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FISHERIES LAWS

OF

RHODE ISLAND

1922

COMPILED BY THE
COMMISSIONERS OF INLAND
FISHERIES

PROVIDENCE
E. L. FREEMAN COMPANY, PRINTERS
1922

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" Laws, statutes, etc.

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ms Oct 27, 1923

COMMISSIONERS OF INLAND FISHERIES

OF

RHODE ISLAND.

Term of office expires 1924.

THEOPHILE GUERIN, *President*. Woonsocket.
Appointed 1912.

JOHN L. CURRAN, *Vice-President*. Providence.
Appointed 1917.

JOHN C. COSSEBOOM, *Secretary*. Woonsocket.
Appointed 1918.

J. ALTON BARKER, *Treasurer*. Newport.
Appointed 1918.

GEORGE A. DOLAN. Westerly.
Appointed 1920.

IRVING P. HUDSON. Phenix.
Appointed 1921.

DANIEL S. LATHAM, M. D. Auburn.
Appointed 1922.

Superintendent.

EARNEST W. BARNES. Auburn.

Deputy Commissioners under Lobster Law.

WILLIAM T. LUTH, *Chief Deputy*. Newport.

JAMES HARRINGTON. Newport.

ANDREW V. WILLIS. Block Island.

CURTIS H. SPRAGUE. Block Island.

Office, Room 304, State House.

Open daily, 9 A. M. to 4 P. M. Saturday, 9 to 12.

INDEX.

	Page.	Sec.
Beam or auto trawls	17	46
Black bass	23	11
Bringing action for violation within thirty days..	15	36
Close time—		
Bass	23	11
Lobsters	31	8
Pickerel	23	11
Trout	14	34
Commissioners of Inland Fisheries—		
Appointment	19	1
Disbursements allowed	24	15
Maintaining a fresh-water hatchery	25	17
Penalties for violating regulations of	21	5
“ “ “ “ “	16	43
Powers and duties	16	42
“ “ “	20, 21	3, 4
“ “ “	22	7
“ “ “	24	13, 14
“ “ “	32	11, 12
“ “ “	38	8
Propagating shell-fish	20	3
Secretary	20	2
Deputies—		
Powers and Duties	25	16
Lobster deputies	32	11, 12
Trout deputies	14	34
Fresh-water Fishing License	34, 38	
Ice fishing	13	33
“ “	23	9
Lobster laws—		
Buoying and marking lobster pots	30	6
Close season	31	8
Deputies	32	11, 12
Egg lobsters	29	5
“ “	33, 34	1, 2
License law	27-29	1-4
Marking lobster gear	30	7
Mutilating uncooked lobsters	31	10
Short lobsters	29	5
Unauthorized interfering with gear	31	9

Local restrictions on fishing—	Page.	Sec.
Allen's Harbor	10	25
Penalty for using trap or seine, \$5-\$20.		
Babcock's Pond (Brightman's Pond)	11	27
" " " " "	12	29, 31
Penalty for using a standing seine or setting a seine of over 100 fathoms, \$20-\$50.		
Barrington River	7	1
Penalty for seining, \$20.		
Charlestown Pond	11	27
" " " " "	12	29, 31
Penalty for using a standing seine (excepting in upper part of pond) or setting a seine of over 100 fathoms, \$20-\$50.		
Devils Breachway (Charlestown)	17	45
Penalty for using trap or seine within one mile of entrance, \$50.		
Easton's Pond (Newport)	7	2
Penalty for using trap or seine, \$20.		
Kickemuit River	7	3
Penalty for seining within half mile of Narrows \$15.		
Mill Cove, Warwick	15	38
On Saturday and Sunday no fishing allowed except with hook and line. Penalty, \$20.		
On other days of week alewives or buckies may be caught by a bowed net not over 8 feet around the mouth.		
No seines or traps allowed in Mill Cove, War- wick. Penalty, \$20.		
New Shoreham	8, 9	18-20
Nomquit Pond	8	4-5
" " " " "	9	21
Penalty for obstructing passage of fish or setting nets from January 1 to August 1, \$10.		
Palmer River	8	6
Penalty for obstructing course of fish for each 24 hours, \$10.		
Pawcatuck River	17-19	1-6
Petaquamscut River	9, 10	22-24
Penalty for erecting weir or seining within 160 rods of mouth, October to January, or at any time of year within the river except for catching smelt or bass with certain re- strictions. \$20 and forfeiture.		

Local restrictions on fishing— <i>Concluded</i> .	Page.	Sec.
Potowomut River.....	10	25
Penalty for seining, \$5-\$20.		
Point Judith Pond.....	11-12	27-31
" " " Breachway.....	11	26
(1) No weirs, seines or traps allowed within 1½ mile of breachway; within ¼ mile of Alder Point, Princes Narrows, Strawberry Hill, High Point, Gooseberry Hole; south of line from Strawberry Hill to High Point between 1st Monday in April and 2d Mon- day in June, \$20-\$50 and forfeiture.		
(2) No seine over 100 fathoms.		
(3) No standing seine over 25 feet.		
(4) No seine within 40 rods of another.		
Quonochontaug Pond.....	11	27
Penalty for using a standing seine or setting a seine of over 100 fathoms, \$20-\$50.		
Ward's Pond.....	15	37
Non-residents.....	12	32
Penalties, Table of.....	39	
Pickarel.....	23	11
Single lines.....	13	33
Taking fish from stocked waters.....	13	33
" " " " " ".....	22	6
" " " " " ".....	23	8-10
Territorial limits of the State.....	7	1
Trout.....	14	34

GENERAL LAWS.

