

No. 76, S.]

[Published April 14, 1897.

CHAPTER 226.

AN ACT to provide for the enforcement of laws relative to fish and game and providing officers therefor, and make an appropriation for same.

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

SECTION 1. It shall be the duty of the governor, as soon as practicable after the passage of this act, to appoint an officer to be known as state fish and game warden, whose duty it shall be to secure the enforcement of all the statutes of the state for the preservation of fish and game, to bring or cause to be brought, actions and proceedings in the name of the state of Wisconsin to recover any and all fines and penalties provided for in said laws, and to punish all violations of said statutes. Such fish and game warden shall hold his office for the term of two years from the date of his appointment, and until his successor has been appointed and is duly qualified; and any vacancy occurring during said term, may be filled by the governor for the residue of said term.

Governor shall appoint a fish and game warden.

SECTION 2. The said state fish and game warden is empowered to appoint, by and with the approval of the governor, five special deputy wardens, who shall have like authority with the state fish and game warden in the enforcement of the laws of the state relative to fish and game. Such special fish and game wardens may be removed at any time and their places filled in like manner as at the original appointment.

His duties.

Shall enforce the laws.

SECTION 3. The state fish and game warden is authorized to appoint, upon the recommendation of the county judge, district attorney

Shall appoint deputies in each county.

Their duties.

and county clerk of each county, acting jointly, two deputy fish and game wardens for each county; and the said county judge, district attorney and county clerk shall, on or before the first day of June in each year, advise the state fish and game warden of their selection, and such persons, if satisfactory to the state fish and game warden, shall be by him commissioned deputy fish and game wardens. These deputy fish and game wardens are subject to removal by the state fish and game warden at any time, and upon their removal the said state fish and game warden shall immediately advise the county judge, district attorney and county clerk of such removal, and the said officers so named, shall meet and recommend some suitable person to fill the vacancy in like manner as the original recommendation is made. Two of the officers herein named shall be authorized to make the recommendation in case it is not possible for them to agree, or for any reason the attendance of one of the officers cannot be obtained at the time of the making of the selection.

Duty of the attorney general and assistants to advise the state fish and game warden.

SECTION 4. It is hereby made the duty of the attorney general and his assistants to advise the state fish and game warden relative to matters concerning the discharge of his duties, and to assist him in the enforcement of the fish and game laws, to assist in the prosecution of cases arising under such laws, or in which the state fish and game warden, or deputy fish and game wardens shall be interested as such officers, and to conduct prosecution when, for any reason, the state fish and game warden shall deem such prosecution necessary, to assist the state fish and game warden in the investigation of matters relative to the laws protecting fish and game and the violations of such laws, and to assist the state fish and game warden in such manner and at such times as shall be necessary.

SECTION 5. Such state fish and game warden and his deputies shall have full power and au-

thority to execute and serve all warrants and processes of law, issued by any justice of the peace or police magistrates, or by any court having jurisdiction, under any law relating to fish and game, in the same manner as any constable may serve and execute and serve such process, and may arrest on sight and without warrant any person by them detected in actually violating any of the provisions of the laws of this state relating to fish and game, and may take such person, so offending, before any court having jurisdiction of the offense, and make proper complaint before such court, which shall proceed with the case in the manner and form provided by law. It shall further be the duty of such fish and game warden or his deputy, upon receiving information that any law relative to fish and game has been violated, to immediately cause a thorough investigation of such complaint to be made and to cause proceedings to be instituted if the proof at hand warrants. Such state fish and game warden and his deputies shall have the power to seize and forthwith destroy any and all apparatus designated by any law of the state relative to fish and game to be a public nuisance. It shall be the duty of the said state fish and game warden and his deputies, to seize and confiscate in the name of the state, any fish or game caught, killed or taken in violation of any of the laws of the state, or had in possession contrary thereto, and to sell the said fish and game so seized and confiscated, and after selling the same at public auction, to pay the proceeds to the state treasurer, less the expenses of such seizure and sale. It shall be the duty of the state fish and game warden or his deputy, to seize and hold subject to the order of the court, all apparatus which he shall have reason to believe is being used in the violation of the fish and game laws of the state, and which is not designated by any law as a public nuisance, and if it be proven that such

Powers and duties of the state fish and game warden and deputies defined.

apparatus or appliance or device is or has been, within six months previous to such seizure, used in violation of the law, the court before which the said apparatus, appliance or device is taken, may order the destruction of the same, or the sale of the same to the highest bidder, after having declared it confiscated to the state. If sold to the highest bidder, the state fish and game warden, or the deputy warden selling it, shall remit to the state treasurer the amount received therefor, less the expense of seizure and sale.

