The Long Island Farmer.

CHARLES WELLING, "FEAR NO MAN, AND [illegible]ICE TO ALL MEN." PUBLISHER AND PROPRIETOR.

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THE LONG ISLAND FARMER.

ESTABLISHED 1821.

CHARLES WELLING, PROPRIETOR.

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Jamaica, April 7, 1862.

LAWS OF NEW [illegible] By Authority.

[Every law, unless a different [illegible] be prescribed therein, shall commence and take effect thr[illegible] the State, so and not before the twentieth day after the date of [illegible] passage, as certified by the Secretary of State, Sec. 12, title 4, [illegible] part 1, Revised Statutes.]

Cha[illegible]

AN ACT for the preservation [illegible] moose, wild deer, birds and fresh water fish.

Passed April 23, 18[illegible] three-fifths being present.

The People of the State [illegible] New York, represented in Senate and Assembly, do [illegible] follows:

SECTION 1. No person sha[illegible] or pursue with intent to kill, any moose or wild de[illegible] only during the months of August, September, Octo[illegible] November and December; or shall expose for sale, or [illegible] in his or her possession, any green deer skin or [illegible] cured, save only in the months aforesaid, and also [illegible] month of January and the first fifteen days in the mo[illegible] February; and no person shall kill, or pursue with [illegible] to kill, any deer in the counties of Kings, Queens [illegible], for the term of five years from the passage of [illegible] act and thereafter only in the month of November.

§ 2. No person shall at a[illegible] kill any wild fawn during the period when such f[illegible] in its spotted coat, or expose for sale, or have in his [illegible] possession, any spotted wild fawn skin.

§ 3. No person shall hunt [illegible] pursue moose or deer with any dog in the counties of [illegible] Franklin, St. Lawrence, Jefferson, Lewis, Herkimer, [illegible] Hamilton, Essex, Warren, Fulton and Saratoga, save dur[illegible] month of October; and no person shall in like man[illegible] hunt or pursue any moose or deer in any of the other [illegible] in this state, save during month of November in [illegible] year.

§ 4. No person shall kill [illegible] or discharge any fire arm at any wild pigeon [illegible] any nesting ground, or break up or in any manner [illegible] their nesting ground, or the nests or birds therein, [illegible] any fire arm at any distance within one mile [illegible] nesting place.

§ 5. Any person violating [illegible] foregoing provisions of this act shall be deemed g[illegible] a misdemeanor, and shall likewise be liable to a pen[illegible] fifty dollars.

§ 6 No person shall at a[illegible] within this state, kill or trap, or expose for sale, [illegible] in his possession, after the same is killed, any eag[illegible] hawk, night hawk, whip-poorwill, finch, thrush, la[illegible], wren, martin, swallow, tanager, oriole, woo[illegible] bobolink or any other harmless bird, or any song [illegible] kill, trap or expose for sale any robin or starli[illegible] during the months of October, November an[illegible] December; nor destroy or rob the nests of any wild [illegible] whatever, under a penalty of five dollars for eac[illegible] so killed, trapped or exposed for sale, and for each [illegible] destroyed or robbed. This section shall not apply to a[illegible] who shall kill or trap any bird for the purpose of [illegible] its habits or history, or having the same stuffed [illegible] as a specimen.

§ 7. No person shall, at a[illegible] within ten years from the passage of this act, kill [illegible] grouse, commonly called the prairie fowl, [illegible] penalty of ten dollars for each bird so killed.

§ 8. No person shall kill [illegible] have in his or her possession, or expose for sale [illegible] woodcock between the first day of January and the four[illegible] of July in each year; or any ruffed grouse, commonl[illegible] partridge, between the first day of January and the [illegible] of September; or any quail, sometimes called Vi[illegible] partridge, between the first day of January and the [illegible] day of October, under a penalty of five dolla[illegible] bird so killed or had in possession or exposed for s[illegible].

§ 9. No person shall kill [illegible] duck, dusky duck, (commonly called black duck) [illegible] duck (commonly called summer duck) or teal duck, between the first day of February and the first day of August in each year, under a penalty of five dollars for each bird so killed. But this section shall not apply to the waters of Long Island sound or the Atlantic ocean.

