



Game Act 1831

1831 CHAPTER 32

Repeal of 13 Ric. 2. st. 1. c. 13.

That so much of a Statute made in the Thirteenth Year of the Reign of King *Richard* the Second as relates to such Persons as shall not have or keep any Greyhound, Hound, or other Dog to hunt, and shall not use Fyrets, Heys, Nets, Hare-pipes, Cords, or other Engines to take or destroy Hares, Conies, or other Gentlemen's Game; and so much of a Statute made in the Twenty-second Year of the Reign of King *Edward* the Fourth as relates to the having any Mark or Game of Swans; and an Act passed in the Eleventh Year of the Reign of King *Henry* the Seventh, intituled *An Act against taking of Feasaunts and Partridges* ; and an Act passed in the Nineteenth Year of the same Reign, intituled *De Laqueis et Retibus Venantium* ; and an Act passed in the Fourteenth and Fifteenth Years of the Reign of King *Henry* the Eighth, intituled *An Act against tracing of Hares*; and an Act passed in the Twenty-fifth Year of the same Reign, intituled *An Act against Destruction of Wild Fowl*; and an Act passed in the Thirty-third Year of the same Reign, intituled *An Act concerning Cross Bows and Hand Guns*; and an Act passed in the Twenty-third Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Preservation of Pheasants and Partridges* ; and an Act passed in the Second Year of the Reign of King *James* the First, intituled *An Act for the better Execution of the Intent and Meaning of former Statutes made against shooting in Guns, and for the Preservation of the Game of Pheasants and Partridges, and against the destroying of Hares with Hare Pipes, and tracing Hares in the Snow* ; and an Act passed in the Seventh Year of the same Reign, intituled *An Act to prevent the Spoil of Corn and Grain by untimely hawking, and for the better Preservation of Pheasants and Partridges* ; and an Act passed in the Twenty-second and Twenty-third Years of the Reign of King *Charles* the Second, intituled *An Act for the better Preservation of the Game, and for securing Warrens not inclosed, and the several Fishings of this Realm* ; and an Act passed in the Fourth Year of the Reign of King *William* and Queen *Mary*, intituled *An Act for the more easy Discovery and Conviction of such as shall destroy the Game of this Kingdom* ; and an Act passed in the Fifth Year of the Reign of Queen *Anne*, intituled *An Act for the better Preservation of the Game* ; and an Act passed in the Ninth Year of the same Reign, intituled *An Act for making the Act of the Fifth Year of Her Majesty's Reign, for the better Preservation of the Game, perpetual, and for making the same more effectual*; and an Act passed in the Eighth Year of the Reign of King *George* the First, intituled *An Act for the better Recovery of the Penalties inflicted upon Persons who destroy the Game* ; and an Act passed in the Tenth Year of the Reign of King *George* the Second, intituled

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*An Act for continuing an Act for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects, and for the more speedy bringing the Offenders to Justice; and for continuing Two Clauses, to prevent the cutting or breaking down the Bank of any River or Sea Bank, and to prevent the malicious cutting of Hopbinds, contained in an Act passed in the Sixth Year of His present Majesty's Reign; and for the more effectual Punishment of Persons removing any Materials used for securing Marsh or Sea Walls or Banks, and of Persons maliciously setting on Fire any Mine, Pit, or Delph of Coal or Cannel Coal, and of Persons unlawfully hunting or taking any Red or Fallow Deer in Forests or Chases, or beating or wounding Keepers or other Officers in Forests, Chases, or Parks; and for more effectually securing the Breed of Wild Fowl; and an Act passed in the Twenty-sixth Year of the same Reign, intituled *An Act to amend an Act made in the Eighth Year of the Reign of His late Majesty King George the First, intituled 'An Act for the better Recovery of the Penalties' inflicted upon Persons who destroy the Game,* by enlarging the Time within which Suits and Actions are to be brought by force of the said Act; and an Act passed in the Twenty-eighth Year of the Reign of King George the Second, intituled *An Act to explain and amend a Clause in an Act made in the Fifth Year of the Reign of Queen Anne, intituled 'An Act for the better Preservation of the 'Game,' in relation to the selling or offering to Sale any Game* ; and an Act passed in the Second Year of the Reign of King George the Third, intituled *An Act for the better Preservation of the Game in that Part of Great Britain called England* ; and an Act passed in the Thirteenth Year of the same Reign, intituled *An Act to explain and amend the several Laws now in being, so far as the same relate to the Preservation of the Moor or Hill Game* ; and an Act passed in the same Year of the same Reign, intituled *An Act to repeal an Act made in the Tenth Year of the Reign of His present Majesty, intituled 'An Act for the better Preservation of the Game within that 'Part of Great Britain called England,' and for making other Provisions in lieu thereof*; and an Act passed in the Thirty-ninth Year of the same Reign, intituled *An Act for repealing Two Acts passed in the Thirty-sixth Year of the Reign of His present Majesty, which limit the Time for killing Partridges in England and Scotland, and for amending so much of an Act passed in the Second Year of the Reign of His present Majesty as relates to such Limitation within that Part of Great Britain called England, by making other Provisions for that Purpose*; and an Act passed in the Forty-third Year of the same Reign, intituled *An Act for the better Preservation of Heath Fowl, commonly called Black Game, in the New Forest in the County of Southampton*; and an Act passed in the Forty-eighth Year of the same Reign, intituled *An Act to repeal so much of an Act of the First Year of King James the First as relates to the Penalties on shooting at Hares* ; and also to repeal an Act of the Third Year of King George the First, relating to Gamekeepers; and an Act passed in the Fiftieth Year of the Reign of King George the Third, intituled *An Act for the better Preservation of Heath Fowl, commonly called Black Game, in the Counties of Somerset and Devon*; and an Act passed in the Fifty-eighth Year of the same Reign, intituled *An Act for the more effectual Prevention of Offences connected with the unlawful Destruction and Sale of Game* ; and an Act passed in the Fifty-ninth Year of the same Reign, intituled *An Act for the further regulating the Appointment of Gamekeepers in Wales* ; and all Acts continuing or perpetuating any of the Acts or Parts of Acts herein-before referred to, so far only as relates to the continuing or perpetuating the same respectively; shall be and continue in force until and throughout the Thirty-first Day of *October* in the present Year, and shall from and after that Day, as to that Part of the United Kingdom called *England*, be repealed (except so far as any of the said Acts may repeal the Whole or any Part of any other Acts, and except as to any Offences which may have been committed against any of the said Acts before or upon the said Thirty-first Day, and as to any Penalties which may have been incurred thereunder before or upon the said Thirty-first Day, which Offences shall be*

