



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. liv.

An Act for the more effectual Preservation and Increase of the Breed of Salmon, and for better regulating 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. [29th May 1830.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His late Majesty King George the Third, 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 Fifteenth Year of the Reign of His said late 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 late Majesty, intituled *An Act for altering, amending, and rendering more effectual Two Acts 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 another Act was made in the Forty-seventh Year of the Reign of His said late Majesty, intituled *An Act to amend*

11 G.3. c. 27.
15 G.3. c. 46.
37 G. 3. c. 48.
47 G. 3. sess. 1. c. 29.

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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 in the River Tweed: And whereas it has been found by Experience that the said recited Acts have become inadequate to the Purposes intended, and that for several Years past the Salmon have rapidly decreased in the said River Tweed, and there is every Reason to apprehend that a progressive Decrease will continue to take place, unless effectual Measures be resorted to for the Preservation of the Breed of Salmon, and Fish of the Salmon Kind, in the said River; and it is therefore expedient that the Periods of the Annual and Weekly Close-time should be enlarged, and that the said recited Acts should be repealed, and that instead thereof further and other Regulations should be made in lieu thereof; but as these Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it 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 the said several recited Acts passed in the Eleventh, Fifteenth, Thirty-seventh, and Forty-seventh Years of the Reign of His said late Majesty shall be and the same are hereby repealed; and that from and after the passing of this Act it shall not be lawful for any Person or Persons to fish for or take in any way, except by means of angling or rod-fishing, any Salmon, Grilse, Sea Trout, Bull Trout, Whitling, or other Fish of the Salmon Kind, in the said River Tweed, or in any River, Rivulet, Brook, or Stream, or in any Mill Pool, Mill Lead, Mill Dam, Sluice, Pond, or other Pool or Cut which runs into or otherwise communicates with the said River Tweed, or within the Mouth or Entrance of the said River Tweed, at any Time or Times between the Fifteenth Day of October in any Year and the Fifteenth Day of February in the Year following, nor by means of angling or rod-fishing at any Time or Times between the First Day of November in any Year and the Fifteenth Day of February in the Year following, nor in any Way or by any Means between Six of the Clock on Saturday Night and Two of the Clock on Monday Morning from the Fifteenth Day of February till the First Day of June, or between Six of the Clock on Saturday Night and Six of the Clock on Monday Morning from the First Day of June till the Fifteenth Day of October in each Year; any Law, Statute, or Practice to the contrary notwithstanding.

Recited
Acts re-
pealed.

Periods in
which Sal-
mon shall not
be taken, &c.

Penalty on
fishing for or
taking Sal-
mon in the
Annual and
Weekly
Close-time.

II. And be it further enacted, That if at any Time between the Fifteenth Day of October in any Year and the Fifteenth Day of February then next following, except as to fishing by means of angling or rod-fishing, and as to such fishing if at any Time between the First Day of November in any Year and the Fifteenth Day of February then next following, or if at any Time between Six of the Clock on Saturday Night and Two of the Clock on Monday Morning from the Fifteenth Day of February to the First Day of June, or between Six of the Clock on Saturday Night and Six of the Clock on Monday Morning from the First Day of June to the Fifteenth Day of October, any Person or Persons shall wilfully take, or shall fish

for

for or attempt to take, or aid or assist in taking, fishing for, or attempting to take, in or from the said River *Tweed*, or any River, Rivulet, Brook, or Stream, or any Mill Pool, Mill Lead, Mill Dam, Sluice, Pond, or other Pool or Cut which runs into or otherwise communicates with the said River *Tweed*, or within the Mouth or Entrance of the said River *Tweed*, any Salmon, Grilse, Sea Trout, Bull Trout, Whitling, or other Fish of the Salmon Kind, every such Person shall forfeit and pay any Sum not less than Two Pounds and not exceeding Twenty Pounds for and in respect of each and every such Offence, and shall also forfeit each and every such Fish so taken, and each and every Boat, Net, or Engine so used, or by which any such Fish has been taken or attempted to be taken, and also the further Sum of Ten Shillings for each and every such Fish so taken.

III. And be it further enacted, That it shall not be lawful to nor in the Power of the Justice or Justices, or Sheriff or Stewart Depute or Substitute, 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 Ten Pounds, unless the Offence shall have been committed within Half an Hour after Six of the Clock on *Saturday* Night, or within Half an Hour before Two of the Clock on *Monday* Morning, from the Fifteenth Day of *February* to the First Day of *June*, or within Half an Hour after Six of the Clock on *Saturday* Night, or within Half an Hour before Six of the Clock on *Monday* Morning, from the First Day of *June* to the Fifteenth Day of *October*, in which Case the Penalty may be mitigated as herein-before mentioned.

Penalties not to be diminished to less than 10*l.* with regard to Weekly Close-time, but under certain Circumstances.

IV. And be it further enacted, That from and after the passing of this Act, if any Person or Persons shall, between the Fifteenth Day of *October* in any Year and the Fifteenth Day of *February* then next following, knowingly have in his, her, or their Possession, or carry about, sell, offer, cry, proclaim, or expose to or for Sale, or shall exchange for any Goods, Matter, or Thing, any Salmon, Grilse, Sea Trout, Bull Trout, Whitling, or other Fish of the Salmon Kind caught at any Time during the said Period in the said River *Tweed*, or in any River, Rivulet, Brook, Stream, Mill Pool, Mill Lead, Mill Dam, Sluice, Pond, or other Pool or Cut which runs into or otherwise communicates with the said River *Tweed*, or within the Mouth or Entrance of the said River *Tweed*, except such Fish as are taken by means of angling or rod-fishing between the Fifteenth Day of *October* and the First Day of *November* in any Year, every such Person shall forfeit and pay any Sum not less than One Pound and not exceeding Two Pounds for and in respect of each and every Salmon, Grilse, Sea Trout, Bull Trout, Whitling, or other Fish of the Salmon Kind, so cried, offered for Sale, sold, exchanged, purchased, or found in the Possession, or proved to have been in the Possession, of any such Person or Persons as aforesaid, over and above forfeiting each and every such Fish so sold, purchased, or found, and also over and above forfeiting every Boat, Cart, Basket, or Package in which the same may be found.

No Person to sell or knowingly possess Fish caught in Close-time.

V. And

Persons in possession of such Fish to prove that the same were not taken in the Tweed.

V. And be it further enacted, That the Proof that such Salmon, Grilse, Sea Trout, Bull Trout, Whitling, or other Fish of the Salmon Kind 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, Mill Dam, Sluice, Pond, or other Pool or Cut which runs into or otherwise communicates with the said River *Tweed*, or within the Mouth or Entrance of the said River *Tweed*, between the Fifteenth Day of *October* or the First Day of *November* respectively and the Fifteenth Day of *February*, shall lie upon the Person or Persons in whose Custody or Possession the same shall be found, or who shall cry, expose, offer for Sale, exchange, or purchase the same as aforesaid.

To prevent the Destruction of the Spawn or Fry.

VI. And be it further enacted, That from and after the passing of this Act, if any Person or Persons shall wilfully kill or take, or aid or assist in killing or taking, by any Means or by any Device, in or from the said River *Tweed*, or in or from any River, Rivulet, Brook, or Stream, or in any Mill Pool, Mill Lead, Mill Dam, Sluice, Pond, or other Pool or Cut which runs into or otherwise communicates with the said River *Tweed*, or within the Mouth or Entrance thereof; or sell, purchase, or wilfully have in his, her, or their Possession, any Spawn, Smolts, Fry, or young Brood of Salmon, or of any other Fish of the Salmon Kind; or in any Way or by any Device wilfully obstruct the Passage of such Smolts, Fry, or young Brood, or injure or disturb any such Spawn, Smolts, or Fry, or any Spawning Bed, Bank, or Shallow where the same may be; every such Person shall forfeit and pay a Sum not less than One Pound and not exceeding Ten Pounds for each and every such Offence, and shall also forfeit and pay the further Sum of Two Shillings for each of the Smolts, Fry, or young Brood of the Salmon Kind so taken, killed, or destroyed, or found in his, her, or their Possession, and shall also forfeit all Nets and Engines whereby the same have been killed or taken, together with the Hampers, Creels, or Packages wherein the same may be found.

Penalty on Trespassers.

