

and streets are described in the recorded plat of said village, are hereby vacated.

SECTION 2. The lands upon which said blocks and streets or parts of streets have been laid out, shall hereafter be appraised and assessed irrespective of subdivisions into blocks, lots and streets; and the assessors of the town in which said land is situated, are hereby authorized and required, on or before the first day of June next, to amend the assessment roll of said town in accordance with the requirements of this act: *provided*, that nothing contained in this act shall be so construed as to prevent the sale and conveyance for delinquent taxes, of any portion of said lands as platted, which taxes have been or may be levied before the revised assessment provided for in this section.

Appraisal of vacated blocks, &c.

Not to affect tax sales, &c.

SECTION 3. This act is hereby declared a public act, and shall take effect from and after its passage.

Approved March 23, 1864.

CHAPTER 197.

[Published April 2, 1864.]

AN ACT to protect persons engaged in fishing in Lake Michigan with "trap" or "pond" nets.

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

SECTION 1. All persons who shall hereafter engage in fishing in the waters of Lake Michigan, within this state, with "trap" or "pond" nets, shall, before using any such net for such purpose in said waters, erect and maintain a monument of iron, stone or timber on the shore or beach of said lake, within said state, at a conspicuous point and within twenty rods of the water line of said lake, and there securely fasten and keep the same, so as plainly to designate thereby the locality of the part or point of said beach from whence he or they intend to proceed into said waters for the purpose of setting or placing such net for the purpose of fishing therein in said waters. And they shall also legibly and securely inscribe the initials of his or their name or

Every person fishing with trap or pond nets, must erect monument on shore of lake, and file statement of his claim.

names in a conspicuous place on said monument, and the date of such inscription, and also within ten days thereafter, file a statement of his or their claim to such locality, pursuant to the provisions of section three of this act, with the register of deeds of the county wherein such locality is situated.

Security of claim

SECTION 2. All persons intending to make a claim to any such locality, for the purpose of fishing in said waters with such net or nets as are specified in the preceding section, may secure the same to him or their [them] and his or their assignes, by complying with the provisions of this act, and not otherwise.

What statement to contain.

SECTION 3. The person or persons erecting such monument for the purpose contemplated by this act, shall, within the time herein specified, file a declaratory statement in writing of his intention to do so, with such register, and state therein that they have erected such monument, that it is his or their intention to occupy said locality for the purpose of fishing in said waters from said locality with such net or nets, under the provisions of this act; and they shall give also therein a particular description of such monument, and the place where situate, by reference to the description of the lot of land or in front of which the same is erected, as known and described by government survey, and specify the distance such monument is placed from the nearest point or corner of such lot thereto, together with the initials and dates inscribed thereon, and also the full name or names of the party or parties making such claim, which declaratory statement shall be signed and verified by the oath of the person or some one of the persons named therein, which oath shall be taken before and duly certified by some person qualified by law to administer oaths, and on payment of his fees, the same shall be duly recorded by him in a book of records kept by him in his office for that purpose as such register; and such record of such claim shall be deemed and taken to be sufficient notice to all persons that such claim has been made at the point specified in said record.

Record of statement.

Record sufficient notice, &c.

Rights under claim.

SECTION 4. Any party intending to acquire any such claim under the provisions of this act, shall actually occupy the same by fishing in said waters from the point designated by such monument, with such net or nets, on or before the fifteenth day of July, eighteen

hundred and sixty-four, and continually thereafter on or before the fifteenth day of July, in each year, or in default thereof, the claimant shall be deemed and taken to have abandoned the same, and forfeited all right to the claim and occupancy of the same, or any part thereof, for the purpose contemplated by this act; and any other party shall, after such forfeiture, be at liberty to make a claim to said location, pursuant to the provisions of this act, and occupy the same for the purposes contemplated by this act.

What deemed an abandonment of claim.

SECTION 5. Whenever any claim for the purposes specified in this act, shall have been duly registered, as required by this act, no other person or persons than the person or party having priority, and duly establishing the fact, shall be permitted to fish in said waters with such net or nets, nearer to such monument than the distance of one mile therefrom, on either side thereof, along said beach or shore, and extending out into said waters of said lake so far as the lawful claimant to any such locality may see fit to extend his claim into the said waters within this state, on a line at right angles with said beach or shore, within the said distance above prescribed, without incurring the penalty specified in this act.

