ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

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CAP. XXIII.

An Act for granting to His Majeſty certain Duties upon Certificates with reſpect to the killing of Game in *Ireland*. [24th *March* 1803.]

WHEREAS by an Act paſſed in the Parliament of *Ireland*, in the Fortieth Year of His preſent Majeſty's Reign, intituled, *An Act to amend and explain an Act paſſed in the Fortieth Year of the Reign of His preſent Majeſty, intituled* ' *An Act for granting* ' *to His Majeſty, His Heirs and Succeſſors, ſeveral Duties therein men-* ' *tioned, to be levied by the Commiſſioners for managing the Stamp Duties,*' certain Duties were granted for a Term therein limited on Certificates to Perſons not acting as Gamekeepers, keeping or uſing any Dog, Gun, Net, or other Engine for the taking or Deſtruction of Game; and alſo on Certificates of Deputations or Appointments of Gamekeepers; which ſaid recited Act has, by divers Acts of the Parliament of the United Kingdom, been continued until the Twenty-fifth Day of *March* One thouſand eight hundred and three, and it is expedient that the ſaid Duties ſhould be further continued, and that the Collection of the ſame ſhould be regulated in Manner herein-after mentioned: May it therefore 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-fifth Day of *March* One thouſand eight hundred and three, there ſhall be raiſed, levied, collected,

Iriſh Act, 40 Geo. 3. c. 16. recited.

From *March* 25, 1803, Perſons keeping or

using any Dog, Gun, &c. for the killing of Game in *Ireland*, shall deliver an Account of their Name, &c. to the Distributor of Stamps, and annually take out a Certificate; as shall likewise Gamekeepers, who shall register their Deputations; and pay a Stamp Duty of 2 *l.* 5 *s.* 6 *d.*

and paid throughout *Ireland*, unto and for the Use of His Majesty, His Heirs and Successors, the several Rates and Duties following; that is to say, that every Person in *Ireland* who shall keep or use any Dog, Gun, Net, or other Engine fit for, or commonly used for the taking or Destruction of Game, not acting as a Gamekeeper under or by virtue of a Deputation or Appointment, (duly registered), shall previously deliver in a Paper or Account in Writing, containing the Name and Place of Abode of such Person to the Distributor of Stamps in the City of *Dublin*, or to a Distributor of Stamps in *Ireland*, for the County in which such Person shall reside, and in case there shall be no Distributor in such County, then and in such Case, to the Distributor dwelling nearest to the Residence of such Person, and annually take out a Certificate thereof from One of such Distributors; and that every Deputation or Appointment of a Gamekeeper granted to any Person by any Lord or Lady of a Manor in *Ireland*, shall be registered with the Distributor of Stamps in the City of *Dublin*, or with a Distributor of Stamps in *Ireland* in the County wherein such Manor shall lie, and the Gamekeeper so appointed shall annually take out a Certificate thereof from One of such Distributors; and that upon every Piece of Vellum or Parchment, or Sheet or Piece of Paper upon which any such Certificate which shall be granted, to any or either of such Persons respectively, shall be engrossed, written, or printed, there shall be charged a Stamp Duty of Two Pounds Five Shillings and Sixpence *Irish* Currency; which said Pieces of Vellum or Parchment, or Sheets or Pieces of Paper respectively, with such Stamp thereon, shall be found and provided by the Person or Persons requiring such Certificates respectively.

Distributor of Stamps shall, on Payment of Duty, and 2 *s.* 6 *d.* for his Trouble, issue Certificate.

II. And be it further enacted, That, from and after the said Twenty-fifth Day of *March* One thousand eight hundred and three, every Person delivering into the Office of any such Distributor of Stamps in *Ireland* as aforesaid a Paper or Account in Writing, containing the Name and Place of Abode of such Person, and every Gamekeeper to whom any such Deputation or Appointment shall be granted as aforesaid, registering the same in Manner aforesaid, and producing a Piece of Vellum, Parchment, or Paper, stamped with the Duty of Two Pounds Five Shillings and Sixpence, and also paying the Sum of Two Shillings and Sixpence to such Distributor of Stamps as aforesaid for his Trouble, and requiring a Certificate thereof, shall be annually entitled to such Certificate; and every such Distributor of Stamps shall thereupon issue a Certificate on such stamped Paper, Vellum, or Parchment, to the Effect or Form following; (that is to say),

Form of Certificate.