VII. And be it further enacted, That if any Person shall after the Expiration of Two Months from and after the passing of this Act trespass in or upon any Ground adjacent or near to the said River *Tweed*, or any River, Rivulet, Brook, or Stream, Mill Pool, Mill Lead, Mill Dam, Sluice, Pond, or other Pool or Cut which runs into or otherwise communicates with the said River *Tweed*, or in or upon the said Rivers and Waters, or within the Mouth or Entrance of the said River *Tweed*, with Intent to take or kill Salmon, Grilse, Sea Trout, Bull Trout, Whitling, or other Fish of the Salmon Kind, or the Smolts, Spawn, or Fry of such Salmon or other Fish, every such Person shall forfeit and pay for every such Offence not less than Ten Shillings and not exceeding Five Pounds.

Having Nets in possession deemed Evidence of Intent to trespass.

VIII. And be it further enacted, That if any such Trespasser or Trespassers shall have in his, her, or their Possession, or in the Possession of any of them (if more than One are together), any Net or Implement whatever whereby or wherewith Salmon, Grilses, Sea Trouts, Bull Trouts, Whitlings, or other Fish of the Salmon Kind, are

are usually taken or killed, the Possession thereof shall be deemed and taken to be sufficient Evidence of the Intent of such Trespasser or Trespassers to commit such Offence as aforesaid; and in case such Trespasser or Trespassers shall not have in his, her, or their Possession any such Net or Implement as aforesaid, it shall in such Case be lawful to and for the Justice or Justices, Sheriff or Stewart Depute or Substitute, before whom the Complaint shall be heard, to infer, adjudge, and determine the Intent of the Trespasser or Trespassers to commit such Offence as aforesaid according to the Evidence which may be adduced on the hearing of any Complaint that may be made against such Trespasser or Trespassers, and to convict or discharge the Offender or Offenders accordingly.

IX. And be it further enacted, That for the Purposes of this Act the Limits of the Mouth or Entrance of the said River *Tweed* shall be deemed to extend and shall extend from a newly-erected Pier, lately and formerly called *Queen Elizabeth's Pier*, along the Sea Coast on the South Side of the said Pier, Five Miles, and along the Sea Coast on the North Side of the said Pier Four Miles, and shall also extend Five Miles in front of the Mouth of the said River, and of the several Lines of Boundary hereinbefore mentioned, into the Sea, such Distance towards the Sea to be computed by Lines drawn the one from the Northern and the other from the Southern Extremity of the aforesaid Boundaries, at Right Angles to a Line drawn between the said Northern and Southern Extremities.

Limits of the Mouth of the *Tweed*.

X. And be it further enacted, That from and after the passing of this Act, if any Person or Persons shall beat the Water, or place or set any White Object, or any Bar Net, or other Net or Nets, or 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, Mill Dam, Sluice, Cut, Pond, or other Pool which runs into or otherwise communicates with the said River *Tweed*, or within the Mouth or Entrance of the said River *Tweed*, so as to prevent, or for the Purpose of preventing, the said Fish from entering the said River *Tweed*, or from going up and down the said River, or any River, Rivulet, Brook, or Stream, Mill Pool, Mill Lead, Mill Dam, Sluice, Cut, Pond, or other Pool which runs into or otherwise communicates with the said River *Tweed*, or shall in any other Way 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, every Person so offending shall for the First Offence forfeit and pay any Sum not less than Ten Pounds and not exceeding Twenty Pounds, and any Sum not less than Twenty Pounds and not exceeding Forty Pounds, for every subsequent Offence: Provided always, and be it further enacted, that nothing herein contained shall be deemed or construed to alter or affect the Modes or Methods for taking and killing Fish in the said Rivers and Waters, other than such as are by this Act specially prohibited.

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

XI. And be it further enacted, That every Occupier of any Fishery in the said River *Tweed*, or in the Rivers and Streams and other
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Boats to be removed in Close-time.

Waters running into or otherwise communicating therewith, or in the Mouth or Entrance of the said River *Tweed*, shall and they and each and every of them are hereby required to remove and carry away from their several and respective Fisheries, Fishing Shields, and Fishing Grounds, all Boats, Oars, Nets, Engines, and other Tackle used and employed by them, or any or either of them, in the taking and killing such Fish as aforesaid, excepting Boats, with their Oars, used for angling or rod-fishing, on or before the Seventeenth Day of *October* in every Year, to some Place or Places to be named by the Commissioners or Overseers by this Act appointed, where the same can be securely lodged and kept, so as to prevent their being used in fishing, and there to remain until the Thirteenth Day of *February* in the following Year; and each Boat, with its Oars, so retained for the purpose of angling or rod-fishing, shall be so removed and carried away on or before the Third Day of *November* in every Year, and shall be lodged and kept and remain as aforesaid until the said Thirteenth Day of *February* in the following Year; and in case any such Occupier or Occupiers shall neglect or refuse to remove all and every such Boats, Nets, Oars, and other Tackle as aforesaid, and the same so removed to keep secured from the said Fisheries and Premises during the Time aforesaid, every such Person so refusing or neglecting, on being convicted thereof before any One or more Justice or Justices in *England*, or Justice or Justices, or Sheriff, or Stewart Depute or Substitute, in *Scotland*, shall for every such Offence forfeit and pay any Sum not less than Five Pounds and not exceeding Twenty Pounds: Provided always, that nothing herein contained shall be construed or held to extend to public Ferry Boats, nor to Boats used by any Proprietor or Occupier of Land adjoining the said Rivers solely for the Transport of himself or herself, or his or her Family; but under the Regulations hereinafter specified in regard to such Boats.

Exceptions.

Boats not removed may be seized by Bailiffs, &c. without any Warrant.

XII. And be it further enacted, That it shall be lawful for any Water Bailiff or Water Bailiffs, or other Person or Persons employed in the Execution of this Act, without any other Authority than this Act, to seize all such Fishing Boats, Oars, Nets, Engines, and other Tackle which shall not have been so removed as aforesaid (but excepting as aforesaid), and to convey and carry the same to some Place of Security, and give Information thereof to any Justice or Justices of the Peace, or any Sheriff, or Stewart Depute or Substitute, within whose Jurisdiction the same shall be so seized, and such Justice or Justices, or Sheriff, or Stewart Depute or Substitute respectively, shall and may order all such Boats, Oars, Nets, Engines, and other Tackle to be burnt, cut to Pieces, or otherwise destroyed or disposed of; and it shall and may also be lawful to and for every such Water Bailiff or Water Bailiffs, or other Person or Persons employed and acting under the Authority of this Act, at any Time during the Annual Close-time to enter into or upon any Fishery or Fishing Grounds, and without any Warrant or Warrants to search all and every the Fishing Shields and other Premises belonging thereto, for any Boats, Oars, Nets, Engines, and other Tackle that may be deposited or concealed therein; and in case any such Shield is found to be locked up, and upon Request the Occupier of such
Shield

Shield shall refuse to open the Door thereof, it shall be lawful for the Water Bailiff or Water Bailiffs, or other Person or Persons aforesaid, to break open the Door of such Shield, and to search for any such Boats, Oars, Nets, Engines, or other Tackle as aforesaid, and if found to dispose of the same in like Manner as last hereinbefore directed, in regard to Boats, Oars, Nets, Engines, and other Tackle, when not removed as hereinbefore directed.

XIII. And be it further enacted, That it shall be lawful for any such Justice or Justices, or Sheriff, or Stewart Depute or Substitute 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 or their Hand and Seal or Hands and Seals in *England*, and under his or their Hand or Hands in *Scotland*, any Constable, Peace Officer, or Water Bailiff or Water Bailiffs to be appointed under the Authority of this Act, with such Assistants as may be necessary, to search, between the Seventeenth Day of *October* and the Third Day of *November* respectively, as hereinbefore mentioned, and the Thirteenth Day of *February*, in every Year, all and every the Fishery and Fisheries, Fishing Shields, and the Lands and Grounds adjoining thereto, and all such Boats, Oars, Nets, Engines, and other Tackle as they shall find contrary to the Regulations herein contained, upon such Search, to remove and carry away at the Expence of the Owner or Owners thereof.

Sheriffs and Justices empowered to grant Warrants for removing Boats, &c.

XIV. And be it further enacted, That the Tenant or Occupier of every established and accustomed Ferry for the Conveyance of Passengers, Horses, and Carriages across the said River *Tweed*, or across any other River running into or otherwise communicating therewith, shall have the Name or Names of the Proprietor and of the Ferry, and the Number of each Boat, painted upon some conspicuous Part of each and every Boat so used by him, her, or them, in Letters of Two Inches in Length, and shall also keep the same locked up when not actually in use; upon Failure wherein the Occupier or Proprietor of every such Boat shall for every such Offence forfeit and pay any Sum not less than Five Pounds and not exceeding Ten Pounds; and every such Occupier or Proprietor who shall use, or permit or allow to be used, his, her, or their Boat during Close-time, for the Purpose of fishing for Salmon, Grilse, or other Fish of the Salmon Kind, shall forfeit and pay for every such Offence not less than Ten Pounds and not exceeding Thirty Pounds, and the Boat or Boats shall be forfeited in like Manner as Boats used in fishing during Close-time.

