

county judge of Milwaukee county from drawing any papers or giving any counsel in probate matters or proceeding in which there is no contest involved; provided, such judge shall receive for such service no fees or other compensation than his salary now provided by law. The county judge may, whenever the business of the office requires it, appoint a clerk or clerks at a salary not exceeding twelve hundred dollars per annum for each, and the amount necessarily expended therefor, shall be paid monthly at the end of each and every month, out of the treasury of said county.

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1895.

No. 258, S.]

[Published April 16, 1895.

## CHAPTER 221.

AN ACT to revise, amend and consolidate the laws of the state relating to game and its preservation, fish and the preservation and propagation thereof.

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

SECTION 1. There is constituted a board of eight commissioners of fisheries, composed as follows, and to be styled, "The Commissioners of Fisheries:"

1. The governor while in office.
2. Six commissioners to be appointed by him and with the consent of the senate.

Board of commissioners created to consist of

The governor.

Six commissioners.

Professor of  
Zoology of uni-  
versity of  
Wisconsin.

3. The professor of zoology in the University of Wisconsin, for the time being, shall be ex-officio a member of said commission.

Terms of ap-  
pointment.

SECTION 2. The terms of appointment of the six members shall be six years and until their successors are appointed. The appointments shall be made by the governor and reported to the senate as soon as practicable, and in case the senate is not in session the commissioners appointed shall act from and after the date of appointment. And in the order in which vacancies upon the board of commissioners shall occur, the governor shall appoint one commissioner for one year; one for two years; one for three years; one for four years; one for five years; one for six years; and after such vacancies have been filled by such appointments in such order, the appointment of succeeding members of the commission shall be for the term of six years each. The terms of the present commissioners shall continue the same as if this act had not been passed. The governor shall fill all vacancies by appointment, the person so appointed to hold for the residue of the term only.

Organization  
of the board.

SECTION 3. The organization of the board shall be as follows: One of the number shall be chosen as president, and one as treasurer. The president, treasurer and secretary, as hereinafter provided for, shall constitute an executive committee of said board, which committee shall have power to act in all matters pertaining to fish and game in the absence of the board, under such restrictions, rules and regulations as may be prescribed by the by-laws adopted by such board. The secretary shall act as secretary of the board and keep its records. They may choose from their number such other officers as their by-laws provide for. They may make such by-laws as they may deem proper, not inconsistent with law, and meet at such times and places as they by their by-laws may prescribe, and appoint such committees and delegate to them such duties under the power

and direction of the commissioners as they deem expedient. The commissioners shall receive no compensation, but each shall be re-imbursed his expenses, certified by him with a statement of items to be actually and necessarily incurred in the performance of his official duty, out of such appropriation as may be made by the legislature, and no officer shall receive any compensation except such as is herein provided for.

SECTION 4. The commissioners of fisheries shall have general charge of the following public matters, and necessary powers thereof: Commissioners shall have charge.

1. The propagation and breeding of fish, of such species and varieties as they deem of value to the people of the state. Propagation and breeding of fish.

2. The collecting and diffusion of such information as they deem useful in regard to the propagation and preservation of fish. Collection and diffusion of information.

3. The government and control, supply and repair of the state hatcheries, the grounds used therefor whether owned or leased, the buildings, ponds, apparatus and all other property belonging to or held by the state for the propagation of fish. Control of state hatcheries.

4. The purchase and establishment of new hatcheries in like manner, when appropriations shall be made by law to maintain the same. Purchase and establishment of new hatcheries.

5. The receiving from the commissioner of the United States or other persons, of all spawn or fry donated to the state or purchased, and in the most practical ways by exchange or otherwise, to procure, receive, distribute and dispose of spawn and fish, and to take such other measures as shall in their judgment best promote the abundant supply of food fishes in the waters of the state. Receiving of spawn and fry from the United States.

6. The taking of fish at all seasons from the public waters of the state for artificial propagation and stocking other waters of the state; provided, however, that no such fish shall be taken, except in the presence of and under the direction of the superintendent or his authorized agent, or by such superintendent or authorized agent himself, and in such instance such Can take fish at all seasons from all public waters for artificial propagation.

superintendent or agent shall be provided with a tank or tanks of suitable size to keep such fish alive.

Shall report in January to the legislature biennially.

7. They shall report in January of each year to the legislature their transactions for the two preceding fiscal years ending the preceding thirtieth day of September.

Preservation of fish and game.

8. The preservation of game and fish and the enforcement of the laws therefor, and other measures taken to secure such preservation and protection.

Disbursement of funds.

9. The disbursement of any funds provided by law or collected pursuant to the provisions of this act, and applicable to the payment of the expenses of the employment and services of wardens or deputies appointed by the commissioners.

All other matters relating to the due execution of the law; may use a seal.

10. Such other matters as now are or may be committed to them by law with all powers necessarily incident to their due execution; and may have a seal which shall be used in authenticating documents, appointments, and certificates issued by them.

Set up fishways and signboards.

11. To cause to be set up on both sides of any stream, where a fishway is required by law to be maintained in any dam, a signboard containing the words, "All persons prohibited from fishing or taking fish within one hundred feet of the fishway;" but the absence of such signboard shall not make such fishing or taking fish lawful.

May appoint and remove a superintendent of fisheries and assistant, salary.

SECTION 5. The commissioners of fisheries shall appoint and may remove at pleasure, a superintendent of fisheries at a salary not exceeding two thousand dollars per annum, and one assistant to be appointed at such salary as the board may fix. The commissioners may permit the superintendent or assistant or any employe to occupy such of the tenement houses at the hatcheries, and such grounds therewith as they deem reasonable. The duties of such superintendent shall be under the direction of the commissioners:

Duties of superintendent.

1. To superintend the receiving and hatch-

ing of spawn, its proper care and distribution, Hatching spawn. and the care of the property.

2. To direct the running and use of the fish Fish car. car, and its care, repair and preservation.

3. To care for the property of the several Care of hatcheries. hatcheries, keep a proper inventory thereof, together with the cost of each article.

4. To keep a careful account in detail and Expenses of hatcheries: shall keep a detailed account. separately of the expenses of each of the hatcheries, the distribution of fish, and the collection of wild fish and their distribution, of maintaining and repairs upon the car, and of such improvements or repairs as may from time to time be ordered. For such expenses, when audited and allowed pursuant to the by-laws of the commission, he shall be reimbursed by the treasurer of the commissioners.

5. To perform such other duties as may be Other duties. prescribed by the commissioners.

SECTION 6. The governor shall appoint, as Governor shall appoint a state fish and game warden. provided in section 1, of chapter 436, of laws of 1891, by and with the approval of the senate, as soon as practicable after the passage of this act, a state fish and game warden, whose term of office shall be two years from the date of his commission. The salary of such fish and Salary. game warden shall be eighteen hundred dollars per annum, payable in monthly instalments by the state treasurer the same as salaries for other state officers are paid, upon warrant of the secretary of state. Such state fish and game warden shall in addition to such salary be paid his actual expenses incurred in the discharge of his duty, upon vouchers therefor filed with the secretary of state and approved by the governor. Such state fish and game warden shall also act as secretary to the commissioners of fisheries. Shall act as secretary, duties defined. The duties of the officer provided for by this section shall be as follows:

1. To keep the records of the state fish Shall keep records commission, conduct its official correspondence and under the direction of the commissioners to collect information and statistics as to the fisheries and fish food resources of the state.

To exercise the powers conferred on him by law.

2. As state fish and game warden to perform the duties and exercise the powers conferred by this act and by law, to perform or do any act or use any power or authority conferred by this act in section nine, and shall have the same rights, power and authority conferred by section two, of chapter 436, laws of 1891, upon the state fish and game warden therein mentioned.

And other duties as may be required

3. To perform such other duties as may be prescribed by the commissioners or devolved upon him by law.

Room at the capitol to be furnished, also stationery and blanks.

SECTION 6a. The commissioners shall be furnished a suitable room in the capitol for an office, suitable furniture therefor; and such office shall be for the use of their secretary. The superintendent of public property shall furnish sufficient stationery for the use of the commission and its secretary; and any printed blanks necessary for the use of the commission's secretary shall be supplied as is now furnished to the several departments of the government in the capitol.

#### GAME AND FISH WARDENS.

Game and fish wardens to be appointed.

SECTION 7. The commissioners of fisheries shall empower the secretary of the commissioners to appoint in the name of the commission and under its seal, such number of game and fish wardens as they deem necessary, not to exceed two in each county, to serve in the various parts of the state, who shall hold office during the pleasure of the commissioners, and be under the immediate direction and control of the secretary, as chief warden. He may also appoint, in like manner, any special warden upon the recommendation of any county board of supervisors, incorporated society or voluntary association, co-operating for the better enforcement of the fish and game laws of the state. The sheriffs, deputy sheriffs, constables, or other ministerial peace officers, in their respective jurisdictions shall have the same powers as are hereby conferred upon fish and game wardens;

Special wardens.

Powers of peace officers defined.

and in case of any proceedings instituted by one of them, he shall make report of the same to the secretary of the commissioners, and shall be paid as in case of other official duties performed by him in like prosecutions or actions. Any special wardens so appointed are hereby authorized to receive any reward or compensation offered by any incorporated or unincorporated association for the conviction of any violators of this or any other law of the state now or hereafter in force for the protection of fish, game or birds in this state.

SECTION 8. Such fish and game wardens appointed as herein provided shall receive no salary, and shall be entitled to the same fees as constables receive by law in criminal cases for like services and shall be paid in like manner; and shall also receive one-half the proceeds of all fines and forfeitures collected in prosecutions and actions in which they are informants or complainants; and for special services out of the contingent fund as hereafter provided.

Deputy game and fish wardens not to receive salaries.

SECTION 9. The powers and duties of such fish and game wardens shall be as follows:

Powers and duties defined.

1. To act as informers or complainants in instituting prosecutions and actions to recover penalties for forfeitures for violations of this chapter, or any law of the state for the preservation or protection of fish, game or birds.

Act as informers or complainants.

2. To investigate all complaints, to obtain all information in regard to alleged or suspected violations of this act or the laws of the state for the protection of fish, game and birds.

To investigate complaints, etc.

3. To serve and execute all warrants or process of law issued by any court, justice or magistrate having jurisdiction of the offenses or violations of this or any act of the state for the protection of fish, game and birds.

To serve and execute warrants.

4. To seize, remove and forthwith destroy any net, pound or other device found in the inland waters of this state or in the possession of any person or persons intending to use the same for fishing, or having removed or being in the act of removing the same from any of the waters where the fishing with nets or devices or

To seize and destroy nets, etc.

the setting of the same is prohibited or illegal under this act, or any law of the state, and which are declared to be public nuisances.

Make report  
to secretary.

5. To make report of their proceedings as often as the secretary, acting under the direction of the commissioners, shall require.

To enforce  
provisions  
of this act.

6. To enforce the provisions of this act, and to arrest all persons violating or attempting to violate any of the provisions of the same, which violations are punishable by fine or imprisonment.

To arrest  
without  
warrant.

7. To arrest without warrant any person found or caught by any of them in the act of violating or attempting to violate any of the provisions of this act which are made punishable by fine or imprisonment, and immediately take such person before some magistrate having jurisdiction of the offense in which such person is found, caught or engaged and thereupon enter complaint, and the same proceedings shall be had as if warrant had been duly issued for his arrest, but no person shall be arrested without a warrant for any such violation or attempted violation, when not engaged therein at the time of his arrest.

To make  
complaint  
for unlawful  
possession  
of game, fish  
or nets.

