

REVISED STATUTES

OF

THE STATE OF DELAWARE,

OF

EIGHTEEN HUNDRED AND FIFTY-TWO,

AS THEY HAVE SINCE BEEN AMENDED, TOGETHER WITH THE ADDITIONAL
LAWS OF A PUBLIC AND GENERAL NATURE, WHICH HAVE BEEN
ENACTED SINCE THE PUBLICATION OF THE REVISED
CODE OF EIGHTEEN FIFTY-TWO,

TO THE YEAR OF OUR LORD ONE THOUSAND EIGHT
HUNDRED AND SEVENTY-FOUR ;

TO WHICH ARE ADDED, THE

CONSTITUTIONS OF THE UNITED STATES AND OF THIS STATE,

THE DECLARATION OF INDEPENDENCE,

AND

APPENDIX.

ARRANGED AND PUBLISHED BY AUTHORITY OF THE GENERAL ASSEMBLY.

WILMINGTON, DEL. :
PRINTED BY JAMES & WEBB.
1874.

PROTECTION OF FISH, OYSTERS AND GAME. CHAPTER 55.

cuckoo, king-bird, oriole, fire or red-bird, yellow-bird, humming-bird, ground-robin, field-lark, sky-lark, brown-thrasher, flicker, sap-sucker, or other insectivorous bird, or shall wilfully take or destroy the eggs or nest of any of the aforesaid birds, such person shall be deemed guilty of a common nuisance, and upon conviction thereof before any justice of the peace, in this State, shall be fined one dollar for each bird so killed, taken or destroyed, or for each nest of birds-eggs taken or destroyed as aforesaid : and every person having such bird in his possession shall be deemed to have taken, killed or destroyed the same in violation of the provisions of this section, unless the contrary be proved ; and if such person shall fail or refuse to pay such fine and all costs immediately, the said justice shall forthwith commit him to the custody of the sheriff until the same are paid ; one-half of said fine for the use of the State, and the other half for the informer.

Fine

Possession evidence.

Commitment for refusal to pay fine.

SEC. 16. If any person or persons shall enter upon any lands, not owned by himself, with gun and dog, or with gun alone, for the purpose of shooting any kind of birds or game without first obtaining permission to do so by the owner or occupant, he shall forfeit and pay a fine of five dollars ; and if he shall not pay the said fine he shall forfeit his gun until redeemed, as hereinafter provided. The justice of the peace shall hold the said gun for thirty days, for the purpose of giving the owner time to redeem it by paying the fine imposed by law ; at the expiration of said time it shall be publicly sold, and so much of the proceeds as is necessary shall be appropriated to the payment of said fine, and the balance to be returned to the owner of the gun. That all said fines shall be paid into the State Treasury.

Penalty for entering upon lands with gun and dog.

Fine.

Forfeiture. Justice to hold gun 30 days for redemption.

Sale. Proceeds appropriated to pay fine. Fines to be paid into State Treasury.

Justices to have plenary jurisdiction.

SEC. 17. That the justices of the peace in this State shall have plenary jurisdiction in all cases of the violation of any of the provisions of Sections 11, 12, 13, 14, 15 and 16 of this act ; and it shall be the duty of any justice, upon information, in writing, to him that a person has violated, or is violating any of the provisions of the said sections, to issue his warrant, directed to the sheriff, or to any constable, to arrest such person and bring him before said justice for trial. If, upon such trial, the said justice shall find that the person arrested has violated any provisions of said sections, he shall thereupon impose the fine and penalties in said section mentioned. If any justice of the peace shall refuse or neglect to forthwith issue his warrant, as directed in this section, and if any sheriff or constable shall refuse or neglect to promptly execute such warrant, he shall be deemed guilty of a misdemeanor, and shall, upon indictment and conviction, be fined fifty dollars for each offence.

Justice to issue warrant ; when.

Trial.

Fines and penalties imposed. Misdemeanor for an officer to refuse to perform his duty.

Fine.

SEC. 18. All penalties and forfeitures incurred under this chapter shall, if not otherwise herein appropriated, belong to the informer, and be for the use of any one who will sue for

Penalties and forfeitures not otherwise appropriated.