

No. 49, S.]

[Published April 29, 1893.]

CHAPTER 307.

AN ACT for the protection of fish in the inland waters, lakes and streams of the state of Wisconsin.

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

Nets, when and where not to be used.

White fish.

To what water section not to apply.

Dip net, for what may be used.

Fish not to be caught during spawning season.

SECTION 1. 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 lakes, rivers or streams of the state of Wisconsin, for the purpose of catching fish of any variety; provided, that fish known as white fish may be taken with a dip net between the first day of November and the eighth day of December in each year; provided, however, that the provisions of this section shall not apply to the waters of the Fox river, from the mouth of the Wolf river to the dams at Neenah and Menasha, and lakes Winnebago, Buttes des Morts, Winneconne and Poygan, and the waters of the Fox river, from the dam at De Pere to the mouth of Bass channel, Brown county. The inland lakes, rivers and streams of this state shall be construed as meaning all the waters within the jurisdiction of the state, except lakes Superior and Michigan, Green Bay, and Sturgeon Bay, and lake St. Croix, in St. Croix county. This act shall not prevent the catching of shiners, chubs, dace, suckers, sheeps head, dog fish, garfish, by the use of dip nets at any time of the year, but no dip net shall be used for such purpose in any of the streams of the state containing trout of any variety.

SECTION 2. No person shall be allowed to fish for, catch or kill with any device, nor shall any person sell or offer for sale, or buy, or have in possession, any brook trout, mountain trout, rainbow trout, black, green, mud or Oswego bass, or wall-eyed pike, during the spawning season of such fish. The spawning season or close season shall be construed for brook trout, rainbow trout and mountain trout to be from

the first day of September to the first day of May next succeeding; black, green, mud and Oswego bass and wall-eyed pike from the first day of January to the first day of June in each year.

SECTION 3. No person, except as herein provided for, shall be allowed to catch, kill or take any fish, in any of the inland waters of this state, by means of dynamite or other explosives, or by any other device, except with a hook and line and angling.

Dynamite, etc., not to be used.

SECTION 4. No person shall be allowed to use, in catching fish in any of the inland waters of this state, any set line, and no person shall be allowed to fish through the ice in any of the inland waters of this state with more than one line.

Set line not to be used.

SECTION 5. The provisions of special or local laws relating to any of the lakes or streams in this state, so far as they conflict with the provisions of this act, shall not be in force as to such lakes and streams.

Special laws in conflict not to be in force.

SECTION 6. The possession by any person or persons of any net, seine, trap, snare, spear or fish in this act specified, in, upon or on the borders of any of the inland lakes or streams of this state, shall be *prima facie* evidence of the illegal use or possession of such net, seine, trap, snare, spear or fish, and the fishing for, catching or taking of any of the varieties of fish in such lakes or streams, the catching or taking of which is prohibited by law, by any person or persons in whose possession such trap, seine, snare, net, spear or fish is found. Any person violating this section shall be deemed guilty of a misdemeanor and shall be required to pay a fine of not less than five dollars, nor more than ten dollars, together with the costs of prosecution, or in lieu thereof to be confined in the county jail not exceeding thirty days.

Possession of net, etc., prima facie evidence of use.

Penalty.

SECTION 7. It shall be unlawful for any person or corporation to export fish caught in any of the public waters of this state, to any point, either for consumption or sale, during the time the law prohibits the catching of the same; provided, that nothing in this act shall prevent the shipment of trout raised artificially, or in private hatcheries in the state, and each and every

Exportation of fish, when unlawful.

Shipment of trout raised artificially, how made.

package or box containing trout, before shipment, shall be branded with an iron brand, as follows: "Shipped from the private hatchery of (here insert the name of the hatchery and location);" provided, further, that said stamp shall not be used by any person or corporation for the shipment of trout other than those raised in a private hatchery. Any person or corporation violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars, nor more than fifty dollars, for each offense, together with the costs of prosecution, and stand committed in the county jail until such fine and costs are paid, not to exceed ninety days.

Penalty.