CHAPTER 1.

Of the Jurisdiction of the State.

SECTION 1. The territorial limits of this state extend one marine league from its seashore at high-water mark. When an inlet or arm of the sea does not exceed two marine leagues in width between its headlands, a straight line from one headland to the other is equivalent to the shore line.

The boundary of counties bordering on the sea extends to the line of the state as above defined.

CHAPTER 207.

Of Certain Fisheries.

SECTION 1. (*As amended, Chap. 1388, P. L. 1916.*) Every person who shall set or draw any seine in any part of the river running from Warren river through the town of **Barrington**, except that part lying north of the Congregational church building in the said town of Barrington, shall be fined twenty dollars.

SEC. 2. Every person who shall set or draw any seine or net in **Easton's Pond** in Newport and Middletown for the purpose of catching fish,

or shall set any such net or seine in the creeks or inlets of said pond above the bridge at Easton's beach, shall be fined twenty dollars or be imprisoned ten days.

SEC. 3. (*As amended, Chap. 1388, P. L. 1916.*) Every person who shall set or draw any seine or net in **Kickamuit River** within half a mile from the place called the Narrows, shall be fined fifteen dollars.

SEC. 4. (*As amended, Chap. 1388, P. L. 1916.*) Every person who shall erect or make any weir, pot or other contrivance to obstruct the course of fish across Puncatest, alias **Nomquit Pond**, or any part thereof or in any river or stream leading into or out of said pond at any time, shall be fined ten dollars.

SEC. 5. (*As amended, Chap. 1388, P. L. 1916.*) Every person who shall set any hanging or mesh net in Puncatest, alias **Nomquit Pond**, or in any river leading into or out of said pond, between the first day of January and the first day of August, shall be fined ten dollars.

SEC. 6. (*As amended, Chap. 1388, P. L. 1916.*) No person, either as principal or agent, shall erect or continue in **Palmer's River** above Kelley's bridge, any weir, net, hanging net, dam or any obstruction to prevent the free passage of fish up said river; and every person violating any of the provisions of this section shall be fined ten dollars for every twenty-four hours any such weir, net, hanging net, dam, or other obstruction shall be continued.

SEC. 18. No person shall take any fish, with any kind of gill or mesh net, or set any gill or mesh net, for the purpose of taking any fish therewith,

within one mile from the shore of Block Island, between the first day of June and the first day of November, in each year, without first obtaining permission of the town council of New Shoreham; and every person violating any provision of this section shall be fined twenty dollars for each offence, one-half to the use of the complainant and the other half to the use of the town of New Shoreham.

SEC. 19. Any person who shall take any fish with any kind of seine, net or trap, or set or draw any seine, net or trap for the purpose of taking any fish therewith, in any of the freshwater ponds in the town of New Shoreham, except in private ponds owned by one person, shall be fined not exceeding twenty dollars, or be imprisoned not exceeding ten days, or be both fined and imprisoned in the discretion of the court.

SEC. 20. The electors of the town of New Shoreham may, in town meeting called for that purpose, enact such ordinances as they may think proper, to protect and to regulate the taking of shell-fish and other fish in **Great Salt Pond**, and may impose penalties therefor not exceeding twenty dollars fine and three months imprisonment for any one offence.

SEC. 21. The electors of the town of Tiverton may, in town meeting called for that purpose, make such regulations for the preservation of the fish, and may exercise such control over the fisheries of **Nomquit Pond**, within the limits of said town, as they may think proper.

SEC. 22. No person shall, between the first Monday in October and the first Monday in January, erect any weir or draw any seine or net for the

purpose of catching or obstructing the passage of fish at or within one hundred and sixty rods of the mouth of Petaquamscut River in South Kingstown, nor shall any person erect or put down any weir, standing seine or trap-seine, or hoop-net of any kind, either within or across said river at any other season of the year.

SEC. 23. Nothing in the preceding section shall be so construed as to prohibit any person from using nets or fishing crafts for the catching of smelts, such as are commonly used in the smelt fishery, between the first day of February and the first day of April, or to prohibit the setting of gill nets for bass in said river or pond: *Provided*, that such nets shall not exceed twenty fathoms in length, nor be set within twenty fathoms of each other, nor south of the dividing line between lands now or formerly of William G. Watson and George W. Crandall, nor within twenty rods of the narrows that connect the upper and lower ponds; nor shall any person maintain any such standing seine or net in the same place for more than twenty-four hours, if any other person demands the same place for the purpose of setting a like net or drawing a seine therein.

SEC. 24. Every person who shall violate any of the provisions of the preceding two sections shall be fined not less than twenty dollars nor more than fifty dollars for each offence, and shall forfeit the net, seine, boat and other apparatus by him used in such violation.

SEC. 25. Every person who shall set any trap or net or draw any seine at any time west of a line drawn from Calf-pasture Point, on the north side

of **Allen's Harbor**, to **Rocky Point**, on the south side thereof, or west of a line drawn from **Pojack Point**, on the south side of **Potowomut River**, to **Marsh Point**, on the north side thereof, shall be fined not less than five dollars nor more than twenty dollars, one-half thereof to the use of the complainant and one-half thereof to the use of the state.

SEC. 26. (*As amended, Chap. 792, P. L. 1912.*) No person shall erect, or put down any weir, standing seine, pound, or trap seine of any kind, or set, or draw any seine, or net for the obstructing the passage of, or catching, or hauling of fish, at or within one-half mile in any direction of the mouth of the breachway connecting **Point Judith Ponds** with the sea, or within said breachway channel, or within any channel leading to said ponds, or connecting said ponds with each other.

