

No. 402, S.]

[Published June 1, 1903.]

CHAPTER 437.

AN ACT revising the laws of this state, relating to the protection of fish and game, and amending sections 4560a, 4560b, 4560c, 4560d, 4560g, 4560j, 4562d, 4562e, 4563b, 4564, 4565c; section 4 of chapter 311 of the laws of 1899; section 14 of chapter 311 of the laws of 1899, as amended by section 14 of chapter 358 of the laws of 1901; section 15 of chapter 358 of the laws of 1901; section 22 of chapter 358 of the laws of 1901; and repealing section 6 of chapter 311 of the laws of 1899 as amended by section 1 of chapter 307 of the laws of 1901, and chapter 305 of the laws of 1901; and by adding six new sections numbered 2, 7, 14, 21, 22 and 23, and amending section 1497b of the statutes of 1898, relating to the powers and duties of the commissioners of fisheries.

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

Waters classified. SECTION 1. Section 4560a of the statutes of 1898 is amended so as to read as follows: Section 4560a. All rivers, streams, lakes and other waters entirely within the borders of this state, the Mississippi and St. Croix rivers, and Lake St. Croix, to the center of the channel of each, are hereby defined as inland waters. Lakes Michigan and Superior and the harbors and bays immediately connected therewith, Green Bay from the mouth of the Fox river, commencing at the most easterly point in section twenty-four, township twenty-four north, of range twenty east, of the fourth principal meridian, being the angle between the third and fourth runs or courses of the survey of the meander line of said section twenty-four, as shown by the original plat of the survey of said township of record in the land office of this state; running thence south forty-five degrees east, until the line reaches the main land in township twenty-four north, of range twenty-one east, and Lake Pepin, are hereby defined to be outlying waters.

Close season for prairie chicken. SECTION 2. Any person who shall take, catch, kill, hunt or pursue any prairie chicken before September first, 1905, in the counties of Door, Kewan-

nee, Brown, Outagamie and Marinette, shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment in the county jail not less than thirty days nor more than sixty days, in the discretion of the court.

Section repealed. SECTION 3. Section 6, chapter 311, laws of 1899, as amended by section 1, chapter 307, laws of 1901, is hereby repealed.

Close season for woodcock, etc. SECTION 4. Section 4562e of the statutes of 1898 is hereby amended so as to read as follows: Section 4562e. Any person who shall take, catch, kill, hunt or pursue any woodcock, partridge, pheasant, prairie chicken or prairie hen, grouse of any variety, plover or snipe, between the first day of December and the succeeding first day of September, shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail not less than ten days nor more than sixty days in the discretion of the court.

Close season for trout. SECTION 5. Section 4560e of the statutes of 1898, as amended by section 2, chapter 311, laws of 1899, is hereby amended so as to read as follows: Section 4560e. Any person who shall fish for, catch or kill in any of the inland waters of this state, with any device or in any manner, any variety of trout between the first day of September and the succeeding fifteenth day of April, or who shall ship without accompanying such shipment, or who shall sell, offer for sale or barter any variety of trout, caught in any of the inland waters of this state, shall be punished by a fine of not less than ten dollars or more than fifty dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, or by both such fine and imprisonment in the discretion of the court; provided that the owner or owners of private hatcheries may catch and dispose of trout propagated and raised therein, in the manner provided in section 1498m as amended by section 21, chapter 358, laws of 1901.

Use of spear. SECTION 6. Section 4, chapter 311, laws of 1899, is hereby amended so as to read as follows: It shall be unlawful, and is prohibited, to use a spear for the purpose of taking, catching or killing any fish in the inland waters of this state, except suckers, carp, sheepshead, dogfish, garfish, redhorse, bullheads or other fish not protected by the laws of this

state, or to use a spear for the purpose of taking, or taking any fish in the night time. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail not less than ten days nor more than sixty days, in the discretion of the court.

Fishing through the ice unlawful. SECTION 7. It shall be unlawful, and is hereby prohibited, for any person to fish in any manner through the ice, on Lake Mason, commonly known as Briggsville Pond, situated in the counties of Adams and Marquette, and on Eagle lake in Racine county, for a period of five years from March 1st, 1903; any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and be punished by a fine of not less than ten dollars nor more than twenty-five dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, in the discretion of the court.