Fish warden, etc., to destroy nets, etc.

Penalty for interference.

SECTION 8. Any fish warden, deputy warden, sheriff, deputy sheriff, coroner, constable or police officer, or other person of the state, is hereby authorized to destroy any net, seine, trap, snare, spear or other device which is or has been illegally used. Any person interfering with any of the above officers or persons in the discharge of their duties under these sections shall be deemed guilty of a misdemeanor or resisting arrest, and shall pay a fine of not less than fifty dollars, nor more than one hundred dollars, together with the costs of prosecution, and shall be imprisoned in the county jail until such fine and costs are paid, not to exceed three months.

Deleterious substances not to be cast in rivers, etc.

Penalty.

SECTION 9. No person, association, company or corporation shall throw or deposit or permit to be thrown or deposited any saw dust, lime or other deleterious substance into any of the rivers, lakes or streams of this state, Chequamegon, Green or Sturgeon bay. Any person, association, company or corporation, violating the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be liable to a fine of fifty dollars for each offense, together with the costs of prosecution, and stand committed to the county jail until such fines and costs are paid, not to exceed thirty days for each offense committed in any streams containing fish of any variety.

Possession or transportation of fish during closed season a misdemeanor.

SECTION 10. If any person, persons or corporation shall catch or have in his, or their, or its possession any such trout, or bass, or wall-eyed pike as are described in section 2 of this act, except during the period when such fish can be law-

fully caught, and if any person, corporation, express company or common carrier, shall receive for transportation, or shall transport any such trout or bass, or wall-eyed pike, save and except between such dates as these fish are permitted to be caught, they shall be deemed guilty of a misdemeanor, and upon conviction shall be fined the sum of one dollar for each and every trout, or bass, or wall-eyed pike so caught, had, transferred or attempted to be transferred, together with the costs of prosecution; and such fish shall be declared contraband and sold to the highest bidder, the money so realized from such sale, after paying costs of such sale, shall be paid over to the state treasurer, to be credited to the general fund.

Penalty.

SECTION 11. It shall be unlawful for any person or persons to take, catch or kill, at any time, any speckled or brook trout, California or rainbow trout, black, Oswego, strawberry, mud, yellow or green bass, or wall-eyed pike, in any manner whatever, except by hook and line, in any of the inland waters of this state. Any person violating this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined the sum of five dollars for each fish so unlawfully taken, together with the costs of prosecution, and stand committed to the county jail until such fine and costs are paid, not to exceed six months.

Trout, bass, etc., how to be caught.

Penalty.

SECTION 12. Whoever at any time shall 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 caught, shall be fined not less than five dollars, nor more than ten dollars, or be imprisoned in the county jail not less than five days, nor more than ten days for every fish so caught, taken, killed, had in possession or under control.

Fish not to be caught near fishway during spawning season.

Penalty.

SECTION 13. Chapter 486, laws of 1889, is hereby repealed. Any person or persons, who shall hereafter or shall have heretofore obtained from the state fish commission any fish for stocking ponds, lakes or streams in the state, must guarantee that said ponds, lakes or streams shall be kept open to fishing by the public, without prosecution for trespass, for a period of not less than ten years

Repeals ch. 486, laws of 1889. Ponds, etc. stocked by state fish commission, when to be open to the public.

after the said planting of the fish; provided, that nothing in this act shall be construed to prevent the closing of such ponds, lakes or streams by the state fish commission to the public, so long as there is no fishing upon the ponds, lakes or streams by any person, owner or nonowner of adjoining premises for the purpose of permitting the fish so planted to arrive at maturity, not to exceed three years from date of planting; and no dam or other obstruction shall be placed in said stream to prevent the free course of the fish to any part thereof. Any person violating the provisions of this section, upon conviction thereof, shall pay a fine of not less than twenty-five dollars, nor more than fifty dollars, or be imprisoned in the county jail not more than thirty days.

Penalty.

Fish offal not to be thrown into waters.

