ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. LV.

An Act to explain and amend the ſeveral Laws now in being, ſo far as the ſame relate to the Preſervation of the Moor or Hill Game.

Preamble.

WHEREAS the Laws now in being, relative to the Preſervation of the Moor or Hill Game, have been found very inſufficient to anſwer the Purpoſe for which they were intended: And whereas ſome further Regulations are become abſolutely neceſſary to prevent the total Deſtruction of that Species of Game: May it pleaſe Your 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, from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-three, no Perſon or Perſons ſhall, upon any Pretence whatſoever, wilfully take, kill, deſtroy, carry, ſell, buy, or have, in his, her, or their Poſſeſſion or Uſe, any Heath Fowl, commonly called Black Game, between the Tenth Day of December and the Twentieth Day of Auguſt, in any Year; nor any Grouſe, commonly called Red Game, between the

After 24 *June* 1773, no Perſon wilfully to kill, *&c. Black Game*, between *Dec.* 10. and *Aug.* 20.

nor *Red Game*, between *Dec.* 10. and *Aug.* 12.

the Tenth Day of December and the Twelfth Day of Auguſt, in any Year; nor any Buſtard, between the Firſt Day of March and the Firſt Day of September, in any Year.

nor any Buſtard, between *March* 1. and *Sept.* 1.

Penalty on Perſons offending contrary to this Act.

And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of June, if any Perſon or Perſons ſhall, in any of the Caſes aforeſaid, offend, contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall, upon due Conviction, for the Firſt Offence, forfeit and pay any Sum or Sums of Money not exceeding Twenty Pounds, nor leſs than Ten Pounds; and for the Second and every ſubſequent Offence, any Sum or Sums of Money not exceeding Thirty Pounds, nor leſs than Twenty Pounds; to be levied and recovered in Manner as herein is after mentioned.

Forfeitures and Penalties may be recovered in any Court of Record at *Weſtminſter*;

And be it further enacted, That all ſuch Forfeitures and Penalties, as to be incurred as aforeſaid, ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at Weſtminſter, or Great Seſſions in Wales, wherein no Eſſoin, Protection, nor Wager of Law, nor more than One Imparlance, ſhall be allowed: Provided ſuch Action be brought within Six Calendar Months after the Matter or Thing done, for which the ſame ſhall be commenced or exhibited.

And by Information before the Juſtices of any County, *&c.*

And be it further enacted, That it ſhall and may be lawful for any Perſon whatſoever, (except the Perſon liable to pay any ſuch Forfeitures or Penalties), to proceed to recover any of the aforeſaid Forfeitures and Penalties, by Information and Conviction, before any Juſtice or Juſtices of the Peace of any County, City, Corporation, Diviſion, Riding, Precinct, or Liberty, wherein the Offence ſhall happen; and ſuch Juſtice or Juſtices are hereby authoriſed and impowered, upon due Proof made upon Oath by One or more credible Witneſs or Witneſſes, or by the Confeſſion of the Party accuſed, to cauſe the ſaid Forfeiture to be forthwith paid; and, in caſe of Neglect or Refuſal, to levy the ſame by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under his or their Hand and Seal, or Hands and

who may grant Warrant to levy the ſame by Diſtreſs.

and Seals, together with all Costs and Charges attending the same, returning the Overplus, if any, to the Owners; and every such Forfeiture, when paid or recovered, shall be applied, One Moiety to the Informer, and the other Moiety to the Poor of the Parish where such Offence shall have been committed; and it shall and may be lawful for such Justice or Justices to order such Offender to be detained in safe Custody until Return may be conveniently had and made to such Warrant of Distress, unless the Party so convicted shall give sufficient Security to the Satisfaction of such Justice or Justices, for his Appearance before him or them, on the Day appointed for the Return of the Warrant of Distress, such Day not exceeding Five Days from the Time of taking such Security; which Security the said Justice or Justices is and are hereby impowered to take by way of Recognizance, or otherwise: And in case no sufficient Distress can be had, such Justice or Justices shall commit such Offender to the common Gaol, or House of Correction, there to be kept to hard Labour for any Time not exceeding Six, nor less than Three, Calendar Months, unless the Money forfeited, and all Costs and Charges attending the Prosecution, shall be sooner paid and discharged.

No Person to be doubly prosecuted.

Provided always, and be it further enacted, That no Offender against the Provisions of this Act shall be prosecuted for the same Offence both by Action of Law and by Information before a Justice of the Peace; but, in case of any Second Prosecution, the Person so doubly prosecuted may plead, in his Defence, the former Prosecution pending, or the Conviction or Judgement thereupon had.

Form of Conviction.

