SH
325
A27
1919

Stringham, E.

Fish laws of States bordering
Mississippi and Ohio Rivers.

Class SH 825

Book . A27
1919

DEPARTMENT OF COMMERCE

BUREAU OF FISHERIES

HUGH M. SMITH, Commissioner

**FISH LAWS OF STATES BORDERING ON
MISSISSIPPI AND OHIO RIVERS**

**A DIGEST OF STATUTES RELATING TO THE
PROTECTION OF FISHES AND OTHER
COLD-BLOODED AQUATIC ANIMALS**

By EMERSON STRINGHAM

Assistant, U. S. Bureau of Fisheries

**APPENDIX II TO THE REPORT OF THE U. S. COMMISSIONER
OF FISHERIES FOR 1918**

Bureau of Fisheries Document No. 866

PRICE, 5 CENTS

Sold only by the Superintendent of Documents, Government Printing Office
Washington, D. C.

**WASHINGTON
GOVERNMENT PRINTING OFFICE**

1919

DEPARTMENT OF COMMERCE

BUREAU OF FISHERIES

• HUGH M. SMITH, Commissioner

**FISH LAWS OF STATES BORDERING ON
MISSISSIPPI AND OHIO RIVERS**

**A DIGEST OF STATUTES RELATING TO THE
PROTECTION OF FISHES AND OTHER
COLD-BLOODED AQUATIC ANIMALS**

By EMERSON STRINGHAM 1888

Assistant, U. S. Bureau of Fisheries

APPENDIX II TO THE REPORT OF THE U. S. COMMISSIONER
OF FISHERIES FOR 1918

Bureau of Fisheries Document No. 866

PRICE, 5 CENTS

Sold only by the Superintendent of Documents, Government Printing Office
Washington, D. C.

WASHINGTON
GOVERNMENT PRINTING OFFICE
1919

SH 325
A 27
1919

DEPARTMENT OF COMMERCE

BUREAU OF FISHERIES

OFFICE OF THE SECRETARY

FISH LAWS OF STATES BORDERING ON
MISSISSIPPI AND OHIO RIVERS

A COMPILATION OF STATUTES RELATING TO THE
PROTECTION OF FISHES AND OTHER
WATER-BORING ANIMALS

BY THE BUREAU OF FISHERIES
U. S. GOVERNMENT PRINTING OFFICE

D. of U.

JUL 14 1919

U. S. GOVERNMENT PRINTING OFFICE

U. S. GOVERNMENT PRINTING OFFICE

U. S. GOVERNMENT PRINTING OFFICE

U. S. GOVERNMENT PRINTING OFFICE

U. S. GOVERNMENT PRINTING OFFICE

1919

6/4/6 2001

CONTENTS.

	Page.
Introduction.....	5
I. State authority in interstate waters.....	6
II. Names of fishes.....	8
III. Time, place, and manner of capture.....	10
IV. Size limits for aquatic animals.....	16
V. Licenses required and fees therefor.....	17
VI. Shipping and selling fishery products.....	19
VII. Definitions and miscellaneous provisions.....	20

FISH LAWS OF STATES BORDERING ON MISSISSIPPI AND OHIO RIVERS: A DIGEST OF STATUTES RELATING TO THE PROTECTION OF FISHES AND OTHER COLD-BLOODED AQUATIC ANIMALS.

By EMERSON STRINGHAM, *Assistant, U. S. Bureau of Fisheries.*

INTRODUCTION.

In 1917 there was issued a digest of laws of Mississippi River States.^a This is now revised to January 1, 1919, and extended to cover all States touching the Ohio River, thus taking in Indiana, Ohio, West Virginia, and Pennsylvania. Some additional information has been inserted because of repeated inquiries received during the past two years.

In order to keep the pamphlet within reasonable bounds certain subjects have usually been omitted. These are:

(a) Declarations that the title to fish and other wild animals is in the State.

(b) Prohibitions against contamination of waters. The subject of pollution has been covered in a comprehensive manner by Public Health Bulletin No. 87 of the United States Public Health Service, entitled "Stream Pollution," prepared by Stanley D. Montgomery and Earle B. Phelps.

(c) Special provisions for counties and other subdivisions, except in some cases where they are evidently of interest to a considerable number of people.

(d) Complicated details of restrictions on commercial fishing in some cases, though an effort has been made to indicate all laws on commercial fresh-water fishing.

(e) Laws for salt-water fishing.

(f) Penalties, administration, and procedure, including authority to arrest, seize unlawful implements, rewards for information as to violations, forgery of licenses, provisions for witnesses, limitations on times within which actions may be commenced, sale or destruction of things confiscated, and disposition of fines, fees, or other payments to officials.

(g) Requirement that licenses be available for exhibition to wardens at the time of fishing.

(h) Laws against having prohibited tackle in possession and against having fish in possession smaller than the legal limit, or during closed seasons, or in excess of bag limit, or if caught unlawfully. These provisions are of the greatest importance as aids to enforcement, but ordinarily they do not interest the law-abiding citizen.

^a Emerson Stringham: Fish Laws of Mississippi River States. Report, U. S. Commissioner of Fisheries for 1916, Appendix IV, document No. 840, 16 p. 1917.

(i) Authorization for State officials to propagate and rescue fish or assist in stocking waters, or to take fish for scientific purposes.

(j) Provisions declaring it a crime to remove fish from the nets of another.

The omission of provisions as to administration is not due to a belief that these are of minor importance. Probably they are as well worth attention as the provisions for size limits and other matters. In most fields of legislation efficient administration is now recognized to be at least of equal importance with wise substantive provisions. But the question of administration is so different that it seems better not to attempt to combine it with this brief treatment of closed seasons and such matters. Of the 14 States under consideration only Illinois (25, 46), Minnesota (4761), and Pennsylvania (1903, act 92) have statutory provision for officials concerned exclusively with fisheries.

For subjects not covered in this digest, for amendments made after 1918, and for the texts of the laws that are digested herein, the statutes, or the pamphlet copies thereof, may be consulted. Pamphlets are prepared in each of these 14 States, except Mississippi. It is understood that they may be obtained from the following sources:

Arkansas.—The game and fish commission, Little Rock.

Illinois.—The chief game and fish warden, Springfield.

Indiana.—The commissioner of fisheries and game, Indianapolis.

Iowa.—The State fish and game warden, Spirit Lake.

Kentucky.—The fish and game commission, Frankfort.

Louisiana.—The department of conservation, New Orleans.

Minnesota.—The State game and fish commissioner, St. Paul.

Missouri.—The State fish commission, 3311 Chippewa Street, St. Louis.

Ohio.—The chief warden, secretary of agriculture, Columbus.

Pennsylvania.—The commissioner of fisheries, Harrisburg.

Tennessee.—The department of game and fish, Nashville.

West Virginia.—The forest, game, and fish warden, Philippi.

Wisconsin.—The State conservation commission, Madison.

This digest is based upon an examination of session laws and official or semiofficial compilations thereof. While the examination went to these sources in all cases, the references made by numbers in parentheses are to sections of the pamphlet copies of the laws issued by the State game departments, except in some cases where the year of enactment is given, and excepting Indiana and Mississippi; these numbers are the same as those given in the sources mentioned, except for Iowa and West Virginia. In the Indiana pamphlet most of the sections are without numbers, and references herein not otherwise indicated are to Burns's Annotated Statutes (1914). Mississippi has no pamphlet edition of its game and fish laws, and references are to Hemingway's Annotated Code (1917); the 1918 session of the Legislature of Mississippi did not make any amendments.

I. STATE AUTHORITY IN INTERSTATE WATERS.

It is a common belief among Mississippi River fishermen, in some localities, that the States have no authority to protect fish on that river because, in their expression, it is "a Government water." The belief is wholly without legal basis, and in those regions where the

State wardens have diligently enforced the law the fishermen do not seriously entertain this opinion. It arises chiefly from laxity, past or present, on the part of State officials.

The Mississippi River is a "Government" river in the sense that questions of navigation are subject to the jurisdiction of the Federal Government. But it was long ago settled by the United States Supreme Court that the States may protect the fisheries of navigable waters. In the case of *Smith v. Maryland* (18 Howard, 71 (1855)) that court decided an appeal from a conviction for dredging oysters in violation of the law of Maryland. The accused, Isaac R. Smith, owner of the sloop *Volant*, contended that the law of the State of Maryland was repugnant to that part of the United States Constitution which grants to Congress the power to regulate commerce among the States. In that case not only were the operations carried on in the navigable waters of Chesapeake Bay, but the ship was enrolled and licensed by the United States to be employed in the coasting trade and fisheries. The court affirmed the conviction, maintaining that the State holds the property in the soil under the waters for the conservation of the public rights of fishery therein, and may regulate the modes of that enjoyment so as to prevent the destruction of the fishery. "In other words, it may forbid all such acts as would render the public right less valuable or destroy it altogether."