dealt with and punished, and the Penalties recovered, as if this Act had not been made, and except as to any Matters done by any Persons under the Authority of any of the said Acts before or upon the said Thirty-first Day, with respect to whom every Privilege and Protection given by any of the said Acts shall continue in force as if this Act had not been made) ;

Commencement of this Act.

and this Act shall commence and take effect (except as is herein-after excepted) on the First Day of November in the present Year.

II What shall be deemed Game.

And be it enacted, That the Word " Game " shall for all the Purposes of this Act be deemed to include Hares, Pheasants, Part ridges, Grouse, Heath or Moor Game, Black Game, and Bustards ; and that the Words " Lord of a Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, " shall throughout this Act be deemed to include a Lady of the same respectively.

III Days and Seasons during which Game shall not be killed. Penalty for laying Poison to kill Game.

And be it enacted, That if any Person whatsoever shall kill or take any Game, or use any Dog, Gun, Net, or other Engine or Instrument for the Purpose of killing or taking any Game, on a *Sunday* or *Christmas Day*, such Person shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every such Offence such Sum of Money, not exceeding Five Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction ; and if any Person whatsoever shall kill or take any Partridge between the First Day of *February* and the First Day of *September* in any Year, or any Pheasant between the First Day of *February* and the First Day of *October* in any Year, or any Black Game, (except in the County of *Somerset* or *Devon*, or in the *New Forest* in the County of *Southampton*;) between the Tenth Day of *December* in any Year and the Twentieth Day of *August* in the succeeding Year, or in the County of *Somerset* or *Devon*, or in the *New Forest* aforesaid, between the Tenth Day of *December* in any Year and the First Day of *September* in the succeeding Year, or any Grouse, commonly called Red Game, between the Tenth Day of *December* in any Year and the Twelfth Day of *August* in the succeeding Year, or any Bustard between the First Day of *March* and the First Day of *September* in any Year, every such Person shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit and pay for every Head of Game so killed or taken such Sum of Money, not exceeding One Pound, as to the said Justices shall seem meet, together with the Costs of the Conviction; and if any Person, with Intent to destroy or injure any Game, shall at any Time put or cause to be put any Poison or poisonous Ingredient on any Ground, whether open or inclosed, where Game usually resort, or in any Highway, every such Person shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay such Sum of Money, not exceeding Ten Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction.

IV Possession of Game illegal after Ten Days in Dealers, and Forty Days in other Persons, from the Expiration of the Season.

And be it enacted, That if any Person licensed to deal in Game by virtue of this Act as herein-after mentioned shall buy or sell, or knowingly have in his House, Shop, Stall, Possession, or Controul, any Bird of Game after the Expiration of Ten Days (one

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inclusive and the other exclusive) from the respective Days in each Year on which it shall become unlawful to kill or take such Birds of Game respectively as aforesaid; or if any Person, not being licensed to deal in Game by virtue of this Act as herein-after mentioned, shall buy or sell any Bird of Game after the Expiration of Ten Days (one inclusive and the other exclusive) from the respective Days in each Year on which it shall become unlawful to kill or take such Birds of Game respectively as aforesaid, or shall knowingly have in his House, Possession, or Controul any Bird of Game (except Birds of Game kept in a Mew or Breeding Place) after the Expiration of Forty Days (one inclusive and the other exclusive) from the respective Days in each Year on which it shall become unlawful to kill or take such Birds of Game respectively as aforesaid ; every such Person shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit and pay for every Head of Game so bought or sold, or found in his House, Shop, Possession, or Controul, such Sum of Money, not exceeding One Pound, as to the convicting Justices shall seem meet, together with the Costs of the Conviction,

V This Act not to affect the existing Laws respecting Game Certificates.

And be it enacted, That nothing in this Act contained shall in anywise affect or alter (except as herein-after mentioned) any Act or Acts now in force by which any Persons using any Dog, Gun, Net, or other Engine for the Purpose of taking or killing any Game whatever, or any Woodcock, Snipe, Quail, or Landrail, or any Conies, are required to obtain and have annual Game Certificates; but that all Persons who before the Commencement of this Act were required to obtain and have such Certificates shall after the Commencement of this Act be required from Time to Time to obtain and have the like Certificates ; and all the Powers, Provisions, and Penalties contained in such Act or Acts shall continue in as full Force and Effect as if this Act had not been made ; and that all Regulations and Provisions contained in any Act or Acts relative to Game Certificates, so far as they relate to Gamekeepers of Manors, and to the Amount of Duty for Game Certificates to be charged upon or in respect of Gamekeepers of Manors in the Cases specified in such Act or Acts, shall extend and apply to all Gamekeepers of Lands appointed under this Act as fully and effectually as if they were Gamekeepers of Manors, and were expressly mentioned in and charged by such Act or Acts.

VI Every certificated Person may kill Game, subject lo the Law of Trespass. Proviso as to Gamekeepers.

