exercised jointly by the commissioner and the state forestry board, and in all other respects said park shall continue under the control management, and supervision of the state forestry board. ('19, c. 400, § 114; amended '25, c. 380, § 1)

5618. Freeborn County Game Refuge and Game Farm established—There is hereby located and established a game refuge and game farm for the propagation, preservation, protection and breeding of wild fowl and wild game bordering on and adjacent to Albert Lea lake and Fountain lake and the tributaries thereof and the waters immediately adjacent thereto in Freeborn county, Minnesota, to be known as the Freeborn County Game Refuge and Game Farm. ('21 c. 405 § 1)

5619. Game and fish commissioner to manage—The said game refuge and game farm shall be subject to the management and control of the Game and Fish Commissioner of the State of Minnesota, as now constituted and existing by virtue of the laws of this state. ('21 c. 405 § 2)

5620. Land to be acquired—The said Game and Fish Commissioner is hereby authorized, empowered and directed, as soon as practicable after the passage of this act, to acquire by gift, lease, purchase or condemnation in the name of and in behalf of the State of Minnesota, any real property, lands, premises, right-of-way, or easement, public or private, that may be necessary, convenient or proper for the establishment, equipment and development of said game refuge and game farm; and in case the owner of any real estate, lands or premises and the said Game and Fish Commissioner cannot agree as to the value of the premises taken or so to be taken for any such use, the value thereof and the price so to be paid therefor shall be

determined by the appraisal of three competent, disinterested persons, residents of said county, commissioned to ascertain and determine the amount to be paid by said Game and Fish Commissioner by the Judge of the District Court in and for the County of Freeborn in accordance with the statutes of this state applicable thereto. ('21 c. 405 § 3)

PART VIII. BREEDING WILD ANIMALS [AND FISH].

5621. Fish raised in private hatcheries—Sale of—Permits—Spawning beds—Any person desiring to engage in the business of propagating and selling fish raised in a private hatchery may make application in writing on a form prepared by the commissioner for a permit so to do. The commissioner when it appears that such application is made in good faith, and when satisfied of the intention and ability of the applicant to construct and maintain all ponds, buildings, and hatching and rearing equipment necessary for the artificial propagation of such fish, shall, upon payment of a fee of \$5.00, issue to such applicant a permit to propagate, raise and sell fish of the kind specified in the application, during the entire calendar year; provided, however, that before any fish shall be transported, sold or offered for sale, the package containing the same shall be duly tagged under regulations prescribed by the commissioner. Upon obtaining a like permit fish raised in a private hatchery without the state may be possessed and sold within this state, provided the same shall be tagged as prescribed under rules and regulation of the commissioner. Such permit shall expire on the last day of December in each year."

The taking of fish in any way at any time in such parts of the public waters of this state as may be designated by the commissioner as natural spawning beds, is prohibited. Notices of the designation by the commissioner of spawning beds in such waters shall be posted therein and the removal or mutilation of the notices so posted except under the direction of the commissioner is prohibited. ('19, c. 400, § 115; amended '21, c. 44, § 10; '25, c. 380, § 1)

5622. Fish screens—Permits for—Fish screens for the purpose of commercial trout culture may be constructed and maintained in any spring fed stream within the state which is not inhabited by trout, provided a permit so to do shall be first obtained from the commissioner. ('19 c. 400 § 116)

5623. Breeding of game birds and quadrupeds—[Repealed.]

This section (Laws 1919, c. 400, § 117) is repealed by Laws 1927, c. 423, § 14. See § 5625-14, herein.

5624. Capture of wild animals for breeding purposes—[Repealed.]

This section (Laws 1919, c. 400, § 118) is repealed by Laws 1927, c. 423, § 14. See § 5625-14, herein.

5625. Prosecutions—Burden of proof—In any prosecution under the provisions of this chapter, the burden of establishing the fact that the animals alleged to have been unlawfully taken, were domesticated and reared in a private preserve, or raised in a private fish hatchery, or taken for scientific purposes, or lawfully taken without this state, shall rest upon the defendant. ('19, c. 400, § 119)

5625-1. Farms for breeding and propagation of certain fur bearing animals and game birds—Licenses—Fences or enclosures—The owner or lessee of any lands within the State of Minnesota suitable for breeding

and propagating muskrats, beaver, mink, otter, marten, fisher, raccoon, skunks or game birds shall have the right to establish, operate, and maintain thereon a farm for the purpose of breeding, propagating, and dealing in such animals or game birds and their pelts or products, upon enclosing said lands or portions thereof as hereinafter provided and upon complying with the provisions of this act and obtaining a license therefor as hereinafter provided. Lands to be used for a muskrat and/or beaver farm shall be enclosed with a substantial muskrat and/or beaver proof fence. Lands to be used as a farm for raising other fur bearing animals or game birds shall have suitable enclosures for confining the respective kinds of animals or game birds to be raised thereon. ('27, c. 423, § 1)