8. Whenever any game and fish warden or other officer having the powers thereof, shall have information and reason to believe that any person has in possession any fish, venison, duck, fowl or birds, which have been illegally killed, caught or taken, or any nets or other apparatus, the use of which is prohibited by this act and that such nets or apparatus have been, within six months prior to such complaint illegally used by the person in possession of the same, such warden or officer shall make complaint to some justice of the peace of the proper county, or other court having criminal jurisdiction over the territory where such property is, on oath, describing the articles so illegally in possession, above mentioned, and particularly the place where the same are, and setting forth the acts of illegal use as near as may be; and thereupon such justice or court

may forthwith issue a warrant for the search for and seizure, as other search warrants are issued; and upon it being judicially proved and adjudged that the said fish, venison, duck or birds were illegally caught, killed or taken, contrary to the provisions of this, or any act of this state, or that said nets or apparatus have been so illegally used the justice or court so adjudging may order the same to be disposed of or destroyed, as the case may seem to require.

9. To take possession of, in the name of the state, any fish, venison, birds, fowl or game, caught, taken or killed, had in possession contrary to the provisions of this act; and such fish, venison, birds, fowl or game are hereby declared contraband and shall be sold by the warden or his deputy to the highest bidder, and any one purchasing the same shall have the right to use the same as if the fish, venison, birds, fowl or game had been caught, taken or killed, or were possessed in accordance with the laws of this state, anything to the contrary notwithstanding; provided, that after the cost of sales the balance of the proceeds shall be paid into the state treasury to be credited to the general fund.

SECTION 10. The reasonable expense of any seizure, removal or destruction of any nets, pounds, or other devices under this act shall be a charge upon the county in which the same is seized, and shall be audited, allowed and paid as other charges against such county are audited, allowed and paid. They shall be verified by the oath of the warden or officer by whom incurred with full statement of the time, place and destruction, the names of the persons employed therein, the time spent thereon and the money advanced, if any, and by whom. The expenses and a reasonable per diem may be paid, when incurred by any warden, out of any contingent fund, which may be provided by law for such purpose, for such special services as they may be directed by the secretary to perform.

May sell contraband game and fish.

Reasonable expense of seizure to be audited and allowed.

## WATERS OF THE STATE DEFINED.

"Outlying waters of the state."

SECTION 11. The waters of the state of Wisconsin, including Green Bay from the dam at De Pere on Fox river, Chequamegon bay, and that part of Lakes Michigan and Superior lying within the boundaries of the state are herein designated and referred to as the "outlying waters of the state."

"Private waters."

3. The term "private waters" applies to those ponds and streams exclusively owned by individuals and used for private hatcheries or ponds in which trout or other varieties of fish are artificially propagated, and without having heretofore received, nor hereafter receiving spawn or fry or other assistance from the commissioners of fisheries in stocking the same.

Outlying and inland waters and all streams when stocked to be public waters.

4. The outlying and inland waters of the state and all streams which have heretofore been stocked with trout, whether meandered as navigable or not, are deemed public waters, and the fish therein are public property and may be lawfully caught or taken by any person except as restricted or prohibited by this act or other provisions of law.

Sturgeon Bay, subject to special provisions.

5. The waters of Sturgeon Bay shall be subject to the following provisions: No pound, gill or fyke net or seine, or any other net or device for catching or trapping fish shall be used, except a dip net to be used for the purpose of catching minnows for bait, and by trolling hook or single hook and line; and it shall be unlawful to catch any fish in Sturgeon Bay by any other method than is authorized by this section. The waters of Sturgeon Bay shall be considered that portion lying south of a line drawn from the Sherwood Point lighthouse, said line running northeasterly to the shore, terminating southeast corner lot two (2), section eighteen, township twenty-eight, range twenty-six east in Door county, and including also the waters of Sawyer's harbor.

Detroit harbor defined.

6. The waters of Detroit harbor, which shall be construed to include that portion of water lying north and west of a line beginning at the

extreme southern point of lot number three (3), section fourteen (14), town number thirty-three (33) north, of range number twenty-nine (29) east, running thence easterly in a direct line to the extreme southern point of lot number two (2), section eighteen (18), town number thirty-three (33) north, of range number thirty (30), all in Door county, shall be subject to the following, viz.: It is unlawful and prohibited for any person for himself or another to set in the waters of Detroit harbor any set hooks, seine, pound, fyke, trap or gill net or any other device for catching, killing or taking any fish from the waters thereof, except with a hand dip net or minnow seine used exclusively for bait, and with trolling hook and line and single hook and line to be cast and used by hand.

7. It shall be unlawful for any person, for himself or another, to set or cause to be set in the waters of Lake Superior, on or near the main shore thereof, from the mouth of the Montreal river to the mouth of the St. Louis river, any pound net or seine.

Lake Superior  
unlawful to  
set certain  
kinds of nets.

REGULATIONS FOR THE OUTLYING WATERS OF THE STATE.

SECTION 12. It is hereby declared unlawful and prohibited, for any fish dealer or other person to have in his possession in this state or to ship out of this state:

Regulations  
for outlying  
waters  
defined.

1. Any whitefish of less than one and a half pounds round or undressed weight, or less than one pound dressed, taken from the outlying waters of the state.

Size of  
whitefish.

2. Any wall-eyed pike, yellow or sauger pike, or black bass of any variety of less than one pound round or undressed weight, which have been taken from the outlying waters of the state, or

Pike or  
black bass.

3. Any white bass of less than three-fourths of a pound round or undressed weight.

White bass.

SECTION 13. It shall be unlawful for any person to set or cause to be set for himself or an-

Unlawful to set nets within one mile of shore of Lakes Superior and Michigan.

other, in the waters of Lake Superior anywhere within one mile of the main shore thereof from the mouth of the Montreal river to the mouth of St. Louis river and in the entire Chequamegon bay, any seine, pound or fyke net. It shall be unlawful to place any seine or gill net in the waters of Lake Michigan within one mile of the shore thereof from the south line of the state to the north line of Kewaunee county, Wisconsin.

Unlawful to set nets in Green Bay.

SECTION 14. It shall be unlawful to use any gill, fyke, pound, seine, dip or other net in the waters of Green Bay from the dam at De Pere on the Fox river to a line drawn one mile north from Long Tail Point lighthouse to Point Au Sauble, in Brown county, from the first day of April in each year to the first day of July following.

Unlawful to unload ship ballast, stone, cinders, etc., in outlying waters.

SECTION 15. It is unlawful and prohibited for any person to place in any of the outlying waters of this state, including Sturgeon Bay, which border upon land whose owners or occupants are engaged in fishing, any ship ballast, stone, sand, cinders, ashes, slabs, decayed wood, bark, or other obstruction, within one mile from the beach or shore where said waters form any part of the bays or lakes constituting such outlying waters. Or for any boat owner, master or other person in charge thereof to willfully or maliciously run into or molest any nets, traps or other fixtures lawfully set in said waters for fishing purposes. Or to throw into the outlying waters of this state, or bays thereof, or streams emptying therein, or to leave upon the ice therein until it melts, any fish offal, which shall be construed to mean the heads, intestines and blood of fish, and dead fish. The fact of a fisherman coming on shore with dressed fish and no offal in his boat, shall be prima facie evidence that he has violated this section.

Or to throw fish offal into the lakes.

## REGULATIONS FOR THE INLAND WATERS.

**SECTION 16.** No person shall be allowed to set, place or use any gill, fyke, pound, seine, dip or other net or snare, or trap in any of the inland waters of the state of Wisconsin for the purpose of catching fish of any variety; provided, that the fish known as whitefish may be taken with a dip net between the first day of November and the eighth day of December in each year. The inland lakes, rivers and streams of the state shall be construed as meaning all the waters within the jurisdiction of the state, except lakes Superior and Michigan, Chequamegon Bay, Green Bay and Sturgeon Bay and Lake St. Croix. This act shall not prevent the catching of shiners, chubs, dace, suckers, sheepshead, dogfish, garfish, red-horse, sturgeon, catfish and bullheads in all rivers or streams by the use of dip nets or spears, during the daytime at any season of the year; but no dip net shall be used for such purpose in any stream of the state containing trout of any variety.

Nets not allowed except to catch whitefish. May be caught from Nov. 1st to Dec. 8th.

Dip nets and spears can be used for certain fish, except in trout streams.

## THE IMPREGNATION OF TROUT EGGS.

**SECTION 17.** It shall be the duty of each person engaged in fishing in any of the outlying waters of this state between the twentieth day of October and the fifteenth day of November in each year, to take the eggs (if not already spawned) from the female trout caught by him, while alive, and the milt from the male trout, while alive, and to mix and, after mixing them together in a pail or pan so carefully that all the eggs may be impregnated, to throw them immediately into the water where the fish were taken.

Impregnation of trout eggs.

2. It shall also be the duty of any person employed in fishing in said outlying waters to take the eggs from all whitefish caught by him, between the first day of November and the twenty-fifth day of November, each year, while alive, and the milt from the male whitefish, while alive, and to mix and, after mixing them to-

White fish eggs to be impregnated by those employed in fishing for same.

gether in a pan or pail so carefully that all the eggs may be impregnated, to throw them immediately into the water where the fish were taken.

To deliver all kinds of fish to commissioner on demand.

3. It shall be the duty of any person engaged in fishing in any of the outlying waters of this state, to deliver on demand to the commissioners of fisheries, or to any one deputized by them or by their secretary in writing, all kinds of fish during the spawning season, from which spawn or milt can be taken, for the purpose of being stripped of their eggs and milt; and the person receiving them or placed in charge of them shall, immediately after having stripped the fish, return them to the person from whom received.

Authorized persons to have free access to docks, etc.

4. And such fishermen shall also permit such person authorized by this section, to enter their boats, docks, grounds or other places where such fish may be, for the purpose of stripping the same and to render such assistance as may be necessary to expedite the work of the mixture of milt and eggs for proper impregnation.

#### THE POLLUTION OF WATERS.

Unlawful to cast offal of fish into the lakes or bays.

SECTION 18. It is unlawful and prohibited—

1. To cast, deposit or throw overboard from any row, sail or steamboat or other craft into any of the inland waters of the state, or into Green Bay, Sturgeon Bay, or Chequamegon Bay, or to deposit or leave upon the ice thereof until it melts, any fish offal which shall be construed to mean and include the heads, intestines, blood, any cleanings of fish and dead fish. The fact of any fisherman coming to the shore with dressed fish in his boat and without the offal produced by such dressing, shall be prima facie evidence of violation of this section.

Or any lime, tan-bark or other deleterious substances.

2. To throw or deposit or permit to be thrown or deposited any lime, tan-bark, ship ballast, stone, sand, cinders, ashes, slabs or decayed wood, or other substances deleterious to fish life (authorized drainage and sewerage from municipi-

palties excepted) into any of the rivers, lakes or streams of this state, including Green Bay, Chequamegon Bay, and Sturgeon Bay, or into any stream wherein the commissioners of fisheries have caused trout fry to be deposited, or in which brook trout naturally abound.

PUBLIC NUISANCES.

SECTION 19. The following are declared to be public nuisances:

1. Any net of any kind prohibited by law, while set or found in any waters where such net is prohibited by law from being set or used.

Public nuisances defined.

Any net prohibited by law.

2. All seines or other devices or contrivances set or found in any waters for catching fish in a manner prohibited by the laws relating to such waters.

Seines and devices for catching fish.

3. All set lines, trout poles, ropes or cables, having more than one hook attached thereto, directly or indirectly, set in any waters contrary to law.

Set lines, poles, etc.