Close season for bass. SECTION 8. Section 4560b of the statutes of 1898, as amended by section 1, chapter 311, laws of 1899, is hereby amended so as to read as follows: Section 4560b. It shall be unlawful for any person to kill, capture or take by any device whatever, or in any manner in any of the inland waters of this state, any black, Oswego or yellow bass, muskellunge, pike, sturgeon or pickerel between the first day of March and the twenty-fifth day of May next succeeding (excepting that in Big Green lake in Green Lake county, the closed season for such bass shall be from the first day of March to the first day of July next succeeding, and in Devil's lake, Mirror lake in Sauk county the closed season for such bass shall be from the fifteenth day of December to the fifteenth day of June next succeeding), or to take or kill any bass in any of the waters of Geneva lake in Walworth county of a length less than six inches; provided, however, that the closed season prescribed in this section shall not apply to Rush lake in Fond du Lac and Winnebago counties, nor to Geneva lake in Walworth county, nor to the waters of Lake Winnebago, Lake Winneconne, Lake Butte des Morts, Lake Poygan, Little Lake Butte des Morts and the Fox and Wolf rivers; provided, further, that no black, Oswego or yellow bass, or sturgeon, shall be taken from any waters, except Geneva lake and Rush lake, during the closed season prescribed in this section. It shall be unlawful to sell

or offer for sale or to ship during the general closed season for fishing as prescribed in this section (the same being between March first and May twenty-fifth next succeeding), any black, Oswego or yellow bass, muskellunge, pike, sturgeon or pickerel taken from the inland waters of this state. Any person violating any of the provisions of this section shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, in the discretion of the court.

Prohibited methods of hunting aquatic birds. SECTION 9. Section 4563b of the statutes of 1898, as amended by section 12, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 4563b. It shall be unlawful and it is hereby prohibited, for any person or persons to use in the pursuit of any wild duck, goose, brant or any other aquatic fowl, upon the waters of this state, any sneak boat, or boat propelled by an oar or oars operated from the sides or stern of such boat, or any sail boat, or boat propelled by steam, naphtha, electric, or other engine or machinery, or any battery, sink box or similar device, or to kill or attempt to kill, while occupying or using any such boat, box or other device outside or beyond the natural covering of leaves, reeds, grass or other vegetation growing above the water, any wild goose, duck, brant or other aquatic fowl, or to construct or use for the purpose of hunting, outside of such natural covering or upon the ice, any fixed or artificial blind or ambush; or for any person to use more than twenty-five decoys; such decoys to be personally set and watched by the owner, and to be plainly marked or stamped with the owner's name or initials. Any person who shall violate any of the provisions of this section shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, in the discretion of the court. All decoys used in violation of the provisions of this section are hereby declared to be contraband, and may be seized and sold to the highest bidder under the direction of the game warden, and the net proceeds of the sale to go into the hunting license fund.

Close season for pheasant, quail, etc. SECTION 10. Section 4564 of the statutes of 1898, as amended by section 10, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 4564. Any person who shall take, catch, kill, hunt or pursue any Mongolian, Chinese, or English pheasant, or quail

of any variety before September first, 1905, shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars or by imprisonment in the county jail not less than thirty days nor more than sixty days in the discretion of the court.

Close season for rabbit, squirrel; hunting beaver prohibited; hunting rabbits, etc., on land owned or occupied. SECTION 11. Section 4565e of the statutes of 1898, as amended by section 11, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 4565e. It shall be unlawful for any person to take, catch, kill, hunt or pursue any rabbit or squirrel between the first day of May and the first day of September next succeeding; or to take, catch, kill, trap, hunt or pursue any beaver at any time or to take, catch, kill, hunt or pursue any marten, fisher, otter, muskrat or mink between the first day of May and the following first day of February; or to destroy or molest any muskrat house at any time. All guns, traps, boats or other implements used in violating any provisions of this section and all game taken in violation thereof may be seized, confiscated and sold by any warden as provided by law. Provided, however, that nothing contained in this section shall be construed so as to prohibit the owner or occupant of any land from hunting and killing rabbits and squirrels at any time without a license upon such land. And provided further, that the owner or lessee of any land may take muskrats thereon, or from the waters adjoining the same, in any manner from the fifteenth day of October to the first day of May following. Any person who shall violate any of the provisions of this section shall be punished by a fine of not less than twenty dollars nor more than fifty dollars or by imprisonment in the county jail not less than twenty days nor more than sixty days in the discretion of the court.

