

No. 179, A.]

[Published April 12, 1901.

## CHAPTER 156.

AN ACT for the better protection of insect-destroying wild birds, their nests and eggs.

*The people of the state of Wisconsin represented in senate and assembly do enact as follows:*

**What are game birds.** SECTION 1. No person shall within the state of Wisconsin, kill or catch or have in his or her possession, living or dead, any wild bird other than a game bird, nor shall purchase, offer or expose for sale any such wild bird after it has been killed or caught. No part of the plumage, skin or body of any bird protected by this section, shall be sold or had in possession for sale. For the purposes of this act the following only shall be considered game birds: The several species of wild geese, ducks, wood cock, snipe, plover, grouse, prairie chickens, pheasant, partridge and quail, designated by name and protected by the game laws of this state.

**Nests.** SECTION 2. No person shall, within the state of Wisconsin take or needlessly destroy the nest or the eggs of any wild bird, nor shall have such nest or eggs in his or her possession.

**Penalty for violations.** SECTION 3. Any person who violates any of the provisions of this act, shall be guilty of a misdemeanor and shall be liable to a fine of five dollars for each offense, and an additional fine of five dollars for each bird, living or dead or part of bird or nest and eggs possessed, in violation of this act or to imprisonment for ten days, or both at the discretion of the court.

**When act not to apply.** SECTION 4. Sections 1, 2 and 3 of this act shall not apply to any person holding a certificate giving the right to take birds and their nests and eggs for scientific purposes, as provided for in section 5 of this act.

**Issue of scientific certificates.** SECTION 5. The fish and game warden may grant on satisfactory testimonials of well-known scientists only, a certificate to any member of an incorporated society of natural history or to any professor of any university, school or college, or any person properly accredited by any such institution, authorizing such person or institution to collect for

scientific purposes only, the nests, eggs, animals, birds and fish protected by these statutes. No person to whom such certificate is issued or who acts under the same, shall dispose of any such specimens except in exchange for scientific purposes.

**Certificates not transferable.** SECTION 6. The certificates authorized by this act shall be in force for one year only from the date of their issue and shall not be transferable.

**What birds not included.** SECTION 7. The English or European house sparrow (*passer domesticus*) the American crow (*corvus americanus*) the sharp-shinned hawk (*accipiter velox*) Cooper's hawk (*accipiter cooperii*) owls (*ulula cimera*) and blackbirds are not included among the birds protected by this act.

**Conflicting laws repealed.** SECTION 8. All acts or parts of acts heretofore passed, inconsistent with or contrary to the provisions of this act, are hereby repealed.

SECTION 9. This act shall take effect and be in force, from and after its passage and publication.

Approved April 9, 1901.

No. 33, A.]

[Published April 12, 1901.

## CHAPTER 157.

AN ACT relating to ditches and drains.

*The people of the state of Wisconsin represented in senate and assembly do enact as follows:*

**Ditches in use for three years declared valid.** SECTION 1. All ditches, drains, or water-courses, which shall have been or shall hereafter be laid out and constructed by the supervisors of any town or towns, or the board of supervisors of any county, which shall have been opened and in actual use for the term of three years, shall be deemed to be, and are hereby declared to be legal ditches, drains, or water courses, so far as they have been so opened and in actual use, notwithstanding that the law may not have been in all respects complied with in laying out the same; provided that as to all drains, ditches, or water courses hereto-