4. Any net set for the ensnaring, entrapping or drowning of ducks, wild geese, or other water-fowl.

Snares for wild fowl, etc.

5. Any traps, snares, spring-guns, or other devices or contrivances set for the purpose of trapping, ensnaring or killing any animals, birds or waterfowl, the trapping, ensnaring or killing of which is prohibited by law.

Traps, spring-guns, etc., for killing animals.

6. Any boats, deer lamps, or lights while in use in the unlawful pursuit or hunting of deer.

Boats, deer-lamps, etc.

7. Any pivot or swivel-gun or other fire-arms not held habitually at arm's length and discharged from the shoulder, while in use for the unlawful shooting of any animal, waterfowl, or birds.

Pivots or swivel-guns.

8. Any screens set in public waters to prevent the free passage of fish in trout streams which have been stocked by the state commissioners of fisheries.

Screens set in public waters.

9. All boats, floating rafts or boxes or blinds set in open water outside of the natural growth of grasses or rushes, in use for the unlawful pursuit, hunting or shooting of any duck, geese or

Floating rafts, boxes or blinds for shooting ducks.

brant, and all decoys set for the unlawful decoying of such waterfowl during the close season therefor.

Illegal use of articles mentioned above will cause forfeiture and prosecution.

10. The illegal use of any of the articles mentioned in this section contrary to the provisions of this act, shall forfeit the same to the state; and in any prosecution for such illegal use of the same the court may, upon conviction, adjudge in addition to the fines and forfeitures by this act imposed, the forfeitures of such articles and issue a warrant commanding that such articles forfeited be destroyed.

Wardens and regular officers authorized to destroy any article declared to be a public nuisance.

SECTION 20. It shall be the duty of any warden, deputy-warden, sheriff, deputy-sheriff, constable, special warden, or other peace officer to destroy forthwith any article or thing declared hereby to be a public nuisance, when found or taken in the unlawful use, which according to this act makes the same a public nuisance; and no liability shall be incurred to the owner or any other person for such destruction; any other person than warden or officer finding such public nuisance is hereby authorized to destroy the same, and shall incur no liability therefor.

#### THE UNLAWFUL TAKING OR CATCHING OF FISH.

The kind of fish it is unlawful to catch or kill in close time.

SECTION 21. It is unlawful and prohibited to fish for, catch or kill with any device or in any manner, any of the kinds of fish mentioned in this section during the close season therefor, as prescribed by this act or any other law of the state:

Trout of all kinds.

1. Speckled or brook trout, California or rainbow trout, or mountain or brown trout, or any other variety of trout with which the streams of the state may have been stocked.

Bass, pickerel or white-eyed pike.

2. White, black, mud, green or Oswego bass or pickerel or wall-eyed pike, but this clause does not apply to the lawful fishing for bass in the outlying waters of the state.

Close season for trout from Aug. 20 to Apr. 15.

The close season for the varieties of trout mentioned in this section begins in each year on the twentieth day of August and ends on the fifteenth day of April.

SECTION 22. It is unlawful and prohibited—

1. To catch, kill or take any fish of any variety in any of the waters of this state by means of dynamite or other explosives. Prohibited modes of fishing. Use of dynamite or other explosives.

2. To catch in any of the inland waters of this state, any fish by means of a set line, trot line or any wire, string, rope, or cable of any sort having thereto attached directly or indirectly more than one hook. Use of set lines, trot lines and lines having more than one hook.

3. To catch fish of any variety in any of the inland waters of this state with any other device than a hook and line. Any other device than hook and line.

4. To fish through the ice in any of the inland waters with more than one hook and line. Fishing through the ice with more than one hook and line.

5. To take, catch or kill any fish in any stream of water within one hundred feet of any fishway during the spawning season of fish in such waters, or have in possession or under control any fish so taken, killed or caught. To catch or kill fish within 100 feet of any fishway.

6. To lay, use, set or prepare any drug, poison, line, medicated bait, fish berries, dynamite or other explosives or deleterious substance whatever in any of the outlying or inland waters of this state with intent thereby to kill, take or capture fish. Drugs, poisons or explosives.

7. To lay, set, stretch, use or prepare any set line, trot line, or any wire, string, rope or cable of any sort whatever having thereto attached more than one hook, with intent thereby to take, catch or kill any fish. Set lines with more than one hook.

8. To kill, capture or take by any device or in any manner in any of the inland waters of this state, any black bass, green bass, Oswego bass, white bass, pickerel, wall-eyed pike and muscalonge during the close season thereof, which begins on the first day of March and ends on the first day of June in each year, excepting as hereinafter provided. Close season for bass, pickerel, wall-eyed pike and muscalonge from March 1st to June 1st.

THE UNLAWFUL PURSUING, CAPTURE, KILLING, OR TAKING OF DEER, BIRDS, WATERFOWL OR OTHER BIRDS.

SECTION 23. It is unlawful and prohibited—

1. To kill, capture or take by any kind of device or contrivance whatever, or to pursue with Close season for deer from Nov. 21st to Nov. 1st in succeeding year.

intent to kill or to take or worry any deer, buck, doe or fawn, between the twenty-first day of November in each year and the succeeding first day of November in the year following; all the months of the year except the first twenty days of the month of November being hereby declared the close season, for the animals above named in this section; provided, however, that the killing, taking or worrying of any deer, buck, doe or fawn is hereby prohibited in the county of Sheboygan for the period of five years.

To hunt in night time or dogs—prohibited.

Regarding the hunting of rabbits with dogs.

2. To hunt deer, buck or doe in the night time; or at any time with dogs.

3. To use a dog or dogs to hunt rabbits during the time the law permits the hunting of deer; provided, that this subdivision shall not apply to the counties of Green, Dane, Rock, Walworth, Kenosha, Racine, Milwaukee, Waukesha, Jefferson, Ozaukee, Fond du Lac, Columbia, Winnebago, Calumet, Dodge, Washington, Iowa, Crawford, Grant, Manitowoc, Kewaunee and that portion of Door lying south of Sturgeon Bay and Lafayette.

Close season for quail, grouse, ducks of certain kinds from Dec 1 to Aug. 30th in succeeding year.

4. To take, catch or kill any California quail, woodcock, quail, partridge, pheasant or ruffed grouse, prairie-hen or prairie-chicken, sharp-tailed grouse or grouse of any variety, mallard, teal or wood-duck, plover or snipe, between the first day of December in each year and the succeeding twentieth day of August in the following year.

Pheasants not to be killed for five years.

5. To take, catch or kill any Mongolian, Chinese or English pheasant, or any other variety of pheasants, for a period of five years. The shooting of ducks by aid of a light during the nighttime is hereby prohibited.

Close time for wild ducks, geese brant, from May 1st to Sept. 1st.

6. To take, catch or kill any wild duck of any variety or wild goose or brant between the first day of May and the succeeding first day of September.

Sneak boats, etc., not allowed.

7. To use in the pursuit of any duck, goose or brant or other aquatic bird, any sneak boat, raft or box of whatever description, which such boat, raft or box shall be in whole or in part

arranged so as in any manner to conceal the person or persons occupying the same.

8. To catch any wild duck of any variety in any net, or to place any net in or upon any waters frequented by wild ducks of any variety, or under said waters. Unlawful to use nets.

9. To take, catch or kill or attempt to take, catch or kill, any of the animals, birds or water-fowl mentioned in this section by means of any snare, net, trap or spring-gun or similar contrivance, or to place, spread or set, or permit to be placed, spread or set, any such net, trap or snare or spring-gun or device for the purpose of catching such animals, birds or water-fowls. Spring-guns, snares or traps prohibited.

10. To use in pursuit of any animals, fowls or birds any pivot-gun or swivel-gun or any other fire-arm not habitually held at arm's length and discharged from the shoulder. Pivot or swivel gun prohibited.

11. To take, catch, kill or destroy otter, martin, mink or fisher, between the first day of May and the succeeding first day of October. Close time for otter, mink, etc., from May 1st to Oct. 1st.

12. To catch or kill at any time or for any purpose whatever, except as authorized in this act, any whippoorwill, night hawk, bluebird, finch, thrush, lark, robin, turtledove, or any other harmless bird, except blackbirds and sparrows. Killing or catching ornamental and song birds prohibited.

13. For any person not the owner thereof, or some person by him authorized to take, catch, kill, impede in its progress or otherwise interfere with any carrier or homing pigeon or pigeons. Carrier or homing pigeons not to be molested.

#### THE UNLAWFUL POSSESSION OF FISH, GAME AND BIRDS.

SECTION 24. It is unlawful and prohibited—

1. To have in possession or under control any varieties of fish, animals, game or birds for which a close season is prescribed by this act or by any law of the state now or hereafter in force, during the close season prescribed by law therefor (except alive), or any carcass of flesh thereof. Possession of game or birds in close time unlawful.

Unlawful to serve game or fish to hotel guests in close time.

2. To any keeper of a hotel, restaurant or boarding house to serve to his guests any such venison, birds, fish or game of any kind during the close season therefor, unlawfully in his possession. The possession or having under control any bird, animal or fish of any of the kinds during the close season herein prescribed for such, except as in this act specified, shall be prima facie evidence that it was the property of this state when taken, caught or killed, and that it was caught, taken or killed in this state unlawfully, and the burden of proof shall be upon the defendant in any prosecution or action for forfeiture, to prove the contrary.

Employe of fish commission also prohibited.

3. For any employe of the fish commission, while engaged in catching and distributing wild fish from the public waters for the purpose of artificial propagation, to have in his possession any other varieties of fish than those he has been directed to take by the superintendent of the fish commission or his agent duly authorized in writing.

#### THE UNLAWFUL SALE OF FISH, GAME AND BIRDS.

SECTION 25. It is unlawful and prohibited—

Unlawful to purchase after three days of close season.

1. To sell or offer or expose for sale any fish, game or birds, or venison, at any time after three days from the beginning of the close season prescribed therefor, respectively; and such sale, offer or exposure at any time after the expiration of three days shall be prima facie evidence of violation of this act.

Unlawful to offer for sale in close time.

2. To purchase any such fish, game or venison or birds, or any or either of them during any period of a close season therefor, respectively, after the first three days of such close season.

Selling of undersized fish unlawful.

3. For any person, company or corporation to purchase or sell or offer or expose for sale, any whitefish, lake trout, or wall-eyed pike or sauger pike caught in the outlying waters of this state of less weight than is authorized by this act to be caught or taken in the outlying

waters of this state, or to pack the same for shipping or sale in any manner whatever.

SECTION 26. It shall be the duty of any fish dealer or person engaged in the purchase of game of any kind or fish of any kind within this state, whenever any fish, animals or birds, the taking, catching, killing, or having in possession or under control of which, is prohibited by this or any law of the state, to immediately notify and give full particulars concerning such offer and by whom made, to some member of the board of commissioners of fisheries, game warden or some deputy or special deputy appointed by their secretary.

Dealers to give information when illegal offers of fish or game are made.

#### THE UNLAWFUL TRANSPORTATION OF FISH AND GAME.

SECTION 27. It is unlawful and prohibited for any person or corporation, or common carrier or any agent or servant thereof, for compensation or otherwise—

To unlawful transportation of fish and game.

1. To transport any fish caught in the waters of this state of the varieties for which a close season is prescribed in this act or by law, during such close season (except the first three days thereof), but this section shall not prevent the shipment of trout raised in private hatcheries, of which the package or box shall be branded with an iron brand as follows: Shipped from the private hatchery of (here insert the name of the owner and the location of the hatchery).

Transportation of fish in close season prohibited except from private hatcheries.

