



ANNO QUADRAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. 29.

An Act to amend and render more effectual Three Acts made in the Eleventh, Fifteenth, and Thirty-seventh Years of His present Majesty, for the Regulation and Improvement of the Fisheries of the River Tweed. [25th April 1807.]

WHEREAS by an Act made in the Eleventh Year of the Reign of His present Majesty, intituled *An Act for regulating and improving the Fisheries in the River Tweed, and the Rivers and Streams running into the same, and also within the Mouth or Entrance of the said River*, certain Provisions and Regulations were established for the Preservation and Improvement of the said Fisheries: And whereas another Act was made in the Fifteenth Year of the Reign of His present Majesty, intituled *An Act for amending and rendering more effectual an Act passed in the Eleventh Year of His present Majesty's Reign, intituled 'An Act for regulating and improving the Fisheries in the River Tweed, and the Rivers and Streams running into the same, and also within the Mouth or Entrance of the said River:'* And whereas another Act was made in the Thirty-seventh Year of the Reign of His present Majesty, intituled *An Act for altering, amending, and rendering more effectual Two Acts* [Loc. & Per.] 11 G. 3. c. 27.
15 G. 3. c. 40.
37 G. 3. c. 48.
made

made in the Eleventh and Fifteenth Years of the Reign of His present Majesty, for the Regulation and Improvement of the Fisheries in the River Tweed, and the Rivers and Streams running into the same, and also within the Mouth or Entrance of the said River; And whereas it has been found by Experience that the Penalties for killing Fish, within the Periods prohibited by the said Acts of the Eleventh and Fifteenth Years of His present Majesty, have, from the increased Price of Fish, become totally inadequate to the Purpose intended; and it is therefore expedient that the Amount of the Penalties should be increased: And whereas it is expedient, more effectually to detect and prevent all unlawful Modes of fishing and taking Fish in the said Rivers and Streams, to appoint Water Bailiffs, and to grant a Rate or Assessment upon the Rent of the said Fisheries for their Payment, and to make further Regulations for the Protection and Improvement of the said Fisheries; 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 it shall not be lawful for any Person or Persons to fish for any Salmon, Gilse, Salmon Trout, Bull Trout, or Whitling, or any Fish denominated Red Fish, in any antient Grants of Fishing, in the said River *Tweed*, or in any River, Rivulet, Brook, or Stream, or in any Mill Pool, Mill Lead, Sluice, or Cut which communicates with the said River *Tweed*, or within the Mouth or Entrance of the said River *Tweed*, at any Time or Times between the Tenth Day of *October* in any Year, and the Tenth Day of *January* in the Year following, or between Ten of the Clock on *Saturday* Night and Two of the Clock on *Monday* Morning; nor shall it be lawful, at any Time or Times after the passing of this Act, for any Person or Persons, excepting as hereinafter excepted, to fish for any Salmon, Gilse, Salmon Trout, Bull Trout, Whitling, or Red Fish, within the Mouth or Entrance of the said River *Tweed*; and in case any Person or Persons shall fish contrary to the Prohibitions aforesaid, every such Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Thirty Pounds, nor less than Ten Pounds, at the Discretion of the Justice or Justices of the Peace, or Sheriff Depute, before whom such Offender or Offenders shall be convicted, and the Sum of Ten Shillings for every Salmon, Gilse, Salmon Trout, Bull Trout, Whitling, or Red Fish taken, together with the Fish so taken, and the Boats, Tackle, Nets, Engines, and other Devices made use of in fishing for any such Fish; and the said Justice or Justices or Sheriff Depute shall order and direct such Boats, Tackle, Nets, Engines, and other Devices to be cut in Pieces, burnt, or otherwise destroyed.

No Person to fish between 10th October and 10th January, nor between Ten of the Clock on Saturday Night and Two of the Clock on Monday Morning, nor in the Mouth of the River.

No Person to sell or knowingly possess Fish killed in Close Time.

II. And be it enacted, That no Person or Persons shall buy or sell, or have in his or their Custody or Possession, any Salmon, Gilse, Salmon Trout, Bull Trout, or Whitling, knowing the same to have been killed or taken in the said River *Tweed*, or in any River, Rivulet, Brook, or Stream, or in any Mill Pool, Mill Lead, Sluice, or Cut, which communicates with the said River *Tweed*, within the Periods of the annual or weekly Close Times before mentioned, or within the Mouth or Entrance

trance of the said River; and every Person offending in any of the Cases aforesaid shall forfeit and pay any Sum not exceeding Ten Pounds, nor less than Five Pounds, for every such Salmon, Gilse, Salmon Trout, Bull Trout, or Whitling as aforesaid.

III. And be it enacted, That from and after the passing of this Act no Person or Persons shall place, lay, set, continue, or draw any Net, Creel, Hamper, Engine, or other Device whatsoever in the said River *Tweed*, or in any River, Rivulet, Brook, or Stream, or in any Mill Pool, Mill Lead, Sluice, or Cut which communicates with the said River *Tweed*, or within the Mouth or Entrance thereof, in order to kill or take any Spawn, Fry, or young Brood of any such Fish as aforesaid, nor purchase or have in his, her, or their Possession any such Spawn, Fry, or young Brood, between the First Day of *April* and the First Day of *June* in any Year; and in case any Person or Persons shall act contrary thereto, every such Person or Persons shall forfeit and pay any Sum not exceeding Thirty Pounds, and not less than Ten Pounds, for every Parcel of Spawn, Fry, or young Brood of Fish, caught by him, her, or them, or which, though not caught by him, her, or them, shall be found in his, her, or their Possession, between the said First Day of *April* and the said First Day of *June*.

