ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 61.

An Act to alter and amend Two Acts, passed in the Thirteenth Year of the Reign of King *Edward* the First and in the Thirteenth Year of the Reign of King *Richard* the Second, for the Preservation of Salmon and other Fish, in the Rivers *Teign*, *Dart*, and *Plym*, in the County of *Devon*.

[11th *June* 1803.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of His late Majesty King *Edward* the First, intituled, *A Penalty for taking of Salmons at certain Times of the Year*, whereby it was provided, that the Waters of *Humber*, *Ouse*, *Trent*, *Done*, *Arre*, *Derwent*, *Whufe*, *Nid*, *Yore*, *Swale*, *Tese*, and all other Waters (wherein Salmon be taken within the Kingdom) should be in Defence for taking Salmon from the Nativity of our Lady unto *Saint Martin's Day*; which Act was confirmed, and further Provision made relating thereto, by an Act passed in the Thirteenth Year of the Reign of His late Majesty King *Richard* the Second, intituled, *A Confirmation of Thirteenth* Edward *First*, *Statute One*, *Chapter Forty seven*, *touching taking of Salmons*: And whereas the Periods limited by the said Acts are not suited to the Fisheries for Salmon, Salmon Peal, or Salmon Kind, or Bouges otherwise Sea Trout, or to the Protection of the Spawn or Fry of Salmon in the Rivers commonly called the *Teign*, *Dart*, and *Plym*, in the County of *Devon*, and have been found very prejudicial to the Owners and Proprietors of the Fisheries in such Rivers, and to the Publick: And whereas it is necessary that Provision should be made for the better Preservation of Salmon, and the Spawn, Fry, or young Brood of Salmon, Salmon Peal, Salmon Kind, and Bouges or Sea Trout,

13 Ed. 1. and 13 Ric. 2.

Trout, in the said Rivers *Teign*, *Dart*, and *Plym*, and in the several Rivulets or Streams of Water communicating therewith: 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 it shall be lawful for the respective Owners and Proprietors, and Persons legally entitled to fish in the said respective Rivers or Waters commonly called, known, or distinguished by the Names of the *Dart*, *Teign*, and *Plym*, in the said County of *Devon*, or in any of the Streams of Water or Rivulets communicating therewith respectively, and their respective Servants and Agents, and they are hereby authorized and empowered at any Time or Times in the Year, between the Fourth Day of *March* and the Fourth Day of *December* within the said River *Teign*, and the several Rivulets or Streams of Water communicating therewith, with legal and proper Nets, or Hooks and Lines, to take, kill, or destroy any Salmon, Salmon Peal, or Salmon Kind, and to offer to Sale any of such Fish so taken between the said last mentioned Periods, within the River *Teign*, and the several Rivulets or Streams of Water communicating therewith; and also at any Time or Times in the Year between the Fifteenth Day of *February* and the Fifteenth Day of *November* within the said Rivers *Dart* and *Plym*, and the several Rivulets or Streams of Water communicating therewith respectively, with legal and proper Nets, or Hooks and Lines, to take, kill, or destroy any such Salmon, Salmon Peal, or Salmon Kind, within the said Rivers *Dart* and *Plym*, and the several Rivulets or Streams of Water communicating therewith respectively, and to offer the same to Sale when so taken between the said last mentioned Periods, within the said last mentioned Rivers and Waters; and that all such Fish so taken within the said respective Rivers and Waters, and within the respective Periods aforesaid, shall be deemed and considered to be in Season, and proper to be killed, the said recited Acts, or either of them, or any other Act or Acts, Law, Statute, Ordinance, or Custom to the contrary notwithstanding.

Power for legal Owners, *etc.* to take Salmon, *etc.* with legal Nets at certain Times.

For restraining Persons taking Salmon, *etc.* or pursuing or injuring the same.

II. Provided always, and be it it further enacted, That no such Owner, Proprietor, or other Person as aforesaid, or any of his, her, or their Servants or Agents, nor any other Person whomsoever, shall or may at any Time or Times within the said River *Teign*, or any of the Waters, Rivulets, or Streams communicating therewith, on or between the Fourth Day of *December* One thousand eight hundred and three, and the Fourth Day of *March* One thousand eight hundred and four, or at any Time or Times in any subsequent Year or Years, on or between the Fourth Day of *December* and the Fourth Day of *March* following; and that no such Proprietor or other Person as aforesaid, nor any of his, her, or their Servants or Agents, nor any other Person whomsoever, shall or may at any Time or Times within the said Rivers *Dart* and *Plym*, or either of them, or any of the Waters, Rivulets, or Streams communicating therewith respectively, on or between the Fifteenth Day of *November* One thousand eight hundred and three, and the Fifteenth Day of *February* One thousand eight hundred and four, or at any Time or Times, in any subsequent Year or Years, on or between the Fifteenth Day of *November* and the Fifteenth Day of *February* following, take, kill or destroy, pursue, hurt or injure, or attempt or endeavour, or seek to take, kill or destroy, or to pursue, hurt or injure any Salmon, Salmon Peal, or Salmon Kind, or any of the Spawn, Brood,

