



ANNO DECIMO

VICTORIÆ REGINÆ,

*Sec. 13 v 10. 7*

*Kangaroo  
protected  
by 38 v*

No. 6.

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*Repd. by 42 v No. 24*

*By His Excellency SIR JOHN EARDLEY EARDLEY-WILMOT,  
Baronet, Lieutenant-Governor of the Island of Van Diemen's  
Land and its Dependencies, with the Advice of the Legislative  
Council.*

***AN ACT to restrain the Practice of Kangaroo Hunting  
and for other Purposes connected therewith.***

**W**HEREAS in many parts of this Island men having no permanent place of residence and no visible occupation whereby to gain an honest livelihood associate together leading a wandering life and hunting Kangaroo to the great damage and disturbance of the flocks and herds of Flockmasters and others and many idle and lawless persons under the pretence of hunting Kangaroo live in remote and unfrequented places and shelter and conceal Sheep and Cattle Stealers and other felons and partake in such crimes and the plunder of such felons and it is necessary that provision be made for remedy thereof—BE IT THEREFORE ENACTED by His Excellency SIR JOHN EARDLEY EARDLEY-WILMOT Baronet Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that from and after the time when this Act shall come into operation it shall not be lawful for any person to hunt with dogs or otherwise pursue shoot or take any Kangaroo upon any land in this Colony of which such person shall not be the rightful owner occupier or possessor or to which he shall not be beneficially entitled without a Licence for that purpose first had and obtained as hereinafter in that behalf provided excepting only in case of consent and permission as hereinafter mentioned.

PREAMBLE.

Kangaroo hunting upon the land of another without a Licence or his consent unlawful.

Such Licence not to interfere with rights of property.

II. AND BE IT ENACTED that no Licence to be issued by authority of this Act shall have the effect of conferring any right of entry upon the lands of any person whomsoever or any right to hunt or take Kangaroo upon the lands of any person whomsoever which is or may be inconsistent with the rights of property and the remedies by action of trespass or otherwise for the invasion of such rights.

Mode of obtaining Licence. Form and duration of and fee for same.

III. AND BE IT ENACTED that it shall and may be lawful for the Police Magistrate or Assistant Police Magistrate of the District Sub-district or place wherein any person desirous of obtaining such Licence shall reside and for every Court of Quarter Sessions of the Peace to grant a Licence to any person who in the discretion of such Court Police Magistrate or Assistant Police Magistrate shall appear fit to obtain such Licence to hunt with dogs or otherwise pursue shoot or take Kangaroo in this Island which Licence when issued by a Police or Assistant Police Magistrate shall be signed by such Magistrate and sealed with his seal and witnessed by the Police Clerk of such Magistrate or some other person acting in the capacity of such Clerk and shall be in the form in the Schedule to this Act annexed and marked A and every Licence issued by a Court of Quarter Sessions of the Peace under this Act shall be signed by the Chairman or Deputy Chairman of such Court and countersigned by the Clerk of the Peace or Deputy Clerk of the Peace attending such Court and shall be in the form in the Schedule to this Act annexed marked B and all such Licences shall remain in effect for One Year from the date thereof and no longer and every person to whom such Licence shall be granted shall pay the sum of One Pound to the Police Magistrate or Assistant Police Magistrate as the case may be for each Licence before the same shall be issued to him and to the Clerk of the Peace or Deputy Clerk of the Peace as the case may be attending such Court the like sum before the Licence granted by such Court shall be issued.

Forging Licence or falsely representing oneself to be licensed.

IV. AND BE IT ENACTED that if any person shall forge alter or counterfeit any such Licence as in the preceding Section mentioned either wholly or in any part thereof with intent to pass himself off or to enable any other person to pass himself off as a person licensed under this Act or shall falsely represent himself to be a person licensed under this Act in every such case the person so offending shall upon conviction thereof before any two Justices of the Peace upon information in that behalf exhibited be by the said Justices sentenced to imprisonment with hard labour for any term not exceeding Two Years and shall be imprisoned and kept to hard labour accordingly.

Proceeding against unlicensed person found hunting or licensed person refusing to show his Licence.

V. AND BE IT ENACTED that if any person not being a licensed person under this Act shall be found hunting with dogs or otherwise pursuing shooting or taking Kangaroo upon any land to which such person shall not be beneficially entitled or of which such person shall not be the rightful owner occupier or possessor without the consent and permission of such owner occupier or possessor or if any person being licensed under this Act shall be found so hunting or otherwise pursuing shooting or taking Kangaroo upon any such land as aforesaid and shall refuse to produce and show his Licence upon demand being made for that purpose by any other person it shall be lawful for any constable or the owner or occupier of such land or any other person or persons authorised by him without warrant to apprehend and take before any Justice of the Peace or to apprehend and detain until

