



Anno Vicesimo-Sexto

VICTORIÆ REGINÆ.

CAP. XIII.

AN ACT to Amend an Act passed in the Twenty-second Year of Her present Majesty, entitled "An Act for the Protection of the Breeding of Wild Fowl and Preservation of Game."

[Passed 25th March, 1863.]

WHEREAS it is expedient to Amend an Act passed in the Twenty-second Year of the Reign of Her present Majesty, entitled "An Act for the Protection of the Breeding of Wild Fowl and Preservation of Game :"
Preamble.

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

I.—That the Second, Third, and Fourth Sections of the hereinbefore recited Act, be and the same are hereby Repealed.

2nd, 3rd and 4th Sections of 22nd Vic. Cap. 15, repealed.

II.—After the passing of this Act, no Person shall, on any pretence whatever, Kill, Take, Purchase, Sell, Barter, or have in His or Her Possession, any Partridge, or Take or Destroy the Eggs thereof, within this Colony or its Dependencies, from the Twentieth Day of February until the Twenty-fifth day of August, in any Year.

Partridges, &c., not to be killed from 20th Feb. to 25th. Aug.

III.—After the passing of this Act no Person shall, on any pretence whatever, Kill, Take, Purchase, Sell, Barter, or have in His or Her Possession any Snipe, Blackbird, or any other Wild or Migratory Birds frequenting, for the purpose of Incubation, (except Wild Geese,) within this Colony or its Dependencies, from the First Day of April until the Twentieth Day of August in any Year.

Snipe, Blackbirds, &c., not to be killed from 1st April to 20th August.

Penalty.

IV.—Any Person who shall Kill, Take, Purchase, Sell, Barter or have in His or Her Possession, any Partridge, Snipe, Blackbird, or any other Wild or Migratory Bird (except Wild Geese), within the respective times hereinbefore mentioned, shall, for every Partridge, Snipe, Blackbird, or any other Wild or Migratory Bird (except a Wild Goose,) Killed, Taken, Purchased, Sold, Bartered, or Found in His or Her Possession, Forfeit and Pay to Her Majesty the Sum of Ten Shillings, together with the Forfeiture of the Bird or Birds so Killed, Taken, Purchased, Sold, Bartered or Found.

Mode of recovering penalty.

V.—All Fines, Forfeitures and Penalties, imposed by this Act, shall be recovered with Costs before a Justice of the Peace, in a summary manner, and One-half thereof shall be paid to the Person informing on and prosecuting the Offender to conviction, together with the Birds so Killed, Taken, Purchased, Sold, Bartered or Found; and the other half of the said Fine shall be paid to the Receiver General for the use of the Colony; and no Proceedings for the recovery of any such Fines or Penalties shall be removable by a *certiorari*.

Disposal of penalty.

Power of Constable to search, &c.

VI.—It shall be lawful for any Constable or Peace Officer in any District of this Island, in any Highway, Street, or Public Place, to search any Person whom he may have good cause to suspect of coming from any Land where he shall have been unlawfully in search or pursuit of Partridge, Snipe, or Blackbird, and also to stop and search any Cart or other conveyance in or upon which such Constable or Peace Officer shall have good cause to suspect that any such Partridge, Snipe, or Blackbird, is being carried by any such Person; or should there be found any such Partridge, Snipe, or Blackbird, as aforesaid, upon such Person, Cart, or other Conveyance, to seize and detain the said Partridge, Snipe or Blackbird; and such Constable or Peace Officer shall, in such case, apply to some Justice of the Peace for a Summons citing such Person to appear before him to be dealt with according to the provisions of this and the hereinbefore recited Act; and further, that it shall be lawful for any Constable or Peace Officer, on Warrant from any Justice of the Peace, on information being lodged of any Person having deposited or secreted in his, her, or their Dwelling or other Houses, to search therein, and should there be found therein any such Partridge, Snipe, or Blackbird, as aforesaid, to seize and detain the same; and such Constable or Peace Officer shall in such case cause the Occupier or Occupiers of such House or Houses to be cited before some Justice of the Peace, to be dealt with according to the provisions of this and the hereinbefore recited Act.

Penalty on second conviction, &c.

VII.—Any Person convicted of a second Offence under or by virtue of the provisions of this Act, shall forfeit and pay, as aforesaid, a Fine double in amount of the Fines hereinbefore imposed for such first offence; and for a third or any subsequent offence such Person offending

shall be Fined in the discretion of the Magistrate before whom such information may be heard.

VIII.—Any Person who shall be found, on the Sabbath, using, or having in his possession for the purpose of using, any Fire Arms, shall be subject to a Fine not exceeding Twenty Shillings, to be recovered in the same manner as the Fines hereinbefore imposed.

Penalty for using fire arms on the Sabbath.

IX.—Nothing in this Act contained shall be construed to affect or repeal the Ninth Section of the hereinbefore recited Act.

22nd Vic., Cap. 15, Sec. 9, not affected.

The Ninth Section here referred to makes an exception in favor of "any poor Hunter 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,—)"