Regulations as to Ferry Boats and Boats of Proprietors and Occupiers of Land.

XV. And be it further enacted, That each and every Proprietor and Occupier of Fisheries within or of Land adjoining the said Rivers and Waters, who shall use any Boat or Boats for the Purpose of fishing, or for any Purpose, upon any of the said Rivers or Waters, shall have the Name or Names of every such Proprietor or Occupier painted upon their respective Boats, with the Number thereof, in like Manner as is hereinbefore directed with respect to Ferry

Regulation of private Boats.

Ferry Boats, and subject to the like Penalties and Regulations as are hereinbefore declared as to Ferry Boats.

Any Water Bailiff may destroy Nets, &c. used during Close-times.

XVI. And be it further enacted, That if any Net or other Engine or Device whatsoever adapted for the taking or destroying of Salmon or Fish of the Salmon Kind, the Owners of which shall not be known to the Bailiff discovering the same, shall be left or placed in the said River *Tweed*, or in any River, Rivulet, Brook, Stream, Pond, Pool, or other Water, Mill Lead, Mill Dam, Sluice, or Cut, which runs into or otherwise communicates with the said River *Tweed*, or within the Mouth or Entrance of the said River, at any Time during the Annual or Weekly Close-times, with the Intent or for the Purpose of fishing for or taking any Salmon or Fish of the Salmon Kind during the said Close-times (which Intention and Purpose with respect to Nets shall be legally and sufficiently implied from their being left or placed during the said Close-times in the State in which such Nets are ordinarily used in fishing for or taking Salmon or Fish of the Salmon Kind,) it shall and may be lawful for any Water Bailiff or Water Bailiffs, or other Person or Persons employed or acting under the Authority of this Act, to seize, and to burn, cut to Pieces, or otherwise destroy the same.

Penalty on resisting or assaulting Officers.

XVII. And be it further enacted, That in case any Person or Persons shall resist or make forcible Opposition to or assault any High or Petty Constable or other Peace Officer, Sheriff's Officer, Water Bailiff, or any Person employed in the due Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum not less than Five Pounds.

Penalty on improper Persons fishing within the Mouth of the River, &c.

XVIII. And whereas many idle and disorderly Persons, who are not Owners or Occupiers of any Fishery in the said River *Tweed*, or within the Limits of the Mouth or Entrance thereof, or otherwise entitled to fish for Salmon, Grilses, Salmon Trouts, or Whitlings, or other Fish of the Salmon Kind, in the said River, have and keep in their Possession Nets, Engines, and other Tackle adapted for the taking and killing such Fish, and have made a Practice of fishing therewith, not only upon the Fisheries in the said River *Tweed*, and the Rivers therewith connected, but also within the Mouth or Entrance of the said River, and by such Means not only take and destroy the said Fish, but drive many of them from the Coast, to the manifest Loss and Injury of the Owners and Occupiers of such Fisheries; be it therefore enacted, That from and after the passing of this Act, if any such Person or Persons as aforesaid shall at any Time or Times take, fish for, or attempt to take, or aid or assist in taking, fishing for, or attempting to take, in or from the said River *Tweed*, or any River, Rivulet, Brook, or Stream, or in any Mill Pool, Mill Lead, Mill Dam, Sluice, Pond, or Cut, which runs into or otherwise communicates with the said River *Tweed*, or within the Mouth or Entrance of the said River *Tweed*, any Salmon, Grilse, Sea Trout, Bull Trout, Whitling, or other Fish of the Salmon Kind, every such Person shall forfeit and pay any Sum not less than Two Pounds and not exceeding Twenty Pounds, for and in respect of each and every such Offence, over and above forfeiting each

each and every such Fish so taken, and each and every Boat, Net, or Engine so used, or by which any such Fish hath been taken or attempted to be taken, and also the further Sum of Ten Shillings for each and every such Fish so taken.

XIX. And be it also enacted, That it shall not be lawful for any Person or Persons within Five Miles of the said River *Tweed*, or any River, Rivulet, Brook, or Stream which runs into or otherwise communicates with the said River *Tweed*, not duly authorized by Licence or Leave in Writing under the Hand or Hands of any Owner or Owners, Occupier or Occupiers of any Fishery in any of the said Rivers, to have in his, her, or their Possession, except for the Purpose of manufacturing or selling the same, or repairing the same for some Owner or Occupier of a Fishery in one of the said Rivers, any Net or Engine of the Description of those used for the taking of Salmon, Grilse, Salmon Trout, or Whitling, or other Fish of the Salmon Kind; and the Person or Persons convicted of offending herein shall for every such Offence forfeit and pay any Sum not less than Ten Pounds and not exceeding Twenty Pounds, and shall besides forfeit all and every the Nets and Engines so found in his, her, or their Possession; and the Justice or Justices, Sheriff, or Stewart Depute or Substitute, before whom such Person or Persons shall be convicted, shall order and direct such Nets or Engines to be burned, cut to Pieces, or otherwise destroyed.

Penalty on improper Persons having Nets in their Possession for taking Salmon, &c.

XX. And be it further enacted, That upon Information in Writing, upon Oath, to any Justice or Justices, or Sheriff, or Stewart Depute or Substitute, in *Scotland*, or any Justice or Justices of the Peace in *England*, or within the Town and Liberties of the Borough of *Berwick-upon-Tweed*, that the Informant hath probable Cause to suspect and doth suspect that any Person or Persons residing within the Jurisdiction of the said Justices, Sheriff, or Stewart Depute or Substitute, (not being an Owner or Occupier of any Fishery in the River *Tweed*, or otherwise entitled to fish in the said River, or in any other River or Water connected therewith,) hath or have in his, her, or their Custody or Possession, or have lodged, placed, or concealed, or caused to be lodged, placed, or concealed, any Net or Nets, Engines, or other Tackle adapted for the taking or killing of Salmon, Grilse, or Fish of the Salmon Kind, in any Dwelling House or Outhouse, or in any Boat, Coble, or other Vessel, specifying the same, wherein the said Justice or Justices, Sheriff, or Stewart Depute or Substitute, hath or have Jurisdiction respectively, it shall and may be lawful to and for the said Justice or Justices, Sheriff, or Stewart Depute or Substitute, or any One or more of them, and he and they are hereby required, to grant Warrant or Warrants, under his or their Hand or Hands in *Scotland*, or his or their Hand and Seal or Hands and Seals in *England*, authorizing and empowering any Constable or Constables, Sheriff's Officer or Officers, or other Peace Officers, or Water Bailiffs, to be appointed under the Authority of this Act, conjunctly and severally, 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.

Magistrates empowered to issue Search Warrants on Information made against improper Persons having Nets, &c. in their Possession.

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XXI. And

Magistrates empowered to issue Search Warrants, upon Information of Fish being illegally taken and concealed.

XXI. And be it further enacted, That upon Information in Writing, upon Oath, to any Justice or Justices, or Sheriff, or Stewart Depute or Substitute, in *Scotland*, or any Justice or Justices of the Peace in *England*, that the Informant hath probable Cause to suspect and believe, and doth suspect and believe, that any Salmon, Grilse, Salmon Trouts, Bull Trouts, or Whitlings, which have been illegally taken or caught within the Mouth or Entrance of the said River *Tweed*, or contrary to the Provisions of this Act, by any Person or Persons not duly authorized, are concealed in some Dwelling House, Outhouse, Place or Places, (specifying the same,) or in some Cart or other Vehicle then being within the Jurisdiction of the said Justice or Justices, or Sheriff, or Stewart Depute or Substitute, in *Scotland*, or Justice or Justices of the Peace in *England* respectively, it shall be lawful for the said Justice or Justices, or Sheriff, or Stewart Depute or Substitute, in *Scotland*, or Justices in *England*, or any One or more of them, and he and they are hereby required, to authorize and direct, by Warrant under his or their Hand or Hands in *Scotland*, or his or their Hand and Seal or Hands and Seals in *England*, any High or Petty Constable or other Peace Officer, or any Water Bailiff or Water Bailiffs, to be appointed under the Authority of this Act, to search in the Day-time every Dwelling House, Outhouse, Place or Places, Cart or other Vehicle wherein they have Information that such Fish as aforesaid are concealed; and if upon such Search any Salmon, Grilse, Salmon Trout, Bull Trout, or Whitling shall be there found, it shall be lawful to and for the said Peace Officer and other Persons authorized as aforesaid, and he and they is and are hereby required to seize the same, and to bring the Body or Bodies of the Person or Persons in whose House, Outhouse, or other Place, or in whose Custody, Cart, or other Vehicle, the same shall be found, before the said Justice or Justices, Sheriff, or Stewart Depute or Substitute, in *Scotland*, or Justice or Justices of the Peace in *England* respectively, to answer and account for the same; and the Proof that the Fish so found upon such Search was or were not taken or caught within the Mouth or Entrance of the said River *Tweed*, or contrary to the Provisions of this Act, shall lie upon the Person or Persons in whose Custody, or in whose House, Outhouse, or other Place, Cart, or Vehicle, the same shall be found; and if he or they shall fail to make good the same to the Satisfaction of the said Justice or Justices, Sheriff, or Stewart Depute or Substitute, in *Scotland*, or Justice or Justices in *England*, before whom he, she, or they shall be so brought as aforesaid, such Person or Persons shall stand and be convicted of having such Salmon, Grilse, Salmon Trout, Bull Trout, or Whitling in his, her, or their Dwelling House, Outhouse, or other Place or Places, Cart, or other Vehicle, knowing the same to have been taken or killed within the Mouth or Entrance of the said River *Tweed*, or contrary to the Provisions of this Act, and shall severally forfeit for every such Offence a Sum not less than Two Pounds and not exceeding Twenty Pounds, and also Ten Shillings for every such Fish so found.