§ 10. No person shall at any time, or in any place within this state, with any trap or snare, take any quail or ruffed grouse, under a penalty of five dollars for each quail or grouse so trapped or snared. But on any prosecution under this section, it shall be deemed a defence to prove the said birds to have been taken on land owned by or in possession of the defendant.

§ 11. No person shall place in any fresh water stream, lake or pond in which there are fish, any lime or other deleterious substance with intent to injure fish; nor any drug or medicated bait with intent thereby to poison or catch fish; nor place in any pond or lake stocked with or inhabited by trout, pike, or pickerel, or sea fish, with the intent to destroy such trout. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall in addition thereto, and in addition to any damage he may have done, be liable to a penalty of one hundred dollars.

§ 12. Every person building or maintaining a dam upon the rivers emptying into Lake Ontario, the river St. Lawrence or Lake Champlain, which dam is higher than two feet, shall likewise build and maintain, during the months of March, April, May, September, October and November, for the purpose of the passage of fish, a sluice-way in the mid channel, at least one foot in depth at the edge of the dam, and of proper width, and placed at an angle of not more than thirty degrees, and extending entirely to the running water below the dam, which sluice-way shall be protected on each side by an apron, at least one foot in height, to confine the water therein.

§ 13. No person shall at any time, with intent so to do, catch any speckled brook trout, or speckled river trout, with any device, save only with hook and line; and no person shall catch any trout, or have any such trout in his or her possession, save only during the months of March, April, May, June, July and August, under a penalty of five dollars for each trout so caught or had in possession. But in any prosecution under this section, it shall be deemed a defence that the trout so taken were taken for the purpose of stocking other waters therewith.

§ 14. No person shall take, or have in possession, any salmon trout between the fifteenth day of November, and the first day of February in each year, under penalty of five dollars for each fish so taken and had in possession.

§ 15. No person shall take or have in possession, any black bass or muscalonge between the first day of January and the first day of May, under a penalty of five dollars for each fish so taken or had in possession.

§ 16. No person shall take any fish with a net, spear or trap of any description in any of the fresh water lakes, ponds, or bays or outlets there[illegible] streams of this state, or within the jurisdiction of this state, in the waters of Lakes Ontario and Erie, and the St. Lawrence river during the months of January, Febr[illegible], March, April and May; except in Chaumont bay. Any person violating the provisions of this section shall be deemed guilty of misdemeanor, and shall, in addition, be liable to a penalty of five dollars for each fish so caught.

§ 17. No person shall set any [illegible] fish with spear, or set any net, trap, weir or pot, wi[illegible] to catch fish in any of the following named stre[illegible] lakes, or the outlets thereof, or in the streams [illegible] therein, at any distance within five miles from [illegible] lakes, to wit: Seneca lake; Na-tan-water or Fish la[illegible] Oswego county; Hemlock lake, in the counties of Livingston and Ontario; Crooked lake, in the counties [illegible] and Steuben; Seneca river; Canandaigua lake, [illegible] Canandaigua or Clyde river; and Great Sodus Bay, [illegible] county of Wayne; that part of Croton river in W[illegible] county lying between the Hudson river and the [illegible] Golden's bridge; Skine lake; Fish lake and [illegible] the town of Freedom in the county of Catt[illegible] pond, in the town of Springwater and [illegible] Livingston; Black lake in the county of St. L[illegible] any of the lakes in the counties of Fulton, [illegible], or in the Sacandaga river. But [illegible] eels, white-fish, shad and minnows and [illegible] excepted from the operations of this and the la[illegible] except in Skine or Lime lake in the count[illegible]. Any person violating this section, sh[illegible] guilty of a misdemeanor, and shall in additio[illegible] a penalty of twenty-five dollars for each o[illegible].

§ 18. No person shall sell [illegible] for sale or purchase any fish, known to have been [illegible] contrary to the three last sections of this act, under a penalty of five dollars for each fish so sold or exposed for [illegible] purchased.