And be it declared and enacted, That every Person who shall have obtained an annual Game Certificate shall be authorized to kill and take Game, subject always to an Action, or to such other Proceedings as are herein-after mentioned, for any Trespass by him committed in Search or Pursuit of Game: Provided always, that no Game Certificate on which a less Duty than Three Pounds Thirteen Shillings and Sixpence is chargeable under the Acts relating to Game Certificates shall authorize any Gamekeeper to kill or take any Game, or to use any Dog, Gun, Net, or other Engine or Instrument for the Purpose of killing or taking Game, except within the Limits included in his Appointment as Gamekeeper; but that in any Case where such Gamekeeper shall kill or take any Game, or use any Dog, Gun, Net, or other Engine or Instrument for the Purpose of killing or taking Game, beyond such Limits as aforesaid he may be proceeded against under this Act, or otherwise, in the same Manner to all Intents and Purposes as if he had no Game Certificate whatsoever.

VII Under existing Leases the Landlord shall have the Game, except, in certain Cases.

And be it enacted, That in all Cases where any Person shall occupy any Land under any Lease or Agreement made previously to the passing of this Act, except in the Cases hereinafter next excepted, the Lessor or Landlord shall have the Right of entering upon such Land, or of authorizing any other Person or Persons who shall have obtained an annual Game Certificate to enter upon such Land, for the Purpose of killing or taking the Game thereon ; and no Person occupying any Land under any Lease or Agreement, either for Life or for Years, made previously to the passing of this Act shall have the Right to kill or take the Game on such Land, except where the Right of killing the Game upon such Land has been expressly granted or allowed to such Person by such Lease or Agreement, or except where upon the original granting or Renewal of such Lease or Agreement a Fine or Fines shall have been taken, or except where in the Case of a Term for Years such Lease or Agreement shall have been made for a Term exceeding Twenty-one Years.

VIII This Act not to affect any-existing or future Agreements respecting Game, nor any Rights of Manor, Forest, Chase, or Warren.

Provided always, and be it enacted, That nothing in this Act contained shall authorize any Person seised or possessed of or holding any Land to kill or take the Game, or to permit any other Person to kill or take the Game upon such Land, in any Case where, by any Deed, Grant, Lease, or any written or parol Demise or Contract, a Right of Entry upon such Land for the Purpose of killing or taking the Game hath been or hereafter shall be reserved or retained by or given or allowed to any Grantor, Lessor, Landlord, or other Person whatsoever; nor shall any thing in this Act contained defeat or diminish any Reservation, Exception, Covenant, or Agreement already contained in any private Act of Parliament, Deed, or other Writing relating to the Game upon any Land, nor in any Manner prejudice the Rights of any Lord or Owner of any Forest, Chase, or Warren, or of any Lord of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or of any Steward of the Crown of any Manor, Lordship, or Royalty appertaining to His Majesty.

IX This Act not to affect any of His Majesty's Forest Rights, &c.

Provided also, and be it enacted, That nothing in this Act contained shall in any way alter or affect the Prerogative, Rights, or Privileges of His Majesty, His Heirs or Successors, nor the Powers or Authorities now vested in the Commissioners of His Majesty's Woods, Forests, and Land Revenues, in or relating to any of His Majesty's Forests or the Boundaries thereof, nor in or relating to the Appointment of any Stewards, Gamekeepers, or other Officers of any of His Majesty's Forests, Parks, or Chases, or of any Hundred, Honor, Manor, or Lordship being Part of the Possessions and Land Revenues of the Crown, nor the Rights, Privileges, or Immunities of any Chief Justice in Eyre, or any Warden, Deputy Warden, or Lieutenant of any of His Majesty's Forests, or any Rangers, Verderers, Foresters, Master-keepers, Under-keepers, or other Officers of or in any such Forests, Parks, or Chases, or of any Person entitled to any Right or Privilege under them or any of them, nor the Rights or Privileges of any Persons holding under any Grants or Purchases from the Crown, nor give to any Lord of any Manor or Manors within any Forest or the Boundaries thereof, nor to any other Person whatsoever, any Privileges, Rights, or Powers within any such Forest, Park, or Chase, or the Boundaries thereof, which he did not possess or to which he was not entitled before the passing of this Act; but that all the aforesaid

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Prerogatives, Immunities, Privileges, Rights, and Powers shall remain as if this Act had not been made.

X Nor to affect any Cattle-gates or Right of Common. Lod of Manor to have the Game on the Wastes.

Provided also, and be it enacted, That nothing herein contained shall be deemed to give to any Owner of Cattlegates or Rights of Common upon or over any Wastes or Commons any Interest or Privilege which such Owner was not possessed of before the passing of this Act, nor to authorize such Owner of Cattlegates or Rights of Common to pursue or kill the Game found on such Wastes or Commons ; and that nothing herein contained shall defeat or diminish the Rights or Privileges which any Lord of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or any Steward of the Crown of any Manor, Lordship, or Royalty appertaining to His Majesty, may, before the passing of this Act, have exercised in or over such Wastes or Commons; and that the Lord or Steward of the Crown of every Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, shall have the Right to pursue and kill the Game upon the Wastes or Commons within such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, and to authorize any other Person or Persons who shall have obtained an Annual Game Certificate to enter upon such Wastes or Commons for the Purpose of pursuing and killing the Game thereon.

XI Landlord, having the Game, may authorize others to kill it.

And be it enacted, That where the Lessor or Landlord shall have reserved to himself the Right of killing the Game upon any Land, it shall be lawful for him to authorize any other Person or Persons who shall have obtained an annual Game Certificate to enter upon such Land for the Purpose of pursuing and killing Game thereon.

XII Where the Landlord, &c. has the Right to the Game, in exclusion of the Occupier, the Occupier shall be liable to a Penalty for killing it.

And be it enacted, That where the Right of killing the Game upon any Land is by this Act given to any Lessor or Landlord, in exclusion of the Right of the Occupier of such Land, or where such exclusive Right hath been or shall be specially reserved by or granted to, or doth or shall belong to, the Lessor, Landlord, or any Person whatsoever other than the Occupier of such Land, then and in every such Case, if the Occupier of such Land shall pursue, kill, or take any Game upon such Land, or shall give Permission to any other Person so to do, without the Authority of the Lessor, Landlord, or other Person having the Right of killing the Game upon such Land, such Occupier shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for such Pursuit such Sum of Money not exceeding Two Pounds, and for every Head of Game so killed or taken such Sum of Money not exceeding One Pound, as to the convicting Justices shall seem meet, together with the Costs of the Conviction.