5625-2. Same—Licenses—Applications for—Issue— Application for such license shall be filed by such owner or lessee with the Commissioner of Game and Fish, describing the lands which the applicant desires to use for the purpose specified, setting forth the title or leasehold of the applicant and the number of acres enclosed, specifying the kind of animals or game birds which the applicant desires to keep and raise, and stating the number and kind thereof already in his possession, if any, and that he obtained the same in lawful manner. Upon the filing of such application the Commissioner shall forthwith investigate the same, and may require the applicant to produce satisfactory evidence of the facts therein stated and of compliance by the applicant with the provisions of this act. If upon such examination it shall appear that the applicant is the owner or lessee of such lands and intends in good faith to establish, operate, and maintain a farm for the raising of such animals or game birds in accordance with this act, and has complied with all the provisions of this act, the Commissioner shall issue a license to the applicant, describing the lands and certifying that the licensee is lawfully entitled to use the same for breeding, propagating, trapping, and dealing in the kind or kinds of animals or game birds therein specified.

When such license has been granted the licensee shall become the owner of all animals of the kind or kinds specified in the license lawfully held in captivity on such lands as provided by this act and of all their offspring remaining thereon; provided that as to muskrats and/or beaver the provisions of Section 3 of this act shall be complied with. ('27, c. 423, § 2)

Explanatory Note—For section 3 see § 5625-3, herein.

5625-3. Same—Muskrat and beaver farms—Licenses— Upon the filing with the Commissioner of an application for a license for a muskrat and/or beaver farm, the Commissioner shall appoint the game warden stationed nearest to the premises described in the application, the applicant one man, and these two shall select a third man to act as a board to go upon the lands embraced within the license and determine as nearly as possible the number of muskrats and/or beaver thereon at the time of the granting of the license. The necessary expenses of all the members of such Board shall be paid by the licensee. Within ten days after the date of such determination, the licensee shall pay to the Commissioner of Game and Fish 50 cents for each muskrat, and \$2.50 for each beaver so found on said lands. When such payment has been made, the licensee shall become the owner of all the muskrats and/or beaver on said lands and of all of their offspring. ('27, c. 423, § 3)

5625-4. Same—Rights of licensees—The holder of

any license issued pursuant to this act shall have the right to manage and control the land described therein and all animals or game birds of the kind or kinds specified in the license, lawfully enclosed or held in captivity thereon as provided by this act and to take and trap the same at any time or in any manner which he sees fit and deems to the best advantage of his business, and to sell and transport the same or the pelts or products therefrom at any time. Such license shall be prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named or his or its successors or assigns, for the term of the license, to establish and operate a farm for the raising of the kind or kinds of animals or game birds specified in the license upon the premises described therein, and shall entitle the licensee therein named or his or its successors or assigns to the exclusive right for and during said term to breed, propagate, trap and deal in such animals or game birds, their pelts and products, and to the exclusive and sole ownership of any property and of such animals or game birds caught or taken thereupon. ('27, c. 423, § 4)

5625-5. Same—Tagging pelts, etc., sold or transported—When any pelts or products of any animals or game birds raised by any licensee under the provisions of this act are sold or transported, the same shall be tagged with a tag, to be furnished by the Commissioner to the licensee at cost, not exceeding one cent each. Such tags shall be numbered to correspond with the number of the license held by the licensee. ('27, c. 423, § 5)

5625-6. Same—Licenses—Fees—The holder of any such license shall pay an annual license fee of three dollars for any such farm of ten acres or under, and an additional fee of fifteen cents per acre for any additional land actually devoted to the raising of animals or game birds of any kind or kinds specified in the license. Such licenses shall expire on the thirty-first day of December of each year, but may be renewed from year to year upon payment by the licensee of the annual license fee. ('27, c. 423, § 6)

5625-7. Same — Marking boundaries — Notices — Within 30 days after the date of the issuance of any such license the licensee shall erect posts or stakes at intervals of not more than 20 rods within the boundary of the lands embraced in said license, wherever the same are not already enclosed, and shall post and maintain upon said posts, stakes or other enclosures at intervals of not more than 20 rods, notices furnished by the Commissioner of Game and Fish proclaiming the establishment of a farm of the kind specified in the license. For such notices the licensee shall pay to the Commissioner of Game and Fish the sum of 12 cents each. ('27, c. 423, § 7)

5625-8. Same — Trespassing on — Damages — Any person other than the licensee or his agents who shall hunt, trap, take or attempt to take animals or game birds of any kind or kinds specified in the license upon any land described in any such license shall be liable to the licensee in the sum of \$25.00 in addition to all damage which he may do to said farm or to such animals or game birds and property thereon, but all action for such trespass shall be brought by such licensee. ('27, c. 423, § 8)

