

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1870.

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## CHAPTER 105.

[Published March 26, 1870.]

AN ACT for the preservation of game in the counties of Milwaukee, Racine, Kenosha, Waukesha, Walworth, Jefferson, Rock, Green, Dane, La Fayette and Grant.

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

Game not to be  
destroyed—  
wood cock.

SECTION 1. No person shall catch, kill or otherwise destroy, or have in his or her possession, or expose for sale, any woodcock in the counties of Milwaukee, Racine, Kenosha, Waukesha, Walworth, Jefferson, Rock, Green, La Fayette or Grant, between the fifteenth day of November and the succeeding fourth day of July in each year, nor any grouse, prairie hen or chicken, partridge, ruffed grouse or quail, between the fifteenth day of November and the succeeding twentieth day of August in each year, under a penalty of ten dollars for each such game bird caught, killed or otherwise destroyed, or had in possession or exposed for sale.

Grouse, etc.

SECTION 2. No person shall at any time or at any place within either of the counties named in the first section of this act, 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.

Duck.

SECTION 3. No person shall within either of the counties named in the first section of this act, 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

at any time or at any place within either of said counties, kill any wild-duck, brant or wild-goose with or by means of the device, instrument or fire-arm known as a punt or swivel gun, or with or by means of any gun or fire-arm other than such guns or fire arms as are habitually raised at arms 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.

SECTION 4. Any person who shall within either of the counties named in the first section of this act, enter upon the lands or premises of another, and thereon pursue, catch, kill or otherwise destroy any of the game birds or wild fowl mentioned in this act during the times when the killing of such game birds or wild fowl is forbidden 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 penalties 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 for trespassing upon another's premises.

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 penalty named in section four thereof for the entering upon the lands or premises of another, &c.) in his or their own names, before any justice of the peace in 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, 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 any 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

Recovery of penalties.

any justice of the peace in any town or police justice of any city within either of the counties named in the first section of this act, may upon proof of probable cause to believe in the concealment by any person within either of said counties 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 end may cause any apartment, chest, box, crate or locker to be broken open and the contents examined.

To whom penalty paid.

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; on the non-payment of the penalty and costs of the prosecution, the defendant shall be committed to the common jail of the county, for a 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 rate of one day for each dollar in which such judgment aside from costs exceeds in amount the sum of ten dollars.

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

Approved March 16, 1870.

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## CHAPTER 106.

[Published March 18, 1870.]

AN ACT in relation to suits in which the place of trial has been changed on the affidavit of an agent or attorney.

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

If cause once tried, no ques-

SECTION 1. In any case now pending or which may be hereafter commenced in any court of this state