

affect the license fee paid or to be paid to the state in the year 1905 nor affect any penalty or remedy for neglect to pay license fees in said year according to the provisions of said section.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 556, S.]

[Published June 27, 1905.

CHAPTER 489.

AN ACT to amend section 4560a of the statutes of 1898, as amended by section 1 of chapter 437 of the laws of 1903, relating to classification of waters, providing a classification of fish, prohibiting certain methods of taking or catching fish, fixing open seasons for fishing and regulating the sale and transportation of fish, declaring nets and fishing implements, when unlawfully possessed or used, public nuisances.

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

Waters classified. SECTION 1. Section 4560a of the statutes of 1898, as amended by section 1, chapter 437, of the laws of 1903, is hereby amended so as to read as follows: Section 4560a. *All waters within the boundaries of the state of Wisconsin as prescribed by the act of congress, approved August sixth, eighteen hundred and forty-six, entitled "An act to enable the people of Wisconsin territory to form a constitution and state government and for the admission of such state into the Union," shall, for the purpose of enforcing the fish and game laws of this state, be classed and defined as inland waters except Lakes Superior and Michigan and the harbors and bays immediately connected with said lakes, Sturgeon Bay and Sawyers Harbor, Green Bay from the mouth of the Fox river, commencing at the most easterly point in section twenty-four, township twenty-four north, of range twenty east, of the fourth principal meridian, being the angle between the third and fourth runs or courses of the survey of the meander line of said section twenty-four, as shown by the original plat of the survey of said township of*

record in the land office of this state; running thence south, forty-five degrees east, until the line reaches the mainland in township twenty-four north, of range twenty-one east; *that part of the St. Croix river known as Lake St. Croix and that part of the Mississippi river known as Lake Pepin, which are hereby classed and defined as outlying waters.*

Fish classified. SECTION 2. For the purposes of construing and enforcing the laws of this state, relating to the protection, taking and having in possession of fish, the following named fish are hereafter to be known and classed as "game fish:" Any variety of brook trout, small-mouth black bass, large-mouth black bass, Oswego bass, green bass, yellow bass, silver bass, white bass, rock bass, pike, catfish, muskallonge and sturgeon. All fish not classed as "game fish" are hereafter to be known and classed as "rough fish," provided, that in the counties of Crawford, Richland, Grant, La Fayette, Iowa, Sauk, Columbia, Dane, Green, Rock, Walworth, Jefferson, Dodge, Washington, Waukesha, Sheboygan, Ozaukee, Milwaukee, Racine and Kenosha, pickerel may be caught, taken or killed by the methods and in the manner and at the time prescribed by the laws of this state for the catching, taking or killing of "game fish."

Prohibited methods of fishing. SECTION 3. It is hereby prohibited and made unlawful, to set, place or use in any of the inland waters of this state a net of any kind, except a landing net, or to set any trap or snare of any kind which shall be intended to catch, or might catch, take or kill fish, or to take, catch or kill any game fish by any other method than by angling or trolling with not more than two lines to each person, and with not more than one hook or trolling spoon attached to each line; and it shall be unlawful to leave said lines in the water unattended by the user thereof, except as otherwise provided by law, or to use a spear for the purpose of taking, catching or killing any rough fish in the "night time," as the term "night time" is defined in section 4637a of the statutes of 1898, or to use at any one time more than five lines with more than one hook attached to each line for the purpose of taking, catching or killing rough fish, or to leave said lines in the water unattended by the users thereof, or to take or catch rough fish minnows in any of the streams inhabited by trout of any variety, or to use a minnow dip-net more than four feet in diameter for the purpose of taking rough fish minnows for bait only, or to use, set, lay or prepare in any of the waters of this state

any lime, poison, medicated bait, fish-berries or any substance deleterious to fish life, or which might attract fish in unusual numbers.

Spring-hole fishing prohibited. SECTION 4. It shall be unlawful and is hereby prohibited to take from any spring-hole or artificial well connected with any of the waters of this state, fish of any kind by any means whatsoever at any time, except when such spring-hole or artificial well forms a part of a private hatchery.