Penalty on destroying Salmon, &c. by means of Lime, &c.

XXII. And be it further enacted, That if any Person or Persons shall at any Time or Times after the passing of this Act endeavour to take, kill, or destroy, pursue, hurt, or injure, any Salmon, Grilse, Salmon Trout, Bull Trout, or Whitling, or other Fish of the Salmon Kind, in
the

the said River *Tweed*, or in any River, Rivulet, Brook, Stream, Mill Pool, Mill Lead, Mill Dam, Sluice, Cut, Pond, or other Pool which runs into or otherwise communicates with the said River *Tweed*, or in the Mouth or Entrance of the said River *Tweed*, by laying or using any hot Lime or Filth, Refuse of Gas, or any Material or Drug pernicious to Fish, or by using any Water in which any green Lint or Flax has been steeped, or letting off stagnated Water or any Water impregnated with any Material or Drug pernicious to Fish, every such Person so offending shall for every such First Offence forfeit and pay any Sum not less than Two Pounds and not exceeding Five Pounds, and for every Second and subsequent Offence any Sum not less than Five Pounds and not exceeding Ten Pounds.

XXIII. And be it further enacted, That if any Person or Persons whatsoever shall, at any Time or Times after the passing of this Act, lay or place any Coal Cinders or Coal Ashes, Lime, Refuse of Gas Works, or Dirt or Rubbish of any kind, or allow the same to fall into the said River *Tweed*, at or below High-water Mark, every such Person shall forfeit and pay the Sum of One Pound for every such Offence.

Penalty on laying Dirt, &c. in the River.

XXIV. 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 seised, possessed of, or entitled to any Manors, Seigniories, or Royalties within the Mouth or Entrance of the said River *Tweed*; 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* 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; any thing in this Act contained to the contrary in anywise notwithstanding.

Saving of Rights to Manors, Seigniories, and Royalties within the Mouth or Entrance of the River *Tweed*.

XXV. And be it further enacted, That from and after the passing of this Act, all Mill Dams, Dikes, Wears, Caulds, and other permanent Obstructions to the Run of Fish in the said River *Tweed*, or in 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 or through them in the main Stream of the River, in the ordinary and mean State of such River or Rivulet, Brook or Stream; and in case the Proprietors or Occupiers of such Mill Dams, Dikes, Wears, Caulds, and other Obstructions shall neglect so to alter and construct the same, 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 as to alter them within

For Regulation of Mill Dams, &c.

Six Days after such Requisition shall be made and served upon the Proprietors and Occupiers of the same, or left for him, her, or them at his, her, or their usual Place of Residence; and in default thereof it shall and may be lawful for any Justice or Justices of the Peace, or Sheriff, or Stewart Depute or Substitute, within whose Jurisdiction the said Mill Dams, Dikes, Wears, Caulds, and other Obstructions are situated, or where the Proprietors or Occupiers shall be or reside, upon the Application or Information of any One or more of the Commissioners or Persons hereinafter named, and on due Proof being adduced before any Justice or Justices, Sheriff, or Stewart Depute or Substitute, of the Service of the Requisition, and that Six Days have elapsed since the Service thereof, to order and direct such Alteration to be made under the Inspection and Direction of a proper Person to be named by him or them, and at the Expence of the Proprietor or Occupier of the same, in such Manner as may sufficiently effect the Object intended with the least possible Injury to such Proprietor or Occupier as aforesaid, 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.

To prevent
Nets being
placed within
Fifty Yards
of any Cauld.

XXVI. And be it further enacted, That it shall not be lawful for any Person or Persons to place or set any Net or Nets of any Description whatever nearer than Fifty Yards above or below any Dam, Dike, Wear, or Cauld in the said River *Tweed*, or in the other Rivers and Streams running into or otherwise communicating with the same, or to affix any Net commonly called a Cairn Net to any Islet or Cairn not connected with or adjoining to the Banks of any of the said Rivers or Streams, nor to build any Cairn in any Part of any such River or Stream which Cairn shall not adjoin the Bank thereof; and any Person found guilty of any such Offence shall forfeit a Sum not less than One Pound and not exceeding Ten Pounds for the First Offence, and not less than Two Pounds and not exceeding Twenty Pounds for every subsequent Offence, besides Forfeiture of any such Net or Nets so placed or set.

No Pout
Nets, &c. to
be used in
Close-time.

XXVII. And be it further enacted, That if any Person or Persons shall during the Period of the said Annual Close-time fish with any Pout Net, or Net of any other Kind or Description whatever, in the River *Tweed*, or in any River, Rivulet, Brook, or Stream, Mill Pool, Mill Lead, Mill Dam, Sluice, Pond, or other Pool or Cut which communicates with the said River *Tweed*, or in the Mouth or Entrance of the said River *Tweed*, such Person or Persons so offending shall for every such Offence forfeit and pay any Sum not less than Two Pounds and not exceeding Twenty Pounds, over and above forfeiting such Net or Nets.

No Nets,
Leisters, &c.
to be used
without Li-
cence.

XXVIII. And be it further enacted, That it shall not be lawful for any Person or Persons not authorized, and therein particularly named, by Licence or Leave in Writing or printed, and under the Hand of some Owner or Owners, Occupier or Occupiers of a Fishery in the said River *Tweed*, or in some River, Rivulet, Brook, or Stream, Mill Pool, Mill Lead, Mill Dam, Sluice, Cut, Canal, Pond, or Pool running

running into or otherwise communicating with the said River *Tweed*, or in the Mouth or Entrance of the said River *Tweed*, to fish with or use within such Fishery any Net, Leister, Salmon Spear, or similar Engine, or Salmon Tackle of any Description whatever; and every Person so offending shall for every such Offence forfeit and pay any Sum not less than Ten Shillings and not exceeding Two Pounds, besides forfeiting the Nets, Leisters, or other similar Engines or Tackle so used by him or them; and it shall and may be lawful for any Water Bailiff or Water Bailiffs, or other Person or Persons employed or acting under the Authority of this Act, to seize and detain all such Nets, Leisters, Spears, or similar Engines, or Salmon Tackle, from any Person so fishing with the same, who does not upon Demand show a Licence or Leave for using the same in manner before mentioned.

XXIX. And be it further enacted, That if in the Open Season any Person or Persons, while in the Act of fishing for River or Fresh Water Trout, shall take any Salmon, Grilse, Salmon Trout, Bull Trout, Sea Trout, Whiting, or other Fish of the Salmon Kind, from any of the said Rivers, Streams, or Waters, by any Means whatever, such Person or Persons shall forthwith deliver up the same to the Proprietor or Occupier of the Fishery where the same were taken, and in default thereof every such Person shall forfeit a Sum not less than Ten Shillings and not exceeding Two Pounds for every such Fish so taken by him, her, or them.

Fish taken in Nets or otherwise, in Open Season, to be restored to the Proprietor or Occupier of Fishings.

