

GAME WARDEN AND DEPUTY GAME WARDENS

An Act to provide for the appointment of a Game Warden and Deputy Wardens, and to provide for more vigorous enforcement of the Game and Fish Laws of this State.

Section 1. *Be it enacted by the General Assembly of Maryland,* That the Governor of this State shall immediately upon the passage of this Act, and thereafter on the first day of April, in the year eighteen hundred and ninety-eight and every two years thereafter, appoint a Game Warden for this State, whose term of office shall be for two years, or until his successor be appointed. The said Game Warden shall receive a salary from the state for his services of five hundred dollars per annum, and shall receive a portion of the fine arising from the violation of the Game and Fish Laws when the offenders shall be prosecuted by the Game Warden or his Deputy Game Wardens, as hereinafter provided. The said Game Warden may be removed by the Governor of this State, at any time, upon proof satisfactory to him, that said Game Warden is not vigorously enforcing the Game and Fish Laws of this State, or is not a fit person for said position. In this Act the word "Game" shall be taken to embrace deer, wild turkey, squirrels, ducks, geese, and all other species of wild fowl.

Section 2. It shall be the duty of said Game Warden and his Deputy Game Wardens to prosecute all persons or corporations having in their possession any game or fish contrary to either the general or Local Game or Fish Laws of this State...and to see that the Game and Fish Laws are enforced,...

Section 3. Whenever the Game Warden considers that it is necessary that he should have Deputy Game Wardens appointed to assist him...he may apply to the Governor to commission such persons as he may designate...to enforce the Game and Fish Laws of this State, and carry out all the purposes of this Act. Such persons need not be residents of the county or city for which they are appointed. If the Governor approves such persons, he may appoint them Deputy Game Wardens. Such Deputy Game Wardens shall not receive a salary from the State or counties, but shall be paid such compensation out of the fines collected or otherwise, as the Game Warden may agree with them.

Section 4. The Governor shall issue to each person so appointed as Deputy Game Warden a commission...and he may revoke and annul any such appointments at his pleasure.

Section 5. Every Deputy Game Warden so appointed shall...take and subscribe before a Justice of the Peace of the county or city in which his commission may be received, the oath or affirmation prescribed by the Sixth Section of the First Article of the Constitution of the State...The Game Warden throughout the State, and also every Deputy Game Warden so appointed...shall possess and exercise all the authority and power held and exercised by constables at common law and under the statutes of this State, and also all authority and powers conferred by law upon policemen in the city of Baltimore as far as arresting and prosecuting person for violating any of the Game and Fish Laws of this State, are concerned. The clerk shall only charge fifty cents for recording said oath or affirmation.

Section 6. The Game Warden and Deputy Game Warden shall...except when on detective duty, wear in plain view a metallic shield, with the words "Game Warden" or "Deputy Game Warden", as the case may be, inscribed thereon.

Section 7. Whenever the services of any Deputy Game Warden shall no longer be required by the Game Warden, the Game Warden shall give notice in writing to that effect,...and thereafter the power of such Deputy Game Warden shall cease and determine, and a copy of such notice shall be immediately served on such Deputy Game Warden by the Game Warden.

Section 8. In all cases in which prosecutions for violation of any of the General or Local Game or Fish laws of this State shall be instituted by the Game Warden or any Deputy Game Warden, and shall result in the collection of a fine or fines, then all of the such fine or fines, after the proper Court cost or costs of the magistrate in convicting such offenders shall have been paid, shall be paid to the Game Warden as his compensation...This section shall not prevent the collection of any portion of any such fines given by law to the informer by any person, not a Game Warden or Deputy Game Warden, procuring the conviction of any person violating the Game and Fish Laws.

Section 9. If the Game Warden or any Deputy Game Warden has reason to believe that any person or corporation has in his or its possession, contrary to law, any game...or fish, it shall be the duty of the Game Warden or such Deputy Game Warden to go before any Justice of the Peace in the county or city in which the game or fish may be, and make affidavit of that fact. Said Justice shall thereupon issue a search warrant against the person or corporation so complained of...The said constable shall read said warrant to the owner or person in whose possession said game or fish is supposed to be. Said warrant shall be returnable within not less than twelve hours or more than twenty-four hours from the date thereof.

Section 10. At the time mentioned in said warrant, said Justice shall proceed to hear and determine whether said game or fish was in possession of the person or corporation contrary to law, and if the said Justice proves the said game or fish was in the possession of the defendant contrary to law, the said Justice shall enter judgement against the defendant, and order sale of the game or fish so seized; but if the Justice shall find the possession of such game or fish was not contrary to law, then the judgement shall be that the same are returned to the person or corporation from whom the same were taken. An appeal to the Circuit Court for the county or the Baltimore City Court,...may be taken within two hours by the defendant...upon giving sufficient bond to pay the costs of the appeal and the value of the game or fish seized...

Section 11. In case of judgement and order of sale...and in the absence of an appeal and the filing of a proper bond...then said constable shall at once post two notices, one at the Justice's door and the other at the place of sale, specifying in each notice the time and place of sale, not less than five hours from the hour at which the judgement was rendered, and also a description of the game or fish to be sold. Said place of sale shall be at the most public place obtainable for the purpose. Said constable shall at the time and place mentioned in said notice sell such game or fish at public action...and at once pay the proceeds of such sale to the Justice. Said constable shall give the purchaser a certificate of purchase,...together with the date of sale.

Section 12. If there has been no appeal, or if the judgement of the Justice is affirmed on appeal, the said justice shall deduct his costs,...together with the constable's costs...and shall distribute the balance of such proceeds of sale...as follows: One-half shall be paid to the Game Warden,...and one-half shall be paid into the city or county treasury for the benefit of the school fund.

Section 13. The Game Warden and the Deputy Game Wardens shall not be liable for any damage or costs sustained by any person or corporation by reason of the wrongful seizure of game or fish under this Act; provided however, that the enforcement of this Act shall in nowise prevent prosecution of persons or corporations for the violations of the Game and Fish Laws of this State.

Section 14. *And be it enacted,* That this act shall take effect from the date of its passage.

Approved April 4, 1896