To prevent the Destruction of the Spawn or Fry.

IV. And be it further enacted, That from and after the passing of this Act no Person or Persons shall beat the Water, or place or set any white Object, or any other Thing whatsoever, in, over, or across the said River *Tweed*, or in, over, or across any River, Rivulet, Brook, or Stream, Mill Pool, Mill Lead, Sluice or Cut, which communicates with the said River *Tweed*, or in the Mouth or Entrance of the said River *Tweed*, so as to prevent the said Fish from entering the said River *Tweed*, or from going up and down the said River, or any River, Rivulet, Brook, Stream, Mill Pool, Mill Lead, Sluice, or Cut aforesaid, nor shall by any other Ways, or in any other Manner, prevent the said Fish from entering the said River, and going up and down the said Rivers and Waters before described; and every Person offending contrary thereto shall for every Offence forfeit and pay any Sum not exceeding Thirty Pounds, nor less than Ten Pounds.

To prevent beating the Water, and making illegal Obstructions to the Run of Fish.

V. And be it enacted, That from and after the passing of this Act if any Person or Persons within Five Miles of the said River *Tweed*, or of any River, Rivulet, Brook or Stream, Mill Pool, Mill Lead, Sluice, or Cut communicating with the said River *Tweed*, shall have in his, her, or their Custody or Possession any Salmon, Gilse, Salmon Trout, Bull Trout, or Whitling, at any Time or Times between the said Tenth Day of *October* and Tenth Day of *January*, the Proof that such Salmon, Gilse, Salmon Trout, Bull Trout, or Whitling, was not taken or killed in the said River *Tweed*, or in any River, Rivulet, Brook, or Stream, or in any Mill Pool, Mill Lead, Sluice, or Cut, which communicates with the said River *Tweed*, between the said Tenth Day of *October* and Tenth Day of *January*, shall lie upon the Person or Persons in whose Custody or Possession the same shall be found.

Persons having Fish in their Possession in Close Time, to prove, if required, that they were not caught in *Tweed*.

VI. And

Warrants to
be granted
to search the
Carts, &c. of
Carriers, &c.

VI. And be it enacted, That it shall be lawful for any such Justice or Justices, or Sheriff Depute as aforesaid, at any Time or Times after the passing of this Act, upon Information in Writing upon Oath to him or them made, and he or they is and are hereby required to authorize and direct, by Warrant under his and their Hand and Seal, or Hands and Seals, in *England*, or his or their Hand or Hands in *Scotland*, any High or Petty Constable, or other Peace Officer, or Water Bailiff or Water Bailiffs, to be appointed under the Authority of this Act, and any Number of Persons not exceeding Five, to be severally named and described in such Warrant, to search the Carts or other Vehicles of Carriers and Higlens for all Salmon, Gilse, Salmon Trout, Bull Trout, and Whitling, or Spawn, Fry, or young Brood of Fish caught contrary to the Provisions of this or any of the above-recited Acts, and the same, on Discovery, to seize and carry away.

For the
Prevention
of illegal
Practices,
&c.

VII. And for the further Prevention of illegal Practices committed by idle and disorderly Persons, in and upon the aforesaid Fisheries, and of the Sale of the Fish taken and caught by means thereof, be it enacted, That from and after the passing of this Act, upon Complaint and Information in Writing upon Oath made to any one or more Justice or Justices or Sheriff Depute as aforesaid, that the Informant hath probable Cause to suspect and believe, and doth suspect and believe, that any Person or Persons within the Jurisdiction of the said Justice or Justices or Sheriff before whom the Information is laid, (not being Owners or Occupiers of any Fishery or Fisheries, or otherwise entitled to fish in the said River *Tweed*, or within the Mouth or Entrance thereof, or on the Shore beyond the Mouth or Entrance of the same, or in the Rivers or Streams running into the same), hath or have in his or their Possession or Custody any Salmon, Gilse, Salmon Trout, Bull Trout, or Whitling, which have been illegally taken or caught contrary to the Provisions of this or any former Act, it shall and may be lawful to and for any such Justice or Justices and Sheriff Depute as aforesaid, and he and they is and are hereby required, to authorize and direct, by Warrant under his or their Hand and Seal, or Hands and Seals, in *England*, or his or their Hand or Hands in *Scotland*, any High or Petty Constable, or other Peace Officer, or Water Bailiff or Water Bailiffs, to be appointed under the Authority of this Act, to examine and search the Packages, Baskets, or Hampers of any such Person or Persons, at any Place or Places where they may be found, or at the Market where the same are exposed or offered for Sale; and if, upon such Search, any Salmon, Gilse, Salmon Trout, Bull Trout, or Whitling shall be found, it shall and may be lawful to and for such High or Petty Constable, or Person or Persons authorized as aforesaid, to seize the same, and the Packages, Baskets, or Hampers in which they shall be found, and to put and place the same in some secure Place or Places for the safe Custody thereof; and to bring the Body or Bodies of the Person or Persons, in whose Custody the same shall be found, before the said Justice or Justices or Sheriff Depute respectively, to answer and account for the same; and the Proof that the Fish (so found upon Search as aforesaid) were taken by any Person or Persons legally entitled to fish for the same shall lie upon the said Person or Persons in whose Custody or Possession the same shall be found; and if he, she, or they shall fail to make good the same to the Satisfaction

Satisfaction of the said Justice or Justices or Sheriff Depute before whom he, she, or they shall be brought, such Person or Persons shall on Conviction severally forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, nor less than Ten Pounds, at the Discretion of the said Justice or Justices or Sheriff Depute before whom the Conviction shall be had, and also the Fish so taken, and the Packages, Baskets, or Hampers that contain the same.