2. To use the stamp or brand described in the preceding subdivision of this section in the shipment of any fish not raised in such hatchery.

To be stamped or branded.

3. To transport any of the animals, wild fowl or birds, except alive, during the time which the killing, catching or taking of such animals, wild fowl or birds is prohibited by this act or by law. The possession of any such animals, fowl or birds during the close season therefor (except the first three days thereof) for shipment or in transit, shall be prima facie evidence of a vio-

Animals, birds, except alive, transportation prohibited in close time.

lation of this act. It shall be the duty of every person, whenever any animal, fish or game of any of the kinds, the taking, catching or killing of which is prohibited by law at any or all times (except during the periods in which the same may be lawfully taken, caught or killed) is offered to him for transportation out of this state, or any point or place within the state, to at once notify and give full particulars concerning such offer and by whom, to some member of the board of commissioners of fisheries or their secretary, or to some warden appointed by their secretary.

Twenty pounds of fish may be carried out of the state by owner.

4. To ship, carry or transport, or receive for shipment or transportation to any point or place out of this state, any fish taken in the inland waters of this state, excepting that when accompanying and having in his personal charge the owner of such fish may carry out of the state twenty pounds or two such fish, and excepting also trout raised in private hatcheries, as provided for in subdivision 1, of this section.

Two carcasses of deer, only allowed to each owner.

5. To transport any carcass or carcasses of deer, buck, fawn or doe, except when such carcass or carcasses are accompanied by the owner or owners thereof, and each such owner so accompanying shall not be entitled to more than two carcasses, as aforesaid, upon such trip.

Transportation of ducks prohibited from Dec 1st to Sept. 1st, succeeding.

6. To transport, ship or carry out of the state, to sell or offer for sale any ducks of any variety, snipe or plover, between the first day of December and the succeeding first day of September.

#### FISH, GAME, AND BIRDS TAKEN FOR SCIENTIFIC PURPOSES.

Fish, game and birds may be taken for scientific purposes.

SECTION 28. The commissioners of fisheries may grant under the seal of the commission, certificates to any member of an incorporated society of natural history, or to any professor of any university, school, or college or any person properly accredited by such institution,

certifying that such person or institution is authorized (is hereby for such purpose authorized) to collect for strictly scientific purposes only, the nests, eggs, animals, birds, and fish protected by this act or the laws of the state. No person to whom such certificate is issued or who acts under the same, shall dispose of any such specimens except in exchange for scientific purposes. Such certificates shall be issued only on satisfactory testimonials of well known scientific men.

SECTION 29. Any attempt to violate any of the provisions of this section shall be deemed a violation thereof. Any attempt to violate deemed a violation.

SECTION 30. All sections of this act relating to the having in possession or under control, or the sale, shipment, or transportation of any animal, fish, water-fowl, or bird, shall be construed to include any and all parts of the flesh and meat thereof. Meaning of the act explained.

SECTION 31. The operation of state and public hatcheries in this state, the removal of fish which have died from natural causes from the waters of the state, the removal of deleterious fish, with the written consent and under the direction of the commissioners of fisheries, the propagation or transportation, collecting and transplanting of fish or fish fry by state or public authority, and the operation of private hatcheries, or propagation of fish in private waters and the transportation of fish therefrom in the manner directed by this act, are not affected or prohibited by this act, nor shall it affect the transportation of fish into or through the state or out of it by the commissioners of fisheries of other states, or of the United States. Operation of hatcheries, etc., not effected by this act.

SECTION 31a. The state fish commission or its agents or employes are prohibited from furnishing fish or fry from state hatcheries to private ponds, private clubs or corporations or preserves or waters where the public are not allowed the same rights and privileges enjoyed by any other person or persons. Public enjoys privileges when state stock ponds, streams, etc.

## RELEASE OF CHIEF AND DEPUTY WARDENS FROM LIABILITY.

Wardens not liable for damages.

**SECTION 32.** In the performance of his or their duties as chief fish and game warden and deputy fish and game wardens, whose appointments are authorized by this act, he or they shall be released from any and all liability to any person or persons whatsoever for acts done or committed, or property destroyed under and by virtue of the authority of the provisions of this act.

## PROVISIONS APPLYING TO CERTAIN LOCALITIES OR WATERS ONLY.

This section to apply to Lake de Neveu only

**SECTION 33.** The provisions of this section shall apply only to the waters of Lake de Neveu, in the county of Fond du Lac:

Angling only allowed.

1. It shall be unlawful to fish for, take or kill any fish (except carp) in the said waters, by the use of any trap, spear, net or other means or device except fishing from a boat with hook and line or angling; and fishing at nighttime by the aid of lights is prohibited.

Close time from Oct 1st to June 1st following for bass, pickerel or perch.

2. No person shall be allowed to take or kill any black or Oswego bass, pickerel or perch in said waters from the first day of October in each year to the first day of June following, and it shall be unlawful for any person to take or kill or have in their possession black or Oswego bass or pickerel at said lake less than seven inches in length.

Possession of traps, spears, etc., near lake prohibited.

3. The possession by any person of any traps, spear, nets or light or fish in this act specified, on, upon or at said lake, shall be prima facie evidence of the illegal use of such articles so prohibited by this section by the person or persons in whose possession they may be found.

Where provisions of this section apply.

**SECTION 34.** The provisions of this section shall apply only to the waters in and tributary to the counties of Door, Kewaunee, Brown, Oconto and Marinette:

1. It shall be unlawful to set in the waters named, any fyke, gill, pound or hoop nets for the purpose of catching or killing wall-eyed pike, pickerel, perch or black bass.

Setting of nets prohibited.

SECTION 35. It shall be unlawful for any person or persons to set, place or use any gill, fyke, pound, seine or trap net for the purpose of taking or catching crabs in all rivers in Sheboygan county, and no person or persons shall catch or take any crabs in such rivers by the use of any such net or seine, excepting dip nets of not more than four feet in diameter.

Sheboygan county rivers—unlawful to set nets for crabs therein.

SECTION 36. The waters of Rush Lake, in the counties of Winnebago and Fond du Lac, are hereby exempted from the provisions of this act relating to regulations upon the methods or times of taking, catching or killing fish.

Rush Lake exempted from provisions of act.

SECTION 37. The provisions of this section shall apply only to the waters of Green Bay:

Relates only to Green Bay.

1. All persons owning or operating pound nets in the waters of Green Bay shall, during the nighttime, place at the extreme outer end of such pound net or nets owned or operated by them, a bright light, so as to indicate whereabouts of such nets to mariners, and to have said lights exhibited as long as pound net sticks remain in water.

Lights to be put out to mark location of nets.

2. All persons operating pound nets in the waters of Green Bay shall remove all pound net stakes (used or put in by them) at the close of the fishing season, so as to remove all obstruction to navigation.

Pound net stakes to be removed at end of season.

SECTION 38. It shall be lawful to take or catch any kind of fish, except trout, from the waters of the Pecatonica river in Iowa and La Fayette counties, with a hook and line at any time. But it shall be unlawful to take or catch any fish from the waters of said Pecatonica river at any time in any other manner than by hook and line.

Relates to Pecatonica river only.

SECTION 38a. It shall be unlawful to fish in the waters of Devil's lake, in the county of Sauk, by any means whatever, between the first day of March and the succeeding first day of July in each year.

Relates to Devil's Lake. Fishing prohibited from March 1st to July 1st succeeding.

## COUNSEL TO ASSIST IN PROSECUTIONS.

Necessary  
counsel may be  
employed—  
when.

**SECTION 39.** The state fish and game warden is hereby empowered to appoint at such times and under such circumstances as shall seem to him to be necessary, counsel to assist the district attorney in the prosecution of cases arising under the provisions of this act, or in which the state fish and game warden or his deputies or any of them, shall be interested by reason of their position as such fish and game warden or deputy; and in case of the neglect or refusal of any district attorney to prosecute any case so arising, or when for other reason the state is not represented, such counsel so appointed by such state fish and game warden, may conduct the prosecution on behalf of the state. The compensation of such counsel shall be fixed by the state fish and game warden and paid out of the contingent fund hereinafter provided for the use of such state fish and game warden in the enforcement of the laws.

## FINES AND FORFEITURES.

Relating to  
fines for vio-  
lation of pro-  
visions of act.

**SECTION 40.** For violations of any of the provisions of this act the offender shall, on conviction thereof, be punished by fine or imprisonment, or both, as follows:

1. For violations of any of the provisions of sections eleven (11), twelve (12), thirteen (13), twenty-five (25), twenty-six (26), and twenty-eight (28), not less than twenty-five dollars nor more than one hundred dollars.

2. For violation of any of the provisions of sections fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), or subdivision three (3) of section twenty-three, not less than ten dollars nor more than one hundred dollars.

3. For violation of subdivisions four (4), five (5), six (6), seven (7) and nine (9) of section twenty-two (22), or any of the provisions of sections twenty-one (21) and twenty-five (25), not less than ten dollars nor more than one hundred

dollars; and for violations of subdivisions one (1), two (2), and three (3), and eight (8) of section twenty-two (22), not less than twenty-five dollars nor more than one hundred dollars.

4. For violation of subdivision five of section twenty-three (23), not less than twenty-five dollars nor more than fifty dollars; and for violation of subdivisions four (4), six (6), seven (7), nine (9), eleven (11), twelve (12), or fourteen of section twenty-three, or any or either of them, not less than ten dollars nor more than one hundred dollars.

5. For violation of subdivisions one (1), two (2), and eight (8) of section twenty-three (23), or any or either of them, not less than twenty-five dollars nor more than fifty dollars.

6. For violation of subdivision ten (10) of section twenty-three (23) not less than five dollars nor more than ten dollars for each offense.

7. For violation of section twenty-four (24), or any of the provisions thereof, not less than twenty-five nor more than one hundred dollars.

8. For violations of any of the provisions of section thirty-four (34) a fine of five dollars, or not exceeding thirty days in jail.

9. For violation of any of the provisions of section thirty-five (35), thirty-eight (38) and thirty-nine a (39a), or any or either of them, not less than five dollars nor more than fifty dollars.

10. For violation of any of the provisions of section thirty-six (36) not more than twenty dollars, nor more than twenty days' imprisonment in the county jail.

11. For violation of any of the provisions of section thirty-nine (39) not more than twenty-five dollars, nor more than thirty days in the county jail.

12. For violation of any of the provisions of this act for which a fine is not herein expressly provided, the fine shall be not less than ten dollars nor more than one hundred dollars.

13. For violation of any of the provisions of section twenty-seven (27) of this act, the of-

fender shall forfeit not less than twenty-five dollars nor more than one hundred dollars.

Term of imprisonment or fine at discretion of the court.

SECTION 41. In imposing any fine under the provisions of this act, the court may in its discretion, sentence the offender to imprisonment in the county jail of the proper county for a term of not less than thirty nor more than ninety days, or impose such imprisonment in lieu of fine; and in all cases the sentence and judgment shall include the cost of prosecution; and the provisions of section 4633, of the revised statutes as amended shall apply in such cases.

Statutory provisions to rule in action to recover forfeiture.

SECTION 42. In any action to recover forfeiture under this act, the provisions of chapter 143, of the revised statutes, entitled, "Of collection of forfeitures," shall be pursued as far as applicable, and except as herein otherwise provided for. The action shall be in the name of the state; and an appeal may be taken to the circuit or supreme court, when directed by the secretary of the commissioners of fisheries.

One-half of all fines and forfeitures to be paid to warden or other officer making complaint.

