

CHAPTER 348

BOUNTIES AND REWARDS

348.01 FOR TIMBER GROWING.

HISTORY. 1873 c. 19 s. 1; G.S. 1878 c. 124 s. 70; 1885 s. 54; 1889 c. 78; G.S. 1894 s. 7859; 1895 c. 63; 1903 c. 230; R.L. 1905 s. 2391; 1913 c. 76 s. 1; G.S. 1913 s. 5191; G.S. 1923 s. 6249; M.S. 1927 s. 6249; 1941 c. 365.

348.02 CLAIM AND PROOF.

HISTORY. 1881 c. 151 s. 2; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 73c; G.S. 1894 s. 7860; R.L. 1905 s. 2392; G.S. 1913 s. 5192; G.S. 1923 s. 6249½; M.S. 1927 s. 6249½.

348.03 DUTY OF ASSESSOR.

HISTORY. 1881 c. 151 s. 3; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 73d; G.S. 1894 s. 7861; R.L. 1905 s. 2393; G.S. 1913 s. 5193; G.S. 1923 s. 6250; M.S. 1927 s. 6250.

348.04 PROOFS SENT TO STATE AUDITOR.

HISTORY. 1881 c. 151 s. 4; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 73e; G.S. 1894 s. 7862; R.L. 1905 s. 2394; G.S. 1913 s. 5194; G.S. 1923 s. 6251; M.S. 1927 s. 6251.

348.05 STATE AUDITOR TO ISSUE WARRANT.

HISTORY. 1881 c. 151 s. 5; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 73f; G.S. 1894 s. 7863; R.L. 1905 s. 2395; G.S. 1913 s. 5195; G.S. 1923 s. 6252; M.S. 1927 s. 6252.

348.06 HORSE STEALING; REWARD FOR CONVICTION.

HISTORY. 1875 c. 90 ss. 1, 2, 3; 1877 c. 63 ss. 1, 2, 3; G.S. 1878 c. 124 ss. 127 to 129; G.S. 1894 ss. 7869 to 7871; 1897 c. 144; 1901 c. 212; 1903 c. 158; R.L. 1905 s. 2396; G.S. 1913 s. 5196; G.S. 1923 s. 6253; M.S. 1927 s. 6253.

A mule is not a horse within the meaning of this section. *State v Ost*, 129 M 520, 152 NW 866.

This statute is in derogation of the common law; it should be strictly construed. *State v Ost*, 129 M 520, 152 NW 866.

A village constable may participate in a reward offered for the arrest and conviction of a horse thief where, without a warrant, he aids in making an arrest outside his village for an offense committed outside the village. *Bystrom v Rohlen*, 134 M 67, 158 NW 796.

A person who has secured the conviction of a horse thief by a court of only petit larceny jurisdiction is entitled to the horse thief bounty provided by statute. 1910 OAG 383, Sept. 7, 1910.

348.07 BOUNTIES ON WOLVES.

HISTORY. 1901 c. 32 s. 1; 1903 c. 113 s. 1; R.L. 1905 s. 2397; 1907 c. 381 s. 1; G.S. 1913 s. 5197; 1923 c. 103 s. 1; G.S. 1923 s. 6254; M.S. 1927 s. 6254; 1931 c. 368 s. 1; 1943 c. 200 s. 1. [Repealed by 1945 c. 262s-4.]

The intent of the statute is to put ultimate liability for the payment of the wolf bounty upon the state and not at all upon the county, though the statute contemplates that the county, as a matter of convenience, shall first pay. *State v Bertilrud*, 139 M 356, 166 NW 405.

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When the state cannot pay the bounty for lack of an appropriation the county cannot be compelled to pay; the person entitled to the bounty must await the creation of a state fund. *State v Bertilrud*, 139 M 356, 166 NW 405.

The additional wolf bounty offered by a county, which is a primary charge upon the county, is payable irrespective of the payment of the state bounty or the condition of the state bounty fund. *State v Bertilrud*, 139 M 356, 166 NW 405.

A bounty does not stand on the same footing as a contract, express or implied. 1916 OAG 106, Sept. 28, 1915.

A wolf is full grown when it has reached such a stage of growth that it will have no appreciable growth thereafter. This would not necessarily mean that the weight of the wolf would not increase, but that it has reached a condition of stature, anatomical structure, and skeleton development that would not be thereafter appreciably changed. 1916 OAG 109, May 25, 1916.

Harboring of wolves in an enclosure is not an offense provided such wolves do not propagate. 1942 OAG 11, Aug. 15, 1941 (210D-8).

Foxes may be hunted and shot from airplanes. OAG Oct. 2, 1944 (210a).

348.071 BOUNTY FOR WOLF OR FOX.

HISTORY. 1945 c. 262 s. 1.

348.073 BOUNTY FOR BEAR.

HISTORY. 1945 c. 350 ss. 1 to 3.

348.074 PROHIBITION AND PENALTY.

HISTORY. 1945 c. 350 s. 4.

348.08 CLAIM TO WOLF BOUNTY, WHEN AND HOW MADE.

HISTORY. 1901 c. 32 s. 2; 1903 c. 113 s. 2; R.L. 1905 s. 2398; G.S. 1913 s. 5198; G.S. 1923 s. 6255; M.S. 1927 s. 6255; 1931 c. 368 s. 2; 1943 c. 200 s. 2. [Repealed by 1945 c. 262 s. 4.]

