

2
THIRD EDITION

OF THE

CODE OF VIRGINIA:

... laws, statutes, etc.

INCLUDING

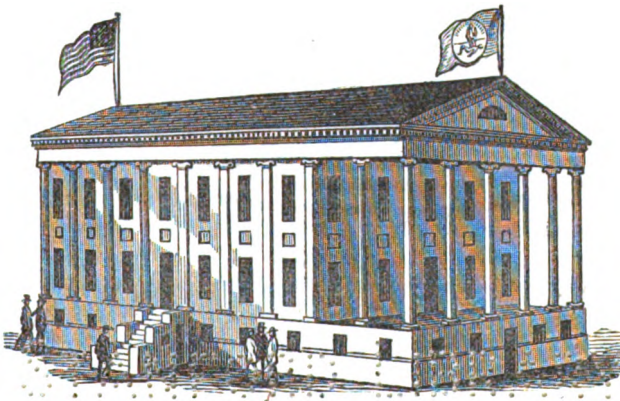
LEGISLATION TO JANUARY 1, 1874.

PREPARED BY

GEORGE W. MUNFORD.



PUBLISHED FOR THE STATE OF VIRGINIA, PURSUANT TO LAW, UNDER THE DIRECTION
OF R. F. WALKER, SUPERINTENDENT OF PUBLIC PRINTING.



RICHMOND:
PRINTED BY JAMES E. GOODE.
1873.

actual value. The owner of such property, after he shall have demanded such residue, and proved by the affidavit of some other person, or otherwise by a competent witness, his right thereto, or offered to prove such right, and the owner of such land shall have refused or declined to inspect or hear the evidence thereof, but not before, may recover such residue of such amount received as such price, as money received for his use, or the residue of such actual value as the price of goods sold by the owner of such property to the owner of such land, or as the value of goods of the owner of such property found by the owner of such land, and converted by him to his own use.

Right of property to be proved.

9. In any action, suit, prosecution or controversy about any such property, the person claiming to be the owner thereof, other than the owner of such land, must prove his ownership thereof, in order to sustain his claim to be such owner.

CHAPTER XCIX.

FOR THE PRESERVATION OF CERTAIN USEFUL ANIMALS, AND TO PREVENT UNLAWFUL HUNTING.*

Sec.		Sec.	
1. } Killing deer; hunting or ranging on another's land.		9. Wild fowl; non-residents not allowed to shoot them; who are non-residents.	
2. }		10. Wild fowl not to be shot at or killed, except from the land, in certain counties; penalty; proceedings against offenders.	
3. }		11. Who exempt from operation of the law.	
4. Hunting in Fairfax, Stafford and King George; forfeiture.		12. What kind of gun prohibited.	
5. Hunting on another's land, or in the streets of a city or town, or along a public road, prohibited; penalty; how recoverable.		13. } General provisions; proceedings against to	
6. Unless act is adopted by county courts not to be obligatory.		16. } offenders.	
7. } Offenders; how proceeded against.		17. } Unlawful to hunt or destroy partridges, pheasants, wild turkeys or woodcock to	
8. }		21. } in certain counties in certain months; penalty, how recoverable.	

Killing deer; hunting or ranging on another's land.

1. No person shall kill any deer, or run any deer with dogs, with the intention of destroying the same, from the fifteenth day of January until the fifteenth day of July next following in each year. Any one violating this law shall be fined ten dollars, to be recovered before any justice of the peace for the county in which the offence was committed or the offender may be found. One-half of this fine shall go to the informer, and the other half to the county in which the case is tried. Any person found with any recently killed venison or fresh deer skins in his possession, during the time in which the killing of deer is prohibited by this act, shall be deemed, for the purposes of this act, to have killed said deer: provided, this section shall not apply to deer killed in any park.

* Chapter 101 of the former edition embraced the subjects of hunting, fishing, fowling and oystering. These subjects have been separated and arranged in different chapters.

2 R. C., p. 311,
c. 251, § 1;
p. 312, c. 252, § 1.

2. If any person shall shoot, hunt, range or fowl within the enclosed bounds of another person, without license from the owner, he shall forfeit three dollars for each offence, to the informer. Where any person is convicted a third time of said offence, the justice rendering judgment therefor shall require him to give a recognizance, with good security, for his good behavior for a year, or if he fail to give such surety, commit him to jail for one month, unless it be sooner given. Such recognizance shall be forfeited if such person offend as aforesaid within the time limited in the recognizance.*

Id., § 2.

3. If any person shoot or kill a tame deer having a bell or collar on its neck, he shall pay to the owner the value of such deer.

Hunting in Fairfax, Stafford and King George; forfeiture.

1859-60, p. 489,
c. 279, § 1.

