

officials of the city of Madison shall cause to be paved in like manner that portion of State street in said city from the State Capitol square to the University grounds, and also cause to be removed all telegraph, telephone and electric light wires and poles; also provide that the poles necessary for carrying the wires of the Southern Wisconsin Railway Company, on State Street from the Capitol Square to and also around the University grounds, shall conform to those around the Capitol park. the governor is authorized to assume in behalf of the state of Wisconsin and to pay out of the money herein appropriated. such portion of the expense of such paving as would be assessable against the property owned by the state of Wisconsin and the University of Wisconsin, were such property private property and properly assessable therefor.

SECTION 3. There is hereby appropriated out of funds in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this act not exceeding however the sum of seventeen thousand five hundred dollars.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1909.

No. 595, S.]

[Published June 21, 1909.

CHAPTER 525.

AN ACT to amend sections 1498, 1498a, 1498b, 1498c, 1498d, 1498l, 1498b-1, 1498p, 1498q, 1498s, 1498s-1, 1498-9, 1498-10, 4560a-4, 4560a-6, 4560a-7, 4560a-8, subsections a and b of section 4560a-10, sections 4560a-11, 4560a-12, 4560a-13, 4560a-16, 4560a-17, 4560a-20, 4560a-23, 4560a-38, 4560d, 4560d-1, 4560g-2, 4562d, 4562e, 4562f, 4563, 4563b-1, 4565, 4565e, and 4565k of the statutes; to repeal sections 1498h, 4565e-5 and chapter 230 of the laws of 1901; and to create sections 1498im, 1498in, 4565e-5, and 4567m of the statutes, relating to the fish and game warden, and to the fish and game of the state.

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

SECTION 1. Sections 1498, 1498a, 1498b, 1498c, 1498d, 1498l, 1498b-1, 1498p, 1498q, 1498s, 1498s-1, 1498-9, 1498-10, 4560a-4, 4560a-6, 4560a-7, 4560a-8, subsections a and b of section 4560a-10, sections 4560a-11, 4560a-12, 4560a-13, 4560a-16, 4560a-17, 4560a-20, 4560a-23, 4560a-38, 4560d,

4560d—1, 4560g—2, 4562d, 4562e, 4562f, 4563b—1, 4565, 4565e, and 4565k of the statutes are amended to read: Section 1498.

1. The governor shall appoint a state fish and game warden *by and with the advice and consent of the senate*, who shall hold his office for the term of two years from the date of his appointment and until his successor is * * * *appointed* and qualified, unless * * * *removed by the governor for misconduct, inefficiency, or neglect of duty*; and any vacancy occurring during said term shall be filled by the governor for the residue of the term. It shall be the duty of said warden to secure the enforcement of the law for the preservation of fish and game and to bring or cause to be brought actions and proceedings in the name of the state to recover any and all fines and penalties provided for. He shall also perform the same duties as are in section 1636e, as amended by chapter 353, laws of 1899, prescribed for fire wardens, and shall further report to the land commissioners any information relating to the state lands as shall from time to time be required and concerning any trespasses thereon which may come to his knowledge.

2. Such warden shall devote all his time to the duties of his office and shall receive a salary of * * * *two thousand* dollars per year and his actual expenses and disbursements to be paid upon vouchers therefor approved by the governor to be paid out of the fund known as the hunting license fund.

3. *Before entering upon his duties, the state fish and game warden shall execute a bond to the state of Wisconsin in the penal sum of five thousand dollars for the faithful performance of his duties, and his bond shall be approved by the governor; and each deputy warden shall give bond in the sum of two hundred and fifty dollars conditioned for the faithful performance of his duties, and his bond shall be approved by the state fish and game warden. The cost of said bond, if any, to an amount not exceeding one-fourth of one per cent of the amount of said bond shall be paid from the hunting license fund.*

Section 1498a. * * * *The state game warden shall appoint sixty deputy game wardens; he shall appoint one from each senatorial district in the state and the others from the state at large to be distributed in such manner as to promote the best interests of the service. Each such deputy warden shall be selected from a list of eligibles furnished by the state civil service commission, and to that end a separate list of eligibles shall be prepared for each senatorial district. Such deputies when appointed shall hold office during good behavior,*

and shall in all respects be subject to the provisions of the civil service law. The state game warden may assign work to any deputy warden anywhere within the boundaries of the state. The state game warden may, from time to time as the needs of the service require and the condition of the fund will permit, appoint additional special deputy wardens for temporary or occasional service from an eligible list selected from the state at large. Nothing in this section shall be deemed to affect the tenure or eligibility of persons now in the service.

Section 1498b. 1. Whenever the county board of any county shall by resolution authorize the appointment of county wardens, and shall fix the number of the same, it shall be the duty of the county judge, district attorney, and county clerk, acting as a board of appointment to select the persons for such positions and certify their names to the state fish and game warden, who shall, if in his judgment such persons will make competent and efficient deputy wardens, issue commissions as deputy wardens to such persons so designated. The compensation of each of said deputy wardens so appointed for such county shall be fixed by the board appointing the same, and be paid out of the county treasury the same as salaries of other county officers.

2. All deputy * * * or special * * * wardens shall make * * * to the state fish and game warden full and complete reports of their transactions as such, according to the demand of the state fish and game warden, and shall at all times be held subject to his * * * direction and control in the performance of their duties. They shall also gather and transmit to the state fish and game warden any and all statistical information relative to fish and game as said fish and game warden shall from time to time call for. They shall also promptly make reports concerning forest fires and any trespasses upon the public lands that may come to their knowledge. *The state fish and game warden shall make a printed report of work done annually.*

Section 1498c. 1. The warden and his deputies shall each have full authority to execute and serve all warrants and processes issued by any justice of the peace or police magistrates or by any court having jurisdiction under any law relating to fish and game, in the same manner as any constable may serve and execute such process, and arrest without warrant any person by him detected in actually violating any of the provisions of the law relating to fish and game and may take such

person so offending before any court and make proper complaint.

2. It shall further be the duty of such warden and his deputies upon receiving information that any law relative to fish and game has been violated, to immediately cause a thorough investigation to be made and proceedings to be instituted if the proof at hand warrants. Such warden and his deputies may seize and forthwith destroy any and all apparatus designated by any law relating to fish and game to be a public nuisance.

3. It shall be their duty to seize and confiscate in the name of the state any fish or game caught, killed, or taken in violation of any law or had in possession contrary thereto to sell the same at * * * *highest market price*, and pay the proceeds to the state treasurer less the expenses of such seizure and sale.

