ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

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CAP. CVII.

An Act more effectually to prevent the ſtealing of Deer.

[26th *June* 1802.]

WHEREAS it is expedient to make ſome further Proviſion for preventing the ſtealing of Deer, and the Puniſhment of Deer Stealers; be it therefore 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 paſſing of this Act, if any Perſon or Perſons ſhall wilfully courſe or hunt, or take in any Slip, Nooſe, Toil, or Snare, or kill, wound, or deſtroy, or ſhoot at or otherwiſe attempt to kill, wound, or deſtroy, or ſhall carry away, any Red or Fallow Deer, kept or being in the incloſed Part of any Foreſt, Chace, Purlieu, or ancient Walk, or any incloſed Park, Paddock, Wood, or other incloſed Ground wherein Deer are, have been, or ſhall be uſually kept, without the Conſent of the Owner of ſuch Deer, or without being otherwiſe duly authorized, or ſhall knowingly be aiding, abetting, or aſſiſting therein or thereunto, every Perſon ſo wilfully offending as aforeſaid, in any of the Caſes above mentioned, ſhall be deemed and taken to be guilty of Felony, and being lawfully convicted thereof upon Indictment, ſhall be adjudged to be tranſported for the Term of Seven Years.

Perſons who ſhall hunt, or take in any Snare, or ſhoot, *etc.* or carry away, any Deer in any incloſed Ground, without Conſent of the Owner, ſhall, on Conviction be tranſported for Seven Years;

and Perſons committing ſuch Offences in unincloſed Ground ſhall forfeit 50 *l.*

II. And be it further enacted, That, from and after the paſſing of this Act, if any Perſon ſhall wilfully courſe or hunt, or take in any Slip, Nooſe, Toil, or Snare, or kill, wound, or deſtroy, or ſhoot at or otherwiſe attempt to kill, wound, or deſtroy, or ſhall carry away, any Red or Fallow Deer, kept or being in the unincloſed Part of any Foreſt, Chaſe, Purlieu, or ancient Walk, without the Conſent of the Owner of ſuch Deer, or without being otherwiſe duly authorized, or ſhall knowingly be aiding, abetting, or aſſiſting therein or thereunto, every Perſon ſo offending ſhall, for every ſuch Act of wilful courſing or hunting, and for every ſuch Attempt to kill, wound, or deſtroy, and for every Deer ſo taken or killed, wounded or deſtroyed, or ſhot at or carried away as aforeſaid, in or from any unincloſed Part of any Foreſt, Chaſe, Purlieu, or ancient Walk, forfeit and pay the Sum of Fifty Pounds; and if the Offender in any of the Caſes aforeſaid ſhall be a Keeper of or Perſon in any Manner entruſted with the Care or Cuſtody of Deer in the Foreſt, Chaſe, Purlieu, or ancient Walk, wherein the Offence ſhall be committed, he ſhall for every ſuch Offence forfeit and pay Double the Penalty herein-before enacted to be paid by other Offenders.

Perſons intruſted with the Deer ſo offending, ſhall forfeit Double the Penalty.

Proviſions of 16 Geo. 3. c. 30. extended to this Act.

III. And be it further enacted, That all Powers, Proviſions, Rules, Regulations, Methods, Forms, Reſtrictions, and all other Matters and Things enacted, preſcribed, appointed, or contained in and by an Act of the Parliament of *Great Britain*, made in the Sixteenth Year of the Reign of His preſent Majeſty, intituled, *An Act more effectually to prevent the Stealing of Deer; and to repeal ſeveral former Statutes made for the like Purpoſe*, for or concerning the ſeizing and apprehending and the Conviction of Perſons offending againſt the ſaid Act, and for or concerning the Recovery, Application, and Diſpoſal of the Penalties and Forfeitures therein mentioned, and for or concerning the Time and Manner of appealing from Convictions, and of bringing Actions or Proſecutions againſt any Perſon or Perſons for any Thing done under or in purſuance of the ſaid Act, and for or concerning the Manner of pleading and other Proceedings in ſuch Actions, and the Coſts by the ſaid Act given in certain Caſes, ſhall, ſo far as the ſame reſpectively are applicable, be in full Force and Effect, and be applied and made Uſe of in ſeizing and apprehending and in convicting Offenders againſt this Act, and in the Recovery, Application, and Diſpoſal of the Penalties and Forfeitures hereby impoſed, and with reſpect to the Time and Manner of appealing from Convictions, and of bringing Actions and Proſecutions againſt any Perſon for any Thing done under or in purſuance of this Act, and with reſpect to the Manner of pleading and other Proceedings in ſuch Actions, and the Coſts thereof, and for all other Purpoſes to which ſuch Powers, Proviſions, Rules, Regulations, Methods, Forms, Reſtrictions, Matters, and Things, or any of them, are applicable under this Act, as fully as if the ſame had been ſeverally herein contained and ſet forth: Provided always, that in caſe of Non-payment of any pecuniary Penalty or Forfeiture impoſed by this Act, with the Charges incident to the Conviction, immediately on the Conviction, and for Want of ſufficient Diſtreſs of the Goods and Chattels of the Offender or Offenders, he and they ſhall be ſent by the Juſtice or Juſtices before whom ſuch Conviction ſhall be made to the Common Gaol of the County, Riding, or Diviſion, City, Town, or Place, where the Offence was committed, for Six Months, there to remain without Bail or Mainprize, unleſs the Penalty and Charges incident be ſooner paid.