'I *A. B.* Distributor of Stamps for the County of *or* City
'I of [*as the Case may happen to be*], do hereby declare
'that of in the Parish of in the
'Barony of and County *or* City, [*as the Case may be*],
'of hath this Day delivered into my Office a Paper, Writ-
'ing, or Account, containing his Name and Place of Abode; [*or, as the*
'*Case may happen to be*], hath this Day registered a Deputation, whereby
'he is appointed a Gamekeeper by for the Manor or Lands
'of ; which I do hereby certify, in pursuance of an Act of
'Parliament passed in the Forty-third Year of the Reign of His
'Majesty, intituled, [*here set forth the Title of this Act*].

III. And

III. And be it further enacted, That ſuch Diſtributor of Stamps, after he ſhall have ſigned ſuch Certificate, ſhall forthwith iſſue the ſame, ſtamped as herein-before is directed, to the Perſon or Perſons reſpectively requiring the ſame in Manner aforeſaid, and ſhall, previous to the Delivery thereof, be entitled to demand and receive of and from ſuch Perſon the Sum of Two Shillings and Sixpence for his own Trouble in that Behalf; and in caſe any ſuch Diſtributor of Stamps ſhall, upon Payment or Tender to him of the ſaid Sum of Two Shillings and Sixpence, and on Production of ſuch Paper, Vellum, or Parchment ſtamped as aforeſaid, neglect or refuſe to iſſue to ſuch Perſon as aforeſaid ſo delivering in ſuch Paper or Account in Writing, or regiſtering ſuch Deputation as aforeſaid, a Certificate in Manner and Form as herein-before is directed, every ſuch Diſtributor of Stamps ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Pounds *Iriſh* Currency, and moreover be liable to pay to His Majeſty, His Heirs and Succeſſors, the Duty payable on ſuch Certificate.

Penalty on Diſtributor for Neglect, 20 *l.* &c.

IV. And be it further enacted, That every Certificate iſſued by any Diſtributor of Stamps purſuant to this Act, ſhall bear Date on the Day of the Month on which the ſame ſhall be iſſued, and ſhall endure and remain in force from thence until the Twenty-fifth Day of *March* next following the Date thereof, and no longer; and if any Diſtributor of Stamps ſhall iſſue any Certificate to any Perſon otherwiſe than as herein-before directed, he ſhall forfeit and pay the Sum of Twenty Pounds *Iriſh* Currency.

Certificate to bear Date when iſſued, and be in Force till *March* 25 following, Penalty 20 *l.*

V. And be it further enacted, That, from and after the ſaid Twenty-fifth Day of *March* One thouſand eight hundred and three, if any Perſon ſhall keep or uſe any Greyhound, Hound, Pointer, Setting Dog, Spaniel, or other Dog, or any Gun, Net, or other Engine, for the taking or Deſtruction of any Hare, Pheaſant, Partridge, Heath Fowl, commonly called *Black Game*, or Grouſe, commonly called *Red Game*, or any other Game whatſoever, without having obtained ſuch Certificate in ſuch Manner as herein-before is directed; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Pounds *Iriſh* Currency.

Penalty on Perſons keeping any Dog, *etc.* without Certificate, 20 *l.*

VI. And be it further enacted, That, from and after the ſaid Twenty-fifth Day of *March* One thouſand eight hundred and three, if any Perſon to whom any Deputation or Appointment of a Gamekeeper ſhall have been, or at any Time hereafter ſhall be granted by any Lord or Lady of a Manor in *Ireland*, ſhall, for the Space of Twenty Days next after the ſaid Twenty-fifth Day of *March* One thouſand eight hundred and three, or for the Space of Twenty Days next after the Twenty-fifth Day of *March* in each and every Year, or for the Space of Twenty Days next after ſuch Deputation or Appointment ſhall be firſt granted, neglect or refuſe to regiſter the ſame, and take out a Certificate thereof in the Manner herein-before directed, every ſuch Perſon not having obtained ſuch Certificate as aforeſaid in purſuance of this Act, ſhall forfeit and pay the Sum of Twenty Pounds *Iriſh* Currency.

Gamekeepers neglecting to regiſter Deputations within 20 Days, forfeit 20 *l.*

VII. And

Diſtributors ſhall Monthly tranſmit to the Commiſſioners of Stamps an Alphabetical Liſt of Certificates iſſued, on Penalty of 20*l. etc.*

VII. And be it further enacted, That the ſeveral Diſtributors in *Ireland* ſhall, on or before the Fifth Day of every Month, tranſmit to the Commiſſioners of Stamp Duties in *Ireland*, at the Head Office of Stamps in *Dublin*, a correct Liſt in Alphabetical Order, of the Certificates by them reſpectively iſſued in the then laſt preceding Month, and on the Delivery thereof, the Receiver General of the Stamp Duties in *Ireland*, ſhall pay every ſuch Diſtributor of Stamps for making out and writing any ſuch Liſt, after the Rate of One Halfpenny for the Name of every ſuch Perſon to whom ſuch Certificate ſhall have been iſſued, and which ſhall be inſerted in ſuch Liſt; and in caſe any Diſtributor of Stamps ſhall neglect or refuſe to make out and tranſmit any of ſuch Liſts as aforeſaid, or ſhall not inſert in ſuch Liſt, a full, true, and perfect Account as herein-before directed, of all the Perſons the ſame ought to contain, then and in every ſuch Caſe, every ſuch Diſtributor ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Pounds *Iriſh* Currency.