4. It shall also be their duty to seize and hold subject to the order of the court all apparatus, appliances, or devices which either of them shall have reason to believe is being used in * * * violation of the fish and game law, and which is not designated by law as a public nuisance; and if it be proven that the same is or has been, within six months previous to such seizure, used in violation of law, the court before which the said apparatus, appliance, or device is taken, may order the destruction or sale of the same to the highest bidder, after having declared it confiscated to the state. If sold to the highest bidder the warden or deputy selling it shall remit to the state treasurer the amount received therefor, less the expense of seizure and sale. *When under pay of the state all wardens shall devote their time exclusively to the performance of the duties of their office.*

Section 1498d. The * * * deputy wardens appointed * * * *as provided in section 1498a*, shall each receive a per diem to be fixed by the state warden, by and with the approval of the governor, which per diem shall include pay for such days as each such deputy shall be under the direct order of the state warden to perform services in the enforcement of the fish and game laws, and upon certificate of said warden that such services have been actually rendered at his instance and under his direction. In addition to the per diem provided for, such deputies shall receive their actual necessary expenses incurred while working under the direction of the state warden, which expenses shall be paid upon vouchers therefor approved by the governor and countersigned by said state fish and game warden.

Section 14981. On or before the thirty-first day of December in each year the state fish and game warden shall report to the governor the transactions of his department, including the work of himself and deputies, and such other information as may be valuable to the state concerning the enforcement of the fish and game laws during the year preceding, *which report shall contain an itemized statement of receipts and disbursements.*

Section 1498b—1. 1. All * * * deputy fish and game wardens shall before exercising any of the power and authority of a warden, be provided with a commission issued by the state fish and game warden under the seal of his department and approved by the governor. Such commission * * * shall be substantially as follows:

STATE OF WISCONSIN

Department for the Protection of Fish and Game. To all to whom these presents shall come, greeting:

Know ye, that reposing special trust and confidence in the integrity and ability of, of the county of, I do hereby, with the consent and approval of the governor, appoint and constitute him a * * * deputy fish and game warden for the state of Wisconsin, and do authorize and empower him to execute and fulfill the duties of that office according to law * * * * * * *during good behavior and the faithful performance of his duties.*

In testimony whereof, I have hereunto set my hand and affixed the seal of my office at Madison, Wisconsin, this day of

Approved
 State Fish and Game Warden.
 Governor

2. The game warden department shall furnish each and every * * * deputy fish and game warden at the time of his appointment, a pocket identification card or folder in form and substance as follows: A leather covered folder, size when folded, three by four inches, on one of the inner sides thereof shall be securely fastened a photograph of such appointee to be furnished by him and partly on the photograph and partly * * * on the margin of such folder shall be an impression of the seal of the game warden department; such appointee shall also affix his signature below the photograph on such folder. On the other inner side of such folder shall be securely fastened a miniature true copy of the commission issued to such appointee which shall be signed by the state fish and game warden. Such appointee, when exercising the authority con-

ferred upon him, shall on demand of any person to whom he may represent himself as a deputy game warden, exhibit such identification card. When on official duty, such appointee shall at all times carry such identification card on his person.

3. Any person who shall falsely represent himself to be a * * * deputy fish and game warden or who shall assume to act as such without having been first duly appointed as herein provided, shall be punished by imprisonment in the county jail not more than six months or by a fine not to exceed one hundred dollars.

Section 1498p. 1. The state fish and game warden shall issue licenses for the hunting of game in the manner and under the conditions hereinafter stated.

2. All such licenses issued to non-residents shall be countersigned by the secretary of state.

3. All fees for such licenses shall be paid to the secretary of state previous to the issuing thereof, and shall be by him paid to the state treasurer, and become a part of the hunting license fund.

4. The state fish and game warden shall procure the printing of all licenses for the hunting of game and a record of such licenses issued to nonresidents shall be kept in the office of the fish and game warden.

5. All licenses to persons who are residents of the state shall be numbered consecutively at the time they are printed, and shall be furnished by the state fish and game warden to the clerks of the several counties in the state. Such clerks shall issue the same upon the terms and conditions hereinafter provided.

6. Two forms of licenses for non-residents shall be issued, to-wit: One for hunting * * * deer, and the other for the hunting of game protected by the laws of the state with the exception of deer; provided that a person holding a license for the hunting of deer is hereby authorized to hunt for any game protected by the laws of the state during the seasons and under the conditions prescribed by law, and the termination of said license shall be stated on its face. Not more than one license shall be issued to the same person in any one year.

7. The state fish and game warden may issue duplicates for licenses lost, upon payment of fifty cents. Applicants must furnish affidavit as to loss of license.

Section 1498q. 1. Each license for the hunting of game issued under the provisions of law shall state for what year the same is granted, and shall be valid for no other period, nor for any time or season than that which the law shall designate

to be the open season for game permitted to be hunted, taken, or killed by the terms of such license, subject to the proviso that all kinds of game or fish can be hunted or taken in their season and under the conditions of law by a person holding a license for the hunting of deer and fishing for game fish.

2. It shall be unlawful for any male non-resident over the age of sixteen years to fish with hook and line in any of the inland waters of this state without having procured a license therefore as hereinafter provided. The state game warden or any deputy game warden may issue to any male non-resident over the age of sixteen years, a license to fish with a hook and line in any inland waters of this state during the open season for fishing upon the payment by such non-resident of one dollar for such license which license shall be in substantially the following form, to-wit:

License No.
 The holder thereof,, whose residence is
 County of, State of, is hereby per-
 mitted to fish with hook and line within the state of Wiscon-
 sin, subject to the limitations and restrictions of the game laws
 of the state of Wisconsin.

* * * * *

Game Warden.

Address.....

3. Any male non-resident over the age of sixteen years, who shall fish with hook and line in any of the inland waters of this state without having procured a license as herein provided, shall be deemed guilty of a misdemeanor and upon conviction thereof 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 more than thirty days.

* * * 4. The licenses for non-residents of the state for the hunting of deer, and the general game license for non-residents of the state, shall be numbered consecutively when issued from the office of the secretary of state, and be upon paper of color differing the one from the other; and both of these licenses provided for non-residents shall differ essentially in color from the licenses provided to be furnished to residents.

* * * 5. The licenses shall contain the name and place of residence of the licensee, and such other matter and information as may be required by the secretary of state and the fish and game warden, to identify the licensee or more perfectly guard against the violation of the law.

* * * 6. The licenses issued to persons not residents of this state shall recite that the licensee is a non-resident of the state; those prepared for issuance to residents of the state shall state that the licensee is a resident. All coupons or stubs shall contain like information.

* * * 7. Each license issued by the county clerk shall be provided with two stubs, indicating the number of the license, to whom granted, the residence of the licensee, and such other information as may be required by the * * * state fish and game warden. One of such stubs shall be detached by the clerk issuing the license and shall be sent to the state fish and game warden by him. The other stub shall be retained in the office of the county clerk and become a part of the records.

* * * 8. Each license for the hunting of deer, issued to a non-resident of the state, shall be provided with one coupon containing the essential information of the license relative to the number of the license, and the name of the licensee, and such other information as * * * the state fish and game warden may determine to embody therein, including the express statement that the licensee is a non-resident of the state. Such coupon shall be divided into three sections, lettered A., B., and C., respectively.

