

No. 99, A.]

[Published April 10, 1893.

CHAPTER 105.

AN ACT in relation to gas light companies.

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

May dispose of residual products, etc.

SECTION 1. All gas light companies in this state, whether organized under the general law, or created by special charter, which are now empowered to manufacture and sell inflammable gas for illuminating or for any other purpose, are hereby authorized, in addition to the business which they can now engage in and carry on, to manufacture and dispose of any and all residual products of their works, and to deal in the manufactured article.

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

Approved April 5, 1893.

No. 81, A.]

[Published April 11, 1893.

CHAPTER 106.

AN ACT to secure the better preservation of game.

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

Closed season, what to be when adjoining states enact similar laws.

SECTION 1. It shall be unlawful to take, catch, kill or have in possession when killed or taken, any Mongolian or Chinese pheasant, California quail, woodcock, quail, partridge, pheasant or ruffed grouse, prairie hen or prairie chicken, sharptailed grouse, or grouse of any variety, snipe or plover or wild duck of any variety, or wild goose or brant of any variety, or any aquatic fowl whatever, between the first day of

December and the succeeding first day of September; provided, however, that this section shall not be in force, except upon the proclamation of the governor of this state, who shall issue such proclamation when it shall appear to his satisfaction that the states of Iowa, Minnesota, Michigan and Illinois have enacted laws substantially in conformity with the provisions of this section; provided, further, that until such proclamation is made the following sections, A and B, shall be in force; provided, further, that it shall be unlawful to take, catch or kill any quail or bob white for the term of two years from and after the passage and publication of this act. Any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars and costs of prosecution, nor more than fifty dollars, or stand committed to the county jail until such fine and costs are paid, not to exceed sixty days.

Proclamation
of governor.

A. It shall be unlawful to take, catch, kill, or have in possession when killed or taken any Mongolian or Chinese pheasant, California quail, woodcock, quail, partridge, pheasant or ruffed grouse, prairie hen or prairie chicken, sharp-tailed grouse or grouse of any other variety, mallard, teal or wood duck, snipe and plover, between the first day of December and the succeeding first day of September, and wild duck of any variety, or wild goose or brant of any variety, or any aquatic fowl whatever, between the first day of May and the succeeding first day of September.

What now to
be.

B. Any person who shall violate any provisions of subdivision A, of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not less than fifty dollars, and not exceeding seventy-five dollars, or by imprisonment in the county jail for not less than sixty days, and not exceeding three months, or by both such fine and imprisonment and costs of prosecution.

SECTION 2. It shall be unlawful to kill or take by any kind of contrivance or device whatever, or pursue with intent to kill or take or worry any deer, buck, doe or fawn between the first day of November and the succeeding first day of October of each year, or to hunt deer, buck, or

Closed season,
deer, etc.

doe or fawn with dog or dogs at any time, and it shall be lawful for any person to shoot or kill any dog, while such dog is in active pursuit of any deer, buck, doe or fawn, in violation of the provisions of this act. It shall be unlawful to use dog or dogs to hunt rabbits during the time the law permits the hunting of deer, and any complaints or objection made by the owner of such dog or any person against such killing shall be *prima facie* evidence that such complaining party encouraged such dog in such pursuit.

Exposure for
sale during
closed sea-son.

SECTION 3. It shall be unlawful for any person or persons to sell or expose for sale, or have in possession for the purpose of exposing for sale, any kinds of game, birds, animals or venison protected by this act, after the expiration of eight days next succeeding the time limited and prescribed for the killing of any such birds or animals.

Transporting:
proof.

SECTION 4. No person, firm, corporation or company shall expose for sale or have in possession, except alive, at any time, any deer or any part of the carcass of the same, with the intention of sending or transporting or having the same sent or transported beyond the limits of the state of Wisconsin. In determining the question of intent of any party charged under this section, any competent proof that the accused has within one year exported or caused to be exported or conveyed beyond the limits of this state any bird, animal or carcass, or part of said carcass, covered by this section, shall be received as *prima facie* evidence of the existence of such unlawful intent charged in the complaint or information.

Penalty.