4. If any person shall shoot, hunt, range or fowl on the lands or in the water courses comprehended within the survey of any proprietor of lands in the counties of Fairfax, Stafford and King George, within five miles of navigable tide water, without license in writing from the owner of said lands, or hunt or shoot along any public road, he shall forfeit to the informer three dollars for the first offence, six dollars for the second, and nine dollars for each succeeding offence; the forfeit in each instance to be double if the offence shall be in the night or on Sunday, and he shall likewise forfeit to the informer, in each instance, his boat or other means of conveyance, his gun, dogs, and all his shooting and hunting apparatus, and be liable in every instance for all costs and expenses incurred in apprehending him and prosecuting for the recovery of said forfeitures.

Hunting on another's land, or in the streets of a city or town, or along a public road, prohibited; penalty; how recoverable.

1865-6, c. 93, § 1,
p. 202.

5. If any person shall hunt, shoot, fowl or range, with or without dogs, on the lands of another, without the consent of the owner or tenant of such lands, or shoot along any public road, or in the streets of any town or village, in any of the counties of this commonwealth, on the lands comprehended in the survey of any proprietor, he shall be deemed guilty of a trespass, and shall be fined for each offence five dollars—the fine to be double in every instance if the offence be committed in the night or on Sunday—for the use of the owner or tenant of the lands, and for the commonwealth when the offence is committed in the public roads or in the streets of any town or village, to be recovered by warrant before any justice of the peace, together with all costs and charges attending the collection of the same, and shall, moreover, forfeit as aforesaid, his gun and shooting apparatus, and his dog or dogs shall be killed if the justice shall, in his discretion, so order; and when any person shall be convicted a third time of said offence, the justice rendering judgment therefor shall require him to enter into a recogni-

* This section is repealed in all the counties in which the county courts adopt the first section of this chapter. The section must be retained, therefore, to apply to those who do not adopt it.—Acts 1865-6, c. 93, § 2, p. 202. The words "or fish" omitted and inserted in the first section of the succeeding chapter. The same omission occurs in the fourth and fifth sections.

zance, with sufficient security, for his good behavior for twelve months; or, if he fail to give such security, to commit him to jail for one month, unless it be sooner given, such recognizance to be forfeited if such person offend as aforesaid within the time limited in the recognizance.

Unless act is adopted by county courts not to be obligatory.

6. The provisions of the preceding section shall not apply to any county, unless the court thereof shall adopt the same; and unless so adopted, the provisions of the second and fourth sections of this chapter shall remain in full force in such county.

Offenders; how proceeded against.

7. Such offenders may be arrested by any citizen or citizens of this commonwealth, with or without a warrant, either on land or water, or pursued to and taken in their vessels or other means of conveyance, which may be held while the offenders are carried before a justice of the peace, who shall proceed to try the case as any other coming before him, and give judgment according to the provisions of this act; and if the offender does not, on judgment being rendered against him, pay down and deliver up the forfeitures, costs and expenses incurred under this act, he shall be committed to jail by the justice rendering judgment for one month, or until the same is paid and delivered up. 1859-60, c. 489, c. 279, § 2.

8. When any person shall be convicted a third time of any of the offences aforesaid the justice rendering judgment therefor shall require him, over and above the forfeitures and penalties for failure of payment imposed by this act, to give recognizance with sufficient security, for one hundred dollars, to be of good behavior for a year; or if he fail to give such security, commit him to jail for two months, unless it be sooner given to the satisfaction of the justice requiring said recognizance. Such recognizance shall be forfeited, if such person offend as aforesaid within the time limited in the recognizance. Id., § 3.

Wild fowl; non-residents not allowed to shoot them; who are non-residents.

9. If any person who is not an actual resident of this state shall shoot at, catch, or kill any wild fowl in any waters, or on any marshes, islands or beaches within the jurisdiction of the state, below the head of tide water, he shall forfeit one hundred dollars, one-half whereof shall be to the informer. No person shall be considered a resident of this state, within the meaning of this chapter, who shall not have actually resided within the limits of the state eighteen months next preceding the time when the supposed offence may have been committed; and in all questions that may arise as to residence under this act, the onus probandi shall rest on the defendant. 1840-41, p. 88, c. 79, 1841-2, p. 65, c. 109. 1850-51, p. 75, c. 61, § 4.

Wild fowl not to be shot at or killed except from the land in certain counties; penalty; proceedings against offenders.

10. If any person (except from the land) shall shoot at or kill wild fowl during the night, within this state, or if any person shall from a skiff or float, or by the aid thereof, within the jurisdiction of the counties of Fairfax, Prince William, Stafford, or Henrico, whether in the 1871-2, c. 178, p. 239, 1872-3, c. 76, p. 54.