Anno primo

Georgii III. Regis.

CAP. XXI.

An Act for the better Preſervation of the Game in that Part of *Great Britain* called *Scotland;* and for repealing Part of an Act paſſed in the Twenty fourth Year of the Reign of His late Majeſty, for the better Preſervation of the Game in that Part of *Great Britain* called *Scotland.*



FOR the better Preſervation of the Game in that Part of Great Britain called Scotland, may it pleaſe Your moſt Excellent Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That no Perſon in Scotland ſhall, upon any Pretence whatſoever, take, kill, deſtroy, carry, ſell, buy, have in his or her Poſſeſſion or Uſe, any Moor Fowl or Tarmagan between the Tenth Day of November, and the Twenty fifth Day of July, in any Year; nor any Partridge between the Firſt Day of February, and the Firſt Day of September, in any Year; nor any Pheaſant between the Firſt Day of February, and the Firſt Day of October, in any Year; nor any Heath Fowl commonly called Black Game, between the Firſt Day of December, and the Twenty fifth Day of Auguſt, in any Year. Preamble.

Game may not be taken within the Times here mentioned, *viz.* Moor Fowl or Tarmagan between 10 *Nov.* and 25 *July*;

Partridge between 1 *Feb.* and 1 *Sept.*

Pheaſant between 1 *Feb.* and 1 *Oct.*

Black Game between 1 *Dec.* and 25 *Aug.* in any Year;

on Penalty of 5 *l.*

And be it further enacted by the Authority aforeſaid, That every Perſon tranſgreſſing this Act in any of the

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aforesaid Cases, shall, for every Bird so taken, killed, destroyed, carried, sold, bought, found in their Possession, or used, forfeit and pay the Sum of Five Pounds Sterling; and in case of Insolvency, the Party offending shall suffer Imprisonment for the Space of Two Months.

or 2 Months Imprisonment.

Offences how to be enquired into and determined.

And be it further enacted by the Authority aforesaid, That all Offences against this Act shall and may be enquired into and determined either by the Oath or Oaths of One or more credible Witness or Witnesses, or by the Confession or Oaths of the Parties accused, before any Two or more of His Majesty's Justices of the Peace, or before the Sheriff Depute of the County where the Offence shall be committed, or where the Offender shall be found; and that all Prosecutions for Offences against this Act, shall be carried on, either at the Instance of the Fiscal of Court, or of any other Person who will inform or complain.

Application of the Forfeiture.

And be it further enacted by the Authority aforesaid, That One Moiety of the Forfeitures to be incurred for any Offence against this Act, shall, when recovered, be paid to the Informer or Prosecutor, and the other Moiety shall be applied to the Use of the Poor of the Parish or Place where the Offence shall be committed.

Persons aggrieved may appeal to the Quarter Sessions, or Lords of Justiciary.

Provided always, That any Person aggrieved by the Judgement of any Justices of the Peace, or Sheriff Depute as aforesaid, may have Liberty to appeal to the next General or Quarter Sessions, in case such Judgement was given by any Justices of the Peace as aforesaid, or to the Lords of Justiciary in their next Circuit Court, or (where there are no Circuit Courts) to the Court of Justiciary at Edinburgh, in case the Judgement complained of was given by the Sheriff Depute of any County; and that the Determination of the said General or Quarter Sessions, or of the said Circuit Court, shall be final and conclusive to all Parties.

Act not to extend to Pheasants or Partridges kept in Mews, &c.

Provided always, That nothing in this Act shall extend to any Pheasant or Partridge, which shall be taken in the Seasons allowed by this Act, and kept in any Mew or Breeding Place.

Clause in Act 24 *Geo.* II. repealed.

And be it further enacted by the Authority aforesaid, That from and after the passing of this present Act, so much of an Act passed in the Twenty fourth Year of the Reign of His late Majesty King George the Second, intituled, An Act for the better Preservation of the Game in that Part of *Great Britain* called *Scotland*, as limits the Time for killing any Moor Fowl, Partridge, or Heath Fowl, shall be, and is hereby declared to be repealed.

FINIS.