

prisonment in the state prison not more than one year, or by a fine of not less than five hundred dollars, or more than one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1897.

No. 77, S.]

[Published April 15, 1897.

CHAPTER 222.

AN ACT to revise and amend the laws of the state relating to the organization, powers and duties of the state board of fish commissioners.

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

Board of commissioners of fisheries, how constituted.

SECTION 1. There is constituted a board of seven 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.
3. The professor of zoology of the university of Wisconsin, for the time being, shall be ex-officio a member of said commission.

Terms of appointment.

SECTION 2. The terms of appointment of the six commissioners 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 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; and one for six years, and after such vacancies shall have been filled by such appointments in such order, the appointments of the 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 members shall be chosen as president, one as treasurer, and one as secretary. The president, treasurer and secretary, shall constitute an executive committee of said board, which committee shall have power to act in all matters pertaining to the propagation of fish, in the absence of the board, under the 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 officers as their by-laws provide for. They may 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 actual expenses, certified by him with a statement of items to be actually and necessarily incurred in the performance of his official duties, out of such appropriation as may be made by the legislature.

Organization of the board, how effected.

Duties of the officers.

SECTION 4. The commissioners shall be furnished a suitable room in the capitol for an office, and suitable furniture therefor. The

Room in capitol, stationery and printing allowed.

superintendent of public property shall furnish sufficient stationery for the use of the commission; and all postage and printed blanks necessary for the use of the commissioners of fisheries, shall be supplied as now furnished to the several departments of the government in the capitol.

Scope and powers defined generally.

SECTION 5. 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 collection 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 appropriation shall be made by law to maintain the same.

5. The receiving from the commissioner of fisheries of the United States, and the commissioners of fisheries of other states, or other persons, of all spawn, fry or fish 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 propagation of Chinese pheasants and such other fowl and other game as they may deem advisable, and are authorized to expend out of their annual appropriation, a sum not to exceed fifteen hundred dollars during the ensuing two years; and such other matters as are now, or may be committed to them by law, with all powers necessarily incident to their due execution.

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

Shall make a biennial report to the legislature.

SECTION 6. The commissioners of fisheries shall appoint, and may remove at pleasure, a superintendent of fisheries at a salary of 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:

Superintendent of fisheries salary at \$2,000 per year.

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

His duties defined.

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 the fish, and the collection of wild fish and their distribution, of maintaining and of repairs upon the fish car, and of such improvements and 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 7. The commissioners of fisheries shall have power, and are authorized to take fish at all seasons of the year, from the inland and outlying waters of the state for stocking other waters, or the purpose of securing eggs for artificial propagation; provided, however, that no such fish shall be taken, except in the presence of, and under the direction of the superin-

Shall have power to take fish at all times for propagation purposes.

tendent of fisheries, or his agent, authorized in writing by such superintendent or authorized agent himself; and in such instance, such superintendent or agent shall be provided with tanks or other appliances suitable for keeping the fish alive. Such fish as are caught, as provided in this section, which may die while held in confinement, or be injured to such an extent as will in the opinion of the superintendent, or his agent, result in death if the fish is returned to the water, shall be shipped to some charitable institution, and a careful record of the same, as provided herein, shall be kept by the superintendent of fisheries; and such record shall be published in the biennial report of the commissioners of fisheries.

Persons fishing to deliver on demand all kinds of fish for stripping.

SECTION 8. 1. It shall be the duty of any person, persons, or corporation, fishing in the inland or outlying waters of this state, to deliver, on demand, to the superintendent of fisheries, or any person deputed in writing by him, all kinds of fish during the spawning season 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.

Authority to enter boats, grounds, &c., for fish to strip.

2. Any such person, persons or corporation shall also permit such superintendent or his agent 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 while alive; and shall render such assistance as may be necessary to expedite the work of the mixture of the eggs and milt for proper impregnation.

Penalty for refusal.

3. Any person, persons, or corporation who shall refuse to comply with all the provisions of this section, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars for each offense or refusal.

Penalty when employe has unlawful possession of fish.

SECTION 9. It shall be unlawful for any employe of the fish commission, while engaged in catching wild fish from the public waters for

the purpose of artificial propagation, to have in his possession any other kinds of fish than those he has been directed to take by the superintendent of fisheries, or his agent duly authorized in writing. For violation of any of the provisions of this section, the offender shall be punished by a fine of not less than twenty-five dollars, nor more than fifty dollars, and removal from office or any position he may hold under or by the authority of the commissioners.

SECTION 10. It shall be unlawful for any person or persons, to come into this state for the purpose of getting fish eggs or fish of any variety, from the inland and outlying waters, to be transported alive beyond the borders of the state, without first getting a permit from the president of the commissioners of fisheries to do so. For violations of any of the provisions of this section, the offender shall be fined not less than fifty dollars.

Penalty for taking fish eggs out of the state.

SECTION 11. The state fish commission, or its agents or its employes, are prohibited from furnishing fish or fry from the state hatcheries to private ponds, private clubs, corporations, or preserves, or waters where the public are not allowed the same rights and privileges enjoyed by any other person or persons.

State hatcheries not to furnish fish to private clubs where the public is not allowed.

SECTION 12. All laws or parts of laws conflicting with 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 14, 1897.