

Dated this....day of..... A. D. * * * 19....
 Plaintiff.

SECTION 2. This act shall take effect when published.

Approved June 2, 1913.

No. 453, S.]

[Published June 6, 1913.

CHAPTER 414.

AN ACT to amend subdivision (11) of subsection 1 of section 4560d of the statutes, relating to the use of spears.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision (11) of subsection 1 of section 4560d of the statutes is amended to read: (Section 4560d.) 1. (11) Or to use a spear in any of the streams inhabited by trout, or in which trout have been planted, *except navigable rivers during the open season for trout.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 2, 1913.

No. 484, S.]

[Published June 6, 1913.

CHAPTER 415.

AN ACT to amend section 4560a of the statutes, relating to the classification of the waters of the state for the purposes of enforcing the fish and game laws; to repeal section 4560a—10 and to create section 4560a—10 of the statutes, relating to fishing in the Mississippi River, Lake Pepin, and Lake St. Croix.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4560a of the statutes is amended to read: Section 4560a. All waters within the boundaries of the state of Wisconsin as prescribed by the act of congress approved August 6, 1846, entitled "An act to enable the people of Wisconsin territory to form a constitution and state government and for the admission of such state into the union," shall, for the purpose of enforcing the fish and game laws of this state be classed and defined * * * as follows: *Lakes Superior and Michigan and the harbors and bays immediately connected with said lakes, Green Bay, Sturgeon Bay and Sawyers Harbor, the Fox river from its mouth up to the dam across said river at the city of De Pere, the Mississippi river including Lake Pepin, and*

that part of the St. Croix river known as Lake St. Croix are hereby classified and designated as outlying waters. All other waters included within the state of Wisconsin are hereby classified and designated as inland waters.

SECTION 2. Section 4560a—10 is repealed.

SECTION 3. There is added to the statutes a new section to read: Section 4560a—10. (a) It shall be unlawful and is hereby prohibited to kill, catch, or take from the waters of the Mississippi river, Lake Pepin, or Lake St. Croix any catfish of any variety under 15 inches in length from tip to tip in the rough, or 12 inches in length dressed with head detached, bass of any variety, pike of any variety, pickerel, sunfish, ring perch or crappies, between the 1st day of March and the following 29th day of May.

(b) It shall be unlawful and is hereby prohibited to kill, catch, or take from said waters any game fish with the aid of a spear at any time. Rough fish may be taken during the open season for such fish by means of a spear without a license.

(c) It shall be unlawful to set, use, or operate any fish nets of any kind, nature, or description in the waters of the Mississippi river, Lake Pepin, or Lake St. Croix without having first secured a license therefor as hereinafter provided.

(d) The state fish and game warden shall upon application therefor issue to any resident of the state of Wisconsin a license to set, use, and operate seines, pound, or hoop nets, gill nets and bait nets in that part of the St. Croix river known as Lake St. Croix, the Mississippi river and Lake Pepin and the lakes, bays, bayous, and sloughs tributary thereto and connected therewith, except the following described waters: Rice Lake, French Lake, Mud Lake, Round Lake, French Slough, Spring Creek, Spring Slough, and Black river in La Crosse county; Courtois Pond and French Town Slough in Crawford county; Cassville Slough from Glen Haven to Cassville; Daley Lake, Wyalusing Bay, and Glen Lake between Wyalusing and the Burlington Railway Bridge, Plondke and Harris Sloughs, Crawford Lake, Ferry Lake, and Bertram Lake all in Grant county; and Beef Slough in Buffalo county and Mississippi river within 1500 feet of the mouth of the Chippewa river at any time, for the purpose of catching and taking all fish except catfish of any variety under 15 inches in length from tip to tip in the rough or 12 inches in length dressed with head detached, pike of any variety, bass of any variety, sunfish, pickerel, ring perch and crappies, between the 15th day of June and the next succeeding 15th day of April. The nets licensed under the provisions of this section shall have the following sized mesh, stretched measure:

Seines: Not less than 5-inch mesh on wings, and not less than 4-inch mesh in the center of the pot, the pot not to exceed more than 150 feet in length.

Pound or Hoop Nets: Not less than 6-inch mesh for the leaders.

Not less than 5-inch mesh for the hearts.

Not less than 3-inch mesh in the hoops.

Bait Nets: Not less than 3-inch mesh. Said nets shall be used without leads and shall not have more than a 4-foot hoop front.

Gill Nets: Not less than 7-inch mesh.

(e) Such nets shall not be set, used, or operated except in the manner hereinafter provided and then only in compliance with such rules and regulations as are or may hereinafter be prescribed by law. Any person, persons, firm, company, or corporation who or which shall own at the time this act is passed any seines or nets which were lawfully permitted to be used, but having meshes less than that prescribed in subdivision (b) of this section, are hereby authorized to use said nets in waters permitted for the use of said nets as mentioned in subdivision (b) of this section until April 15th, 1914, subject to all restrictions herein provided.

(f) Every person taking fish from the waters described in subdivision (a) of this section by means of seines or nets shall immediately return to such waters all game fish which may be found in any such seine or net when the same is drawn or lifted; the possession of any such fish by any licensee shall be deemed prima facie evidence of a violation of the provisions of this section.

(g) Licenses issued under the provisions of this section shall expire on the 15th day of April next succeeding the date of their issuance and shall not be transferable. Any person who shall desire to set, use, or operate a net or nets under the provisions of this section shall make application to the state fish and game warden therefor upon blanks to be furnished by him and shall accompany such application with a fee for the respective nets as follows:

Seines: One dollar per 100 feet for the first 500 feet.

Two dollars per 100 feet for the second 500 feet.

Three dollars per 100 feet for the third 500 feet.