Duty of county clerk as to license moneys. SECTION 12. Section 24, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 24. It shall be the duty of each county clerk in this state to remit to the state treasurer, on the first day of each month, all moneys received by him for hunting or fishing licenses during the preceding month, and to report to the state fish and game warden the number of licenses issued, and the amount of money remitted to the state treasurer. He shall also keep in an index book the names of all licensees in alphabetical order, said names to be entered at the time the li-

censes are issued. Any county clerk who shall fail or refuse to comply with any of the provisions of this section shall on conviction thereof pay a penalty of not less than five dollars nor more than ten dollars or by imprisonment in the county jail not less than five days nor more than ten days.

Prohibited methods of fishing; use of set lines; license for; who to issue. SECTION 13. Section 4560d, of the statutes of 1898, as amended by section 3, chapter 311, of the laws of 1899, as amended by section 7, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 4560d. Any person who shall set, place or use in any of the inland waters of the state any net of any variety, or any trap, or any snare of any kind, which shall be intended to or might catch, take or kill fish, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, and be imprisoned until such fine is paid, not exceeding ninety days. Set lines may be used from May twenty-fifth until the succeeding fifteenth day of February in the waters of Big Wolf river in Waupaca county, in Lake Winnebago, Lake Butte des Morts, Lake Winneconne, Lake Poygan, and the rivers connecting said lakes and also in the waters of the Fox river in Winnebago county and the Wisconsin river from the north line of Sauk county to its mouth, and also in the waters of the Black river, from the north line of Jackson county to its mouth, and also in the waters of the Mississippi river for the purpose of taking catfish or sturgeon, under the following restrictions: Any person who shall put out a set line shall first procure from the county clerk of any county bordering on such waters a license for that purpose, which shall be issued to him the same as hunting licenses are issued, and only one license shall be issued to each individual in each year. He shall also procure from the county clerk and attach to each one hundred yards or fraction thereof, of set line, a metal tag, but no more than ten such metal tags shall be issued with each license. The license shall be numbered and the metal tags issued to any license holder shall be stamped to correspond to the number of the license. The licensee shall pay one dollar for such license and twenty-five cents for each metal tag. The county clerk shall remit to the state treasurer ninety cents for each license so issued and he may retain for each tag issued the sum of five cents, provided he furnishes the tags. Otherwise the state fish and game warden shall furnish the tags when demanded. The moneys received by the county clerk or the state fish and game warden

under this section shall be remitted to the state treasurer and become a part of the hunting license fund. All licenses issued under this section shall expire on the fifteenth day of February of each year. No person shall assist in setting or taking up a set line who does not possess a license. Any person who shall set such a line shall maintain at each end thereof a white flag not less than sixteen inches square, and such flag shall be placed at least two feet above the water, and shall be numbered with figures at least three inches in size to correspond with the number of the license possessed by the person setting the line. Any game warden or deputy warden or any person having the powers of a game warden within the provisions of the laws of this state, is authorized to raise at any time, with as little damage as may be, any set line to see if the same is set according to the provisions of this section. The state game warden is hereby authorized and required to furnish the county clerks, upon application, the licenses and tags provided for herein. Any person who shall be convicted of violating the provisions of this section shall, if he possesses a license under the provisions of this section, forfeit the same and shall not be granted another license for the term of three years and shall be further punished by a fine or imprisonment as provided in this section. Set lines set in violation of the provisions of this section shall be considered public nuisances.

Contraband defined. SECTION 14. Any boat together with its machinery, sails, tackle and equipment, and any gun used in violation of any of the fish and game laws of this state, is hereby declared to be contraband and may be seized, confiscated and sold by any game warden, to the highest bidder, and the net proceeds of sale paid into the state treasury and credited to the hunting license fund.

Chapter repealed. SECTION 15. Chapter 435 of the laws of 1901 is hereby repealed.