Such Liſts may be inſpected on Payment of 1*s.*

VIII. And be it further enacted, That all ſuch Liſts, upon ſuch Tranſmiſſion thereof as aforeſaid, ſhall be depoſited and kept at the ſaid Head Office of Stamps in *Dublin*; and ſhall and may, within the Office Hours, be reſorted to, and inſpected by any Perſon whatſoever, on Payment of One Shilling, and no more.

Liſts to be inſerted in the Newſpapers quarterly.

IX. And be it further enacted, that the Commiſſioners of His Majeſty's Stamp Duties in *Ireland*, ſhall, Four Times in every Year, that is to ſay, Once in every Quarter of a Year, publiſh the Liſts ſo tranſmitted to them, or cauſe the ſame to be inſerted in the Newſpapers circulating in each reſpective County, or in ſuch publick Newſpapers as to them ſhall ſeem moſt proper.

Deputations of Gamekeepers may be revoked, and new ones regiſtered.

X. And whereas Deputations or Appointments of Gamekeepers may be revoked, be it therefore enacted, That if any Lord or Lady of a Manor in *Ireland*, ſhall make any new Deputation or Appointment of a Gamekeeper, for any Manor or Lands, in the room of the Perſon already appointed, and to whom any ſuch Certificate as aforeſaid hath been iſſued, and ſhall regiſter ſuch new Deputation or Appointment with any Diſtributor of Stamps in *Ireland*, and ſhall obtain a new Certificate thereof, the firſt Certificate granted ſhall be, and the ſame is hereby declared to be null and void, and the Perſon acting under the ſame after the granting of ſuch new and other Certificate, ſhall be liable to the Penalties preſcribed by this Act, in the ſame Manner as if no Certificate had been granted to ſuch Perſon.

Perſons uſing any Dog, *etc.* for taking Game, refuſing to produce their Certificate, when required by any authorized Perſon, or to tell their Names or Abode, ſhall forfeit 50*l.*

XI. And be it further enacted, That if any Perſon or Perſons ſhall be found uſing any Dog, Gun, Net, or other Engine, for the taking or Deſtruction of Game, by any other Perſon who hath obtained a Certificate in Manner herein-before directed, it ſhall and may be lawful for ſuch other Perſon producing ſuch Certificate, to demand and require from the Perſon ſo uſing ſuch Dog, Gun, Net, or other Engine as aforeſaid, to produce and ſhew a Certificate iſſued to him for that Purpoſe as herein-before is directed; and every ſuch Perſon ſhall, upon ſuch Demand and Requiſition as aforeſaid, produce ſuch Certificate to the Perſon ſo demanding the ſame, and permit the ſame to be inſpected accordingly,

accordingly, and if any ſuch Perſon ſhall wilfully refuſe to produce and ſhew a Certificate iſſued to him for that Purpoſe, or ſhall decline to produce or ſhew the ſame, or not having produced and ſhewn ſuch Certificate, ſhall refuſe on Demand thereof, to give in his Name and Surname, and the Place of his Reſidence, or ſhall give in any falſe or fictitious Name, or Place of Reſidence, every ſuch Perſon ſo offending, ſhall forfeit and pay the Sum of Fifty Pounds *Iriſh* Currency; and if any Perſon ſhall be found going over any Ground or Land of any Perſon, and ſhall carry any Gun or Net, fit for or commonly uſed for the taking or deſtroying Game, every ſuch Perſon ſhall be deemed to be uſing ſuch Gun or Net for the taking or Deſtruction of Game, and ſhall be liable to ſuch Penalty as ſuch Perſons are by this Act ſubject to.

Perſons going over any Ground with a Gun or Net, ſhall be deemed uſing them.