SECTION 14. It shall hereafter be unlawful for any person or persons to throw over board from any row, sail, or steamboat, or other craft, or to throw into any of the waters mentioned in this act, or any bays thereof, or streams emptying therein, or Lake Winnebago or tributaries, any fish offal. Fish offal shall be construed to mean the cleanings of fish, such as heads, intestines, blood, or dead fish. Any fisherman coming to the shore with fish in his boat dressed, and having no offal in his boat, shall be deemed *prima facie* guilty of a violation of this section. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars, nor more than ten dollars, and costs, and shall be committed to the county jail until such fine and costs are paid, not to exceed thirty days.

Penalty.

Fishing in Sturgeon Bay.

SECTION 15. The waters of Sturgeon Bay shall be subject to the provisions of this act, so far as applicable, except that no pound, gill or fyke net or seine, or any other net or device for catching or trapping fish will be permitted to be placed therein, except a dip net to be used for the purpose of catching minnows for bait, and gill nets, the meshes of which are not less than four and a half inches, stretch measure; and it shall be unlawful to catch any fish in Sturgeon bay by any other method than is provided in this section. The waters of Sturgeon bay shall

be considered that portion lying south of a line drawn from the extreme southerly point of Sherwood point; said line running east to the shore, terminating in section eighteen, township twenty-eight, range twenty-six east, in Door county; provided, that all the waters of Sawyer's Harbor shall be construed a part of Sturgeon bay.

SECTION 16. Any fish caught, taken or killed, or had in possession contrary to any provisions of this act, and which shall have come into possession of the state game and fish warden, or any of his deputies or representatives, shall be declared contraband, and sold by said officer to the highest bidder, and any one purchasing the same shall have the right to deal therewith the same as if the fish 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 costs of sale, the balance of the proceeds shall be paid into the state treasury, to be credited to the general fund.

Contraband fish, what to be; how sued.

SECTION 17. In any prosecution or judicial proceeding under the provisions of this law, any participant in any violation thereof may testify as a witness against any other person violating the same, without criminating himself by so doing, nor shall the evidence so given by him be used against him in any criminal proceeding against him for such violation.

Witness may testify without evidence criminating himself.

SECTION 18. All prosecutions under this act shall be commenced within one year from the time the offense was committed, and may be had in any county in which the offense was committed, or the defendant resides, or is found at the time of instituting the same, before any court having jurisdiction of the offense.

Prosecutions, when to be commenced.

SECTION 19. Any person violating the provisions of sections 1, 2, 3, 4 and 15 of, this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be compelled to pay a fine of not less than twenty-five dollars, nor more than fifty dollars, for each offense, together with the costs of prosecution, and shall stand committed to the county jail until such fine and costs are paid, not exceeding sixty days.

What to be misdemeanor.

SECTION 20. All fish in the public waters of the state of Wisconsin are hereby declared to be

Fish public property.

the property of the state and may be taken for the use of the individual and become his property at any time and in any manner not prohibited by the laws of this state.

Fines, how divided.

SECTION 21. One-half of all fines provided for in this act shall go to the informer, and one-half to the state treasury, to be placed in the school fund thereof.

SECTION 22. All acts or parts of acts interfering with or conflicting with the provisions of this act, are hereby repealed.

When to take effect.

SECTION 23. This act shall take effect and be in force from and after the first day of May, 1893.
Approved April 20, 1893.

No. 100, S.]

[Published April 29, 1893.

CHAPTER 308.

AN ACT to regulate the fisheries in Lake Michigan, Lake Superior and Green bay.

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

White fish and wall-eyed pike of certain weight not to be sold.

SECTION 1. It shall hereafter be unlawful for any dealer or other person to buy, or for any one to sell or offer to sell, or for any one to have in his possession in this state, or for any one to ship out of this state, any white fish of less than a pound and a half, round or undressed weight, or one pound dressed weight; or any wall-eyed pike of less than a pound in weight, round or undressed. Any dealer or other person violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than one hundred dollars, and costs, and on a second or subsequent conviction for a similar offense, shall be punished by a fine of not less than one hundred dollars, nor more than two hundred dollars,

Penalty.