XIII Lords of Manors may appoint Gamekeepers. Powers of Gamekeepers in Manors.

And be it enacted, That it shall be lawful for any Lord of a Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or any Steward of the Crown of any Manor, Lordship, or Royalty appertaining to His Majesty, by Writing under Hand and Seal or in case of a Body Corporate, then under the Seal of such Body Corporate, to appoint

One or more Person or Persons as a Gamekeeper or Gamekeepers to preserve or kill the Game within the Limits of such Manor, Lordship, or Royalty, or reputed Manor, Lordship or Royalty, for the Use of such Lord or Steward thereof, and to authorize such Gamekeeper or Gamekeepers within the said Limits to seize and take for the Use of such Lord or Steward all such Dogs, Nets, and other Engines and Instruments for the killing or taking of Game as shall be used within the said Limits by any Person not authorized to kill Game for Want of a Game Certificate.

XIV Lords of Manors may grant Deputations.

And be it enacted, That it shall be lawful for any Lord of a Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or any Steward of the Crown of any Manor, Lordship, or Royalty appertaining to His Majesty, to appoint and depute any Person whatever, whether acting as a Gamekeeper to any other Person or not, or whether retained and paid for as the Male Servant of any other Person or not, to be a Gamekeeper for any such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or for such Division or District of such Manor, Lordship, or Royalty, as such Lord or Steward of the Crown shall think fit, and to authorize such Person, as Gamekeeper, to kill Game within the same for his own Use or for the Use of any other Person or Persons who may be specified in such Appointment or Deputation, and also to give to such Person all such Powers and Authorities as may by virtue of this Act be given to any Gamekeeper of a Manor; and no Person so appointed Gamekeeper, and empowered to kill Game for his own Use or for the Use of any other Person so specified as aforesaid, and not killing any Game for the Use of the Lord or Steward of the Crown of the Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, for which such Deputation or Appointment shall be given, shall be deemed to be or shall be entered or paid for as the Gamekeeper or Male Servant of the Lord or Steward making such Appointment or Deputation, any thing in any Act or Acts contained to the contrary notwithstanding.

XV Regulations respecting Appointment of Gamekeepers in Wales.

And be it enacted, That it shall be lawful for every Person who shall be entitled to kill the Game upon any Lands in Wales of the clear annual Value of Five hundred Pounds, whereof he shall be seised in Fee or as of Freehold, or to which he shall otherwise be beneficially entitled in his own Right, if such Lands shall not be within the Bounds of any Manor, Lordship, or Royalty, or if, being within the same, they shall have been enfranchised or alienated therefrom, to appoint, by Writing under his Hand and Seal, a Gamekeeper or Gamekeepers to preserve or kill the Game over and upon such his Lands, and also over and upon the Lands in Wales of any other Person, who, being entitled to kill the Game upon such last-mentioned Lands, shall by Licence in Writing authorize him to appoint a Gamekeeper or Gamekeepers to preserve or kill the Game thereupon, such last-mentioned Lands not being within the Bounds of any Manor, Lordship, or Royalty, or having been enfranchised or alienated therefrom; and it shall be lawful for the Person so appointing a Gamekeeper or Gamekeepers to authorize him or them to seize and take, for the Use of the Person so appointing, upon the Lands of which he or they shall be appointed Gamekeeper or Gamekeepers, all such Dogs, Nets, and other Engines and Instruments for the killing or taking of Game as shall be used upon the said Lands by any Person not authorized to kill Game for Want of a Game Certificate.

XVI All Appointments of Gamekeepers to be registered with the Clerk of the Peace.

Provided always, and be it enacted, That no Appointment or Deputation of any Person as a Gamekeeper by virtue of this Act shall be valid unless and until it shall be registered with the Clerk of the Peace for the County, Riding, Division, Liberty, Franchise, City, or Town wherein the Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or the Lands, shall be situate, for or in respect of which such Person shall have been appointed Gamekeeper; and in case the Appointment of any Person as Gamekeeper shall expire or be revoked, by Dismissal or otherwise, all Powers and Authorities given to him by virtue of this Act shall immediately cease and determine.

XVII Certificated Persons may sell Game to licensed Dealers. Proviso as to Gamekeepers.

And be it enacted, That every Person who shall have obtained an annual Game Certificate shall have Power to sell Game to any Person licensed to deal in Game, according to the Provisions herein-after mentioned : Provided always, that no Game Certificate on which a less Duty than Three Pounds Thirteen Shillings and Sixpence is chargeable under the Acts relating to Game Certificates shall authorize any Gamekeeper to sell any Game, except on the Account and with the written Authority of the Master whose Gamekeeper he is; but that any such Gamekeeper selling any Game not on the Account and with the written Authority of such Master may be proceeded against under this Act in the same Manner, to all Intents and Purposes, as if he had no Game Certificate whatsoever.

XVIII Justices to hold a Special Session yearly for granting Licences to Persons to deal in Game. Dealers in Game to put up a Board.