VIII. And be it enacted, That all and every Occupier and Occupiers of any Fishery or Fisheries in the said River *Tweed*, or in the Rivers and Streams running into the same, and of Fisheries, being Property, in the Mouth or Entrance of the said River, shall and they and each and every of them is and are hereby required to remove and carry away from their several Fishings, Fishing Shields, Boat Stands, Net Greens, Landing Places, and the Lands and Grounds adjoining thereto, all Boats, Oars, Nets, Engines, and other Tackle, used and employed by them in the taking and killing such Fish as aforesaid, on or before the Thirteenth Day of *October* in every Year, to be named by the Commissioners or Overseers hereby appointed, to some Place or Places where the same can be securely lodged and kept, so as to prevent their being used in Fishing, and there to remain until the Seventh Day of *January* in the following Year; and in case any such Occupier or Occupiers shall refuse or neglect to remove all and every such Boats, Oars, Nets, Engines, and other Tackle as aforesaid, and the same, so removed, to keep secured from the said Fisheries and Premises at the Time aforesaid, every such Person or Persons so refusing or neglecting, on being convicted thereof before any one or more such Justice or Justices or Sheriff Depute as aforesaid, shall, for every such Offence, forfeit and pay any Sum not exceeding Thirty Pounds, nor less than Ten Pounds.

Boats, Nets, &c. to be removed in the Annual Close Time by the Occupiers of Fisheries.

IX. And be it further enacted, That it shall be lawful for any such Justice or Justices or Sheriff Depute as aforesaid, upon Application to him or them made in Writing, under the Hands of any Two or more of the Proprietors or Occupiers of Fisheries in the said River *Tweed*, and he and they is and are hereby directed and required, to authorize and direct, by Warrant under his and their Hand and Seal or Hands and Seals in *England*, and under his and their Hand or Hands in *Scotland*, any High or Petty Constable, or other Peace Officer, or Water Bailiff or Water Bailiffs to be appointed under the Authority of this Act, and any Number of Persons not exceeding Five, to be severally named and described in the Warrant, to search between the Thirteenth Day of *October* and the Seventh Day of *January*, in every Year, all and every the Fishery and Fisheries, Fishing Shields, Boat Stands, Net Greens, Landing Places, and the Lands and Grounds adjoining thereto, and all such Boats, Oars, Nets, Engines, and other Tackle, as they shall find upon such Search, to remove and carry away to some Place or Places where the same can be securely lodged and kept, till the Seventh Day of *January* in the following Year, at the Expence of the said Owner or Owners; and if the Owner or Owners thereof shall be known or found, to bring him, her, or them, or the Person or Persons in whose Custody the same shall be found, before the said Justice or Justices or Sheriff Depute respectively, to answer and account for the same; and every such Owner or Owners,

If not removed by them, to be removed by Justices, &c.

[*Loc. & Per.*]

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Person

Person or Persons, respectively, upon due Proof thereof, shall forfeit and pay any Sum not exceeding Thirty Pounds, nor less than Ten Pounds, over and above the Expences of such Proceeding; and if the Owner or Owners thereof, or Person or Persons who placed, occupied, or used the same, cannot be found, then the said Constable, Peace Officer, Water Bailiff or Water Bailiffs, and Persons authorized as aforesaid, shall cause public Notice to be given on the Church or Chapel Door of the Parish, Township, or Place where the same shall be found; and if the same shall not be owned within Eight Days thereafter, the same shall be carried before the said Justice or Justices or Sheriff Depute who directed the Search for the same; and the said Justice or Justices or Sheriff Depute respectively shall proceed to condemn the same, on Proof that no Person or Persons had laid Claim thereto, and may and shall order all such Boats, Oars, Engines, and other Tackle to be burnt, cut in Pieces, or otherwise destroyed; and if, in pursuance of such Search, such High or Petty Constable, or other Peace Officer, and such Persons so appointed as aforesaid, shall find the Door of any Fishery, Shield, or Outhouse locked up, and upon Request the Occupier shall refuse to open the same, it shall be lawful for the said Peace Officer and other Persons aforesaid to break open the said Door, and search for all such Boats, Oars, Nets, Engines, and other Tackle as aforesaid, and if found, to dispose of the same in Manner hereinbefore directed.

Penalties not to be diminished for transgressing the Regulations with regard to Weekly Close Time, but under certain Circumstances.

X. And be it enacted, That it shall not be lawful to, nor in the Power of the said Justice or Justices, or Sheriff Depute, before whom any Conviction with regard to the Weekly Close Time shall be made, to mitigate the Penalties herein contained in relation thereto to a less Sum than the highest Rate, unless the Offence shall have been committed within Half an Hour after Ten of the Clock on *Saturday* Night, or after One of the Clock on *Monday* Morning, in which Case the Penalty may be mitigated as hereinbefore directed.

For Regulation of Mill Dams, &c.