Fishing through ice; lakes affected. SECTION 16. Section 4560g of the statutes of 1898, as amended by section 5, chapter 311, laws of 1899, as amended by section 1, chapter 53, laws of 1901, is hereby amended so as to read as follows: Section 4560g. Any person who shall fish through the ice in any of the inland waters of this state with more than five lines to each person, and more than one hook to any line, or who shall construct upon the ice of said waters, except Sturgeon Bay, Ge-

neva lake, in Walworth county, Winnebago lake, the Mississippi river, all lakes in Waukesha county, Little Lake Butte des Morts, and on Black river from its mouth to the north line of the city of Onalaska, any building or enclosure of any nature whatsoever which shall conceal the person of the occupant while engaged in fishing through the ice, or who shall occupy any building or enclosure while engaged in so fishing, shall be punished by a fine of not less than twenty dollars nor more than fifty dollars, or by imprisonment in the county jail not more than thirty days. It is hereby provided that the buildings permitted to be placed on the ice on Black river may be occupied for the purpose of spearing carp, red-horse, buffalo and suckers.

Close season for deer; prohibited method of hunting; penalty.

SECTION 17. Section 4562d of the statutes of 1898, as amended by section 9, chapter 311, laws of 1899, as amended by section 9, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 4562d. Any person who shall take, pursue or kill, by any device or contrivance whatever, or pursue with the intent to take, kill or worry any deer, buck, doe or fawn between the thirtieth day of November and the succeeding tenth day of November in the year following (all the year excepting the last twenty days in November being thereby intended to be included in the closed or prohibited season for such animals), or who shall hunt deer, buck, doe or fawn, at any time with dogs or in the night time, or in either the counties of Sauk, Adams, Columbia, Richland and Marquette at any other time than during the last ten days in November of each year, or in either the counties of Fond du Lac, Sheboygan, Manitowoc and Calumet, at any time, or in the counties of La Crosse, Monroe, Vernon, Trempealeau and Jackson until the open season for deer in 1907, or who shall kill or capture any deer, buck, doe or fawn, or attempt to kill or capture such, in the waters or on the ice of any of the streams, lakes or ponds, within the jurisdiction of this state at any time, or who shall take, catch or kill, or attempt to take, catch or kill any deer, buck, doe or fawn, by means of any pit, pit-fall or trap at any time; or who shall make use of any artificial light in hunting deer; or have in his possession the skin of any deer when it is in its red coat, or of any fawn when it is in its spotted coat; or who shall kill more than two deer in any one year, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than two months nor more than six

months, or by both such fine and imprisonment in the discretion of the court.

Use of net in outlying waters. SECTION 18. Section 4560j of the statutes of 1898, as amended by section 7, chapter 311, laws of 1899, as amended by section 25, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 4560j. Any person who shall set or cause to be set in the waters of Lake Superior within one mile of the main shore thereof, within the jurisdiction of this state, or the entire Chequamegon Bay, or waters south of an east and west line drawn from the extreme northwest end of Long Island or Chequamegon Point to the mainland in Bayfield county, or within one-quarter of a mile of any harbor, pier, or breakwater on the shores of Lake Michigan within the jurisdiction of this state, any seine, gill, pound, trammel, dip or fyke net, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than three months.

Powers of commissioners of fisheries. SECTION 19. The commissioners of fisheries may take fish at all seasons of the year and from the outlying waters during the open season and after the commencement of the closed season up to and including the fifteenth day of November in each year for stocking other waters or for the purpose of securing eggs for artificial propagation; provided, that no such fish shall be taken, except in the presence and under the direction of the superintendent of hatcheries or his agent authorized in writing by the superintendent. The fish necessarily killed in such taking shall be disposed of for the best interests of the state.

What packages of fish or game may be transported; penalty. SECTION 20. Section 22, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 22. It shall be unlawful for any person, company, or corporation to offer for transportation or to transport to any point within or without this state any fish taken from the inland waters of this state, except as hereinafter provided.

a. If marked as provided by law, one package and no more, containing not more than twenty pounds of fish, except trout of any variety, or in lieu thereof not more than two fish of any weight, may be transported to any point within or without this state, by any person, provided that not more than one such

shipment shall be made during any one week by the same person.

b. Any package or shipment containing more than twenty pounds of fish, except trout of any variety, taken from the inland waters of this state may be transported to any point within this state; provided that shipments be marked as provided by law and that the shipments be accompanied by the shipper from point of shipment to place of destination. Shipments to points without the state are hereby made unlawful. And provided further that pike taken from the outlying waters in this state may be transported in any quantity from any outlying water point within the jurisdiction of this state, to points within this state without being accompanied by the shipper, at any time, except during the closed season for taking such fish from inland waters; such shipments to points without the state are hereby prohibited, except as provided in paragraph "a" of this section.

c. The provisions of this section shall not apply to shipments of chubs, dace, suckers, carp, redhorse, sheepshead, dogfish, gar-fish, sturgeon, pickerel, cat-fish, buffalo and bull-heads, provided that shipments of such fish must be marked according to law.

d. Shipments of trout of any variety not to exceed twenty pounds in weight, taken from the inland waters of this state, may be made to points within or without this state, when accompanied by the shipper; provided that not more than one such shipment shall be made during any one week by the same person.

