

## CHAPTER 77.

[Published April 4, 1867.]

AN ACT to amend section 3, chapter 170, of the revised statutes, entitled "of offenses against chastity, morality and decency."

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

Pollgamy—ex-  
cepted cases.

SECTION 1. Section 3, chapter 170, of the revised statutes is hereby amended, so as to read as follows: "Section 3. The provisions of the preceding section shall not extend to any person whose husband or wife shall have been continually remaining beyond sea, or shall have voluntarily withdrawn from the other and remain absent for the space of seven years together, the party marrying again, not knowing the other to be living within that time, nor to any person who has been divorced from the bonds of matrimony."

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

Approved April 3, 1867.

## CHAPTER 78.

[Published April 4, 1867.]

AN ACT for the preservation of game.

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

When grouse,  
prairie hens, &c.  
not to be taken.

SECTION 1. It shall be unlawful for any person to kill, destroy or take, or pursue with intent to kill, destroy or take any woodcock, except between the 4th day of July and the first day of December, or any grouse, prairie hen or chicken, quail, partridge or ruffed grouse, except between the 20th day of August and the 15th day of December.

Penalty.

SECTION 2. Any person or persons who shall violate the preceding section, and every person or corporation, railroad company or express company, and every em-

ployee thereof, who shall sell or expose for sale, or shall have in his or their possession or custody, with intent to sell, dispose of or transport, or otherwise, during the times when the killing of the same is prohibited by this act, any woodcock, grouse, prairie hen or chicken, partridge, ruffed grouse or quail, shall upon conviction suffer a fine of two dollars for each such woodcock, grouse, prairie hen or chicken, partridge, ruffed grouse or quail so killed, destroyed or taken, or pursued with intent to kill, destroy or take, or so sold or exposed for sale, or so had in possession, together with the costs of prosecution.

SECTION 3. No person or persons shall kill or take by any device, means or contrivance whatever, or sell or expose for sale, or worry or hunt the same with hounds or dogs, any deer, buck, doe or fawn between the fifteenth day of January and the first day of August. No person or corporation, railroad or express company, or agent or employee thereof, shall have in his or their possession, for the purpose of transportation or otherwise, any deer, buck, doe or fawn between the said 15th day of January and the first day of August; and every person or persons, corporation or company, and every agent or employee thereof, who shall violate the provisions of this section, shall upon conviction thereof be subject to a penalty of ten dollars for each and every deer, buck, doe and fawn, or skin or piece thereof, killed, taken, sold, exposed for sale or had in possession contrary to the provisions of this section, together with the costs of prosecution.

When deer, &c.  
not to be taken.

Penalty.

SECTION 4. Any person or persons who shall wantonly or maliciously break up, destroy, take away, or in any manner interfere with any nest, or the eggs therein, of any prairie chicken or prairie hen, woodcock, snipe, partridge, ruffed grouse, quail, any species of wild duck, brant or wild goose, or who shall have the eggs thereof in his or their possession, or shall sell or expose for sale the said eggs, shall upon conviction thereof be subject to a penalty of five dollars for every nest so broken up, destroyed, taken away or interfered with, and of one dollar for every such egg so had in his or their possession, or so sold or exposed for sale, together with the costs of prosecution. Every railroad and every express company, and all employees and

Penalty for destroying nests,  
eggs, &c.

agents thereof, who shall have said eggs in its, his or their possession, shall be liable to the same penalty.

Jurisdiction of justices.

SECTION 5. Justices of the peace shall have cognizance and jurisdiction of all offenses under this act, without regard to the aggregate amount of fines imposed in any one case. All prosecutions under this act shall be deemed criminal proceedings, and shall be conducted as provided by law for the prosecution of offenses cognizable before justices of the peace; and in all cases of conviction under this act, one-half of all fines and penalties collected shall be paid over by the justice or person collecting the same, to the person who shall make the complaint in the case.

Not applicable, to certain Indians.

SECTION 6. This act, except the fourth section thereof, shall not affect uncivilized Indians living north of the counties of Pierce, Dunn, Eau Claire, Clark, Wood, Portage, Waupaca, Outagamie, Oconto, Brown and Door.

Repealed.

SECTION 7. All laws heretofore passed relating to the preservation of game, are hereby repealed.

Publication of this act.

SECTION 8. This act shall take effect from its passage and publication, and shall be published during the 1st week of April in each year in some newspaper printed and published at the county seat of each county in the state, the expense of such publication to be paid out of the county treasuries of the respective counties; and it shall be the duty of the county treasurer of each county to cause such publication to be made.

Approved April 3, 1867.

---



---

## CHAPTER 79.

[Published April 8, 1867.]

AN ACT to provide for a trial by jury in cases of foreclosure of mortgages.

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

Issue of fact in foreclosure of mortgages to be tried by jury unless waived.

SECTION 1. In all cases now pending in any court of this state, or which may hereafter be commenced, wherein the plaintiff seeks to foreclose a mortgage or mortgages, all issues of fact between the party plaintiff