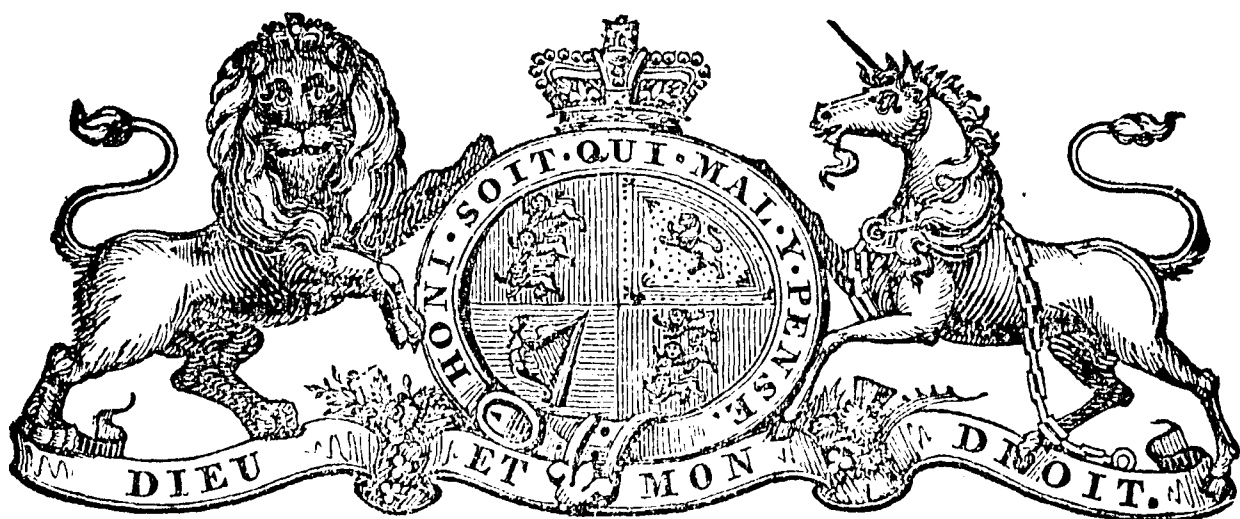


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VICTORIA.



ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

No. CLXI.

An Act to provide for the Preservation of Imported Game and during the Breeding Season of Native Game.

[18th June, 1862.]

WHEREAS certain persons have imported and may import from parts beyond the seas at considerable expense for the benefit of the colony game not previously existing therein and it is expedient that encouragement should be given to such importations of game by protecting it and its progeny as also that native game should during the breeding season have a similar protection Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Victoria in this present parliament assembled and by the authority of the same as follows that is to say—

I. For the purposes of this Act the term "game" shall mean and include all birds and other animals mentioned in the first schedule to this Act and the terms "native game" shall mean and include all birds and other animals mentioned in the second schedule to this Act Provided that it shall be lawful for the Governor in Council at any time after the passing of this Act by proclamation to name any other bird or animal which shall be included in either of such schedules respectively and after the publication of any such proclamation in the *Government Gazette* and the expiration of the period mentioned in such proclamation for the time of its coming into operation the birds or other animals so named shall be deemed and considered as being included in either of such schedules respectively at the time of the passing of this Act.

II. This Act shall come into operation and be in force as regards birds and other animals named in the first section of this Act from the date of its passing and shall continue and be in force for the period of three years from that date and as regards the birds and animals mentioned in the second schedule to this Act from the thirtieth day of June One thousand eight hundred and sixty-one.

III. The period of the year during which this Act shall be in operation as regards birds and other animals mentioned in the second schedule

Preamble.

Interpretation of terms.

Governor may add birds and other animals to be protected.

Commencement of Act.

Period of prohibition to be named in Schedule II.

Preservation of Game.

schedule to this Act shall be the periods and times mentioned in such schedule.

Penalty on killing or destroying imported game.

