Anno ſexto

Georgii III. Regis.

CAP. XXXII.

An Act to extend an Act made in the Fourth Year of the Reign of King *George* the Firſt, intituled, *An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Tranſportation of Felons and unlawful Exporters of Wool, and for declaring the Law upon ſome Points relative to Pirates*; to that Part of *Great Britain* called *Scotland*, ſo far as the ſaid Act relates to the more effectual Tranſportation of Felons; and for amending and rendering more effectual the Laws for reſtraining Muirburn, in forbidden Time, in that Part of the United Kingdom.

WHEREAS by an Act paſſed in the Fourth Year of the Reign of King George the Firſt, intituled, An Act for further preventing Robbery, Burglary, and other Felonies, and for the more effectual Tranſportation of Felons and unlawful Exporters of Wool, and for declaring the Law upon ſome Points relating to Pirates, certain Proviſions and Rules are made and laid down for the more effectual Tranſportation of Offenders to His Majeſty's Colonies and Plantations in America, by enabling the Court, before whom ſuch Perſons are convicted, to convey, tranſ-

Preamble, reciting Clauſes in Act 4 *Geo.* I.

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ser, and make over such Offenders, by Order of Court, to the Use of any Person or Persons, who shall contract for the Performance of such Transportation, to him and them, and their Heirs and Assigns; and such Person or Persons so contracting as aforesaid, his or their Assigns, by virtue of such Order of Transfer, are declared to have a Property and Interest in the Service of such Offenders, for such Terms of Years as is therein mentioned; but, by an After Clause of the aforesaid Statute, it is provided, that nothing in the said Act contained should extend, or be construed to extend, to such Persons as should be convicted or attainted in that Part of Great Britain called Scotland, whereby the effectual Transportation of Offenders from that Part of the United Kingdom is often disappointed, and the Colonies and Plantations to which such Offenders are transported, are exposed to many Dangers and Inconveniencies, by having such Offenders set loose amongst them, without any Person or Persons having a Property or Interest in their Service, whereby they may be restrained from committing new Crimes and Offences in the said Colonies and Plantations: For Remedy whereof, 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 whensoever and so often as any Sentence of Transportation shall be pronounced and awarded, by any Court in that Part of Great Britain called Scotland, against any Offender or Offenders, it shall and may be lawful for such Court to convey, transfer, and make over, such Offender or Offenders, by Order of Court, to the Use of any Person or Persons who shall contract for the Performance of such Transportation, to him and them, and their Heirs and Assigns, so as he or they, so contracting, may have a Property and Interest in the Service of such Offenders, for such and the same Term of Years, as he or they might have had in the like Case by an Order of any Court in that Part of Great Britain called England.

Court in *Scotland*, pronouncing Sentence of Transportation, may make over the Offender to the Use of the Contractor for the Performance of such Transportation.

And be it enacted by the Authority aforesaid, That where any Persons do now stand convicted, or hereafter shall be convicted, of any Crimes or Offences whatsoever, by which Death by Law may or ought to be inflicted; and His Majesty, His Heirs, or Successors, shall be graciously pleased to extend His Royal Mercy to such Offenders, upon the Condition of Transportation to any

Persons convicted of Capital Crimes, receiving the King's Pardon upon Condition of Transportation,

Part of America, and such Intention of Mercy be signified by One of his Majesty's Principal Secretaries of State; it shall and may be lawful to any Court in that Part of Great Britain called Scotland, having proper Authority, to allow such Offenders the Benefit of a Pardon under the Great Seal, or under the Seal appointed by the Treaty of Union to be kept in Scotland in place of the Great Seal, and to order and direct the like Transfer and Conveyance, to any Person or Persons who will contract for the Performance of such Transportation, and to his or their Heirs and Assigns, of any such before mentioned Offenders, in the same Manner, and for the same Term of Years, as any Court in that Part of Great Britain called England might have ordered and directed in the like Case; and such Person or Persons so contracting as aforesaid, his or their Assigns, by virtue of such Order of Transfer as aforesaid, shall have the like Property and Interest in the Service of such Offenders, and for such Term of Years, as he or they would or might have had under the like Order from any competent Court in that Part of Great Britain called England.

the Court to allow the Offender the Benefit thereof, and order a like Transfer to be made of him to the Contractor, as the Courts in *England* may in like Cases

And whereas the Laws now in Force in that Part of Great Britain called Scotland, for preventing Muirburn in forbidden Time, are found defective and ineffectual, whereby not only the Game, but also many valuable Woods and Plantations have been destroyed: For Remedy whereof, be it enacted by the Authority aforesaid, That no Person or Persons shall make Muirburn, or set Fire to any Heath or Muir, in that Part of Great Britain called Scotland, from the last Day of March to the First Day of November in any Year, under the Penalty of Forty Shillings lawful Money of Great Britain for the First Offence, Five Pounds like Money for the Second Offence, and Ten Pounds like Money for the Third and every other Offence; One Moiety of which Penalties shall belong to the Procurator Fiscal, who shall sue or prosecute for the same, and the other Moiety shall be at the Disposal of the Court before which the Offender or Offenders shall be convicted, for such publick Uses, within the Parish where the Offence is committed, as they shall think fit.

Penalty on Persons making Muirburn, or setting Fire to any Heath or Muir, between 31 *March* & 1 *Nov.* yearly.

Application of the Penalties.

And be it enacted by the Authority aforesaid, That the Tenant, Possessor, or Occupier of the Ground, upon which such Muirburn shall be made or discovered within the forbidden Time aforesaid, shall be deemed and taken to be guilty of the Offence, and shall be liable to the several

In what Cases the Tenant or Occupier is made liable to the said Penalties.

veral Penalties aforesaid, unless such Tenant, Possessor, or Occupier, shall prove, to the Satisfaction of the Court, that such Fire was communicated from some neighbouring Ground; or was raised upon his or her Ground by some other Person not in his or her Service or Family.

Penalty not to take Place but for Offences committed after 31 *March*, 1767.

Provided always, That no Person or Persons shall be liable to any of the Penalties hereby enacted, except for such Offence or Offences as shall be committed after the Thirty first Day of March, One thousand seven hundred and sixty seven.

Method of suing for and Recovery of the Penalties.

And be it enacted by the Authority aforesaid, That the several Penalties aforesaid may be sued for and recovered before any Two or more Justices of the Peace, or before the Sheriff of the County where the Offence shall be committed, subject to such Review as is competent by the Law of Scotland in the like Cases.

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FINIS.