SECTION 5. Any person or persons, firm, corporation, or company who shall purchase, sell, ship, or otherwise dispose of, or have in his, her or their possession for his or their own use, or for any other purpose, any of the birds or animals mentioned in this act (except alive) during the time that the killing thereof is hereby prohibited by this act, except during the first eight days of the closed season as to the animals mentioned in section 3, of this act, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, be punished by a fine not less than ten dollars, nor more than one hundred dollars, and costs of prosecution, for each bird or animal

purchased, sold, shipped or otherwise disposed of, contrary to this act, and in default of the payment of such fine, shall be imprisoned in the county jail not less than ten days nor more than sixty days. The purchase, sale, or shipment, or the possession of any such birds or animals contrary to the provisions of this section, shall be *prima facie* evidence that such person purchased, sold, shipped, or disposed of such birds or animals unlawfully, and contrary to the provisions of this act.

Purchase, shipment, etc. to be *prima facie* evidence.

SECTION 6. Any express company, railway company, or common carrier, or any other company, corporation or person carrying on business in this state, or any servant or agent, or employe of such company, receiving or having in its, his or their possession, or which shall carry, ship or transport for compensation or otherwise, any animals mentioned in this act (except alive,) whether for transportation or otherwise, and killed within this state during the time that the killing of any such animal is prohibited by this act, except during the first eight days of such closed season or time, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty dollars, nor more than one hundred dollars, and costs of prosecution, for each bird or animal so received, possessed, held, carried or transported, and may be prosecuted before any justice of the peace, public magistrate, or district municipal court, in any county where such birds or animals are found so unlawfully possessed, transported or disposed of; possession of any such bird or animals by any such company, corporation, servant, agent or employe, shall be *prima facie* evidence that such bird or animal was killed, held or possessed contrary to the provisions of this act.

Common carriers, etc., when not to receive or transport.

Penalty.

Prosecution, where may be had.

SECTION 7. No person shall sell any game at any of the times or during any of the periods when the taking or the capturing of such game is prohibited by the provisions of this law, or any of the laws of this state, whether killed in Wisconsin or elsewhere. No keeper of a hotel, restaurant or boarding house shall serve to any of his guests any such game during any of the said periods when the taking of the same is prohibited by the laws of this state.

Hotels, etc., not to be supplied during closed season.

Power of game warden or officer to seize.

SECTION 8. Any game warden, or other officer of the law, may at any time seize and take into custody any game or any carcass thereof, or any portion of the same, which he may find at any time in possession of any person or corporation during the period when the capture of the same is not permitted by the laws of this state, and such officer shall offer the same for sale to the highest bidder, said purchaser to be excepted from the provisions of this act so far as the use of game purchased at such sale shall be concerned. Said officer shall retain one-half the proceeds of such sale as his fees, paying the balance into the hands of the state treasurer, who shall credit the same to the general fund of said state; provided, that this section and its provisions shall not apply to any heads or skins of animals which where taken, killed for captured during the season allowed therefor.

Fees.

Snares, traps, etc., not to be used.

SECTION 9. It shall be unlawful at any time to take, catch or kill, or attempt to take, catch or kill, any of the animals or birds mentioned in the first two sections of this act, by means of any snare, net, trap or spring-gun, or any similar contrivance, and it shall be unlawful for any person or persons to place, spread or set anywhere, or permit to be placed, spread or set, any net, trap or snare for the purpose of catching or taking any of the animals or birds mentioned in the first two sections of this act, and any game warden, deputy game warden, sheriff, coroner, constable or police officer, having reason to believe that any violation of the provisions of any section of this act has been or is about to be committed, may enter upon any land in search of evidence thereof, and shall seize, confiscate and remove any net, trap or snare which shall be found so placed, spread or set as to indicate the purpose of taking, catching or killing any of the animals or birds mentioned aforesaid, and take the same before any justice of the peace, police court or magistrate of the county, and if it shall be established on trial to the satisfaction of such magistrate that such net, trap or snare was so placed, spread or set with design to make use of the same for catching, taking or killing any of the animals or birds mentioned aforesaid, contrary to the provisions of this act, such magis-

trate shall enter as part of his judgment a finding to that effect, and shall order and cause such net, trap or snare or device to be destroyed by the game warden, or his deputy, or by the sheriff or any other official; and it shall be unlawful at any time to use in pursuit of any such animal or bird any pivot or swivel gun, or any other firearms not habitually held at arm's length and discharged at the shoulder.

SECTION 10. It shall be unlawful to take, destroy or have in possession, the eggs of any of the birds or water-fowl mentioned in this act, or to wantonly disturb or molest the nesting place of any such bird, or to kill, wound or take any wild pigeon within two miles of a pigeon roost. Any person violating the provisions of this section, shall on conviction thereof be fined not less than five dollars, nor more than ten dollars, together with costs of prosecution.

