

University of Colorado Law School

Colorado Law Scholarly Commons

Session Laws 1861-1900

Colorado Session Laws

1877

An act for the protection of wild game and insectiverous birds.

Colorado General Assembly

Follow this and additional works at: <https://scholar.law.colorado.edu/session-laws-1861-1900>

Recommended Citation

Colorado General Assembly, "An act for the protection of wild game and insectiverous birds." (1877).
Session Laws 1861-1900. 1297.
<https://scholar.law.colorado.edu/session-laws-1861-1900/1297>

This Act is brought to you for free and open access by the Colorado Session Laws at Colorado Law Scholarly Commons. It has been accepted for inclusion in Session Laws 1861-1900 by an authorized administrator of Colorado Law Scholarly Commons. For more information, please contact rebecca.ciota@colorado.edu.

sheriff's or justice's receipt for the body, it shall be lawful for the governor to certify the amount of such claim to the auditor, who shall issue his warrant on the treasury for the same.

CHAPTER XLI.

GAME.

AN ACT FOR THE PROTECTION OF WILD GAME AND INSECTIVEROUS BIRDS.

Be it enacted by the General Assembly of the State of Colorado:

1282. SECTION 1. No person shall kill, ensnare, net or trap within this state, any quail, wild turkey, curlew, plover, lark, dove, whip-poor-will, finch, thrush, sparrow, wren, martin, swallow, snow-bird, bobolink, red-winged black-bird, crow, raven, turkey-buzzard, robin, or any insectivorous birds, except, that partridge, pheasant, prairie chicken, prairie hen or grouse, may be shot from October 1st to November 15th of each year; and if at any time, any person shall be found in possession of any partridge, pheasant, prairie hen, prairie chicken or grouse, at any other time than between the dates above mentioned, or any others of the fowls or birds mentioned in this section at any time, it shall be *prima facie* evidence that the same was killed, netted, ensnared or trapped by such person, in violation of the provisions of this act; *provided*, that this section shall not be construed to prohibit any person importing or dealing in quail, partridge, prairie hen, prairie chicken, pheasant, wild turkey, imported into this state from any other state or territory; *and provided further*, that this act shall not prohibit any professional taxidermist from killing birds or animals for preservation in cabinets or museums. And such professional taxidermist shall be exempt from the penalties of the following sections, upon making satisfactory proof that the birds or animals so killed have been preserved as aforesaid.

1283. SEC. 2. Any person who shall violate any of the provisions of the first section of this act, shall be guilty

Insectivorous birds may not be killed, excepting grouse at certain seasons.

Possession; evidence of killing.

Dealing in imported game birds not prohibited.

Taxidermists may be exempt.

Penalty for violation of provisions of section one.

of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than five dollars, nor more than fifty dollars, with costs of suit, and shall be prosecuted and punished in the same manner as in other cases of misdemeanor; one-half of the fine in such cases shall be paid to the person informing against such offender, and the other half to the treasurer of the county in which the offense was committed, and become a part of the school fund; *provided*, that if such informant shall not demand the same within thirty days after such fine shall be paid, or collected, the whole of such fine shall be paid to such treasurer and applied to such school fund.

At what times elk, buffalo, deer, fawn, antelope, mountain sheep and bison may be killed.

1284. SEC. 3. No person shall kill, ensnare or trap, any elk, buffalo, deer, fawn, antelope, mountain sheep or bison, within this state, between the first day of January and the first day of September in each and every year.

Penalty; disposition of fine.

Any person offending against the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof, be fined in a sum not less than twenty-five dollars for each elk, buffalo, deer, antelope, mountain sheep or bison so unlawfully shot, trapped or ensnared; one-half of said fine shall be paid to the informer and the other half to the school fund, as provided in section two of this act.

Such animals killed by dogs.

And if any of the above named animals, shall be killed by a dog or dogs, the owner or keeper of such dog or dogs shall be held responsible, and may be punished in the same manner as if he had killed the animal himself. And

Penalty for shipping game out of state.

it shall be unlawful for any person or persons to ship out of this state, any of the game birds or animals mentioned in this act at any time, for speculative purposes. Any one so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than double the value of the game so shipped out of the state, or may be imprisoned, at the discretion of the court, not to exceed sixty days, or both fine and imprisonment.