Drawing off water; fishways. SECTION 5. It shall be unlawful and is hereby prohibited to take fish by means of shutting or drawing off water for that purpose, or to take fish by any device or in any manner within two hundred feet of any fishway or lock.

Penalty. SECTION 6. Any person violating any of the provisions of sections 3, 4 or 5 of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed, not less than thirty days nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

Dynamite fishing prohibited. SECTION 7. It shall be unlawful and is hereby prohibited to take, catch or kill fish in any of the waters of this state by means of dynamite or other explosives, or to place in such waters any dynamite or other explosives which, if exploded, would or might cause the destruction of any fish therein, except when such dynamite or other explosives are used by order of public authorities, or for the purpose of clearing a channel in any of the streams, after obtaining permission so to do from the commissioners of fisheries. The possession upon any inland water, or upon the shores or islands of inland waters, of any dynamite or other explosives, shall be *prima facie** evidence that the same is possessed for an unlawful purpose.

Penalty. SECTION 8. Any person violating any of the provisions of section 7 of this act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not

*Printed in italics in enrolled act.

less than fifty dollars nor more than two hundred dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which such offense was committed, not less than sixty days nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

Fish eggs for artificial propagation. SECTION 9. For the purpose of stocking waters or securing fish eggs for artificial propagation, the superintendent of hatcheries, or any other person duly authorized by him in writing, may take fish at any time from the inland waters, and from the outlying waters at all times, except between the fifteenth day of November and the fifteenth day of December next succeeding. In the authority to other persons to take fish for the purposes stated, the superintendent of hatcheries shall state what kind or kinds of fish shall be taken thereunder, and only such fish shall be taken and possessed and no other. Fish necessarily killed in such taking shall be disposed of for the best interests of the state.

Set lines, use of; license; tags. SECTION 10. Set lines may be used from the twenty-fifth day of May until the succeeding fifteenth day of February in the following named waters: Big Wolf river in Waupaca county, Lake Winnebago, Lake Butte des Morts, Lake Winneconne, Lake Poygan and the rivers connecting said lakes, Fox river in Winnebago county, Wisconsin river from the north line of Sauk county to its mouth, Black river from the north line of Jackson county to its mouth, and the Mississippi river, for the purposes of taking cat-fish or sturgeon, under the following restrictions: Any person who shall desire to place a set-line or set-lines in any of the above described waters, shall first procure from the county clerk of any county bordering on such waters, a license, which shall be issued by such county clerk in the same manner as resident hunting licenses are issued, and only one license shall be issued to the same person in any one year. Each licensee shall procure from the county clerk and attach to each one hundred yards or fraction thereof, of set-line a metal tag, but no more than ten such tags shall be issued with each license. The license shall be numbered, and the metal tags issued to any licensee shall be stamped with a number which shall correspond to the number of the license. The applicant shall pay one dollar for such license and twenty-five cents for each metal tag. County clerks shall pay to the state treasurer ninety cents for each license so issued and twenty-five cents for each metal tag

and retain the remaining ten cents as their fees. The moneys received by the state treasurer by virtue of this section shall become a part of the hunting license fund. All licenses issued pursuant to this section shall expire on the fifteenth day of February of each year. No person shall assist in setting or taking up a set-line who has not procured a license as herein provided. Any person who shall set such line or lines shall maintain at each end thereof a white flag not less than sixteen inches square, and such flag shall be placed at least two feet above the water, and shall be numbered, the numbers to be at least three inches in height and shall correspond with the number of the license by virtue of which such set line is operated. Any game warden or deputy warden, or any person having the powers of a game warden, under the laws of this state, is authorized to raise at any time, with as little damage as may be, any set-line to ascertain if the same is set according to the provisions of this section. The state game warden is hereby authorized and required to furnish the county clerks, upon application, the blanks for licenses and metal tags provided for herein.

Penalty. SECTION 11. It shall be unlawful to set, place or operate a set-line without first complying in all respects with the provisions of section 10 of this act. Any person who shall violate any provision of section 10 of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine or imprisonment, or both, as provided in section 6 of this act, and, if he shall have procured a license under section 10 of this act, shall forfeit the same and shall not be granted another license for the term of three years from and after the date of such conviction.