Sheriffs,
deputies, etc.,
to be ex-officio
deputy state
fish and game
wardens.

SECTION 6. All sheriffs, deputy sheriffs, coroners and police officers of the state are hereby declared to be ex-officio deputy fish and game wardens, and it shall be the duty of each and every one of them to assist the state fish and game warden or his deputies, in the enforcement of the state fish and game laws, the same as it is their duty to assist in the enforcement of other laws of the state, upon complaint being to them made that a violation of law has been brought to the attention of the state fish and game warden or his deputy.

Duty of district attorneys
to prosecute
offenders.

SECTION 7. It shall be the duty of the district attorney of each county, to prosecute actions for violations of the laws relative to fish and game when complaint is made by the state fish and game warden, or any deputy provided for in this act, if his presence at the trial of such offender against such laws shall be deemed necessary by the magistrate before whom the same shall be brought.

Salary of fish
and game
warden.

SECTION 8. Such state fish and game warden shall receive a salary of eighteen hundred dollars per year, payable monthly, and his actual expenses and disbursements while traveling in the line of his duties, such expenses and disbursements to be audited and paid upon vouchers therefor filed with the secretary of state and approved by the governor. He shall also be allowed the necessary printing, stationery, and postage, and shall be furnished a suitable room in the capitol for an office. The

special wardens provided for in this act, shall receive a per diem to be fixed by the state fish and game warden, by and with the approval of the governor, which per diem shall only include pay for such days as such deputy shall be under the direct order of the state fish and game warden, to perform services in the enforcement of the fish and game laws, and upon certificate of the state fish and game warden that such services have been actually rendered at his instance and under his direction. In addition to the per diem provided for such special deputy wardens, they shall receive the actual and necessary expenses incurred while working under the direction of the state fish and game warden, which expenses shall be paid upon vouchers therefor filed with the secretary of state and approved by the governor and countersigned by the state fish and game warden. The deputy fish and game wardens appointed in any county shall be paid out of the funds of the county for which they shall be appointed, out of any fund set apart for the purpose of enforcing the fish and game laws by virtue of this or any other law of this state, the compensation of such county deputy wardens to be fixed by the chairman of the county board and county clerk of such county.

Pay of special deputies, etc.

SECTION 9. The fines imposed under the laws regulating the taking, possession or killing or transportation of fish and game, shall be paid by the magistrate, before whom the matter shall have been tried and the fine imposed, to the county treasurer, and one-half of such fines shall be by him designated and set apart as a fund for the protection of fish and game, to reimburse the county for the moneys which it shall expend for the salaries of the county deputy fish and game wardens and for the enforcement of the fish and game laws.

Disposition of fines, etc.

SECTION 10. All acts or parts of acts inconsistent with this act are hereby repealed; but this act shall not be construed to vacate the office of state fish and game warden, but the

Repealing section.

present incumbent of that office shall hold until his successor is appointed and qualified.

Appropriation.

SECTION 11. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, a sum of money sufficient to carry out the purposes of this act.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved April 14, 1897.

No. 61, A.]

[Published April 16, 1897.

CHAPTER 227.

AN ACT relating to the improvement and payment for improvements on streets bordering on public parks in cities of the first class.

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

Relating to the division of expense for street improvements bordering public parks.

SECTION 1. Whenever, in any city of the first class in this state, it shall be duly determined to grade, gravel, macadamize, curb, pave, repave or otherwise improve any street or avenue contiguous to or bordering on any public park therein, or to repair any sidewalk, or to lay any water pipe or sewer in such street or avenue, one-half the cost of making such improvements and the laying of such water pipe or sewer in such street or avenue, and the expense of repairs of sidewalks on the side of the street or avenue contiguous to such public park, shall be chargeable to such contiguous or bordering public park in the same manner and to the same extent as if it were private property, and the amounts so chargeable shall