XI. And be it enacted, That from and after the passing of this Act all Mill Dams, Dikes, Wears, and other permanent Obstructions to the Run of the Fish in the said River *Tweed*, or any River or Rivulet, Brook or Stream, running into the same, shall be so altered and constructed as to permit and allow of the free Run of the Fish over them in the ordinary and mean State of such Rivers or Rivulets, Brooks or Streams; and in case the Proprietors or Occupiers of such Mill Dams, Dikes, Wears, and Obstructions, shall neglect so to alter and construct them, it shall and may be lawful to the Commissioners or Overseers, hereinafter mentioned, or any Three or more of them, to send a Requisition in Writing to the Proprietors and Occupiers of the same so to alter them within Fourteen Days after such Requisition shall be made; and in Default thereof it shall and may be lawful for the said Commissioners and Overseers, or any Three or more of them, to order and direct such Alteration to be made at the Expence of the Proprietors of the same, such Expence to be levied and recovered in the same Manner as is hereinafter directed with respect to the levying and recovering of Penalties and Forfeitures.

XII. And

XII. And be it enacted, That if in the Use of Pout Nets used for the taking of Trout, the Person or Persons using the same shall take any Salmon, Gilse, Salmon Trout, Bull Trout, or Whitling, he, she, or they shall restore the same to the Proprietor or Occupier of the Fishery, upon pain of forfeiting a Sum not exceeding Ten Pounds, nor less than Five Pounds, for every Salmon, Gilse, Salmon Trout, Bull Trout, or Whitling detained or appropriated by him, her, or them.

Fish taken in Pout Nets to be restored to the Proprietor or Occupier of the Fishing.

XIII. And be it enacted, That it shall not be lawful for any Person or Persons not authorized by Licence or Leave in Writing, under the Hand of any Owner or Owners, or Occupier or Occupiers of any Fishery in the said River *Tweed*, or in any River, Rivulet, Brook, or Stream running into the same, to fish with or use any Net, or any Leister, Salmon Spear, or similar Engine; and the Person or Persons convicted of offending herein shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds, nor less than Five Pounds; and the Justice or Justices, or Sheriff Depute, before whom such Person or Persons shall be convicted, shall order and direct such Nets, Leisters, or Salmon Spears to be burnt, cut to Pieces, or otherwise destroyed.

No Nets, Leisters, &c. to be used, &c. without Licence.

XIV. And be it enacted, That it shall not be lawful for any Person or Persons within Five Miles of the said River *Tweed*, or of any River, Rivulet, Brook, or Stream, Mill Pool, Mill Lead, Sluice, or Cut, communicating with the said River *Tweed*, not duly authorized by Licence or Leave in Writing, under the Hand of any Owner or Owners, Occupier or Occupiers, of any Fishery in the said River *Tweed*, or in any River, Rivulet, Brook, or Stream running into the same, to have in his, her, or their Possession, except for the Purpose of manufacturing or felling the same, or repairing the same for some Owner or Owners, Occupier or Occupiers of Fisheries in the said River *Tweed*, or some River, Rivulet, Brook, or Stream running into the same, any of the Nets or Engines hereinbefore mentioned; and the Person or Persons convicted of offending herein shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Pounds, nor less than Ten Pounds; and the said Justice or Justices, or Sheriff Depute, before whom such Person or Persons shall be convicted, shall order and direct such Nets or Engines to be burnt, cut in Pieces, or otherwise destroyed.

No Persons, not authorized, to have in their Possession the Nets or Engines aforesaid, under a Penalty.

XV. And be it enacted, That it shall be lawful for any such Justice or Justices or Sheriff Depute as aforesaid, upon Information in Writing, upon Oath, to him or them made, and he and they is and are hereby required to authorize and direct, by Warrant, under his and their Hand and Seal or Hands and Seals in *England*, or his or their Hand or Hands in *Scotland*, any High or Petty Constable, or other Peace Officer, or Water Bailiff or Water Bailiffs to be appointed under the Authority of this Act, or other Person or Persons not exceeding Five, to be specially named and described in the Warrant, to search in the Day-time the Houses of Persons not duly authorized to use or have in their Possession any of the Nets or Engines hereinbefore mentioned, and the same, on Discovery, to seize and carry away.

Search Warrants to be granted for these.

XVI. And

The Names
of Proprie-
tors to be
painted on
Boats.

XVI. And be it enacted, That all and every Boat or Boats hereafter to be used in the Fisheries aforesaid, shall have, upon some conspicuous Place thereof, the Name of the Proprietor or Proprietors painted thereon, in Letters of Two Inches in Length, upon Failure wherein the Proprietor of every such Boat shall forfeit and pay any Sum not exceeding Ten Pounds, nor less than Five Pounds.

Saving of
Rights to
Manors,
Seigniories,
and Royal-
ties within
the Mouth or
Entrance of
the River
Tweed.

XVII. Provided always, and be it further enacted, That nothing herein contained shall in anywise prejudice or affect the Right of the Owners or Proprietors, Tenants or Occupiers of Fisheries, or the Right of any other Person or Persons who now are, or at any Time or Times hereafter shall or may be seized, possessed of, or entitled to any Manors, Seigniories, or Royalties, within the Mouth or Entrance of the said River *Tweed*, or upon the Shores beyond the Limits of the Mouth or Entrance of the same, but that all and every such Owners and Proprietors, Tenants or Occupiers, and other Person or Persons last mentioned, shall have and enjoy all such Right of fishing within the said Mouth or Entrance of the said River *Tweed*, or upon the Shores beyond the Limits of the same, as they have hitherto lawfully exercised and enjoyed, or could or might have lawfully enjoyed, in case this Act had not been made, so as such Right be used and exercised at such Times and Seasons only, under such Regulations, and subject to such Penalties and Forfeitures as are hereinbefore directed concerning the Fisheries in the said River *Tweed*, and within the Mouth or Entrance thereof, and the Shores beyond the same; any Thing in this Act contained to the contrary in anywise notwithstanding.

