

same shall be a lien upon all such logs and timber as may be put in said Little Bear creek, to be floated or driven down said creek, or that may be driven down said creek by the said John T. Cosgriff, his associates or assigns; and such liens, whether for tolls or driving, or both, may be enforced in the same manner in every respect as other liens for labor or services on logs or timber, is or can, or may be enforced under or pursuant to chapter 143, of the revised statutes of this state for the year 1878, and the acts amendatory thereof.

SECTION 5. The right to alter or amend or repeal this act is hereby reserved. Rights reserved.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

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[No. 300, A.]

[Published April 20, 1889.]

## CHAPTER 486.

AN ACT to amend chapter 375, of the laws of 1887, relating to fish and game.

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

SECTION 1. Section 1, of chapter 375, of the laws of 1887, is hereby amended by inserting after the words, "state of Wisconsin," where they occur in the fourth line of said section, the following words: "and no person or persons shall catch or take any fish in any of the inland lakes, rivers or streams in said state by the use of any such net or seine," and also by adding to said section at the end thereof, after the words, "three feet in depth," the following words, to-wit: "except in streams or waters inhabited by or containing trout of any variety" The possession by any person or persons of any such net, snare or fish specified in this section, upon or on the border of any such inland, lake, river or stream, shall be prima facie evidence of the use of such net or snare and the catching and taking of such fish Amending ch. 375, laws 1887.

**Nets, when and where not to be used.**

**Possession of, prima facie evidence of use.**

therewith by the person or persons in whose possession they are found; and all such net or nets, snares or fish so found shall be taken and confiscated by the wardens or officer making the arrest, and the same upon the conviction of such person or persons of such offense, shall be destroyed by said wardens or officer by and under the direction of the court before whom such conviction is had;" so that said section when amended shall read as follows: Section 1. No person or persons shall be allowed to set, place or use any gill, fyke, pound, seine, dip or other net or snare, in the inland lakes, river or streams of the state of Wisconsin, and no person or persons shall catch or take fish in any of the inland lakes, rivers or streams in said state by the use of any such net or seine (except fish known as white fish may be taken with a dip net having a hoop not exceeding thirty inches in diameter, between the tenth day of November and the fifteenth day of December in each year). The inland lakes, rivers or streams shall be construed as meaning all waters within the jurisdiction of the state except Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, that part of Fox river, lying north and east of a line drawn from a north-east corner of a south-east quarter of section twenty four (24), town twenty-four (24), range twenty (20) east, to the southwesterly corner of claim number forty-six (46), in town twenty-four (24) north, of range twenty one (21) east, according to government survey, and private ponds. This act shall not be construed to prevent the catching of minnows, shiners, chubs, dace suckers or stikle back for bait, by means of dip-nets, or seines, of not more than fifty feet in length, nor more than three feet in depth, except in streams or waters inhabited by or containing trout of any variety. The possession by any person or persons of any such net, snare or fish specified in this section upon or on the border of any such inland lake, river or stream, shall be prima facie evidence of the use of such net or snare, and the catching and taking of such fish therewith by the person or persons in whose possession they are found; and all such net or nets, snares or fish so found shall be taken and confiscated by the wardens, and the same upon the conviction of such person or persons

of such offense, shall be destroyed by said wardens, by and under the direction of the court by and before whom such conviction is had.

SECTION 2. Section 2, of chapter 375, of the laws of 1887, is hereby amended by striking out the word, "March" where it occurs in the fifteenth line of said section and inserting the word, "April," and also by striking out the word, "June," where it occurs in the seventeenth line of the said section and inserting in lieu thereof the word, "May," and also by inserting after the word, "black," where it occurs in the sixteenth line of said section the words, "green and oswego," and also by inserting after the word, "bass," where it occurs in said sixteenth line, the words, "and muskalonge," so that said section when amended shall read as follows: Section 2. No person or persons shall be allowed to fish for, catch or kill with any device, nor shall any person or persons sell or offer for sale, or buy or have in their possession any brook trout, mountain trout, rainbow trout, mackinaw trout, pike, black, green and oswego bass or muskalonge during their spawning season. The spawning or closed season shall be construed as follows: Brook, rainbow and mountain trout from the first day of September to the fifteenth day of April. Mackinaw trout (commonly called lake trout) from the first day of October to the fifteenth day of January. Pike (commonly called wall-eyed pike) from the first day of March to the first day of May; and black, green and oswego bass and muskalonge, from the first day of February to the first day of May. This act shall not be construed to prevent the buying or selling of fish or possessing fish during such spawning season that have been raised in private ponds or caught in other than the inland waters of the state.