Seines, pound nets, hoop nets, license for use of. SECTION 12. It shall be unlawful and is hereby prohibited to take, or attempt to take, any fish by any other methods than those provided for in sections 3, 9 and 10 of this act, from any of the waters forming the boundary line between the state of Wisconsin and any other state of the United States, except such boundary waters as are defined as outlying waters by section 1 of this act, without first having complied with all the requirements of this section. The state fish and game warden shall upon application therefor issue to any person a license to set, use and operate seines, pound nets of not less than two and one-fourth inch bar, fyke or hoop nets of not less than two and

one-fourth inch bar, and gill nets of not less than four inch bar, in the Mississippi river where said river forms the boundary line between the state of Wisconsin and the state of Minnesota, and where said river forms the boundary line between the state of Wisconsin and the state of Iowa, for the purpose of catching and taking buffalo-fish, carp, redhorse, suckers, sheepshead, eel-pout, garfish, dogfish, sturgeon, catfish and bullheads. Such nets shall not be set, used or operated except in the manner hereinafter provided, and then only in compliance with such rules and regulations as are or may be hereafter prescribed by law. Every licensee shall immediately return to the water from which the same have been taken all fish not above enumerated, when taken in any net used by him, or under his supervision or control. Licenses issued under the provisions of this section shall expire on the first day of April succeeding the date of their issuance, and shall not be transferable. Any person who shall desire to set, use and operate a net or nets under the provisions of this section, shall make application to the state fish and game warden therefor, upon blanks to be furnished by the game warden department, and shall accompany such application with a fee of five dollars for each two thousand lineal feet of gill net or fraction thereof, each five hundred lineal feet of pound net leaders or fraction thereof, thereof, each five hundred lineal feet of seine or fraction or for each fyke or hoop net. Before any such license shall be issued the applicant shall execute and deliver to the state fish and game warden a bond running to the state of Wisconsin, in the sum of two hundred dollars, with two sureties, and conditioned that if the applicant shall well and faithfully observe and comply with all the requirements of this section and the rules and regulations which are or may be hereafter prescribed by law, said obligation to be null and void, otherwise to remain in full force. Each such surety shall be worth at least the sum of two hundred dollars in property in this state over and above all debts and liabilities and property exempt by law from sale on execution.

The state fish and game warden shall keep a complete record in his office of all licenses issued under this section and all moneys received for same shall be paid to the state treasurer and become a part of the hunting license fund.

Penalty. SECTION 13. Any person who shall take, catch or kill fish in the waters mentioned in section 12 of this act without first complying with the provisions thereof or who shall fail

at once to return to the waters any fish not allowed to be taken under the provisions of the next preceding section shall be deemed guilty of a misdemeanor and shall on conviction thereof be punished by a fine of not less than fifty dollars nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which such offense was committed not less than thirty days nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

May catch destructive fish with nets. SECTION 14. The state fish and game warden is hereby authorized to take by means of nets from any of the waters in this state buffalo-fish, carp, dogfish, garfish, eelpout, pickerel, redhorse, sheepshead or suckers when such fish or any of them become so numerous as to destroy or retard the propagation of game fish therein, and sell the fish so taken for the best price he can obtain therefor. For the purpose of keeping such fish until he can sell the same he may create temporary fish ponds in the waters of this state.

May license use of nets, etc., in what case. SECTION 15. The state fish and game warden in his discretion, may issue to any person a license to fish for, take or catch with dip nets, fyke nets or seines, buffalo-fish, carp, dogfish, garfish, eel-pout, redhorse, sheepshead and suckers, provided, that such person using and operating such nets for the taking of such fish shall do so under the direction and personal supervision of the state fish and game warden or one of his deputies, but not otherwise. Every person obtaining such a license shall pay the per diem and all expense of the warden while so supervising such fishing. Applications for such license shall state the name and residence of the applicant, the number and kind of nets he intends to use and operate and the waters in which he intends to use and operate such nets. Every such application shall be accompanied by a fee of five dollars. Before any such license shall be issued, the applicant shall execute and deliver to the state fish and game warden a bond running to the state of Wisconsin, in the sum of two hundred dollars with two sureties and conditioned that if the person to whom such license is issued shall well and faithfully observe and comply with all the requirements of this section and the license issued thereunder, said obligation to be null and void, otherwise to remain in full force and virtue. Each surety on such bond shall be worth at least the sum of two hundred dollars in property in

this state over and above all debts and liabilities and property exempt by law from sale on execution. All licenses issued under the provisions of this section shall expire on the first day of April next succeeding the date of their issuance unless sooner revoked.