§ 19. Any person trespassing on any lands for the purpose of taking fish from any private pond, stream or spring, after public notice on the part of the owner or occupant thereof, or of said lands not so to trespass, and in addition to any damages recoverable by law, shall be liable to the owner, lessee or occupant in a penalty of twenty five dollars for each offence.

§ 20. Any person who shall at any time enter upon the lawn, garden, orchard or pleasure grounds immediately surrounding a dwelling house, with any fire arm for the purpose of shooting, contrary to the provisions of this act, or shall shoot at any bird or animal thereon, shall be deemed guilty of trespass, and in addition to the damages, shall be liable to a penalty of ten dollars.

§ 21. All penalties imposed under the provisions of this act, may be recovered with costs of suit, by any person or persons in his or their own names, before any justice of the peace in the county where the offence was committed or where the defendant resides; or when such suit shall be brought in the city of New York before any justice of any of the district courts, or of the marine court of said city; and any district court judge, justice of the peace, police or other magistrate is authorized upon receiving sufficient security for costs on the part of the complainant, and sufficient proof by affidavit of the violation of the provisions of this act by any person being temporarily within his jurisdiction, but not residing therein, or by any person whose name and residence are unknown, to issue his warrant and have such offender committed or held to bail to answer the charge against him. And any district court judge, justice of the peace, police or other magistrate, may upon proof of probable cause to believe in the concealment of any game or fish mentioned in this act, during any of the prohibited periods, issue his search warrant and cause search to be made in any house, market, boat, car or other building, and *for that end may cause any apartment, chest, box,* lock er or crate to be broken open, and the contents examined. Any penalties when collected, shall be paid by the court before which conviction shall be had, one-half to the overseers of the poor of the town in which conviction is had, and the remainder to the prosecutor. On the non-payment of the penalty, the defendant shall be committed to the *common jail of the county, for a period of not less than five* days, and at the rate of one day for each dollar of the amount of the judgment, where the sum is over five dollars dollars in amount.

§ 22. Any person proving that the birds, fish, skins, or animals found in his or her possession during the prohibited periods, were killed prior to such periods, or were killed in any place outside of the limits of this state, and that the law of such place did not prohibit such killing, shall be exempted from the penalties of this act.

§ 23. In all prosecutions under this act, it shall be competent for common carriers or express companies to show that the inhabited article in his or their possession, came into such possession in another state, in which state the law did not prohibit such possession, and such showing shall be deemed a defence to such prosecution.

§ 24. Chapter five hundred and fourteen of the laws of eighteen hundred and fifty-seven; chapter one hundred and sixty-three of the laws of eighteen hundred and fifty-eight; chapter two hundred and twenty-nine, chapter two hundred and eighty-five, chapter four hundred and sixty-four of the laws of eighteen hundred and fifty-nine; chapter one hundred and ninety-six, chapter one hundred and ninety-nine, chapter one hundred and forty-six, chapter three hundred and two, chapter fifty-four, chapter one hundred and eighty six and chapter three hundred and eighty-four of the laws of eighteen hundred and sixty; chapter one hundred seventy-three; chapter two hundred and fourteen of the laws of eighteen hundred and sixty-one, and all other acts or parts of acts inconsistent with this act are hereby repealed.

§ 25. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, }

I have compared the preceding with the original law on file in this office, and do certify that the same is a correct transcript therefrom and of the whole of said original.

HORATIO BALLARD, *Secretary of State.*

CHAPTER 243.

AN ACT making further provisions relative to encroachments upon highways.

Passed April 15, 1862—three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Upon the hearing before a jury as provided in section one hundred and six of article fifth, title first, chapter sixteenth and part first of the Revised Statutes, the justice who issued the precept to such party shall preside at the trial, in the same manner as upon the trial of an issue joined in a civil action commenced before him; six of the jurors summoned shall be drawn and impanneled, in the same manner as upon a trial by jury in civil action before him, and he shall have the power and it shall be his duty to decide as to the competency of jurors, the competency and admissibility of evidence, and all other questions which may arise before him, in the same manner and with the like effect as upon a jury trial in civil actions before him; and such justice shall adjust and determine the costs of such inquiry, and in case the jury shall find an encroachment, he shall render and docket a judgment to that effect, and for such costs against the person or persons who shall have denied such encroachment; in case the jury find no encroachment, he shall render and docket a judgment to that effect against the commissioner or commissioners prosecuting the proceedings and also for such costs, together with the damages, if any, which may have been fixed by the jury, and payment thereof shall be enforced by such justice, as in other cases of judgments rendered by him.