And be it enacted, That the Justices of the Peace of every County, Riding, Division, Liberty, Franchise, City, or Town shall hold a Special Session in the Division or District for which they usually act, in the present Year, between the Fifteenth and the Thirtieth Days of *October*, and in every succeeding Year in the Month of *July*, for the Purpose of granting Licences to deal in Game, of the holding of which Session Seven Days Notice shall be given to each of the Justices acting for such Division or District; and the Majority of the Justices assembled at such Session, or at some Adjournment thereof, not being less than Two, are hereby authorized (if they shall think fit) to grant, under their Hands, to any Person being a Householder or Keeper of a Shop or Stall within such Division or District, and not being an Innkeeper or Victualler, or licensed to sell Beer by Retail, nor being the Owner, Guard, or Driver of any Mail Coach, or other Vehicle employed in the Conveyance of the Mails of Letters, or of any Stage Coach, Stage Waggon, Van, or other public Conveyance, nor being a Carrier or Higgler, nor being in the Employment of any of the above-mentioned Persons, a Licence according to the Form in the Schedule (A.) annexed to this Act, empowering the Person to whom such Licence shall be so granted to buy Game at any Place from any Person who may lawfully sell Game by virtue of this Act, and also to sell the same at One House, Shop, or Stall only, kept by him ; provided that every Person, while so licensed to deal in Game as aforesaid, shall affix to some Part of the Outside of the Front of his House, Shop, or Stall, and shall there keep, a Board having thereon in clear and legible Characters his Christian Name and Surname, together with the following Words, (that is to say,) " Licensed to deal in Game;" and every such Licence granted in the present Year shall begin to be in force on the First Day of November in the present Year, and shall continue in force until the Fifteenth Day of *July* One thousand eight

hundred and thirty-two, and every such Licence granted in any succeeding Year shall continue in force for the Period of One Year next after the granting thereof.

XIX Persons licensed to deal in Game must take out a Certificate, with a Duty of 2l.

And be it enacted, That every Person who shall have obtained any Licence to deal in Game under the Provisions of this Act shall annually and during the Continuance of his Licence, and before he shall be empowered to deal in Game under such Licence, obtain a Certificate according to the Form in the Schedule (B.) annexed to this Act, on Payment of the Duty of Two Pounds, which is hereby granted and made payable to His Majesty for every such Certificate, which Certificate shall be in force for the same Period as such Licence ; and the said Duty shall be paid to the Collector or Collectors of the Assessed Taxes for the Parish, Township, or Place in which the Person so licensed shall reside, in like Manner as the Duties on Game Certificates are by Law payable; and every Receipt to be given by any Collector receiving such Duty shall be free of Stamp Duty, and shall be delivered to the Person requiring the same on Payment to the Collector of One Shilling, and no more, over and above the said Duty for the Certificate; and such Receipt shall be exchanged for a Certificate under this Act, in like Manner as Receipts for the Duty in respect of killing Game are by Law required to be exchanged for Game Certificates ; and if any Person obtaining a Licence under this Act shall purchase or sell or otherwise deal in Game, as a licensed Dealer under this Act, before he shall obtain a Certificate in exchange for a Receipt as herein directed, such Person shall for every such Offence forfeit and pay the Penalty of Twenty Pounds.

XX Collectors to make out List of Persons who have obtained Licences to deal in Game.

And be it enacted, That the Collector or Collectors of the Assessed Taxes in every Parish, Township, or Place wherein any Person shall reside who shall have obtained such annual Licence and Certificate, shall in each Year make out a List, to be kept in his or their Possession, containing the Name and Place of Abode of every such Person, and shall at all seasonable Hours produce such List to any Person making verbal Application to inspect the same, and shall be entitled to demand and receive for such Inspection the Sum of One Shilling ; and the Duties hereby granted as aforesaid in respect of Certificates to be obtained by Persons licensed to deal in Game shall be assessed, charged, raised, levied, and collected by the respective Commissioners and Justices of the Peace, and the several, other Officers acting in the Execution of the several Acts relating to the Assessed Taxes, in the same Manner, and under the same Rules, Regulations, and Provisions (except as herein varied), as the Duties on Game Certificates are by the said Acts directed to be assessed, charged, raised, levied, and collected ; and that the Penalty of Twenty Pounds hereby imposed shall be sued for, recovered, and levied, either in the District in which the Offence shall be committed; or in the District in which the Offender shall reside, and be applied, in the same Manner, and under the same Rules, Regulations, and Provisions, as Penalties on Persons doing Acts without Payment or the Game Duty, or neglecting to obtain Game Certificates, are by the said Acts directed to be sued for, recovered, levied, and applied, to all Intents and Purposes whatsoever as if such Rules, Regulations, and Provisions were specially repeated and re-enacted in this Act.

Status: This is the original version (as it was originally enacted).

XXI Proviso as to Partners.

Provided always, and be it enacted, That Persons being in Partnership, and carrying on their Business at One House, Shop, or Stall only, shall not be obliged by virtue of this Act to take out more than One Licence in any One Year to authorize them to deal in Game at such House, Shop, or Stall.

XXII Licences when to become void.

And be it enacted, That if any Person licensed by virtue of this Act to deal in Game shall during the Period of such Licence be convicted of any Offence whatever against this Act, such Licence shall thereupon become null and void.

XXIII Penalty for killing Game without a Certificate. This Penalty to be cumulative.

And be it enacted, That if any Person shall kill or take any Game, or use any Dog, Gun, Net, or other Engine or Instrument for the Purpose of searching for or killing or taking Game, such Person not being authorized so to do for Want of a Game Certificate, he shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every such Offence such Sum of Money, not exceeding Five Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction : Provided always, that no Person so convicted shall by reason thereof be exempted from any Penalty or Liability under any Statute or Statutes relating to Game Certificates, but that the Penalty imposed by this Act shall be deemed to be a cumulative Penalty.

XXIV Penalty for destroying or taking the Eggs of Game, &c.

And be it enacted, That if any Person not having the Right of killing the Game upon any Land, nor having Permission from the Person having such Right, shall wilfully take out of the Nest or destroy in the Nest upon such Land the Eggs of any Bird of Game, or of any Swan, Wild Duck, Teal, or Widgeon, or shall knowingly have in his House, Shop, Possession, or Controul any such Eggs so taken, every such Person shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every Egg so taken or destroyed, or so found in his House, Shop, Possession, or Controul, such Sum of Money, not exceeding Five Shillings, as to the said Justices shall seem meet, together with the Costs of the Conviction.