XXX. And be it further enacted, That it shall be lawful for every Water Bailiff or other Person whatever, without any Warrant or Authority other than this Act, *brevi manu* to seize and detain any Person who shall be found committing any Offence against this Act, and to convey such Offender, or cause him to be conveyed by some Constable or other Peace Officer, in case the Offence is committed in *England*, before any Justice of the Peace for the County or Borough in or near the Place in which the Offence shall be committed, who shall forthwith proceed against such Offender according to Law, and according to the Provisions in this Act contained; and in case the Offence is committed in *Scotland*, the Offender or Offenders shall be conveyed by the Person or Persons apprehending him or them, before the Sheriff, or Stewart Depute or Substitute, or some Justice or Justices of the Peace of the County or Shire in or near the Place in which the Offence shall be committed, or where the Offender or Offenders shall reside or shall be found, who shall forthwith examine and discharge, or commit such Person or Persons until Caution *de judicio sisti* be found, as the Case may require.

Water Bailiffs, &c. may seize and detain Offenders.

XXXI. And for executing the Purposes of this Act, be it further enacted, That all and every the Proprietors of Salmon Fishings in the said River *Tweed*, or in any River, Rivulet, Brook, or Stream, Mill Pool, Mill Lead, Mill Dam, Sluice, Pond, or other Pool or Cut running into or otherwise communicating with the same, or in the Mouth or Entrance of the said River, of the annual Value of Thirty Pounds, or which extend Half a Mile in Length, where such Fishings are only on one Side of the Water, or a Quarter

Commissioners and Overseers appointed.

[*Local.*]

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of

of a Mile where such Fishings comprehend both Sides of the Water, One Guardian of each Minor, One Trustee of every such Estate, One Member of each Corporation or associated Body holding, enjoying, or possessing 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 of *Greenwich Hospital*; the Dean and Chapter of the Cathedral Church of *Durham*; the Mayor and Corporation of the Town of *Berwick*; and the Trustees under the Will of *Nathaniel* late Lord *Crowe*, each to nominate and appoint, by an Instrument in Writing under their Seal or Seals; Hand or Hands, from Time to Time, One Person to be a Commissioner and Overseer as aforesaid, to represent each of them; which Person so nominated and appointed shall have the like Powers to vote and act as the Commissioners and Overseers hereinbefore appointed; such Nomination and Appointment to be from Time to Time revocable at the Option of the Party by or on whose Account the said Commissioners and Overseers shall be respectively appointed.

Power to
Commission-
ers to name
Representa-
tives.

XXXII. And be it further enacted, That it shall and may be lawful to and for each and every Person hereby appointed a Commissioner and Overseer for putting this Act in Execution, to nominate and appoint by any Instrument in Writing under his Hand, from Time to Time, One other Commissioner to be Proxy for and to represent and act in all or any Meetings of the said Commissioners and Overseers, as the Representative or Proxy of the Person by whom he is so nominated and appointed; which Commissioner so nominated and appointed shall be entitled, in the Absence of each such Commissioner for whom he may be so appointed Proxy, to vote at all such Meetings for each Commissioner by whom he is so appointed as well as for himself: Provided always, that in no Case shall the Person nominated, and the Commissioner by whom he is so appointed, be entitled to vote at the same Meeting for and in respect of the same Fishing.

Penalty on
Commission-
ers acting, if
not qualified.

XXXIII. And be it enacted, That if any Person not qualified as aforesaid shall nevertheless presume to act as a Commissioner and Overseer under the Authority of this Act, or to nominate and appoint any Person to act for him, such Person or Persons so acting or nominating shall forfeit and pay the Sum of Twenty Pounds for every such Offence, to any Person who shall sue for the same in His Majesty's Courts of Record at *Westminster*, or any Court competent in *Scotland*, and the Proof of Qualification shall lie upon the Defendant or Defender.

Commission-
ers and
Overseers
shall not act
while hold-
ing Places
of Profit.

XXXIV. And be it enacted, That if any Person entitled to be a Commissioner and Overseer for putting this Act in execution shall accept of any Place of Profit arising out of the Rate of Assessment hereinafter granted, such Person shall from thenceforth, and while he continues to hold and enjoy such Place of Profit, be disabled to act as a Commissioner and Overseer; and further that it shall not be lawful for any Person holding such Place of Profit to represent and
vote

vote for any Commissioner and Overseer at any Meeting for putting this Act in execution ; and if any Person shall offend in the Premises, he shall forfeit and pay for every such Offence the Sum of Twenty Pounds.

XXXV. 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 their stated and other General Meetings to adjourn to such other Time and Place as they shall think convenient.

First and subsequent Meetings.

XXXVI. And be it further enacted, That it shall be lawful for any Three Commissioners and Overseers from Time to Time to call Special General Meetings of the said Commissioners and Overseers by a Notice of the Place and Date of Meeting, subscribed by them, or by the Clerk to the said Commissioners and Overseers on their Requisition to him, inserted at least Twice in some One Newspaper published in the County of *Roxburgh* or in *Berwick-upon-Tweed*, and if no Newspaper shall be there published, then in Two Newspapers, the one published in *Edinburgh*, and the other in *Newcastle-upon-Tyne*, at least Ten Days before such Meeting shall be held, and which Advertisement shall specify the Purposes of such Meeting ; and it shall not be lawful at any such Meeting to enter upon any other Business than what shall be specified in the said Requisition and Advertisement.

Power to call Meetings.

XXXVII. And be it further enacted, That the Quorum or Number of Commissioners and Overseers necessary to do Business in General Stated or Special Meetings shall be Five, and if less than Five shall be present, the Commissioners and Overseers, or Commissioner and 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 any Two such Newspapers published as aforesaid, at least Ten Days before such Adjourned Meeting ; and at every such Meeting the Commissioners and Overseers present shall elect a Chairman to preside for that Meeting only ; and the said Chairman shall have no Vote, except in Cases where the other Commissioners and Overseers present shall be equally divided, in which Cases he shall have a casting or deciding Vote : Provided always, that it shall not be in the Power of any Adjourned or Special Meeting to alter or rescind any Act done, or Resolution made, by any Annual General Meeting ; and at all Meetings whatsoever the Commissioners and Overseers shall defray their own Expences.

Regulations as to Special Meetings.

XXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners and Overseers, at their stated and other General

Commissioners and Overseers

may appoint
and remove
Officers.

General Meetings, from Time to Time to nominate and appoint Treasurers and Clerks, and such other Officers as they shall think proper, with reasonable Salaries; and the said Commissioners and Overseers shall take sufficient Security from every such Treasurer and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of his Office, as the said Commissioners and Overseers shall think proper; and it shall be lawful for the said Commissioners and Overseers from Time to Time to remove and again to replace any such Treasurers, Clerks, and other Officers, or any of them; and such Clerk or Clerks shall attend the stated and other General Meetings of the said Commissioners and Overseers, and shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of all the Money to be received by virtue of this Act, and of the Application of the same, and of all the Acts, Proceedings, and Transactions of the said Commissioners and Overseers, by virtue of and under the Authority of this Act; and every Commissioner and Overseer shall and may at all convenient Times have recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof or any Part thereof, paying Sixpence for every One hundred Words so to be copied; and if any such Clerk or Clerks shall refuse to permit any of the said Commissioners and Overseers to inspect or peruse any such Books, at all convenient Times and Seasons, or refuse to make any such Copy or Copies in a reasonable Time, at the Rate aforesaid, he or they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for the Benefit of the said Commissioners and Overseers; and whenever such Treasurer or Clerk shall die, or be removed from or quit the Service of the said Commissioners and Overseers, it shall be lawful for any Five of the said Commissioners and Overseers to appoint some other fit and proper Person or Persons to be Treasurer or Clerk in the Place of him or them so dying, being removed, or quitting the said Service, until the then next General Meeting of the said Commissioners and Overseers, when such Appointments shall be confirmed, or another Treasurer or Clerk shall be nominated and appointed in his or their Stead.

Same Person
not to be
Clerk and
Treasurer.

XXXIX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners and Overseers to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks to the said Commissioners and Overseers; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in

the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer or Treasurers, or in any Manner officiate for such Treasurer or Treasurers, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Profit under the said Commissioners and Overseers other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

XL. And be it further enacted and declared, That the said Commissioners and Overseers may sue or be sued, for any Matter or Thing to be done in the Execution of this Act, in the Name of their Clerk for the Time being, or in the Name of any One of the said Commissioners and Overseers; and that no Action or Suit wherein the said Commissioners and Overseers shall be concerned as Plaintiffs or Pursuers, or Defendants or Defenders, in the Name of their Clerk, or in the Name of any One of the said Commissioners and Overseers, by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Commissioner and Overseer, but that the Clerk to the said Commissioners and Overseers for the Time being, or any One of the said Commissioners and Overseers to be for that Purpose nominated, if Plaintiff or Pursuer, or who may be sued if Defendant or Defender, shall be deemed to be the Plaintiff or Pursuer, or Defendant or Defender, (as the Case may be,) in every such Action or Suit.