Killing, etc., of such animals for purposes of food.

1285. SEC. 4. It shall be unlawful for any person or persons, at any other time than that specified in the preceding section, to kill, destroy or have in possession, any animal named in the foregoing section, for any purpose or under any pretext whatsoever, except for food; and then

only when necessary for immediate use, governed in amount and quantity by the reasonable necessities of the person or persons killing such animal.

1286. SEC. 5. It shall not be lawful for any person to kill, ensnare or trap in the enclosure of any other person, any elk, deer, antelope, mountain sheep, or any game whatsoever at any time, without the consent of the proprietor or owner of said enclosure, or enter such enclosure with a gun for the purpose of hunting, without the consent of the owner. Any one violating the provisions of this section shall be subject to a fine not to exceed one hundred dollars, and not less than twenty-five dollars for every such offense so committed; said fine shall be paid into the school fund of the county in which said offense was committed, and in case of refusal or neglect of any person so convicted, to pay the fine above stated, he shall be confined in the county jail one day for every three dollars thereof, until said fine shall be discharged.

Killing, etc., of game in enclosure of other person, or entering with gun.

Penalty and disposition of fine.

1287. SEC. 6. For the more certain detection and punishment of violations of this law, it is hereby made the duty of the county commissioners, sheriffs and constables, or any other person of the several counties, whenever a violation of its provisions is brought to their knowledge, to file or cause to be filed an affidavit before a justice of the peace or other competent tribunal, charging the person with the offense committed. And thereupon a warrant shall issue for the arrest of the person so charged, and trial shall be had as in other cases; and this section shall be a full protection to any such officer who makes the affidavit, or causes the same to be made, in good faith or upon the statement of a reputable citizen of the county.

Making of affidavit and issuing of warrant.

1288. SEC. 7. That any person who shall kill any hawk or any number of hawks within this state, shall receive a premium of twenty-five cents for each hawk so killed, to be paid out of the state treasury, which premium shall be paid by the county treasurer upon the presentation of head of said hawk or hawks, and the amount so paid out by said county treasurer shall be credited to said county treasurer by the state treasurer, upon the sworn statement of said county treasurer as to the number of hawks killed and paid for in his county.

Premium for killing of hawks.

Repeal.

Emergency.

1289. SEC. 8. All prior acts inconsistent with the provisions of this act are hereby repealed. Inasmuch as there is not now in existence, a law sufficient to prevent the killing of game and insectivorous birds in this state, it is the sense of this general assembly that an emergency exists requiring this act to take effect without delay, therefore this act shall become a law immediately upon its passage.

Approved, March 15, 1877.

CHAPTER XLII.

GENERAL ASSEMBLY.

[Revised Statutes, Chapter LI.]

Temporary
organization.

1290. SECTION 1. At two o'clock in the afternoon of the day of the meeting of the legislative assembly, the chief clerk or secretary of the previous session, or in case of his absence, some person claiming to be elected a member, shall call the house to which he belongs, to order, and the persons present, claiming seats in the house, as members, shall elect a clerk for the time being.

Roll of mem-
bers.

1291. SEC. 2. The clerks of each house shall file the certificates presented by the members, each for his own house, and make a roll of the members who thus appear to be elected, and the persons thus appearing to be elected members shall proceed to elect such other officers as may be required for the time being.

Committee of
credentials, and
permanent
organization.

1292. SEC. 3. When the houses are temporarily organized, they shall elect a committee of three, on the part of each house, by ballot, which committee shall report upon the credentials of those claiming to be elected members in their respective houses; and when such report is made, those reported as elected shall proceed to the permanent organization of their respective houses; and each house shall be the sole judge of the election returns and qualifications of its own members.

Members not to
be questioned
elsewhere for
words spoken
in debate.

1293. SEC. 4. No member of the legislative assembly shall be questioned in any other place, for any speech, or word spoken in debate in either house.