Record. SECTION 16. The state fish and game warden shall keep a complete record in his office of all licenses issued under section 15 of this act and all moneys received under sections 14 and 15 of this act shall be paid to the state treasurer and become a part of the hunting license fund.

Penalty. SECTION 17. Any person who shall violate any of the provisions of section 15 of this act 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 the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed not less than sixty days nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court. The license of any person convicted of any violation of the provisions of section 15 of this act shall be forfeited and such convicted person shall not be entitled to another license for the period of one year from and after the date of such conviction.

Ice, fishing through, how regulated. SECTION 18. It shall be unlawful and is hereby prohibited to construct or place upon the ice of the inland waters of this state, except Geneva lake in Walworth county, Lake Winnebago, Little Lake Butte des Morts, all lakes in Waukesha county, Beaver Dam lake or pond in Dodge county, the Mississippi river, and the Black river from its mouth to the county line of Jackson county, any building or enclosure of any nature whatsoever which might conceal the person of the occupant while engaged in fishing through the ice, or to occupy, while engaged in fishing through the ice, any building or enclosure whatsoever which has heretofore been constructed or placed thereon; provided, that on the ice of the waters above enumerated buildings or enclosures may be placed and occupied while fishing with hook and line or spearing rough fish; further provided, that in the buildings or enclosures placed on the ice of Beaver Dam lake or pond, dip-nets, not more than six feet in diameter may be used for the purpose of taking and catching rough fish, except pickerel and bull-heads, in addition to fishing with hook and line and spears

for the purpose of taking and catching rough fish. The unlawful use of any building or enclosure on the ice of any of the inland waters contrary to the provisions of this section, shall forfeit the same to the state, and all buildings or enclosures placed or used in violation of the provisions of this section are hereby declared public nuisances, and shall be seized and immediately destroyed by any officer authorized to enforce the fish and game laws.

Penalty. SECTION 19. Any person who shall violate any of the provisions of section 18 of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed not less than ten days nor more than thirty days, in the discretion of the court.

Dip net, where authorized; penalty. SECTION 20. It shall be unlawful and is hereby prohibited to set, use or operate a dip net in any of the inland waters of this state, except in the streams or rivers flowing into Lake Michigan within a distance of three miles of the shore of said lake, and in Beaver Dam lake or pond in Dodge county, and in the waters herein enumerated dip nets not more than six feet in diameter may be used only for the purpose of taking and catching buffalo-fish, carp, eel-pout, garfish, redhorse and suckers; provided that all fish, other than those hereinbefore mentioned, if taken by such dip nets, shall be immediately returned to the water where taken, without injury. Any person violating any of the provisions of this section, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed not less than ten days nor more than thirty days, or by both such fine and imprisonment in the discretion of the court. Provided that the provisions of this section shall not prohibit the taking of rough fish minnows under the provisions of section 3 of this act.

Closed season for game fish. SECTION 21. It shall be unlawful and is hereby prohibited to take, catch or kill in any manner, or by any device whatever, game fish, except brook trout of any variety, in any of the waters of this state between the

first day of March and the twenty-fifth day of May next succeeding, except as hereinafter otherwise provided:

(a) In Big Green Lake, in Green Lake county, the closed season for game fish and pickerel shall be from the first day of March to the first day of July next succeeding.

(b) In Devil's Lake, in Sauk county, the closed season for all fish shall be from the fifteenth day of December to the fifteenth day of June next succeeding.

(c) In Mirror Lake, in Sauk county, the closed season for game fish shall be from the fifteenth day of December to the fifteenth day of June next succeeding.