A later Supreme Court case, *Manchester v. Massachusetts* (139 U. S., 240 (1890)), was argued for the fisherman by one of the leaders of the bar—Joseph H. Choate. This eminent counselor said: "We do not question the right of the State to regulate its own fisheries within its own soil or tidewaters." He acknowledged that within the tidewaters there has been no grant of power over the fisheries to the United States; but he argued that the State had no jurisdiction upon the ocean, even within 3 miles offshore. The court, however, decided in favor of the State of Massachusetts, holding that the State possessed authority to prohibit the use of various kinds of nets in the navigable waters of Buzzard's Bay. Quoting the language of the same court in an earlier opinion, it said:

The title thus held is subject to the paramount right of navigation, the regulation of which, in respect to foreign and interstate commerce, has been granted to the United States. There has been, however, no such grant of power over the fisheries. These remain under the exclusive control of the State, which has consequently the right, in its discretion, to appropriate its tidewaters and their beds to be used by its people as a common for taking and cultivating fish, so far as it may be done without obstructing navigation.

Whether the United States could make laws for the protection of fish in navigable waters is not settled by these cases. In the *Manchester v. Massachusetts* case the court said:

We do not consider the question whether or not Congress would have the right to control the menhaden fisheries which the statute of Massachusetts assumes to control; but we mean to say only that, as the right of control exists in the State in the absence of the affirmative action of Congress taking such control, the fact that Congress has never assumed the control of such fisheries is persuasive evidence that the right to control then remains in the State.

The Supreme Court of Iowa has held that its fish laws extend from bank to bank of the Mississippi. *State v. Moyers* (155 Iowa, 678 (1912)). The Supreme Court of Wisconsin, on the contrary, has held that the laws of Minnesota for the protection of fish, control only to the main channel of that river. *Roberts v. Fullerton* (117 Wis., 222

(1903)). Whatever rule may finally prevail as to the right of a State to enforce its fish laws beyond the State line in rivers subject to concurrent jurisdiction, there is no conflict as to its right to enforce these laws on that part of the river within its own boundary.

It is clear from these decisions that, in the absence of legislation by Congress, the States have a complete right to provide fish protective legislation for navigable waters. But it is not to be concluded from this that the National Government is wholly uninterested. The central authority is concerned with any question which affects the general welfare, and the food supply is certainly of this character. The United States Government is, moreover, specifically concerned with fishery resources for the reason that the Bureau of Fisheries plants millions of fishes and mussels in the waters of the different States. Because of this interest the Bureau endeavors to assist in the task of securing both adequate development of aquatic products and their effective protection.

As a war measure the Food Administration has licensed and regulated salt-water fishermen; but the State laws not in conflict with these regulations remained in effect.

II. NAMES OF FISHES.

As the same species or genus is given different names in different statutes, and even in the same statute, the names by which the fishes will be distinguished herein are listed, together with cross references from other names that are in common use or are found in the statutes. When a genus includes more than one species, all the species are often, perhaps usually, included under one English name, so that such names are commonly generic rather than specific, at least on the Mississippi River. Because of the infinite confusion in the use of these popular names it can not always be determined with certainty to what species or genus a statute refers. Care has been taken to be as accurate as possible under these circumstances.

Alewife. <i>Pomolobus</i> Rafinesque, all American species. Barfish. See Bass, striped. Bass. Sometimes means black bass and striped bass, and sometimes appears to include other species also. Bass, black. <i>Micropterus</i> Lacépède, both species. Bass, calico. See Crappie. Bass, gray. See Bass, black. Bass, green. See Bass, black. Bass, largemouth. <i>Micropterus salmoides</i> (Lacépède). See Bass, black. Bass, Oswego. See Bass, black. Bass, rock. <i>Ambloplites rupestris</i> (Rafinesque), and probably <i>Chænobryttus gulosus</i> (Cuvier and Valenciennes). Bass, silver. See Bass, striped; Crappie. Bass, smallmouth. <i>Micropterus dolomieu</i> Lacépède. See Bass, black. Bass, strawberry. See Crappie. Bass, striped. <i>Roccus chrysops</i> (Rafinesque) and <i>Morone interrupta</i> Gill. Bass, white. See Bass, striped; Crappie.	Bass, willow. See Bass, black. Bass, yellow. See Bass, striped; also Bass, black. Billfish. See Gar. Black-fin. See Cisco. Bluegill. See Sunfish. Bowfin. <i>Amiatus calvus</i> (Linnæus). Buffalofish. <i>Ictiobus</i> Rafinesque, all species, and probably <i>Carpiodes</i> Rafinesque, all species. Bullhead. <i>Ameiurus</i> Rafinesque, all species, doubtless excepting <i>lacustris</i> (Walbaum), if there be such a species. Burbot. <i>Lota maculosa</i> (Le Sueur). Carp. <i>Cyprinus carpio</i> Linnæus, and probably (but not in Illinois) <i>Carpiodes</i> Rafinesque, all species. Carp. German. See Carp. Cat, shovel-nose. See Paddlefish. Cat, spoonbill. See Paddlefish. Catfish. <i>Ictalurus</i> Rafinesque, all species; <i>Leptops olivaris</i> (Rafinesque); and in some cases all species of <i>Ameiurus</i>, the bullheads. Catfish, stone. <i>Noturus</i> Rafinesque and <i>Schilbeodes</i> Bleeker, all species.

- Char.** See Trout.
- Chub.** See Minnow. The "chub" of Illinois (Lake Michigan) is herein called cisco.
- Cisco.** *Leucichthys* Dybowski, or *Argyrosomus* Agassiz, all species. See also Tullibee.
- Crappie.** *Pomoxis* Rafinesque, both species.
- Dace.** See Minnow.
- Dogfish.** See Bowfin.
- Drum, fresh-water.** *Aplodinotus grunniens* Rafinesque.
- Eel.** *Anguilla rostrata* (Le Sueur).
- Eel-pout.** See Burbot.
- Fallfish.** *Semotilus bullaris* Rafinesque (in Pennsylvania). The species is more generally known as chub; it is in the minnow family.
- Gar.** *Lepisosteus* Lacépède, all species.
- Gaspergou.** See Drum, fresh-water.
- Goggle-eye.** See Bass, rock.
- Grayling.** *Thymallus* Cuvier, all species.
- Grinnel (Grindle).** See Bowfin.
- Hackleback.** See Sturgeon.
- Herring.** See Alewife; also Cisco.
- Herring, lake.** See Cisco.
- Jackfish.** See Perch, pike.
- Killifish.** *Fundulus* Lacépède, all species, and possibly other species of the family Poeciliidae.
- Lawyer.** See Burbot; also Bowfin.
- Longjaw.** See Cisco.
- Minnow.** Cyprinidae, except *Cyprinus carpio* Linnaeus, the carp. The word "minnow" is sometimes used loosely for all small fishes except game fish.
- Mullet.** See Redhorse.
- Muskellunge.** *Esox masquinongy* Mitchell.
- Paddlefish.** *Polyodon spathula* (Walbaum).
- Perch.** As used in Louisiana this name appears to mean sunfish and rock bass.
- Perch, black.** See Bass, rock.
- Perch, lake.** See Perch, yellow.
- Perch, pike.** *Stizostedion* Rafinesque, both species.
- Perch, ring.** See Perch, yellow.
- Perch, silver.** Undetermined (West Virginia).
- Perch, white.** See Drum, fresh-water; also Crappie.
- Perch, yellow.** *Perca flavescens* (Mitchill).
- Pickerel.** *Esox* Linnaeus, all species except *masquinongy*, the muskellunge.
- Pike.** See Pickerel. The "pike" of Wisconsin and Iowa is herein called pike perch.
- Pike, blue.** See Perch, pike.
- Pike, grass.** See Pickerel.
- Pike, sand.** See Perch, pike.
- Pike, wall-eyed.** See Perch, pike.
- Pike, western.** See Muskellunge.
- Quillback.** *Carpoides* Rafinesque, all species. In some States it may be intended to include these under the terms carp or buffalofish.
- Red-eye.** See Bass, rock.
- Redhorse.** *Moxostoma* Rafinesque, all species, and *Placopharynx duquesnii* (Le Sueur).
- Rock.** See Bass, striped.
- Sac-a-lait.** See Crappie.
- Salmon.** Usually means landlocked salmon, but may also include pike perch in some cases.
- Salmon, jack.** See Perch, pike.
- Salmon, landlocked.** *Salmo sebago* Girard.
- Salmon, Susquehanna.** See Perch, pike.
- Salmon, wall-eye.** See Perch, pike.
- Salmon, white.** See Perch, pike.
- Salmon, yellow.** See Perch, pike.
- Sauger.** *Stizostedion canadense* (Smith). See Perch, pike.
- Shad.** *Alosa sapidissima* (Wilson).
- Shad, gizzard.** *Dorosoma cepedianum* (Le Sueur).
- Shad, hickory.** See Shad, gizzard.
- Sheepshead.** See Drum, fresh-water.
- Spoonbill.** See Paddlefish.
- Sturgeon.** Acipenseridae, and possibly in some States *Polyodon spathula* (Walbaum), the paddlefish.
- Sucker.** Catostomidae, except, usually or always, the genera *Ictiobus*, *Carpoides*, *Moxostoma*, and *Placopharynx*.
- Sunfish.** *Lepomis* Rafinesque, all species.
- Trelipie.** See Tullibee.
- Trout.** *Salvelinus* (Nilsson) Richardson, all species except *Salvelinus namaycush* (Walbaum), the lake trout, and its subspecies; also *Salmo* (Artedi) Linnaeus, all species of the region except *Salmo sebago* Girard, the landlocked salmon. See also Trout, lake. In the South black bass are sometimes called trout.
- Trout, brook.** *Salvelinus fontinalis* (Mitchill). See Trout.
- Trout, brown.** See Trout.
- Trout, green.** See bass, black.
- Trout, lake.** *Cristivomer*, or *Salvelinus namaycush* (Walbaum).
- Trout, rainbow.** See Trout.
- Trout, salmon.** Name used on Great Lakes for Trout, lake.
- Tullibee.** *Leucichthys tullibee* (Richardson), and probably other species of the same genus; name used in Minnesota. See also Cisco.
- Wall-eye.** *Stizostedion vitreum* (Mitchill). See Perch, pike.
- Whitefish.** *Coregonus* (Artedi) Linnaeus, all species.