5625-9. Same—Reports by licensees—On or before the first day of March of each year each such licensee shall make a report verified by affidavit to the Commissioner of Game and Fish covering the period from the first day of January to the thirty-first day of December of the previous year, upon blanks furnished by

the Commissioner, stating the number of his license and the total number of animals or game birds of each kind specified in the license killed, transported or sold from the farm operated under such license. ('27, c. 423, § 9)

5625-10. Same—Public right of hunting, etc.—Riparian rights—Nothing in this act shall be construed to affect any public right of hunting, trapping, fishing or navigation except as herein expressly provided. Nothing in this act shall be construed as giving any person, firm or corporation the right to interfere with, abrogate, impair or diminish the riparian or surface rights of any adjacent or adjoining property owners in any manner whatsoever, and any and all rights and licenses which may be granted by or pursuant to this act shall be subject thereto. ('27, c. 423, § 10)

5625-11. Same—Additional licenses—Any person desiring to obtain a license for raising fur bearing animals or game birds or a kind specified in this act upon the same premises already licensed for raising such animals or game birds of another kind specified in this act and for which a license fee has already been paid, shall be entitled to obtain a license for the raising of such additional kind or kinds of animals or game birds upon such premises upon making application therefor and complying with the provisions of this act as hereinbefore provided, but no additional license fee shall be charged therefor, and the raising of different kinds of animals or game birds on the same premises shall be permitted upon the payment of one license fee for said premises. ('27, c. 423, § 11)

5625-12. Same—Offenses—Penalties—Any holder of a license issued pursuant to this act who shall, during the term of such license, violate any of the provisions of this act, or who shall, during the term of such license, unlawfully take, buy, sell, transport, ship, or have in his possession any wild animal or game bird of any of the kinds specified in his license, or any part thereof, and any person who shall sell, transport, or ship any such wild animal or game bird or any part thereof, falsely pretending or representing the same to have been raised by any licensee under any such license, or who shall use any tag issued by the Commissioner of Game and Fish pursuant to this act upon or for any such wild animal or game bird or part thereof, or who shall unlawfully buy, sell, transport, ship or have in his possession upon the premises of any such licensee any such wild animal or game bird, shall be guilty of a misdemeanor, and shall be punished upon conviction by a fine of not less than \$50.00 nor more than \$100.00 or by imprisonment in the county jail, not exceeding 90 days. ('27, c. 423, § 12)

5625-13. Same—Capturing wild animals for breeding purposes—Permits—Wild animals may be captured and may be taken, and thereafter had in possession, for the purpose of breeding under permit issued by the Commissioner. Such permit shall be issued only to licensees under this act; shall specify the quantity, the locality where, and the period during which such animals may be taken. Such permit shall be granted only when the Commissioner is satisfied that the taking of said animals will not unduly deplete the number or endanger the species in the locality for which permit is asked. The amounts specified in Section 3 shall be paid to the state for each beaver and muskrat taken under this Section, and for other animals such amount as the Commissioner may determine. ('27, c. 423, § 13)

Explanatory note—For section 3, see § 5625-3, herein.

5625-14. Same—Laws repealed—General Statutes

1923, Sections 5623 and 5624, are hereby repealed. ('27, c. 423, § 14)

PART IX. COMMISSIONER AND WARDENS.

5626. Scientific collections—Permits—Any municipal corporation, incorporated society of natural history, college or university, maintaining a zoological collection and desiring to collect eggs, nests or wild animals protected by law, for scientific or exhibition purposes, shall make an application to the commissioner on a form prepared by him for a permit, so to do. The commissioner, when it appears that such application is made in good faith, shall without the payment of any fee, issue to such applicant, a permit to collect specimens of eggs, nests, or wild animals protected by law, under regulations to be prescribed by the commissioner. The United States commissioner of fisheries may establish fish hatcheries in this state and may take fish eggs from the waters of this state for propagation and scientific purposes. The United States commissioner of fisheries and his duly authorized agents are hereby authorized to conduct fish cultural operations, rescue work, and all fishing and other operations necessary therefor in such manner and at such times as is considered necessary and proper by the said commissioner and his agents. ('19 c. 400 § 120)

5627. Office of commissioner continued—There shall continue to be a state game and fish commissioner charged with the execution of the game and fish laws. He shall be appointed by the governor, and, after the termination of the term of office of the incumbent at the time this act takes effect, shall hold his office for the term of four years and shall give a bond to the state in the sum of \$5,000.00. He shall have an office in the capitol and shall be provided with an official seal and with suitable office equipment, including furniture, stationery, blanks and postage. ('19 c. 400 § 121, amended '21 c. 37 § 1)

Office of state game and fish commissioner abolished. See § 53-45, herein. Department of Conservation with Commissioner of Game and Fish, see §§ 53-19 to 53-23, herein.