* * * 9. The holder of a non-resident deer and small game license shall be entitled to offer for transportation and have transported within or without the state by a common carrier of this state one carcass of a deer or part of a carcass of a deer on the coupon attached to his license.

* * * 10. The agent receiving the carcass or part of the carcass of a deer for transportation shall detach section A of the coupon on which it is to be transported, and forward said section to the state fish and game warden; sections B., and C., are to be attached to the carcass or part of carcass of deer received for transportation, and all three sections of the coupon must be cancelled by * * * said receiving agent with the date of reception for shipment and his initials written or stamped plainly thereon.

* * * 11. While in transit within the state, sections B., and C., of the coupon must be on the carcass of deer or part of carcass of deer, or the said carcass or part of carcass shall be subject to seizure as contraband game.

* * * 12. If the place of delivery of said carcass or part of carcass is within the state of Wisconsin, the delivery agent of the common carrier or transportation company shall, before the delivery to the consignee, detach section C., of the coupon,

and forward said section to the state fish and game warden, leaving section B., attached to the carcass or part of carcass.

* * * 13. The receiving or delivering agents or employees of transportation companies or common carriers, required to transmit to the state fish and game warden sections of the coupon as herein required must so transmit the same within two days of the date of shipment or delivery respectively. If the carcass or part of carcass of deer be consigned to a point without the state of Wisconsin, the agent, servant, or employee of the transportation company or common carrier who shall be in charge of the carcass or part of carcass while in transit within this state, shall detach section C., of the coupon, and deliver the same to the agent, servant, or employee of the transportation company or common carrier at the last station or place in the state where the train or other conveyance of the said transportation company or common carrier shall stop, and it shall be the duty of said agent, servant, or employee of the said transportation company or the common carrier to whom said section of the coupon is delivered to immediately forward the same to the state fish and game warden after writing or stamping thereon the name of the station or place and date of reception thereat of said section of said coupon.

* * * 14. Any agent, servant, or employee of any transportation company or common carrier who shall receive for shipment or transport * * * any carcass of deer or part of carcass of a deer without having the coupon or sections of coupon attached thereto as herein provided, or who shall refuse or neglect to detach the sections of the coupon as herein provided, or who shall fail to transmit or forward to the state fish * * * and game warden as herein provided the sections by him detached, 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, or by both such fine and imprisonment in the discretion of the court.

* * * 15. No transportation company or common carrier shall receive for transportation or transport or attempt to transport any carcass of deer or part of carcass of deer unless the same shall be received for transportation, carried, and delivered pursuant to the provisions of this section, relative to the coupons or parts of coupons, and shall only be received for shipment, carried, or delivered during the season or time which the laws of the state shall fix as the open season for the transportation * * * of deer or parts of carcasses of deer.

Section 1498s. 1. Every person who has resided in this state for one year previous to applying for a license to hunt game and who desires to hunt the same must first obtain a license from the county clerk of the county in which he resides, which said license shall be issued by said county clerk, under seal, upon blanks furnished by the secretary of state. Said license shall certify that the licensee is a bona fide resident of the state of Wisconsin, and give a description of such person such as shall be required by the secretary of state and the state fish and game warden in the blank licenses furnished to said county clerk.

2. The * * * *application* for such license shall show that the licensee is a resident of this state, shall give his residence and his postoffice address, shall contain a description of his person, and such other information as shall be required by the secretary of state and the state fish and game warden, shall be verified by the affidavit of the applicant and some resident of the county other than himself acquainted with the facts as set forth in the application.

3. The county clerk shall receive with each such application for license the sum of one dollar, ten cents of which he shall retain, and the remainder he shall transmit to the state treasurer.

4. The license so issued to any resident of this state shall have attached * * * *one* coupon * * * for the shipment of deer, * * * *which* coupon shall be divided into two sections lettered "A" and "B" respectively. The holder of a resident coupon license shall be entitled to offer for transportation or have transported within the state by a common carrier of this state one carcass of a deer or part of carcass of deer on * * * the * * * coupon attached to his license.

5. The agent receiving the carcass or part of carcass for transportation shall detach section "A" of the coupon on which the same is to be transported and forward said section to the state fish and game warden. Section "B" is to be attached to the carcass or part of carcass of deer received for transportation and the two sections of the coupon must be cancelled by the said receiving agent with the date of reception for shipment and his initials written or stamped plainly thereon. While in transit, section "B" of the coupon must be on the carcass or part of carcass of deer, or the said carcass or part of carcass of deer shall be subject to seizure as contraband game. The receiving agent or employee of transportation companies or common carriers are required to transmit to the state fish and game

warden section "A" of the coupon as herein required, must so transmit the same within two days of the date of shipment.

6. Any agent, servant, or employee of any transportation company or common carrier who shall receive for shipment or transport any carcass of deer or part of carcass of deer without having the coupon attached thereto as herein provided, or who shall refuse or neglect to detach section "A" of the coupon as herein provided, or who shall fail to transmit or forward to the state fish and game warden as herein provided the section by him detached shall be punished by a fine or 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, or by both such fine and imprisonment in the discretion of the court.

7. No transportation company or common carrier shall receive for transportation, or transport or attempt to transport any carcass of deer or part of * * * a carcass of deer unless the same shall be received for transportation, carried, and delivered pursuant to the provisions of this section relative to the coupon * * * and parts * * * thereof, and shall only be received for shipment, carried, or delivered during the season or time which the laws of the state shall fix as the open season for the transportation of carcass * * * of deer or parts of carcasses of deer.

8. *Any carcass or part of carcass of any deer had in possession in or near any hunting camp or found in transit or in any place for sale or storage, without the section of the hunting license coupon mentioned attached, may be seized, confiscated and sold by any warden as provided by law.*

9. *Any resident or any non-resident who shall neglect or refuse to comply with the provisions of this act, or any person, company or corporation who shall receive for shipment or ship any carcass or part of a carcass of any deer in violation of this act shall on conviction thereof 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.*

Section 1498s—1. 1. 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 * * * fifteen years of age.

2. *All license moneys collected from non-residents for fishing with hook and line shall be paid into the state treasury, and one-half of all money so collected shall be credited to the fish commission to be used by them in such manner as they may deem expedient in the prosecution of the work of the commission; the remaining one-half of the money so derived shall be credited by the state treasurer to the hunting license fund.*

Section 1498—9. *Except as above provided, all such license money so received shall be set aside by the state treasurer and shall constitute a fund for the payment of the * * * game wardens. The liability of the state for per diem salaries and expenses of * * * game wardens appointed under this act or otherwise and for all other services and expenses incurred, for any purpose under or in consequence of this act, shall be limited to the * * * funds of the fish and game warden department, and in no event shall the state pay any such salaries or expenses or be liable in any manner therefor, except to the extent of such * * * funds * * * any contract, express or implied, of the game warden to the contrary notwithstanding. And said game warden shall not issue any voucher, nor shall the governor approve any voucher, if issued by said warden, under the provisions of this act or otherwise for any such per diem, salary, services, or other expenses of any kind unless the money to pay such voucher * * * shall at the time be on hand to pay the same.*

Section 1498—10. 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 *and along* a stream for a distance of not to exceed one mile 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.