III. TIME, PLACE, AND MANNER, OF CAPTURE.

Arkansas.—Bag limit on "trout," black bass, striped bass, rock bass, and crappie is 25 fish (55). Explosives and drugs shall not be used to take or injure fish (45, 46). Shooting fish is forbidden (47). Nets may be used only as follows: Hoop nets without wings, or with wings not over 50 feet long, the mesh of net and wings to be at least 3 inches square; a minnow seine not exceeding 16 feet in length used by a person licensed to fish with artificial bait; a seine not more than 60 feet long with mesh at least 1½ inches square, used by picnic parties to catch fish for their own use, June 15 to September 1 (49). The fish and game commission may issue permits for taking with nets fish for distribution and propagation in the State (50). Except with line and not over three hooks, fish shall not be taken during the spawning season; until otherwise determined by the commission this is declared to be March 15 to May 15 (48, 53, 54). It is unlawful to take fish from an inclosed or artificial pond which has been posted by the owner. (Act approved Feb. 16, 1875.)

Illinois.—No fish may be taken within 100 feet of any dam (25). A seine not over 20 feet long with mesh not less than ¼ of an inch square may be used to take minnows for bait only (37). Hoop, fyke, dip nets, or baskets with mesh not less than 1½ inches square, may be used July 1 to April 15 and seine with same mesh September 1 to April 15, except for black bass, pickerel, pike perch, whitefish, trout, cisco, and yellow perch (35). Gill and pound nets with mesh not less than 2½ inches square may be used for whitefish and lake trout December 1 to November 1 (36). Gill, dip, and pound nets with mesh not less than 1¼ inches square may be used for cisco, or with mesh not less than 1⅞ inches square for yellow perch, provided not over 10 per cent of catch at any lift consists of lake trout of a less weight than 1¼ pounds dressed each, and such lake trout may be sold only locally and not shipped (36). Maximum lengths for nets are: Hoop, fyke, or pound 200 yards and seine 1,000 yards; they shall not obstruct more than half the width of a watercourse (39).

The commission may set aside fish preserves in which fishing with other devices than hooks and lines, or minnow seine for bait, may be practiced only by special permit (25, 37).

Drugs, explosives, firearms, artificial lights, snare spears, gig graines, and trammel nets shall not be used to catch fish (40, 40b).

It is unlawful to fish in private ponds without the owner's consent (40b).

Persons authorized by the United States may take fish for propagation or distribution and may destroy gizzard shad and gar; the University of Illinois and its agents may take fish for scientific purposes (38, 51).

Mussel fishing may be practiced commercially with one boat only or an additional boat for towing, and with only two crowfoot bars not over 16 feet long each, and only one dredge not over 3 feet long; such fishing is permitted from only April 15 to November 30 (55). The commission may close areas to mussel fishing for periods not exceeding five years (57).

Frogs over one-fourth pound shall not be taken in May or June (34).

Structures excluding daylight or used for concealment in ice fishing are prohibited (40a).

Indiana.—Shallow waters designated by the commissioner of fisheries as breeding grounds shall not be fished between March 20 and July 1 (2533a). Closed season for trout (except in boundary waters) is September 1 to April 1, and trout waters (except boundary waters) may be closed for three years by the commission. (1917, ch. 42.) Bag limits (not applicable to private ponds) are 50 sunfish or crappie, and 12 bass, or 20 bass in one boat (2543), or 20 trout, possibly excepting trout from boundary waters. (1917, ch. 42.) It is unlawful to fish in private ponds without the owner's permission, or to enter upon inclosed land for the purpose of setting a trot line (2549-2551).

In interior waters (and as to net, seine, or traps within 100 yards of Indiana tributaries to boundary rivers) the following kinds of tackle are prohibited: Trot line with hooks smaller than five-sixteenths of an inch from point to shank, hook and line attached to floating device, gig, spear, seine, net, or trap of any kind. (2533b, as amended by 1915, chs. 16 and 2541.) Exceptions are made in favor of owners of private ponds, and persons catching minnows for bait in minnow traps and minnow seines not more than 12 feet long, 4 feet deep, "and the meshes of which shall not be larger than one-fourth of an inch" (2532, 2541); but minnows may not be taken in State breeding grounds for trout. (1917, ch. 42.) Except in boundary waters trout may be caught by hook and line only. (1917, ch. 42.) Fish other than carp, gar, bowfin, and sucker shall not be shocked by electricity nor caught by unaided hand or gaff (2548a). Fish shall not be shot (2539), nor taken or injured by means of stupefying or poisonous substances (2541, 2547) or explosives (2548).

Fishing by other means than hook and line is prohibited on or near fish ladders (2534, 7446).

In Lake Michigan and its bays and harbors gill and pound nets may be used for taking whitefish, lake trout, yellow perch, cisco, and rough fish; complicated restrictions are made as to size of mesh; gill nets must have flags attached. (1917, ch. 40.)

Iowa.—Closed seasons are as follows: Salmon and trout between October 1 and April 15; bass, pike perch, crappie, pickerel, catfish, and other game fish between December 1 and May 15 (2); in interstate waters pike perch, bass, and crappie, March 31 to June 1, inclusive (13). Bag limits for interior waters are 40 of the species first named, and not over 20 of them shall be bass, pike perch, or pickerel (2, 10).

Fishing is prohibited in streams stocked with breeding trout over 2 years old within one year from the date of stocking, if notice be posted (2). In ice fishing on interior waters no structure for protection against the weather or means for creating artificial heat may be used (2, 10). Except as stated in the following paragraphs fishing is limited, in interior waters, to two lines with one hook each, or three united hooks used in trolling (2, 5, 10).

A seine not exceeding 5 yards in length with three-eighths inch mesh may be used for taking minnows for bait (4).

One trot line may be used, May 15 to December 1, in streams including the Big Sioux River and the boundary portion of the Des Moines River, but it shall not extend more than halfway across (2, 11). Spears may be used to take carp, sucker, redhorse, and buffalofish in waters on the bottom lands and islands of Mississippi River (2).

From certain lakes, buffalofish, carp, quillback, redhorse, suckers, and gar may be taken in nets under special permit and supervision of warden, but no seine shall be used December 1 to June 15 (9). Nets may be used by licensees in Mississippi and Missouri Rivers, and shall have mesh not less than 2½ inches stretch measure (2, 11). It is unlawful to net food fishes in interstate waters and not use them (14).

Tackle other than rod, line, and hook may not be used within 300 feet of a fishway or dam (2). Drugs, explosives, and electricity shall not be used to take fish (3).

Fish in private ponds may be taken by the owner by any means; other persons shall not take fish from such ponds without the consent of the owner (8).

Kentucky.—In boundary streams all fish except black bass may be taken in seines and hoop nets without wings, having mesh not less than 1½ inches square. In navigable streams improved with locks and dams the same may be done, but the mesh must be not less than 2 inches square. Nets shall not be used nearer than 200 yards from the mouth of any stream, nor from a lock or dam, and shall not be used above the last lock and dam, and shall not be used during May. (1918, ch. 67.)

Except as stated in the preceding paragraph and except in private ponds, it is forbidden to take fish by other means than lines and set lines (1, 2, 5), or dynamite or drugs (3), or to shoot fish (4), or to kill or stun fish by striking upon the rocks or ice (6). Minnows may be taken for bait (7). Entering without consent upon the lands of another for the purpose of fishing is unlawful (1252, 1259).

Louisiana.—Bag limit is 25 black bass, striped bass, or crappie, and 100 "perch" and sunfish (resolution of conservation commission, now department of conservation, adopted Sept. 10, 1912). Black bass, striped bass, crappie, "perch," and sunfish shall be caught only with line having not more than five sets of hooks or with trolling line and artificial bait (40). Seines may be used for taking minnows or shrimp for bait (33).