5628. Biennial report—He shall on or before December 1st of each even-numbered year make a report to the governor. Such report shall contain an account of the doings of the department, a summary of all its financial transactions, showing amounts received from all sources, and a brief classified statement of the purposes and amounts of disbursements, and such recommendations as he may deem proper. The books and vouchers of the commissioner shall be subject to examination by the public examiner at all times. ('19 c. 400 § 122)

5629. Superintendent of fisheries, wardens, game refuge patrolmen, and office and scientific assistants—Appointment, bonds, and compensation—Said commissioner may appoint and at his pleasure remove a superintendent of fisheries and such wardens, game refuge patrolmen and office and scientific assistants as he deems necessary. He may fix their periods of service and their compensation. Said wardens shall make written reports of their doings to the commissioner under rules and regulations prescribed by him. The superintendent of fisheries shall give a bond to the state in the sum of \$1,000.00 and each warden and patrolmen shall give a bond to the state in the sum of \$500.00. Bonds given by game wardens or refuge patrolmen shall have as surety therein a corporation duly authorized to write surety bonds and to transact business in this state. Said bonds shall be conditioned

for the faithful discharge of their respective duties and shall be approved by the commissioner and filed in the office of the secretary of state. He may also appoint, without compensation, a warden or deputy game warden of the state of Wisconsin to the office of game warden in this state. ('19, c. 400, § 123; amended '25, c. 380, § 1)

5630
29 - 319
29 - 332
5630
29 - 258
33 - 289
33 - 436

5630. Commissioner—General powers and duties—Statistics—Bulletins—The Commissioner shall be charged with the execution of the laws of this state relating to wild animals, and he shall have the power and it shall be his duty:

(1) To preserve and cultivate varieties of wild animals deemed by him to be of value to the public, and to destroy, kill and exterminate, varieties of unprotected and predatory animals deemed by him to threaten injury to, or destruction of other animals, or to retard the growth or development of other animals.

(2) To receive and acquire by purchase, gift, exchange, or other arrangement, specimens of wild animals, and of the eggs of wild birds, and of fish eggs, for breeding and stock purposes.

5630
31 - 376

(3) To take fish or fish eggs, or to authorize such taking, from any of the public waters of this state in any manner during the open or close season for the purpose of stocking other waters herein, and may sell such fish as are necessarily killed in taking fish eggs and may sell suckers, redhorse, or mullets, taken in connection with such spawning, the proceeds of the sale of such fish to be paid into the state treasury as required of other receipts of the department.

5630
33 - 376

(4) To collect, compile, disseminate and publish statistics and information germane to the purpose of this act, including the publication of a department bulletin to be known as "Fins, Feathers and Fur," the annual subscription price thereof to be 50 cents and the money received for subscriptions shall be paid into the State Treasury by the Commissioner and the amount thereof is hereby annually appropriated to the Game and Fish Department for the purpose of defraying the cost of the editing, publication and mailing thereof. Such bulletin shall be distributed free of charge only to schools, libraries, daily and weekly newspapers and trade publications published in Minnesota, the heads of State Departments and Bureaus of Minnesota and to the heads of Game and Fish Departments of other states.

The said department bulletin, known as "Fins, Feathers and Fur," or any other bulletin or publication now issued, or that may at any time hereafter be issued, by the Department of Game and Fish, shall not be known or designated as the official publication of any sportmen's organizations.

(5) To acquire by gift, or by purchase or condemnation when money has been appropriated therefor, the fee title to land, or any easement therein, suitable for game farm or fish hatchery purposes, to construct and maintain buildings and hatcheries on sites so acquired, and to manage, superintend and control those already or hereafter established.

5630
31 - 391
5565

(6) To set aside and reserve any of the waters of this state for the purpose of fish propagation, and by order designate certain streams as trout streams. The taking of fish from any of the waters so reserved and set aside, except as may be permitted by the commissioner, is prohibited.

(7) To make rules and regulations relating to the breeding of wild animals and such other matters as may be specifically mentioned in this chapter as requiring rules and regulations to be adopted by him.

(8) To select, set aside and reserve from lands owned by the state, and to acquire by condemnation, gift, lease or purchase, lands, or interests, easements or riparian rights therein or thereon, suitable for the purpose of establishing and reforesting large and small game public hunting grounds and game refuges, subject to the approval of the governor, the attorney general, the state auditor and the state forester, and shall establish thereon public hunting grounds, and shall set aside a portion of each of said public hunting grounds, not exceeding one-third (1/3) thereof, as a state game refuge, said portion so set aside to be surrounded on all sides by the remainder thereof, and shall pay the purchase price or rental of any and all such lands and interests therein and thereon out of special appropriations made therefor, and shall make such rules and regulations as he shall deem necessary governing the conduct of persons on said public hunting grounds and game refuges. ('19, c. 400, § 124; amended '25, c. 340, § 1; '25, c. 419, § 1)

Explanatory note—Par. 8 is added to this section by Laws 1925, c. 419, § 1. Section 2 of Laws 1925, c. 419 repeals all inconsistent acts and parts of acts.