No other person to fish within one mile of claim.

SECTION 6. No person or party making such claim as is hereby provided, shall be deemed and taken to have fully acquired the same, until he or they shall have actually commenced fishing within their said claim in said waters, with such net or nets as are herein specified; and when any such claim shall have been duly acquired, it shall be lawful for the claimant or claimants thereof, to transfer the same by assignment in writing, duly executed and acknowledged by him or them; and in all cases of transfer of such claim, in the manner above specified, the assignee shall cause the instrument of assignment to be duly registered in like manner as the original claimant by this act is required to register his claim. The acknowledgment of such instrument of assignment may be taken by any officer authorized by law to take acknowledgment of deeds, and such assignee shall pay such register his fee for recording such instrument of assignment, as is provided by this act; and such assignee and his assigns are hereby required to keep up and maintain the said monument at the point

Transfer of claim

Rights of assignee.

of original location, the same and in like manner as the original claimant by this act is required to do.

Penalty for fishing with net without having established claim

SECTION 7. Any person who shall fish in said waters with such net or nets, without first having made and established a claim and secured a locality therefor on said beach or shore, under and pursuant to the provisions of this act, or shall first have duly acquired a right to any such locality, by assignment pursuant to this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished for each and every offense by fine, not less than five hundred dollars nor more than ten hundred dollars, and imprisonment in the county jail, until such fine shall be paid or be otherwise duly discharged.

By whom complaint to be made

SECTION 8. No prosecution for the recovery of such fine as is specified in the preceding section, shall be entertained, except on complaint made by an inhabitant of this state, nor unless complaint for the violation of this act be made within two years after the commission of the offense.

Priority of claim

SECTION 9. Persons heretofore engaged in fishing in said water with such nets, from any point on said beach, by first registering the locality of the claim and erecting and making such monument, (as other claimants are hereinbefore required to do,) within thirty days after the passage of this act, may continue to fish at such locality by thereafter complying with the other provisions of this act, the same as original claimants are required to do, or in default thereof, they shall be deemed to have abandoned the same; such claimants to have priority according to the dates of their respective claims, that of the oldest date to have precedence.

Navigation not to be obstructed.

SECTION 10. No person or persons engaged in such fishing, shall in any wise hinder or obstruct the free navigation of the waters of said lake, nor shall the claim of any person who has complied with the provisions of this act, be subject to forced sale upon execution or any other final process from any court of this state.

Record of claims

SECTION 11. The register of deeds of every county in this state, where any such claim or the assignment thereof shall be hereafter registered, shall keep a separate book of records for such purpose, and for registering any such claim, or the assignment thereof, he shall be entitled to demand and receive the same fees per

folio as he is entitled to for recording deeds of conveyance of real estate.

SECTION 12. All actions at law concerning such claims, and all actions arising or growing out of disputes as to the proper ownership or right to any such claim or trespass, or infringement thereon, shall be cognizable before the circuit court of the proper county; and any person considering himself aggrieved in his claim by any other person, may have his action and remedy at law, in the same manner as for other trespasses or wrongs: *provided*, that all actions by adverse claimants shall be commenced within sixty days after the first registration of such claim.

Where actions growing out of claims, &c. cognizable.

SECTION 13. Any person who shall willfully or maliciously break down, impair, disfigure, throw down or destroy any monument erected under the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine, not less than twenty-five dollars nor more than one hundred dollars; and actions under this section shall be cognizable before any justice of the peace of the proper county, and any person convicted under the provisions of this section, who shall neglect for twenty-four hours to pay the fine imposed, together with costs, shall be committed to the common jail of the proper county, there to remain until such fine and costs are paid, or until he be discharged by due course of law.

Penalty for injury to monuments, &c.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1864.

CHAPTER 198.

[Published April 2, 1864.]

AN ACT for the relief of the town of Harmony, in the county of Rock.

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

SECTION 1. The superintendent of public instruction is hereby authorized and directed, at the time of ap-

Apportionment of additional tax