Hoop nets are prohibited in bayous, lagoons, and streams less than 40 yards wide and seining in fresh water is prohibited, except in certain waters for common species, such as buffalofish and catfish under permit by the department (33); letter of the president of the commission, now department, to Dr. H. M. Smith, United States Commissioner of Fisheries, dated October 25, 1915, includes paddlefish and "gas-pergou" (fresh-water drum) as such common species. Seines shall not be used within 100 feet of the shore and shall not exceed 900 feet in length; splashing of water or pounding of boat to drive fish into seine is not permitted; vegetation hauled out with seine must be returned to the water; gars taken in seine must be killed. (Rules on permits issued by department pursuant to sec. 42.) Permits may be revoked if shown to be detrimental to game and fish resources (33). Hoop nets must be made of twine and be at least 3-inch mesh on bar between knots (64). Seine, hoop net, or set line shall not be used for buffalofish between February 15 and April 15, nor for paddlefish between January 1 and July 15, nor for catfish between May 15 and July 15; no paddlefish shall be had in possession which does not contain roe suitable to be made into caviar (37). Puddling water to catch fish and using lights, fyke, gill, or trammel nets or other permanent set means are prohibited (44, 45, 55); hoop nets are probably not intended to be included in this prohibition, for they are regulated as hereinbefore noted. Explosives and drugs shall not be put into public waters (57).

The department may prohibit the taking of any kind of fresh-water fish in any part of the State for not over three years (52).

The department may grant written permits to take fish for the purposes of science, cultivation, or distribution (47).

The department may adopt regulations for the protection and propagation of frogs and alligators; and fix the season during which and the size at which they may be taken or sold; but such regulations shall not prevent the killing of alligators found damaging levees or canals. (1918, house bills Nos. 118 and 120.)

Diamond-back terrapin, unless artificially propagated, shall not be taken between April 15 and June 15 (60, 61). Nest or eggs of terrapin must not be molested. (1910, act 50.)

Salt-water operations for fish, shrimp, and oysters are regulated by several acts.

Minnesota.—Closed season for trout or salmon, except lake trout caught in international waters, is September 1 to May 1 in northern part of State, and September 1 to April 15 in southern part; for black bass, March 1 to June 15 in northern part of State, and March 1 to May 29 in southern part; other varieties of fish March 1 to May 1 (4807). In interstate waters the closed season for black bass is the same, and for other game fish it is March 1 to May 1 (4830).

Bag limits are 25 crappie or trout, 15 pike perch, 15 bass, except rock bass, and no person shall have in possession more than 25 bass, except rock bass (4808), and the taking of over 25 fish in one day is prohibited, with exceptions (4896). Crappie, trout, pike perch, and bass (except rock bass) shall be taken only with hook and line, and not more than one line shall be used, and it shall have not more than one bait, except that three artificial flies may be used in trout fishing (4808). Provision is made for closing trout streams to all fishing except during season for trout (4857–4859). And there are provisions for the more thickly populated localities (4885–4895).

Fishing in a lake or stream within 50 feet of a fishway is forbidden (4864).

Fishing on Sundays is unlawful. (Gen. Stat. of 1913, sec. 8753.)

Fishing in certain waters by means of set lines (4835, 1917, ch. 333, sec. 4), fish house (4866, 1917, ch. 96, sec. 10), and tip-ups (4867–4868) is regulated. Spears may be used for specified food fish, subject to numerous restrictions (4808).

Netting in inland lakes for whitefish and tullibee for domestic use is permitted with numerous restrictions (4808), likewise gill netting for herring for domestic use and not for sale. (1917, ch. 176.) The taking of fish from shallow waters is provided for. (1917, ch. 84.) The game and fish commissioner may catch and sell specified rough fish where it appears that they are detrimental to game fish. (1913, ch. 477.) In the Mississippi River within the State (from Falls of St. Anthony to 1,000 feet above the mouth of the St. Croix River) pound net, seine, or dip nets may be used to take sturgeon, redhorse, bowfin, buffalofish, catfish, pickerel, carp, and suckers, as follows: Not within 1,000 feet of mouth of a stream; pound net not over 75 feet long; seine not over 150 feet long; mesh in all cases not less than 2½ inches on bar (4819). Netting in certain waters is allowed for specified rough fish, under supervision of warden and subject to exceptions and to provisions as to mesh, bond, and reports, except for most waters, April 1 to October 1. (1915, chs. 261 and 348; and 1917, ch. 386.)

In international waters nets and set lines may be used by United States citizens resident in Minnesota, under restrictions as to size, mesh, number of nets, leads, position, and seasons. (1917, chs. 96 and 333.)

In the St. Croix River and the interstate portion of the Mississippi River, fish, except catfish under 15 inches rough, 12 inches dressed, pike perch, pickerel, bass, sunfish, yellow perch, and crappie, may be taken by residents of Minnesota and, provisionally, of Wisconsin (4845) with nets, set lines, and spears, except April 15 to June 15 (4826–4835); no license is required for spearing (4833); the mesh is limited for each kind of net and for different parts of the same kind (4834); set lines may have not more than 300 hooks, shall not be baited with live bait, and no person may have more than one (4835); nets must bear license number above water; and seines shall not be longer than 4,000 feet and shall not be raised at night (4840); fyke nets must be raised at least weekly (4841).

Drugs or explosives shall not be used to take fish (4865).

The accredited representative of any incorporated society of natural history or college may collect fish for scientific purposes under permit of the game and fish commissioner (4771).

Mussel fishing may be practiced commercially with one boat only, or an additional boat for towing, and with only two crowfoot bars not over 20 feet long each, and only one dredge not over 3 feet long with prongs or forks nor more than 4 inches long, and it is lawful to use a pitchfork; the commission may close areas to mussel fishing for periods not exceeding five years. (1917, ch. 471.)

Commission may prescribe a "closed season" permanently or for a number of years for frogs (and game birds and animals protected by law) in certain districts. (1915, ch. 288.)

Mississippi.—Boards of supervisors have authority to regulate the time and the places in which and the circumstances under which fish may be taken (4700-4703); they may entirely prohibit the catching of fish for one or more years or seasons when they believe that the supply is about to be exhausted (4704); they may prohibit the use of seines, barrel nets, gill nets, and other like contrivances, or any of them, or may restrict the use of the same to places which annually go dry, and may prohibit or regulate the use of the same in particular waters, and may prescribe what kinds of seines or nets may be used and when and where (4707). The use of fish traps may be prohibited or regulated by boards, and every fish trap which wholly obstructs the passage of fish shall be unlawful (4708). Fish shall not be taken by means of explosives (902), and shall not be poisoned (1062). Fishing on Sunday (1105) or on the premises where the owner has posted a notice forbidding it is unlawful (1135).

Missouri.—Gigging and spearing are prohibited from December to April, inclusive; all fishing except hook and line and gigging are prohibited during April and May; not more than 50 pounds of fish, in addition to one individual fish, shall be gigged or speared in one day, and that for domestic use only (6548). Fishing through ice is prohibited (6549).

A glass or wire minnow trap, or a seine not more than 20 feet long and 4 feet wide may be used to take minnows and small sunfish for bait; residents may net fish for food, but not for commerce, from temporary overflows; the owner of the land, or other person by his permission, may use a 2-inch-mesh seine to take fish from unnavigable streams during July, August, and September, for consumption, but not for sale; bowfin, paddlefish, and gars may be taken at any time and in any manner, except by explosives (6548).

Seines, trammel, and hoop nets with mesh at least 2 inches square may be used in the Mississippi and Missouri Rivers from June to March, inclusive, but not within 300 yards of the mouth of any stream or slough. With the exceptions just stated, and excepting also fish taken in private pond or reservoir wholly upon the premises of the owner or occupant and by his consent, it is unlawful to take fish by any means other than hook and line, gig, spear, trot line, or artificial bait (6548). Fishing devices shall not obstruct the free passage of fish through watercourses (6535). Within 200 feet of a fishway fish may be taken only by means of pole, line, single hook, and natural bait (6549).

Fish shall not be taken by means of explosives or drugs (6537, 6538).

Under permit by the game and fish commissioner fish may be taken for scientific or propagating purposes (6568).

Pearl fishing is prohibited from March to June, inclusive (6551).

Ohio.—For black bass the closed season in inland district is the month of May, and in Lake Erie district May 25 to July 15, inclusive (1428). Trout and salmon may be caught only from April 15 to September 15, inclusive (1431). Bag limits are 12 black bass or 40 sunfish; black bass, crappie, and rock bass may be taken only with hook and line (1428). Trespassing on a private fishery is unlawful. (1912, Gen. Code, secs. 10174 and 12525.) Fishing on Sunday is forbidden. (1912, Gen. Code, sec. 13048.) Fishing in inland district is permitted only with hook and line, and in streams, by the owner of the adjoining land or under his consent, with trot line, bob line, or spear (1426). Ice fishing in inland district is permitted only through two holes not more than 2½ feet each in diameter; not more than two hooks shall be used on one line (1427). Minnows may be taken only for bait; in inland waters they may be caught with a seine not exceeding 4 feet by 8 feet, and in the Lake Erie district by a seine not exceeding 30 feet in length (1433). Explosives, poisonous substances, and electricity shall not be used to take fish (1446).

Fish in pools left by receding waters may be taken in any manner (1456).