The first State Hatchery is located at St. Paul ('01 c. 23); a second at Glenwood ('03 c. 211); a third at Deerwood ('07 c. 275) a fourth at Detroit ('11 c. 77); a fifth at Granite Falls, etc. ('13 c. 246); and a sixth at St. Louis County or Lake County ('13 c. 479). As to salaries of Superintendents of St. Paul and Glenwood Hatcheries, see § 5653 et seq. See ('15 c. 353) authorizing sale of the property of the third State Fish Hatchery at Deerwood, and '17 c. 504, establishing an eighth hatchery south of the Minnesota River, and '19 c. 401 establishing seventh Hatchery on Rainy Lake. As to condemnation for fish hatcheries See, '17 c. 3.

5631. Police powers of commissioner, patrolmen and wardens—The state game and fish commissioner, game refuge patrolmen and game wardens are hereby authorized and empowered:

(1) To execute and serve all warrants and processes issued by any justice of the peace or magistrate, or by any court having jurisdiction under any law relating to wild animals in the same manner as any constable or sheriff may serve and execute such processes, and to arrest, with or without a warrant, any person detected in the actual violation, or whom such officer has reasonable cause to believe guilty of the violation of any of the provisions of this chapter, and to take such person before any court in the county in which the offense was committed, and make proper complaint.

(2) Upon receiving notice or information that any provision of this chapter has been violated, to make a thorough investigation thereof as soon as possible and to cause proceedings to be instituted if the proofs at hand warrant it.

(3) To enter and inspect any hotel, restaurant, cold storage warehouse, plant, ice house or building, actually used for the storage of dressed meats, game or fish, for the purpose of determining whether game or fish are kept or stored therein in violation of this chapter, including the right to examine and inspect the books and records of persons, firms or corporations which the commissioner has reason to believe have violated the laws of this state relating to wild animals, and with or without a warrant, to open, enter and examine all buildings, camps, vessels, boats, wagons, automobiles or other vehicles, cars, stages, tents, suitcases, valises, packages, crates, boxes and other receptacles and places where they have reason to believe the wild animals, taken or held in violation of this chapter, are to be found. Wilful hindering, obstructing, interfering or refusing such inspection shall constitute a misdemeanor.

(4) To seize and confiscate in the name of the state any wild animal, including birds or fish or carcasses or parts thereof, caught, killed, taken or had in possession or under control, or sold or transported in violation of this chapter, and to seize, confiscate and dispose of all guns, firearms, nets, boats, lines, rods, poles, fishing tackle, lights, lanterns, snares, to unlawfully use the same in pursuing, taking, attempting to take, conceal or dispose of, or transport such wild animals. Articles which have no lawful use may be summarily destroyed. All confiscated wild animals or carcasses or parts thereof, and all confiscated apparatus, appliance or devices, shall, if not destroyed as authorized by law, be retained by the commissioner for the use of the department or sold at the highest price obtainable by the commissioner or game wardens, or by an agent of the commissioner, under written authority and supervision of the commissioner. The net proceeds of such sales, after deducting the expense of seizure and sale, and any such commissions, shall be promptly remitted by the warden by whom and under whose authority and supervision the sales were made, to the commissioner, and by him paid into the state treasury; the remittance to be accompanied by the complete and certified report of such sales, supported by proper vouchers covering all deductions made for expenses and commissions, to be filed for record in the office of the commissioner.

(5) To open and examine any packages in the possession of a common carrier which they suspect or have reason to believe contains contraband, or is falsely labeled in violation of the provisions of this chapter; and every such common carrier and every agent, servant or employee thereof shall permit any such officer to examine and open any such package. Any package so opened shall be restored to its original condition. Violations of this section shall be a misdemeanor, and such officers shall, in the performance of their official duties, be exempted from any and all liability to any person for acts done or permitted, or property destroyed by authority of law. ('19, c. 400, § 125; amended '21, c. 44, § 12; '25, c. 380, § 1)

Shipping furs in covered packages by common carrier without attaching a statement showing the contents of the packages to the outside thereof was a violation of the statute, and rendered the shipment subject to seizure and confiscation. 165-128, 206+46.

(4) 138-369, 165+132.

5632. Search warrants—Upon complaint made to any magistrate who has authority to issue warrants in criminal cases by any person that he knows or has good reason to believe that any wild animal, or carcass or part thereof, caught, taken, killed or had in possession or under control by any person, or sold or transported contrary to the provisions of this chapter, is concealed or illegally kept in any building, car or receptacle, such magistrate shall issue a search warrant and cause a search to be made in such place for any such wild animals, or parts thereof, and may cause any building, inclosure or car to be entered and any apartment, chest, box, crate, basket, package or any other receptacle whatever to be broken, opened and examined. The property so seized under such warrant shall be safely kept under the direction of the court or magistrate so long as necessary for the purpose of being used as evidence on any trial, and if such trial results in a conviction the property so seized shall be confiscated. ('19 c. 400 § 126)

5633. Commingled shipment—Confiscation of any part of a shipment shall include the entire shipment, and whenever two or more wild animals, carcasses or parts thereof, are packed, stored or contained in the

same bag, crate, box or other receptacle, or are otherwise commingled and one or more thereof are contraband, then and in such case the whole shipment or parcel shall be deemed contraband. ('19 c. 400 § 127) 165-128, 206+46.