When fish may be caught.

SECTION 3. Section 3, of chapter 375, of the laws of 1887, is hereby amended by inserting after the words, "Fox and Wolf rivers," where they occur in the seventh line of said section, the following words: "And all waters emptying into Green Bay," so that said section when amended shall read as follows: Section 3. No person or persons shall be allowed to catch, kill or take any fish in any of the waters of the state by means of dynamite

Dynamite or explosives not to be used, spear, where may be.

or other explosives, or spear, except that a spear may be used in the waters of the Mississippi river and sloughs, and also a spear may be used in the waters of Lake Winnebago, Fox and Wolf rivers, and all waters emptying into Green Bay, for sturgeon and pickerel only.

Brook, rainbow or mountain trout not to be caught for, or exposed for sale, caught in public waters.

**SECTION 4.** Section 4, of chapter 375, of the laws of 1887, is hereby amended by striking out after the word, "barter" in the second line of said section the words, "or ship," and also by striking out all after the word, "angling" where it occurs in the ninth line of said section, so that said section when so amended shall read as follows: Section 4. No person shall catch for sale, or offer for sale, or barter or ship out of the state any brook, rainbow or mountain trout caught in the public waters of this state, nor shall any person or persons catch, kill or take any brook, rainbow or mountain trout from any of the public waters of the state by means of any other device than hook and line or angling.

**SECTION 5.** Any person or corporation desiring to raise, cultivate, preserve or propagate speckled, river, salmon, mountain, hybrid or brook trout, in any stream, pond or lake within this state, flowing through or situate upon land owned or leased by him or it, shall post in at least two conspicuous places upon such lands durable signs setting forth the name of the owner or lessee; that such premises are devoted to the purposes of a fish pond, pound or preserve; and that thereafter any person or persons entering upon such premises without permission or authority of the owner or lessee will be guilty of trespass and liable to be punished according to the law of the state of Wisconsin. If a stream is sought to be preserved, such signs shall be posted upon its banks, one at each end of the portion sought to be preserved; and also at points intermediate, not more than half a mile apart; and the whole of such streams between these upper and lower points shall be protected and preserved by this act.

Private ponds, etc., may be established.

**SECTION 6.** Any person or corporation desirous of so raising, cultivating, preserving, propagating or keeping such trout in any stream belonging to or leased by him or it, shall have the right, and are hereby authorized to erect, construct and maintain upon such premises, or in or upon such

stream or water, such dams, sluices, screens, wires, pens, gates, obstructions, houses, buildings, boats, docks and other things of every description, which may be by him or it deemed necessary for such purposes.

SECTION 7. If any person or persons shall enter in or upon the premises, stream or water so preserved and protected, without consent of the owner or lessee, he or they shall be guilty of trespass; and if after such trespasser or trespassers shall so enter, he or they shall set or put or attempt to set or put any seine, net, hooks or other device or contrivance for catching or killing fish, into said water or stream, or shall fish or attempt to fish therein, by or with hook and line or in any other manner, or by shooting fish therein with a gun, pistol or bow and arrow, or by using or attempting to use a spear or gig, they shall in addition to being guilty of trespass be guilty of a misdemeanor. Penalty for trespass.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

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[No. 578, A.]

[Published April 27, 1889.]

## CHAPTER 487.

AN ACT to amend the charter of the city of Fort Howard.

(See Vol. 2.)