SEC. 27. (*As amended, Chap. 1347, P. L. 1916.*) No weir shall be erected, nor any standing seine or net set in any part of **Charlestown Pond**, **Quonochontaug Pond** or **Babcock's Pond**, otherwise known as **Brightman's Pond**, nor across the channel, or in **Point Judith Ponds** within a quarter of a mile from the following places, namely: **Alder Point**, **Beachway** or outlet of **Point Judith Pond**, near where **Saugatuckett River** flows into the said ponds; **Princes Narrows**, which connects the upper with the lower ponds; **Strawberry Hill** on **Great Island**; **High Point**, so-called, on land of the heirs of **Joseph Sherman**, and **Gooseberry Hole**: *Provided, however*, that nothing herein contained shall be so construed as to prohibit the setting of gill nets in any of the waters of **Quonochontaug Pond**, or **Charlestown Pond** except that portion of **Charlestown Pond**

south of a line drawn from the north end of Ward's Island to the north end of Marshnaug Island.

SEC. 28. No person shall, between sunset on the first Monday in April and sunrise on the second Monday in June, erect any weir or net or draw any seine or net for the purpose of catching or obstructing the passage of fish, in any part of **Point Judith Pond**, south of a line drawn from the most northerly point of Strawberry Hill on Great Island to the most northerly point of High Point in said pond.

SEC. 29. No seine or net of any sort shall be used at any time within said ponds, or any branch thereof, of over one hundred fathoms in length, nor any standing seine or net of over twenty-five fathoms in length.

SEC. 30. No person shall set any standing seine or net, at any time, within forty rods of any place within said ponds or any branch thereof where another person may have already set his standing seine or net, nor shall any person maintain any such standing seine or net in the same place for more than forty-eight hours, if any other person desires to occupy the place.

SEC. 31. Every person violating any provisions of the preceding six sections shall be fined not less than twenty dollars nor more than fifty dollars and shall also forfeit the boat, seine, net, and other apparatus by him used in such violation, one-half of said fine and forfeiture to the use of the person complaining and one-half thereof to the use of the state.

SEC. 32. Every person living without the state, who shall take any lobsters, tautog, bass or other fish, within the harbors, rivers, or waters of this

state, for the purpose of carrying them thence in vessels or smacks, shall be fined ten dollars for every offence and shall forfeit all the fish or lobsters so taken.

SEC. 33. (*As amended, Chap. 1914, P. L. 1920.*) No person shall place, operate or superintend any device intended for the purpose of taking or catching fish in any pond or stream stocked with fish at the expense of the state, within three years after such stream or pond has been stocked and a copy of the regulations of the commissioners of inland fisheries, for the protection thereof, has been filed in the office of the town clerk in which such stream or pond is situated and advertised as provided in Section four of Chapter two hundred ten, or, at any time, in any private pond, brook, stream, preserve, or any other place made, constructed, or used for the purpose of breeding or growing fish therein, without the consent of the proprietor or lessee thereof so to do. No person shall place, operate, or superintend any device intended for the purpose of taking or catching fish, excepting single lines, with not more than two hooks upon each, held in and operated by hand or upon poles or rods designed to be held in the hands, in any stream or fresh-water pond within this state, except such streams and ponds as are wholly upon his own land: *Provided*, that for the purpose of fishing through ice upon the surface of any stream or fresh-water pond, other than private streams and ponds, and streams and ponds stocked by the state, within three years after the same are stocked and notice given as aforesaid, any person may place, operate, or superintend ten lines with a single hook

upon each and held by any device designed for such purpose. Nothing in this section contained shall be so construed as to prohibit the taking of suckers or chubs, by snares or spears. Every person violating any of the provisions of this section shall for each offence be fined not exceeding twenty dollars, or be imprisoned not exceeding thirty days, or be both fined and imprisoned.

SEC. 34. (*As amended, Chap. 423, P. L. 1909.*) Every person who shall take any **trout** between the fifteenth day of July and the first day of April shall be fined twenty dollars for each offence, and every person who shall take, or have in his or her possession, any trout less than six inches in length at any time of the year shall be fined twenty dollars for each trout found in his or her possession, one-half thereof to the use of the complainant and one-half thereof to the use of the state; but nothing herein contained shall be so construed as to prohibit the taking and sale of trout, artificially cultivated in private ponds, at any season of the year: *Provided*, that all persons raising brook-trout artifically in private ponds shall use the initials of their names as a brand, which brand shall be put on every box of trout shipped or put on the market by them between the fifteenth day of July and the first day of April in each year. All persons raising and disposing of trout as aforesaid shall cause their brand, required herein, to be registered by the secretary of state.

For the purpose of enforcing the provisions of this section, the commissioners of inland fisheries shall appoint at least two deputies, to serve without pay, each of whom, by virtue of his office, shall be a special constable and as such deputy may arrest

without warrant any person found violating any of the provisions of this section and detain such person for prosecution not exceeding twenty-four hours. Said commissioners and such deputies may search in suspected places and may seize and remove trout taken, held, or in the possession of any person or persons in violation of the provisions of this section, and the possession of any trout less than six inches long shall be *prima facie* evidence to convict. Such commissioners or said deputies shall not be required to enter into recognizance or give surety for costs in any proceedings under this section.

SEC. 36. All actions for violations of the provisions of Sections thirty-three to thirty-five, inclusive, shall be commenced within thirty days after the commission of the offence.

SEC. 37. Every person who shall, by any seine or stop-net or otherwise, obstruct the channel leading from the sea into Ward's pond, and up through said pond on each side of Watermelon, Gooseberry or Larkin's islands, shall be fined not less than five dollars nor more than twenty dollars.