Section 4560a—4. 1. For the purpose of construing and enforcing the laws of this state, relating to the protection, taking, and having in possession of fish, the following named fish are hereafter to be known and classed as "game fish."

2. Any * * * brook trout, rainbow trout, brown trout, grayling, strawberry bass, calico bass, croppie, small mouth black bass, large mouth black bass, Oswego bass, green bass, yellow bass, silver bass, white bass, rock bass, pike, catfish, muskellunge, sturgeon, and pickerel. All fish not classed as "game fish" are hereafter to be known and classed as "rough fish." *Except in Lake Winnebago, Lakes Butte des Morts and Poygan, Fox River, and Wolf River and tributary streams within Winnebago county, perch shall be classed as game fish and pickerel shall be classed as rough fish.*

3. *Pickerel shall be classed as rough fish between Kilbourn dam and the Plover dam on the Wisconsin river, in Douglas county and in the Mississippi river. In Green Lake county there shall be no closed season for rock bass.*

4. *In Big Yellow river from mouth to Babcock, Lemonweir from mouth to mouth of Bear Creek, pickerel shall be classed as rough fish. In Lake Keshkong and that part of the Rock river lying in Jefferson and Rock counties, there shall be no closed season for game fish caught with hook and line, except bass.*

Section 4650a—6. It shall be lawful for any person to fish for, take, or catch rough fish with dip nets not to exceed eight feet in diameter with meshes not less than five inches stretch measure, in the daytime, between sunrise and sunset as hereinafter provided in the Rock river and in the Crawfish river up to bridge No. 2 in the town of Beaver Dam, county of Dodge, from the first day of July in each year until the first day of March following.

(a) No person shall take or catch such fish for the purpose of sale, barter, or exchange without first complying with the provisions of section 15, chapter 489 laws of 1905.

(b) Every person using or operating a dip net under the provisions of this act, shall immediately return to the water from which the same have been taken, all game fish, and if any such person shall be found in the possession of any such game fish, it shall be deemed to be prima facie evidence of a violation of this act.

(c) Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not less than twenty-five dollars nor more than fifty 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 twenty days nor more than sixty days, or by both such fine and imprisonment in the discretion of the court.

Section 4560a—7. 1. It shall be unlawful, and is hereby prohibited for any person to fish in any manner, through the ice, on Silver lake, situated within the city limits of Portage, Columbia county; on Lake Mason, commonly known as Briggsville pond, situated in the counties of Adams and Marquette; on Shell lake, situated in Washburn county; on Chain of Lakes situated in townships thirty-seven and thirty-eight north, of range twelve west, in Washburn county, *in the Big Slough in Lewiston, Columbia county, Wisconsin*, before the first day of March, A. D., 1917; or to spear any fish in any manner during any season of the year in Lake Mason, commonly known as Briggsville pond, or the inlet, outlet, or marshes adjacent to the same, *or in the chain of Lakes, Mirror or Shadow Lakes, in the towns of Farmington, Dayton and the city of Waupaca and town of Waupaca, Waupaca county, Wisconsin*.

2. Any person who shall violate any of the provisions of this * * * section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars, and the costs of prosecution, or by imprisonment in the county jail in the county in which the offense was committed, not less than ten days nor more than thirty days, or by both such fine and imprisonment in the discretion of the court. The possession of a spear on or about the shores of Lake Mason shall be deemed to be prima facie evidence of a violation of this * * * section.

Section 4560a—8. 1. It shall be unlawful and is hereby prohibited to construct or place upon the ice of the inland waters of this state except Geneva Lake, in Walworth county, Lake Winnebago, Lake Butte des Morts, Little Lake Butte des Morts, all lakes in Waukesha county, Beaver Dam lake or pond in Dodge county, the Mississippi river, all lakes and streams in the counties of Buffalo, Trempealeau, and La Crosse, the Fox river within Brown county, any building, enclosure, or shelter whatsoever, which might conceal the person of the occupant while engaged in fishing through the ice, or to occupy, while engaged in fishing through the ice, any building, enclosure, or shelter whatsoever, which has heretofore been constructed or placed thereon; provided that on the ice of the waters above enumerated buildings, enclosures, or shelters may be placed and occupied while fishing with hook and line or spearing rough fish; * * * further

provided that in the buildings or shelters placed on the ice of *Lake Geneva in Walworth county, Lake Winnebago, * * ** *Lake Butte des Morts, Little Lake Butte des Morts, all lakes in Waukesha county, Beaver Dam lake or pond in Dodge county, the Mississippi river, all lakes and streams in the counties of Buffalo, Trempealeau, and La Crosse, the Fox river within Brown county,* pickerel and sturgeon may be speared in addition to rough fish.

2. The unlawful use of any building, enclosure, or structure on the ice of any of the inland waters, contrary to the provisions of this act, shall forfeit the same to the state, and all buildings, enclosures or structures placed or used in violation of the provisions of this act are hereby declared public nuisances, and shall be seized and disposed of by any officer authorized to enforce the fish and game laws of * * * the state.

3. Any person who shall violate any of the provisions of this * * * section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars and the costs of prosecution, or by imprisonment in the county jail in the county in which the offense was committed not less than ten days nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

Section 4560a—10. (a) It shall be unlawful and is hereby prohibited to take, *from the waters of the Mississippi River, Lake Pepin, or Lake St. Croix,* any fish by any other method than by angling or trolling with hook and line, or by licensed set lines, or for the purpose of propagation when taken by the superintendent of hatcheries or his duly authorized agents, or taking rough fish by the aid of spears * * * without first having complied with all the requirements of this act.

(b) The state fish and game warden shall, upon application therefor, issue to any person a license to set, use or operate seines, pound nets, * * * or hoop, * * * gill nets of not less than three and one-half bar, bait nets, without leads, with four foot hoop front, * * * turtle nets of three and one-half inch bar, in that part of the St. Croix river known as Lake St. Croix and that part of the Mississippi river known as Lake Pepin and the Mississippi river, and the lakes, bays, bayous, and sloughs tributary *thereto* and connected therewith, *except Rice Lake, French Lake, Mud Lake, Round Lake, French Slough in La Crosse county, Courtois Pond and Frenchtown Slough in Crawford county, and Cassville Slough from Glen Haven to Cassville, and Bertram Lake in Grant county at any time, and*

*Beef Slough in Buffalo county, between the 15th day of April and the 15th day of November, and the 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 pike, of any variety, bass, or croppies. * * **

Section 4560a—11. 1. All protected birds, fowls, or animals confiscated by any warden shall be sold at the highest market price, the proceeds thereof to be turned into the state treasury, and credited to the hunting license fund.