Commission-
ers and
Overseers of
the Fishings
appointed.

XVIII. And for the better Prevention and Conviction of Offences in regard to the said Fisheries, and the Protection of the same, be it enacted, That all and every the Proprietors of Salmon Fishings in the said River *Tweed*, or in any River, Rivulet, Brook or Stream running into the same, or in the Mouth or Entrance of the said River, of the annual Value of Twenty Pounds, or which, being Royal Grants, shall extend Half a Mile in Length where such Fishings are only on one Side of the Water, or a Quarter of a Mile where such Fishings comprehend both Sides of the Water, One Guardian of each Minor enjoying and possessing such Salmon Fishings of the annual Value or Extent aforesaid, one Trustee of every Estate, and One Member of each Corporation or associated Body, holding such Salmon Fishings of the annual Value or Extent aforesaid, shall be, and they are hereby appointed Commissioners and Overseers for the Purposes before and hereinafter mentioned: and it shall and may be lawful to and for the Commissioners or Governors of the Royal Hospital for Seamen at *Greenwich* in *Kent*; the Dean and Chapter of the Cathedral Church of *Durham*; the Mayor and Corporation of the Town of *Berwick*; the Trustees under the Will of *Nathaniel*, late Lord *Crewe*; and the Committee or Committees, for the Time being, of the Estate of the Right Honourable *Wilmot Vaughan*, Earl of *Lisburne*, a Lunatic, each to nominate and appoint, by any Instrument, in Writing, under their Hand or Hands, from Time to Time, One Person, being qualified, to be a Commissioner and Overseer as aforesaid, to represent each of them; which Person, so nominated and appointed, shall be entitled to act in all Meetings

Meetings of the said Commissioners and Overseers, as the Representative of the Persons or Person by whom he is so nominated and appointed; and shall, besides the Vote to which he is entitled as a Commissioner and Overseer in his own Right, be also entitled to a Vote or Votes as the Representative of such of the aforesaid incorporated or associated Bodies, One for each such Body by whom he shall be so nominated and appointed: Provided always, that in no case shall more than One Person act or vote as a Commissioner or Overseer under this Act, in respect of the Property of any One Person or associated Body of Persons.

XIX. Provided always, and be it enacted, That if any Person or Persons not qualified as aforesaid shall nevertheless presume to act as a Commissioner or Overseer under the Authority of this Act, such Person or Persons shall forfeit and pay the Sum of Fifty Pounds for every such Offence to any Person who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, or Court of Session in *Scotland*, and the Proof of Qualification shall lie upon the Defendant. Penalty on acting if not qualified.

XX. And be it enacted, That if any Person or Persons entitled to be a Commissioner or Overseer for putting this Act in Execution shall accept of any Place of Profit arising out of the Rate or Assessment hereinafter granted, such Person or Persons shall from thenceforth, and while they continue to hold and enjoy such Place or Places, be disabled to act as Commissioners and Overseers. Commissioners and Overseers shall not act while holding Places of Profit.

XXI. And be it enacted, That the said Commissioners and Overseers shall hold their First Meeting, for the Purposes of this Act, on the Third *Monday* after the passing of this Act, at *Cornhill*, and their next Meeting at *Cornhill* on the First Day of *August* thereafter; and thereafter shall hold One General Meeting in every Year, at *Cornhill*, upon the First Day of *August*, except when the First Day of *August* shall happen on a *Sunday*, in which Case the Annual General Meeting for that Year shall be held on the Second Day of *August*, with Power to the said Commissioners and Overseers, at such stated or other General Meetings, to adjourn to such other Time and Place as they shall think convenient; and also with Power to the said Commissioners and Overseers, at their said stated or other General Meetings, to appoint a Chairman, Clerks, Collectors, and other Officers, with reasonable Salaries, all of whom appointed to Offices of Trust shall find Security for the due Execution of their Offices, and shall account on Oath to the said Commissioners and Overseers Once every Twelve Months, or oftener (if required), for all Monies received by them, and pay over the Balance in their Hands to the said Commissioners and Overseers, or their Order; and in case of Default in accounting for or Payment thereof, it shall be lawful for any Two or more Justices of the Peace or Sheriff Depute before mentioned, at the Suit of the said Commissioners or Overseers, to commit the Defaulter to Prison till a faithful Account be rendered, or until he shall have compounded for the Balance due by him, which Composition the said Commissioners or Overseers are hereby authorized and empowered to make: Provided always, that no Person so committed shall be detained in Prison for a longer Period than Three Months. First and subsequent Meetings.

[*Loc. & Per.*]

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XXII. And

Quorum.