§ 2. The person or party against whom such judgment shall be rendered, may, within sixty days after filing the certificate of the jury, appeal from the finding and judgment to the county court of the same county; such appeal shall be made by the service, within twenty days after the docketing of said judgment, of notice of appeal upon the justice and upon successful party or parties, or one of them, stating the grounds of such appeal. It shall be the duty of such justice, in his return to such appeal, to embrace copies of all the papers made and served in the proceeding prior to issuing the precept for such jury, and all the evidence and proceedings before him, together with the finding of the jury and judgment entered thereon. All the provisions of title eleven, chapters third and fifth of Code of Procedure are hereby extended to such appeals, so far as the same are applicable thereto.

§ 3. In case the decision of the jury finding an encroachment shall be affirmed by the appellate court, such court, in addition to the costs now allowed by law, may in its discretion order judgment against the appellant for the penalties provided by section one hundred and four of article one, title one, chapter sixteen, part first of the Revised Statutes aforesaid, for such period as shall intervene between the time fixed for the removal of fences, or provided by section one hundred and seven of the said article, title and chapter, and the decision of such appeal; and in case of the continued neglect or refusal of the occupant, after judgment, to make such removal, the court rendering judgment may, by order from time to time, enforce the additional penalties incurred, or may provide for the removal of such fences at the expenses of the occupant, payment of such expense to be enforced by order. Such applications to be made according to the usual practice of the court.

§ 4. This act shall apply to all proceedings now pending in relation to encroachment upon highways, where a hearing has not already taken place, and all acts or parts of acts inconsistent with this act are hereby repealed, so far as proceedings had or continued under this act are concerned.

§ 5. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, }

I have compared the preceding with the original law on file in this office, and do certify that the same is a correct transcript therefrom and of the whole of said original.

HORATIO BALLARD, *Secretary of State.*

CHAPTER 375.

AN ACT to amend the Revised Statutes in relation to taking the testimony of witnesses out of the state.

Passed April 19, 1862

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever a default shall have been taken for want of any appearance or answer or other pleading in any action, and in any proceeding pending in any court of record, and whenever any issue of fact shall have been joined in any such action or proceeding, and it shall appear on the application of either party that any witness not residing in this state is material in the prosecution or defence of such action or proceeding, the court may, upon such terms as it shall think proper, award a commission to one or more competent persons authorizing them or any one of them to examine such witness on oath upon the interrogatories annexed to such commission; to take and certify the depositions of such witness, and return the same according to the directions given with such commission; but in all cases of default for want of appearance, no notice of such application shall be required to be served on the adverse party.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, }

I have compared the preceding with the original law on file in this office, and do certify that the same is a correct transcript therefrom and of the whole of said original.

HORATIO BALLARD, *Secretary of State*

For the Long Island Farmer.

THE CONFIDING ROBIN.

A STORY IN VERSE.*

BY REV. EDWARD HARRIS.

In a lovely enclosure of fruit trees and flowers,
'Mid the sweetness and freshness of Spring,
A gardener had reared, near its evergreen bowers,
An unsightly and ominous thing.

Though clad as a *man*, the likeness was vague,
And might figure a *stump speechifier*;
Or, perhaps, a felonious culprit or knave,
Transfix'd by old Rome's crucifiers.

If a *sportsman*, why wanting in shot-pouch and gun?
With costume and face somewhat cleaner;—
However, it boded no pastime or fun,
By its statue-like form and demeanor.

The crow and the the blackbird beheld, in its form,
A spy on their pilfering skill;
While the fruit-loving songsters, 'mid sunshine and storm,
In their stealthy approaches stood still.

Their fancy portrayed, in its threatening mien,
Some direful assault on their pleasures;
And on each loving nest the fond mother was seen,
Keeping vigilant watch o'er her treasures.