2. The state game warden or his deputies shall issue a certificate to the person purchasing, certifying that the same was legally obtained from said warden. The person so buying said game shall have * * * five days in which to consume same, but no part thereof shall be resold by said person purchasing from said state or deputy game warden, provided that this shall not be construed to prevent any restaurant, club, or hotel keeper from buying and serving said game to guests.

3. *Provided a statement certifying said fish or game was purchased from the state, same being confiscated property. The said certificate shall be hung in public view in place where fish or game is served. Said game shall be tagged by the game warden selling the same, and said tag shall show the date of sale, and shall be returned to the said game warden within five days from the date of purchase.*

1. *Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof, shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars, and the cost of prosecution, or by imprisonment in the county jail in the county in which the offense was committed not less than ten days nor more than twenty days.*

Section 4560a -12. It shall be unlawful and is hereby prohibited to take, catch, or kill in any manner or by any device whatever, any large or small mouth black bass, Oswego bass, or yellow bass, in any of the inland waters of this state, between the first day of March and the * * * first day of June next succeeding.

* * * * *

* * * a. In Devil's Lake in Sauk county the closed season for all fish shall be from the 15th day of December to the * * * 25th day of * * * May next succeeding.

* * * b. In Mirror Lake and Dell Creek in Sauk county, the closed season for all game fish shall be from the 15th day of December until the * * * 25th day of * * * May next succeeding.

* * * c. In Lakes Winnebago, Winneconne, Butte des Morts, Little Lake Butte des Morts, Poygan, and those parts of the Fox and Wolf Rivers which connect said lakes, the Big Wolf River up to the dam at Shawano, there shall be no closed season except for black bass, Oswego bass, yellow bass, and sturgeon, and for the above enumerated fish the closed season provided for in the first paragraph of this act shall apply.

* * * d. In all inland waters except as herein specified, the closed season for game fish, except bass and brook trout of any variety, shall be from the first day of March to the twenty-fifth day of May next succeeding; in Beaver Dam Lake or pond, Dodge county, the closed season for pickerel shall be from the first of March, to the * * * *twenty-fifth* day of * * * *May* next succeeding.

* * * e. It shall be unlawful to have over fifteen of any black bass, Oswego bass or yellow bass in possession at any one time or to take or retain any of the above enumerated bass of a length less than * * * *ten* inches; said undersized bass shall when so taken be returned without injury to the waters where taken.

* * * f. It shall be unlawful and is hereby prohibited to have in possession or under control in any one day, more than twenty-five pounds of bull heads taken from Beaver Dam Lake or pond, or Fox Lake in Dodge county; *there shall be no closed season for any fish in the Pecatonica and Fever Rivers in La Fayette county. It shall be unlawful to take, catch, or kill in any manner or by any device, any variety of fish, excepting carp, from or in the mill pond in the village of Wautoma in Waushara county, prior to the first day of January, 1912.*

* * * g. It shall be unlawful and is hereby prohibited to sell, offer for sale, or ship or transport any game fish between the first day of March and the twenty-fifth day of May, next succeeding; *provided, however, that this shall not apply to the possession, sale, or shipment within or without this state, of any pike or pickerel in their natural frozen state, imported from any foreign country; and provided further that any person, firm, or corporation handling pike or pickerel imported from a foreign country, shall keep a separate record of all shipments and consignments of such fish, and such records shall be open for inspection at all times to the state fish and game warden or any of his deputies. The contents of all packages or boxes must be plainly labeled as to what they contain. Provided that nothing in this act shall be construed as to permit a violation of the conditions provided by section 4560a—5 of the statutes.*

* * * *h.* Any person violating any of the provisions of this * * * *section* shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten nor more than twenty-five dollars and the costs of prosecution, or by imprisonment *in the county jail* not less than ten nor more than thirty days, or by both such fine and imprisonment.

Section 4560a—13. It is hereby prohibited and made unlawful:

(a) To 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 September 1st and the succeeding 15th day of April;

(b) To ship trout of any variety without accompanying the shipment;

(c) To sell, offer for sale, or barter any variety of *brook trout*;

(d) To have in possession or under control any variety of trout during the closed season;

(e) To have more than * * * *forty-five brook trout* which were caught in any of the inland waters of this state in possession or under control during any one day during the open season;

(f) To fish for or by any device attempt to kill any variety of fish in any of the streams of this state (except navigable rivers), which contain trout of any variety, during the closed season specified herein for trout;

(g) To take and retain trout of any variety less than six inches in length; trout so taken to be immediately returned, without injury, to the water where taken; the provisions of this act shall not apply to lake trout and the trout raised and caught in private hatcheries.

(*h*) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars, and the cost of prosecution, or by imprisonment *in the county jail in the county in which the offense was committed* not less than ten days nor more than twenty days.

Section 4560a—16. It shall be unlawful and is hereby prohibited to ship to any point, either within or without this state by common carrier, or convey or cause to be conveyed by private carrier:

(a) Any carcass or part of carcass of any deer between the third day of December and the succeeding twelfth day of No-

ember, provided that the * * * shipments of * * * green hides or *green* heads of deer * * * are not to be had in possession after January 3rd or between January 3rd and November 11th of any year.

(b) Or to have in possession a deer head when in the velvet, a deer hide when in the red or blue coat, a fawn hide when in the spotted coat, or any untanned deer hide from which the hair has been removed; provided that nothing in this act shall be construed as to prohibit the shipment into this state, at any time, of the dry hide or skins of deer from another state, if the same be for the purpose of manufacture within this state; provided further that manufacturers dealing in such hides shall keep a record of all such hides, bought, that the same may at any time be open to inspection by the state game warden or his deputies.

Section 4560a—17. 1. Any officer authorized to enforce the fish and game laws of this state shall seize, confiscate, and sell all deer heads in the velvet, all deer hides in the red or blue coat, all fawn hides in the spotted coat, and any untanned deer hides from which the hair has been removed, found within the borders of this state. Confiscations under this act shall include the entire shipments. Any person or persons buying hides or heads from such officer or officers shall be allowed to manufacture the same as he or they may desire. Nothing in this act shall apply to any deer head in * * * velvet, deer hide in the red or blue coat, or spotted fawn hide in possession at the time of the passage of this act, mounted, dressed, or manufactured.

2. The state fish and game warden may, on application of any park board, grant a permit to ship live deer or moose or animals or game birds for park purposes. Said applicants must make affidavit that they are members of said board at the time of the request.

3. Any person violating any of the provisions of sections 4560a—16 and 4560a—17 shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than thirty days nor more than sixty days.