SEC. 38. (*As amended, Chap. 2100, P. L. 1921.*) Between the first day of March and the first day of November in each year, no person, either as principal or agent, shall set or draw any seine or net, or shall erect or maintain any weir, dam, net, hanging net, or any obstruction to prevent the free passage of fish in **Mill Cove in the town of Warwick, or in the stream flowing from Warwick Pond, so-called,** into said cove, or in any stream flowing into said pond; and every person violating any of the provisions of this section shall be fined twenty dollars for each offence, one-half thereof to the use of the

complainant and one-half thereof to the use of the state: *Provided, however*, that between the first day of March and the first day of June in each year for the purpose of catching or taking alewives or buckies only, any person may use in said cove or said streams a bowed net not larger than eight feet around the mouth thereof, held in and operated by hand, or upon a pole or rod held in the hands, on days other than Saturday and Sunday.

SEC. 42. The commissioners of inland fisheries shall have a general supervision of all matters relating to the subjects contained in this chapter, and may make all needful regulations to carry out the provisions of said chapter, and shall from time to time examine all the weirs, traps or other contrivances, with a view of carrying out such regulations as are most beneficial to the people of the state and shall prosecute for the violation of such regulations or for the infringement of the provisions of said chapter. They may coöperate with the fish commissioners of other states, and shall make an annual report to the general assembly of their doings, with such facts and suggestions in relation to the object for which they are appointed as they may deem proper. Said commissioners shall be allowed their actual disbursements made in the performance of their duties under this chapter.

SEC. 43. (*Cf. Chap. 1388, P. L. 1916.*) Every person who shall violate any of the regulations made by said commissioners under the authority of the provisions of the preceding section of this chapter, shall be fined not exceeding one hundred dollars or be imprisoned not exceeding three months,

or both, in the discretion of the court before which the offender shall be tried.

SEC. 45. No person shall set any standing seine, trap net, or any kind of gill or mesh net, for the purpose of taking any fish therewith, within one mile from the entrance to **Devil's Breachway**, so-called, in the town of Charlestown; and every person violating any provision of this section shall be fined not exceeding fifty dollars for each offence, one-half to the use of the complainant and the other half to the use of the state, or be imprisoned not exceeding ten days, or both, in the discretion of the court.

SEC. 46. (*Chap. 1244, P. L. 1915.*) No person, except he be a citizen of this state, shall take any fish with any kind of **beam or auto trawl** or set any beam or auto trawl for the purpose of taking any fish therewith, from the public waters of this state, and no person shall take any fish by such means from the state waters adjacent to New Shoreham, and every person violating any provision of this section shall be fined fifty dollars for each offence, one-half to use of the complainant and the other half to use of the state, or be imprisoned not exceeding twenty days, or both, in the discretion of the court.

CHAPTER 208.

Of the Fishery in Pawcatuck River.

SECTION 1. No weir or pound or other obstructions shall be erected or continued in the channel of Pawcatuck river, dividing the states of Rhode Island and Connecticut so as to interfere

with the main channel of said river, upon penalty of twenty dollars for the first offence, and seven dollars for every twenty hours or any less space of time any such weir or other obstruction shall be continued in the main channel of said river after the first offence.

SEC. 2. No weir or pound shall be erected or continued upon any flat or other part of the bottom of said river, eastward or westward of the aforesaid channel of said river, between the first day of June and the twentieth day of March, annually, upon penalty of fourteen dollars for the first offence and seven dollars for every succeeding day such weir or pound shall be continued in said river, from the first day of June to the twentieth day of March, annually.

SEC. 3. No person shall fish with mesh or scoop nets in Pawcatuck river or any of its branches after sunset on Friday until sunrise on Monday in each week, from the twentieth day of March to the first day of June, annually, and no person shall use more than one net at a time, upon penalty of five dollars for every offence.

SEC. 4. All penalties incurred for violation of any of the provisions of this chapter, shall enure one-half thereof to the use of the complainant and one-half thereof to the use of the town where the offence is committed.

SEC. 5. The foregoing provisions of this chapter shall be considered as forming a compact with the State of Connecticut, from which the general assembly will not depart until the legislature of the State of Connecticut shall agree with the

general assembly of this state to a repeal thereof, alterations therein or additions thereto.

SEC. 6. If any owner of land adjoining Pawcatuck river in this state shall permit any weir, pound or other obstruction to be erected or continued upon any flat or bottom of said river, whether done, erected or continued by himself, servant, lessee or any other person, by his privity or consent, such owner shall be liable for any such breach or violation of Section two of this chapter, in the same manner as though the same had been committed by such owner in person.

CHAPTER 210.

Of the Inland Fisheries.

SECTION 1. There shall be a board of commissioners of inland fisheries consisting of seven persons. At the January session of the general assembly in the year A. D. nineteen hundred nine, and in each third year thereafter, the governor, with the advice and consent of the senate, shall appoint seven persons to be members of said board to succeed the members whose terms will next expire; and the persons so appointed shall hold their offices until the first day of February in the third year after their appointment. Any vacancy which may occur in said board when the senate is not in session shall be filled by the governor until the next session thereof, when he shall, with the advice and consent of the senate, appoint some person to fill such vacancy for the remainder of the term.

SEC. 2. The commissioners of inland fisheries are hereby authorized to appoint a secretary, who may be one of their own members, at an annual salary of seven hundred and fifty dollars.