XXV Penalty for selling Game without Licence, and on certificated Persons selling to unlicensed Persons.

And be it enacted, That if any Person not having obtained a Game Certificate (except such Person be licensed to deal in Game according to this Act) shall sell or offer for Sale any Game to any Person whatsoever; or if any Person authorized to sell Game under this Act by virtue of a Game Certificate shall sell or offer for Sale any Game to any Person whatsoever, except a Person licensed to deal in Game according to this Act; every such Offender shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit and pay for every Head of Game so sold or offered for Sale such Sum of Money, not exceeding Two Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction.

XXVI Exceptions as to Innkeepers.

Provided always, and be it further enacted, That it shall be lawful for any Innkeeper or Tavernkeeper, without any such Licence for dealing in Game as aforesaid, to sell Game for Consumption in his own House, such Game having been procured from some Person licensed to deal in Game by virtue of this Act, and not otherwise.

XXVII Penalty on Persons buying; Game, except from licensed Dealers.

And be it enacted, That if any Person, not being licensed to deal in Game according to this Act, shall buy any Game from any Person whatsoever, except from a Person licensed to deal in Game according to this Act, or *bonâ fide* from a Person affixing to the Outside of the Front of his House, Shop, or Stall, a Board purporting to be the Board of a Person licensed to deal in Game, every such Offender shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every Head of Game so bought such Sum of Money, not exceeding Five Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction.

XXVIII Penalty on licensed Dealers buying Game from uncertificated Persons, or otherwise offending.

And be it enacted, That if any Person being licensed to deal in Game according to this Act shall buy or obtain any Game from any Person not authorized to sell Game for Want of a Game Certificate, or for Want of a Licence to deal in Game ; or if any Person, being licensed to deal in Game according to this Act, shall sell or offer for Sale any Game at his House, Shop, or Stall, without such Board as aforesaid being affixed to some Part of the Outside of the Front of such House, Shop, or Stall, at the Time of such selling or offering for Sale, or shall affix or cause to be affixed such Board to more than One House, Shop, or Stall, or shall sell any Game, at any Place other than his House, Shop, or Stall where such Board shall have been affixed ; or if any Person not being licensed to deal in Game according to this Act shall assume or pretend, by affixing such Board as aforesaid, or by exhibiting any Certificate, or by any other Device or Pretence, to be a Person licensed to deal in Game ; every such Offender, being convicted thereof before Two Justices of the Peace, shall forfeit and pay such Sum of Money, not exceeding Ten Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction.

XXIX As to buying and selling Game by the Servants of a licensed Dealer.

Provided always, and be it enacted, That the buying and selling of Game by any Person or Persons employed on the Behalf of any licensed Dealer in Game, and acting in the usual Course of his Employment, and upon the Premises where such dealing is carried on, shall be deemed to be a lawful buying and selling in every Case where the same would have been lawful if transacted by such licensed Dealer himself: Provided also, that nothing herein contained shall prevent any licensed Dealer in Game from selling any Game which shall have been sent to him to be sold on account of any other licensed Dealer in Game.

XXX Penalty on Persons trespassing in the Day-time upon Lands in search of Game. Where the Occupier of the Land, not being entitled to the Game, allows any Person to kill it, the Party entitled to the Game may enforce the Penalty.

And whereas, after the Commencement of this Act, Game will become an Article which may be legally bought and sold, and it is therefore just and reasonable to provide some more summary Means than now by Law exist for protecting the same from Trespassers ; be it therefore enacted, That if any Person whatsoever shall commit any Trespass by entering or being, in the Day-time, upon any Land in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, or Conies, such Person shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Two Pounds, as to the Justice shall seem meet, together with the Costs of the Conviction; and that if any Persons to the Number of Five or more together shall commit any Trespass, by entering or being, in the Day-time, upon any Land in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, or Conies, each of such Persons shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the said Justice shall seem meet, together with the Costs of the Conviction: Provided always, that any Person charged with any such Trespass shall be at liberty to prove, by way of Defence, any Matter which would have been a Defence to an Action at Law for such Trespass; save and except that the Leave and Licence of the Occupier of the Land so trespassed upon shall not be a sufficient Defence in any Case where the Landlord, Lessor, or other Person shall have the Right of killing the Game upon such Land by virtue of any Reservation or otherwise, as herein-before mentioned ; but such Landlord, Lessor, or other Person shall, for the Purpose of prosecuting for each of the Two Offences herein last before mentioned, be deemed to be the legal Occupier of such Land, whenever the actual Occupier thereof shall have given such Leave or Licence; and that the Lord or Steward of the Crown of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, shall be deemed to be the legal Occupier of the Land of the Wastes or Commons within such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty.

XXXI Trespassers in search of Game may be required to quit the Land, and to tell their Names and Abodes, and in case of Refusal may be arrested. Penalty. Party arrested must be discharged, unless brought before a Justice within 12 Hours.

And be it enacted, That where any Person shall be found on any Land, or upon any of His Majesty's Forests, Parks, Chases, or Warrens, in the Day-time, in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, or Conies, it shall be lawful for any Person having the Right of killing the Game upon such Land, by virtue of any Reservation or otherwise as herein-before mentioned, or for the Occupier of the Land (whether there shall or shall not be any such Right by Reservation or otherwise), or for any Gamekeeper or Servant of either of them, or for any Person authorized by either of them, or for the Warden, Ranger, Verderer, Forester, Master-keeper, Under-keeper, or other Officer of such Forest, Park, Chase, or Warren, to require the Person so found forthwith to quit the Land whereon he shall be so found, and also to tell his Christian Name, Surname, and Place of Abode; and in case such Person shall, after being so required, offend by refusing to tell his real Name or Place of Abode, or by giving such a general Description of his Place of Abode as shall be illusory for the Purpose of Discovery, or by wilfully continuing or returning upon the Land, it shall be lawful for the Party so requiring as aforesaid, and also for any Person acting by his Order and in his Aid, to apprehend such Offender, and to convey him or cause him to be conveyed as soon as conveniently may be before a Justice of the Peace; and

