

CHAPTER 328.

[Published March 24, 1874.]

AN ACT for the relief of the estates of deceased persons.

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

SECTION 1. In any case where any land has been or may hereafter be forfeited to the state by reason of the non-payment of principal, interest or taxes due the state thereon, and such land has been resold by the state, the commissioners of school and university lands may at any time within ninety days from the time when such land may have been so resold and before any patent has been issued for the same, revoke such certificates of sale in all cases when it shall be made to appear to their satisfaction that said land has valuable improvements thereon, and that such default and forfeiture was occasioned by the death of the holder of the first certificates of sale, or the neglect of the administrator in settling the estate of such debtor, upon the payment of the amount which was actually due on such lands at the date of such re-sale, together with the legal costs and charges, and in all such cases the money paid by the person to whom such land was so re-sold, shall be returned by the said commissioners to the person paying the same.

Commissioners may revoke sale in case owner is deceased.

Administration to pay costs.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1874.

CHAPTER 329.

[Published March 25, 1874.]

AN ACT for the preservation of game in the state of Wisconsin.

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

SECTION 1. No person shall catch, kill or otherwise destroy, or have in his or her possession, or exposed for sale, any woodcock in this state, between the fifteenth day of November and the succeeding fourth day of July

Killing of game prohibited from Nov 15th to succeeding 4th day of July also from Nov 15th

to succeeding
15th of August.

in each year, nor any grouse, prairie hen or chicken, between the fifteenth day of November and the succeeding fifteenth day of August in each year, or any partridge or ruffed grouse or quail, between the first day of January and the succeeding fifteenth day of September in each year, under the penalty of ten dollars for each such game bird caught, killed or otherwise destroyed, or had in possession, or exposed for sale.

Penalty for violation.

Catching game birds with traps and other devices prohibited.

SECTION 2. No person shall at any time or at any place within this state, catch or take with any trap, snare or net, any grouse, prairie hen or chicken, partridge, ruffed grouse, quail or wild duck, under a penalty of ten dollars for each grouse, prairie hen or chicken, partridge, ruffed grouse, quail or wild duck so caught or taken.

Penalty prescribed.

Killing of ducks at certain seasons prohibited.

SECTION 3. No person shall, within this state, kill or expose for sale or have in his or her possession, after the same is killed, any wood duck, mallard duck or teal duck, between the first day of February and the succeeding first day of September, in each year, under a penalty of ten dollars for each such duck so killed, had in possession or exposed for sale. And no person shall within this state, take or have in his or her possession, any wild ducks' eggs between the first day of March and the succeeding first day of July in each year, under a penalty of one dollar for each such ducks' egg so taken, had in possession or exposed for sale. And no person shall, at any time or at any place within this state, kill any wild duck, brant or wild goose, with or by means of the device, instrument or fire-arm, known as a pivot or swivel gun, or with or by means of any gun or fire-arm other than such guns or fire-arms as are habitually used at arm's length and fired from the shoulder, or shall use any such device, instrument or gun other than such shoulder gun as aforesaid, with intent to kill any wild duck, brant or wild goose, under a penalty of fifty dollars for each and every offense.

Penalty for violation.

Penalty for having duck eggs in possession.

What fire-arms may not be used in killing certain game.

When guilty of trespass.

SECTION 4. Any person who shall, within this state, enter upon the lands or premises of another, and therein pursue, catch, kill or otherwise destroy any of the game birds or wild fowl mentioned in this act, during the time when the killing of such game birds or wild fowl is forbidden, or the taking of eggs is prohibited, by the provisions thereof, or being thereon shall do or commit any other act or thing forbidden by the provisions of this act, shall be deemed guilty of trespass, and in addition to the damages and the penalty or pen-

alties imposed by the provisions of this act, for the violation thereof, shall be liable to a penalty of ten dollars, which may be recovered with costs of action by the owner or occupants of the lands or premises so entered upon, before any justice of the peace of any town or police justice of any city in the county where the offense was committed, or where the defendant may reside or be found. Penalty.

SECTION 5. All penalties imposed by the provisions of this act may be recovered with costs of action by any person or persons (except the penalties named in section four thereof for the entering upon the lands or premises of another), in his or their own names, before any justice of the peace in any town, or police justice in any city in the county where the offense was committed, or where the defendants may reside or be found, and any such justice of the peace or police justice is authorized, upon receiving sufficient security for costs on the part of the complainant, and satisfactory proof, by affidavit, of the violation of the provisions of this act, by any person being temporarily within his jurisdiction, but not residing therein, or by any person whose name and residence are unknown, to issue his warrant and have such offender committed or held to bail to answer the charge against him. And any justice of the peace in any town, or police justice of any city within any county of this state, may upon proof of probable cause to believe in the concealment by any person within this state of any game bird or wild fowl mentioned in this act, during any of the prohibited periods, or of any such game bird or wild fowl taken, caught, killed or otherwise destroyed, held or possessed in violation of any of the provisions of this act, issue his search warrant and cause search to be made in any house, market, boat, car or other building, and for that purpose may cause any apartment, chest, box, crate or locker to be broken open and contents examined. Any penalties when collected, except such as are by the provisions of this act otherwise specially disposed of, shall thereupon be paid by the court before which conviction shall be had, one-half to the county treasurer of the county in which conviction is had, to the credit of the school fund of such county, and the remainder to the complainant prosecutor; or [on] the nonpayment of the penalty and costs of the prosecution, the defendant shall be committed to the common jail of the county for the period of not less than ten days when the judgment therefor, aside from the costs, exceeds not the sum of ten dollars, and at the Penalties, how recordable. as Penalties, how disposed of.

rate of one day for each dollar in which such judgment aside from costs exceeds in amount the sum of ten dollars.

Indians exempt SECTION 6. All Indians on their reservations in this state are exempt from the operations of this act.

How applicable to Brown county. SECTION 7. It shall not be lawful for any person to catch kill or otherwise destroy or pursue with the intent to catch, kill or destroy any prairie hen or chicken or chicken or quail within the limits of the county of Brown, for the time of three years from and after the passage of this act, under a penalty of ten dollars and cost of suit, for each and every prairie hen or chicken or quail so caught or killed, or any attempt to catch or kill such birds.

Acts repealed. SECTION 8. Chapter one hundred and five of the general laws of the state of Wisconsin for the year A. D. 1870, entitled "an act for the preservation of game in the counties of Milwaukee, Racine, Kenosha, Waukesha, Walworth, Jefferson, Rock, Green, Dane, La Fayette and Grant," and all acts amendatory thereof are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1874.

CHAPTER 330.

[Published March 26, 1874.]

AN ACT to amend section six of chapter two hundred and eighty-five, general laws of 1873, entitled "an act to regulate the sale of mineral oils and other substances for illuminating purposes."

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

Sec. 6 of chap. 330, general laws of 1873 amended.

Proviso.

SECTION 1. Section six of chapter two hundred and eighty-five, general laws of 1873, is hereby amended by adding to the end of said section the following, to-wit: *provided*, that this act shall not apply to Rock county, so as to prohibit the sale of petroleum fluid, nor to exclude the sale of gasoline to be used exclusively for the manufacturing of gas in any county in this state.

SECTION 2. This act shall take effect and be in force from after its passage and publication.

Approved March 12, 1874.