

No. 550, S.]

[Published June 24, 1905.

CHAPTER 435.

AN ACT defining "private fish hatchery," regulating the stocking thereof, providing for report, numbering and registering, by the owners thereof, regulating transportation of fish shipped therefrom and providing penalties.

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

Private fish hatchery defined. SECTION 1. For the purpose of construing the fish and game laws of this state the term "private fish hatchery," wherever that term is used, shall be taken to mean the following named equipments and no others:

(a) Private ponds and the buildings used for the purpose of hatching fish, located at the head waters of a stream on private land possessed and controlled by the owner or owners of such hatchery.

(b) Private ponds and the buildings used for the purpose of hatching fish, located on private land where the supply of water for the hatchery is furnished by springs or artificial wells.

(c) Ponds and the buildings used for hatching fish, located on private land where the supply of water for the hatchery is obtained by the use of flumes, pipes or ditches from flowing streams; provided that said flumes, pipes or ditches shall be properly screened so as to prevent fish from passing from such stream to the ponds of such hatchery.

Stocking hatchery. SECTION 2. It is hereby made unlawful to stock any private fish hatchery with fish or fry obtained from any of the Wisconsin state fish hatcheries, or from any of the waters of the state except when such fish have been taken in a lawful manner.

Penalty. SECTION 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail in the county in which such offense was committed not less than

twenty days nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

Owners to report and hatcheries to be numbered, inspected and registered. SECTION 4. It is hereby made the duty of the owners or lessees of private fish hatcheries to report to the state fish and game warden the name, if any, and location of such hatchery, whereupon the state fish and game warden shall inspect the same number and register such hatchery and immediately inform the owner thereof, of the number given such hatchery and thereafter the owner or lessee of any such hatchery shall not ship any fish from his said hatchery without marking every package shipped therefrom with the number of such hatchery.

Transportation and marking packages. SECTION 5. Each package or box containing fish propagated and raised in any private hatchery shipped or offered for shipment shall be branded with an iron brand as follows: Shipped from the private fish hatchery of (here insert the name of the owner or lessee, location and number of the hatchery) and such brands shall not be used on packages containing fish not taken from such private hatchery.

Penalty for using brand unlawfully. SECTION 6. Any person who shall use the stamp or brand described in this act on any box or package containing fish not propagated and raised in a private fish hatchery duly numbered and registered as provided for in this act and ship or offer for shipment such box or package shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars and the costs of prosecution and be imprisoned in the county jail of the county in which the offense was committed until said fine and costs are paid, not to exceed ninety days.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.