

**STATE OF NEW YORK. FOREST,
FISH AND GAME LAW: AN ACT
FOR THE PROTECTION OF THE
FORESTS, FISH AND GAME OF
THE STATE**

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State of New York. Forest, Fish and Game Law: An Act for the Protection of the Forests, Fish and Game of the State by Various

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VARIOUS

**STATE OF NEW YORK. FOREST,
FISH AND GAME LAW: AN ACT
FOR THE PROTECTION OF THE
FORESTS, FISH AND GAME OF
THE STATE**

Walter Malford

State of New York

Forest, Fish and Game Law

An Act for the Protection
of the Forests, Fish and
Game of the State

Enacted by the Legislature of Nineteen
Hundred and Nine and Amended by the
Legislature of Nineteen Hundred and Ten



ALBANY

J. B. LYON COMPANY, STATE PRINTERS

1910

STATE OF NEW YORK

**Forest, Fish and Game
Commission**

JAMES S. WHIPPLE, Commissioner
J. DUNCAN LAWRENCE, Deputy Commissioner

AGRIC. DEPT.

DEPT. OF
AGRICULTURE

General Offices
The Capitol
Albany, N. Y.

TO VIND
AGRICULTURE

THE FOREST, FISH AND GAME LAW.

Chapter 24 of the Laws of 1909.

"AN ACT relating to the protection of the forests, fish and game of the state, constituting chapter nineteen of the consolidated laws."

Became a law February 17, 1909, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

CHAPTER NINETEEN OF THE CONSOLIDATED LAWS FOREST, FISH AND GAME LAW.

PART I.

- Article 1. Forest, fish and game commission (§§ 1-8).
2. Game protectors (§§ 11-18).
 3. Prosecutions (§§ 19-27).
 4. Private parks (§§ 28-33).
 5. Forests and public parks (§§ 34-75).

PART II.

- Article 6. Quadrupeds (§§ 76-86).
7. Birds (§§ 87-105).
 8. Fish, general provisions (§§ 106-143).
 9. Fish, local provisions (§§ 144-160).
 10. Fishways (§§ 161-166).

4 *The Forest, Fish, and Game Law.*

Article 11 Long Island (§§ 167-182).

12. Bureau and marine fisheries (§§ 182*-225).
13. Definitions, construction; laws repealed; effect (§§ 240-244).

ARTICLE I.

Forest, Fish and Game Commission.

Section 1. Short title.

2. Forest, fish and game commission.
3. Fish culturist.
4. Office and clerical force.
5. Duties of commissioner.
6. Power of commissioner to dispose of game and fish seized.
7. Report to legislature.
8. † Commission to compile forest, fish and game law.

§ 1. Short title.— This chapter shall be known as the "Forest, Fish and Game Law."

§ 2. Forest, fish and game commission.— The forest, fish and game commission shall consist of a single commissioner as now provided by law. He shall have all the powers and duties formerly possessed by such commission or any member thereof. He shall be appointed by the governor by and with the advice and consent of the senate. The term of office of such commissioner and his successors in office shall be four years, and in case of vacancy in the office, the appointment shall be to fill the va-

*So in original. See section 183, p. 109.

†So in original. See section 8, p. 7.

cancy. He shall receive an annual salary of six thousand dollars and the expenses necessarily incurred by him in the discharge of his official duties. Said commissioner shall appoint a deputy commissioner who shall receive an annual salary of three thousand dollars and the expenses necessarily incurred by him in the discharge of his official duties. During the absence or inability to act of the commissioner the deputy commissioner shall have and exercise all the powers of the commissioner. The commissioner and deputy commissioner shall each execute and file with the comptroller of the state a bond to the people of the state in the sum of ten thousand dollars with sureties to be approved by the comptroller, conditioned for the faithful performance of his duties and to account for and pay over pursuant to law, all moneys received by him in his office. The commissioner and deputy commissioner shall take and subscribe the constitutional oath of office. The deputy commissioner may be removed by the commissioner who may in like manner appoint a successor. (*As am'd by chap. 474, Laws of 1909.*)

§ 3. Fish culturist.—The commissioner shall appoint a fish culturist who shall have charge under the direction of the commissioner of the culture of fish in the state. He shall receive an annual salary of three thousand dollars, and have his actual and necessary traveling expenses while in the performance of his official duty.

§ 4. Office and clerical force.—The commissioner shall have an office in the capitol at Albany, and may lease an office in the borough of Man-

hattan or in the borough of Brooklyn for the sale or lease of lands under water, as provided by law. The commissioner may appoint a general secretary and a confidential secretary, a superintendent of forests, an assistant superintendent of forests and such other clerical assistants as are actually needed and fix their compensation. The superintendent of forests and in his absence or inability to act, the assistant superintendent of forests, shall, subject to the direction of the commissioner, have general supervision of the forest preserve and the forestry interests of the state, and shall enforce all laws and regulations for the protection and preservation of the forest preserve, and public parks described in this chapter. The assistant superintendent of forests, when directed by the commissioner so to do, shall perform all acts required to be performed by the commissioner under sections sixty-eight, sixty-nine, seventy and seventy-one of this chapter. (*As am'd by chap. 474, Laws of 1909.*)

§ 5. **Duties of commissioner.**—The commissioner shall have charge, control and management of the state lands and forests in the state forest preserve, parks and reservations; of the propagation and distribution of food and game fish and shellfish to supply the waters of the state; of hatching stations owned or operated by the state; of the enforcement of laws for the protection of fish and game and the forests; of lands under water which have been or shall be designated, surveyed and mapped out pursuant to law as oyster beds, and power to grant shellfish leases or franchises on such lands according to law, and such other powers and duties as are or may be imposed upon him by law.

§ 6. **Power of commissioner to dispose of game and fish seized.**—Whenever game animals, birds or fish possessed in violation of the law shall have been seized and confiscated by the state, the commissioner may, in his discretion, order that the same may be sold or given away for charitable purposes, and the same may be transported at any time for such purpose.

§ 7. **Report to legislature.**—The commissioner shall annually report to the legislature the proceedings of the commission for each year ending September thirtieth with such recommendations as he deems proper. In such report he shall include a detailed statement of the receipts and disbursements from all sources; a brief description of the land purchased during the year for the Adirondack park, and statistics of forest fires.

§ 8. **Compilation and digest of forest, fish and game law.**—As soon as practicable after the adjournment of the legislature in each year, the forest, fish and game commissioner shall make a compilation of the forest, fish and game law, as amended at the date of such compilation, and properly index the same. Thirty thousand copies of said compilation shall be printed in pamphlet form of pocket size, under the direction of the clerks of the senate and assembly, and such clerks shall distribute them as follows: One hundred copies to each senator, fifty copies to each assemblyman, and the balance to the forest, fish and game commission for distribution. The forest, fish and game commissioner shall, as soon as practicable after the adjournment of the legislature in each year, prepare a brief summary