Four dollars per 100 feet for the fourth 500 feet.

Five dollars per 100 feet for the fifth 500 feet.

Six dollars per 100 feet for the sixth 500 feet.

Six dollars for each additional 100 feet from 3,000 up to 4,000 feet.

Gill Nets: For the first 2,000 lineal feet or fraction thereof five dollars, and for each additional 1,000 feet, five dollars.

Pound or Hoop Nets: For each 700 lineal feet of pound net leader and one pound net, five dollars. For each additional pound, five dollars.

Bait Nets: For each bait net one dollar.

(h) Before any such license shall be issued the applicant shall execute and deliver to the state fish and game warden a bond running to the state of Wisconsin in the penal sum of two hundred dollars with two sureties who shall each justify in the sum of two hundred dollars in property in this state over and above all debts and liabilities in property not exempt by law from sale on execution. In lieu of such bond said licensee may make a cash deposit of two hundred dollars or provide the bond of any surety company authorized to do business in this state. Such bond shall be conditioned that if the applicant shall well and faithfully observe and comply with all the requirements of this section and the rules and regulations which are or may be hereafter prescribed by law, such obligations to be null and void, otherwise to remain in full force and effect.

(i) No net shall be used until the same shall be equipped with metal tags stamped to designate the kind of net and number to correspond with the number of the license authorizing the operation of said net. One such metal tag shall be securely fastened to each 2,000 lineal feet of gill net or fraction thereof; and one such metal tag to each 500 lineal feet of seine or fraction thereof; and one metal tag to each fyke or hoop net; such metal tags to be furnished to the licensee of such nets by the game warden department on the payment of a fee of twenty-five cents for each such metal tag so furnished.

(j) Any person who shall set any net herein described shall maintain at the ends of any such net or nets a white flag or a board not less than 6-inches square which shall project at least 2-feet above the ice or water and shall have marked thereon the number of the license under which the same is so set in figures at least 3-inches in height.

(k) No person shall lay out, draw, land, or use any seine in the Mississippi river, Lake Pepin, or Lake St. Croix of a greater length than 4000 feet, nor shall two or more licensees join their seines together. No set net of any kind shall be set so as to shut off more than two thirds of any channel or passageway of any stream. No licensee under the provisions of this section shall

himself, or by his agent or employee, lift any net or nets or lay out or land any seine after one hour after sunset, until sunrise of the following morning.

(l) It shall be the duty of each licensee under this section to keep a strict record and account of the variety and the number of pounds of fish taken by him as such licensee and to make a report thereon to the state fish and game warden on or before the 10th day of each month covering his operations during the preceding calendar month.

(m) The state fish and game warden shall keep in his office a complete record of all licenses issued under this section, and all moneys received for the same shall be paid to the state treasurer and become a special fund as provided in section 1498w.

(n) Licensees operating nets under the provisions of this section are hereby permitted to construct temporary fish ponds for the keeping of fish therein until the same can be marketed; provided, that any fish so taken may be shipped to points within or without the state at any time and in any quantity.

(o) Any resident of the state of Minnesota who shall be licensed by said state to set, use, operate, or manage any fish net of the varieties herein described by the state of Minnesota in the waters of the Mississippi river, Lake Pepin and Lake St. Croix, is hereby permitted without taking out a license therefor in this state, to set, use, operate, and manage said fish nets upon the Wisconsin side of said waters with the same rights, privileges, and immunities, and subject to the same duties, responsibilities, liabilities, and limitations imposed upon licensees of this state under this section; provided, that the rights and privileges herein extended to the licensees of the state of Minnesota shall exist only during such time or times as the laws of the state of Minnesota shall confer similar reciprocal privileges upon the licensees of this state. Licensees of the state of Minnesota who are hereby granted the right to fish in the waters within the jurisdiction of Wisconsin under this reciprocal provision may until the 15th day of April, 1914, use in such waters seines and nets which do not conform to the provisions of this section; provided, that they are such that the use thereof within the territorial jurisdiction of the state of Minnesota is not prohibited by the laws of this state.

(p) The provisions of this section shall not apply to or be deemed to prohibit the authorities of this state from taking fish from said waters at any time for the purpose of propagation.

(q) No person shall set, in the waters of the Mississippi river, Lake Pepin, or Lake St. Croix, more than one set line which shall have not to exceed twenty-five hooks and such hooks shall

not be baited with frogs, minnows, or live bait. Any person desiring to set a line in any of the above named waters shall first procure a license therefor, as provided in section 4560d—1 of the statutes, but such license shall not permit him to set more than one set line which set line shall have not to exceed twenty-five hooks.

(r) It shall be unlawful and is hereby prohibited for any person to have in his possession in any of the counties of this state bordering on the Mississippi river, between the first day of March and the succeeding 29th day of May, pike of any variety, bass of any variety, pickerel, sunfish, ring perch, or crappies.

(s) The state fish and game warden is hereby authorized and empowered to appoint persons who shall have been appointed game wardens or deputy game wardens of the state of Minnesota to act as deputy game wardens of the state of Wisconsin and such persons so appointed shall have and exercise all of the power in enforcing the game laws of the state of Wisconsin which may now or hereafter be conferred upon the deputy game wardens of this state. Residents of Minnesota so appointed shall not receive any compensation from this state.

(t) Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not less than fifty dollars nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed not less than sixty days nor more than ninety days, or by both such fine and imprisonment in the discretion of the court. The license of any person convicted of any violation of the provisions of this section shall be forfeited and such convicted person shall not be entitled to another license for the period of one year from and after the date of such conviction.

(u) All acts and parts of acts inconsistent with the provisions of this section are hereby repealed.

SECTION 4. This act shall take effect upon passage and publication.

Approved June 3, 1913.