Closed season for netting in the Lake Erie district is December 16 to March 14, inclusive (1434, 1442). In this district the following kinds of tackle may be used: Pound, gill, fyke, trap, and devil net, seine, trot line, and hook and line limited to three hooks; no fish shall be driven into any net by noise or other disturbance (1438). The mesh of gill nets shall not be less than 3 inches, stretched factory measure; pound and fyke nets shall have a specified portion with not less than 2½-inch mesh, and that portion shall not be puckered (1441). Netting is prohibited in parts of the district (1439, 1440, 1450, 1452). Carp may be taken at any time in waters connected with Lake Erie by a seine having mesh not less than 4 inches stretch, or by other nets authorized by the secretary of agriculture (1453).

Turtles may be netted only with "single seine or net" with mesh 4 inches square (1432).

Pennsylvania.—Closed seasons on fish are as follows: Trout, August 1 to April 14, inclusive; lake trout, September 30 to June 30, inclusive; black bass, rock bass, striped bass (fresh-water), crappie, pike perch, pickerel, muskellunge, and yellow perch, December 31 to June 30 (15). In boundary lakes the closed season on black bass,

rock bass, crappie, muskellunge, and pickerel is November 1 to May 20, inclusive. (1913, act 71, sec. 4.) Bag limits are 25 trout; 25 striped bass, rock bass, and crappie; 12 black bass; 25 pike perch; 25 pickerel; 4 muskellunge; 50 yellow perch; 50 sunfish (35). In boundary lakes the limits are 25 rock bass or crappie and 12 black bass, muskellunge, or pickerel. (1913, act 71, sec. 4.)

Only a single rod and line, or one hand line with not more than three hooks, may be used to take trout, pike perch, pickerel, muskellunge, fall fish, black bass, crappie, striped bass (fresh-water), and rock bass; other fish may be taken only by rods and lines or one hand line with not more than three hooks attached, all to be under the immediate control of the person using them (4, 6, 45).

Minnows, killifishes, and stone catfish may be taken in dip net or minnow seine not over 4 feet in diameter, or a minnow trap with not more than one opening, which shall not exceed 1 inch in diameter (5, 45).

The commissioner may promulgate rules for catching fish (121), and may set aside small streams and lakes as nurseries, and, after publishing and posting notice, prohibit fishing therein (124).

Sunday fishing is prohibited (10). Within 100 feet of the lower end of any fishway or dam, or within any other distance specified in a notice posted by the commissioner, only rod, hook, and line fishing is permitted (92).

Electricity, explosives, and poisonous substances shall not be used to take fish. (100; 1913, act 71, secs. 5 and 6.)

Fishing for scientific research, or propagation, or stocking may be carried on under permit from the commissioner (120).

In boundary lakes black bass, rock bass, crappie, muskellunge, and pickerel may be caught only with "rod and line having not more than three hooks, or with a hand line having not more than three hooks, or a spear used for catching carp and suckers only or with a trolling line with spoon hooks attached;" in bays or waters on any peninsula of boundary lakes any kind of fish may be taken only by means of rod and line or hand line, either to have not more than three hooks attached, or with a trolling line with spoon hooks attached; exceptions are made in favor of minnow nets: (1913, act 71, secs. 1-3.)

In boundary lakes, subject to the limitations just stated and at distances from bays, streams, and the shore varying for different kinds of nets, licensees may use gill nets with mesh at least 3 inches stretch measure and not more than 30 meshes deep, or if for lake trout with mesh at least $5\frac{1}{2}$ inches stretch measure; also pound nets with crib having mesh at least $2\frac{1}{2}$ inches stretch measure, trap nets with mesh at least $2\frac{1}{2}$ inches stretch measure, and set lines called "night" lines. (1913, act 71, secs. 9 and 11, as amended by 1915, act 226.) Nets, except gill and pound nets, must be tagged (1913, act 71, sec. 15.).

Sturgeon fishing in Lake Erie shall be stopped for five years when the same provisions is made by Ontario, New York, and Ohio. (1917, act 32.)

For shad, alewife, catfish, suckers, eel, and carp, licensees may use from March 1 to June 20 in the Susquehanna River from McCall's Ferry Dam to the Maryland State line, and within the limits of tidewater, the following kinds of tackle: Haul seine or shore seine, dip net, or hold-in net, sometimes called a moon rake, "with diameter of not more than 3 feet at the widest point and a length of not more than 7 feet from heel of the bow, being the point of jointure of the sides of the bow at the handle." The mesh must be not less than $1\frac{1}{4}$ inches, knot to knot, while being fished (55-58).

Fishing on the Delaware River is regulated by special acts. (1889, act 240, and 1909, acts 201 and 269, and amendments.)

Fishing by unnaturalized foreign-born residents is forbidden. (1915, act 84.)

The closed season on bullfrogs and tadpoles is from November 1 to July 1, inclusive, and on terrapin from March 15 to November 1; limits on catches are 25 bullfrogs or tadpoles in a day, 50 bullfrogs in a season, 5 terrapin in a day, and 50 terrapin in a season; bullfrogs shall not be taken by the use of a light at night. (1917, act 180.)

Tennessee.—Closed season on trout, black bass, landlocked salmon, crappie, and rock bass is from May 1 to June 15 (47).

Tammel nets, baskets, dip nets, and set nets with mesh at least 2 inches in width may be used by licensees in Cumberland, Mississippi, Tennessee, Big Sandy, Obion, and Forked Deer Rivers, but not within 200 feet of any inlet nor within 300 feet of any lock or dam (49). With this exception, and also excepting the taking of fish from private ponds, and the seining of minnows for bait, fish shall not be captured by nets, traps, gun, gig, grabhook, poison, explosives, or any means other than rod and line and trot line (45). Minnows so taken must be under a length of $4\frac{1}{2}$ inches, and the net must not be over 10 feet long (46).

West Virginia.—Closed season on pike perch, black bass, rock bass, pickerel, suckers, carp, and redhorse is April 1 to July 1, and on trout and landlocked salmon from August 1 to July 1 (42). Fishing on Sundays is prohibited (26). Small fishes,

except salmon, bass, shad, and trout may be taken for bait or scientific purposes by means of hand or cast nets (42). The only tackle permitted is hook and line and trot line having hooks not less than 2 feet apart, and hand or cast nets to take minnows for bait; other tackle may be used by the owner to take fish from private springs or ponds, and persons other than the owner shall not take fish from such waters (42). Drugs, explosives, and electricity shall not be used to take fish (46, 47). Fishing on lands of another person without permission is forbidden (48).

Wisconsin.—The conservation commission may determine, after petition and hearing, in what manner, in what numbers, in what places, and at what time wild animals (includes fish) may be taken (29.21).

Closed seasons (omitting provisions for special counties or bodies of water) are as follows, all dates being inclusive: Black bass from March 2 to June 14; "Oswego bass, greenbass, and yellow bass," from March 2 to May 28 (as these names are popular synonyms for black bass it is impossible to know certainly what the closed season is, in this State, for black bass); yellow perch and sunfish in counties bordering on the Mississippi River, and rock bass, white bass, catfish, muskellunge, pike perch, and pickerel in the State generally, from March 2 to May 28; trout, from September 1 to April 30; sturgeon, all year (29.19). The season for hook and line fishing in the Mississippi River, except for black bass, opens May 1 (29.19).

Bag limits are 10 black bass, 30 rock bass, 35 trout, 10 pike perch, 15 pickerel, 2 muskellunge, 10 catfish, but no catfish limit on Mississippi River, 30 pounds of bullhead (29.19).

All fishing is prohibited in streams and creeks containing trout, during the close season for trout; or at any time in any spring hole or artificial well connected with any of the waters of the State; or by means of shutting or drawing off water for that purpose; or within 200 feet (more in some localities) of any fishway, lock, or dam except with hook and line (29.26).

Not more than three lines may be used, each having not more than two hooks or one spoon or artificial bait each. Spearing for rough fish is prohibited in unnavigable waters containing trout, in navigable waters containing trout, during the closed season for trout, also in certain specified waters, and at night time in inland waters. The use of snag line or snag pole is prohibited (29.27).

Fishing through ice is prohibited in certain waters; spearing of pickerel through the ice is permitted in the Mississippi River and its lakes, bays, bayous, and sloughs; fish shelters may be used on the Mississippi River and certain other waters (29.28).

Explosives, poisonous substances, and other substances deleterious to fish life, or which might attract fish in unusual numbers shall not be used for taking fish, except that cisco may be baited with oatmeal for the purpose of catching them with hook and line through the ice (29.29).

Minnow seines not over 40 feet long (100 feet in Great Lakes waters) and 5 feet deep, and dip nets not exceeding 6 feet in diameter, may be used for taking rough fish minnows for bait; but in trout streams they must be used only under the supervision of a deputy warden (29.32).

Net and set-line fishing is regulated as follows: No apron or other device to catch small fish shall be used in pound net; no net shall shut off more than one-half the channel or passageway of any stream, or be set within 1,000 feet of any other net; no licensee shall join his net to that of any other licensee; flags bearing the license number must be maintained over nets and lines; licensees in Great Lakes waters must permit State officials to accompany them and the officials may at any time raise set lines; except in specified Great Lakes waters, no net shall be drawn or lifted from one hour after sunset until sunrise; all rough fish taken in nets in inland waters shall be brought to shore and disposed of, but not returned to the water; sizes of nets specified mean the size, stretch measure, at the time of use (29.30).

