

[No. 202, S.]

[Published April 16, 1885.]

CHAPTER 454.

AN ACT limiting the amount of damage which may be recovered from counties, towns, cities or villages for injuries received by reason of defective highways and sidewalks.

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

SECTION 1. In any action brought against any county, town, city or village under the provisions of section 1339, of chapter 52, of the revised statutes, the amount recovered by any person for such damage or injury shall in no case exceed the sum of five thousand dollars.

Extent of damages that may be recovered.

SECTION 2. This act shall take effect and be in force from and after its passage and publication. Approved April 11, 1885.

[No. 101, S.]

[Published April 17, 1885.]

CHAPTER 455.

AN ACT in relation to the fishing industries of Lake Michigan, Lake Superior and Green Bay, and to protect and increase the fish supply thereof, and to appropriate a certain sum of money therein named.

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

SECTION 1. It shall be unlawful after the passage of this act, for any person for himself or for others, to set in the waters of Lake Michigan, Lake Superior or Green Bay, being within the boundaries of this state or any of the bays thereof, any pound, gill, trap, fyke, or float net, or any other fishing net whose mesh is less than three and one-half inches, stretch measure, or one and three-quarters inches bar, except as herein-after provided; provided, however, that after the year 1885, pound nets, having a smaller mesh than above stated, may be used only when the

Protect and increase fish supply also prescribe the manner of fishing.

owners, agents, or lessees, or those having them in charge shall first cause to be taken out of the pot thereof, the top part of the two opposite sides of such pot, which run parallel with a line drawn from what is commonly called the "king stake" to the tunnel or entrance to said pot, from corner to corner, and at least, fifteen feet below the surface of the water, and substitute therefor two pieces or parts of sides, the meshes of which are not less than three and one-half inches stretch measure or one and three-fourths inches bar; said pieces to be of sufficient width to extend from the rim line of said pot to at least fifteen feet beneath the surface of the water; provided, further, that gill nets, the meshes of which are not less than three inches stretch measure may be used only when set in water not more than twenty feet in depth, and pound and fyke nets, whose meshes are not less than two and three-fourths inches stretch measure, and not more than twenty-five feet in depth, may be used in the waters of Green Bay, south of a line running from the center of the mouth of the Menominee River being the boundary line between Michigan and Wisconsin, said line running in a southerly direction and terminating at what is commonly known as Whitney's Bluff, on the east shore of Green Bay in Brown county. Gill nets now made and in use having a mesh smaller than four inches stretch measure or two inches bar, may continue to be used during the season of 1885 and no longer; provided, however, that gill nets of a smaller size mesh may be used for catching herring exclusively for bait, but no person or persons shall use, or cause to be used, for his or their benefit more than one hundred feet in length of such nets. All traps, float and fyke nets, whose mesh is less than two and three-fourths inches stretch measure, or one and three-eighths inches bar, except as herein provided, may be declared a nuisance by the proper authority after the season of 1885, and be abated as such upon the proper proceedings.

Unlawful to throw overboard any fish offal.

SECTION 2. It shall be unlawful for any person or persons, to throw overboard from any sail or steamboat, or other craft, or put or throw into any of the waters aforesaid, or any bays thereof, or streams emptying therein, any fish offal; fish offal shall be construed to mean the cleanings of fish,

such as heads, intestines, blood and dead fish. Any fisherman coming to the shore with fish in his boat, dressed, and having no offal in said boat, shall be deemed guilty of a *prima facie* violation of this section.

SECTION 3. The waters of Sturgeon Bay shall be subject to all the provisions of this act, except that no pound, gill or fyke net, or seine, or any other net or device, 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 one-half inches, stretch measure; and it shall be unlawful to catch fish by any of the methods named in this act, from the waters thereof, except as provided by this section. The waters of Sturgeon Bay shall be considered and construed to mean that portion lying south of a line drawn from the extreme easterly point of Sherwood's point, said line running east to the shore, terminating in section nineteen, town twenty-eight, range twenty-six east, in Door county; provided, that all the waters of Sawyer's harbor shall be construed to be a part of Sturgeon Bay.

Sturgeon Bay subject to provisions of this act as herein provided.

SECTION 4. Every person, fishing for himself, or for another, as an employe, shall, while fishing in any of the waters mentioned in this act, from the twentieth of October to the first of November, in any year, take the eggs from the female trout and the milt from the male trout, and, after mixing them together in a pail or pan, cast them into the water, where it is not less than ten feet in depth. And it is likewise made their duty to pursue the same plan as to whitefish, from the tenth to the twentieth of November, in each year; and all eggs so impregnated shall be cast into the waters, as herein provided, within six hours from the time they are extracted or taken from the fish.