Commissioners and Overseers may sue and be sued in Name of their Clerk.

XLI. And be it further enacted, That the said Commissioners and Overseers, and their said Representatives, at their First or at any of the Stated General Meetings assembled, or at any 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 and Overseers for each District; and at such District Meetings the Commissioners and Overseers, or their said Representatives, shall have Power to name a Chairman, Clerks, and 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, but any One or more attending shall have Power to adjourn; and a particular Report from each District, and a Copy of the Books of the Proceedings kept within the same, shall be made to the General Annual Meeting in every Year; and in case of Failure or Neglect the Clerk to the District shall forfeit and pay any Sum not less than Ten Pounds and not exceeding Twenty Pounds.

District Meetings, and their Powers.

Former
Clerks and
Collectors
to continue
till replaced.

XLII. And be it further enacted, That the Clerks, Collectors, and Water Bailiffs, or other Officers, save and except the Treasurer, who have been appointed and employed in the Execution of the said recited Acts hereby repealed, shall respectively continue to exercise their several Offices under this Act until they shall respectively be displaced or removed by the said Commissioners and Overseers, or be incapable of executing their Offices, and shall be subject to the like Rules and Regulations in all respects whatsoever as if they had been appointed under and by virtue of this Act.

Water Bai-
liffs to be
appointed.

XLIII. And be it further enacted, That the said Commissioners and Overseers, and their said Representatives, in any General or Adjourned Meeting assembled, shall and may nominate and appoint such a Number of Conservators or Water Bailiffs, for the Protection of the Fisheries and Detection of Offenders, as to them shall appear expedient, or to authorize their District Meetings, or any Two or more Commissioner or Commissioners, to nominate and appoint such Conservators or Water Bailiffs, for such Periods and at such Salaries, and on such Terms and Conditions, as shall appear to be expedient; and it shall be in the Power of any General or District Meeting of Commissioners and Overseers, or their said Representatives, to remove such Conservators or Water Bailiffs, or any of them, and appoint others in their Room, and to make such Alterations in regard to their Salaries as to them shall appear proper; and further, that it shall be lawful for any Two Commissioners and Overseers to supply and fill up any Vacancy or Vacancies that may occur by the Death, Resignation, or Dismissal of any One or more Conservators or Water Bailiffs, till the next stated General, Adjourned, or Special Meeting be held; and before any Conservator or Water Bailiffs shall be entitled to act under the Authority of this Act, he shall take the Oath following, before any competent Magistrate; *videlicet*,

Oath of
Water Bailiff.

‘ 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
‘ Year of the Reign of King *George* the Fourth, intituled
‘ [here take in the Title of this Act.] So help me GOD.’

And if any Person shall presume to act as a Water Bailiff under the Authority of this Act, without previously taking the Oath hereinbefore appointed, he shall forfeit and pay for every such Offence any Sum not less than Ten Pounds and not exceeding Twenty Pounds.

Powers of
Water Bai-
liffs.

XLIV. And be it further enacted, That the Water Bailiffs appointed as aforesaid shall, after being sworn into Office, be empowered to exercise the Powers and Authorities of Constables in regard to all Matters connected with this present Act, in the same Manner as if Offences against this Act were Breaches of the Peace, and, specially for the Purpose of preventing Offences or detecting and apprehending Offenders, to enter upon any inclosed or uninclosed Grounds adjoining the said River *Tweed*, or any River, Rivulet, Brook, or Stream, or any Mill Pool, Mill Lead, Mill Dam, Sluice, Pond, or Cut running into or otherwise communicating with the said River *Tweed*, and at all Times, with their Boats or otherwise, to enter upon all and every the
Fisheries

Fisheries in the said River *Tweed*, or within the Mouth or Entrance thereof, and the Rivers and Streams running into the same or communicating therewith; and also to enter upon all Brooks, Mill Pools, Mill Leads, Mill Dams, Sluices, or Ponds, other Pools or Cuts which run into or otherwise communicate with the said River *Tweed*, for the Purpose of preventing and detecting unlawful Fishings or Obstructions in the said Rivers, Streams, and Waters, 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.

XLV. And be it further enacted, That all Justices of the Peace and other Magistrates shall and may act in the Execution of this Act, notwithstanding such Justice or Magistrate shall be interested in any Salmon Fishing, except in any Case where such Justice or Magistrate, or the Lessee or Occupier of any Salmon Fishing in which such Justice or Magistrate is interested, is a Party to the Prosecution or Case to be heard and determined by such Justice or Magistrate; and also that every Owner, Occupier of, or any Person otherwise interested in any Salmon Fishery, and also every Water Bailiff, shall be and is hereby declared to be a competent Witness to prove any Offence committed against this Act, unless he be a Party in the Prosecution.

Justices, though interested in Fisheries, may act.

Owners or Occupiers, &c. not incompetent Witnesses.

XLVI. 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, or their Representatives, in General, Stated, or Adjourned Meetings assembled, to be held under the Authority of this Act, to ascertain and impose 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 or communicating with the same, and in the Mouth or Entrance of the said River, not exceeding Ten Pounds *per Centum per Annum* to be paid for the first Year, and annually thereafter, in proportion to the Rents or yearly Value of their several Salmon Fisheries, and the same shall thereafter be paid, either yearly or half-yearly, as the said Commissioners and Overseers may from Time to Time direct and appoint, by the several Tenants or Occupiers of the said several Salmon Fisheries, for and on behalf of the respective Owners or Proprietors of the same, and for which Payments such Tenants or Occupiers shall be entitled to Relief from the respective Owners or Proprietors at settling or paying their usual Rents; and failing any of the said Rates or Assessments being paid to the Collector or Collectors by any One or more of the said Tenants or Occupiers, when required, the same shall, on Demand, be paid by the Owner or Proprietor or Owners or Proprietors of the Salmon Fisheries so possessed by such Defaulter or Defaulters; and the Rate or Assessment made at such Meeting shall be binding upon and enforced against every such Owner or Owners of a Salmon Fishery, and the said Tenants or Occupiers; and for Recovery of the said Rates or Assessments it shall and may be lawful to and for any Sheriff, or Stewart Depute or Substitute, or any Justice or Justices of the Peace, within whose Jurisdiction the Defaulter's Goods or Effects may be found, to grant Warrant for poinding

Rate of Assessment to be imposed.

pointing or distraining the same, and 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 Pointing, Distress, Appraisement, and Sale, and the Surplus (if any) shall be paid, when demanded, to the Persons whose Effects shall have been so distrained and sold; which Warrants shall be granted by such Sheriff, or Stewart Depute or Substitute, or Justice or Justices, upon an Application made to him or 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; or the said Commissioners or Overseers, or any Two of them, shall and may prosecute any Action or Actions at Law for the said Rates or Assessments or Arrears thereof.

Expences of Act, and Debts, to be paid.

XLVII. And be it further enacted, That the Expences of advertising for, preparing, procuring, and passing this Act, and the Debts and Sums of Money already due and Obligations contracted by or under Authority of the Commissioners or Overseers appointed by the said recited Act of the Forty-seventh Year of the Reign of His said late Majesty, shall be defrayed and discharged out of such Rates or Assessments, and the same shall afterwards be applied in defraying the Salaries to Clerks, Collectors, Officers, and Water Bailiffs, and the other Expences to be incurred under this Act.

Further Application of the Money.

Mode of Recovery and Application of Penalties in England.