SEC. 3. The commissioners of inland fisheries shall introduce, protect, and cultivate fish in the inland waters of the state, and may make all needful regulations for the protection of such fish, and shall prosecute for the violation of such regulations and of the laws of the state concerning inland fisheries. They may in their discretion from time to time make experiments in planting, cultivating, propagating, and developing any and all kinds of shell-fish; and for the purpose of so doing may from time to time take, hold and occupy, to the exclusion of all others, in one or more parcels, any portions of the shores of the public waters of the state or land within the state covered by tide-water at either high or low tide, not within any harbor-line and which is not at the time of such taking under lease as a private and several oyster-fishery: *Provided*, that the land so held and occupied at any one time shall not exceed three acres. Said commissioners upon taking such land shall forthwith give public notice thereof by advertisement in some newspaper in the county in which said land is situated, which advertisement shall contain a description of said land; they shall also forthwith notify the commissioners of shell fisheries of such taking and shall transmit to them a description of said land, and shall also stake out or otherwise mark the bounds of said land. Said commissioners may make all needful regulations for the protection of the land so taken and of all animal life and other prop-

erty within lines thereof and shall prosecute the violations thereof. They may coöperate with the fish commissioners of other states, and they shall make an annual report to the general assembly of their doings, with such facts and suggestions in relation to the object for which they were appointed as they may deem proper. Said commissioners, whenever complaint is made by them or either of them for a violation of any regulation made by them as aforesaid, or for violation of any of the provisions of this chapter or of Chapters two hundred seven, two hundred eight and two hundred nine, shall not be required to enter into recognizance on such complaint or become liable for costs thereon.

SEC. 4. The said commissioners shall cause a copy of any regulation made under the authority of the preceding section to be filed in the office of the town clerk of any town in which any waters stocked with fish, or land occupied for experiments under the authority of the preceding section and to which such regulations may apply, may, be and shall also cause a copy of such regulations to be advertised in some newspaper published in the same county.

SEC. 5. Every person who shall violate any of the regulations made by the commissioners of inland fisheries under the authority of the provisions of Sections one, three, and four, or who shall take any fish, fish-spawn, or any apparatus used in hatching or protecting fish, from any pond, lake, river, or stream stocked with or set apart by said commissioners, or by private parties for the protection and cultivation of fish with the consent of the town council of the town where such cultivation is carried on,

without the consent of such commissioners or, if the cultivation of fish be carried on by a private party, without the consent of the person cultivating the same, or who shall trespass within the boundaries of any land which may be taken and occupied by said commissioners for their experiments in relation to shell-fish, authorized by Section three of this chapter, shall be fined not exceeding three hundred dollars, or be imprisoned not exceeding six months, or be both fined and imprisoned, in the discretion of the court before which the offender shall be tried.

SEC. 6. Every person who shall catch any fish or shall use any seine for catching fish within half a mile from the mouth or outlet of any fishery set apart as is herein provided, and within any waters into which the waters of such fishery are let out, and every person who shall violate any of the provisions of Sections eight, nine, and ten of this chapter shall forfeit for the first offence the sum of fifty dollars, and for every subsequent offence shall forfeit one hundred dollars, and, in addition to the penalties herein provided, shall forfeit all the apparatus by him used in violation of the provisions of this section.

SEC. 7. (*As amended, Chap. 1367, P. L. 1916.*) Each of the commissioners of inland fisheries may personally or by deputy seize, and remove summarily if need be, all **obstructions** erected to hinder the passage of fish, or which are illegally erected to obstruct or in any way to impede the growth and culture of fish; and every person who shall rebuild or continue such obstruction after the same has been removed and notification thereof given by

any of said commissioners or their deputies, shall be fined fifty dollars for each offence.

SEC. 8 No person shall take or catch fish of any kind from any of the inland waters of the state, set apart by the commissioners of inland fisheries for the cultivation of fish, except at such times and in such manner as is hereinafter provided.

SEC. 9. The prohibition of the catching of fish by hook and line, from fisheries stocked as hereinbefore provided, shall extend and be continued for and during the term of three years from and after the time when such fishery was first established: *Provided, however*, that fish may be caught through the ice only, and with hook and hand-line only, in those ponds set apart for the cultivation of black bass, during the month of December, until the expiration of the aforesaid term of three years.

SEC. 10. After the expiration of said three years no fish shall be taken by any person from any waters legally set apart by said commissioners for the cultivation of shad or salmon or within one mile of the outlet of the streams so set apart, except from and after the fifteenth day of April until the fifteenth day of July, or at any time except by hook and hand-line or by not less than three-inch mesh nets or seines.

SEC. 11. (*As amended, Chap. 2084 P. L. 1921.*) Between the 20th day of February and the 20th day of June next succeeding no person shall take from any of the waters in the jurisdiction of this state or have in his possession within this state any **black bass** or **pickerel**. No person shall take or have in his possession within this state at any time of the year any black bass or pickerel less than ten

inches in length nor shall any person catch or take from the waters of this state in any one day more than eight black bass or more than eighteen pickerel. Nothing in this section contained shall be construed as to prohibit taking and having possession of, at any time of the year, black bass artificially cultivated in private ponds. Every person violating any of the provisions of this section shall be fined ten dollars for each and every black bass or pickerel taken or found in his possession contrary to the provisions of this section; but any person catching or taking any black bass or pickerel less than the prescribed length or more than the prescribed number from any of the waters of this state and immediately returning the same alive to the waters from which taken shall not be subject to such fine.

SEC. 12. One-half of the fines and forfeitures recovered for violation of the provisions of this chapter shall accrue to the complainant and one-half thereof to the use of the state.

SEC. 13. The commissioners of inland fisheries may take fish from the fisheries hereinbefore referred to, for any purpose connected with fish culture or for scientific observation.