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he can be taken before a Justice of the Peace such licensed or unlicensed person as aforesaid which Justice is hereby authorised upon receiving the charge or information on oath of any person touching any of the matters aforesaid in his discretion either by warrant under his hand to commit such licensed or unlicensed person as aforesaid to prison there to remain until he can be brought before any two Justices of the Peace to be heard touching such charge or information as may there be made in respect of the matters aforesaid or to take bail for the appearance of such licensed or unlicensed person as aforesaid in such reasonable amount and with such surety or sureties as such Justice shall approve of before any two Justices of the Peace one of whom shall be a Police Magistrate or Assistant Police Magistrate at such time and place as such Justice shall appoint then and there to answer such charge or information as shall be preferred against him touching any of the matters aforesaid or to discharge such licensed or unlicensed person if in the discretion of such Justice he ought to be discharged—PROVIDED that it shall not be lawful for any Justice of the Peace to commit any such licensed or unlicensed person as aforesaid by any such warrant to prison in order to his being brought before such Justices of the Peace for any longer time than Seven Days from the date of such warrant exclusive of the day of the date of such warrant or to hold any such licensed or unlicensed person to bail for his appearance as aforesaid for any longer time than Seven Days exclusive of the day on which such charge or information shall be made before such Justice.

VI. AND BE IT ENACTED that it shall be lawful for such Justices of the Peace before whom any licensed or unlicensed person shall be brought to examine upon oath all witnesses who shall be produced before them to give evidence touching any charge or information which may be made or preferred against such licensed or unlicensed person as aforesaid for any offence committed by him against the provisions of this Act and to hear and determine the matter of such charge or information and in case it shall be made to appear to such Justices upon such evidence as aforesaid that such licensed or unlicensed person hath committed any offence against the provisions of this Act for which no punishment hath been hereinbefore provided it shall be lawful for such Justices to punish such licensed or unlicensed person by fine or imprisonment with or without hard labour or by fine and imprisonment till such fine be paid provided that no such fine shall exceed Ten Pounds and no such imprisonment shall exceed Twelve Months—PROVIDED that it shall be lawful for the Lieutenant-Governor of this Island to remit to any person so sentenced as aforesaid any portion of such sentence which remission shall in no way affect the unremitted portion of such sentence which shall be carried into effect notwithstanding such partial remission—PROVIDED ALSO that where any offender shall have been sentenced to imprisonment with hard labour under this Act it shall be lawful for the Lieutenant-Governor instead of causing such sentence to be carried into execution to order the offender to be removed to and confined and kept to hard labour on the roads or other public works for the whole term or the unremitted portion of the term of such sentence and every offender so removed shall during such whole term or unremitted portion thereof be under the custody and management of the Superintendent for the time being of the persons working at the place to which such offender shall be removed and every such Superintendent shall during the time of such custody have such and the same powers over every such offender so removed as are incident to the office of gaoler.

Further proceedings and punishment.

Justice may issue  
warrant upon  
complaint made.

VII. AND BE IT ENACTED that it shall be lawful for any Justice of the Peace before whom any information upon oath shall be made against any person for any offence against the provisions of this Act if such Justice shall see fit to issue a warrant under his hand and seal directed to any constable or constables to apprehend such person and to take him before any two Justices of the Peace to whom by this Act jurisdiction in any such case is given there to be dealt with according to the nature of the said offence.

Conviction of  
licensed person  
causes forfeiture  
of Licence—of  
unlicensed person  
certain disqualifi-  
cation.

VIII. AND BE IT ENACTED that if any person having a Licence under the authority of this Act shall be convicted of any offence against the provisions of this Act such Licence shall thenceforth be void and of none effect and every person not having a Licence under the authority of this Act who shall be convicted of any offence under this Act shall thenceforth be disqualified and disabled to hold a Licence under this Act for the space of Two Years and no Licence which shall be granted or issued to any such person as last aforesaid within such time shall be good or effectual any thing hereinbefore contained to the contrary notwithstanding.

Licences where  
packs of hounds  
are kept.

IX. AND WHEREAS packs of hounds are in some cases kept in this Island for the purpose of hunting Kangaroo and other game for the purpose of recreation and it is not intended to subject persons following the chace in such cases to the operation of this Act except as herein-after provided—BE IT ENACTED that it shall be lawful for the Police Magistrate or Assistant Police Magistrate of the District Sub-district or place in which any person shall keep or be desirous of keeping a pack of hounds for the purpose aforesaid and for the Court of Quarter Sessions of the Peace for such District in the discretion of such Court Police or Assistant Police Magistrate to issue a Licence in the form marked C in the Schedule to this Act annexed upon payment of the sum of One Pound to any person keeping or intending to keep a pack of hounds for such purpose as aforesaid which Licence shall be in force for One Year and no longer and shall have the effect of exempting and shall exempt the person to whom the same shall be issued and all other persons engaged in hunting Kangaroo and other game with such pack of hounds during the time he or they shall be engaged in such hunting from the operation of the several clauses of this Act except the fourth clause.

