

No. 662, A.]

[Published August 10, 1929.]

CHAPTER 369.

AN ACT to create section 29.574 of the statutes, relating to the establishment of game bird farms and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: 29.574 (1) The owner or lessee of any lands within the State of Wisconsin suitable for the breeding and propagating of pheasants, ducks, geese, ruffed grouse, sharp-tailed grouse, prairie chickens, quail, and Hungarian partridge shall have the right upon complying with the provisions of this section, to establish, operate and maintain a game bird farm for the purpose of breeding, propagating, killing and selling game birds, on such lands, the acreage and size of which shall be determined by the conservation commission. Such game bird farm must be completely inclosed by a fence.

(2) Such owner or lessee desiring to establish, operate and maintain a pheasant, duck, geese, ruffed grouse, sharp-tailed grouse, prairie chicken, quail and Hungarian partridge farm in conformity with this section, shall file with the conservation commission a verified declaration, describing the lands which such applicant for a license desires to use for the purpose of breeding and propagating such game birds and setting forth also the title and leasehold of the applicant and the number of acres embraced in said tract.

(3) Upon the filing of such declaration the conservation commission shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. The necessary expenses for such investigation shall be paid by the licensee. If upon such examination it shall appear that the applicant is the owner or lessee of said lands, and the applicant intends in good faith to establish, operate and maintain a pheasant, duck, geese, ruffed grouse, sharp-tailed grouse, prairie chicken, quail or Hungarian partridge farm, the commission shall inform him that as soon as he has built a suitable fence around the area to be included within the license, it will issue the same. Said fence shall be built as the conservation commission may direct. After the complete installation of such fence and after the commission has satisfied itself that it is satisfactory

and complies with the law, it shall issue a license to the applicant describing such lands, and certifying that the licensee is lawfully entitled to use the same for the breeding, propagating, killing and selling of such game birds thereon according to the provisions of this section. When such license has been granted the licensee shall become the owner of all such game birds on said lands and of all their offspring.

(4) The holder of any such license shall pay an annual license fee of five dollars. Such license shall expire on December thirty-first of each year, but may be renewed each year upon the payment by the licensee of the renewal license fee of two dollars.

(5) Such license shall be prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his or its successors or assigns, for the term of the license, to establish and operate such a game bird farm upon said premises, and shall entitle the licensee therein named or his successors or assigns to the exclusive right for and during said term to breed and propagate such game birds thereon, and to the exclusive and sole ownership of any property in all game birds caught or taken therefrom.

(6) (a) Such game birds on said farm shall be killed only by the licensee or his employes; and each lot of such game birds killed shall be distinctly tagged with a tag to be furnished by the conservation commission to the licensee at a cost not exceeding five cents each. Live game birds may be sold and transported, provided that each container carrying such live game birds must have a tag on the same for each bird therein, showing it contains game birds from a game bird farm.

(b) Such tag shall be in two sections, one half of which shall be attached to the carcass or container and the other half forwarded on the date of shipment, sale or transfer to the conservation commission, and shall state kind of bird, the name and the address of person to whom delivered.

(c) Whenever any such bird shall be consumed for food, the tag attached to such bird shall be kept in evidence until such bird is consumed.

(7) Any person other than the licensee or his employes who shall hunt or shoot game birds upon any lands described in any such license, shall be liable to the licensee in the sum of one hundred dollars, in addition to all damage which he may do to

said farm or to the game birds and property thereon, but all actions for such trespass shall be brought by such licensee.

(8) (a) On or before the tenth day of January of each year, each such licensee shall make a report, verified by affidavit, to the conservation commission, covering the period from the first day of January to the thirty-first day of December of the previous year, upon blanks furnished by the commission, stating the number and kinds of game birds killed and sold and live game birds sold during such period.

(b) The state conservation commission or its deputies shall have the right and power to inspect such game bird farms or the books of such farms at any and all times when they may think the need requires it.

(9) Any person who shall violate any of the provisions of this section shall be punished by a fine of not less than twenty-five dollars or more than fifty dollars.

SECTION 2. This act shall take effect upon passage and publication.

Approved August 8, 1929.

No. 822, A.]

[Published August 10, 1929

CHAPTER 370.

AN ACT to create subsection (3) of section 29.26 of the statutes, relating to fishing for trout in Rusk, Sawyer, Waupaca and Washburn counties.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 29.26 of the statutes to read: (29.26) (3) No person shall fish for trout in any waters in Rusk, Sawyer, Waupaca and Washburn counties from one hour after sunset to one hour before sunrise.

SECTION 2. This act shall take effect upon passage and publication.

Approved August 8, 1929.