In Default of Payment of Penalties, Offenders may be committed for Six Months.

IV. And

IV. And be it further enacted, That if any Perſon or Perſons after having been duly convicted of any Offence for which a pecuniary Penalty or Forfeiture is impoſed, either by this Act or by the ſaid Act made in the Sixteenth Year of the Reign of His preſent Majeſty, ſhall offend a Second Time by committing any Offence againſt this Act, for which a pecuniary Penalty or Forfeiture is herein-before impoſed, ſuch Second Offence, whether it be the ſame Offence as the Firſt Offence, or be any other of the ſaid Offences, ſhall be deemed and taken to be a Felon, and the Perſon or Perſons guilty thereof being lawfully convicted upon Indictment, ſhall be adjudged to be tranſported for the Term of Seven Years.

Perſons convicted on a Second Offence, for which a pecuniary Penalty is impoſed, ſhall be adjudged to be tranſported for Seven Years.

V. And, to the Intent that the Proſecution of Perſons who ſhall offend a Second Time, may be carried on with as little Expence and Trouble as may be; be it further enacted, That the Juſtice before whom any Perſon ſhall be convicted, for the Firſt Time, of any Offence againſt this Act for which a pecuniary Penalty or Forfeiture is impoſed, ſhall tranſmit ſuch Conviction under his Hand and Seal to the Quarter Seſſion which next after ſuch Conviction ſhall be holden for the County, Riding, or Diviſion, City, Town, or Place wherein ſuch Firſt Offence was committed, there to be filed by the Clerk of the Peace or other proper Officer, and kept amongſt the Records of the Court; and ſuch Conviction ſo filed, or a true Copy thereof, certified by ſuch Clerk of the Peace or other Officer, or proved to be a true Copy, ſhall be ſufficient Evidence to prove the Conviction for ſuch Firſt Offence as aforeſaid.

Convictions of the Firſt Offence ſhall be tranſmitted to the Quarter Seſſions, there to be filed.

VI. And be it further enacted, That, from and after the paſſing of this Act, ſo much of the ſaid Act made in the Sixteenth Year of the Reign of His preſent Majeſty, as impoſes or inflicts any Penalty, Forfeiture, or Puniſhment, on any Perſon who ſhall hunt or courſe, or take in any Slip, Nooſe, Toil, or Snare, or kill, wound, or deſtroy, or ſhoot at or otherwiſe attempt to kill, wound, or deſtroy, or carry away, any Fallow Deer in any Foreſt, Chaſe, Purlieu, or ancient Walk, whether incloſed or not, or in any incloſed Park, Paddock, Wood, or other incloſed Ground, where Deer were or had been or ſhould be uſually kept, without the Conſent of the Owner, or without being otherwiſe duly authorized, or who ſhall be aiding, abetting, or aſſiſting therein, ſhall, with reſpect to the ſaid Offences committed after the paſſing of this Act, be and the ſame is hereby repealed.

So much of 16 Geo. 3. c. 30. as inflicts Penalties for hunting or ſhooting Deer, *etc.* ſhall be repealed.

VII. Provided always, and be it further enacted, That nothing herein contained ſhall extend to thoſe Parts of the United Kingdom called *Scotland* and *Ireland*.

Not to extend to *Scotland* or *Ireland*.

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