5634. Assistance of local authorities—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. ('19, c. 400, § 128; amended '25, c. 380, § 1)

Explanatory note—No change was made by this amendment.

5635. Obstructing commissioner — Prohibited — No person shall wilfully hinder, resist or obstruct the commissioner, game wardens, agents or employes of the commissioner in the performance of their official duties. A civil action in the name of the state to recover damages resulting from such obstruction and to enjoin the continuance thereof may be instituted against any person violating this section, by the attorney general on the request of the commissioner. ('19 c. 400 § 129)

5636. Disposition of fines—All fines collected for violation of any of the provisions of this chapter shall be paid to the county treasurer of the county where the conviction was had and shall be by that officer transmitted to the commissioner who shall pay the same into the state treasury. ('19, c. 400, § 130; amended '25, c. 380, § 1)

5637. Removal of fish from shallow lakes—The commissioner may, whenever after investigation, he finds that any fish are in danger of smothering in winter by reason of the shallowness of the waters inhabited by them, take the same in any manner at any time from such shallow lakes or sloughs, and may transfer such as may be suitable for stocking purposes to other waters in this state, and may sell such as are not deemed suitable by him for stocking purposes, or he may issue permits so to do to other persons. Money received therefrom shall be deposited in the state treasury and shall be accredited to a "Fish Fry Fund" and the amount thereof is hereby annually appropriated to the game and fish department for the purpose of purchasing, propagating and planting fish fry in public waters. ('19, c. 400, § 131; amended '25, c. 380, § 1)

5638. Rewards—Rewards may be paid by the commissioner to persons, other than salaried game wardens or peace officers for information leading to the arrest and conviction of any person violating any of the provisions of this chapter, as follows: For violating provisions hereof relating to moose, the sum of \$50.00; for violating provisions hereof relating to deer, the sum of \$25.00; for violating provisions hereof relating to other quadrupeds, birds, or fish, the sum of \$10.00. Such rewards shall be paid out of any funds appropriated to the commissioner. ('19 c. 400 § 132)

5639. Destruction of predatory animals—Wild animals, whether protected by law or not, may when destroying or interfering with the breeding or propagation of protected wild animals, or when injuring or damaging private or public property be destroyed or killed under such rules and regulations as the commissioner may prescribe. ('19, c. 400, § 133; amended '25, c. 380, § 1)

5640. Additional protection — Governor's orders—Whenever the governor, after investigation by the commissioner, finds that any species of wild animals, as defined herein, for which an open season is provided, is in danger of undue depletion or extinction, or when

necessary for the proper protection of propagating and immature wild animals, he may by an order provide protection for such species, additional to that provided by law, and to that end, may prescribe in what manner, in what numbers, in what places and at what times the same may be taken. Any order issued by the governor pursuant to this section shall have the force of law and the penalties prescribed for violations of this chapter shall follow and be applicable to violations of any such order to same effect and extent respectively, as though such order had been enacted as a part of this chapter. No such order shall be valid after the close of the regular session of the legislature next succeeding its issuance. Any resident of this state may appeal from an order issued under this section by filing within thirty days thereafter a notice of appeal, specifying the grounds on which it is based, with the clerk of the district court of the county of his residence. The court, shall after hearing, if it finds any reasonable foundation exists for said order, sustain the same, but if it finds the same to have been arbitrarily issued, it shall set the same aside. ('19 c. 400 § 134)

5641. Unlawful entry upon farms or places where game birds or animals are kept for breeding purposes—From and after the passage of this act it shall be unlawful for any person without the consent of the owner, lessee or caretaker of a ranch or other enclosure in this state where game birds and animals are kept in captivity for breeding purposes, to enter upon the private grounds belonging to or under the control of the owner or owners of said animals, within a distance of 25 yards from the outer fence or enclosure or to pass within, through or over the outer fence or enclosure within which the pens or dens of said animals are located and upon which said fence or outer enclosure notices forbidding trespassing on the said premises are kept posted so as to be plainly discernible at the said distance of not less than 25 yards. Provided, however, that the act shall not apply to such enclosure erected within 25 yards of any public highway or within 25 yards of any land adjoining the land upon which such enclosure may be or is erected. ('21, c. 263, § 1; amended '27, c. 24)

5642. Violation a misdemeanor—Any person violating any of the provisions of this act shall be guilty of a misdemeanor. ('21 c. 263 § 2)