SEC. 14. Each of said commissioners may, in the discharge of his duties, enter upon and pass over private property without rendering himself liable in an action of trespass.

SEC. 15. The commissioners of inland fisheries shall be allowed their actual disbursements made in carrying into effect the provisions of this chapter.

SEC. 16. (*As amended, Chap. 1181, P. L. 1915.*) For the enforcement of the fisheries laws under their jurisdiction the commissioners of inland fisheries shall appoint at least two deputies to serve without pay who shall be citizens of this state. Each of said commissioners and their deputies shall be by virtue of his office a special constable, and may arrest without warrant any person found violating any of the fishery laws under the jurisdiction of said commissioners, and may detain such person for prosecution not exceeding twenty-four hours before arraignment. Said commissioners and their deputies may search in suspected places, and may seize and remove any fish or lobsters taken, or held, or in the possession of any person or persons in violation of the fishery and lobster laws, and the possession of any fish or lobsters less than the length required by law, or the possession of any egg bearing lobster or lobsters, or the possession of any fish or lobster or lobsters during the close season thereof, shall be *prima facie* evidence to convict. Said commissioners and their deputies shall not be required to enter into recognizance or give surety for costs.

SEC. 17. (*Chap. 2060, P. L. 1921.*) Said commissioners shall establish and maintain a fresh water hatchery in this state for the purpose of providing trout, bass, and other fresh water fish to be used by said commission in the stocking of ponds and streams of the state: *Provided, however,* that said commissioners shall not stock any pond or stream unless the owner or owners of such portion or portions thereof as shall be stocked by said commissioners shall first agree not to post said pond or stream against fishing for a period of at least

three years from date of such stocking. All the output of said hatchery not so used shall be sold at a fair market price and for cash only, and money received therefor shall be turned into the general treasury for the use of the state.

The general assembly shall annually appropriate such sum as it may deem sufficient for maintaining and operating such hatchery.

PUBLIC LAWS.

CHAPTER 437.

Public Laws, 1909.

AN ACT IN SUBSTITUTION OF CHAPTER 969 OF THE PUBLIC LAWS, PASSED AT THE JANUARY SESSION, A. D. 1902, ENTITLED "AN ACT IN SUBSTITUTION OF CHAPTER 857 OF THE PUBLIC LAWS, PASSED AT THE JANUARY SESSION, A. D. 1901, ENTITLED 'AN ACT FOR THE BETTER PROTECTION OF THE LOBSTER FISHERIES.'"

SECTION 1. No person, either as principal, agent, or servant, shall at any time, catch or take any lobster from any of the waters in the jurisdiction of this state, or place, set, keep, maintain, supervise, lift, raise, or draw in or from any of said waters, or cause to be placed, set, kept, maintained, supervised, lifted, raised, or drawn in or from any of said waters, any pot or other contrivance designed or adapted for the catching or taking of lobsters, unless licensed so to do as hereinafter provided. Every person who shall violate any of the provisions of this section shall be fined twenty dollars or be imprisoned not more than thirty days, or both, for each such offence.

SEC. 2. (*As amended, Chap. 711, P. L. 1911.*) The commissioners of inland fisheries may grant or refuse to grant licenses to catch and take lobsters from the waters within the jurisdiction of this

state (in the manner, at the times, and subject to the regulations provided in this act) to such citizens of this state as have resided in this state for at least one year next preceding the granting of such license as they may think proper. Whenever any such license shall be granted the same shall be granted to expire on the 15th day of November next succeeding the granting of the same, unless sooner revoked as hereinafter provided, and each person to whom such license shall be granted shall, for each license, pay to said commissioners the sum of five dollars for the use of the state. Said commissioners, in their annual report to the general assembly, shall state the number of licenses granted, with the names of the persons licensed and the amount of money received therefor. Said commissioners shall issue to each person licensed as aforesaid a certificate stating the name of the person to whom such license has been granted and the date of expiration of such license, and shall also issue to each person so licensed a metal badge in such form and bearing such inscription as said commissioners shall determine. If any person to whom such license shall be granted shall be incapacitated for any reason from using said license, said person may permit his agent or employee, if a citizen of the United States, to perform such duties under the license, as may be necessary during the period of his incapacity: *Provided*, that said agent or employee shall when performing said duties be required to wear the license badge of the holder of said license. If any person licensed as aforesaid shall, at any time, be adjudged guilty of any violation of any of the provisions of this act,

after full hearing by said commissioners, or a majority of them the said commissioners, or a majority of them, shall revoke the license issued to such person, and such person shall thereupon cease to have any authority thereunder.

SEC. 3. Each person, licensed under the provisions of this act, shall, at all times, while engaged in the pursuit so licensed, wear upon his person the badge issued to him as provided in the preceding section, and shall, upon demand of any of said commissioners or any of their deputies, exhibit said badge and the certificate issued to him as provided in the preceding section. Every person violating any of the provisions of this section shall, for each offence, be fined five dollars.

SEC. 4. No negative allegations of any kind need be averred or proved in any prosecution brought under this act, but the respondent in any such action may show his license by way of defence.

SEC. 5. No person shall catch or take from any of the waters within the jurisdiction of this state, or have in his possession within this state any lobster, cooked or uncooked, which is less than four and one-eighth inches in length, measured from the forward end of the bone projecting from the head to the rear end of the body shell. No person shall have in his possession within this state any female lobster bearing eggs, or from which the eggs have been brushed or removed. (*For exceptions See Pub. Laws, Chap. 595, page 33.*) Every person violating any of the provisions of this section shall be fined five dollars for each such lobster; except that any person licensed under this act catching and taking any such lobster and immediately re-

turning the same alive to the water from which it was taken shall not be subject to such fine. The possession of any such lobster, cooked or uncooked, shall be *prima facie* evidence that the same was caught and taken in violation of this section.