(d) In Lake de Neveu, in Fond du Lac county, the closed season for all fish, except carp, shall be from the first day of September to the first day of June next succeeding.

(e) In lakes Winnebago, Winneconne, Butte des Morts, Poygan, Little Lake Butte des Morts and those parts of the Fox and Wolf rivers which connect said lakes, there shall be no closed season except for black bass, Oswego bass, yellow bass and sturgeon, and for the fish named in subdivision "e" of this section, the closed season provided for in the first paragraph of this section shall apply.

(f) In Mirror lake, located in the city of Mondovi, there shall be no open season for the taking of any fish, except carp, until May twenty-fifth, nineteen hundred and seven. Said Mirror lake shall include all of said body of water as far south as the mill dam of the Mondovi Milling company, in said city, as far north as the north line of said corporate limits of said city, and as far east as the center line of the stone arch bridge across the Ford river in said city.

(g) In Beaver Dam lake or pond, in Dodge county, the closed season for game fish and pickerel shall be from the first day of December to the twenty-fifth day of May next succeeding.

(h) There shall be no closed season for any fish in Rush lake, in Fond du Lac and Winnebago counties, the Pecatonica and Fever rivers in Iowa and La Fayette counties, the Sugar river in Green county, Koshkonong lake, and the Rock river in Rock, Dane and Jefferson counties, the Crawfish river, in Jefferson county, and Lake Geneva in Walworth county. Black bass less than eight inches in length shall not be intentionally taken in any of the waters mentioned in this section, and if taken shall, without injury, be immediately returned to the waters where taken.

Sale of. SECTION 22. It shall be unlawful and is hereby prohibited to sell or offer for sale or to ship any game fish between the first day of March and the twenty-fifth day of May next succeeding.

Penalty. SECTION 23. Any person violating any of the provisions of sections 21 and 22 of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed not less than ten days nor more than thirty days or by both such fine and imprisonment in the discretion of the court.

Bull-heads from Beaver Dam lake. SECTION 24. It shall be unlawful and is hereby prohibited to have in possession or under control in any one day more than fifty pounds of bull-heads taken from Beaver Dam lake or pond in Dodge county, between the first day of December and the following first day of April. Any person violating any of the provisions of this section shall on conviction thereof be punished by a fine or imprisonment or both as provided in section 23 of this act.

Nets, use of, how regulated. SECTION 25. The following rules and regulations shall be strictly observed by persons operating, setting or using nets, when licensed to do so by law:

(1) No net or nets shall be set or placed so as to shut off the entire channel of the water in which the same may be used or operated nor to prevent the free passage of fish up or down in any river.

(2) No seine shall be drawn over spawning-beds of game fish during the spawning season.

(3) No net shall be used until the same is equipped with metal tags stamped to designate the kind of net and numbered to correspond with the number of the license authorizing the operation of said net; one such metal tag to be securely fastened to each two thousand lineal feet or fraction thereof, of gill net, and one such metal tag to each seven hundred lineal feet of pound net leaders, or fraction thereof, and one such metal tag to each five hundred lineal feet of seine, or fraction thereof, and one metal tag to each fyke or hoop net. Such metal tags to be furnished to the owners of such nets by the game warden department on the payment of twenty-five cents for each tag, by the owner.

(4) Every person using or operating any gill net, pound net, fyke or hoop net under license authorizing the use thereof shall fasten and maintain at the ends of any such net when the same is set in the water, a white flag not less than sixteen inches square which shall project at least two feet above the water and shall have marked thereon the number of the license in figures at least three inches in height.

Possession of nets, effect of. SECTION 26. The possession of any net or nets, designed to catch fish, except as authorized by law, shall be prima facie evidence of an intent that such net or nets are to be used for an unlawful purpose and such net or nets possessed without being lawfully authorized, are hereby declared to be a public nuisance and shall be seized and disposed of by the state fish and game warden or any one of his deputies, in the manner provided by law.

Nets, use of forbidden, where. SECTION 27. It shall be unlawful and is hereby prohibited to set, place or use, or cause to be set, placed or used, a net of any kind or other device for trapping fish, (excepting a minnow seine not more than twenty feet in length or five feet in depth or a minnow dip net not more than six feet in diameter may be used for taking rough fish minnows or perch) in any of the following named waters:

(a) The waters of Lake Superior within one mile of the main shore thereof.