such Offender (whether so apprehended or not), upon being convicted of any such Offence before a Justice of the Peace, shall forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the convicting Justice shall seem meet, together with the Costs of the Conviction : Provided always, that no Person so apprehended shall, on any Pretence whatsoever, be detained for a longer Period than Twelve Hours from the Time of his Apprehension until he shall be brought before some Justice of the Peace ; and that if he cannot, on account of the Absence or Distance of the Residence of any such Justice of the Peace, or owing to any other reasonable Cause, be brought before a Justice of the Peace within such Twelve Hours as aforesaid, then the Person so apprehended shall be discharged, but may nevertheless be proceeded against for his Offence by Summons or Warrant, according to the Provisions herein-after mentioned, as if no such Apprehension had taken place.

XXXII Penalty on Persons found armed using Violence, &c.

And be it enacted, That where any Persons, to the Number of Five or more together, shall be found on any Land, or in any of His Majesty's Forests, Parks, Chases, or Warrens, in the Day-time, in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, or Conies, any of such Persons being then and there armed with a Gun, and such Persons or any of them shall then and there, by Violence, Intimidation, or Menace, prevent or endeavour to prevent any Person authorized as herein-before mentioned from approaching such Persons so found, or any of them, for the Purpose of requiring them or any of them to quit the Land whereon they shall be so found, or to tell their or his Christian Name, Surname, or Place of Abode respectively, as herein-before mentioned, every Person so offending by such Violence, Intimidation, or Menace as aforesaid, and every Person then and there aiding or abetting such Offender, shall, upon being convicted thereof before Two Justices of the Peace, forfeit and pay for every such Offence such Penalty, not exceeding Five Pounds, as to the convicting Justices shall seem meet, together with the Costs of the Conviction ; which said Penalty shall be in addition to and independent of any other Penalty to which any such Person may be liable for any other Offence against this Act.

XXXIII Penalty for Trespass in Day-time in His Majesty's Forests.

And be it enacted, That if any Person whatsoever shall commit any Trespass, by entering or being, in the Day-time, upon any of His Majesty's Forests, Parks, Chases, or Warrens, in search or pursuit of Game, without being first duly authorized so to do, such Person shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Two Pounds, as to the Justice shall seem meet, together with the Costs of the Conviction.

XXXIV What to be deemed Daytime.

And be it enacted, That for the Purposes of this Act the Day-time shall be deemed to commence at the Beginning of the last Hour before Sunrise, and to conclude at the Expiration of the first Hour after Sunset.

XXXV The Provisions as to Trespassers not to apply to Persons hunting, &c.

Provided always, and be it enacted, That the aforesaid Provisions against Trespassers and Persons found on any Land shall not extend to any Person hunting or coursing upon any Lands with Hounds or Greyhounds, and being in fresh Pursuit of any Deer,

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Hare, or For already started upon any other Land, nor to any Person bondjide claiming and exercising any Right or reputed Right of Free Warren or Free Chase, nor to any Gamekeeper lawfully appointed within the Limits of any Free Warren or Free Chase, nor to any Lord or any Steward of the Crown of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, nor to any Gamekeeper lawfully appointed by such Lord or Steward within the Limits of such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty.

XXXVI Game may be taken from Trespassers not delivering up the same when demanded.

And be it enacted, That when any Person shall be found by Day or by Night upon any Land, or in any of His Majesty's Forests, Parks, Chases, or Warrens, in search or pursuit of Game, and shall then and there have in his Possession any Game which shall appear to have been recently killed, it shall be lawful for any Person having the Right of killing the Game upon such Land, by virtue of any Reservation or otherwise, as herein-before mentioned, or for the Occupier of such Land (whether there shall or shall not be any such Right by Reservation or otherwise), or for any Gamekeeper or Servant of either of them, or for any Officer as aforesaid of such Forest, Park, Chase, or Warren, or for any Person acting by the Order and in aid of any of the said several Persons, to demand from the Person so found such Game in his Possession, and in case such Person shall not immediately deliver up such Game, to seize and take the same from him, for the Use of the Person entitled to the Game upon such Land, Forest, Park, Chase, or Warren.

XXXVII Application of Penalties for Offences against this Act.

And be it enacted, That every Penalty and Forfeiture for any Offence against this Act (the Application of which has not been already provided for) shall 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 no Inhabitant of such County, Riding, or Division shall be deemed an incompetent Witness in any Proceeding under this Act by reason of the Application of such Penalty or Forfeiture to the Use of the said general Rate as aforesaid.

XXXVIII Time for Payment of Penalties, and Scale of Imprisonment for Non-payment.

And be it enacted, That the Justice or Justices of the Peace by whom any Person shall be summarily convicted and adjudged to pay any Sum of Money for any Offence against this Act, together with Costs, may adjudge that such Person shall pay the same either immediately or within such Period as the said Justice or Justices shall think fit, and that in default of Payment at the Time appointed such Person shall be imprisoned in the Common Gaol or House of Correction (with or without hard Labour), as to the Justice or Justices shall seem meet, for any Term not exceeding Two Calendar Month where the Amount to be paid, exclusive of Costs, shall not amount to Five Pounds, and for any Term not exceeding Three Calendar Months in any other Case, the Imprisonment to cease in each of the Cases aforesaid upon Payment of the Amount and Costs.

XXXIX Form of Conviction.

