

SECTION 5. Any person who shall be convicted of any offense under this act, and who shall fail to pay the penalty and costs of such prosecution, shall be committed to the jail of the county in which such conviction shall be had, for a period of not less than ten days when the penalty in such case does not exceed the sum of twenty-five dollars, and for the period of one day additional for each dollar by which the amount of such penalty shall exceed in amount the sum of twenty-five dollars.

Defendant to be committed on failure to pay penalty and costs.

SECTION 6. This act shall take effect and and be in force from and after its passage and publication.

Approved March 13, 1876.

CHAPTER 413.

[Published April 7, 1876.]

AN ACT for the protection of brook-trout 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 take by any device, contrivance or means whatsoever, any brook-trout within any of the streams, lakes or waters within this state, between the fifteenth day of September and the fifteenth day of April following in each year; and no person shall at any time take brook-trout with any net, seine, wire-basket, spear, grapple, trap or any device whatever, except hook and line, or set or use any such net or other device except hook and line to take brook-trout in any of the streams, lakes or waters within this state; and every person offending against the provisions of this act or who shall expose for sale or shall have any brook-trout in his possession or custody taken by means of any net or other device except hook and line, or which shall have been taken during the time when the taking thereof is prohibited by this act, shall be subject to a fine of not less than five dollars nor more than one hundred dollars, and imprisonment in the county jail of not less than five days nor more than twenty days for each offense, together with costs of prosecution.

Unlawful to take trout at certain times, and by any means except hook and line.

Penalty for violation of act.

SECTION 2. Any sheriff, coroner, justice of the peace or constable of the proper county, shall, upon view or

Power of certain officers to

arrest without warrant, and to seize property.

information and without warrant, arrest any person offending against this act, and shall seize any brook-trout taken and any net or other device set or used contrary to the provisions of this act, and convey the same to a place of safety, and take the person or persons so offending, if they can be found, before any justice of the peace within the county, and shall make an inventory of the property so seized; and the said justice of the peace, upon complaint upon oath or affirmation of the officer apprehending such offender, or the oath of any other person, shall proceed forthwith to inquire into the truth of the accusation, and if found true, such justice shall enforce the penalty prescribed by this act.

Collection of fines. Execution to issue against property.

SECTION 3. If such offender shall fail to pay such fine as said justice of the peace shall inflict, together with costs, including the necessary expenses of the seizure and care of any property of any kind seized under the provisions of this act, the said justice of the peace shall forthwith issue an execution and deliver the same to the sheriff or any constable of the county, who shall immediately levy the said writ upon the property so seized, or a sufficient portion thereof to make the amount of such fine and costs, and shall, after giving ten days' notice of the time and place of sale by posting written or printed notices in three public places in the township, proceed to sell said property, so levied upon, to the highest bidder, for cash, and after paying the amount of such execution and accruing costs thereon, shall pay the residue of the proceeds of such property to the defendant, and take his receipt therefor; and if the proceeds of the sale of such property shall be insufficient to pay such fine and costs, the sheriff or constable having such execution shall levy upon any other property belonging to such offender, to satisfy the deficiency; and when no seizure of property of such offender has been made, the said justice of the peace may proceed in like manner to levy upon any property of such offender or offenders, to pay any fine and costs imposed for violations of this act; and whenever property shall be seized under the provisions of this act, and the offender or offenders cannot be ascertained or found, the said justice of the peace shall dispose of the said property in like manner, and after paying the costs out of the proceeds of such disposition, the remainder shall be paid, one-half to the informer and the other half into the county school fund; *provided*,

that whenever brook-trout shall be seized under the provisions of this act, the sheriff or other officer having them in custody shall forthwith sell them for the best price for cash, and dispose of the proceeds thereof the same as if an execution had issued as herein provided.

SECTION 4. All fines received under the provisions of this act shall be paid, one-half to the informer and the other half into the county school fund. To whom fines to be paid.

SECTION 5. All acts or parts of acts in conflict with this act are hereby repealed; *provided*, that nothing herein shall apply to or affect the laws of this state relating to the propagation, preserving and raising brook-trout, nor shall anything herein apply to the accidental taking of brook-trout in pound-nets set for white-fish and other large fish. Repeal of conflicting acts.

SECTION 6. This act shall be in force from and after its passage and publication.

Approved March 13, 1876.

CHAPTER 414.

[Published March 29, 1876.]

AN ACT to organize a State Board of Charities and Reform, and define their duties.

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

SECTION 1. To the end that the administration of public charity and correction may be conducted upon sound principles of economy, justice and humanity, and that the relations between the state and its dependent and criminal classes may become better understood, there is hereby created a State Board of Charities and Reform. Creation of State Board of Charities and Reform.

SECTION 2. The said board shall consist of five members, who shall be appointed by the governor, and confirmed by the senate, and shall hold their office for the term of five years, and until their successors are appointed and qualified, except that at the first appointment the term of one member shall be fixed for one year, of another for two years, of another for three years, of another for four years, and of the other for five years. When any vacancy shall occur Number of board, by whom appointed, and length of term. Vacancies.