SECTION 43. One-half of all fines and forfeitures imposed and collected under this act, shall be paid to the warden or other officer who brings the complaint. The other half being the clear proceeds thereof, shall be paid by the justice or other officer collecting the same, as other fines and forfeitures are paid when collected, into the school fund.

This act to be printed in suitable form.

SECTION 44. The commissioners of fisheries shall cause to be published this act, and append thereto suitable forms for complaints, judgments, other proceedings and reports under this act; and the secretary of state shall order the same to be printed by the public printer in such manner in pamphlet form, as the commissioners may deem necessary.

#### REPORTS.

SECTION 45. Each person engaged in fishing in the outlying waters of the state, as a business, during the whole or any part of the year,

shall on or before the first day of December of such year report to the secretary of the commissioners of fisheries, or to some warden, the amount in pounds of all food fish caught by him during the year, the average price per pound, and such other information as is required by the blank furnished him for the purpose, which shall be in the following form:

Fishermen to make report to secretary of state commissioners of fisheries on or before Dec. 1.

*Report*

Of — of fish caught during the season from December 1st, 18—, to November 30, 18—.

Form of report.

This report covers the fishing season from —, 189—, to —, 189—.

*Description of Nets Used.*

Kind.	Number.	Value.	Size of Mesh.
.....			
.....			
.....			
.....			
.....			
.....			
.....			
.....			
.....			
.....			

Species of Fish.	Pounds	Price per lb.	Total.
Whitefish .....			
Trout, lake .....			
Herring .....			
Bass .....			
Perch .....			
All other kinds .....			

I hereby certify that the foregoing statement is true.

Dated this — day of —, 18—, at —, Wisconsin.

\_\_\_\_\_

Penalty for not making report.

For failure to make such report, and for wilfully making a false report, such person shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars. On or before the last day of December of each year, the warden appointed pursuant to this act, and any sheriff or constable who has performed any duties under this act, shall make report to the secretary of the commissioners of fisheries of the action taken by him, the number of prosecutions commenced, the arrests made, the convictions had, the amount and date of fines and forfeitures collected, with such other information as the secretary may require, the same to be made on blanks furnished him for the purpose.

#### APPROPRIATION, CONTINGENT FUND, ETC.

Appropriation for salary, and expenses of commissioners.

SECTION 46. There is hereby appropriated out of any moneys in the general fund, not otherwise appropriated, annually the sum of eighteen hundred dollars for the salary of the state fish and game warden; and there is also set apart in the state treasury a contingent fund of twenty-five hundred dollars, subject to the draft of the state fish and game warden, countersigned by the president of the fish commission, to be used when necessary in the enforcement of the laws for the protection of game and fish and for the special services of deputies, special counsel, and other expenses of similar, necessary character, to be paid upon sworn vouchers, and the expenses of the secretary shall also be paid in like manner out of any moneys in the general fund not otherwise appropriated.

Conflicting laws repealed.

SECTION 47. All laws of which this act is a revision, and all acts or parts of acts contravening the provisions hereof, are, so far as they conflict herewith, repealed; provided, however, this shall not repeal or affect chapter nine of the laws of Wisconsin for 1889.

SECTION 48. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1895.

No. 258, S.]

[Published April 16, 1895.]

## CHAPTER 221.

AN ACT to revise, amend and consolidate the laws of the state relating to game and its preservation, fish and the preservation and propagation thereof.

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

## THE COMMISSIONERS OF FISHERIES.

SECTION 1. There is constituted a board of eight commissioners of fisheries, composed as follows, and to be styled, "The commissioners of fisheries:"

[This chapter is the same as the preceding one except as indicated in side notes.]

1. The governor while in office.
2. Six commissioners to be appointed by him and with the consent of the senate.
3. The professor of zoology in the University of Wisconsin, for the time being, shall be ex-officio a member of said commission.

SECTION 2. The terms of appointment of the six members shall be six years and until their successors are appointed. The appointments shall be made by the governor and reported to the senate as soon as practicable, and in case the senate is not in session the commissioners appointed shall act from and after the date of appointment. And in the order in which vacancies upon the board of commissioners shall occur, the governor shall appoint one commissioner for one year; one for two years; one for three years; one for four years; one for five years; one for six years, and after such vacancies have been filled by such appointments in such order, the appointment of succeeding members of the commission shall be for the term of six years each. The terms of the present commissioners shall continue the same as if this act had not been passed. The governor

shall fill all vacancies by appointment, the person so appointed to hold for the residue of the term only.

SECTION 3. The organization of the board shall be as follows: One of the number shall be chosen as president, and one as treasurer. The president, treasurer and secretary, as hereinafter provided for, shall constitute an executive committee of said board, which committee shall have power to act in all matters pertaining to fish and game in the absence of the board, under such restrictions, rules and regulations as may be prescribed by the by-laws adopted by such board. The secretary shall act as secretary of the board and keep its records. They may choose from their number such other officers as their by-laws provide for. They may make such by-laws as they may deem proper, not inconsistent with law, and meet at such times and places as they by their by-laws may prescribe, and appoint such committees and delegate to them such duties under the power and direction of the commissioners as they deem expedient. The commissioners shall receive no compensation, but each shall be reimbursed his expenses, certified by him with a statement of items to be actually and necessarily incurred in the performance of his official duty, out of such appropriation as may be made by the legislature, and no officer shall receive any compensation except such as is herein provided for.

SECTION 4. The commissioners of fisheries shall have general charge of the following public matters, and necessary powers therefor:

1. The propagation and breeding of fish, of such species and varieties as they deem of value to the people of the state.

2. The collecting and diffusion of such information as they deem useful in regard to the propagation and preservation of fish.

3. The government and control, supply and repair of the state hatcheries, the grounds used therefor whether owned or leased, the buildings, ponds, apparatus and all other property

belonging to or held by the state for the propagation of fish.

4. The purchase and establishment of new hatcheries in like manner, when appropriations shall be made by law to maintain the same.

5. The receiving from the commissioner of the United States or other persons, of all spawn or fry donated to the state or purchased, and in the most practical ways by exchange or otherwise, to procure, receive, distribute and dispose of spawn and fish, and to take such other measures as shall in their judgment best promote the abundant supply of food fishes in the waters of the state.

6. The taking of fish at all seasons from the public waters of the state for artificial propagation and stocking other waters of the state; provided, however, that no such fish shall be taken, except in the presence of and under the direction of the superintendent or his authorized agent, or by such superintendent or authorized agent himself, and in such instance such superintendent or agent shall be provided with a tank or tanks of suitable size to keep such fish alive.

7. They shall report in January of each year to the legislature their transactions for the two preceding fiscal years ending the preceding thirtieth day of September.

8. The preservation of game and fish and the enforcement of the laws therefor, and other measures taken to secure such preservation and protection.

9. The disbursement of any funds provided by law or collected pursuant to the provisions of this act and applicable to the payment of the expenses of the employment and services of wardens or deputies appointed by the commissioners.

10. Such other matters as now are or may be committed to them by law with all powers necessarily incident to their due execution; and may have a seal which shall be used in authenticating documents, appointments, and certificates issued by them.

11. To cause to be set up on both sides of any stream, where a fishway is required by law to be maintained in any dam, a signboard containing the words, "All persons prohibited from fishing or taking fish within one hundred feet of the fishway," but the absence of such signboard shall not make such fishing or taking fish lawful.

SECTION 5. The commissioners of fisheries shall appoint and may remove at pleasure, a superintendent of fisheries at a salary not exceeding two thousand dollars per annum, and one assistant to be appointed at such salary as the board may fix. The commissioners may permit the superintendent or assistant or any employe to occupy such of the tenement houses at the hatcheries, and such grounds therewith as they deem reasonable. The duties of such superintendent shall be under the direction of the commissioners:

1. To superintend the receiving and hatching of spawn, its proper care and distribution, and the care of the property.

2. To direct the running and use of the fish car, and its care, repair and preservation.

3. To care for the property of the several hatcheries, keep a proper inventory thereof, together with the cost of each article.

4. To keep a careful account in detail and separately of the expenses of each of the hatcheries, the distribution of fish, and the collection of wild fish and their distribution, of maintaining and repairs upon the car, and of such improvements or repairs as may from time to time be ordered. For such expenses, when audited and allowed pursuant to the by-laws of the commission, he shall be reimbursed by the treasurer of the commissioners.

5. To perform such other duties as may be prescribed by the commissioners.

SECTION 6. The governor shall appoint, as provided in section 1, of chapter 436, of the laws of 1891, by and with the approval of the senate, as soon as practicable after the passage of this

act, a state fish and game warden, whose term of office shall be two years from the date of his commission. The salary of such fish and game warden shall be eighteen hundred dollars per annum, payable in monthly instalments by the state treasurer the same as salaries for other state officers are paid, upon warrant of the secretary of state. Such state fish and game warden shall in addition to such salary be paid his actual expenses incurred in the discharge of his duty, upon vouchers therefor filed with the secretary of state and approved by the governor. Such state fish and game warden shall also act as secretary to the commissioners of fisheries. The duties of the officer provided for by this section shall be as follows:

1. To keep the records of the state fish commission, conduct its official correspondence and under the direction of the commissioners to collect information and statistics as to the fisheries and fish food resources of the state.

2. As state fish and game warden to perform the duties and exercise the powers conferred by this act and by law, to perform or do any act or use any power or authority conferred by this act in section nine, and shall have the same rights, power and authority conferred by section two, of chapter 436, laws of 1891, upon the state fish and game warden herein mentioned.

3. To perform such other duties as may be prescribed by the commissioners or devolved upon him by law.

SECTION 6a. The commissioners shall be furnished a suitable room in the capitol for an office, suitable furniture therefor; and such office shall be for the use of their secretary. The superintendent of public property shall furnish sufficient stationery for the use of the commission and its secretary; and any printed blanks necessary for the use of the commission's secretary shall be supplied as is now furnished to the several departments of the government in the capitol.

## GAME AND FISH WARDENS.

SECTION 7. The commissioners of fisheries shall empower the secretary of the commissioners to appoint in the name of the commission and under its seal, such number of game and fish wardens as they deem necessary, not to exceed two in each county, to serve in the various parts of the state, who shall hold office during the pleasure of the commissioners, and be under the immediate direction and control of the secretary, as chief warden. He may also appoint, in like manner, any special warden upon the recommendation of any county board of supervisors, incorporated society or voluntary association, co-operating for the better enforcement of the fish and game laws of the state. The sheriffs, deputy sheriffs, constables, or other ministerial peace officers, in their respective jurisdictions shall have the same powers as are hereby conferred upon fish and game wardens; and in case of any proceedings instituted by one of them, he shall make report of the same to the secretary of the commissioners, and shall be paid as in case of other official duties performed by him in like prosecutions or actions. Any special wardens so appointed are hereby authorized to receive any reward or compensation offered by any incorporated or unincorporated association for the conviction of any violators of this or any other law of the state now or hereafter in force for the protection of fish, game or birds in this state.

SECTION 8. Such fish and game wardens appointed as herein provided shall receive no salary, and shall be entitled to the same fees as constables receive by law in criminal cases for like services and shall be paid in like manner; and shall also receive one-half of the proceeds of all fines and forfeitures collected in prosecutions and actions in which they are informants or complainants; and for special services out of the contingent fund as hereafter provided.

SECTION 9. The powers and duties of such fish and game wardens shall be as follows:

1. To act as informers or complainants in instituting prosecutions and actions to recover penalties for forfeitures for violations of this chapter, or any law of the state for the preservation or protection of fish, game or birds.

2. To investigate all complaints, to obtain all information in regard to alleged or suspected violations of this act or the laws of the state for the protection of fish, game and birds.