5643. Publication of orders and rules—All orders and all rules and regulations affecting the entire state promulgated by the commissioner shall be published once in one qualified newspaper in Minneapolis, St. Paul and Duluth. All such orders, rules and regulations not affecting the entire state shall be published once in one qualified newspaper in each county affected. No order, rule or regulation shall take effect until after such publication. ('19 c. 400 § 135)

5644. Publication of laws relating to wild animals—As soon as practicable after the adjournment of the legislature in each year, the commissioner, with the assistance of the attorney general, shall make a compilation of the laws relating to wild animals as amended at the date of such compilation, and properly index the same. Copies of said compilation sufficient in number for the purposes of this section, shall be printed in pamphlet form of pocket size under the direction of the state printer, and shall be distributed by the commissioner as follows: 50 copies to each senator, 25 copies to each representative and 10 copies to each county auditor; 10,000 copies shall be printed by the commissioner for general distribution. It shall be the duty of the commissioner to prepare and issue a syllabus of said laws and to deliver to county auditors a sufficient supply for furnishing one copy to each person procuring a hunting or trapping license, and each such person shall be entitled to one copy of said syllabus. ('19 c. 400 § 136)

bus of said laws and to deliver to county auditors a sufficient supply for furnishing one copy to each person procuring a hunting or trapping license, and each such person shall be entitled to one copy of said syllabus. ('19 c. 400 § 136)

PART X—CONCURRENT JURISDICTION

5645. Common boundary waters—The taking of game birds and quadrupeds and the taking of fish with licensed nets or set lines, in any of the waters which form a common boundary between Minnesota and other states of the United States, contrary to the laws of either of the states so bounded, is hereby prohibited, provided, the commissioner may license the seining of rough or non-game fish in said waters in accordance with this chapter. ('19 c. 400 § 137)

5646. Reciprocal jurisdiction—Courts and wardens—Courts of this state sitting in the counties contiguous to said waters, and game wardens of this state, shall have jurisdiction over the entire boundary waters of this state, and concurrent jurisdiction of the courts and administrative officers of the states of North Dakota, South Dakota and Wisconsin, over all boundary waters between such states is hereby recognized. ('19 c. 400 § 138)

5647. Reciprocity in licenses—Whenever and so long as the states of Wisconsin, North Dakota and South Dakota, confer upon the licensees of this state reciprocal rights, privileges and immunities, any commercial fishing license issued by such other state shall entitle the licensee to all the rights, privileges and immunities in and upon the boundary waters between such state and this state, enjoyed by the holders of equivalent licenses issued by this state; subject, however, to the duties, responsibilities and liabilities imposed on its own licenses by the laws of this state. ('19 c. 400 § 139)

5648. Open season for fishing in boundary waters—In all cases where the date for the opening of the season for taking fish in waters forming a common boundary between this and other states, except the Mississippi and St. Croix rivers, is later, or where the day for the closing of the season for taking fish in such waters is earlier in Minnesota than it is in any other state or states bounded by such waters, then and in such case the game and fish commissioner shall promulgate and publish an order fixing the days for the opening and the closing of the season for taking fish in such waters coincident with the opening and closing days of the season of such other state for taking fish in such waters, and thereafter and until said order is amended or repealed such open season for taking fish in such water shall be as in said order provided. The game and fish commissioner is hereby authorized and empowered to enter into arrangements jointly with the proper authorities of such other state bounded by such waters for the supervision of fishing therein, for the stocking thereof, for the enforcement of fishing laws of both states in such waters, and for locating the boundary line. ('21 c. 193 § 1)

PART XI—DEFINITIONS AND CONSTRUCTION.

5649. Definitions—The following words and phrases used in this chapter are defined as follows:

(1) "Angling" means taking fish by hook and line in hand, or rod in hand, with not to exceed more than one bait attached thereto, nor with more than one such line or rod.

(2) "Contraband" means any quadruped, bird, fish or any part thereof, whether edible or not, caught,

killed, transported or had in possession contrary to the provisions of this chapter and all instrumentalities and devices used in taking wild animals in violation hereof.

(3) "Commissioner" means the state game and fish commissioner.

(4) The term "game birds" means the anatidae or water fowl, commonly known as swan, geese, river and sea ducks; the rallidae, commonly known as rails, gallinules, coots or mudhens; the gallinae, or upland game birds, commonly known as grouse, prairie chicken, pheasants, partridges and quail; the limicolae or shore birds, commonly known as plover, snipe and woodcock, and the columbae, commonly known as pigeons and doves.

(5) "Open season" means the time during which fish, fowl, birds and quadrupeds may be taken.

(6) "Closed season" means the time during which fish, fowl, birds and quadrupeds may not be taken.

