

**STATE OF MICHIGAN. GAME  
AND FISH LAWS. AND LAWS  
RELATIVE TO DESTRUCTION OF  
NOXIOUS ANIMALS. REVISION  
OF 1914**

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State of Michigan. Game and Fish Laws. And Laws Relative to Destruction of Noxious Animals.  
Revision of 1914 by Frederick C. Martindale

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**FREDERICK C. MARTINDALE**

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STATE OF MICHIGAN

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**GAME AND FISH LAWS**

AND LAWS RELATIVE TO

**DESTRUCTION OF NOXIOUS ANIMALS**

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COMPILED UNDER THE SUPERVISION OF  
**FREDERICK C. MARTINDALE**  
SECRETARY OF STATE

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REVISION OF 1914

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BY AUTHORITY

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All violations of the Game and Fish Laws should be reported to William R. Oates, State Game, Fish and Forestry Warden, Lansing, Michigan.

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The section numbers in parentheses ( ) are compiler's sections and are consecutive throughout the book. On certain laws of a general character the section number of the Compiled Laws of 1897 is also given.



## GAME AND FISH WARDEN.

An Act to provide for the appointment of a game and fish warden, and to prescribe his powers and duties.

[Act 28, P. A. 1887.]

*The People of the State of Michigan enact:*

(1) § 5753. SECTION 1. 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 re-imbursed 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. (a)

Appointment  
of game and  
fish warden.  
Terra of office.

Salary of.

(2) § 5754. 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.

When illegal  
mesh used,  
nets to be  
seized.

Punishment  
for violation  
of.

(3) § 5755. SEC. 3. Said warden may make complaint and cause proceedings to be commenced against any person

Make com-  
plaint for  
violation.

(a) See compiler's sections 14-16.



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) § 5756. 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

Search and examine.

Evidence.

Seize all game, etc.

Court to issue a warrant.

Game seized, how disposed of.

Power of warden to serve process.

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.

Sunday  
arrests.

(5) § 5757. 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.

Account,  
when and  
where filed.

To be verified.

(6) § 5758. 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.

Monthly re-  
port, when  
and where  
filed.

Reports to be  
transmitted  
to legislature.

(7) § 5759. Sec. 7. The State game, fish and forestry warden shall have power to appoint a chief deputy for whose acts he shall be responsible and may revoke such appointment at pleasure. Such chief deputy shall take the constitutional oath of office and shall do such work in the game and fish department as shall be assigned to him. During the sickness, absence or disability of the game warden he may execute the duties of the office. Such chief deputy shall devote his entire time to the work of the office and shall receive an annual salary of eighteen hundred dollars, and his actual expenses necessarily incurred. The State game, fish and forestry warden shall have authority to appoint deputy game and fish wardens who shall have the same power and authority herein provided for the game, fish and forestry warden himself, subject to the supervision and control and to removal by the State game, fish and forestry warden. Such State deputy game and fish wardens shall receive a salary to be fixed by the State, game, fish and forestry warden on a merit basis and promotions to be made upon examination of said deputies as to their previous experience and proficiency in the work of the department, said salary to be not less than two

Appointment  
of chief  
deputy.

Salary.

Deputy  
wardens.

Salary.

dollars and fifty cents per day and not more than four dollars per day for each day actually spent in the discharge of their duties under the direction of the State game, fish and forestry warden and their actual expenses necessarily incurred when so employed. The salary and expenses of the chief deputy game, fish and forestry warden and the State deputy game and fish wardens shall be paid monthly on the warrant of the auditor general on itemized vouchers thereof verified under oath and approved and certified by the State game, fish and forestry warden. The State game, fish and forestry warden is hereby given authority to employ special assistants to perform such special duties as he may deem necessary and fix their compensation: Provided, however, That the total amount of salary compensation and expenses of the chief deputy game and fish warden and State deputy game and fish wardens, and special assistants shall not in any one year exceed the sum provided for in the game and fish protection funds and shall be paid from said funds. The State game, fish and forestry warden may in times of necessity make use of the deputy game and fish wardens appointed under the provisions of this act to perform the same duties as required of deputy game, fish and forestry wardens. Said game and fish warden may 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 are herein provided for the game and fish warden. The said game and fish wardens may be employed by individuals, clubs and corporations interested in the enforcement of the 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 counties of Wayne (a) and Saginaw as fixed by the county salary act for Saginaw county. 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.

Special assistants.

Proviso.

County game and fish wardens.

Employment by clubs, etc.

Penalty.

Proviso.

Am. 1907, Act 330; 1913, Act 313.

(a) See section 363.