Set lines may be used in certain waters with hooks not smaller than 5-0, and with not over 25 or 300 hooks, depending on locality (29.37).

Elaborate and complicated regulations are provided for net and set-line fishing in Great Lakes waters (29.33). Net fishing is prohibited in the Mississippi River and Lakes Pepin and St. Croix from April 16 to June 14, also at all times in specified waters, and for catfish under 15 inches rough, 12 inches dressed, pike perch, bass of any variety, crappie, sunfish, pickerel, sturgeon, and yellow perch; in said waters seines shall not exceed 4,000 feet, and mesh shall be not less than 5 inches on the wings or 4 inches in the center of the pot, the pot not exceeding 150 feet, and gill nets shall have mesh not less than 7 inches, and pound or hoop nets not less than 6 inches in the leaders, 5 inches in the hearts, or 3 inches in the hoops, and bait nets shall be used without leads, have mesh not less than 3 inches and front hoop not over 4 feet (29.34).

Dip netting is allowed in specified inland waters (29.31). Provision is made for netting whitefish and cisco in inland lakes (29.35) and for netting rough fish in Winnebago waters (29.36).

The commission is authorized to net from inland waters (with exceptions) rough fish found to be detrimental to game fish, and to dispose of them to the best interest of the State (29.62).

The commission may authorize the taking of fish for scientific purposes or propagation (29.17, 29.01, 29.51).

The operation of private hatcheries is provided for (29.50, 29.52).

Crawfish and crabs shall not be taken between March 1 and July 1, nor frogs from March 1 to May 1, except that frogs may be had in possession by a person in the business of propagating them, or when used for scientific purposes (29.20). Frogs shall not be taken from lands owned by another without his consent (sec. 4565dm).

Nonresident mussel fishermen may use one boat only. Mussels shall not be taken with a dredge (29.38).

IV. SIZE LIMITS FOR AQUATIC ANIMALS.

MINIMUM SIZES OF FISHES AND OTHER AQUATIC ANIMALS, WITH REFERENCES TO THE LAWS IN EACH STATE.

State and citation of statute.	Bass, black.	Bass, rock.	Bass, striped.	Buffalofish.	Bullhead.	Carp.	Catfish.	Crappie.	Drum (fresh-water).	Muskellunge.	Perch, pike.	Perch, yellow.
	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.
Arkansas, <i>c</i> sec. 21.....	11	.....	8	.....	.....	(a)	(a)	8	.....	.....	11	.....
Illinois, <i>b</i> secs. 41, 42, 42A, 56.	10	6	8	18	7	15	<i>b</i> 13	8	10	.....	13	7
Indiana.....	10	6	.....	.....	.....	.....	.....	8	.....	.....	12	.....
Iowa, interstate waters, <i>d</i> sec. 13.....	11	.....	8	15	.....	15	13	8	.....	.....	15	.....
Iowa, interior waters, sec. 2.	10	.....	10	.....	.....	.....	10	8	.....	.....	12	.....
Louisiana, <i>c</i> secs. 37, 40, 60.....	8	.....	8	12	.....	.....	12	.....	.....	.....	.....	.....
Minnesota <i>f</i>	9	.....	.....	.....	.....	.....	(<i>f</i>)	.....	.....	(<i>f</i>)	(<i>f</i>)	.....
Missouri, <i>g</i> sec. 6550.....	11	.....	8	.....	.....	.....	<i>g</i> 13	8	10	.....	11	.....
Ohio, <i>h</i> secs. 1428, 1442.....	10	5	<i>h</i> 10	<i>h</i> 16	<i>h</i> 9	<i>h</i> 14	<i>h</i> 15	5	.....	.....	<i>h</i> 9	<i>h</i> 9
Pennsylvania, <i>i</i> sec. 25.....	9	6	6	.....	.....	.....	.....	6	.....	24	12	* 6
Tennessee, sec. 50.....	7	6	6	.....	.....	.....	.....	6	.....	.....	.....	.....
West Virginia, <i>j</i> sec. 42.....	8	.....	.....	.....	.....	.....	.....	.....	.....	.....	7	.....
Wisconsin, certain Great Lakes waters, secs. 29, 33.....	.....	.....	.....	.....	.....	12	15	.....	.....	.....	13	8
Wisconsin, State generally, <i>k</i> secs. 19, 29.....	10	6	7	.....	.....	.....	15	.....	.....	24	13	.....

a Measurements to be from end of nose to fork of tail. Limits on sale only, and do not apply to minnows used for bait. Limits given by weight are as follows: Blue or channel catfish and drum, 2 pounds; carp and buffalofish, 3 pounds.

b Fish measurements are taken for "the length of the entire fish from the extreme tip of the snout to the extreme end of the tail fin," and turtle and terrapin for the extreme ends of the upper shell. Restrictions do not apply to pole and line fishing. The limit on lake trout and whitefish is 1½ pounds, dressed. The catfish restriction is confined to "blue and channel catfish."

c Section 2542 and ch. 42 of 1917. The size limit on trout does not apply to boundary waters.

d A different size limit (in interstate waters) is set for the species of sturgeon, being 1 pound for the sand sturgeon, shovel-nose sturgeon, or hackleback *Scaphirhynchus platyrhynchus* (Rafinesque), and 3 pounds for the rock sturgeon or lake sturgeon *Acipenser rubicundus* Le Sueur; the former would perhaps include the white sturgeon *Parasclaphirhynchus albus* Forbes and Richardson. The restrictions as to interstate waters do not apply to hook and line or spear fishing.

e The terrapin restriction is only on the diamond-back. Size limits for salt-water species are fixed by other acts.

f Sections 4827 and 4873 and ch. 471 of 1917. Measurements are taken from tip of snout to fork of tail; a different size limit is set for the two species of pike perch, being 14 inches, or 1 pound dressed, for the wall-eye, and 10 inches for the sauger. The limit on lake trout and salmon from inland waters is 16 inches. Catfish under 15 inches tip to tip rough, or 12 inches dressed, shall not be taken in nets in interstate waters. The limits for international waters are: Sturgeon, 15 pounds dressed; lake trout, 2 pounds round, or undressed, and 1½ pounds dressed; whitefish, 16 inches; wall-eye, 14 inches, or 1 pound round; muskellunge, 30 inches; sauger, 10 inches. The language of the statute is not perfectly clear, but these restrictions seem to be limited to international waters. Mussels, except "pigtoes," shall not be taken smaller than 1½ inches.

g Measurements are taken from end of nose to fork of tail. The restrictions are applicable only to fish sold. The catfish restriction is limited to "blue and channel catfish."

h Measurements are made from end of nose to longest tip of tail (1449). Restrictions on striped bass, buffalofish, bullhead, carp, catfish, "pike," yellow perch, sturgeon, and whitefish apply only to commercial fishing in the Lake Erie district, and even here it is lawful to retain 3 per cent, by weight, of undersized fish, or 10 per cent of "pike"; the whitefish limit is 1½ pounds. Catfish and sturgeon shall not be brought ashore in such condition that the length can not be measured.

i The limit on sturgeon applies only to boundary lakes (1913, act 71, sec. 10).

j Measurements are taken from end of snout to center of fork of tail.

k Measurements are taken from tip of snout to tip of tail. The restrictions as to Great Lakes fish limit only licensees in those waters; any such licensee taking undersized fish shall bring them ashore and notify the conservation commission or its deputy and the latter shall dispose of them.

MINIMUM SIZES OF FISHES AND OTHER AQUATIC ANIMALS, WITH REFERENCES TO THE LAWS IN EACH STATE—Continued.

State and citation of statute.	Pickereel.	Salmon, land-locked.	Sturgeon.	Sucker.	Sunfish.	Trout.	Trout, lake.	Whitefish.	Mussels.	Turtle or terrapin.	Fishes, except yellow perch and bullhead.	Fishes other than specified.
	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.
Arkansas, ^a sec. 21	11				6	8						
Illinois, ^b secs. 41, 42, 42A, 56.	18				4		(b)	(b)	2			
Indiana, ^c	12					e 7						
Iowa, interstate waters, ^d sec. 13	18		(d)									
Iowa, interior waters, sec. 2	12					10						
Louisiana, ^e secs. 37, 40, 60.										e 5½	6	
Minnesota, ^f		(f)	(f)				(f)	(f)	(f)			
Missouri, ^g sec. 6550	11				6	8						
Ohio, ^h secs. 1428, 1442			h 48					(h)				
Pennsylvania, ⁱ sec. 25	12		436			6						
Tennessee, sec. 50		7				7						
West Virginia, ^j sec. 42	10					6						
Wisconsin, certain Great Lakes waters, secs. 29, 33.	16			10			12	13				7
Wisconsin, State generally, ^k secs. 19, 29	16					7						

For footnotes see page 16.