Section 4560a—20. 1. It shall be unlawful and is hereby prohibited for any person or persons to hunt any game of any kind with a dog or dogs during the month of November, in the counties where deer are allowed to be killed or hunted * * * or to have a dog or dogs in his or their possession during the

*month of November in or about a hunting or logging camp in the counties where deer are allowed to be hunted. * * * The finding of any dog or dogs with any person shall be deemed prima facie evidence of his or their guilt, and any dog or dogs found running deer * * * at any time * * * shall be declared * * * a public nuisance and may be * * * seized, confiscated, or killed, and it shall also be unlawful to run or use a pointer or setter dog or dogs in the field, or upon lands frequented by, or upon which game birds may be found between the first day of August and the 10th day of September, and any dog or dogs so used in violation of this act may be seized, confiscated, or killed.*

2. Any person violating any of 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 in the county jail not less than thirty nor more than ninety days.
* * *

Section 4560a—23. 1. The state fish and game warden or any of his deputies shall seize any game, or fish, taken or held in violation of the laws of this state; and every such officer may arrest, with or without a warrant, any person whom he has reason to believe guilty of a violation thereof, and with or without a warrant, may open, enter, and examine all buildings, camps, vessels, boats, wagons, cars, stages, tents, and other receptacles and places where he has reason to believe that fish or game taken, or held in violation of the laws of * * * the state are to be found, and seize such game or fish, if any be found therein, but no dwelling house shall be searched for the above purposes without a warrant, or sealed railroad cars be *opened*, entered, or searched without a warrant.

2. Any person who shall refuse to permit an officer charged with the enforcement of the fish and game laws entry into any buildings or enclosures, *vessels, boats, wagons, vehicle, or conveyance, cars, stages, tents, and other receptacles and places*, except dwelling houses while permanently occupied * * * and to take possession of any fish, game, or any unlawful contrivance used for the taking of fish or game, upon demand made by him to that effect, shall be fined not less than twenty-five dollars nor more than * * * one hundred dollars and the costs of prosecution, or by imprisonment *in the county jail* not less than * * * thirty nor more than * * * ninety days, or by both such fine and imprisonment.

Section 4560a—38. 1. It shall be *unlawful* to use a minnow seine * * * more than twenty feet in length or five feet

in depth, or a minnow dip net not more than five feet in diameter in any of the inland waters * * * *in creeks or streams in which trout have been planted*, or in Tuttle Creek located in Walworth and Rock counties, *unless supervised by the state fish and game warden or any of his deputies*, for the purpose of taking rough fish minnows for bait, provided that all game fish taken by such nets, *shall be immediately returned to the waters where taken. No such bait shall be taken during the closed season for game fish.*

2. Any person violating any of the provisions of this * * * section shall be deemed guilty of a misdemeanor and upon conviction thereof, 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 until such fine is paid, not exceeding thirty days.*

Section 4560d. 1. *Except as otherwise provided by law*, it is hereby prohibited and made unlawful to set, place, or use in any of the inland waters of this state:

(1) A net of any kind, except a landing net;

(2) Or to set any trap or snare of any kind which shall be intended to catch, or might catch, take, or kill fish;

(3) Or to take, catch, or kill any game fish by any other method than by angling or trolling with not more than * * * *five lines to each person, and with not more than one hook or trolling spoon attached to each line;*

(4) And it shall be unlawful to leave said lines in the water unattended by the user thereof, except as otherwise provided by law;

(5) Or to use a spear for the purpose of taking, catching, or killing any rough fish in the "night time" as the "night time" is defined in section 4637a of the statutes * * *

(6) Or to use at any time more than five lines with more than one hook attached to each line for the purpose of taking, catching, or killing * * * fish;

(7) Or to leave said lines in the water unattended by the users thereof;

(8) Or to take or catch rough fish minnows in any of the streams inhabited by trout of any variety;

(9) Or to use a minnow dip net more than four feet in diameter for the purpose of taking rough fish minnows for bait only;

(10) Or to use, set, lay, or prepare in any of the waters of this state any lime, poison, medicated bait, fish-berries, or any substance deleterious to fish life, or which might attract fish in unusual numbers.

2. It shall be unlawful and is hereby prohibited to take from any springhole or artificial well connected with any of the waters of this state, fish of any kind by any means whatsoever at any time, except when such spring-hole or artificial well forms a part of a private hatchery.

3. It shall be unlawful and is hereby prohibited to take fish by means of shutting or drawing off water for that purpose, or to take fish by any device or in any manner, *except with a hook and line* within two hundred feet of any fishway, * * * lock, or dam.

4. Any person violating any of the provisions of *sub-sections 2, 3, or 4*, * * * of this * * * *section* shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five 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 thirty days nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

5. It shall be unlawful and is hereby prohibited to take, catch, or kill fish in any of the waters of this state by means of dynamite or other explosives, or to place in such waters any dynamite or other explosives which, if exploded, would or might cause the destruction of any fish therein, except when such dynamite or other explosives are used by order of public authorities, or for the purpose of clearing a channel in any of the streams, after obtaining permission so to do from the commissioners of fisheries.

6. The possession upon any inland water, or upon the shores or islands of inland waters, of any dynamite or other explosives, shall be prima facie evidence that the same is possessed for an unlawful purpose.

7. Any person violating any of the provisions of *subsection * * * 6* of this * * * *section* shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty nor more than two hundred dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which such offense was committed, not less than sixty days nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

Section 4560d—1. 1. Set-lines may be used from the twenty-fifth day of May until the succeeding fifteenth day of February in the following named waters: Big Wolf River in Waupaca * * * and *Outagamie counties*, Lake Winnebago, Lake Butte des Morts, *Little Lake Butte des Morts*, Lake Winne-

conne, Lake Poygan, and the rivers connecting said lakes, Fox River in Winnebago county, Wisconsin river from the north line of Sauk county to its mouth, Black River from the north line of Jackson county to its mouth, and the Mississippi river, for the purposes of taking cat-fish or sturgeon, under the following restrictions:

2. Any person who shall desire to place a set-line or set-lines in any of the above described waters, shall first procure from the county clerk of any county bordering on such waters, a license which shall be issued by such county clerk in the same manner as resident hunting licenses are issued, and only one license shall be issued to the same person in any one year.

3. Each licensee shall 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 tags shall be issued with each license. The license shall be numbered, and the metal tags issued to any licensee shall be stamped with a number which shall correspond to the number of the license. The applicant shall pay one dollar for such license and twenty-five cents for each metal tag.

4. County clerks shall pay to the state treasurer ninety cents for each license so issued and twenty-five cents for each metal tag and retain the remaining ten cents as their fees. The moneys received by the state treasurer by virtue of this section shall become a part of the hunting license fund. All licenses issued pursuant to 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 has not procured a license as herein provided.

5. Any person who shall set such line or lines 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, the numbers to be at least three inches in height and shall correspond with the number of the license by virtue of which such set-line is operated.