(7) "Taking" includes pursuing, shooting, hunting, killing, capturing, trapping, snaring and netting wild animals and all lesser acts, such as disturbing, harrying or worrying or placing, setting, drawing, or using any net or other device commonly used to take wild animals, and includes every attempt to take and every act of assistance to any other person in taking or attempting to take birds or quadrupeds. A person who counsels, aids or assists in a violation of any of the provisions of this chapter, or knowingly shares in any of the proceeds of said violation by receiving or possessing either fish, birds or quadrupeds shall be deemed to have incurred the penalties provided in this chapter against the person guilty of such violation. Whenever taking is allowed by law, reference is had to taking by lawful means and in lawful manner.

(8) "Hunting" includes pursuing, shooting, killing, capturing and trapping birds or quadrupeds and all lesser acts, such as disturbing, harrying or worrying or placing, setting, drawing or using any device commonly used to take birds or quadrupeds; and includes every attempt to take and every act of assistance to any other person in taking or attempting to take birds or quadrupeds.

(9) "Game" includes all game birds and all quadrupeds for which a close season is provided, whether domestic or imported.

(10) "Pike" means that variety of fish called yellow pike, wall-eyed pike or pike-perch.

(11) "Pickerel" includes the great northern pike, pond pickerel, chain pickerel, grass pickerel and banded pickerel.

(12) "Minnows" means all genera or species of fish not ordinarily attaining a length of more than four inches at maturity.

(13) "Fur-bearing animals" means all quadrupeds except deer, moose or caribou.

(14) "Resident," unless otherwise specified, means any person who has resided in this state for at least six months.

(15) "Person," except when used in reference to the issuing of licenses to take game fish, birds or quadrupeds, includes a co-partnership, joint-stock company, association or municipal or private corporation.

(16) "Possession" means actual or constructive possession or control.

(17) "Sale" includes any offer to sell, or having in possession with intent to sell in violation of law.

(18) The term "any part thereof" used in reference to any animal, includes the hides, hoofs, horns, plumage or skin of the animals referred to.

(19) The term "wild animals" means all living creatures not human, wild by nature, endowed with sensation and the power of voluntary motion, and includes quadrupeds or mammals, birds and fish.

(20) The term "waters of this state" includes all the boundary waters of this state.

(21) Gender and number shall be disregarded in construing this chapter whenever it is necessary to carry out the spirit thereof. ('19 c. 400 § 140)

(16) 138-369, 165+132.
165-128, 206+46.

5650. Construction—This chapter is intended to be a restatement of existing law with such changes as clearly appear, and its provisions, so far as they are the same as those of existing statutes, shall be construed as continuations thereof and not as new enactments. Any of the provisions of this chapter inconsistent with the existing code of criminal procedure or of penal law shall be effective for the purposes of this chapter only. ('19 c. 400 § 141)

5651. Repeals—The several laws hereafter enumerated shall be expressly repealed from and after the taking effect of this chapter.

General Statutes, 1913—Sections 4756 to 4910, both inclusive, and section 8805.

Session Laws, 1915—Chapters 181, 237, 261, 276, 287, 288, 347, 348, 351, 352 and 355.

Session Laws, 1917—Chapters 84, 85, 96, 121, 176, 225, 226, 249, 252, 253, 281, 310, 333, 385, 386, 413, 452, 468, 478, 483, 497, 500, 501, 503 and 505. ('19 c. 400 § 142)

5652. Implied repeals—All acts and parts of acts inconsistent with the provisions of this act and not herein expressly repealed, are hereby repealed. ('19 c. 400 § 143)

5653. Salaries of game and fish commissioner and assistants—The yearly salaries of the state officers and employes named in this act shall be as herein fixed, and shall be payable in monthly installments:

Game and fish commissioner, thirty-five hundred (\$3,500.00) dollars; first assistant, two thousand (\$2,000.00) dollars; chief clerk, sixteen hundred (\$1,600.00) dollars; bookkeeper, twelve hundred (\$1,200.00) dollars; three clerks and stenographers at not more than the aggregate sum of thirty-six hundred (\$3,600.00) dollars; superintendent of fisheries, twenty-seven hundred (\$2,700.00) dollars; foreman of St. Paul fish hatchery, thirteen hundred and fifty (\$1,350.00) dollars; foreman of Glenwood fish hatchery, thirteen hundred and fifty (\$1,350.00) dollars; foreman of the Detroit fish hatchery, thirteen hundred and fifty (\$1,350.00) dollars; foreman of the French River fish hatchery, thirteen hundred and fifty (\$1,350.00) dollars; superintendent of game propagation, eighteen hundred (\$1,800.00) dollars. ('19 c. 370 § 1)

5654. To be in full payment, except actual expenses—The salaries provided for in this act for officers and employes named herein shall be in full payment for all services that may be rendered by said officers and employes either in the performance of their regular or special duties, but all such officers and employes shall be entitled to reimbursement for actual necessary expenses incurred in the performance of their duties. ('19 c. 370 § 2)

5655. Certain act repealed—Subdivision fifteen (15) of section one (1), chapter four hundred (400), General Laws of 1913, and all other acts or parts of acts inconsistent with this act are hereby repealed. ('19 c. 370 § 3)