V. LICENSES REQUIRED AND FEES THEREFOR.

Arkansas.—Licenses are issued by the game and fish commission and by the circuit clerk of the State (10, 11); fees are payable to the State treasurer or circuit clerk of the county (23). The fee for a resident for fishing with artificial bait is \$1.10; for a nonresident for fishing, \$5, or for a single 15-day trip in the year (not including the right to take fish out of the State), \$1.25 (17). Fishermen catching fish to sell must pay \$25 if using hoop nets, \$10 if using lines or set lines, and for each helper, \$5 (19). Dealers must pay to the State treasurer one-sixteenth of a cent for each pound of fish purchased in the State, this amount to be collected but one time, and from the first dealer purchasing (20).

Illinois.—Licenses are issued by city, village, and county clerks (23). Fees for net fishing are as follows, the amounts in parentheses being for nonresidents: Each 100 yards of seine, \$5 (\$10); dip or fyke net, \$1 (\$2); hoop net, 50 cents (\$2); basket or trap net, 50 cents (?); in operation of gill or pound nets, steam tug, \$25 (\$200), gasoline launch, \$15 (\$50), sail or row boat, \$10 (\$30) (22). Clerk's fee is 25 cents extra (23). Owners of property, their children and tenants, may do net fishing, without license, from waters wholly within their property and not connected with any open stream (22). Gill and pound nets shall be operated from only a boat, as listed hereinbefore (39). The fee for conducting a wholesale-fish business is \$10.50 (24). The commercial mussel fishing fee is \$1.25 for residents and \$25.50 for nonresidents, plus in either case \$25 if a dredge is used (55).

Indiana.—Resident licenses to fish (and hunt) are issued by the commissioner of fisheries, or his agents, in Marion County, and elsewhere by clerks of the circuit courts; the fee is \$1; owners of farm lands, their children living with them, and tenants may fish upon their lands without license; any person may fish in the county in which he resides and adjacent counties without license; children under 18 and wives of licensees may fish without license (2529). Nonresident licenses to fish are issued by clerks of the circuit court of the counties, and the commissioner, and persons appointed by him for that purpose; the fee is \$1; children under 18, wives of licensees, and persons having hunting licenses are not required to have licenses (9366a).

Licenses for netting in Lake Michigan are issued by the commissioner; the amounts range from \$1 to \$300, depending upon the kind of boat used, if any, and upon whether the fisherman is resident or nonresident. (1917, ch. 40.)

Iowa.—Nonresident licenses for males over 16 years old to fish are issued by county auditors; the fee is \$2. (1917, ch. 168.)

Licenses for net fishing in the Mississippi and Missouri Rivers are issued by the State fish and game warden. The fees are as follows: Each 500 feet of seine, \$10; pound net having more than 100 feet of lead on each side, \$4; pound net with less lead, \$1; each bait, dip, hoop, and fyke net, 50 cents; each 300 feet of trammel net used

for floating fishing, \$5. Metal tags at 10 cents each are required to be used and non-residents must give bond (11).

Kentucky.—Netting licenses are issued by the county clerks. The fees for residents are \$1.25 for one net, and \$1 for each additional net; for nonresidents the fees are doubled. (1918, house bill, 181.)

Louisiana.—Licenses are issued by the department of conservation. Fees for seines are as follows: Less than 300 feet, \$25; 300 to 600 feet, \$50; 600 to 900 feet, \$100 (33). Fees for wholesale dealing in fresh-water fish are \$5 to \$150, depending on the amount of business and whether the dealer is a resident or nonresident (34, 35). Fees for vessels purchasing fresh-water fish to make a cargo are \$5 to \$40, depending on tonnage of boat (36). The resident fee for buying and selling diamond-back terrapin is \$25, and for buying, selling, and shipping, \$100; the fee for nonresident or unnaturalized foreign-born resident for buying, selling, or shipping is \$200 (63).

The fees for salt-water operations are fixed by several acts.

Minnesota.—Nonresident pole and line licenses are issued by the county auditor (4880) and other licenses by the State game and fish commissioner and deputies (4881). Licenses of Wisconsin are accepted if it reciprocates. (4845 and ch. 471 of 1917.)

Fees for fish house (4866), tip-up license (4868), nonresident pole and line license if fisherman is over 21 years old (4879), and for netting in inland lakes for whitefish and tullibee (4808), or for herring (1917, ch. 176) are \$1.

The fee for seine, pound, or dip nets in the Mississippi River within the State is \$5 for each net (4819). In international waters the fees are based upon the vessel used in Lake Superior, and upon the tackle used in other lakes. (1917, chs. 96 and 333.) In interstate waters the fees are: For seine, \$1 a hundred feet up to 500 feet, then \$2 a hundred to 1,000 feet, then \$3 a hundred to 1,500 feet, then \$4 a hundred to 2,000 feet, then \$5 a hundred to 2,500 feet, then \$6 a hundred to 4,000 feet; for gill nets, \$5 for 2,000 feet, and \$5 for each additional thousand; for pound net with leader not exceeding 700 feet, \$5, and for each pound net in excess of one used with one leader, \$5; each fyke or hoop net, \$5; each bait or turtle net or set line, \$1; metal tags are 25 cents each (4836). Fee for inland commercial fishing is 10 per cent or more of gross receipts plus expenses and compensation of warden. (1917, ch. 386.)

The commercial mussel-fishing fee is \$5 for residents and \$50 for nonresidents, plus in either case \$25 if a dredge is used. (1917, ch. 471.)

Ohio.—Licenses are required for fishing with devices other than hook and line in the Lake Erie district, and are issued by the secretary of agriculture (1435). The fees for fishing with gill nets are as follows: Rowboat, \$4; sailboat, \$6; gasoline boat, \$12.50; and steamboat, \$20. The fee for fishing trot lines is \$1.50 for each rowboat; for each seine, \$4; for each pound net, \$3; and for each device of any other kind, \$1.50 (1436). Metal tags must be used on devices other than gill net and hook and line, but are issued without charge (1438).

Pennsylvania.—Licenses are issued by the department of fisheries. The fee for using a net in the lower Susquehanna or in tide waters is \$2 (55). The fee for artificial propagation is \$10 (70). Fees for fishing in boundary lakes are as follows: For row or sail boat used in fishing with gill net, \$5; other boat under 10 tons gross burden so used, \$10, of 10 to 20 tons \$15, of over 20 tons \$20; for each pound net, \$10; for other net or device (except lines having not more than 3 hooks, a spear for taking carp and suckers and trolling spoons) 50 cents to \$5 as determined by the department. (1915, act 226.) Licenses for boundary waters shall not be issued to residents of a State or county (country?) whose laws prohibit the issuance of a license to residents of Pennsylvania. (1913, act 71, sec. 14.)

Tennessee.—Licenses are issued by clerks of the county courts; the fee is \$2 for each net or basket (49).

West Virginia.—Licenses for foreigners and nonresidents (angling and trot lining) are issued by county clerks; the fee is \$5, but no license is required from nonresident owners or their children for fishing on their own land (42).

Wisconsin.—Licenses are issued by the State conservation commission, through agents in the case of hook and line licenses and through the county clerks in other cases (29.09, 29.15). Fishing licenses of Minnesota and Iowa are accepted if those States reciprocate (29.16). Licenses are issued only to persons (29.09).

Fees for nonresidents are as follows: Mussel fishing, \$50 (29.38); hook and line fishing in inland waters for male fisherman over 16 years old, \$1 (29.14); operating gill net in Great Lakes waters with steam vessel having steam lifter, \$200, or, without steam lifter, \$100, or with any other vessel not propelled by oars, paddle, or pole, \$50, or a boat so propelled, \$2 (29.33).

Fees for residents or nonresidents in Great Lakes waters are as follows: Gill net or nets, or each pound net and leader (except as noted for nonresidents), \$2; trap, fyke, drop net, or nets with leaders, or each seine, \$5; each trammel net or set hooks, \$1 (29.33).

Fees for fishing in the Mississippi River and Lakes Pepin and St. Croix are as follows: Seines for first 500 feet, \$1 a hundred, second 500 feet, \$2 a hundred, third at \$3, fourth at \$4, fifth at \$5, and 2,500 to 4,000 feet at \$6 a hundred; gill nets for first 2,000 feet, \$5, and for each additional thousand feet \$5; pound or hoop nets with 700-foot leader and one pound, \$5, and for each additional pound \$5; bait nets, \$1 each. For these waters fishermen must give bonds (29.34).

Fees for netting whitefish and cisco in inland waters is 50 cents (29.35); for taking rough fish in Winnebago waters, \$5 to \$50 (29.36); for using set lines, \$1 (29.37).

Metal tags are required for nets and set lines, a fee of 25 or 50 cents each being charged for most kinds of nets (29.33-29.37).

VI. SHIPPING AND SELLING FISHERY PRODUCTS.

Arkansas.—The transportation of game fish beyond the State is limited to one day's catch, and requires the filing of an affidavit with a notary, justice, or other authorized officer (58, 59). The game and fish commission may permit fish to be shipped from the State for propagation purposes (7), and may permit fish to be sold and exported if privately propagated (8).