XXII. And be it enacted, That the Quorum or Number of Commissioners or Overseers necessary to do Business in General Meetings, shall be Five; but if less than Five shall be present, the Commissioners or Overseers, or Commissioner or Overseer so present, shall have Power to adjourn the Meeting, and in that Case Notice shall be given of the Day, Place, and Purpose of such adjourned Meeting, by Advertisement in One *Newcastle* Newspaper, and in any Newspaper that may be published in *Kelfo*, and in Default thereof, in One *Edinburgh* Newspaper, at least Ten Days before the Day of such adjourned Meeting: Provided always, that it shall not be in the Power of any Adjourned Meeting to alter or rescind any Acts done, or Resolutions made, by any Annual General Meeting; and that at all Meetings whatsoever the Commissioners and Overseers shall defray their own Expences.

Proceedings to be entered in Books.

XXIII. And be it enacted, That all Proceedings of the said Commissioners or Overseers, and an exact Account of all the Money to be received by virtue of this Act, and of the Application of the same, shall be entered in a Book or Books to be kept by their Clerk or Clerks, whose Duty it shall be regularly to enter and record all their Proceedings and Accounts, which Book or Books shall be open to the Inspection of every Commissioner or Overseer without Fee or Reward.

District Meetings, and their Powers.

XXIV. And be it enacted, That the said Commissioners and Overseers, at their First or at any of the stated General Meetings assembled, or at an Adjourned Meeting advertised as aforesaid for that special Purpose, may appoint different Districts for the better conducting and managing the several Purposes of this Act, and the Times and Places of Meetings of Commissioners or Overseers for each District; and at such District Meetings the Commissioners and Overseers shall have Power to name a Chairman, Clerks, or other Officers, with suitable Salaries, and to take such Securities from those appointed to Offices of Trust, for the due Execution of their Offices, as they shall think proper; and in District Meetings Three shall be a Quorum, and any one or more attending shall have Power to adjourn; and a particular Report from each District, or Copy of the Books of the Proceedings kept within the same, shall be made to the General Yearly Meeting in every Year; and in case of Failure or Neglect the Clerk to the District shall forfeit and pay any Sum not exceeding Twenty Pounds, nor less than Ten Pounds Sterling.

Water Bailiffs to be appointed.

XXV. And be it enacted, That the said Commissioners or Overseers in any General or Adjourned Meeting assembled shall and may nominate and appoint such a Number of Water Bailiffs for the Protection of the Fisheries and Detection of Offenders as to them shall appear expedient, of whom One Half shall be honorary, and receive no Salary, and the other Half shall receive Salaries at the Discretion of the said Commissioners or Overseers, and be appointed to permanent Duty in such Capacity as aforesaid; and in any subsequent General or Adjourned Meeting it shall be in the Power of the said Commissioners or Overseers to remove such Water Bailiffs, or any of them, and appoint others in their Room, and to make such Alterations with regard to their Salaries as to them shall appear proper.

XXVI. And be it enacted, That each of the said Water Bailiffs, before entering upon the Execution of his Office, shall, before any one or more Justice or Justices of the Peace or Sheriff Depute before mentioned, take the Oath following, *viz.* Their Oath.

‘ I *A. B.* do solemnly swear, That I will duly and faithfully execute the Office of a Water Bailiff, in Terms of an Act passed in the Forty-seventh Year of the Reign of King *George* the Third, intituled ‘ *An Act* [*here set forth the Title of this Act*]. So help me GOD.’

And if any Person shall presume to act as a Water Baliff, under the Authority of this Act, without previously taking the Oath herein-before appointed, he shall forfeit and pay any Sum not exceeding Twenty Pounds, nor less than Ten Pounds Sterling.

XXVII. And be it enacted, That the Water Bailiffs appointed as afore-said shall, after taking the said Oath, be empowered to exercise the Powers and Authorities of Constables upon any Part of the said River *Tweed*, or of any River, Rivulet, Brook, or Stream, or any Mill Pool, Mill Lead, Sluice or Cut, communicating with the said River *Tweed*, or within the Mouth or Entrance thereof, or within Five Miles of the said River *Tweed*, and of the said Rivers, Rivulets, Brooks or Streams, Mill Pools, Mill Leads, Sluices or Cuts, communicating with the said River *Tweed*, and of the Mouth or Entrance of the said River, and in general concerning the said Fisheries; and at all Times, with their Boats or otherwise, to enter upon all and every of the Fisheries in the said River *Tweed*, and of the said Rivers, Rivulets, Brooks or Streams, Mill Pools, Mill Leads, Sluices or Cuts, communicating with the said River *Tweed*, or within the Mouth or Entrance thereof, for the Purpose of detecting unlawful Fishings or Obstructions in the said Rivers and Streams, and other Offences against this or any of the said recited Acts; and to moor, anchor, or otherwise fix their Boats at such Places as they shall find convenient, provided that by such mooring, anchoring, or fixing their Boats they do not obstruct or impede any legal Mode of fishing. Their Powers.

XXVIII. And for defraying the Expences to be incurred in carrying this Act into Effect, be it enacted, That it shall and may be lawful for the said Commissioners and Overseers, at their First General Meeting to be held under the Authority of this Act, to impose and ascertain a Rate or Assessment to be paid by the whole Proprietors of Salmon Fishings in the said River *Tweed*, or in any River or Stream running into the same, and in the Mouth or Entrance of the said River, such Rate or Assessment not to exceed Five Pounds *per Centum* of the real Rent of the said Fishings, to be paid for the First Year; and annually thereafter, at the General Annual Meeting to be held under the Authority of this Act, or First Adjournment thereof at which a Quorum of Commissioners or Overseers shall be present, to impose and ascertain the Rate or Assessment for that Year; such Rate or Assessment to be paid to the Clerks or Collectors for that Purpose to be appointed by the said Commissioners or Overseers. A Rate or Assessment to be imposed.

