

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved March 11, 1876.

## CHAPTER 308.

[Published March 31, 1876.]

AN ACT to provide for the more efficient protection from trespassers of certain lands embraced in the grants made by congress to the State of Wisconsin, by acts approved respectively June 3, 1856, and May 5, 1864, and of the timber standing and growing thereon.

*The people of the State of Wisconsin represented in senate and assembly do enact as follows:*

Action to be brought in name of state against trespassers.

SECTION 1. Whenever it shall be ascertained that any person or persons threaten to cut, fell or remove, or is or are engaged in cutting, felling or removing any timber of any kind upon or from the lands, or any of them, belonging to the State of Wisconsin, or in which the state has an interest, granted by congress to the said state, by acts approved respectively June 3, 1856, and May 5, 1854, [1864] to aid in the construction of a railroad from St. Croix river or lake, between townships twenty-five (25) and thirty-one (31), to the west end of lake Superior, and to Bayfield, commonly known as the "St. Croix grant," or is or are committing or threatening to commit any other trespass of any kind or nature upon said lands, or any of them, the agent or agents or any of them, appointed under the authority of the laws of Wisconsin, to protect said lands from the trespassers, may bring an action in the name of the State of Wisconsin, against such person or persons, in the circuit court of the county where such trespass or trespasses is or are threatened to be committed, or is or are being committed, to enjoin and restrain the party or parties so threatening to trespass or so trespassing, from trespassing or further trespassing upon said lands or any of them, and from removing any timber or logs therefrom, and upon presentation to the judge of said court or to any court commissioner in said circuit, of the complaint in said action, duly verified by said agent or agents, or any of them, or by any person, cognizant of the facts, an injunction shall issue in favor of the State

Threatened trespass to be prevented by injunction.

of Wisconsin and against the defendant or defendants in said action, enjoining and restraining said defendant or defendants from cutting, felling or removing any timber or logs of any kind upon or from said lands, or from committing any further trespass or trespasses upon said lands, or any of them.

SECTION 2. The laws of the State of Wisconsin relating to injunctions, and to the practice in such cases, shall govern the actions commenced under the provisions of this act, so far as applicable thereto; *provided, however*, that it shall in no case be necessary for the State of Wisconsin, or any person in its behalf, to give a bond or security of any kind in order to obtain or keep in force such injunction.

Laws in relation to injunctions to govern.

SECTION 3. Any person or persons, corporation or corporations, who or which shall cut, fell, or remove any timber or logs of any kind upon or from any of the lands mentioned in section one (1), of this act, shall be liable to the State of Wisconsin in an action of trespass in damages to an amount ten times the value of the timber or logs so cut, felled or removed from any of such land by such person or persons, corporation or corporations, and at the time of the commencement of any such action, or at any time before judgment therein, the plaintiff shall have a right, upon affidavit of any such agent mentioned in section one (1) of this act, stating the facts constituting a cause of action under this section, without giving any security, to have a writ of attachment against the property, real and personal, of the defendant or defendants, whether said defendant or defendants is or are resident in this state or not, and no exemption law of this state shall be valid as against said attachment or to any property used in any way by said defendant or defendants, in committing said trespass or trespasses; and all property attached on such writ shall be disposed of and sold and the proceeds applied as in other cases of attachment provided for by law; *provided*, that nothing in this act contained shall be so construed as to defeat the right of the State of Wisconsin, through any agent or agents appointed as hereinbefore mentioned, to seize with or without process, any timber, logs, or property wrongfully and unlawfully cut upon or removed from any of said lands, it being the intention to make the remedies provided in this section merely cumulative.

Parties cutting or removing timber liable in action of trespass.

Writ of attachment may issue against property of trespassers.

SECTION 4. Any person or persons who shall knowingly cut, fell, or remove, or assist in cutting, felling,

Persons trespassing to be

deemed guilty of felony.

or removing any timber or logs upon or from any of the lands mentioned in section one (1), of this act, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the county jail not less than six (6) months nor more than one (1) year, or by a fine of not less than two hundred and fifty (250) nor more than one thousand dollars (\$1,000), or by both.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1876.

## CHAPTER 309.

[Published April 7, 1876.]

AN ACT relating to the destruction of game.

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

Unlawful to hunt or fish on lands without consent of owner.

SECTION 1. It shall be unlawful for any person to enter upon the occupied lands of any person in the county of Milwaukee, for the purpose of shooting any game or birds without the consent of the owner of such occupied lands. Every person offending against the provisions of this section shall, upon conviction thereof, forfeit the sum of ten dollars (\$10) and cost of prosecution.

Unlawful to hunt rabbits with ferrets.

SECTION 2. It shall be unlawful for any person to hunt for or kill rabbits in the county of Milwaukee, by means or by use of the animal commonly known as a ferret. Every person offending against the provisions of this section shall, upon conviction thereof, forfeit not less than ten nor more than fifty dollars (\$50) for each and every offense, and costs of prosecution.

Jurisdiction of justices of the peace.

SECTION 3. Justices of the peace shall have jurisdiction to try and determine all cases under this act; *provided*, that the defendant shall not be deprived of the right of appeal or of trial by jury.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved March 10, 1876.