Illinois.—Black bass shall not be sold nor, if taken within the State, pickerel or pike perch (41). These fish shall not be shipped, except not over 25 fish in one lot as baggage (43). Fish, except whitefish, lake trout, cisco, and yellow perch, shall not be shipped from April 20 to July 1, inclusive, nor frogs over a quarter of a pound from April 15 to July 1, inclusive (44). Shipments of fish must be marked to show contents and other facts (43, 45). Carriers are forbidden to receive from unlicensed dealers fish caught in the State (24).

Indiana.—The transportation beyond the State, or the sale of pickerel, pike perch, yellow perch, sunfish, black bass, rock bass, or other species of bass, is forbidden, unless taken from private ponds, and except that a person may carry beyond the State 24 fish caught by himself (2533c, 2535).

Iowa.—Game fish shall not be shipped from inland waters for the purpose of sale and any person shipping game fish must deliver to the carrier a sworn statement (2).

Louisiana.—Black bass, striped bass, crappie, and sunfish shall not be sold (38). All shipments of fish and shipments without the State of diamond-back terrapin must be marked to show contents and other facts (41, 62). Diamond-back terrapin artificially propagated may be sold, but not for food, during the closed season (61). Fish packed in the State must not be labeled as produced outside the State. (1906, act 112.)

Minnesota.—The sale or shipment of pike perch from stocked waters (4871), or of trout or salmon from inland waters, or of black bass (4870), or of fish caught in lakes in Hennepin, Ramsey, or St. Louis Counties (4876), is prohibited. The commission may prohibit the sale of crappie, yellow perch, or sunfish caught in stocked lakes (4877). Fish shall not be shipped beyond the State except specified rough fish and except not over 50 pounds taken by a nonresident for personal use; packages shall be marked to show contents and other facts. (4875, 1917, ch. 333.)

Mississippi.—Boards of supervisors have authority to regulate by whom and in what quantities and to what extent fish may be marketed (4701).

Ohio.—Black bass shall not be shipped out of the State or sold; rock bass, crappie, and sunfish shall not be sold (1429, 1430). Fish caught through ice shall not be sold (1427). "White bait" may be shipped out of the State only if alive; minnows may be sold only for bait (1433). Shipments of fish must be labeled (1444).

Pennsylvania.—The sale of trout or black bass, whether caught in the State or elsewhere, is forbidden (110).

West Virginia.—The sale or serving at licensed eating places of trout, salmon, pickerel, bass, and "silver perch" is prohibited, also the shipment out of the State of these species, or the commercial shipment within the State (20, 45).

Wisconsin.—Shipments of wild animals, including fish, must be marked to show the contents and other facts, and the consignor must be the owner and must deliver to the carrier a statement that he is (29.34, 29.36, 29.43). The shipment of living young carp or bowfin is forbidden, and complicated regulations are made for the shipment of game fish (29.47). Transportation of fish into this State is forbidden if made from another State in violation of its laws (29.44).

The sale of black bass, muskellunge, or trout is forbidden, also the sale of any other game fish taken from public inland waters during the period extending from the 1st day of January to the next succeeding 29th day of May (29.48). Game fish taken from public inland waters from January 1 to May 29 and trout shall not be served at eating places, nor frog during the closed season (29.49).

VII. DEFINITIONS AND MISCELLANEOUS PROVISIONS.

Arkansas.—The term "waters" is defined to include those wholly or partly within the State (56). Milldam owners must provide a fish chute, and owners of other obstructions must make an opening to allow the passage of fish from March 1 to June 1. (1899, act 188.)

Dealers must keep records of their transactions (20); they have five days after the end of the open season in which to dispose of fish (48). The game and fish commission may regulate private propagation (8).

Illinois.—"Objectable" fish is defined to mean gar and gizzard shad (51). Dam owners shall erect and maintain fishways (49). Licensees to take mussels must report annually (58).

Indiana.—Private pond is defined to include any body of water not greater than 20 acres in area lying wholly within the land of the owner (2533c). Except dams, obstructions to fish movements shall not be placed across streams (2544, 2545). Owners of dams 4 feet or more high must construct and maintain fishways as directed by the commissioner of fisheries (7442-7449).

Iowa.—"Game" fish is defined by the department of fish and game to include any food fish that takes a live bait. Cities and towns may prevent the escape of fish from boundary lakes (17). Dams or obstructions shall not be erected or maintained without a fishway constructed according to plans furnished by the State warden; nor shall pumping stations, other than sand pumps or dredging machines, be operated without guard screens constructed according to plans so furnished (16).

Kentucky.—Dam owners must maintain fish ladders during April, May and June, except where the "annual tides" are sufficiently high to admit the passage of fish over the dams (1392a).

Louisiana.—Intake pipes for irrigation must be screened to prevent the entrance of fish, except on the Mississippi River (56). No person shall obstruct by means of rack, screen, or other device the passage of fish protected by law (53).

Fish may be had in possession five days after the end of the open season (39). Dealers must report to the department (35, 36). The department may adopt regulations for the comprehensive control of fish, and shall assist in protecting private ponds (1912, act 127, sec. 2); it may prescribe regulations for stocked streams (51) and may regulate seines, hoop nets, and set lines (42). No spawn, fish, reptile, or amphibian except turtles from without the State shall be liberated without permission from the department. (50; 1918, house bill 120.)

Game and fish preserves are established. (1910, act 273, and 1912, act 172.)

Minnesota.—Persons owning or controlling dams or other obstructions must construct and maintain fishways (4772). Counties may screen navigable lakes that have been stocked by the United States. (1913, ch. 87.) For the purpose of commercial trout culture the game and fish commission may authorize the maintenance of fish screens (4861).

It is unlawful to have fish in possession if unlawfully taken without the State (4785). Fish taken in international waters may be retained one week after the end of the fishing season. (1917, chs. 96 and 333.)

Reports must be made to the commission by fishermen netting in international waters (1917, ch. 96), clambers (1917, ch. 471), and seiners in certain waters (1915, ch. 261).

Obstructing seiners is prohibited. (1917, ch. 452.)

Chapter 505 of 1917 provides for warden supervision of net fishing in interstate waters, but does not go into effect until a similar act is passed by Wisconsin.

Missouri.—Fish may be had in possession five days after the end of the open season (6522). Persons owning or using dams shall construct fish ladders as prescribed by the game and fish commissioner, and shall keep them open March, April, May, and June if there is waste water available (6552).

Ohio.—Lake Erie and inland fishing districts are respectively defined (1425).

On petition of 500 or more freeholders the county commissioners shall erect or maintain fishways over dams; on State dams this shall be done by the board of public works. (1910, Gen. Code, sec. 2496.) Except in Lake Erie, wardens may remove obstructions other than milldams (1448).

Private ponds are excepted from the restrictions on the manner of capture (1456).

Fishermen must allow State spawn takers on board and permit the taking of spawn (1455). Licensees must make annual reports (1437-1).

Except shad, mackerel, and herring, all fish sold in barrels or casks must be inspected and branded; regulations are made as to size of barrel and other matters (5987, 6010-6019). Possibly these regulations relate to preserved fish only.

Pennsylvania.—"Game" fish, "bait" fish and "food" fish are defined. (4-6; 1913, act 71, sec. 1.) Trout and black bass may be retained in possession six days after the end of the open season (17). When required by the board of fishery commissioners dam owners shall erect and maintain fishways (85-90). Dam owners must not strand fish (91). When required by the commissioners proprietors must install a bar rack to exclude fish from water wheels, pumps or canals (93-94). No person shall place obstructions to the passage of fish (95).

Artificial propagation is regulated (19, 28, 38, 48, 62, 70-81, 114). Dealers may be required by the commissioner to make reports (112). Representatives of the State must be permitted to accompany licensees on boundary lakes for the purpose of taking spawn. (1915, act 226.) Fish from boundary lakes shall not be used for fertilizer without the consent of the department of fisheries. (1913, act 71, sec. 8.)

Tennessee.—Obstructions shall not be placed in streams for the purpose of capturing fish (48). Certain counties are excepted from the operation of the general law, and special provisions of various sorts are made for more than half the counties of the State, as well as for Reelfoot Lake and the Appalachian Game Preserve. County courts may provide for fish traps. (Thompson's Shannon's Code, 1918, sec. 1721.)

West Virginia.—Owners of dams and other obstructions must build and maintain fishways in a manner satisfactory to the State warden (43). Fish may be had in possession 20 days after the end of the open season (20).

Wisconsin.—Great Lakes waters are defined as "outlying" and all other waters as "inland" (29.01). Until the conservation commission otherwise determines, rough fish are: Minnows, suckers, carp, redhorse, drum, burbot, bowfin, gar, buffalofish, and, in certain waters, pickerel; game fish are all other kinds (29.01).

Screens set in public waters to prevent the free passage of fish, or set in streams stocked by the State, are declared to be nuisances (29.03). Old and abandoned dams may be removed, and dams on State land may be repaired by the commission (29.04).

Licensees for the Mississippi River and Winnebago waters are permitted to retain fish in temporary ponds (29.34, 29.36). Reports are required from licensees for the Great Lakes and the Mississippi River (29.33, 29.34).

Makers
Syracuse, N. Y.
PAT. JAN. 21, 1908

LIBRARY OF CONGRESS

0 002 877 489 8