XXIX. And be it enacted, That the Expences of advertising for, preparing, procuring, and passing this Act, so far as they shall not exceed Expences of this Act to be paid, and

further Ap-
plication of
the Money.

ceed Three hundred Pounds, shall be defrayed out of such Rate or Assessment of the Two first Years, by equal Portions, in the first Place, and the same shall afterwards be applied, under the Authority and Directions of the said Commissioners and Overseers, to defray the Salaries to Clerks and Officers, and to Water Bailiffs, and the other Expences to be incurred under this Act.

Rate and Af-
fessment, how
to be levied
and recovered.

XXX. And be it enacted, That the whole Sums of Money arising by the First Year's Rate or Assessment shall be paid on or before the First Day of *August* next, and for future Years, on or before the First Day of *August* yearly; and if any Person liable in Payment thereof shall neglect or refuse to pay the same to the Collector or Collectors to be appointed by the said Commissioners or Overseers on or before the Day of Payment before specified, it shall and may be lawful to and for any one or more Justice or Justices of the Peace within that Part of *Great Britain* called *England*, the Town of *Berwick-upon-Tweed*, or the Bounds and Liberties thereof, or any one or more Justice or Justices of the Peace, or Sheriff Depute, in that Part of *Great Britain* called *Scotland*, to grant a Warrant for distraining the Effects of the Defaulter, to appraise them on the Spot where found, and afterwards to sell the same by Auction, for Payment of the said Rate or Assessment, together with the full Charges of such Distress, Appraisement, and Sale, and the Surplus (if any) shall be paid, when demanded, to the Person whose Effects shall have been so distrained and sold; which Warrants shall be granted by such Justice or Justices, or Sheriff Depute, upon an Application made to them, or any of them, and an Attestation, on Oath, signed by such Collector or Collectors, certifying that the Person or Persons complained of was or were deficient in Payment of the Rate or Assessment above mentioned, and expressing therein the Arrears due by such Person or Persons.

Former Acts,
where not
altered, to be
continued.

XXXI. And be it enacted, That all the Clauses, Powers, and Authorities, Exceptions, Limitations, Forms of Conviction and Certificate thereof, (*mutatis mutandis*) Matters and Things in the said Three recited Acts or in any of them contained, and not altered by this Act, shall be deemed and taken to extend, and shall extend to this Act, as fully and effectually as if the same were here again repeated and re-enacted.

Persons ag-
grieved by
the Act of
any Justice
may appeal
to the Quar-
ter Sessions.

XXXII. And be it enacted, That all and every Person and Persons who shall think himself, herself, or themselves aggrieved by any Judgment of any Justice or Justices of the Peace, given in virtue of any of the Powers granted by this Act, or by any of the said recited Acts, may appeal to the Justices of the Peace for the County, Shire, Liberty, or Place where such Judgment shall be given, at their then next General Quarter Sessions, but no such Appeal shall be received, heard, or determined, unless the Appellant or Appellants shall first give, or cause to be given, Fourteen Days Notice in Writing, to the Justice or Justices from whose Judgment, Sentence, or Determination, he, she, or they shall appeal, of his, her, or their Intention to bring such Appeal, and shall also enter into a Recognizance with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of such Justice or Justices; and the said Justices at their said Sessions, upon due Proof of such Notice having been given, and of such Recognizance having been entered
into

into as aforesaid, shall hear and determine every such Appeal in a summary Way, and shall award and order to the Party for whom and in whose Behalf such Appeal shall be determined, such Costs and Charges as they in their Discretion shall think reasonable and just, to be paid by the Party or Parties against whom such Appeal shall be determined; and in case such Costs and Charges shall not be paid within the Space of Six Days, the same shall and may be levied by Distress and Sale of the Goods and Chattels of the Person or Persons ordered to pay the same; and if the Person or Persons ordered to pay such Costs shall happen to remove or go into any County, Shire, Liberty, or Place out of the Jurisdiction of the said Court where such Appeal shall be brought or heard, it shall and may be lawful for any Justice of the Peace of or for the County, Shire, Liberty, or Place wherein such Person shall inhabit or be found, and every such Justice of the Peace is hereby required, upon Request to him for that Purpose to be made, and a true Copy of the Order for the Payment of such Costs and Charges produced, and proved by some credible Witness upon Oath (which Oath such Justice is hereby empowered to administer), by Warrant in due Form of Law, to cause the Money mentioned in such Order to be levied by Distress and Sale of the Goods and Chattels of the Person that shall be ordered and ought to pay the same; and the Determination of the said Justices at such Quarter Session shall be binding and conclusive to all Intents and Purposes whatsoever; and no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever: And that all and every Person and Persons who shall think himself, herself, or themselves aggrieved by any Judgment of any Sheriff Depute given in virtue of any of the Powers granted by this Act, or by any of the said recited Acts, may appeal to the Lords of Justiciary in the next Circuit Court of the Circuit wherein such County or Shire shall lie, in the Way, Manner, and Form, and under and upon the Limitations and Conditions prescribed by and contained in an Act of Parliament, passed in the Twentieth Year of the Reign of His late Majesty, for taking away and abolishing the Heritable Jurisdictions in that Part of *Great Britain* called *Scotland*, and for other Purposes therein mentioned.