The nearest town clerk in the same county, before whom a wolf is to be brought for bounty payments when killed in unorganized territory, means the nearest clerk by virtue of available means of travel, rather than in distance as the crow flies. OAG Jan. 11, 1940 (47f).

348.081 PRODUCE PELT OR CARCASS.

HISTORY. 1945 c. 262 s. 2.

348.09 TOWN CLERK TO ISSUE CERTIFICATE.

HISTORY. 1901 c. 32 ss. 2, 4; 1903 c. 113 ss. 2, 4; R.L. 1905 s. 2399; 1907 c. 298; G.S. 1913 s. 5199; G.S. 1923 s. 6256; M.S. 1927 s. 6256; 1931 c. 368 s. 3. [Repealed by 1945 c. 262 s. 4.]

The charges for copies of certificates furnished to wolf bounty claimants and for filing the same are to be paid for by the claimant and not by the town. 1916 OAG 571, April 8, 1915.

348.10 DUTIES OF COUNTY AND STATE AUDITOR.

HISTORY. 1901 c. 32 ss. 3, 4, 5; 1903 c. 113 ss. 3, 4, 5; R.L. 1905 s. 2400; G.S. 1913 s. 5200; G.S. 1923 s. 6257; M.S. 1927 s. 6257; 1931 c. 368 s. 4. [Repealed by 1945 c. 262 s. 4.]

348.11 PENALTIES.

HISTORY. 1901 c. 32 s. 6; 1903 c. 113 s. 6; R.L. 1905 s. 2401; G.S. 1913 s. 5201; G.S. 1923 s. 6258; M.S. 1927 s. 6258; 1931 c. 368 s. 5; 1943 c. 200 s. 3. [Repealed by 1945 c. 262 s. 4.]

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Moneys unlawfully paid out on fraudulent bounty claims, or on fraudulent certificates or warrants, may be recovered by the state from persons benefiting or participating in such fraudulent conduct and against whom proof is available. 1938 OAG 93, March 17, 1938.

An officer issuing fraudulent certificates and warrants is subject to prosecution under Mason's Statutes, Section 10053, and on conviction a vacancy would, according to Mason's Statutes, Section 6953, result in his public office. 1938 OAG 93, March 17, 1938.

Officers issuing fraudulent certificates and warrants can be charged with malfeasance or nonfeasance in the performance of their official duties under Mason's Statutes, Section 6953, and conviction of a crime is not essential in order that the governor exercise the power of removal under that section. 1938 OAG 93, March 17, 1938.

One who killed a pet wolf, at large and near the highway, may claim the bounty. OAG April 4, 1944 (47f).

348.111 PROHIBITION AND PENALTY.

HISTORY. 1945 c. 262 s. 3.

348.12 COUNTY BOUNTIES ON CERTAIN BIRDS AND ANIMALS.

HISTORY. 1877 c. 125 s. 1; 1885 c. 182; 1887 c. 144 ss. 1, 2; G.S. 1878 c. 124 s. 78; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 ss. 78a, 78b, 78c; G.S. 1894 ss. 7879 to 7882; 1903 c. 377; R.L. 1905 s. 2402; 1909 c. 48 s. 1; G.S. 1913 s. 5202; G.S. 1923 s. 6259; M.S. 1927 s. 6259; 1939 c. 40.

It would be proper to pay a bounty on baby rattlesnakes individually killed, but where killing of the mother snake results in the death of baby snakes, only one bounty may be paid. OAG July 31, 1939 (47g).

348.13 WHAT MUST BE PRODUCED TO SECURE BOUNTIES PAID BY TOWN BOARDS.

HISTORY. 1885 c. 182; 1887 c. 144 s. 2; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 ss. 78b, 78c; G.S. 1894 ss. 7881, 7882; 1903 c. 377; R.L. 1905 s. 2403; 1909 c. 48 s. 2; 1911 c. 220 s. 1; G.S. 1913 s. 5203; 1915 c. 357 s. 1; 1917 c. 290 s. 1; G.S. 1923 s. 6260; M.S. 1927 s. 6260.

This section provides the exclusive method of paying the bounties authorized by section 348.12. 1928 OAG 103, April 23, 1928.

348.14 BOUNTY FOR FOXES.

HISTORY. 1931 c. 309 s. 1; 1939 c. 258 s. 1; M. Supp. s. 6260-1. [Repealed by 1945 c. 262 s. 4.]

Bounties cannot be paid on red foxes. OAG March 2, 1938 (47).

348.15 CLAIMANT TO PRODUCE CARCASS.

HISTORY. 1931 c. 309 s. 2; 1939 c. 258 s. 2; M. Supp. s. 6260-2.

348.16 TOWN CLERK TO MAKE CERTIFICATE.

HISTORY. 1931 c. 309 s. 3; 1939 c. 258 s. 3; M. Supp. s. 6260-3.

348.17 PRESENT PROOF TO COUNTY AUDITOR; ISSUE; WARRANT.

HISTORY. 1931 c. 309 s. 4; 1939 c. 258 s. 4; M. Supp. s. 6260-4.

348.18 PENALTY FOR FRAUDULENT CLAIM.

HISTORY. 1931 c. 309 s. 5; 1939 c. 258 s. 5; M. Supp. s. 6260-5.