CHAPTER 29.

An Act for the Preservation of Wild Fowl. [24th July 1876.]

WHEREAS the wild fowl of the United Kingdom, forming a staple article of food and commerce, have of late years greatly decreased in number by reason of their being inconsiderately slaughtered during the time that they have eggs and young; and whereas owing to their marketable value the protection accorded to them by the Act of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter seventy-eight, intituled "An Act for the protection of certain wild birds during the breeding season," is insufficient; it is expedient therefore to provide for their further protection during the breeding season:

Be it enacted by the Queen'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, as follows:

Definition of terms.

1. The words "wild fowl" shall for all the purposes of this Act be deemed to include the different species of avocet, curlew, dotterel, dunbird, dunlin, godwit, greenshank, lapwing, mallard, oxbird, peewit, phalarope, plover, plover's-page, pochard, purre, redshank, reeve or ruff, sanderling, sandpiper, sealark, shoveller, snipe, spoonbill, stint, stone-curlew, stonehatch, summer-snipe, teal, thick-knee, whaup, whimbrel, widgeon, wild duck, wild goose, and woodcock; the word "sheriff" shall include steward and also sheriff substitute and steward substitute.

Season during which wild fowl shall not be killed.

Penalty.

2. Any person who shall kill, wound, or attempt to kill or wound, or take any wild fowl, or use any boat, gun, net, or other engine or instrument for the purpose of killing, wounding, or taking any wild fowl, or shall have in his control or possession any wild fowl recently killed, wounded, or taken between the fifteenth day of February and the tenth day of July in any year, shall, on conviction of any such offence before any justice or justices of the peace in England or Ireland, or before the sheriff or any justice or justices of the peace in Scotland, forfeit and pay for every such wild fowl so killed, wounded, or taken, or so in his possession, such sum of money not exceeding one pound as to the said justices or sheriff shall seem meet, together with the costs of the conviction.

Home Office, &c. on application of justices may vary such period.

3. The Home Office as to Great Britain, and the Lord Lieutenant as to Ireland, may, upon application of the justices in quarter sessions assembled of any county, extend or vary the time during which the killing, wounding, and taking of wild fowl is prohibited by this Act; the extension or variation of such time by the Home Office shall be made by order under the hand of one of Her Majesty's Principal Secretaries of State, after the making of which order the penalties imposed by this Act shall in such county apply only to offences committed during the time specified in such order; and the extension of such time by the Lord Lieutenant shall be made by order to be published in the Dublin Gazette, and a copy of the London Gazette or Dublin Gazette containing such order shall be evidence of the same having been made.

Persons offending against this Act may be required to tell their names and abodes.

Penalty for refusing.

4. Where any person shall be found offending against this Act, it shall be lawful for any person to require the person so offending to give his Christian name, surname, and place of abode; and in case the person offending shall, after being so required, refuse to give his real name or place of abode, or give an untrue name or place of abode, he shall be liable, on being convicted of any such offence before a justice of the peace or the sheriff, to forfeit and pay, in addition to the penalties imposed by section two, such sum of money not exceeding two pounds as to the convicting justice or sheriff shall seem meet, together with the costs of the conviction.

Application of penalty.

5. One moiety of every penalty or forfeiture under this Act shall go and be paid to the person who shall inform and prosecute for the same, and the other moiety shall, in England, be paid to some one of the overseers of the poor, or to some other officer (as the convicting justice or justices may direct) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or

place shall be situate, whether the same shall or shall not contribute to such general rate; and in Scotland, to the inspector of the poor of the parish in which the offence shall have been committed, to be by such inspector paid over to the use of the funds for the relief of the poor in such parish; and if recovered in Ireland, such penalty shall be applied according to the provisions of the Fines Act (Ireland), 1851, or any Act amending the same.

As to trial of offences committed within the Admiralty jurisdiction.

6. All offences mentioned in this Act, which shall be committed within the jurisdiction of the Admiralty, shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon any land in the United Kingdom, and may be dealt with, inquired of, tried, and determined in any county or place in the United Kingdom in which the offender shall be apprehended or be in custody, in the same manner in all respects as if they had been actually committed in that county or place; and in any information or conviction for any such offence the offence may be averred to have been committed "on the high seas;" and in Scotland any offence committed against this Act on the sea coast, or at sea beyond the ordinary jurisdiction of any sheriff or justice of the peace, shall be held to have been committed in any county abutting on such sea coast, or adjoining such sea, and may be tried and punished accordingly.

As to offences committed on boundary waters.

7. Where any offence under this Act is committed in or upon any waters forming the boundary between any two counties, districts of quarter sessions or petty sessions, such offence may be prosecuted before any justice or justices of the peace or sheriff in either of such counties or districts.

CHAPTER 30.

An Act to amend the Settled Estates Act of 1856. [24th July 1876.]

WHEREAS by section fourteen of the Settled Estates Act of 1856 (nineteenth and twentieth Victoria, chapter One hundred and twenty), herein called the Principal Act, it is enacted that it shall be lawful for the Court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in the Principal Act contained, from time to time to direct that any part of any settled estates be laid out for streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, either to be dedicated to the public or not: And whereas difficulty in the exercise of the said power has arisen for want of sufficient power to direct the said streets and other works to be made and executed, and to provide for the expenses incurred in relation thereto, and it is expedient to amend the Principal Act accordingly:

Be it enacted by the Queen'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, as follows:

Making and executing, and expenses of laying out and making and executing streets, roads, and other works.

1. Where under section fourteen of the Principal Act any part of any settled estates is directed to be laid out for streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, either to be dedicated to the public or not, the Court may direct that any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, including all necessary or proper fences, pavings, connexions, and other works incidental thereto respectively, be made and executed, and that all or any part of the expenses in relation to such laying out and making and execution be raised and paid by means of a sale or mortgage of, or charge upon all or any part of the settled estates, or out of any moneys or investments representing moneys liable to be laid out in the purchase of hereditaments to be settled in the same manner as the settled estates.

Short title, and construction.

2. This Act may be cited as the Settled Estates Act, 1876, and shall be construed as one with the Principal Act.