ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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C A P. CXIV.

An Act for the Prevention of Poaching.

[7th *August* 1862.]

WHEREAS it is expedient that the Laws now in force for the better Detection and Prevention of Poaching should be amended: 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:

Interpretation of Terms.

1. The Word "Game" in this Act shall for all the Purposes of this Act be deemed to include any One or more Hares, Pheasants, Partridges, Eggs of Pheasants and Partridges, Woodcocks, Snipes, Rabbits, Grouse, Black or Moor Game, and Eggs of Grouse, Black or Moor Game; and the Words "Justice" and "Justices" in this Act shall, unless otherwise provided for, mean respectively a Justice and Justices of the Peace respectively of or for the County, Riding, Division, Liberty, City, Borough, or Place in which any Game, Gun, Part of Gun, Net, Snare, or Engine after mentioned shall be found.

Power to Constables to search Persons

2. It shall be lawful for any Constable or Peace Officer in any County, Borough, or Place in *Great Britain* and *Ireland*, in any

without Warrant, in certain Cases.

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 Game, or any Person aiding or abetting such Person, and having in his Possession any Game unlawfully obtained, or any Gun, Part of Gun, or Nets or Engines used for the killing or taking Game, 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 Game or any such Article or Thing is being carried by any such Person, and should there be found any Game or any such Article or Thing as aforesaid upon such Person, Cart or other Conveyance, to seize and detain such Game, Article, or Thing; 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 Two Justices of the Peace assembled in Petty Sessions, as provided in the Eighteenth and Nineteenth of Her present Majesty, Chapter One hundred and twenty-six, Section Nine, as far as regards *England* and *Ireland*, and before a Sheriff or any Two Justices of the Peace in *Scotland*; and if such Person shall have obtained such Game by unlawfully going on any Land in search or pursuit of Game, or shall have used any such Article or Thing as aforesaid for unlawfully killing or taking Game, or shall have been accessory thereto, such Person shall, on being convicted thereof, forfeit and pay any Sum not exceeding Five Pounds, and shall forfeit such Game, Guns, Parts of Guns, Nets, and Engines, and the Justices shall direct the same to be sold or destroyed, and the Proceeds of such Sale, with the Amount of the Penalty, to be paid to the Treasurer of the County or Borough where the Conviction takes place; and no Person who, by Direction of a Justice in Writing, shall sell any Game so seized shall be liable to any Penalty for such Sale; and if no Conviction takes place, the Game or any such Article or Thing as aforesaid, or the Value thereof, shall be restored to the Person from whom it had been seized.

Recovery of Penalties.

3. Any Penalty under this Act shall be recovered and enforced in *England* in the same Manner as Penalties under the Act First and Second *William* the Fourth, Chapter Thirty-two, and in *Scotland* under the Act Second and Third *William* the Fourth, Chapter Sixty-eight, and in *Ireland* under the Petty Sessions, *Ireland*, Act, 1851, when not otherwise directed in this Act.

Provisions of 11 & 12 Vict. c. 43. extended to this Act.

4. The Powers and Provisions of the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, shall extend and apply to this Act, and to all Proceedings, Matters, and Things

Things to be taken, had and done, and to all Persons to be proceeded against or taking Proceedings under this Act.

No Conviction shall be quashed for Want of Form or removed by Certiorari.

5. No Conviction or Order made under 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 Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Power of Appeal.

6. Any Person who shall think himself aggrieved by any such summary Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of such Conviction for the County, Riding, Division, or Borough 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, within Three Days, enter into a Recognizance, or Bond of Caution in *Scotland*, 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 awarded by the Court; and the Court at such Sessions shall hear and determine the Matter of Appeal, and shall make such Order therein, with or without Costs, to either Party, as to the Court shall seem fit, and shall, if necessary, issue Process for enforcing such Judgment.

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