And for the more easy Conviction of Offenders against this Act be it further enacted, That the Form of the Conviction shall be drawn up in the following, or like Form of Words;

BE it remembered, That, on the Day of in the Year of our Lord A. B. having appeared before me, or us, One or more of His Majesty's Justices of the Peace (*as the Case may*

may be) for the County of [illegible] and due Proof having been made, upon Oath, by One or more credible Witness or Witnesses, or by Confession of the Party, *(as the Case may be)*, is convicted of *(specifying the Offence, with the Time and Place where the same was committed, and also specifying, if known, that it is the First, Second, or any subsequent Offence against this Act, as the Case shall be)*. Given under my Hand and Seal, or our Hands and Seals, the Day and Year aforesaid.

Which Conviction the said Justice or Justices shall cause to be wrote fairly upon Parchment, and returned to the next General Quarter Session of the Peace for the County where such Conviction was made, to be filed by the Clerk of the Peace, and remain and be kept among the Records of the County, Riding, Division, or Place.

Clerk to cause a Copy of the Conviction to be delivered on Payment of 1 s.

Provided always, and be it further enacted, That it shall and may be lawful for any Clerk of the Peace for any County, Riding, or Place, and he is hereby required, upon Application made to him by any Person or Persons for that Purpose, to cause a Copy or Copies of any Conviction or Convictions, filed by him under the Directions of this Act, to be forthwith delivered to such Person or Persons, upon Payment of One Shilling for every such Copy.

Justices may administer an Oath.

And be it further enacted, That it shall and may be lawful for any such Justice or Justices of the Peace, as aforesaid, to administer an Oath to any Witness or Witnesses, or other Person or Persons, for the better Discovery and Execution of the several Matters and Things herein-before directed to be examined into, or performed by such Justice or Justices respectively.

No Person to be proceeded against for Offences unless Information is made.

Provided always, and be it further enacted, That no Person shall be proceeded against for any of the Offences aforesaid, by Information before a Justice of the Peace, unless such Information shall be made upon Oath before some Justice of the Peace for the County or Place wherein such Offence shall be committed, within Three Calendar Months after such Offence shall have been committed.

Persons aggrieved may appeal to the Quarter-sessions;

And be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved,

grieved, by any Thing done in pursuance of this Act, by any Justice or Justices of the Peace, as aforesaid, every such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the County, Riding, City, Corporation, Precinct, or Liberty, wherein the Cause of such Complaint shall arise, and within Four Calendar Months after the Cause of such Complaint shall have arisen, such Appellant giving, or causing to be given, Fourteen Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Justice; and every other Person or Persons against whom such Complaint shall be made, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, Riding, Division, City, Corporation, Precinct, or Liberty, with One sufficient Surety, conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such Quarter-sessions; and every such Justice, and other Person, having received Notice of such Appeal, shall return all Proceedings had before them, touching the Matter of such Appeal, to the said Justices, at such Quarter-sessions, on Pain of forfeiting Five Pounds for every such Neglect; and the said Justices, upon due Proof of the Notice given, and of the entering into such Recognizance, as aforesaid, shall hear, and finally determine, the Causes and Matters of such Appeal, in a summary Way, and award such Costs to the Parties appealing or appealed against, as they shall think proper to be levied and recovered as herein-before directed for the Recovery of Forfeitures and Penalties under this Act, and the Determination of such Quarter-sessions, shall be final and conclusive, to all Intents and Purposes; and no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for want of Form, or removed by Certiorari, or any other Writ or Process whatsoever, except as herein-before mentioned, into any of His Majesty's Courts of Record at Westminster, any Law or Statute to the Contrary notwithstanding. whose Determination shall be final.

And

Not to extend to *Scotland*.

And be it further enacted, That nothing in this Act contained shall extend to that Part of Great Britain called Scotland.

Limitation of Actions.

And be it further enacted, That if any Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons for any Thing which shall be done in pursuance of this Act, or in Execution of any of the Powers or Authorities hereby given, every such Action, Suit, or Information, shall be commenced or prosecuted within the Space of Six Calendar Months next after the Fact committed, and shall be laid or brought in the County, Riding, Division, or Place, where the Matter shall arise, and not elsewhere; and the Defendant or Defendants, in every such Action, Suit, or Information, shall and may, at his or their Election, plead Specially, or the General Issue, and give this Act, and the Special Matter, in Evidence. And if a Verdict shall be given for the Defendant; or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

And be it enacted by the Authority aforesaid, That so much of an Act, passed in the Second Year of his present Majesty's Reign, intituled, An Act for the better Preservation of the Game in that Part of *Great Britain* called *England*, as relates to Heath Fowl, commonly called Black Game, or Grouse, commonly called Red Game, shall be, and is hereby repealed.

LONDON:

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