6. Any game warden or deputy warden, or any person having the powers of a game warden, under the laws of this state, is authorized to raise at any time, with as little damage as may be, any set-line, to ascertain if the set according to the provisions of this section.

7. The state game warden is hereby authorized and required to furnish the county clerks, upon application, the blanks for licenses and metal tags provided for herein.

Section 4560g—2. It shall be *unlawful* to use a spear for the purpose of taking, catching, or killing any rough fish in the daytime in Dane county, except from the first day of January in each year to and including the succeeding fifteenth day of April, *in lakes and streams in Dane county. Wind shields may be used while engaged in fishing through the ice with hook and line.*

Section 4562d. 1. It shall be unlawful and is hereby prohibited to hunt, take, capture, or kill, by any means or in any manner whatever, or to pursue with the intent to hunt, take, capture, or kill:

(a) Any deer between the * * * *first day of* * * * *December* and the * * * *tenth day of November*, of the succeeding year, *both inclusive* (hereby intending to include in the closed season for hunting deer all the year, except the last twenty days of November, inclusive;

(b) Any deer in the counties of Grant, La Fayette, Green, Rock, Walworth, Kenosha, Racine, Milwaukee, Waukesha, Jefferson, Dane, Iowa, Crawford, Richland, Sauk, Columbia, Dodge, Buffalo, Washington, Ozaukee, Sheboygan, Fond du Lac, Green Lake, Pepin, Marquette, Adams, * * * Vernon, Monroe, La Crosse, Waushara, Winnebago, Calumet, Manitowoc, Outagamie, Brown, Kewaunee, *Portage, and Waupaca* at any time, nor in the * * * *counties of Door and Shawano* until November first, 1912;

(c) Any deer, with a dog or dogs at any time;

(d) Any deer in the "night-time," as that term is defined in section 4637a of the statutes * * *;

(e) Any deer in the water or on the ice of any stream, lake, or pond at any time;

(f) Any deer by means of any pit, pit-fall, trap, or snare at any time;

(g) Any deer by the aid of artificial light at any time;

(h) It is made unlawful to place any salt in any place for the purpose of enticing deer thereto or to construct, occupy, or use any elevated scaffold or other device for the purpose of hunting, watching for, or killing deer;

(i) Any moose at any time.

2. (a) It shall be unlawful and is prohibited for any resident to kill more than * * * *one* deer or any non-resident to kill more than one deer in any one year, or to have in his possession the skin of any deer when it is in the red coat or the skin of any fawn when it is in the spotted coat (except when such skins are possessed as otherwise provided by law) or to have in his

possession the carcass of more than * * * *one* deer or parts of carcass of more than * * * *one* deer during any one year.

(b) The term "deer" as used in this act shall be construed to mean a buck, doe, or fawn; and the term "carcass or part of carcass" as used in sections 1198q and 1198s shall not be construed to mean the hide when separated from the rest of the body of the deer.

(c) Any person violating any of the provisions of this act, excepting subdivision (b) of paragraph 1, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five 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 two months nor more than six months, or by both such fine and imprisonment in the discretion of the court.

(d) Any person violating subdivision (b) of paragraph 1 of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five 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 three months nor more than six months, or by both such fine and imprisonment in the discretion of the court.

Section 4562e. It shall be unlawful and is hereby prohibited to take, catch, kill, hunt, or pursue:

(a) Any woodcock, partridge, plover, or snipe, between the first day of December and the succeeding * * * *10th* day of September, or

(b) Any prairie chicken or prairie hen or grouse of any variety between the * * * *first* day of October and the succeeding * * * *tenth* day of September, in any of the following named counties, to-wit: Ashland, Adams, Barron, Burnett, Buffalo, Brown, Bayfield, Chippewa, Clark, Crawford, Dodge, Dunn, Douglas, Grant, Eau Claire, Iowa, Jackson, Juneau, La Fayette, Marquette, Marinette, Monroe, Oconto, Outagamie, Pepin, Polk, Pierce, Portage, Richland, Rusk, Sawyer, St. Croix, Vernon, Washburn, Waushara, Waupaca, and Wood.

(c) Any prairie chicken or prairie hen or grouse of any variety in any other county than those hereinbefore enumerated before the first day of September, A. D. 1915, or

(d) Any Mongolian, Chinese or English Pheasant or quail of any variety before the first day of October, A. D. 1915.

Section 4562f. Any person who shall violate any of the provisions of *section 4562c* * * * shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, and the costs of prosecution, or by imprisonment in the county jail * * * not less than twenty days nor more than sixty days, or by both such fine and imprisonment in the discretion of the court.

Section 4563. It shall be unlawful to take, catch, kill, hunt, or pursue, or have in possession:

1. Any variety of wild duck (including American coot or mud hen), rail, or rice hen, between the first day of January and the succeeding first day of September in any year;

2. Any wild goose or brant, between the first day of May and the succeeding * * * *tenth* day of September in any year;

3. Any swan at any time.

Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty nor more than fifty dollars and *the* costs of prosecution, or by imprisonment in the county jail for not less than twenty days, nor more than sixty days or by both such fine and imprisonment.

Section 4563b—1. 1. It shall be unlawful and is hereby prohibited for any person or persons:

(1) To pursue, take, catch, or kill any aquatic fowl by any other means than by the use of guns held at arm's length and discharged from the shoulder;

(2) To pursue, take, catch, or kill any aquatic fowl, or to hunt with or shoot from any boat, canoe, contrivance, or device whatever, on any of the waters of this state outside or beyond the natural covering of weeds, rushes, or other vegetation growing above the water, nor within such natural covering or vegetation in any boat or craft except such as are propelled by *pad-dle, oar, oars, or pole* * * *.

(3) To use more than twenty-five decoys by each person; such decoys to be personally set and watched in water not more than two hundred feet from natural covering by the owner, or owners; all decoys, boats, or contrivances used in violation of this act are hereby declared to be contraband and may be seized and sold to the highest bidder under the direction of the game warden making the seizure, and the proceeds to be turned into the hunting license fund;

(4) To pursue, take, catch, or kill any aquatic fowl between * * * sunset and one hour before sunrise;

(5) To hunt or molest aquatic fowl, other than wild geese and brant by the use of a rifle.

2. Any person 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 the costs of prosecution, or by imprisonment in the county jail not less than twenty days nor more than sixty days, or by both such fine and imprisonment.

Section 4565. Any person who shall *take, catch, * * ** kill, or molest a nest or the eggs of any harmless bird at any time or for any purpose whatever, except as authorized by law, any whippoorwill, nighthawk, bluebird, finch, thrush, robin, lark, turtle dove, or any other harmless bird, shall be punished by a fine of not less than five dollars for each bird nor more than fifty dollars or by imprisonment in the county jail for not more than thirty days, provided that this section shall not apply to blackbirds, crows, English sparrows, or pigeons for trap-shooting.