XII. And be it further enacted, That the Certificate hereby directed to be iſſued by any Diſtributor of Stamps, ſhall not authorize or enable any Perſon to uſe any Greyhound, Hound, Pointer, Setting Dog, Spaniel, or other Dog, or any Gun, Net, or other Engine, for the taking or Deſtruction of Game, at any Time or Times, or in any Place, or in any Manner prohibited by any Law now in being, nor ſhall give to any Perſon any Right to uſe any Greyhound, Hound, Pointer, Setting Dog, Spaniel, or other Dog, or any Gun, Net, or other Engine, for the taking or Deſtruction of Game, unleſs ſuch Perſon ſhall be duly qualified ſo to do, under and by virtue of the Laws now in being, made for the Preſervation of the Game; but ſuch Perſon ſhall be liable to the ſame Penalties in all or any of the ſaid Laws contained as if this Act had not been made.

Certificate not to authorize any Perſon to kill Game at prohibited Time, &c. not give any Right to kill Game unleſs qualified.

XIII. And be it further enacted, That no Certificate obtained under any Deputation or Appointment of a Gamekeeper, ſhall be pleaded or given in Evidence in any caſe whatſoever, where the Perſon having ſuch Certificate ſhall have uſed or ſhall uſe any Greyhound, Hound, Pointer, Setting Dog, Spaniel, or other Dog, or any Gun, Net, or other Engine, for the taking or Deſtruction of Game out of or beyond the Precincts or Limits of the Manor or Lands, for or in reſpect of which ſuch Deputation or Appointment was given and made.

Gamekeepers Certificates ſhall not authorize killing Game out of the Manor.

XIV. And be it enacted, That all the Duties hereby granted, ſhall be carried to and made Part of the Conſolidated Fund of *Ireland*.

Application of Duties.

XV. And be it further enacted, That all pecuniary Penalties impoſed on any Perſon for any Offence againſt this Act, may be ſued for and recovered in any of His Majeſty's Courts of Record in *Dublin*, by any Perſon ſuing for them by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Protection, Privilege, Wager of Law, nor more than One Imparlance ſhall be allowed, or by Civil Bill in the Court of proper Juriſdiction, One Moiety thereof, with Coſts of Suit, to be paid to the Uſe of His Majeſty, His Heirs and Succeſſors, and the other Moiety to the Perſon who ſhall inform and ſue for the ſame.

Recovery and Application of Penalties.

XVI. Provided always, and be it enacted, That it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace of the County wherein any Offence againſt this Act ſhall be committed, and ſuch Juſtice or Juſtices is and are hereby required upon Information or Complaint to him or them made, to ſummon the Party or Parties accuſed, and alſo the

Juſtices may convict Offenders in a ſummary Way.

Witneſſes on either Side to appear before him or them, and upon the Appearance of the Party or Parties accuſed, or in Default of his, her, or their Appearance, according to ſuch Summons, to proceed to hear and determine the Matter in a ſummary Way, and upon due Proof made thereof, either by the voluntary Confeſſion of the Party or Parties accuſed, or by the Oath of One or more credible Witneſs or Witneſſes, to give Judgement or Sentence for the Penalty or Forfeiture according as in and by this Act is directed; and to award and iſſue his Warrant, under his Hand and Seal, for the levying the pecuniary Penalties and Forfeitures ſo adjudged on the Goods of the Offender, and to cauſe Sale to be made thereof in caſe they ſhall not be redeemed within Six Days, rendering to the Party the Overplus, if any; and where ſufficient Goods of ſuch Offender cannot be found to anſwer the Penalty, to commit ſuch Offender to the Common Gaol, or Houſe of Correction, there to remain for a Space of Time, not leſs than One Calendar Month, and not exceeding Three Calendar Months, unleſs ſuch Penalty ſhall be ſooner paid and ſatisfied; and if ſuch Perſon or Perſons ſhall find himſelf or themſelves aggrieved by the Judgement of any ſuch Juſtice, then he or they ſhall and may, upon giving Security to the Amount of the Value of ſuch Penalty or Forfeiture, together with ſuch Coſts, as ſhall be awarded in caſe ſuch Judgement ſhall be affirmed, appeal to the Juſtices of the Peace at the then next General Quarter Seſſions for the County, who are finally to hear and determine the ſame; and in caſe the Judgement of ſuch Juſtice ſhall be affirmed, it ſhall and may be lawful for ſuch Juſtices to award the Perſon or Perſons to pay ſuch Coſts occaſioned by ſuch Appeal as to them ſhall ſeem meet.

Penalties to be levied by Diſtreſs, or, Offender committed.

Perſons aggrieved may appeal to the Quarter Seſſions.