XLVIII. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act are or shall be subject to or punishable with any pecuniary or other Penalties or Forfeitures, shall and may in every Case be heard, adjudged, and determined, in *England*, by or before any of the Justice or Justices of the Peace, or Magistrate or Magistrates, for the County, Division, or Place wherein such Penalty or Forfeiture shall have been incurred, or where the Offender or Offenders shall reside or shall be found, in a summary Way, upon Information or Complaint made and exhibited before him or them; and upon any such Information or Complaint as aforesaid, the said Justice or Justices, or Magistrate or Magistrates, shall summon the Party accused, and examine into the Matter thereof; and if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses, (which Oath the said Justice or Justices, or Magistrate or Magistrates, is and are hereby empowered and required to administer,) the Party or Parties accused shall have been convicted of having committed such Offence or Offences, then and in every such Case the Penalty or Penalties, Forfeiture or Forfeitures, hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, or Magistrate or Magistrates, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then the same shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any such Justice or Justices, or Magistrate or Magistrates, (which he and they is and are hereby authorized and empowered to grant,) be levied and recovered,

covered, together with the Costs of Conviction and Recovery, to be ascertained as aforesaid, by Distress and Sale of the Goods and Effects of such Offender or Offenders, wherever such Goods and Effects can be found, rendering the Overplus of the Money arising by such Sale, if any, after deducting the reasonable Charges of taking, keeping, and selling such Goods and Effects, to the Party or Parties whose Goods and Effects shall be so distrained; and one Half of such Penalty shall be paid to the Informer, and the other Half to the said Commissioners and Overseers appointed by or in virtue of this Act, or to such Person or Persons as shall by them be in that Behalf authorized to receive the same, and shall go and be applied and disposed of for and towards the same Purposes as the said Assessments hereinbefore authorized to be levied are applicable; and the Overplus of the Money levied remaining (if any there be) after any Penalty or Penalties, and all Costs, Charges, and Expences attending the levying and recovering thereof, are deducted, (which Costs and Charges shall always be taxed, settled, and ascertained by and before the Justice or Justices, Magistrate or Magistrates, by or before whom any such Offender shall be convicted,) shall, on Demand, be returned to the Owner or Owners of the Goods and Effects so distrained; and it shall and may be lawful to and for such Justice or Justices, or Magistrate or Magistrates, to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, or Magistrate or Magistrates, for his or their Appearance before the said Justice or Justices, or Magistrate or Magistrates, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices, or Magistrate or Magistrates, is and are hereby empowered to take by Way of Recognizance or otherwise; but if upon the Return of any such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justice or Justices, or Magistrate or Magistrates, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Effects whereon such Penalties or Forfeitures and Costs may be levied were a Warrant of Distress issued, such Justice or Justices, or Magistrate or Magistrates, shall not be required to issue a Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, or Magistrate or Magistrates, and he and they is and are hereby required and empowered, for the First Offence against this Act, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction of the County, Division, or Place respectively within the Jurisdiction of which the Place may be situated where the Offence was committed, or where the Offender may be or reside, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months nor less than One Month; for the Second Offence, any Time not exceeding Four Months nor less than Two Months;

[*Local.*]

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and

and for the Third and every subsequent Offence, for any Time not exceeding Six Months nor less than Three Months, or until such Offender or Offenders shall have paid such Penalty or Penalties, Forfeiture or Forfeitures, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or Magistrate or Magistrates, or shall otherwise be discharged by due Course of Law.

Form of
Conviction.

XLIX. And be it further enacted, That all and every Justice or Justices, Magistrate or Magistrates, before whom any Person or Persons shall be convicted of any Offence against this Act, within that Part of *Great Britain* called *England*, shall and may cause the Conviction to be drawn up in the following Form of Words, or any Form of Words to the same Effect; (that is to say,)

‘ **BE** it remembered, That on [*the Time of Conviction*] at [*Place of Conviction*] [*Name of Offender*] was duly convicted before me
 ‘ [*Name and Style of convicting Justice or Justices, Magistrate or Magistrates*], for that the said [*Name of Offender*] on [*Time of committing Offence*] did [*here state the Offence against the Act according to the Act*], contrary to the Form of the Statute made in the
 ‘ Year of the Reign of His Majesty King *George*
 ‘ the Fourth, intituled [*here set forth the Title of this Act*]; and
 ‘ I do hereby adjudge the said [*Name of the Offender*] to pay and
 ‘ forfeit for the said Offence the Sum of [*Fine*] and also the Sum of
 ‘ for Costs, to be distributed as by the said Act
 ‘ is directed. Given under my Hand and Seal, the Day and Year
 ‘ first above written.’

Appeal in
England.

L. And be it further enacted, That it shall be lawful for any Person or Persons who shall think himself, herself, or themselves aggrieved by the Judgment of any Justice or Justices of the Peace, or Magistrate or Magistrates, in *England*, or by any Act or Judgment of the said Commissioners and Overseers, or other Person or Persons, done or given, or suffered to be done or given, in pursuance of this Act, or by any Rate or Assessment made in pursuance thereof, to appeal to the Justices of the Peace of the County, Division, or Place where such Act shall have been done, or such Judgment shall have been given, or where such Rate or Assessment shall be leviable, at the next or next but One General Quarter Sessions of the Peace, but that no such Appeal shall be received, heard, or determined unless the Appellant or Appellants shall, within Four Days next after such Act or Judgment shall have been given, or such Rate or Assessment demanded, and Fourteen Days at least before the holding of such Sessions, give or leave Notice in Writing, in case of Conviction, as well at the Public Office of the Clerk of the Peace for such County, Division, or Place where such Person or Persons shall be convicted, as to the Informer or Prosecutor, or at the Dwelling House of the Informer or Prosecutor, of his, her, or their Intention to bring such Appeal, and shall also enter into a Recognizance or Bail Bond before such Justice or Justices, Magistrate or Magistrates, with Two sufficient Sureties, in such Sum as any such Justice or Justices, Magistrate or Magistrates, shall think fit,
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conditioned to try such Appeal, and likewise to pay the Penalty, and also the Costs of such Appeal, in case Judgment and Sentence shall upon the hearing thereof be given against such Appellant or Appellants, within Fourteen Days next after the Determination thereof; and shall also, in all Cases of Appeal against any Act or Judgment of any of the said Commissioners and Overseers, or other Person or Persons, or against any Rate or Assessment, give or leave similar Notices at the Public Office of the Clerk of the Peace for the County, Division, or Place in which such Appeal shall lie, and also to the Person or Persons appealed against, and shall enter into similar Recognizance or Bail Bond, conditioned to try such Appeal, as likewise to pay all Penalties, Sum, and Costs of such Appeal, in case Judgment or Sentence shall upon the hearing thereof be given against such Appellant or Appellants; and the said Justices at their said Sessions shall and may, upon due Proof of such Notice given as aforesaid, hear and determine every such Appeal in a summary Way, and shall award and order to the Party 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, together with the Penalty, shall not be paid within the Space of Fourteen Days next after the hearing and determining of such Appeal, the same may be levied by Distress and Sale of the Goods and Effects of the Person or Persons adjudged to pay the same, or his or their Surety or Sureties; and in case any Person or Persons adjudged to pay such Penalty and Costs shall happen to go into or remove his Goods or Effects into any County, Division, 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 or Justices of the Peace of or for the County, Division, or Place wherein such Person shall be or inhabit, or any of his Goods or Effects shall be found, upon Application made to him or them for that Purpose, and upon a true Copy of the Order for the Payment of such Penalties, Costs, and Charges being produced, and proved by some credible Witness upon Oath, which Oath any such Justice or Justices of the Peace is and are hereby empowered and authorized to administer, to grant his or their Warrant in due Form of Law, in order to cause the Money mentioned in such Judgment to be levied by Distress and Sale of the Goods and Effects of the Person or Persons who is, are, or shall be adjudged and ought to pay the same; yet nevertheless to return the Overplus (if any) to the Person or Persons entitled thereto; and the Determination of such Justice or Justices at such Quarter Sessions shall not be subject to any Challenge or Review, but shall be final 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.

LI. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act are or shall be subject to Recovery and Application of Pe-

nalties in
Scotland.

or be punishable with any pecuniary or other Penalties or Forfeitures, shall and may in every Case be heard, adjudged, and determined, in *Scotland*, by or before the Sheriff, or Stewart Depute or Substitute, or before any One or more Justice or Justices of the Peace, in any Shire, Stewartry, Burgh, or Place in *Scotland*, as aforesaid, wherein such Penalty or Forfeiture shall have been incurred, or where the Offender or Offenders shall reside or shall be found, by and at the Instance of the Public Prosecutor of the County, District, or Place where the Offence may be committed, or where the Offender or Offenders shall reside or shall be found, or at the Instance of any One or more of the Commissioners and Overseers appointed by or in virtue of this Act, or at the Instance of their Clerk or Clerks for the Time being; and in recovering the several Penalties imposed by this Act, or any other Act for the Preservation of the Salmon Fisheries in *Scotland*, it shall be lawful for the Sheriff, or Stewart Depute or Substitute, or Justice or Justices, before whom any Complaint for the Recovery thereof may be brought, to proceed in a summary Way, and to grant Warrant for bringing the Parties complained of immediately before him or them, or for citing the Party or Parties complained of to appear before him or them upon previous Notice or Induciæ of not less than Six free Days served upon such Party or Parties, or left for him, her, or them at his, her, or their last known usual Place or Places of Abode, as such Magistrate or Magistrates shall see fit; and in either Case, on Proof on Oath by One or more credible Witness or Witnesses, or Confession of the Offence, or upon other legal Evidence, or by the Party or Parties accused failing to appear before such Magistrate or Magistrates on the Case being called, after such previous Notice of not less than Six free Days has been served upon or left for the Party or Parties accused in manner aforesaid, he, she, or they shall be held as confessed, and thereupon such Magistrate or Magistrates shall proceed forthwith to determine and give Judgment in such Complaint; and in case any Person who shall be convicted of any Offence or Offences against this Act shall not immediately upon such Conviction pay down the Penalty or Penalties, with such Costs of Suit or Prosecution, in which he, she, or they shall have been so convicted, or as shall have been awarded, into the Hands of the Magistrate or Magistrates as aforesaid by and before whom he, she, or they shall have been so convicted, or to some other Person by them or any of them authorized to receive the same, in order that the same may be disposed of according to the Directions of this Act, it shall be lawful for any such Magistrate or Magistrates as aforesaid to order any Constable or other Peace Officer to take the Charge of and keep in Custody any such Person so convicted, and immediately thereupon every such Magistrate or Magistrates is and are hereby authorized, empowered, and required to grant his or their Warrant or Warrants in due Form of Law, under his or their Hand or Hands, and thereby commit every such Offender to the Common Gaol or House of Correction for the Shire, Stewartry, Burgh, or Place for which such Magistrate or Magistrates as aforesaid shall act, for such Time or Times as hereinafter mentioned, unless such Penalty and Penalties and Costs shall respectively be sooner paid, or otherwise such Magistrate or Magistrates shall and may grant his or their Warrant or Warrants under his or their Hand or Hands to

