ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. LXXX.

An Act to repeal an Act, made in the Tenth Year of the Reign of His present Majesty, intituled, *An Act for the better Preservation of the Game within that Part of* Great Britain *called* England; and for making other Provisions in lieu thereof.

WHEREAS by an Act, passed in the Tenth Year of the Reign of His present Majesty, intituled, An Act for the better Preservation of the Game in that Part of *Great Britain* called *England*, certain Penalties and Punishments were inflicted on Persons killing and destroying Game in the Night, between One Hour after Sun-set and One Hour before Sun-rise: And whereas some Doubts have arisen concerning the Construction of some Parts of the Preamble. Act 10 Geo. III.

said Act, and some Inconveniencies have followed therefrom; therefore, for obviating such Doubts, and for remedying such Inconveniencies, 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, if any Person or Persons shall knowingly and wilfully kill, take, or destroy any Hare, Pheasant, Partridge, Moor Game, or Heath Game, or use any Gun, Dog, Snare, Net, or other Engine, with Intent to kill, take, or destroy, any Hare, Pheasant, Partridge, Moor Game, or Heath Game, in the Night, that is to say, between the Hours of Seven of the Clock at Night and Six in the Morning, from the Twelfth Day of October to the Twelfth Day of February, and between the Hours of Nine of the Clock at Night and Four in the Morning, from the Twelfth Day of February to the Twelfth Day of October, every such Person, being convicted thereof upon the Oath or Oaths of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace, acting for the County, Riding, or Place, where the Offence shall be committed, shall forfeit and pay, for the First Offence, any Sum not exceeding Twenty Pounds, nor less than Ten Pounds; and for the Second Offence, any Sum not exceeding Thirty Pounds, nor less than Twenty Pounds: But in case any Information shall be made upon Oath, as aforesaid, before any Justice or Justices, against any Person offending against this Act, and if it shall appear that such Offender hath already been convicted of a first and second Offence against this Act; then, and in such Case, such Justice or Justices shall and may commit such Offender to the common Gaol, or House of Correction, for the County, Riding, or Place, there to remain till the next General Quarter Session of the Peace for the said County, Riding, or Place,

Rules to be observed, (after *June* 24, 1773) by Persons killing or taking Hares, Pheasants, Partridges, &c. or using a Gun, Dog, Net, or Engine.

How Offenders are to be punished.

Place, unless such Offender shall have entered into a Recognizance, with Two sufficient Securities, to appear at such General Quarter Session, then and there to be tried by Indictment for the said Offence; and also shall and may bind over the Informer to prosecute the said Offender by Indictment as aforesaid: And the Justices, at their said General or Quarter Sessions, shall and may direct the said Indictment to be tried accordingly; and if upon such Indictment such Offender shall be convicted, he shall forfeit and pay in Court the Sum of Fifty Pounds: And in case he shall neglect or refuse to pay the said Sum of Fifty Pounds, he shall be committed to the common Gaol, or House of Correction, for such County, Riding, or Place, for any Term not less than Six nor more than Twelve Calendar Months, unless such Penalty shall be sooner paid; and such Offender shall, if the Justices think proper, be Once publickly whipped for such Offence at the Expiration of such Commitment, in the Town or Place where such Gaol, or House of Correction, shall be, between the Hours of Twelve and One of the Clock in the Day.

And be it further enacted, That the Justice or Justices before whom any Offender shall be convicted as aforesaid, shall cause the said Conviction to be made out in the Manner and Form following; that is to say,

Form of Conviction.

BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me One of His Majesty's Justices of the Peace for the County of *(specifying the Offence, with the Time and Place where the same was committed, and also specifying that it was the First or Second Offence against this Act, as the Case shall be)*. Given under my Hand and Seal, the Day and Year aforesaid.

Which Conviction the said Justice shall cause to be fairly wrote over upon Parchment, and returned to the next General Quarter Session of the Peace for the County, Riding, or Place, 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.

Clerk to deliver a Copy of Conviction on Payment of 1s.

Provided always, and be it further enacted by the Authority aforesaid, 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.

Penalties and Forfeitures how to be recovered.

And be it further enacted by the Authority aforesaid, That the pecuniary Penalties and Forfeitures hereby to be incurred and made payable upon any Conviction, for a First and Second Offence against this Act, and also for a Third Offence, upon Conviction at the Quarter Sessions, as aforesaid, together with the Costs and Charges previous to and attending such Conviction, to be ascertained by the Justice or Justices before whom any Offender shall be convicted, shall be forthwith paid by the Person convicted, One Moiety of the Forfeiture to the Informer, and the other Moiety to the Poor of the Parish or Place where the Offence shall be committed: And in case such Person shall refuse or neglect to pay the same, or to give Security for the Payment thereof, such Justice or Justices shall, by Warrant under his or their Hand and Seal, or Hands and Seals, cause the same to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all Costs and Charges attending such Distress and Sale, returning the Overplus (if any) to the Owners; 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 conveniently be 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 the said Justice or Justices, on such Day as shall be appointed by the said Justice or Justices for the Day of the Return of the said Warrant of Distress, such Day