Duties of persons fishing during months of October and November.

SECTION 5. The governor shall, within five months after the passage of this act, appoint, by and with the advice and consent of the senate, three persons, citizens of the state, who shall be designated as fish wardens; they shall be well informed as to the modes and methods of catching fish, and the names and construction of the several nets or seines used; they shall also be acquainted with the fishing industries and the men engaged

Governor to appoint fish wardens.

therein in their respective districts; their term of office shall be two years from the date of their appointment, unless sooner removed by the governor for neglect or incompetency.

Duties of fish wardens prescribed.

SECTION 6. The said wardens are hereby invested with all the powers necessary to compel a strict observance of the provisions of this chapter; they shall devote their time and attention to their duties as herein set forth; they shall visit the different portions of their district where any one is engaged in fishing, at least four times a year and oftener, if it be deemed necessary for the better enforcement of this law. It is also made a part of their duty to collect statistics of the fishing industries on the waters mentioned each year, in the form set forth in this section, with such additions to it as their experience may suggest. The blanks for said forms shall be furnished by the secretary of state, and shall be promptly delivered by said wardens to the persons or firms engaged in fishing in their districts. Each person having a residence in Wisconsin engaged in fishing as a business, for a whole or any position [portion] of the year, in any of the waters before mentioned, shall, on or before the first day of December, in each year, report to the warden of his district, the amount in pounds of all food fish caught by them during the year, together with the average price per pound, and such other information as the law provides for. Any person neglecting or refusing to make the report provided for in this section, shall, upon conviction thereof, pay a fine of not less than ten dollars and costs of suit, to be recovered by the proper fish warden in any action before a justice of the peace. This report covers fishing season from — 188— to — 188—.

SPECIES OF FISH.	Pounds.	Average price per pound.	Total amount received.
White fish.....
Trout — lake.....
Herring.....
Bass.....
All other kinds.....

DESCRIPTION OF NETS USED.

	Number.	Value.	Size of mesh.
Gill.....
Pound.....
Seine.....
Fyke.....

Number of men employed, —; kind and number of boats used, —; remarks as to season, favorable or unfavorable, —.

Signature, — —.

SECTION 7. On or before the last day of December in each year, the said wardens shall make out and transmit to the secretary of state, on a blank to be furnished by him, a statement of all labors, performed in accordance with this act, together with such information as the secretary of state shall deem to be necessary.

Further duties of wardens.

SECTION 8. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty-five hundred dollars, which shall be in full compensation for salary and expenses of said wardens. Each of said wardens shall be paid in proportion to the size of his warden district. The size of such district to be determined by the number of miles of coast or shore; provided, that no services shall be rendered and no salary paid prior to September 1, 1885.

A sum of money appropriated.

SECTION 9. To more effectually carry out the provisions of this act, the waters of Lake Michigan, Lake Superior and Green Bay are hereby divided into three districts, to be known respectively as district number one, district number two, and district number three, to wit: Beginning at the boundary line between Wisconsin and Illinois on the south and running northward and terminating at the north pier of the harbor of Ahnapee, shall be designated and known as district number one; starting at the north pier of the harbor of Ahnapee, it shall continue northward along the shore of Lake Michigan, passing to the eastward of all islands

The waters of Lake Michigan, Lake Superior and Green Bay divided into three districts.

belonging to and lying within the boundary of Wisconsin, after passing Rock Island to the eastward, said line to run in a southwesterly direction up the center of Green Bay, and to the westward of Chamber's island to the center of the mouth of Menominee river, so that all the waters of Green Bay belonging to Wisconsin shall constitute district number two; beginning at the boundary line between Michigan and Wisconsin on the east, and running from thence in a northwesterly direction, passing to the northward of all islands belonging to or lying within the boundary of Wisconsin, and terminating at the line between Wisconsin and Minnesota, shall be known as district number three.

Penalty.

SECTION 10. Any person working for himself or as an employe, violating the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, and upon conviction for a second violation of the provisions hereof, shall be punished by a fine of not less than fifty dollars, nor more than one hundred dollars and imprisonment in the county jail for not less than ten days, nor more than thirty days.

District attorney to prosecute offenders.

SECTION 11. Upon complaint made in writing under oath before any magistrate or justice of the peace, charging the commission of an offense against the provisions of this act in his county, it shall be the duty of the district attorney to prosecute the offender, and justices of the peace shall have power throughout their respective counties to hear, try and determine any violations of the provisions of this act.

SECTION 12. All acts or parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1885.