IV. If any person shall wilfully kill or destroy at any time any game or shall use any instrument whatever net or any other means for the purpose of killing or destroying any game such person shall upon conviction forfeit and pay a penalty not exceeding the sum of two pounds in addition to the value of each bird or other animal so destroyed which value shall be the sum set opposite the name of such bird or animal in the first schedule to this Act which value shall be adjudged to the owner if claimed by him.

Penalty on killing or destroying native game out of season.

V. If any person shall wilfully kill or destroy any "native game" within the period mentioned in the second schedule to this Act as the period of prohibition in regard to any bird or other animal being native game or shall use any instrument whatever net or any other means within the period aforesaid for the purpose for killing or destroying any native game such person shall upon conviction forfeit and pay any sum not exceeding the sum of two pounds in addition to the sum of five shillings for each bird or other animal so destroyed.

Penalty on having in possession game at anytime and native game during period of prohibition.

VI. If any person shall buy sell or knowingly have in his possession house or control any game at any time or any native game within the period referring to such native game respectively in the second schedule to this Act every person so offending shall forfeit and pay a penalty not exceeding the sum of five pounds for every head of game in addition to the value of any such game such value to be assessed by the justice or justices hearing the case and at a sum not exceeding the sum of two pounds for every head of native game so found in his house possession or control.

Penalty on taking or destroying eggs.

VII. If any person shall wilfully take out of the nest or destroy in the nest the eggs of any bird of game or native game or shall knowingly have in his house or possession any such eggs every such person shall forfeit and pay a penalty not exceeding the sum of ten shillings for each egg so destroyed or found in his possession or control.

Act not to extend to private persons.

VIII. Nothing in this Act shall extend or be construed to extend to any person being the owner of any game or native game having in his possession any such game or native game in confinement or in a domesticated state provided such game shall not have been found wild or such native game shall not have been caught or taken within a period prohibited by the second schedule to this Act nor to the owner of any eggs taken from the mew or breeding place or to the possession of such eggs.

Persons offending against this Act must give name and address and deliver up game guns &c. otherwise may be apprehended.

IX. If any person shall be found offending against the provisions of this Act and shall not give his name and address and shall not deliver up any game native game or any instrument net or other means used to kill or destroy any game or native game to any person who may demand the same it shall be lawful for such person with any assistance he may require and for any constable to take such person into custody and take him before the nearest justice of the peace to be dealt with according to law and any person who shall assault or resist any such person so demanding such game native game instrument net or other means of destruction shall forfeit and pay a penalty not exceeding five pounds besides any other penalty he may have incurred under this Act.

This Act to be administered by summary jurisdiction and appeal allowed.

X. All offences under this Act may be heard and determined in a summary way before any justice of the peace and if any person shall feel himself aggrieved at any decision given under this Act he may appeal

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appeal to the next general sessions holden nearest to the place where such decision shall take place.

XI. One half of all penalties recovered under this Act shall go to and for the sole use of any person who may sue for the same. Disposal of penalties.

XII. Any justice hearing any complaint under this Act may dismiss the same with such costs as to such justice may seem fit not exceeding five pounds and a certificate of such dismissal shall be a bar to any other proceedings for the same act in any court of law or equity. Justices may dismiss complaints with costs.

XIII. This Act nor any of its provisions shall not extend or apply or be construed to extend or apply to any aboriginal native of Australia. Act not to extend to aboriginals.

SCHEDULES.

THE FIRST SCHEDULE.

Pheasants £5	Deer £15	All birds not indigenous to Australia and their produce £1.
Partridges £5	Swans £5	
Grouse £5	Antelope £15	
Hares £5		

THE SECOND SCHEDULE.

Wild Ducks of any species	Native Companions	Bronzed-winged and other Wild Pigeons Mallee Hen.
Teal	Wild Turkey or Bustard	
Bittern	Black Swans	
Emu	Wild Geese	

From the 1st August to 30th November.

MELBOURNE:

By Authority: JOHN FERRES, Government Printer.

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