not

not exceeding Seven Days from the Time of taking such Security; which Security the said Justice or Justices are hereby impowered to take by way of Recognizance, or otherwise: But if upon such Return no sufficient Distress can be had; then, and in such Case, the said Justice or Justices shall and may commit such Offender to the common Gaol, or House of Correction, of the County, Riding, or Place, for the Space of Three Calendar Months, unless the Money forfeited shall be sooner paid, or until such Offender, thinking him or herself aggrieved by such Conviction, shall give Notice to the Informer, that he or she intends to appeal to the Justices of the Peace, at the next General Quarter Session of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, and shall enter into Recognizance before some Justice or Justices, with Two sufficient Securities, conditioned to try such Appeal, and to abide the Order of, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions; which Notice of Appeal being not less than Fourteen Days before the Trial thereof, such Person so aggrieved is hereby impowered to give, and the said Justices, at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, 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 the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes whatsoever.

Provisions of 10 *Geo.* III. repealed.

And be it further enacted, That all the Provisions of the said recited Act shall be, and are hereby declared to be, repealed.

Penalties for wilfully killing Game, or using a Gun on a *Sunday* or *Christmas Day*.

And be it enacted by the Authority aforesaid, That from and after the said Twenty-fourth Day of June, One thousand seven hundred and seventy-three, if any Person or Persons shall, upon a Sunday, or on Christmas Day, in the Day-time; knowingly and wilfully take, kill, or destroy any Hare, Pheasant, Partridge, Heath Game, or Moor Game, or shall, upon a Sunday, or on Christmas

Christmas Day, use any Gun, Dog, Net, or Engine, for taking, killing, or destroying, any Hare, Pheasant, Partridge, Moor Game, or Heath Game; every such Person, being convicted thereof, in the Manner and Form prescribed by this Act, shall be subject to the like Forfeitures and Penalties as are herein-before enacted to be inflicted for other Offences against this Act.

How Penalties for Offences committed are to be recovered.

And be it further enacted, That in case any Person shall commit an Offence against this Act, whereby a Penalty or Punishment is incurred, and dwells in another County than in that in which the Offence was committed, the Justice or Justices, before whom such Information or Indictment was had or made, may direct his or their Warrant of Apprehension, and of Distress and Sale, to any Constable within such County, Riding, or Place, where the Offence was committed, to be by him carried to the Justice near residing to the Place where the Offender dwells in such other County, Riding, or Place, to be signed by him on the Back of the said Warrant, upon Proof on Oath of the Handwriting of the Justice who first granted the Warrant; which Indorsement shall be sufficient Authority for the Constable of such Parish or Township where he dwells, or where his Goods and Chattels, or Distress, are to be had and found, or for such Constable who shall bring the said Warrant to be indorsed, to apprehend and convey such Offender before the Justice who first granted the Warrant, or any other Justice or Justices of that County where the Offence was committed, or for such Constable to levy such Penalty, by Distress and Sale, in the same Manner, and with the same Powers, as might have been done if the Person had lived in the County, Riding, or Place, where the Offence was committed; and also, in case where no sufficient Distress can be had or found, to convey the Offender before the Justice who first granted the Warrant of Distress, or any other Justice or Justices of that County where the Offence was committed, to be dealt with according to Law; and the Justice of such other County who

who indorsed the Warrant of Distress or Apprehension shall direct such Constable, or other Person taking and making such Distress and Sale, to deliver over any Sums of Money for Penalties arising from such Distress and Sale to the Justice of the County who first granted the Warrant, to be by him distributed according to the Meaning of this Act: And in case such Constable or other Person shall neglect or refuse to pay such Sums of Money, or deliver over all Proceedings had upon such Distress and Sale, or Warrant of Apprehension, such Justice who first granted the Warrant, or the Justice who indorsed it, may commit such Constable, or other Person so refusing or neglecting to account for the Sums of Money received, or deliver over the Proceedings so had thereupon, to the common Gaol, or House of Correction, for the Space of Six Months, or until the Money shall be paid, and the Proceedings delivered over to the Justice who first granted the Warrant; or in case of his Absence or Death, to any other Justice of the same County, to be by him distributed according to the true Intent and Meaning of this Act: And that no Action of Trespass, false Imprisonment, Information, or Indictment, or other Action or Appeal, shall be brought, sued, commenced, or prosecuted, by any Person or Persons whatsoever, against the Justice of such other County who indorsed such Warrant, for or by reason of his indorsing the same.

Proceedings not to be quashed for want of Form, nor removeable by *Certiorari*.

Provided always, and be it further enacted, That no Order made concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed for want of Form, or be removed by Writ of Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

No Person to be proceeded against till Information be made on Oath.

Provided also, That no Person shall be proceeded against for any of the Offences against this Act, as aforesaid, unless Information shall be made thereof upon Oath before some Justice of the Peace for the County, Riding, or Place, wherein such Offence shall be committed, within One Calendar Month after such Offence shall be committed.

FINIS.