

**COMPILATION OF
THE GAME AND
FISH LAWS**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649343461

Compilation of the Game and Fish Laws by Charles S. Hampton

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CHARLES S. HAMPTON

**COMPILATION OF
THE GAME AND
FISH LAWS**

STATE OF MICHIGAN

COMPILATION
OF THE
GAME AND FISH LAWS

COMPILED BY
CHARLES S. HAMPTON

STATE GAME AND FISH WARDEN

COMPILATION OF 1893.

SEE INDEX



BY AUTHORITY

LANSING
ROBERT SMITH & CO., STATE PRINTERS AND BINDERS
1893

The sections marked thus () are the compiler's sections; the mark § refers to the sections of Howell's Statutes; and Sec. indicates the section of the act.

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THE LAW GOVERNING
THE
GAME AND FISH WARDEN
AND HIS DEPUTIES.

AN ACT to provide for the appointment of a game and fish warden and to prescribe his powers and duties.

[Act No. 28, Laws of 1887, p. 27, as amended by Act No. 110, Laws of 1893.]

(1.) SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the Governor to appoint some person, a resident of this State, game and fish warden. Said warden shall hold his office for four years, or until his successor has been appointed and qualified, unless removed for cause by the Governor; he shall receive a salary of twelve hundred dollars per annum, payable monthly, and shall also be reimbursed his actual expenses necessarily incurred by him while engaged in the performance of his duties, to be paid on the warrant of the Auditor General, monthly, on the approval of his vouchers therefor.

(2.) SEC. 2. It shall be the duty of said game and fish warden to seize all nets of illegal mesh found in use in the waters of this State, and all nets and other fishing apparatus or appliances found in use in violation of the laws of this State, and to enforce the statutes of this State for the preservation of moose, wapiti, deer, birds and fish, and to enforce all other laws of this State for

the protection and propagation of birds, game and fish, now in force, or hereafter enacted, and to bring or cause to be brought, and to prosecute or cause to be prosecuted, actions and proceedings in the name of the people of this State to punish any parties for the violation of said statutes and laws. Such actions and proceedings may be brought in the name of the people in the like cases, in the same courts, and under the same circumstances as they may now or at any time hereafter be brought by any individual or by the prosecuting attorneys of the several counties under and by virtue of any laws now existing or hereafter enacted

(3.) SEC. 3. Said warden may make complaint and cause proceedings to be commenced against any person for the violation of any of the laws for the protection or propagation of game or fish without the sanction of the prosecuting attorney of the county in which such proceedings are commenced, and in such case he shall not be obliged to furnish security for costs. Said warden may also appear for the people in any court of competent jurisdiction in any case for violation of any of the laws for the protection or propagation of fish or game, and prosecute the same in the same manner and with the same authority as the prosecuting attorney of the county in which such proceedings are commenced. Said warden shall have power to search any person and examine any boat, conveyance, vehicle, fish box, fish basket, game bag or game coat, or any other receptacle for game or fish, when he has good reason to believe that he will thereby secure evidence of the violation of the law; and any hindrance or interference, or attempt at hindrance or interference with such search and examination, shall be *prima facie* evidence of a violation of the law by the party or parties who hinder or interfere with, or attempt to hinder or interfere with such search and examination. Said game and fish warden shall at any and all times seize and take possession of any and all birds, animals or fish which have been caught, taken or killed at a time, in a manner or for a purpose, or had in possession or under control, or have been shipped contrary to any of the laws of this State. Such seizure may be made without a warrant. Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing in the concealment of any bird, animal

or fish caught, taken, killed, had in possession, under control, or shipped contrary to any of the laws of this State, shall issue a search warrant, and cause a search to be made in any place, and to that end may cause any building, enclosure, or car to be entered, and any apartment, chest, box, locker, crate, basket or package to be broken open and the contents thereof examined by said game and fish warden. All birds, animals or fish, or nets or fishing appliances or apparatus seized by the said game and fish warden shall be disposed of in such manner as may be directed by the court before whom the offense is tried, or by any court of competent jurisdiction. Said game and fish warden shall not be liable for damages on account of any search, examination or seizure, or the destruction of any nets or fishing apparatus of any kind, in accordance with the provisions of this act.

(4.) SEC. 4. Said game and fish warden shall have the same power to serve criminal process as sheriffs, and shall have the same right as sheriffs to require aid in executing such process. Said warden may arrest, without warrant, any person caught by him in the act of violating any of the aforesaid laws for the protection or propagation of birds, game or fish, and take such person forthwith before a justice of the peace, or other magistrate having jurisdiction, who shall proceed without delay to hear, try and determine the matter, and the same proceedings shall be had as near as may be, as in other criminal matters triable before a justice of the peace, or other magistrate having jurisdiction. Such arrests may be made on Sunday, in which case the person arrested shall be taken before a justice of the peace, or other magistrate having jurisdiction, and proceeded against as soon as may be, on a week day following the arrest.

(5.) SEC. 5. Said warden shall, in the month of December in each year, file in the office of the Auditor General an account in writing, stating the days and parts of days spent in the discharge of his duty, the kind of service rendered and the places where rendered and the expenses paid or incurred in the time of the discharge of such duties, which account shall be verified by the oath of said warden stating that the same is correct and true in every particular.

(6.) SEC. 6. Said warden shall, at the close of each calendar month, file with the Secretary of State a report in writing, and in detail, stating the service performed by him during the last preceding month, including an account of the suits commenced at his instance, as herein provided for, the disposition made of the same, the result of any brought to trial, and the condition of any undisposed of, and any other particulars he may think proper, and no payment for services performed or expenses paid by said warden shall be made until he shall present to the Auditor General, in addition to the usual oath of performance and payment, a certificate from the said secretary that he has made the report required by this act. The Secretary of State shall cause the monthly reports of said warden, or so much thereof as may be of interest to the public, to be transmitted annually to the legislature when in session.

(7.) SEC. 7. The said game and fish warden shall have power to appoint deputy game and fish wardens, who shall have the same power and authority herein provided for the game and fish warden himself, subject to the supervision and control of and to removal by the game and fish warden. Said deputy game and fish wardens shall receive three dollars per day for each day actually spent in the discharge of their duties, under the direction of the game and fish warden, and their actual expenses necessarily incurred when so employed; said three dollars per day and expenses to be paid monthly on the warrant of the Auditor General, on the approval of itemized vouchers therefor, verified under oath and certified by the game and fish warden; but the number of deputy wardens shall not exceed ten, and the total amount certified by the game and fish warden and approved by the Auditor General for compensation and expenses of deputy wardens in any one year shall not exceed the sum of two thousand dollars. Said game and fish warden shall also have power to appoint in each county not to exceed three residents thereof as county game and fish wardens, who shall have the same powers in their respective counties as is herein provided for

the game and fish warden himself, subject to the supervision and control of and to removal by the game and fish warden. The said county game and fish wardens may be employed by individuals, clubs and corporations interested in the enforcement of fish and game laws, and shall receive such other compensation as may be allowed and provided for by the supervisors of their respective counties, except in the county of Wayne, where such compensation shall be fixed by the board of county auditors. Any person who hinders, obstructs or interferes with, or attempts to hinder, obstruct or interfere with, the said game and fish warden or any deputy or county warden in the discharge of any of his duties, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten dollars, nor more than fifty dollars, together with costs of suit; and in default of payment thereof shall be confined in the county jail until said fine and costs are paid: *Provided*, That said imprisonment shall not exceed thirty days.