

No. 187, A.]

[Published June 26, 1925.]

CHAPTER 369.

AN ACT to amend section 29.575 and to create section 29.577 of the statutes, relating to mink, otter, marten, fisher, raccoon or skunk.

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

SECTION 1. Section 29.575 of the statutes is amended to read: (29.575) (1) The owner or lessee of any lands within the state of Wisconsin suitable for the breeding and propagating of muskrats * * * shall have the right upon complying with the provisions of this section to establish, operate and maintain on such lands a muskrat * * * farm, for the purpose of breeding, propagating, trapping and dealing in muskrats * * *

(2) Such owner or lessee desiring to establish, operate and maintain a muskrat * * * 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 muskrats * * *, and setting forth also the title or 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. If upon such examination it shall appear that the applicant is the owner or lessee of said lands, and that the applicant intends in good faith to establish, operate and maintain a muskrat * * * farm, the commission 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, trapping and dealing in of muskrats * * * thereon.

(4) Thereupon the commission shall appoint one man, the applicant one man, and these two shall select a third man to act as a board to go upon the lands embraced within the license, and determine as near as possible the number of muskrats * * * thereon at the time of the granting of the license. The necessary expenses of all of the members of such board shall be paid

by the licensee. Within ten days after the date of such determination, the licensee shall pay to the conservation commission fifty cents for each muskrat * * * so found on such lands. When such payment has been made the licensee shall become the owner of all the muskrats * * * on said lands and of all of their offspring remaining thereon. He shall have the right to manage and control said lands and the rats * * * thereon, to take and trap the same at any time or in any manner which he sees fit and deems to the best advantage of his business, and to sell and transport at any time said muskrats * * * or the pelts taken from them. All such pelts so transported shall be tagged with a tag to be furnished by the conservation commission to the licensee at cost, not exceeding one cent each. Such tags shall be numbered to correspond with the number of the license held by the licensee.

(5) The holder of any such license shall pay an annual license fee of two dollars and fifty cents for any such farm of ten acres or under, and an additional fee of fifteen cents per acre for any additional land actually devoted to muskrat * * * farming.

(6) Within thirty days after the date of the issuance of any such license, the licensee shall erect posts or stakes at intervals of not more than twenty rods along the boundary of the lands embraced in said license, wherever the same are not already inclosed, and shall post and maintain upon said posts, stakes or other inclosures at intervals of not more than twenty rods notices furnished by the conservation commission proclaiming the establishment of a muskrat * * * farm. For such notices the licensee shall pay to the conservation commission the sum of twelve cents each.

(7) 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 a muskrat * * * 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 muskrats * * * thereon, and to the exclusive and sole ownership of any property in all muskrats * * * caught or taken therefrom. Such licenses shall expire on the thirty-first of December of each year, but may be re-

newed from year to year upon payment by the * * * licensee of the annual license fee.

(8) Any person other than the licensee or his agents who shall hunt or trap muskrats * * * upon any lands described in any such license, shall be liable to the licensee in the sum of twenty-five dollars, in addition to all damage which he may do to said farm or to the rats * * * and property thereon, but all actions for such trespass shall be brought by such licensee.

(9) On or about the first day of March 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 of his license and the total number and value of muskrats * * * killed, transported or sold from said muskrat * * * farm, and such other information as the commission may require.

(10) Nothing in this section shall be construed to affect any public right of hunting, trapping, fishing or navigation except as herein expressly provided.

SECTION 2. A new section is added to the statutes to read: (29.577) (1) The owner or lessee of any lands within the state of Wisconsin suitable for the breeding and propagating of mink, otter, marten, fisher, raccoon or skunk shall have the right upon complying with the provisions of this section to establish, operate and maintain on such lands a mink, otter, marten, fisher, raccoon, or skunk farm, for the purpose of breeding, propagating, trapping and dealing in mink, otter, marten, fisher, raccoon or skunk.

(2) Such owner or lessee desiring to establish, operate and maintain a mink, otter, marten, fisher, raccoon or skunk 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 mink, otter, marten, fisher, raccoon or skunk, and setting forth also the title or leasehold of the applicant and the number of acres embraced in said tract. He shall also set forth the number of mink, otter, marten, fisher, raccoon or skunk in his possession, and that he obtained them in a lawful manner.

(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. If upon such examination it shall appear that the applicant is the owner or lessee of said lands and that the applicant intends in good faith to establish, operate and maintain a mink, otter, marten, fisher, raccoon or skunk farm, the commission 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, trapping and dealing in of mink, otter, marten, fisher, raccoon or skunk thereon.

(4) When such license has been granted the licensee shall become the owner of all the mink, otter, marten, fisher, raccoon or skunk on said lands and of all of their offspring remaining thereon. He shall have the right to manage and control said lands and the mink, otter, marten, fisher, raccoon or skunks thereon, to take and trap the same at any time or in any manner which he sees fit and deems to the best advantage of his business, and to sell and transport at any time said mink, otter, marten, fisher, raccoon or skunk or the pelts taken from them. All such pelts so transported shall be tagged with a tag to be furnished by the conservation commission to the licensee at cost, not exceeding one cent each. Such tags shall be numbered to correspond with the number of the license held by the licensee.

(5) The holder of any such license shall pay an annual license fee of two dollars and fifty cents for any such farm of ten acres or under and an additional fee of twenty-five cents per acre for any additional land actually devoted to mink, otter, marten, fisher, raccoon or skunk farming.

(6) Within thirty days after the date of the issuance of any such license the licensee shall erect posts or stakes at intervals of not more than twenty rods along the boundary of the lands embraced in said license, wherever the same are not already enclosed, and shall post and maintain upon said posts, stakes or other enclosures at intervals of not more than twenty rods notices furnished by the conservation commission proclaiming the establishment of a mink, otter, marten, fisher, raccoon or skunk farm. For such notices the licensee shall pay to the conservation commission the sum of twelve cents each.

(7) 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 a mink, otter, marten, fisher, raccoon or skunk 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 mink, otter, marten, fisher, raccoon or skunk thereon and to the exclusive and sole ownership of any property in all mink, otter, marten, fisher, raccoon or skunk caught or taken therefrom. Such licenses shall expire on the thirty-first of December of each year but may be renewed from year to year upon payment by the licensee of the annual license fee.

(8) Any person other than the licensee or his agents who shall hunt or trap mink, otter, marten, fisher, raccoon or skunk upon any lands described in any such license, shall be liable to the licensee in the sum of twenty-five dollars in addition to all damage which he may do to said farm or to the mink, otter, marten, fisher, raccoon or skunk and property thereon, but all actions for such trespass shall be brought by such licensee.

(9) On or about the first day of March 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 of his license and the total number and value of mink, otter, marten, fisher, raccoon or skunk killed, transported or sold from said mink, otter, marten, fisher, raccoon or skunk farm, and such other information as the commission may require.

(10) Nothing in this section shall be construed to affect any public right of hunting, trapping, fishing or navigation except as herein expressly provided.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 24, 1925.