Perſons ſummoned as Witneſſes not appearing ſhall forfeit 10*l.*

XVII. And be it further enacted, That if any Perſon ſhall be ſummoned as a Witneſs to give Evidence before ſuch Juſtice or Juſtices of the Peace, touching any of the Matters and Things herein contained, either on the Part of the Proſecutor, or of the Perſon or Perſons accuſed, and ſhall neglect or refuſe to appear at the Time and Place to be for that Purpoſe appointed, without a reaſonable Excuſe for ſuch his or her Neglect or Refuſal to be allowed of by ſuch Juſtice or Juſtices of the Peace, before whom the Proſecution ſhall be depending, that then every ſuch Perſon ſhall forfeit for every ſuch Offence, the Sum of Ten Pounds *Iriſh* Currency, to be levied and paid in ſuch Manner, and by ſuch Means, as is herein-before directed for the levying the Penalties hereby impoſed.

XVIII. And be it further enacted, That the Juſtice or Juſtices of the Peace before whom any Offender ſhall be convicted as aforeſaid, ſhall cauſe the ſaid Conviction to be made out in the Manner and Form following, or in any other Form of Words to the ſame Effect, *mutatis mutandis*; and that ſuch Form of Conviction ſhall be deemed legal; that is to ſay,

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord at in the County of *A. B.* came before me *C. D.* One of His Majeſty's Juſtices of the Peace for the ſaid County, reſiding near the Place where the Offence was committed, and informed me that *E. F.* of on the Day of now laſt paſt, did keep, *or* did carry, *or* did uſe, [*as the Caſe may be*], Gun, Dog, Net, or other Engine, [*as the Caſe may be*], for the taking or Deſtruction of Game, and did thereby

'thereby and therewith take, kill, and deſtroy a Hare, *or* other Game, '[*as the Caſe may be*]; [*here ſet forth the Fact for which the Information* 'was laid], without having the Certificate required by Law for that 'Purpoſe, whereupon the ſaid *E. F.* after being duly ſummoned to 'anſwer the ſaid Charge, appeared before me, and having heard the 'Charge contained in the ſaid Information, declared he was not guilty 'of the ſaid Offence, *or*, [*as the Caſe may happen to be*], did not appear 'before me, purſuant to the ſaid Summons, *or* did neglect or refuſe to 'make any Defence againſt the ſaid Charge, but the ſame being fully 'proved upon the Oath of *G. H.* a credible Witneſs, *or*, [*as the Caſe* 'may happen to be], did acknowledge and voluntarily confeſs the ſame to 'be true, and it manifeſtly appeared to me that he the ſaid *E. F.* is guilty 'of the ſaid Offence charged upon him in the ſaid Information; I do 'therefore hereby convict him of the Offence aforeſaid, and do declare 'and adjudge that he the ſaid *E. F.* hath forfeited the Sum of 'current Money of *Ireland*, for the Offence aforeſaid, according 'to the Form of the Statute in that Caſe made and provided. Given 'under my Hand and Seal the Day of .'

Juſtices may mitigate Penalties.

XIX. Provided nevertheleſs, and be it enacted, That it ſhall and may be lawful for ſuch Juſtice or Juſtices, where he or they ſhall ſee Cauſe, to mitigate and leſſen any ſuch Penalties as he or they ſhall think fit, reaſonable Coſts and Charges of the Officers and Informers, as well in making the Diſcovery as in proſecuting the ſame, being always allowed over and above ſuch mitigated Penalty, and ſo as ſuch Mitigation do not reduce the Penalties to leſs than a Moiety of the Penalties incurred, over and above the ſaid Coſts and Charges, any Thing herein contained to the contrary notwithſtanding; and no ſuch Conviction ſhall be removed by *Certiorari* into any Court whatſoever.

General Iſſue.

Treble Coſts.

XX. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times be ſued, moleſted, or proſecuted for any Thing by him or them done or executed in purſuance of this Act, or of any Clauſe, Matter, or Thing herein contained, ſuch Perſon and Perſons ſhall and may plead the General Iſſue, and give the ſpecial Matter in Evidence for his or their Defence; and if upon the Trial a Verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs become non-ſuited, then ſuch Defendant or Defendants ſhall have Treble Coſts awarded to him or them againſt ſuch Plaintiff or Plaintiffs.

Duties and Penalties ſhall be paid in *Iriſh* Currency.

XXI. And be it further enacted, That all the Duties in this Act, ſpecified, mentioned, and contained, and all Penalties on any Offences in this Act mentioned, ſhall be paid and payable, and received and receivable in *Iriſh* Currency, whether the ſame be ſo expreſsly mentioned or not.

Act may be repealed or altered this Seſſion.

XXII. And be it further enacted, That it ſhall and may be lawful to repeal or alter any Part of this Act, during this preſent Seſſion of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1803.