SEC. 6. (*As amended, Chap. 712, P. L. 1911.*) Each and every "lobster pot," so-called, set, kept or maintained, or caused to be set, kept or maintained in any of the waters in the jurisdiction of this state, by any person licensed under this act, shall be separately and plainly buoyed; except that in cases where natural conditions render it impracticable to separately buoy each pot the said commissioners, or a majority of them, may, upon application from any person licensed under this act grant permission to otherwise buoy such pots, and each and every permit so granted shall set forth the name of the person to whom the same is granted, the number of pots to be buoyed in a special manner, the manner of buoying the same, the place or places where the same are to be located, and the period of time during which such permit shall extend. Every person violating any of the provisions of this section shall be fined twenty dollars, or be imprisoned not more than thirty days for each offence, or both.

SEC. 7. No person licensed under this act shall use any pots for catching, or cars or other contrivance for keeping lobsters, unless the same and the buoys attached thereto are plainly marked with the name or names of the owners thereof, or the person or persons using the same, and the license number or numbers of such person or persons. Every person violating the provisions of this section shall be fined twenty dollars or be imprisoned not more

than thirty days, or both, for each such offence, and all pots, cars, and other contrivance used contrary to the provisions of this and other sections of this act shall be seized by any officer engaged in the enforcement of this act, and said property shall be forfeited.

SEC. 8. Between the fifteenth day of November in each year and the fifteenth day of April next succeeding, no person shall catch or take any lobster from any of the waters in the jurisdiction of this state, or place, set, keep, maintain, supervise, lift, raise, or draw, or cause to be placed, set, kept, maintained, supervised, lifted, raised, or drawn, in or from any of said waters, any pots or other contrivances designed or adapted for the catching or taking of lobsters. Every person violating any of the provisions of this section shall be fined twenty dollars or be imprisoned not more than thirty days for each such offence, or both.

SEC. 9. No person except the commissioners of inland fisheries and their deputies shall lift or raise any pot, belonging to any person licensed under this act, set for the catching or taking of lobsters, except with the permission of the owner or owners thereof and licensed so to do under this act. Every person violating any of the provisions of this section shall be fined ten dollars for each such offence (*For exceptions see Sec. 2, page 28.*)

SEC. 10. No person shall mutilate any uncooked lobster by severing its tail from its body, or have in his possession any part or parts of any uncooked lobster so mutilated. Every person violating any of the provisions of this section shall be fined five dollars for each such offence, and in any

and all prosecutions under this section the possession of any part or parts of any uncooked lobster, so mutilated, shall be *prima facie* evidence sufficient to convict.

SEC. 11. The commissioners of inland fisheries shall appoint at least two deputies, whose duties shall be the enforcing of the provisions of this act. Each of said deputies appointed as aforesaid shall be, by virtue of his office, a special constable, and as such deputy may, without warrant, arrest any person found violating any of the provisions of this act, and detain such person for prosecution not exceeding twenty-four hours. Said deputies shall not be required to enter into recognizance or become liable for costs.

SEC. 12. For the purpose of enforcing the provisions relative to the protection of lobsters, the commissioners of inland fisheries and their appointed deputies may search in suspected places, or upon any boat or vessel that they may believe is used in the catching or transporting of lobsters, and may seize and remove lobsters taken, held, or offered for sale in violation of the provisions of this act.

SEC. 13. Fines incurred under any of the provisions of this act shall enure one-half thereof to the use of the complainant and one-half thereof to the use of the state.

SEC. 14. The several district courts shall have concurrent jurisdiction with the superior court over all offences under this act, and to the full extent of the penalties therein specified; parties defendant, however, having the same right to appeal

from the sentences of said district courts as is now provided by law in other criminal cases.

SEC. 15. Chapter 969 of the Public Laws, passed at the January session, A. D. 1902, entitled "An act in substitution of Chapter 857 of the Public Laws, passed at the January session, A. D. 1901, entitled 'An act for the better protection of the lobster fisheries,'" and all acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 16. This act shall take effect upon and after the first day of January, A. D. 1910.

CHAPTER 595.

Public Laws, 1910.

AN ACT TO PROTECT THE LOBSTER FISHERIES.

SECTION 1. The commissioners of inland fisheries shall, during the time for which a license is granted to catch and take lobsters from the waters of this state, as provided in Chapter 437 of the Public Laws, have some person representing such commissioners stationed at Wickford, in the town of North Kingstown, at Newport, at New Shoreham, at Seaconnet Point, in the town of Little Compton, authorized to take any female egg lobster that may be taken from the waters of this state by any person holding a license to catch and take lobsters therefrom. Such lobsters shall be by the person representing the commissioners taken to the state lobster hatchery at Wickford, and the persons from whom they shall have been taken shall be allowed therefor, and paid by the commissioners, out of any moneys appropriated for the use of the commissioners of inland fisheries, the

market value at the time of taking the same. The lobsters so taken may be by the commissioners held at the hatchery, or otherwise disposed of as they may deem best.

SEC. 2. The young lobsters hatched from the eggs, taken as aforesaid, shall be distributed in the waters or tributaries suitable therefor, near or adjacent to the places from which such egg lobsters are taken, in proportion, as near as may be, to the number of egg lobsters so taken.

SEC. 3. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect from and after its passage.

CHAPTER 2080.

Public Laws, 1921 (as amended 1922).

