

## Eighteenth-Century Hunting Laws

The following laws are cited in the appellate opinions in *Wolford*, *Antonyuk*, or *Koons*, or the Supreme Court briefing in *Wolford*.

Year	Colony	Text
1715	Maryland	[I]f any person or persons whatsoever, that have been convicted of any of the crimes aforesaid, or other crimes, or that shall be of evil fame, or a vagrant, or dissolute liver, that shall shoot, kill or hunt, or be seen to carry a gun, upon any person's land, whereon there shall be a seated plantation, without the owner's leave, having been once before warned, shall forfeit and pay one thousand pounds of tobacco . . . <sup>1</sup>
1721	Pennsylvania	And whereas divers abuses, damages and inconveniences have arose by persons carrying guns and presuming to hunt on other people's lands, . . . if any person or persons shall presume . . . to carry any gun or hunt on the improved or inclosed ladns of any plantation other than his own, unless he have license or permission from the owner of such lands or plantation . . . he shall for every such offense forfeit the sum of ten shillings . . . <sup>2</sup>
1722	New Jersey	And whereas divers Abuses have been committed, and great Damages and Inconveniences arisen by Persons carrying of Guns and presuming to Hunt on other Peoples Land; . . . [i]f any Person or Persons shall presume . . . to carry any Gun, or Hunt on the Improved or Inclosed Lands in any Plantation, and on other than his own, unless he have License or Permission from the owner of such . . . he shall . . . forfeit the Sum of Fifteen shillings . . . <sup>3</sup>
1728	Maryland	That every person that shall, during the continuance of this act, presume upon any pretence whatsoever, to come to hunt with guns or dogs within any enclosed grounds, islands, peninsulas or necks, fenced across from water to water, without leave or license from the proprietors therof first had and obtained, shall, for every offence, forfeit and pay to the party grieved the sum of two hundred pounds of tobacco . . . <sup>4</sup>
1763	New York	[T]hat if any Person or Persons whatsoever other than the Owner Proprietor or Possessor or his or her white servant or servants Do and shall at any time or times from and after the Publication of this Act carry shoot or discharge any Musket Fowling piece or other fire arm whatsoever into upon or through any Orchard Garden Cornfield or other inclosed Land whatsoever within the City of New York or

<sup>1</sup> An Act for the speedy trial of criminals, and ascertaining their punishment in the county courts when prosecuted there, and for payment of fees due from criminal persons ch. 26, § VII, 1715 MD. LAWS 88, 88–91.

<sup>2</sup> 1721 PA. LAWS, ch. 246, § III, reprinted in 3 JAMES T. MITCHELL & HENRY FLANDERS, THE STATUTES AT LARGE OF PENNSYLVANIA FROM 1682 TO 1801, at 254–57 (Clarence M. Busch, ed., 1896). This law was readopted in 1760. Act of Apr. 9, 1760, § 6, reprinted in 6 A DIGEST OF THE LAWS OF PENNSYLVANIA 541–44 (Stroud ed., 1841).

<sup>3</sup> An Act to prevent the Killing of Deer out of Season, and against Carrying of Guns and Hunting by Persons not qualified, 1722 N.J. LAWS 141, 141–42, reprinted in 11 LAWS OF THE ROYAL COLONY OF NEW JERSEY 1703–1745, at 293 (Bernard Bush, ed., 1977).

<sup>4</sup> An Act to Encourage the Destroying of Wolves, Crows, and Squirrels, 1728 MD. LAWS 11–13 (Parks ed.).

		the Liberties thereof without Licence in writing first had and Obtained for that purpose from such Owner Proprietor or Possessor of such Orchard , Garden, Cornfield or other inclosed Land, he she or they so offending shall severally forfeit and pay for every such Offence the sum of Twenty shillings to be recovered and applied in the manner herein after directed. <sup>5</sup>
1771	New Jersey	That if any Person or Persons shall presume, at any Time after the Publication hereof, to carry any Gun on any Lands not his own, and for which the Owner pays Taxes, or is in lawful Possession, unless he hath Licence or Permission in Writing from the Owner or Owners or legal Possessor, every such Person so offending and convicted therof . . . shall, for every such Offence forfeit and pay to the Owner of the Soil . . . the Sum of Forty Shillings . . . <sup>6</sup>
1790	Massachusetts	That if any person or persons . . . shall be seen with any gun or guns upon either of the said islands, other than that part of said Naushon Island at the extreme west-end therof, extending between the house there now occupied . . . such person or persons shall forfeit such gun or guns or the value therof . . . <sup>7</sup>

These are not the only such laws, though they are representative. The following table lists others:

Year	Colony	Text
1729	North Carolina	That no Perfon within this Government, fhall preiume to hunt, drive or kill, any Stock, Deer, or Game, on any Perfon's Land within this Government, except Neighbours whole Lands are very near adjacent, without Leave firft had and obtained from the Owner of the faid Land whereon he or they fhall be found ranging or hunting, contrary to this Adl, under the Penalty of Five Pounds for each and every Time he or they fhall be found ranging... <sup>8</sup>
1738	Virginia	That if any person shall presume to hunt or range on the patented lands of any other freeholder, without the leave of the owner of such lands; every such offender shall fofeit and pay the sum of twenty shillings . . . <sup>9</sup>
1760	Pennsylvania	And whereas divers Abuses, Damages, and Inconveniencies have arisen by Persons carrying Guns, and presuming to hunt on other Peoples Lands; for Remedy

<sup>5</sup> Act of Dec. 20, 1763, ch. 1233, 1763 N.Y. LAWS 442, reprinted in 1 LAWS OF NEW-YORK FROM THE YEAR 1691, TO 1773 INCLUSIVE 441–42 (Hugh Gainé ed., 1774).

<sup>6</sup> N.J. LAWS ch. 540 (Dec. 21, 1771).

<sup>7</sup> An Act for the Protection and Security of the Sheep and Other Stock on Tarpaulin Cove Island . . ., 1789 MASS. ACTS ch.28, at 438 (Massachusetts 1790).

<sup>8</sup> 23 THE STATE RECORDS OF NORTH CAROLINA 112–16 (Walter Clark ed., 1904) (reproducing 1729 session enactments).

<sup>9</sup> WILLIAM WALLER HENING, THE STATUTES AT LARGE; BEING A COLLECTION OF ALL THE LAWS OF VIRGINIA, FROM THE FIRST SESSION OF THE LEGISLATURE, IN THE YEAR 1619, at 62 (1819). Virginia reenacted this law in 1791, in pertinent part replacing patented lands with “included within the bounds.” JOSEPH TATE & VIRGINIA, A DIGEST OF THE LAWS OF VIRGINIA 582 (1823).

		whereof, for the future, Be it enacted by the Authority aforesaid, That if any Person or Persons shall presume, at any Time after the Publication of this Act, to carry any Gun, or hunt on any inclosed or improved Lands of any of the Inhabitants of this Province, other than his own, unless he shall have Licence or Permission from the Owner of such Lands, or shall presume to fire a Gun on or near any of the King's highways . . . he shall, for every such Offence, forfeit the Sum of Forty Shillings. <sup>10</sup>
1765	Massachusetts	That each and every person, except the said petitioners, or such as shall be proprietors of said islands, or such as shall have special licence from them, who shall, after the twentieth day of July in this present year, one thousand seven hundred and sixty-five, hunt, wound, kill or take away any moose or deer upon either of the islands aforesaid, or be concerned or assisting therein, and be thereof convicted, either by his own confession or by the oath of one witness, shall, for each and every time he shall so hunt, or for each and every moose or deer he shall so wound, kill or take away, pay a fine of six pounds and costs of prosecution . . . <sup>11</sup>
1765	North Carolina	That no white Person whatsoever shall, on any Pretence, presume to hunt with Dogs, or other wise, or drive or kill any Deer or Game on any Persons Lands, without Leave of the Owner of such Land; under the Penalty of Five Pounds . . . <sup>12</sup>
1769	South Carolina	That if any person, at any time whatsoever, shall hunt or range on any lands whatsoever, without the consent of the proprietor, at a greater distance from his or her place of residence than seven miles, every such person so offending shall forfeit and pay the sum of two pounds . . . <sup>13</sup>
1773	Georgia	That from and after the first day of June next ensuing the passing of this Act if any person or persons within the province . . . Shall hunt by fire light or kill any Deer so hunting by fire-light in the night time without his or their own Inclosures every such person . . . shall for every such Offence forfeit and pay the Sum of five pounds. <sup>14</sup>

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<sup>10</sup> THE STATUTES AT LARGE OF PENNSYLVANIA FROM 1682 TO 1801, at 255 (James T. Mitchell & Henry Flanders eds., 1896).

<sup>11</sup> THE ACTS AND RESOLVES, PUBLIC AND PRIVATE, OF THE PROVINCE OF MASSACHUSETTS BAY, at 833 (1890).

<sup>12</sup> LAWS OF THE STATE OF NORTH-CAROLINA 240 (1821).

<sup>13</sup> Act of Aug. 23, 1769, 1769 S.C. Acts 275–76.

<sup>14</sup> HORATIO MARBURY & WILLIAM H. CRAWFORD, DIGEST OF THE LAWS OF THE STATE OF GEORGIA, FROM ITS SETTLEMENT AS A BRITISH PROVINCE, IN 1755, TO THE SESSION OF THE GENERAL ASSEMBLY IN 1800, INCLUSIVE 185 (1802), *available at* [https://digitalcommons.law.uga.edu/ga\\_code/9/](https://digitalcommons.law.uga.edu/ga_code/9/).