3. To serve and execute all warrants or process of law issued by any court, justice or magistrate having jurisdiction of the offenses or violations of this or any act of the state for the protection of fish, game and birds.

4. To seize, remove and forthwith destroy any net, pound or other device found in the inland waters of this state or in the possession of any person or persons intending to use the same for fishing, or having removed or being in the act of removing the same from any of the waters where the fishing with nets or devices or the setting of the same is prohibited or illegal under this act or any law of the state, and which are declared to be public nuisances.

5. To make report of their proceedings as often as the secretary, acting under the direction of the commissioners, shall require.

6. To enforce the provisions of this act, and to arrest all persons violating or attempting to violate any of the provisions of the same, which violations are punishable by fine or imprisonment.

7. To arrest, without warrant any person found or caught by any of them in the act of violating or attempting to violate any of the provisions of this act, which are made punishable by fine or imprisonment, and immediately take such person before some magistrate having jurisdiction of the offense in which such person is found, caught or engaged and thereupon enter complaint, and the same proceedings shall be had as if warrant had been duly issued for his arrest, but no person shall be arrested

without a warrant for any such violation or attempted violation when not engaged therein at the time of his arrest.

8. Whenever any game and fish warden or other officer having the powers thereof, shall have information and reason to believe that any person has in possession any fish, venison, duck, fowl or birds, which have been illegally killed, caught or taken, or any nets or other apparatus, the use of which is prohibited by this act and that such nets or apparatus have been, within six months prior to such complaint illegally used by the person in possession of the same, such warden or officer shall make complaint to some justice of the peace of the proper county, or other court having criminal jurisdiction over the territory where such property is, on oath, describing the articles so illegally in possession, above mentioned, and particularly the place where the same are, and setting forth the acts of illegal use as near as may be; and thereupon such justice or court may forthwith issue a warrant for the search for and seizure, as other search warrants are issued; and upon it being judicially proved and adjudged that the said fish, venison, duck or birds were illegally caught, killed or taken, contrary to the provisions of this, or any act of this state, or that said nets or apparatus have been so illegally used, the justice or court so adjudging may order the same to be disposed of or destroyed as the case may seem to require.

9. To take possession of, in the name of the state, any fish, venison, birds, fowl or game, caught, taken or killed, had in possession contrary to the provisions of this act; and such fish, venison, birds, fowl or game are hereby declared contraband and shall be sold by the warden or his deputy to the highest bidder, and any one purchasing the same shall have the right to use the same as if the fish, venison, birds, fowl or game had been caught, taken or killed, or were possessed in accordance with the laws of this state, anything to the contrary notwithstanding; provided, that after the cost of

sales the balance of the proceeds shall be paid into the state treasury to be credited to the general fund.

SECTION 10. The reasonable expense of any seizure, removal or destruction of any nets, pounds, or other devices under this act shall be a charge upon the county in which the same is seized, and shall be audited, allowed and paid as other charges against such county are audited, allowed and paid. They shall be verified by the oath of the warden or officer by whom incurred with full statement of the time, place and destruction, the names of the persons employed therein, the time spent thereon and the money advanced, if any, and by whom. The expenses and a reasonable per diem may be paid, when incurred by any warden, out of any contingent fund, which may be provided by law for such purpose, for such special services as they may be directed by the secretary to perform.

#### WATERS OF THE STATE DEFINED

SECTION 11. The waters of the state of Wisconsin, including Green Bay from the dam at De Pere on Fox river, Chequamegon bay, and that part of Lakes Michigan and Superior and of the Mississippi river lying within the boundaries of the state are herein designated and referred to as the "outlying waters of the state."

1. The term "private waters" applies to those ponds and streams exclusively owned by individuals and used for private hatcheries or ponds in which trout or other varieties of fish are artificially propagated, and without having heretofore received, nor hereafter receiving spawn or fry or other assistance from the commissioners of fisheries in stocking the same.

2. The outlying and inland waters of the state and all streams which have heretofore been stocked with trout, whether meandered as navigable or not, are deemed public waters, and the fish therein are public property and

Mississippi river lying within boundaries of the state.

This subsection is re numbered 1.

This subsection is re-numbered 2.

may be lawfully caught or taken by any person except as restricted or prohibited by this act or other provisions of law.

This subsection is re-numbered 3.

3. The waters of Sturgeon Bay shall be subject to the following provisions: No pound, gill or fyke net or seine, or any other net or device for catching or trapping fish shall be used, except a dip net to be used for the purpose of catching minnows for bait, and by trolling hook or single hook and line; and it shall be unlawful to catch any fish in Sturgeon Bay by any other method than is authorized by this section. The waters of Sturgeon Bay shall be considered that portion lying south of a line drawn from the Sherwood Point lighthouse, said line running northeasterly to the shore, terminating southeast corner lot two (2), section eighteen, township twenty-eight, range twenty-six east in Door county, and including also the waters of Sawyer's harbor.

This subsection is re-numbered 4.

4. The waters of Detroit harbor, which shall be construed to include that portion of water lying north and west of a line beginning at the extreme southern point of lot number three (3), section fourteen (14), town number thirty-three (33) north, of range number twenty-nine (29) east, running thence easterly in a direct line to the extreme southern point of lot number two (2), section eighteen (18), town number thirty-three (33) north, of range number thirty (30), all in Door county, shall be subject to the following, viz.: It is unlawful and prohibited for any person for himself or another to set in the waters of Detroit harbor any set hooks, seine, pound, fyke, trap or gill net or any other device for catching, killing or taking any fish from the waters thereof, except with a hand dip net or minnow seine used exclusively for bait, and with trolling hook and line and single hook and line to be cast and used by hand.

This subsection is changed to 5. Unlawful to use gill or fyke net.

5. It shall be unlawful for any person, for himself or another, to set or cause to be set in the waters of Lake Superior, on or near the main shore thereof, from the mouth of the Mon-

trear river to the mouth of the St. Louis river, any pound, gill or fyke net or seine.

REGULATIONS FOR THE OUTLYING WATERS OF  
THE STATE.

SECTION 12. It is hereby declared unlawful and prohibited for any fish dealer or other person to have in his possession in this state or to ship out of this state:

1. Any whitefish of less than one and a half pounds round or undressed weight or less than one pound dressed, taken from the outlying waters of the state.

2. Any wall-eyed pike, yellow or sauger pike, or black bass of any variety of less than one pound round or undressed weight, which have been taken from the outlying waters of the state, or

3. Any white bass of less than three-fourths of a pound round or undressed weight.

SECTION 13. It shall be unlawful for any person to set or cause to be set for himself or another, in the waters of Lake Superior anywhere within one mile of the main shore thereof from the mouth of the Montreal river to the mouth of St. Louis river and in the entire Chequamegon bay, any seine, pound, gill or fyke net. It shall be unlawful to place any seine or gill net in the waters of Lake Michigan within one mile of the shore thereof from the south line of the state to the north line of Kewaunee county, Wisconsin.

SECTION 14. It shall be unlawful to use any gill, fyke, pound, seine, dip or other net in the waters of Green Bay from the dam at De Pere on the Fox river to a line drawn one mile north from Long Tail Point lighthouse to Point Au Sauble, in Brown county, from the tenth day of April in each year to the first day of July following.

Time changed  
to tenth day of  
April.

SECTION 15. It is unlawful and prohibited for any person to place in any of the outlying waters of this state, including Sturgeon Bay,

which border upon land whose owners or occupants are engaged in fishing, any ship ballast, stone, sand, cinders, ashes, slabs, decayed wood, bark, or other obstruction, within one mile from the beach or shore where said waters form any part of the bays or lakes constituting such outlying waters. Or for any boat owner, master or other person in charge thereof to willfully or maliciously run into or molest any nets, traps or other fixtures lawfully set in said waters for fishing purposes. Or to throw into the outlying waters of this state, or bays thereof, or streams emptying therein, or to leave upon the ice therein until it melts, any fish offal, which shall be construed to mean the heads, intestines and blood of fish, and dead fish. The fact of a fisherman coming on shore with dressed fish and no offal in his boat, shall be prima facie evidence that he has violated this section.

#### REGULATIONS FOR THE INLAND WATERS.

SECTION 16. No person shall be allowed to set, place or use any gill, fyke, pound, seine, dip or other net or snare, or trap in any of the inland waters of the state of Wisconsin for the purpose of catching fish of any variety; provided, that the fish known as whitefish may be taken with a dip net between the first day of November and the eighth day of December in each year. The inland lakes, rivers and streams of the state shall be construed as meaning all the waters within the jurisdiction of the state, except Lakes Superior and Michigan, Chequamegon Bay, Green Bay and Sturgeon Bay, Lake St. Croix, and the Mississippi river. This act shall not prevent the catching of shiners, chubs, dace, suckers, sheepshead, dogfish, garfish, red-horse, sturgeon, catfish and bullheads in all rivers or streams by the use of dip nets or spears, during the daytime at any season of the year; but no dip net shall be used for such

Mississippi  
river also  
excepted.

purpose in any stream of the state containing trout of any variety.

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THE IMPREGNATION OF TROUT EGGS.

SECTION 17. It shall be the duty of each person engaged in fishing in any of the outlying waters of this state between the twentieth day of October and the fifteenth day of November in each year, to take the eggs (if not already spawned) from the female trout caught by him, while alive, and the milt from the male trout, while alive, and to mix and, after mixing them together in a pail or pan so carefully that all the eggs may be impregnated, to throw them immediately into the water where the fish were taken.

2. It shall also be the duty of any person employed in fishing in said outlying waters to take the eggs from all whitefish caught by him between the first day of November and the twenty-fifth day of November, each year, while alive, and the milt from the male whitefish, while alive, and to mix and, after mixing them together in a pan or pail so carefully that all the eggs may be impregnated, to throw them immediately into the water where the fish were taken.

3. It shall be the duty of any person engaged in fishing in any of the outlying waters of this state, to deliver on demand to the commissioners of fisheries or to any one deputed by them or by their secretary in writing, all kinds of fish during the spawning season, from which spawn or milt can be taken, for the purpose of being stripped of their eggs and milt; and the person receiving them or placed in charge of them shall, immediately after having stripped the fish, return them to the person from whom received.

4. And such fishermen shall also permit such person authorized by this section, to enter their boats, docks, grounds or other places where such fish may be for the purpose of stripping

the same and to render such assistance as may be necessary to expedite the work of the mixture of milt and eggs for proper impregnation.

#### THE POLLUTION OF WATERS.

SECTION 18. It is unlawful and prohibited—

1. To cast, deposit or throw overboard from any row, sail or steamboat or other craft into any of the inland waters of the state, or into Green Bay, Sturgeon Bay, or into Chequamegon Bay, or to deposit or leave upon the ice thereof until it melts, any fish offal which shall be construed to mean and include the heads, intestines, blood, any cleanings of fish and dead fish. The fact of any fisherman coming to the shore with dressed fish in his boat and without the offal produced by such dressing shall be prima facie evidence of violation of this section.

2. To throw or deposit or permit to be thrown or deposited any lime, tan-bark, ship ballast, stone, sand, cinders, ashes, slabs or decayed wood, or other substances deleterious to fish life (authorized drainage and sewerage from municipalities excepted) into any of the rivers, lakes or streams of this state, including Green Bay, Chequamegon Bay, and Sturgeon Bay, or into any stream wherein the commissioners of fisheries have caused trout fry to be deposited, or in which brook trout naturally abound.

#### PUBLIC NUISANCES.

SECTION 19. The following are declared to be public nuisances:

1. Any net of any kind prohibited by law, while set or found in any waters where such net is prohibited by law from being set or used.