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levy and recover such Penalty or Penalties and Costs by Distress and Sale of the Offender's Goods and Effects; and all Penalties and Forfeitures which shall be so paid or levied as aforesaid shall from Time to Time be paid, applied, and disposed of as follows; that is to say, one Half to the Informer or Informers, and the other Half, after defraying all Costs, Charges, and Expences attending the Prosecution and the levying and recovering of the Penalty, to the Collector or Collectors of the Assessment hereinbefore imposed, and the same shall be applied and disposed of for and towards the same Purposes as the said Assessments are applicable; and the Overplus of the Money levied remaining (if any there be) after any Penalty or Penalties, and all Costs, Charges, and Expences attending the levying and recovering thereof, are deducted, which Costs, Charges, and Expences shall always be taxed, settled, and ascertained by and before the Magistrate or Magistrates by or before whom any such Offender shall be convicted, shall, on Demand, be returned to the Owner or Owners of the Goods and Effects so distrained; and in case sufficient Distress or Distresses shall not be found, or such Penalty or Penalties and Costs shall not be immediately paid, then it shall be lawful for any such Magistrate or Magistrates, and he and they is and are hereby respectively authorized, empowered, and required, for the First Offence, to commit every such Offender or Offenders to such Gaol or House of Correction as aforesaid, for any Time not exceeding Two Months or less than One Month; for the Second Offence, any Time not exceeding Four Months nor less than Two Months; and for the Third and every other Offence, for any Time not exceeding Six Months nor less than Three Months, or until such Offender or Offenders shall have paid such Penalty or Penalties, Forfeiture or Forfeitures, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Magistrate or Magistrates, or shall otherwise be discharged in due Course of Law.

LII. And be it further enacted, That it shall be lawful for any Person or Persons who shall think himself, herself, or themselves aggrieved by any Judgment of any Sheriff, or Stewart Depute or Substitute, Justice or Justices of the Peace, in *Scotland*, pronounced in any Case arising under this Act, or by Assessment made under this Act in *Scotland*, in case such Judgment be pronounced by any Sheriff or Stewart Depute or Substitute, to appeal to the next Circuit Court of Justiciary in the Manner and by and under the Rules, Limitations, Conditions, and Restrictions contained in the Act passed in the Twentieth Year of the Reign of King *George* the Second, for taking away and abolishing the Heritable Jurisdictions in *Scotland*; and in case such Judgment shall be pronounced by any One or more Justice or Justices of the Peace in *Scotland*, to appeal from the same to the next General, Stated, or Adjourned Meeting of Justices of the Peace of the County in which such Justice or Justices shall act, in Quarter Sessions assembled; under this Provision, in both Cases, that the Appellant or Appellants shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty or Penalties and Expences awarded against him, her, or them by the Sentence or Sentences appealed from, in the event of the Appeal or Appeals being dismissed, or to the Extent to

Appeal in
Scotland.

[*Local.*]

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which the said Sentence may be sustained, together with any additional Expences that shall be awarded by the Circuit Court, or Court of Quarter Sessions, on dismissing or deciding such Appeal or Appeals; and it shall not be competent to appeal from, or bring the Judgments of any Justice or Justices, or Sheriff, or Stewart Depute or Substitute, acting under this Act, under Review, by Advocation or Suspension, or by Reduction, or in any other Way than as herein provided.

Damages and Charges in case of Dispute, to be settled by Sheriffs and Justices.

LIII. And be it further enacted, That in all Cases where by this Act any Damages or Charges are directed to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, the Amount of such Damages and Charges, in case of Nonpayment, or of any Dispute respecting the same, shall be settled, ascertained, and determined by the Sheriff, or Stewart Depute or Substitute, or by some Justice or Justices of the Peace, acting for the County or Place within which the Cause of such Damage or Charge shall have arisen; and in all Cases where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Sheriff, or Stewart Depute or Substitute, or the Justice or Justices of the Peace, by or before whom any Offender shall be convicted of any such Offence or Offences, and the Sheriff, or Stewart Depute or Substitute, or Justice or Justices aforesaid respectively, is and are hereby authorized and required, on Nonpayment of the Damages and Charges in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods, Chattels, and Effects, in manner directed by this Act for the levying of any Penalties or Forfeitures.

Sheriffs and Justices may proceed by Summonses in the Recovery of Penalties.

LIV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed, or made recoverable by Information before a Sheriff, or Stewart Depute or Substitute, or Justice or Justices of the Peace, it shall be lawful for any Sheriff, or Stewart Depute or Substitute, or Justice or Justices of the Peace, to whom Complaint shall be made of any Offence against this Act, to summon the Party complained against before him or them, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence, by any of the Ways herein specified, to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same in manner by this Act directed, or at Common Law, although no Information in Writing shall have been exhibited or taken by or before such Sheriff, or Stewart Depute or Substitute, Justice or Justices; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was or had been exhibited.

Limitation of Actions in England.

LV. 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 or in execution of this Act, within that Part of *Great Britain* called *England*, the Town of *Berwick-upon-*

upon-Tweed, and the Bounds and Liberties thereof, until One Calendar Month after Notice thereof in Writing shall have been given to the Person or Persons against whom such Action shall be intended to be brought, or left at his, her, or their last or usual Place or Places of Abode, setting forth the Cause of such Action, and containing the Name and Place of Abode of the Plaintiff or Plaintiffs, and also of his or their Attorney; and that every Action brought for any thing done or to be done as aforesaid shall be brought within the Space of Three Calendar Months next after the Cause of Action or Complaint shall arise, and be laid and sued in the County, Shire, Division, City, or Place where the Fact shall have been 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 thereof; and also that it shall and may be lawful to and for such Person or Persons, at any Time before Action brought, to tender Amends to the Party complaining, or his or her Agent or Attorney; and in case the same is not accepted, to plead such Tender in bar to the Action, together with the Plea of Not Guilty, and any other Plea with the Leave of the Court; and if on the Trial of such Action it shall appear that the same was brought before the Expiration of One Calendar Month next after such Notice shall have been so given or left as aforesaid, or after the End of Three Months next after the Cause thereof shall have arisen, or if such Action shall have been brought or laid in any other County or Place than as aforesaid, or after sufficient Tender or Amends shall have been made to the Party or Parties aggrieved, that then and in any of the Cases aforesaid the Jury shall find a Verdict for and acquit 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 non-suited; and if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants in such Action shall have Double Costs, and have the like Remedies for recovering the same as Defendants have for recovering their Costs in other Cases at Law; and that no Action, Suit, Information, or other Proceeding whatsoever shall be brought or commenced against any Person or Persons for any Offence or Offences against this Act, unless the same shall be laid or commenced within Six Calendar Months next after any such Offence or Offences shall have been committed.

LVI. 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 or in the execution of this Act 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 Defender or Defenders, if absolved or assoilzied from the Action, shall have and be entitled to their full Costs of Suit.

Limitations
of Actions in
Scotland.

LVII. And be it further enacted, That where any Offender shall be punished for any Offence by virtue of this Act, such Offender shall not again be prosecuted, nor incur any Penalty by virtue of any other

Persons
punished
under this
Act not to

be again prosecuted. other Law or Statute now in force, or be liable to any other Punishment for the same Offence.

Public Act. LVIII. An 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.

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