

# T A S M A N I A.



1860.

ANNO VICESIMO-QUARTO

## VICTORIÆ REGINÆ,

### No. 18.

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AN ACT to provide temporarily for the Protection of Imported Game. [4 October, 1860.]

**W**HEREAS it is expedient that encouragement should be given to the importation and propagation of Foreign Game, by providing temporarily for the protection of such Game from destruction: Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PREAMBLE.

**1** For the purposes of this Act, the terms “Game” and “Bird of Game” shall mean and include Pheasants, Partridges, Grouse, and Bustards; and the term “Game” shall also mean and include Hares, whether such Birds or Hares are alive or dead.

Interpretation.  
“Game.”  
“Bird of Game.”

**2** If any person kills or takes any Game found wild, or uses any dog, gun, net, or other engine or instrument for the purpose of killing or taking any such Game, every such person shall, for every head of Game so killed or taken, or every such offence of so using any dog, gun, net, or other engine or instrument, incur a penalty not exceeding Five Pounds.

Penalty for  
killing Game.

**3** If any person buys or sells, or knowingly has in his house, possession, or control any Game, except Game kept in a mew or breeding-place, every person shall, for every head of Game so bought or sold, or

Possession of  
Game illegal.

found in his house, possession, or control, incur a penalty not exceeding Five Pounds.

Penalty for taking  
or destroying eggs  
of Game.

**4** If any person wilfully takes out of the nest, or destroys in the nest, the eggs of any Bird of Game, or knowingly has in his house, possession, or control any such eggs, every such person shall, for every egg so taken or destroyed, or so found in his house, possession, or control, incur a penalty not exceeding Twenty Shillings: Provided, that nothing in this Section contained shall extend to the owner of any mew or breeding-place for Game in respect of eggs in or taken from the nest in such mew or breeding-place.

Apprehension of  
offenders.

**5** When any person is found killing or taking any Game, or using any dog, gun, net, or other engine or instrument for the purpose of killing or taking any Game, or having in his possession or control any Game, or taking out of the nest, or destroying in the nest, the eggs of any Bird of Game, or having in his possession or control any such eggs contrary to the provisions of this Act, it shall be lawful for any person to require the person so found offending forthwith to desist from such offence, and to deliver up any Game or eggs so unlawfully in his possession, and also to tell his Christian name, surname, and place of abode; and in case such person so found offending, after being so required, does not immediately deliver up such Game or eggs, or refuses to tell his real name or place of abode, or gives such a general description of his place of abode as is illusory for the purpose of discovery, or wilfully continues to offend against this Act, it shall be lawful for the person so requiring as aforesaid, and also for any person acting by his order and in his aid, to apprehend such offender, and to seize such Game or eggs, and to convey such offender, or cause him to be conveyed as soon as conveniently may be, before a Justice of the Peace to be dealt with according to Law: Provided always, that no person so apprehended shall, on any pretence whatsoever, be detained for a longer period than Twenty-four hours from the time of his apprehension before he is 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 Twenty-four hours as aforesaid, then the person so apprehended shall be discharged, but may nevertheless be proceeded against for his offence by Summons or Warrant as if no such apprehension had taken place.

Recovery of  
penalties.  
19 Vict. No. 8.

**6** All offences against this Act shall be heard and determined, and all penalties be recovered in a summary way, by and before any Two or more Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and any person aggrieved by any summary conviction under this Act may appeal therefrom in the manner directed by *The Appeals Regulation Act*.

19 Vict. No. 10.

Justices may dis-  
miss frivolous  
complaints.

**7** For the prevention of frivolous and unnecessary prosecutions, it shall be lawful for the Justices hearing any information or complaint under this Act, to dismiss such information or complaint, which dismissal shall be a bar to any other proceeding whatever against the same person for the same matter.

Limitation of  
Actions.  
Notice of Action.

**8** No Action shall be brought against any person for anything done in pursuance of this Act, unless such Action is commenced within Three months after the cause of Action has arisen; nor unless notice in writing

of such Action, and the cause thereof, is given to the Defendant One month at least before the commencement of the Action, and the Defendant may plead the general issue, and give this Act and the special matter in evidence; and the Plaintiff shall not recover in such Action if tender of sufficient amends has been made before Action brought, or if a sufficient sum of money has been paid into Court after Action brought; and if a verdict is given for the Defendant, or the Plaintiff is nonsuited or discontinues his Action, or if judgment is given against the Plaintiff, the Defendant shall recover his full costs as between Attorney and Client, and though a verdict is given against the Defendant, the Plaintiff shall not have costs against the Defendant unless the Judge who tries the case certifies his approbation of the Action, and of the verdict.

General Issue.

Tender of amends.

Costs.

9 This Act shall continue and be in force until the end of the First Session of the Parliament of *Tasmania* which is held in the year 1865, and no longer.

Duration of Act.