2. All seines or other devices or contrivances set or found in any waters for catching fish in a manner prohibited by the laws relating to such waters.

3. All set lines, trout poles, ropes or cables, having more than one hook attached thereto, directly or indirectly, set in any waters contrary to law.

4. Any net set for ensnaring, entrapping or drowning of ducks, wild geese, or other waterfowl.

5. Any traps, snares, spring-guns, or other devices or contrivances set for the purpose of trapping, ensnaring or killing any animals, birds or waterfowl, the trapping, ensnaring or killing of which is prohibited by law.

6. Any boats, deer lamps, or lights, while in use in the unlawful pursuit or hunting of deer.

7. Any pivot or swivel-gun or other fire-arms not held habitually at arm's length and discharged from the shoulder, while in use for the unlawful shooting of any animals, waterfowl, or birds.

8. Any screens set in public waters to prevent the free passage of fish in trout streams which have been stocked by the state commissioners of fisheries.

9. All boats, floating rafts or boxes, or blinds set in open water outside of the natural growth of grasses or rushes, in use for the unlawful pursuit, hunting or shooting of any duck, geese or brant, and all decoys set for the unlawful decoying of such waterfowl during the close season therefor.

10. The illegal use of any of the articles mentioned in this section contrary to the provisions of this act, shall forfeit the same to the state; and in any prosecution for such illegal use of the same the court may, upon conviction, adjudge in addition to the fines and forfeitures by this act imposed, the forfeitures of such articles and issue a warrant commanding that such articles forfeited be destroyed.

SECTION 20. It shall be the duty of any warden, deputy-warden, sheriff, deputy-sheriff, constable, special warden, or other peace officer to destroy forthwith any article or thing declared hereby to be a public nuisance, when found or taken in the unlawful use, which according to

this act makes the same a public nuisance; and no liability shall be incurred to the owner or any other person for such destruction; any other person than warden or officer finding such public nuisance is hereby authorized to destroy the same, and shall incur no liability therefor.

#### THE UNLAWFUL TAKING OR CATCHING OF FISH.

SECTION 21. It is unlawful and prohibited to fish for, catch or kill with any device or in any manner any of the kinds of fish mentioned in this section during the close season therefor, as prescribed by this act or any other law of the state:

1. Speckled or brook trout, California or rainbow trout, or mountain or brown trout, or any other variety of trout with which the streams of the state may have been stocked.

2. White, black, mud, green or Oswego bass or pickerel or wall-eyed pike, but this clause does not apply to the lawful fishing for bass in the outlying waters of the state.

3. The close season for the varieties of trout mentioned in this section begins in each year on the twentieth day of August and ends on the fifteenth day of April.

SECTION 22. It is unlawful and prohibited—

1. To catch, kill or take any fish of any variety in any of the waters of this state by means of dynamite or other explosives.

2. To catch in any of the inland waters of this state, any fish by means of a set line, trot line or any wire, string, rope, or cable of any sort having thereto attached directly or indirectly more than one hook.

3. To catch fish of any variety in any of the inland waters of this state with any other device than a hook and line.

4. To use any pound or gill nets in the waters of the Mississippi river at any time; or to use any seines over two hundred feet in length in said waters between the first day of February and the succeeding first day of July.

New section  
regulating  
fishing in  
Mississippi  
river.

5. To fish through the ice in any of the inland waters with more than one hook and line. Number changed to 5.

6. To take, catch or kill any fish in any stream or water within one hundred feet of any fishway during the spawning season of fish in such waters, or have in possession or under control any fish so taken, killed or caught. Number changed to 6.

7. To lay, use, set or prepare any drug, poison, line, medicated bait, fish berries, dynamite or other explosives or deleterious substance whatever in any of the outlying or inland waters of this state with intent thereby to kill, take or capture fish. Number changed to 7.

8. To lay, set, stretch, use or prepare any set line, trot line, or any wire, string, rope or cable of any sort whatever having thereto attached more than one hook, with intent thereby to take, catch or kill any fish. Number changed to 8.

9. To kill, capture or take by any device or in any manner in any of the inland waters of this state, any black bass, green bass, Oswego bass, white bass, pickerel, wall-eyed pike and muscalonge during the close season thereof, which begins on the first day of March and ends on the first day of June in each year, excepting as hereinafter provided. Number changed to 9.

THE UNLAWFUL PURSUING, CAPTURE, KILLING,  
OR TAKING OF DEER, BIRDS, WATERFOWL OR  
OTHER BIRDS.

SECTION 23. It is unlawful and prohibited—

1. To kill, capture or take by any kind of device or contrivance whatever or to pursue with intent to kill or to take or worry any deer, buck, doe or fawn, between the twenty-first day of November in each year and the succeeding first day of November in the year following; all the months of the year except the first twenty days of the month of November being hereby declared the close season, for the animals above named in this section; provided, however, that the killing, taking or worrying of any deer,

buck, doe or fawn is hereby prohibited in the county of Sheboygan for the period of five years.

2. To hunt deer, buck or doe in the night time; or at any time with dogs.

3. To use a dog or dogs to hunt rabbits during the time the law permits the hunting of deer; provided, that this subdivision shall not apply to the counties of Green, Dane, Rock, Walworth, Kenosha, Racine, Milwaukee, Waukesha, Jefferson, Ozaukee, Fond du Lac, Columbia, Winnebago, Calumet, Dodge, Washington, Iowa, Crawford, Grant, Manitowoc, Kewaunee and that portion of Door lying south of Sturgeon Bay, and Lafayette.

4. To take, catch or kill any California quail, woodcock, quail, partridge, pheasant or ruffed grouse, prairie-hen or prairie-chicken, sharp-tailed grouse or grouse of any variety, mallard, teal or wood duck, plover or snipe between the first day of December in each year and the succeeding 20th day of August in the following year.

5. To take, catch or kill any Mongolian, Chinese or English pheasant, or any other variety of pheasants, for a period of five years. The shooting of ducks by aid of a light during the night time is hereby prohibited.

6. To take, catch or kill any wild duck of any variety or wild goose or brant between the first day of May and the succeeding first day of September.

7. To use in the pursuit of any duck, goose or brant or other aquatic bird, any sneak boat, raft or box of whatever description, which such boat, raft or box shall be in whole or in part arranged so as in any manner to conceal the person or persons occupying the same.

8. To catch any wild duck of any variety in any net, or to place any net in or upon any waters frequented by wild ducks of any variety, or under said waters.

9. To take, catch or kill, or attempt to take catch or kill any of the animals, birds or water-fowl mentioned in this section by means of any

snare, net, trap or spring-gun or similar contrivance, or to place, spread or set, or permit to be placed, spread or set, any such net, trap or snare or spring-gun or device for the purpose of catching such animals, birds or waterfowls.

10. To use in pursuit of any animals, fowls or birds any pivot-gun or swivel-gun or any other fire-arm not habitually held at arm's length and discharged from the shoulder.

11. To take, catch, kill or destroy otter, martin, mink or fisher between the first day of May and the succeeding first day of October.

12. To catch or kill at any time or for any purpose whatever, except as authorized in this act, any whippoorwill, night hawk, bluebird, finch, thrush, lark, robin, turtledove, or any other harmless bird, except blackbirds and sparrows.

13. For any person not the owner thereof, or some person by him authorized to take, catch, kill, impede in its progress or otherwise interfere with any carrier or homing pigeon or pigeons.

#### THE UNLAWFUL POSSESSION OF FISH, GAME AND BIRDS.

SECTION 24. It is unlawful and prohibited—

1. To have in possession or under control any varieties of fish, animals, game or birds for which a close season is prescribed by this act or by any law of the state now or hereafter in force, during the close season prescribed by law therefor (except alive), or any carcass of flesh thereof.

2. To any keeper of a hotel, restaurant or boarding house to serve to his guests any such venison, birds, fish or game or [of] any kind during the close season therefor, unlawfully in his possession. The possession or having under control any bird, animal or fish of any of the kinds during the close season herein prescribed for such, except as in this act specified, shall be prima facie evidence that it was the property of

this state when taken, caught or killed, and that it was caught, taken or killed in this state unlawfully, and the burden of proof shall be upon the defendant in any prosecution or action for forfeiture, to prove the contrary.

3. For any employe of the fish commission, while engaged in catching and distributing wild fish from the public waters for the purpose of artificial propagation, to have in his possession any other varieties of fish than those he has been directed to take by the superintendent of the fish commission or his agent duly authorized in writing.

#### THE UNLAWFUL SALE OF FISH, GAME AND BIRDS.

**SECTION 25.** It is unlawful and prohibited—

1. To sell or offer or expose for sale any fish, game or birds or venison, at any time after three days from the beginning of the close season prescribed therefor, respectively; and such sale, offer or exposure at any time after the expiration of three days shall be prima facie evidence of violation of this act.

2. To purchase any such fish, game or venison or birds or any or either of them during any period of a close season therefor respectively, after the first three days of such close season.

3. For any person, company or corporation to purchase or sell or offer or expose for sale, any whitefish, lake trout, or wall-eyed pike or sauger pike caught in the outlying waters of this state of less weight than is authorized by this act to be caught or taken in the outlying waters of this state, or to pack the same for shipping or sale in any manner whatever.

**SECTION 26.** It shall be the duty of any fish dealer or person engaged in the purchase of game of any kind, or fish of any kind, within this state, whenever any fish, animals or birds, the taking, catching, killing, or having in possession or under control of which is prohibited by this or any law of the state, to immediately no-

tify and give full particulars concerning such offer and by whom made, to some member of the board of commissioners of fisheries, game warden or some deputy or special deputy appointed by their secretary.

THE UNLAWFUL TRANSPORTATION OF FISH AND GAME.

SECTION 27. It is unlawful and prohibited for any person or corporation, or common carrier or any agent or servant thereof, for compensation or otherwise—

1. To transport any fish caught in the waters of this state of the varieties for which a close season is prescribed in this act or by law, during such close season (except the first three days thereof), but this section shall not prevent the shipment of trout raised in private hatcheries, of which the package or box shall be branded with an iron brand as follows: Shipped from the private hatchery of (here insert the name or the owner and the location of the hatchery).

2. To use the stamp or brand described in the preceding subdivision of this section in the shipment of any fish not raised in such hatchery.

3. To transport any of the animals, wild-fowl or birds, except alive, during the time which the killing, catching or taking of such animals, wild-fowl or birds is prohibited by this act, or by law. The possession of any such animals, fowl or birds during the close season therefor (except the first three days thereof) for shipment or in transit, shall be prima facie evidence of a violation of this act. It shall be the duty of every person, whenever any animal, fish or game of any of the kinds, the taking, catching or killing of which is prohibited by law, at any or all times (except during the periods in which the same may be lawfully taken, caught or killed) is offered to him for transportation out of this

state, or any point or place within the state, to at once notify and give full particulars concerning such offer and by whom, to some member of the board of commissioners of fisheries or their secretary, or to some warden appointed by their secretary.

4. To ship, carry or transport, or receive for shipment or transportation to any point or place out of this state, any fish taken in the inland waters of this state, excepting that when accompanying and having in his personal charge, the owner of such fish may carry out of the state twenty pounds or two such fish, and excepting also trout raised in private hatcheries, as provided for in subdivision 1, of this section.

5. To transport any carcass or carcasses of deer, buck, fawn or doe, except when such carcass or carcasses are accompanied by the owner or owners thereof, and each such owner so accompanying shall not be entitled to more than two carcasses, as aforesaid, upon such trip.