And well might they quake at the image of man,
In whatever form represented,
Since the engines of death, on the most approv'd plan,
Have been, for their slaughter, invented.

And an annual havoc of nests and their young,
With its stoning, and shooting, and plunder,
Must mark "Young America's" training among
Other feats of this precocious WONDER.

But not *all* the sweet warblers that sing in the grove
Thus feared this strategic formation;
There was one that instinctively towered above
Such low views of the "lords of creation."

She was reared near some dwelling where kindness and love
Had afforded her ample protection;
Where naught was permitted to force her remove,
Or crush her maternal affection.

And now she again sought a shelter and home
Near the manse of the gentle and good;
Assured that from thence no fell spoiler would come
To disturb her or her infant brood.

She had watched the position the gardener chose
For his fabric of woolen and straw;
And though shaped as a man, in its stature and clothes,
Its *stillness* and *firmness* she saw.

And confiding in all that was *human* around,
She dreaded no hurt or alarm
From a form so inert, without motion or sound,
And, withal, unequip'd and unarm'd.

On exploring its head she perceived, at a glance,
'Twas not only with manhood unblest,
But the hat-covered vacuum furnished, at once,
A magnificent site for a nest.

And there she constructed her tiny abode,
In which her young offspring to rear,
Secure from the rain, the wind and the cold,
With no menacing enemy near.

The time for removing the scarecrow arriv'd,
Having fulfilled its maker's design,
But on lifting the hat the gardener descried
That its mission was far more benign.

It had served to protect the maturing seed
From the reckless intrusion of some;
But a different purpose was for it decreed—
'Twas to furnish the ROBIN a home.

Such *confidence*, under a scene so adverse,
Won the gardener's compassion and love:
And the effigy, formed to repel her at first,
Now the Robin's inheritance prov'd.

* NOTE.—Founded on the following incident: The gardener of the late Rev. J. T. Bennett of Cheveley Rectory, England, in order to frighten small birds from a bed of seeds, had erected an effigy of a man with extended arms; but on going to remove it a few days back, he was surprised to find that a robin had actually ventured under the hat, and snugly built its little nest upon the head of the scarecrow. The nest was permitted to remain undisturbed.

A DOLOROUS DEACON.—I have seen a deacon in the pride of his humanity. He combed his hair straight, and looked studiously at the main chance; and while he looked, he employed himself in setting a good example. His dress was rigidly plain, and his wife was not indulged in the vanities of millinery and mantua-making. He never joked, he did not know what a joke was any further than to know that it was a sin. He carried a Sunday face through the week. He did not mingle in the happy social parties of his neighborhood. He was a deacon.—He starved his social nature because he was a deacon. He refrained from all participation in a free and generous life because he was a deacon. He made his children hate Sunday because he was a deacon. He so brought them up that they considered themselves unfortunate in being the children of a deacon. His wife was pitied by other women because she is the wife of a deacon. Nobody loved him. If he came into a circle where men were laughing or telling stories, they always stopped until he went out. Nobody grasped his hand cordially, or slapped him on the the shoulder, or spoke of him as a good fellow. He seemed as dry and hard and tough as a piece of jerked beef. There was no softness of character—no juiciness—no loveliness in him.

"Now it is of no use for me to undertake to realize to myself that God admires such a character as this."

PHILOSOPHY OF SNEEZING.—A sneeze, to be in good taste, should crack like a rifle on a clear morning. A receipt for a sneeze of this genius is as follows: When you feel a tickling at the root of your proboscis, just jump up, if you be seated, run to the window, through which the sun shines, throw your head back until the bump of philoprogenitiveness presses on your coat collar, open your mouth, snarl like a half-starved hyena at a piece of fresh meat, inhale a deep breath, and then—blaze away! The effect will be prodigious. You will have the best assurance that you have not sneezed in vain.

☞ "Mr. A., I understood you said I sold you a barrel of cider that had water in it." "No, no!" was the reply, "I only said you sold me a barrel of water with a little cider in it."

☞ "I can marry any girl I please," said a young fellow boastingly. "Very true," replied Miss Myrtle, "for you can't please any."