(b) Chequamegon Bay, to-wit: The waters south of a due east and west line drawn from the extreme northwest end of Long Island or Chequamegon Point to the mainland in Bayfield county, except in that part of said bay in which fishing is authorized by law.

(c) The waters within one quarter of a mile of any harbor, pier or break-water on the shores of Lake Michigan.

(d) The waters of Sturgeon Bay, to-wit: That portion of said bay lying south of a straight line running easterly from Sherwood Point lighthouse to a point where the south line of Lot No. one, in section nineteen, township twenty-eight north, of range twenty-six east intersects the meander line of Sturgeon Bay, in Door county, including also the waters of Sawyer's Harbor.

(e) The waters of Detroit Harbor, to-wit: That portion of said harbor lying north and west of a straight line running in an easterly direction from the extreme southern point of Lot No. three, in section No. fourteen, township No. thirty-three

north, of range No. twenty-nine east, to the most southerly point of Lot No. two in section eighteen, township No. thirty-three north, of range thirty east, in Door county.

(f) The waters of Little Sturgeon Bay south of a straight line drawn from Horse-shoe or Squaw Island to Bonnett's Point on the mainland; provided, that nothing in this section shall be construed to prohibit the taking of fish from the aforesaid waters at any time by angling or trolling, except that black bass or pike shall not be taken or caught during the closed season prescribed for inland waters.

Gill nets, use of, where forbidden. SECTION 28. It shall be unlawful and is hereby prohibited to set or use, or cause to be set or used:

(a) In the waters of Green Bay any net or other device for trapping fish other than herring from the first day of April to the succeeding first day of May in each year.

(b) In the waters bordering on Door county, any fyke net, seine or dip net at any time.

(c) In the waters of Green Bay between the first day of April and the succeeding first day of June any gill net having a smaller mesh than four inch, stretch measure, except that gill nets having a mesh not less than one and three-quarter inch, stretch measure, may be used to catch rough fish minnows for bait.

(d) In the waters of Green Bay any seine or fyke net having a smaller mesh than three inch, stretch measure. Provided, that nothing contained in this section shall be construed to prohibit the taking of rough fish minnows from the aforesaid waters for bait only, by means of a minnow seine or minnow dip net.

Black bass; pike; small fish; nets. SECTION 29. It shall be unlawful and is hereby prohibited to take black bass of any kind by means of nets from any waters within the jurisdiction of the state, or any pike by means of nets from the outlying waters during the closed season prescribed by the general law for inland waters for pike, or to take, kill or retain any fish less than six inches in length, except rough fish minnows for bait. Fish so taken, shall, without injury, be immediately returned to the waters where taken.

Fish offal, disposition of. SECTION 30. It shall be unlawful and is hereby prohibited to leave fish offal, which shall be con-

strued to mean and include the head, intestines and cleanings of fish and dead fish, upon the ice of any of the aforesaid waters.

Penalty. SECTION 31. Any person violating any of the provisions of sections 27, 28, 29 and 30 of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty dollars nor more than fifty dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed not less than twenty days nor more than sixty days or by both such fine and imprisonment in the discretion of the court.

White fish or trout, fishing with net prohibited. SECTION 32. It shall be unlawful and is hereby prohibited to capture or take, by means of a net of any kind, or with set-lines, in any of the outlying waters of this state, any whitefish or trout between the first day of November and the fifteenth day of December next succeeding.

Penalty. SECTION 33. Any person violating any of the provisions of section 32 of this act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail not less than thirty days nor more than ninety days or by both such fine and imprisonment in the discretion of the court.

Nuisance defined. SECTION 34. Any boat and its equipments, any net or other device for trapping, catching or killing fish, when used in violation of any of the provisions of this act is hereby declared a public nuisance and may be seized and disposed of as provided by law.

Conflicting laws repealed. SECTION 35. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed, but all acts or parts of acts, not in conflict with the provisions of this act are to remain in full force and effect.

SECTION 36. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.