6. To transport, ship or carry out of the state, to sell or offer for sale any ducks of any variety, snipe or plover between the first day of December and the succeeding first day of September.

FISH, GAME AND BIRDS TAKEN FOR SCIENTIFIC  
PURP. SES.

SECTION 28. The commissioners of fisheries may grant under the seal of the commission certificates to any member of an incorporated society of natural history, or to any professor of any university, school, or college or any person properly accredited by such institution, certifying that such person or institution is authorized (is hereby for such purpose authorized) to collect for strictly scientific purposes only, the nests, eggs, animals, birds, and fish protected by this act or the laws of the state. No person to whom such certificate is issued or who acts under the same, shall dispose of

any such specimens except in exchange for scientific purposes. Such certificates shall be issued only on satisfactory testimonials of well known scientific men.

SECTION 29. Any attempt to violate any of the provisions of this section shall be deemed a violation thereof.

SECTION 30. All sections of this act relating to the having in possession or under control, or the sale, shipment, or transportation of any animal, fish, water-fowl, or bird, shall be construed to include any and all parts of the flesh and meat thereof.

#### THE ARTIFICIAL PROPAGATION OF FISH.

SECTION 31. The operation of state and public hatcheries in this state, the removal of fish which have died from natural causes from the waters of the state, the removal of deleterious fish, with the written consent and under the direction of the commissioners of fisheries, the propagation or transportation, collecting and transplanting of fish or fish fry by state or public authority, and the operation of private hatcheries, or propagation of fish in private waters and the transportation of fish therefrom in the manner directed by this act, are not affected or prohibited by this act nor shall it affect the transportation of fish into or through the state or out of it by the commissioners of fisheries of other states, or of the United States.

SECTION 31a. The state fish commission or its agents or employes are prohibited from furnishing fish or fry from state hatcheries to private ponds, private clubs or corporations or preserves or waters, where the public are not allowed the same rights and privileges enjoyed by any other person or persons.

## RELEASE OF CHIEF AND DEPUTY WARDENS FROM LIABILITY.

**SECTION 32.** In the performance of his or their duties as chief fish and game warden and deputy fish and game wardens, whose appointments are authorized by this act, he or they shall be released from any and all liability to any person or persons whatsoever for acts done or committed or property destroyed under and by virtue of the authority of the provisions of this act.

No section 33. [No section 33.]

## PROVISIONS APPLYING TO CERTAIN LOCALITIES OR WATERS ONLY.

Changed to 34. **SECTION 34.** The provisions of this section shall apply only to the waters of Lake de Neveu, in the county of Fond du Lac:

1. It shall be unlawful to fish for, catch, take or kill any fish (except carp) in the said waters, by the use of any trap, spear, net or other means or device except fishing from a boat with hook and line or angling; and fishing at night-time by the aid of lights is prohibited.

2. No person shall be allowed to take or kill any black or Oswego bass, pickerel or perch in said waters from the first day of October in each year, to the first day of June following, and it shall be unlawful for any person to take or kill or have in their possession black or Oswego bass or pickerel at said lake less than seven inches in length.

3. The possession by any person of any traps, spear, nets or light or fish in this act specified, on, upon or at said lake, shall be prima facie evidence of the illegal use of such articles so prohibited by this section, by the person or persons in whose possession they may be found.

Changed to 35. **SECTION 35.** The provisions of this section shall apply only to the waters in and tributary to the counties of Door, Kewaunee, Brown, Oconto and Marinette.

1. It shall be unlawful to set in the waters named, any fyke, gill, pound or hoop nets for the purpose of catching or killing wall-eyed pike, pickerel, perch or black bass.

SECTION 36. It shall be unlawful for any person or persons to set, place or use any gill, fyke, pound, seine or trap net for the purpose of taking or catching crabs in all rivers in Sheboygan county, and no person or persons shall catch or take any crabs in such rivers by the use of any such net or seine, excepting dip nets of not more than four feet in diameter. Changed to 36.

SECTION 37. The waters of Rush Lake, in the counties of Winnebago and Fond du Lac, are hereby exempted from the provisions of this act relating to regulations upon the methods or times of taking, catching or killing fish. Changed to 37.

SECTION 38. The provisions of this section shall apply only to the waters of Green Bay: Changed to 38.

1. All persons owning or operating pound nets in the waters of Green Bay shall, during the nighttime, place at the extreme outer end of such pound net or nets owned or operated by them, a bright light, so as to indicate whereabouts of such nets to mariners, and to have said lights exhibited as long as pound net sticks remain in water.

2. All persons operating pound nets in the waters of Green Bay shall remove all pound nets stakes (used or put in by them) at the close of the fishing season, so as to remove all obstruction to navigation.

SECTION 39. It shall be lawful to take or catch any kind of fish except trout, from the waters of the Pecatonica river in Iowa and La Fayette counties, with a hook and line at any time. But it shall be unlawful to take or catch any fish from the waters of said Pecatonica river at any time in any other manner than by hook and line. Changed to 39.

SECTION 39a. It shall be unlawful to fish in the waters of Devil's Lake in the county of Sauk, by any means whatever, between the first day of March and the succeeding first day of July in each year. Changed to 39a.

## COUNSEL TO ASSIST IN PROSECUTIONS.

**Changed to 40.** SECTION 40. The state fish and game warden is hereby empowered to appoint at such times and under such circumstances as shall seem to him to be necessary, counsel to assist the district attorney in the prosecution of cases arising under the provisions of this act, or in which the state fish and game warden or his deputies or any of them, shall be interested by reason of their position as such fish and game warden or deputy; and in case of the neglect or refusal of any district attorney to prosecute any case so arising, or when for other reason the state is not represented, such counsel so appointed by such state fish and game warden, may conduct the prosecution on behalf of the state. The compensation of such counsel shall be fixed by the state fish and game warden and paid out of the contingent fund hereinafter provided for the use of such state fish and game warden in the enforcement of the laws.

## FINES AND FORFEITURES.

**Changed to 41.** SECTION 41. For violations of any of the provisions of this act the offender shall, on conviction thereof, be punished by fine or imprisonment, or both, as follows:

1. For violations of any of the provisions of sections 11, 12, 13, 25, 26 and 28, not less than twenty-five dollars nor more than one hundred dollars.

2. For violation of any of the provisions of sections 14, 15, 16, 17, 18, or subdivision three of section 23, not less than ten dollars nor more than one hundred dollars.

3. For violation of subdivisions four, five, six, seven and nine of section 22, or any of the provisions of sections 21 and 25, not less than ten dollars nor more than one hundred dollars; and for violations of subdivisions one, two and three, and eight of section 22, not less than twenty-five dollars nor more than one hundred dollars.

4. For violation of subdivision five of section 23, not less than twenty-five dollars nor more than fifty dollars; and for violation of subdivisions four, six, seven nine, eleven, twelve, or fourteen of section 23, or any or either of them, not less than ten dollars nor more than one hundred dollars.

5. For violations of subdivisions one, two, and eight of section 23, or any or either of them, not less than twenty-five dollars nor more than fifty dollars.

6. For violation of subdivision ten of section 23, not less than five dollars nor more than ten dollars for each offense.

7. For violation of section 24, or any of the provisions thereof, not less than twenty-five nor more than one hundred dollars.

8. For violations of any of the provisions of section 34, a fine of five dollars, or not exceeding thirty days in jail.

9. For violation of any of the provisions of sections 35, 38 and 39a, or any or either of them, not less than five dollars nor more than fifty dollars.

10. For violation of any of the provisions of section 36, not more than twenty dollars, nor more than twenty days' imprisonment in the county jail.

11. For violation of any of the provisions of section 39, not more than twenty-five dollars, nor more than thirty days in the county jail.

12. For violation of any of the provisions of this act for which a fine is not herein expressly provided, the fine shall be not less than ten dollars nor more than one hundred dollars.

13. For violation of any of the provisions of section 27 of this act, the offender shall forfeit not less than twenty-five dollars nor more than one hundred dollars.

**SECTION 42.** In imposing any fine under the provisions of this act, the court may in its discretion, sentence the offender to imprisonment in the county jail of the proper county for a term of not less than thirty nor more than Changed to 42.

ninety days, or impose such imprisonment in lieu of fine; and in all cases the sentence and judgment shall include the cost of prosecution; and the provisions of section 4633, of the revised statutes as amended shall apply in such cases.

Changed to 43.

**SECTION 43.** In any action to recover forfeiture under this act, the provisions of chapter 143, of the revised statutes, entitled, "Of collection of forfeitures," shall be pursued as far as applicable, and except as herein otherwise provided for. The action shall be in the name of the state; and an appeal may be taken to the circuit or supreme court, when directed by the secretary of the commissioners of fisheries.

Changed to 44.

**SECTION 44.** One-half of all fines and forfeitures imposed and collected under this act, shall be paid to the warden or other officer who brings the complaint. The other half being the clear proceeds thereof, shall be paid by the justice or other officer collecting the same, as other fines and forfeitures are paid when collected, into the school fund.

Changed to 45.

**SECTION 45.** The commissioners of fisheries shall cause to be published this act, and append thereto suitable forms for complaints, judgments, other proceedings and reports under this act; and the secretary of state shall order the same to be printed by the public printer in such manner in pamphlet form, as the commissioners may deem necessary.

#### REPORTS.

Changed to 46.

**SECTION 46.** Each person engaged in fishing in the outlying waters of the state, as a business, during the whole or any part of the year, shall on or before the first day of December of such year, report to the secretary of the commissioners of fisheries, or to some warden, the amount in pounds of all food fish caught by him during the year, the average price per pound, and such other information as is required by the blanks furnished him for the purpose, which shall be in the following form:

*Report*

Of — of fish caught during the season from December 1st, 18—, to November 30, 18—.

This report covers the fishing season from —, 189—, to —, 189—.

*Description of Nets Used.*

Kind.	Number	Value.	Size of Mesh.
.....			
.....			
.....			
.....			
.....			

Species of Fish.	Pounds.	Price per lb.	Total.
Whitefish .....			
Trout, lake .....			
Herring .....			
Bass .....			
Perch .....			
All other kinds .....			

I hereby certify that the foregoing statement is true.

Dated this — day of —, 18—, at —, Wisconsin. Signature, — —.

For failure to make such report, and for wilfully making a false report, such person shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars. On or before the last day of December of each year, the warden appointed pursuant to this act, and any sheriff or constable who has performed any duties under this act, shall make report to the secretary of the commissioners of fisheries of

the action taken by him, the number of prosecutions commenced, the arrests made, the convictions had, the amount and date of fines and forfeitures collected, with such other information as the secretary may require, the same to be made on blanks furnished him for the purpose.

APPROPRIATION, CONTINGENT FUND, ETC.

Changed to 47. SECTION 47. There is hereby appropriated out of any moneys in the general fund, not otherwise appropriated, annually, the sum of eighteen hundred dollars for the salary of the state fish and game warden; and there is also set apart in the state treasury a contingent fund of twenty-five hundred dollars, subject to the draft of the state fish and game warden, countersigned by the president of the fish commission, to be used when necessary in the enforcement of the laws for the protection of game and fish and for the special services of deputies, special counsel, and other expenses of similar, necessary character, to be paid upon sworn vouchers, and the expenses of the secretary shall also be paid in like manner out of any moneys in the general fund not otherwise appropriated.

Changed to 48. SECTION 48. All laws of which this act is a revision, and all acts or parts of acts contravening the provisions hereof, are, so far as they conflict herewith, repealed; provided, however, this shall not repeal or affect chapter nine of the laws of Wisconsin for 1889.

Changed to 49. SECTION 49. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1895.