Section 4565e. Any person who shall have in his possession or under his control any variety of fish, animals, game * * * birds, except whitefish and lake trout, during the closed season prescribed by law therefor (except alive) or any carcass or flesh thereof, and any keeper of a hotel, restaurant, or boarding house who shall serve to any of his guests or boarders any such fish, venison, animals, game, * * * birds, except whitefish and lake trout at any time, except as otherwise provided by law, or to have in his possession or under his control during the closed season therefor, 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 ninety days. Such possession or control of the birds, fowls, or animals, protected by the laws of the state during the closed season therefor, is prohibited, and the penalty herein contained attaches thereto, whether the said fish, birds, fowls, or animals were taken within or without this state, or lawfully or unlawfully taken.

Section 4565k. 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 lake trout * * * 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 * * * seven days by the same person.

(b) Any package or shipment containing more than twenty pounds of fish, except *lake trout* * * * taken from 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 accompanied by the shipper from point of shipment to place of destination. Shipments to points without this 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, rodfish, sheepshead, dogfish, garfish, * * * catfish, buffalo, and bullheads, provided that shipments of such fish must be marked according to law.

(d) Shipments of *lake trout* * * * 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 * * * *seven days* by the same person.

(e) 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.

SECTION 2. Section 1498h, 4565e—5, and chapter 230, laws of 1901 are repealed.

SECTION 3. There are added to the statutes four new sections to read. Section 1498im. 1. The fish and game warden may issue permits to breed or domesticate deer, moose, elk, and caribou upon application to it, which shall contain:

(1) The name and address of the applicant.

(2) A description of the premises on which the applicant will keep such domesticated animals.

(3) The number and kinds of animals in possession at the time of making the application, and whether they are wild or domesticated.

2. The application shall be accompanied by a fee of fifty

cents for each animal in possession. The fish and game warden may thereupon issue a permit to the applicant to keep such animals. Any person holding such permit shall annually on the first day of January report to the fish and game warden any increase or decrease had upon the original number applied for, together with a fee of fifty cents for each additional animal. The fish and game warden shall keep a record of all persons holding such permits and shall send to them numbered tags to be attached to each of the animals.

3. Any such animal may be sold or shipped within or without the state upon receipt of written permission to do so from the fish and game warden, but must have attached to it the number tag hereinbefore provided for.

4. No portion of the carcass of any such animal shall be shipped without having attached thereto a tag designating the date of issue of such tag, the name and address of the person holding the permit to breed or domesticate such animal, and the number of the tag which was attached to such animal while alive. The fish and game warden shall, upon application and without expense to the shipper, furnish for any person holding a permit to breed or domesticate deer not to exceed ten tags for any one carcass.

Section 1498in. In any prosecution for any violation of any of the provisions of law relating to the preservation of fish and game, it shall not be necessary for the prosecution to allege or prove that the animals were not domesticated or that the birds, animals, or fish were not taken for scientific purposes, but the person claiming that such animals were domesticated, or that the said birds or animals were taken for scientific purposes, as provided by law shall prove on the hearing or trial that such animals were domesticated, or that such birds or fish were taken for scientific purposes as by law provided, or were not caught, taken, or killed outside this state, or had in possession without license or permit therefor.

Section 4565c—5. 1. It shall be unlawful and is hereby prohibited to take, catch, kill, hunt, or pursue:

(1) Any rabbit, grey, fox, or black squirrel between the first day of February and the 10th day of October next succeeding, except as otherwise provided, and excepting further than in the counties of Chippewa, Rusk, Eau Claire, Pierce, St. Croix, Portage, Waupaca, and Waushara, it shall be unlawful to take, catch, kill, hunt, or pursue any rabbit, grey, fox, or black squirrel between the first day of February and the 10th day of September next succeeding; but in the counties of Crawford, Grant, Iowa, Kenosha, La Fayette, Richland, Sauk,

and Vernon, there shall be no closed season for the hunting of rabbits.

(2) Any beaver or otter at any time.

(3) Any fisher, martin, mink, or muskrat between the 15th day of March and the 15th day of November next succeeding.

(4) Any otter between the first day of March and the 15th day of September next succeeding.

(5) Any fisher, martin, mink, or muskrat by means of spear or gun, dog or dogs, at any time.

2. It shall be unlawful and is hereby prohibited to disturb or molest muskrat houses or beaver houses or beaver dams, in any manner or at any time, or to set any trap or traps at any time within five hundred feet of any beaver dam or beaver house, except under supervision of fish and game warden's department.

3. It shall be unlawful and is hereby prohibited to have in possession the green hides of any of the above enumerated animals during the closed season for taking of same, and all guns, traps, boats or other implements used in violation of the provisions of this act may be seized, confiscated, and sold by any warden as provided by law.

4. The possession of all hides, except raccoon, showing that the same have been shot or speared is prima facie evidence of guilt.

5. Any muskrat between the fifteenth day of March and the fifteenth day of November next succeeding; provided, that the owner or occupant of any land on the shores of Big Wolf River from the dam at Shawano to its mouth, Lake Winnebago, Lake Butte des Morts, Lake Winneconne, Lake Poygan, Fox River, and tributaries in Winnebago county, is allowed to kill, pursue, and trap muskrat on land owned or occupied by him between the fifteenth day of October and the first day of March next succeeding in any manner; provided further that owners of cranberry marshes are allowed to kill muskrats at any time when said muskrats are destroying their dams; provided further that the hides of muskrats taken in the localities exempted above shall be retained by the person so taking and shall not be sold or disposed of in any manner until the general open season.

6. Any person or persons found violating any of the provisions of this section 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 sixty days, or by both such fine and imprisonment.

Section 4567m. One-third of the fines imposed and collected under the laws regulating the taking, killing, having in possession, or transportation of fish and game, including the violations of the acts relative to the granting and holding of licenses to hunt certain game, shall be paid by the magistrate to the person informing of the offense and prosecuting the offender to conviction, one-third shall be paid by the magistrate before whom the matter shall have been tried and the fines imposed to the county treasurer, and shall be by him designated and set apart as a fund for the protection of fish and game to reimburse the county for the moneys which it shall expend for the enforcement of the fish and game laws, and the remainder shall go to the school fund as provided by law.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1909.

No. 217, S.]

[Published June 21, 1909.

CHAPTER 526.

AN ACT to repeal section 776n of the statutes, relating to park laws in towns.

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

SECTION 1. Section 776n of the statutes is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1909.

No. 551, S.]

[Published June 21, 1909.

CHAPTER 527.

AN ACT to amend subsection 21 of section 170 of the statutes, relating to the salaries of the clerical force in the Land Office, and to amend section 187 of the statutes, relating to the appointment of the chief clerk and his assistant.

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

SECTION 1. Subsection 21 of section 170 is amended to read:

Section 170. 21. Land Office: a. The Chief Clerk in the office of the Commissioner of Public lands * * * sixteen hundred dollars.