Eggs not to be taken, etc.

SECTION 11. It shall be unlawful to use in the pursuit of any duck, goose or brant, or any other aquatic bird any sneak boat or scull boat, or any boat impelled by scull-oars, sailboat, steamboat or floating raft, or box, or any similar device, and it shall also be unlawful to construct or use any blind in the open water outside of the natural growth of grasses or rushes then and there projecting above the water.

Sneak boat, etc., not to be used; blinds.

SECTION 12. It shall be unlawful to take, catch, kill or destroy or have in possession when so killed or taken, any otter, martin, mink or fisher, between the first day of May and the succeeding first day of October; and it shall be unlawful to take, catch, kill or destroy, or have in possession when so killed or taken any beaver, for a term of five years from and after the passage and publication of this act.

Closed season, otter, mink, etc.; beaver.

SECTION 13. It shall be unlawful to pursue, trap, ensnare or kill any otter, beaver, mink or muskrat or other fur-bearing animals on the lands of another person who is engaged in the business upon such lands of breeding or rearing any such animals. Any person violating sections 12 and 13, shall, upon conviction thereof, pay a fine of not less than five dollars, nor more than ten dollars, besides the costs of prosecution.

Private breeding grounds.

SECTION 14. It shall be unlawful at any season to hunt, shoot, catch or pursue any of the

Night time.

birds or animals mentioned in the first two sections of this act in the night time.

Grain, not to be entered without permission, etc.

SECTION 15. No person shall at any time enter into any growing or standing grain not his own with sporting implements about his person, or permit his dog or dogs to enter into any such growing or standing grain, without permission of the owner or occupant thereof; and no person shall at any time hunt or shoot upon any lands of another after being notified not to hunt thereon, and any person who shall, without the right to do so, hunt or shoot upon any land of another after having been notified not to hunt or shoot thereon, shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be punished by a fine of not less than ten dollars, nor more than fifty dollars, and costs of prosecution. In default of payment of such fine, he shall be imprisoned in the county jail not less than ten days, nor more than thirty days; but nothing in this contained shall be so construed as to limit or in any way affect the remedy of the owner or occupant of any such grain or inclosed or uninclosed land, or of the persons injured at common law for trespass. Any owner or proprietor of land may give the notice provided for in this section, by maintaining sign boards at least one foot square containing such notice upon at least every forty acres of the premises sought to be protected on or near the borders thereof, or upon or near the shores of any waters thereon, in at least two conspicuous places, or by giving personal, written or verbal notice.

Notice not to enter land, how given.

Harmless birds.

SECTION 16. No person shall catch, take or kill, or have in possession or under control for any purpose whatever, at any time, any whip-poor-will, night hawk, blue bird, finch, thrush, lark, linnet, wren, martin, swallow, bob-o-link, robin, turtle-dove, or any other harmless bird, except blackbirds and sparrows, except as hereinafter allowed. Any person violating this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one dollar, and not more than five dollars, together with costs of prosecution, and shall be committed until both such fines and costs are paid.

Penalty.

SECTION 17. Any person, agent or corporation, who shall violate sections 1, 2, 3, 4, 7, 9, 11, 12,

14. of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not less than twenty-five dollars, and not exceeding one hundred dollars, or by imprisonment in the county jail not less than sixty days, and not exceeding ninety days, or by both such fine and imprisonment, and the costs of prosecution; two-thirds of all fines as herein provided for by this act shall go to the person informing of the offense, and one-third shall be paid into the state treasury and be credited to the general fund.

SECTION 18. All laws or parts of laws conflicting with this act, are hereby repealed

SECTION 19. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1893.

No. 160 A.]

[Published April 11, 1893.]

CHAPTER 107.

AN ACT to authorize the Sylvan Grove Cemetery association, of the town of Fond du Lac, to remove the dead from its abandoned burying ground in said town to another cemetery, in the same county, and to authorize the sale of the grounds of said Sylvan Grove Cemetery.

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

SECTION 1. The trustees of the Sylvan Grove Cemetery association, of the town of Fond du Lac, in the county of Fond du Lac, state of Wisconsin, are hereby authorized to remove the dead from their burying ground to such cemetery in the same county as they may determine.

Dead may be removed.

SECTION 2. The trustees of said association are hereby authorized to sell and convey the grounds of the Sylvan Grove Cemetery, in the

Land may be sold.