



ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. XV.

*AN ACT for the Protection of the Breeding  
of Wild Fowl and Preservation of Game.*

[Passed 20th April, 1859.]

**WHEREAS** it is necessary to prevent the extermination of the Wild Fowl of this Colony : Preamble.

Be it therefore Enacted by the Governor, Legislative Council and Assembly, in General Session convened :

I. From and after the passing of this Act, it shall not be lawful for any person wilfully to break, destroy, take, carry away, use, purchase, barter, sell, or expose to sale, or knowingly have in his possession, any of the Eggs of any of the various species of Wild Fowl (except Wild Geese) which resort to or frequent the shores, coasts, or other parts of this Colony, or any of its Dependencies, within the Government thereof ; nor import into this Colony, for sale or otherwise, the Eggs of any kind of Wild Fowl ; nor by any ways or means whatsoever wilfully to remove, take, or destroy any of the Wild Fowl (except Wild Geese) during the breeding season, that is to say, between the Tenth day of May and the Tenth day of August, in each Year. And that if any person shall, during the said season, within this Colony or any of its Dependencies, wilfully break, destroy, take, carry away, use, purchase, barter, sell, or expose to sale, or knowingly have in his possession any of such Eggs ; or shall, during said season, by any ways or means whatsoever, wilfully take, remove, or destroy, any of the said Wild Fowl, (except Wild Geese) every such person shall, for every such offence, not only forfeit the same but shall forfeit and pay to Her Majesty, Her Heirs and Successors, a sum not exceeding Twenty Pounds.

No person wilfully to destroy, &c. sell, or import Eggs of Wild Fowl or destroy Wild Fowl between the 10th day of May and the 10th day of August in each year.

Penalty, a sum not exceeding £20.

No person to kill, sell, &c. Partridge or destroy the Eggs thereof from the 17th day of March until the 10th day of August.

II. After the passing of this Act, no person shall, on any pretence whatsoever, kill, take, purchase, sell, or barter, any Partridge, or take or destroy the Eggs thereof, within this Colony or its Dependencies, from the Seventeenth day of March until the Twenty-fourth day of August (both days inclusive) in any year.

No person to kill, sell, &c. Snipe, wild or migratory bird, except Wild Geese, from the 17th of April to 10th August.

III. After the passing of this Act, no person shall, on any pretence whatever, kill, take, purchase, sell, or barter, any Snipe, Wild or any Migratory Birds, frequenting for the purpose of incubation, except Wild Geese, within this Colony or its Dependencies, from the Seventeenth day of April until the Tenth day of August (both days inclusive) in any year.

Penalty on persons destroying, &c. Partridge, &c.

IV. Every person who shall kill, take, purchase, destroy, or sell or expose to sale, or barter, or who shall buy, or cause to be bought, any Partridge or Snipe, Wild or any other Migratory Birds, except Wild Geese, within the respective times last hereinbefore mentioned, shall, for every Partridge or Snipe, Wild or any other Migratory Birds, except Wild Geese, killed, taken, purchased, destroyed, sold, or exposed to sale or barter, forfeit and pay to Her Majesty the sum of Ten Shillings sterling.

Penalty on parties aiding and abetting another in violating provisions of Act.

V. Any person engaged in, or employing another, or aiding and abetting another, to take, collect, gather, sell, or dispose of the said Eggs, or to take or kill said Fowl, or that shall or may place or employ any person on the Funk or other Islands, on or off the coast of this Colony, for the purpose of taking or killing said Fowl, or collecting, gathering or taking said Eggs, shall, for every such offence, forfeit and pay a sum not exceeding Twenty Pounds, to be recovered and applied as hereinafter provided; and in case such offender shall not have any goods or chattels on which to levy such fine and costs, or in case he shall make default in the payment thereof, such Justice shall then commit such offender to the common Gaol for any time not exceeding One Month, unless such fine and costs shall be sooner paid and satisfied; Provided always, that all informations and prosecutions for any of the said offences, shall be made and commenced within Three Months after any such fine and forfeiture shall have been incurred.

Mode of recovering penalty, and in default of goods and chattels, punishment of offender.

Hares not to be killed from 23rd April to 20th August.

VI. No person shall, on any pretence whatever, kill any Hare within this Island or its Dependencies, from the Twenty-third day of April until the Twentieth day of August in any year. Provided always, that for and during the period of Five Years from the importation of any Hares, Quails, or other Game, into this Island, it shall not be lawful for any person to kill, take, or carry away, any such Hares, Quails, or any other Game, that may be so imported and brought into this Colony for the purpose of propagating the species, and any person offending against the provision of this section shall forfeit and pay, for every offence, a sum not exceeding Five Pounds.

Proviso, if Hares, Quails, &c., imported.

No person to kill Deer except for the purpose of food.

VII. It shall not be lawful for any person wantonly to shoot, kill, or destroy any Deer within this Colony, (except for the purpose of food or sale) and any person offending against this section shall forfeit and pay for every Deer so shot, killed, and destroyed, a sum not exceeding Five Pounds sterling.

Mode of recovering fines, and how disposed of.

VIII. All fines, forfeitures, and penalties, imposed by this Act, shall be recovered with costs, before a Justice, in a summary way, and one half thereof shall be paid to the person informing on and prosecuting the offen-

der to conviction, and the other half to the Receiver General, for the use of the Colony, and no proceedings for recovery of any such fines or penalties shall be removeable by certiorari.

IX. Nothing in this Act shall extend or be construed to extend, to any poor Settler, who shall kill any Partridge, or any other Wild Fowl, for his own immediate consumption, or that of his family, (except Quail or other Game imported for propagating the species, for a period of Five Years after being so imported.) Poor Settler may kill Partridge, &c., for immediate consumption.

X. It shall be lawful for any Constable to arrest on view any person found in any way violating the provisions of this Act. Constable to arrest on view any person violating provisions of Act.

XI. That an Act passed in the Eighth Year of the Reign of Her Majesty, entitled "An Act for the Protection of the Breeding of Wild Fowl in this Colony," be and the same is hereby repealed. Eighth Vic. repealed.