And be it enacted, That the Justice or Justices of the Peace (as the Case may require) before whom any Person shall be summarily convicted of any Offence against this Act may cause the Conviction to be drawn up according to the following Form of Words, or in any other Form of Words to the same or the like Effect; (that is to say,)

to wit. } **B**E it remembered, That on the Day of
in the Year of our Lord
at in the County of [or Riding,
Division, Franchise, Liberty, City, &c. *as the Case may be*], *A. O.*
is convicted before me *J. P.* One [or us *J. P.* and *J. J. P.* Two, *as*
the Case may require,] of His Majesty's Justices of the Peace for
the said County [or Riding, &c.], for that he the said *A. O.* did,
on at kill [or take] Game,
[or did use a Dog, &c. for the Purpose of killing Game], he the
said *A. O.* not being authorized so to do for Want of a Game Cer-
tificate, contrary to the Statute in such Case made and provided
[or did, *here specify any other Offence, and the Time and Place when*
and where the same was committed, as the Case may be]; and I [or we]
do adjudge that the said *A. O.* shall for the said Offence forfeit the
Sum of [or we do adjudge that the said *A. O.*
shall for the said Offence forfeit the Sum of being
after the Rate of for every Head of Game so, &c. or
for every Egg so, &c.], and shall forthwith pay the said Sum,
together with the Sum of for Costs; and that in
default of immediate Payment of the said Sums, he the said *A. O.*
shall be imprisoned [or imprisoned and kept to hard Labour] in
the of for the Space of unless
the said Sums shall be sooner paid; [or and I [or we] order that
the said Sums shall be paid by the said *A. O.* on or before the
Day of and in default of Payment
on or before that Day I [or we] adjudge the said *A. O.* to be
imprisoned [or imprisoned and kept to hard Labour] in the
of for the Space of
unless the said Sums shall be sooner paid;] and I [or we] direct
that the said Sum of (*i. e.* the Penalty) shall be paid
to being one of the Overseers of the Poor of, &c. to be
by him applied according to the Directions of the Statute in such
Case made and provided; and I [or we] order that the said Sum
of for Costs shall be paid to (the
Complainant). Given under my Hand [or our Hands] the Day
and Year first above mentioned.

J. P.

[or *J. P.* and *J. J. P.*]

XL Power to summon Witnesses. Penalty for Disobedience of Summons, &c.

And be it enacted, That it shall be lawful for any Justice of the Peace to issue his Summons requiring any Person to appear before himself, or any One or Two Justices of the Peace, as the Case may require, for the Purpose of giving Evidence touching any Offence against this Act; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by such Summons, and no reasonable Excuse

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for his Absence shall be proved before the Justice or Justices then and there present, or if any Person appearing in obedience to such Summons shall refuse to be examined on Oath touching any such Offence by the Justice or Justices then and there present, every Person so offending shall, on Conviction thereof before the said Justice or Justices, or any other Justice or Justices of the Peace, forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the convicting Justice or Justices shall seem meet.

XLI Time for Proceedings, and Mode of enforcing the Appearance of Offenders.

And be it enacted, That the Prosecution for every Offence punishable upon summary Conviction by virtue of this Act shall be commenced within Three Calendar Months after the Commission of the Offence ; and that where any Person shall be charged on the Oath of a credible Witness with any such Offence before a Justice of the Peace, the Justice may summon the Party charged to appear before himself, or any One or Two Justices of the Peace, as the Case may require, at a Time and Place to be named in such Summons; and if such Party shall not appear accordingly, then (upon Proof of the due Service of the Summons by delivering a Copy thereof to the Party, or by delivering such Copy at the Party's usual Place of Abode to some Inmate thereat, and explaining the Purport thereof to such Inmate,) the Justice or Justices may either proceed to hear and determine the Case in the Absence of the Party, or may issue his or their Warrant for apprehending and bringing such Party before him or them, as the Case may be; or the Justice before whom the Charge shall be made may, if he shall have Reason to suspect from Information upon Oath that the Party is likely to abscond, issue such Warrant in the first Instance, without any previous Summons.

XLII Prosecutor not required to prove a Negative.

And be it declared and enacted, That it shall not be necessary, in any Proceeding against any Person under this Act, to negative by Evidence any Certificate, Licence, Consent, Authority, or other Matter of Exception or Defence; but that the Party seeking to avail himself of any such Certificate, Licence, Consent, Authority, or other Matter of Exception or Defence, shall be bound to prove the same.

XLIII Convictions to be returned to Sessions.

And be it enacted, That the Justice or Justices of the Peace before whom any Person shall be convicted of any Offence punishable upon summary Conviction under this Act shall transmit every such Conviction to the next Court of General or Quarter Sessions of the Peace for the County, Riding, Division, Liberty, Franchise, City, or Town wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the Court.

XLIV Appeal.

And be it enacted, That any Person who shall think himself aggrieved by any summary Conviction in pursuance of this Act may appeal to the Justices at the next General or Quarter Sessions of the Peace to be holden, not less than Twelve Days after such Conviction, for the County, Riding, Division, Liberty, Franchise, City, or Town wherein the Cause of Complaint shall have arisen, provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions,

or within such Three Days enter into a Recognizance, with a sufficient Surety, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person, if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet, and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be dealt with and punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

XLV No Certiorari, &c.

And be it enacted, That no summary Conviction in pursuance of this Act, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty's superior Courts of Record; and that no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that it is founded on a Conviction, and there be a good and valid Conviction to sustain the same.

XLVI This Act not to preclude Actions for Trespass, but no Double Proceedings for the same Trespass.

Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person from proceeding by way of Civil Action to recover Damages in respect of any Trespass upon his Land, whether committed in pursuit of Game or otherwise, save and except that where any Proceedings shall have been instituted under the Provisions of this Act against any Person for or in respect of any Trespass, no Action at Law shall be maintainable for the same Trespass by any Person at whose Instance or with whose Concurrence or Assent such Proceedings shall have been instituted, but that such Proceedings shall in such Case be a Bar to any such Action, and may be given in Evidence under the General Issue.

XLVII Venue, &c. in Proceedings against Persons acting under this Act. Tender of Amends.

And for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise ; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon ; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant.

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XLVIII Act not to extend to Scotland or Ireland.

And be it enacted, That nothing in this Act contained shall extend to *Scotland* or *Ireland*.