This Act not to  
extend to persons  
hunting on their  
own land or on  
that of another  
with his permis-  
sion.

X. PROVIDED ALWAYS AND BE IT ENACTED that nothing in this Act contained shall be construed to prevent or shall prevent any person having the lawful possession as owner tenant or occupier of any land in this Colony from giving his consent and permission to any other person to hunt with dogs or otherwise pursue shoot or take Kangaroo upon the land of which he shall be in such lawful possession as aforesaid and every such consent and permission shall as to hunting pursuing shooting or taking Kangaroo upon the land of the person so granting such consent and permission be of the like force and effect as if the person having such consent and permission were in fact licensed under this Act to hunt with dogs or otherwise pursue shoot or take Kangaroo.

Authorised per-  
sons found tem-  
porarily occupy-  
ing waste lands

XI. AND BE IT ENACTED that every person who shall be found wandering abroad or lodging in the open air or any hut or other temporary dwelling upon any of the waste lands of the crown in

*see correction clause  
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this Island and not having a Licence under this Act or not being the tenants of the crown of such waste lands or not having a Licence to graze cattle or to cut timber upon such waste lands or not being the servants of others having a Licence to graze cattle or cut timber upon such waste lands or of such tenants thereof and not giving a good account of himself shall be deemed and taken to be an idle and disorderly person and shall and may be apprehended by any Constable or other person with or without warrant and be dealt with as idle and disorderly persons are directed to be dealt with by the Act or Ordinance of this Island intituled *An Act to regulate the Police in certain Towns and Ports within the Island of Van Diemen's Land and to make more effectual provision for the Preservation of the Peace and Good Order throughout the said Island and its Dependencies generally.* of the crown may be dealt with.

XII. AND BE IT ENACTED that a monthly return shall be made by every Police and Assistant Police Magistrate and a quarterly return by every Clerk of the Peace of all monies which shall be paid to such Police or Assistant Police Magistrate or to such Court of Quarter Sessions for every Licence issued in pursuance of this Act and of all fines imposed by virtue of this Act to the Colonial Secretary for the time being and all such monies and fines shall go and be applied in aid of the general Revenue of this Colony. Returns of monies received under this Act and appropriation thereof.

XIII. AND BE IT ENACTED that in the construction of this Act the term Lieutenant-Governor shall be taken to mean the person for the time being lawfully administering the Government of this Island and that the singular number shall be taken to include the plural and the masculine gender to include the feminine in all cases not repugnant to the context. Construction of terms.

E. EARDLEY-WILMOT.

Passed the Legislative Council, this thirteenth day of July, one thousand eight hundred and forty-six,

ADAM TURNBULL, *Clerk of the Council.*

## SCHEDULE A.

To all to whom these Presents shall come.

KNOW YE that I A. B. Police [or Assistant Police] Magistrate of the District [or Sub-District or place] of wherein G. H. [the person to whom the Licence is issued] resides have granted and issued to the said by virtue of the Act of this Island intituled *An Act to restrain the Practice of Kangaroo Hunting and for other Purposes connected therewith* this my Licence to hunt with dogs or otherwise pursue shoot or take Kangaroo within the Island of Van Diemen's Land for One Year from the date hereof.

Dated this                      day of                      184

A. B.  
Police [or Assistant Police] Magistrate.  
[Seal.]

Witness C. D.

Police [or Acting Police] Clerk to the  
above-named Magistrate.

## SCHEDULE B.

Court of Quarter Sessions of the Peace holden at  
in Van Diemen's Land.

WHEREAS [name of applicant] hath applied to this Court to grant a Licence to him to hunt with dogs or otherwise pursue shoot or take Kangaroo in this Island and it appearing that the said [applicant] is a fit and proper person to be entrusted with such Licence this Court doth in pursuance of the Act of this Island in such case made and provided issue to the said [applicant] this Licence to hunt with dogs or otherwise pursue shoot or take Kangaroo in this Island for One Year from the date hereof.

Dated this                      day of                      184

By Order of the Court.

A. B.  
Chairman [or Deputy Chairman].

Countersigned by me

C. D.  
Clerk [or Deputy Clerk] of the  
Peace attending this Court.

## SCHEDULE C.

To all to whom these Presents shall come.

KNOW YE that I A. B. Police [or Assistant Police] Magistrate of the District of wherein [the person to whom the Licence is issued] resides have granted and issued to the said C. D. in pursuance of the Act of this Island in that case made and provided this my Licence to be in effect for One Year from the date hereof to keep a Pack of Hounds for hunting Kangaroo and other game in this Island of Van Diemen's Land.

Dated this                      day of                      184

A. B.  
Police [or Assistant Police] Magistrate.  
[Seal.]

Witness F. H.

Police [or Acting Police] Clerk to the  
above-named Magistrate.