And those aggrieved by the Judgment of any Sheriff Depute may appeal to the Lords of Justiciary, in the next Circuit Court.

XXXIII. And be it enacted, That the Penalties or Forfeitures for Offences against this Act, the Mode of Recovery whereof is not by this Act otherwise particularly provided, may be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, before any one or more Justice or Justices of the Peace, within that Part of *Great Britain* called *England*, the Town of *Berwick-upon-Tweed*, or the Bounds and Liberties thereof, or before any one or more Justice or Justices of the Peace or Sheriff Depute within that Part of *Great Britain* called *Scotland*, for the County, Shire, Liberty, or Place where the Offender or Offenders shall be or reside, either by the Confession of the Party or Parties, or upon the Oath or Oaths of one or more Witness or Witnesses, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices in that Part of *Great Britain* called *England*, the Town of *Berwick-upon-Tweed*, or the Bounds and Liberties thereof, or by

Recovery and Application of Penalties and Forfeitures.

[*Loc. & Per.*]

6 E—F

Warrant

If the Proportion of Penalties directed to be paid to the Poor be not demanded in Six Months, the whole to the Informer.

Warrant or Warrants in due Form of Law of such Justice or Justices and Sheriff Depute in that Part of *Great Britain* called *Scotland*, (all which Warrants such Justice, Justices, and Sheriff Depute are hereby authorized and required to grant, and to administer such Oath or Oaths); and the Penalties and Forfeitures which shall be so levied and paid shall, from Time to Time be applied, One Moiety to the Informer or Informers, and the other Moiety to the Overseers of the Poor of the Parish, Township, or Place where the Offender or Offenders shall be or reside, for the Use of the Poor of the said Parish, Township, or Place; and in case the Proportion of the Penalties directed to be paid or applied to such Overseers shall not be claimed in Six Months from the Date of the Conviction or Convictions, the whole shall be applied to the Informer or Informers; and the Justice or Justices, or Sheriff Depute, by or before whom any Conviction shall be made, shall direct his or their Clerk or Clerks, within Twenty-one Days after the Date of the Conviction, to intimate the same to the Overseers of the Poor of such Parish, Township, or Place, as may be entitled to a Proportion of the Penalties as aforesaid; and the Overplus remaining (if any) after such Penalties and Forfeitures, and the Costs and Charges attending the levying and recovering thereof, are deducted, shall on Demand be returned to the Owner or Owners of the Goods and Chattels so distrained; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid in Fourteen Days after such Distress, that then it shall be lawful for such Justice, Justices, and Sheriff Depute, and he and they is and are hereby respectively authorized and empowered, to commit every such Offender or Offenders to the Common Gaol or House of Correction for any Time not exceeding Six Calendar Months, or less than Three Calendar Months, as the said Justice or Justices and Sheriff Depute, upon Consideration of the Circumstances, shall think fit.

Limitation of Actions against Persons executing this Act in England.

XXXIV. And be it further enacted, That no Action at Law shall be brought or commenced against any Person or Persons for any Thing done or to be done by virtue of this Act within that Part of *Great Britain* called *England*, the Town of *Berwick-upon-Tweed*, or the Bounds and Liberties thereof, until after Fourteen Days Notice thereof in Writing shall be given to the Person or Persons against whom such Action shall be intended to be so brought, or left at his or their last or usual Places of Abode, setting forth the Cause of such Action; and that every Action brought for any Thing done or to be done as aforesaid shall be brought within the Space of Six Calendar Months next after the Cause of Complaint shall arise, and be laid and tried in the County or Place where the Fact was committed, and not elsewhere; and the Defendant or Defendants therein may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done by virtue hereof; and if on the Trial of such Action it shall appear that the same was brought before the Expiration of Fourteen Days next after such Notice shall have been so given or left as aforesaid, or after the End of Six Calendar Months next after the Cause thereof shall have arisen, or if such Action shall be brought or laid in any other County or Place than as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved, that then and in any of the Cases aforesaid

aforesaid the Jury shall find for the Defendant or Defendants therein; and in all Cases where a Verdict shall be found for the Defendant or Defendants in such Action, or if the Plaintiff or Plaintiffs shall discontinue the same after the Defendant or Defendants shall have appeared, or shall be nonsuited, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants in such Action shall have Treble Costs, and have the like Remedies for recovering the same as Defendants have for recovering their Costs in other Cases by Law.

Treble Costs to Defendants.

XXXV. And be it further enacted, That every Action or Prosecution for any Offence or Offences against this Act in that Part of *Great Britain* called *Scotland* shall be by Way of summary Petition or Complaint to One or more Justice or Justices of the Peace, or to the Sheriff Depute for the County where such Offence or Offences shall be committed, who are hereby authorized to hear and determine the same.

Mode of proceeding in Actions brought in Scotland.

XXXVI. And be it further enacted, That no Action shall be brought against any Person or Persons for any Thing done or to be done by virtue of this Act, or by virtue of the said former Acts made in the Eleventh, Fifteenth, and Thirty-seventh Years of His present Majesty, within that Part of *Great Britain* called *Scotland*, unless such Action shall be commenced within the Space of Six Calendar Months next after the Cause of Complaint shall have arisen; and in all such Actions the Defendant or Defendants, if absolved or assolized from the Action, shall have and be entitled to full Costs of Suit.

Limitation of Actions under this or former Acts in Scotland.

XXXVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Public Act.

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