Any person, company, or corporation that shall violate any of the provisions of this section shall forfeit to the state of Wisconsin, a sum not less than twenty-five dollars nor more than one hundred dollars, in the discretion of the court. Any shipments made in violation of the provisions of this section may be seized, confiscated and sold by any game warden of this state in a manner provided by law.

Minimum weight of muskellunge and sturgeon. SECTION 21. The taking, catching or killing of any muskellunge of less weight than four pounds round weight, or two pounds dressed weight, or of any sturgeon of less than eight pounds round weight, or four pounds dressed weight, is hereby prohibited. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five dollars.

Distribution of confiscated game. SECTION 22. All game confiscated by any warden, the sale of which is prohibited, shall be shipped to the charitable institutions of this state for their use; such game to be as equally divided among such institutions as possible; all such shipments to be under the direction of the state game warden who is hereby required to keep a complete record of the distribution of such confiscated game.

Resident hunting licenses, how issued. SECTION 23. Resident hunting licenses may be issued in the discretion of the state game warden, upon proper showing, to actual settlers in this state who may not have resided in this state for a year immediately preceding the making of the application for the same. Such licenses to be issued by the state fish and game warden who shall keep in his office a complete record of all licenses issued by him under this section. No hunting license shall be issued to any person under twelve years of age.

Hunting with dogs prohibited, when; excepted localities; penalty. SECTION 24. Section 15, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 15. It shall be unlawful and is hereby prohibited for any person to hunt any game, of any kind with a dog or dogs in this state, during the open season for hunting deer, provided that the counties of Crawford, Columbia, Dodge, Washington, Ozaukee, Milwaukee, Waukesha, Jefferson, Dane, Iowa, Grant, Richland, La Fayette, Green, Rock, Walworth, Racine, Vernon, La Crosse, Monroe, Trempealeau, Sheboygan, Manitowoc, Calumet, Fond du Lac, Winnebago, Outagamie and Kenosha are excepted. Any person violating the provisions of this act shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment until such fine is paid not exceeding ninety days. Any dog found running deer in this state is hereby declared a public nuisance.

Selling, etc., of deer hides, carcass; shipment of hides from other states. SECTION 25. Section 14, chapter 311, laws of 1899, as amended by section 14, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 14. It shall be unlawful and it is prohibited to buy, sell or transport any green hide, green head, carcass or part of carcass of any buck, deer, doe, or fawn, between the third day of December and the succeeding twelfth day of November. Provided, that this section shall not prohibit the shipment into this state at any time

the dry hides or skins of deer from another state, if the same be for the purpose of manufacture within this state, provided, that manufacturers dealing in such hides shall keep a record of all such hides bought, that the same may at any time be opened to inspection by the warden. Any shipment made and had in possession in violation of this section may be seized, confiscated and sold by any warden as provided by law. Any person or corporation who shall violate any of the provisions of this act shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars and by imprisonment until such fine is paid, not exceeding sixty days.

Conflicting laws repealed. SECTION 26. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 27. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 372, S.]

[Published June 1, 1903.

CHAPTER 438.

AN ACT amendatory of chapter 268 of the laws of 1901, being an act requiring promissory notes and other evidences of indebtedness, to express upon their face the consideration for which given in certain cases.

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

Words to be printed on face of note. SECTION 1. Section 1 of chapter 268 of the laws of 1901 is hereby amended so as to read as follows: Section 1: All promissory notes and other evidences of indebtedness, taken or given for any lightning rod, patent, patent right, stallion, or interest therein as the case may be, shall have written or printed thereon in red ink the words: "The consideration for this note is the sale of a lightning rod, patent, patent right, stallion, or interest therein, as the case may be."