

[No. 38, A.]

[Published March 29, 1878.]

## CHAPTER 297.

AN ACT to protect and preserve fish in lakes Winnebago, Buttes des Morts, Winneconne, Little Butte des Morts, Poygan, Apuckaway, Buffalo, and the waters of the Upper and Lower Fox river, including all streams, creeks, sloughs, bayous or marshes or waters adjacent or tributary thereto.

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

SECTION 1. No person or persons shall place, draw or use any seine-net, pound, gill-net, drag-net, out line and hook or hooks, set-line and hook or hooks within the waters of lakes Winnebago, Little Buttes des Morts, Apuckaway, Buffalo, or the waters of the Upper and Lower Fox river, including all streams, creeks, sloughs, bayous or marshes, or waters adjacent or tributary thereto: *provided*, the provisions of this act shall not apply to the waters of lake Winnebago south of the north line of Island Park, nor to the waters of the Upper Fox river east of the west line of the town of Omro, nor to the Wolf river between lake Winnebago and lake Poygan.

Unlawful to fish in certain waters.

SECTION 2. No person shall take or catch with any seine-net, pound, gill-net, drag-net, snare, out-line and hook or hooks, set-line and hook or hooks, spear or gun, or with any device, contrivance or means whatsoever, for catching, killing or destroying fish other than by hook and line or angling, any fish except mullet, suckers, bill-fish and dog-fish, from any of the streams, rivers, bayous, marshes or waters above described, and in the title of this act named and included: *provided*, that sturgeon may be taken with a spear during the months of January, February and March of each year.

Restrictions.

SECTION 3. Any person who shall violate any of the provisions of this act shall be punished by a fine not exceeding fifty (50) dollars and costs of prosecution, and any person convicted for violation of any of the provisions of this act who shall neglect for the space of twenty-four hours to pay the fine imposed, together with the 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.

Penalties.

SECTION 4. The penalties hereinbefore described shall be recovered in an action brought in the name of

Recovery of forfeitures.

the state of Wisconsin, and any justice of the peace in any county through which the said streams run, or in which the said waters, marshes or bayous are situated is hereby empowered to try and, upon conviction, punish as herein provided, any person or persons violating any of the provisions of this act, and when any such fine shall be recovered under any of the provisions of this act one-half ( $\frac{1}{2}$ ) of the same shall be paid to the person making the complaint, and the remainder shall be paid to the county treasurer of the proper county, as provided by law.

**Repealed.**

SECTION 5. All acts and parts of acts in conflict with this act are hereby repealed.

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

Received by the governor March 15, 1878.

Received by the secretary of state March 20, 1878.

NOTE BY THE SECRETARY OF STATE.— The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

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[No. 177, 8.]

[Published April 10, 1878.]

## CHAPTER 298.

AN ACT to further provide for the care of the insane.

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

Counties authorized to procure sites conditionally.

SECTION 1. Whenever the total number of insane persons in this state shall exceed the total number of such persons who can be conveniently and properly cared for in the state institutions for the insane already existing, under the laws of this state, the board of supervisors of any county in this state, upon the conditions hereinafter named, may purchase, or otherwise provide a proper site, within said county, for the erection of a county asylum for the care of insane and inebriate persons, said site to contain not less than forty acres; and when said site shall have been approved by the governor, such board of supervisors may proceed, as hereinafter provided, to erect thereon suitable buildings for the proper care of a number of insane and inebriate persons, not less than thirty nor more than fifty per centum greater than the entire number of insane