Registration of Fresh Water Fishermen.

SECTION 1. (As amended, Chap. 2206, P. L. 1922.) No male person above the age of eighteen years shall catch or take any fish in any stream or fresh water pond within this state, or place, operate or superintend any device for the purpose of taking or catching fish in any of said waters, without having first obtained a license as hereinafter set forth: *Provided, however,* that a license shall not be required of any citizen of this state or members of his immediate family to fish in any brook or pond running through or bordering upon land owned or leased by him and on which he is actually domiciled; *and provided further,* that nothing in this act shall be construed as affecting in any way the provisions of the laws relating to trespass, nor as

authorizing the placing, operating or superintending of any device for the purpose of taking or catching fish contrary to any laws now in force or which may be hereafter enacted, nor shall the possession of such license grant or confer any privilege not enjoyed prior to the passage of this act; *and provided, further*, that the provisions of this act shall not apply to fishing in any stream or fresh water pond in Block Island.

SEC. 2. The clerk of any city or town shall, upon the application of any person entitled to receive a license under this act, and upon payment of the license fee hereinafter specified, register such person and issue to him a license certificate in the form prescribed and upon a blank to be furnished by the commissioners of inland fisheries which certificate shall bear the name, age, occupation, place of residence, signature and identifying description of the registrant, and shall authorize him to fish, subject to such conditions as are provided by law. The certificate shall be valid only until January first next following the date of issue, and shall not be transferable and shall be produced for examination upon the demand of any person.

SEC. 3. (*As amended, Chap. 2206, P. L. 1922.*) Every person required to be licensed under the provisions of Section 1 of this act shall pay to the clerk of the city or town from which he procures his license, a fee according as he comes within one of the following classes:

1. Every citizen of the United States who has been a resident of this state for six months prior to the date of his application

for license hereunder shall pay for such license a fee of twenty-five cents.

2. Every citizen of the United States not a resident of this state, or not having resided therein for a period of six months preceding his application for license hereunder, shall pay for said license a fee of one dollar and fifteen cents, provided that a resident of any other state having a non-resident fee for fishing greater than one dollar and fifteen cents shall pay the same fee that is charged non-residents in his own state.
3. Every person who is not a citizen of the United States shall pay for said license a fee of two dollars and fifteen cents.

SEC. 4. Out of the fees paid under the provisions of this act, the sum of fifteen cents shall be retained by the clerk of the city or town in which the license is recorded.

SEC. 5. Whoever loses, or by mistake or accident destroys his certificate of registration may, upon application to the commissioners of inland fisheries accompanied by an affidavit fully setting forth the circumstances of the loss, receive without charge a duplicate certificate for the remainder of the year covered by the original certificate.

SEC. 6. Every city or town clerk shall record all licenses hereunder in books kept for that purpose one coupon of which shall be retained as his record. The said books shall be supplied by the commissioners of inland fisheries, shall remain the property of the state, shall be open to public inspection during the usual office hours of the clerk, and shall be subject

at all times to audit and inspection by the commissioners, by the state auditor, or by their agents; and every such clerk shall, on the first Monday of every month, pay to the commissioners of inland fisheries all moneys received by him for the said registrations issued during the month preceding, except the recording fee, together with a receipted bill for fees retained in accordance with section 4 and shall, within thirty days succeeding January first of each year, return to the commissioners all registration books used during the year preceding, including all stubs and unused and void certificates. The commissioners of inland fisheries shall pay to general treasurer all money received by them for the said registrations issued during the previous month, and shall furnish him with a list of the number and kind of registrations recorded by each city and town clerk during the said month.

SEC. 7. (*As amended, Chap. 2206, P. L. 1922.*) Any person who wilfully makes a false representation as to birthplace or requirements of identification, or of other facts, or otherwise violates any provision of this act, or is in any way wise directly or indirectly a party to such violation, shall be punished by a fine of not more than twenty dollars. The license of any person who shall be convicted of a violation of any of the laws relating to the fisheries of the state or of any provision of this act shall be void, and his license certificate shall be immediately surrendered to the clerk of the court in which conviction was entered and said clerk shall forthwith forward the same to the commissioners of inland fisheries who shall cancel the same and

notify the clerk in whose city or town the certificate was recorded, of its cancellation: *Provided, however,* that the license of any citizen of the state shall not be void because of failure to have license certificate upon his person while fishing. No fee received for a certificate cancelled under the provisions of this section shall be returned.

SEC. 8. The commissioners of inland fisheries shall have jurisdiction over all matters contained in this act and shall make all needful regulations for the purpose of enforcing the provisions thereof.

SEC. 9. This act shall take effect July 1st, 1921, and all acts and parts of acts inconsistent herewith are hereby repealed.

GENERAL TABLE.

	Close Season. (When not to be taken.)	Legal Length. (Not less than.)	Daily Limit.	Penalty.
Trout.....	July 16 to March 31, inclusive.....	6 inches.....		\$20.00
Black Bass.....	February 21 to June 19 inclusive.....	10 inches.....	8.....	10.00
Pickarel.....	February 21 to June 19 inclusive.....	10 inches.....	18.....	10.00
Lobsters.....	November 15 to April 15.....	4½ inches (body measure).....		20.00
“.....				5.00
Fishing for fresh-water fish in any other manner except with lines operated by hand with not over 2 hooks upon each.....				
(During the open season when fishing through the ice a person may operate 10 lines with a single hook upon each line.)				
Egg lobsters, penalty for removing the eggs from, or having in possession.....				
(During the open season a licensed lobsterman may sell egg lobsters to the State Hatchery at Wickford.)

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