Brood, or Fry of Salmon, or any Kepper or Shedder Salmon, by any Art, Means, or Device whatſoever; nor ſhall any Perſon or Perſons offer to Sale, or diſpoſe of any of the ſaid Fiſh ſo taken in the ſaid Rivers and Waters communicating therewith, within the reſpective Periods and Times laſt aforeſaid; and that no Perſon or Perſons ſhall or may at any Time or Times hereafter, either within the Periods aforeſaid, or otherwiſe, within any or either of the ſaid ſeveral Rivers, or any of the Waters communicating therewith reſpectively, purſue, take, kill, or deſtroy, or ſeek or endeavour to take, kill or deſtroy, purſue, hurt, or injure any of ſuch Fiſh by means of any Engine or Weapon commonly called a Spear, or with any other Engine or Device of that Nature; nor ſhall any Perſon offer any of ſuch Fiſh for Sale in caſe the ſame ſhall be ſo taken with or by means of any ſuch Engine or Weapon called a Spear or otherwiſe as aforeſaid.

Sea Trout not to be taken but at certain Seaſons, *etc.*

III. And be it further enacted, That no Bouges otherwiſe called Sea Trout, ſhall be taken within the ſaid reſpective Rivers, or any of the Waters communicating therewith reſpectively, between the Twenty-ninth Day of *September* and the Second Day of *February* following in any Year or Years; and that none of the Fiſh herein-before mentioned, of whatever Kind or Deſcription the ſame may be, ſhall at any Time be purſued, taken, killed or deſtroyed, or attempted ſo to be, or to be otherwiſe hurt or injured, within any or either of the ſaid Rivers, or the Waters communicating therewith reſpectively, at any Time of the Year on a *Sunday*.

Penalties on Peſons ſelling Salmon or offering the ſame for Sale.

IV. And be it further enacted, That, from and after the paſſing of this Act, each and every Perſon who ſhall purſue, take, kill or deſtroy, or endeavour or attempt to purſue, take, kill or deſtroy, or be aiding or aſſiſting in the purſuing, taking, killing or deſtroying any Salmon or other ſuch Fiſh as aforeſaid, or Spawn, Brood, or Fry aforeſaid, in any or either of the ſaid reſpective Rivers, or within any or either of the ſeveral Waters, Streams or Rivulets reſpectively communicating therewith, or with any or either of them; or ſhall ſell, offer, or expoſe to Sale any ſuch Salmon, or other ſuch Fiſh as aforeſaid, which ſhall have been or ſhall be ſo taken contrary to the Proviſions of this Act, or between ſuch reſpective Periods as are herein-before ſpecified, in relation to any ſuch Fiſh as aforeſaid as to the ſaid reſpective Rivers or Waters, Streams, or Rivulets reſpectively communicating therewith, and within which the ſame is by this Act prohibited as aforeſaid, and who ſhall be thereof convicted before any Juſtice or Juſtices of the Peace for the ſaid County, either upon View of any ſuch Juſtice or Juſtices, or by Confeſſion of ſuch Offender or Offenders, or by the Oath of One or more credible Witneſs or Witneſſes, or by the Oath of any ſuch Owner, Proprietor, or other ſuch Perſon legally entitled to fiſh as aforeſaid, or of his, her, or their Agents or Servants, who are reſpectively hereby declared to be competent and good and ſufficient Witneſſes in that Behalf, and which Oath ſuch Juſtice or Juſtices is and are hereby authorized to adminiſter, ſhall for the Firſt Offence forfeit any Sum, to be aſcertained by ſuch Juſtice or Juſtices of the Peace, before whom ſuch Conviction ſhall be made, not leſs than Forty Shillings nor more than Five Pounds, together with all Salmon or ſuch other Fiſh as aforeſaid ſo taken or killed, or offered or expoſed to Sale, and all the Nets, Engines, and other Inſtruments and Devices uſed or kept in or about, or for the Purpoſe of committing any ſuch Offence as aforeſaid; and for the Second Offence ſhall forfeit a Sum to be aſcertained as aforeſaid, not leſs than Forty Shillings nor more than Ten Pounds, together with all ſuch

Fiſh, Nets, Engines, and other Inſtruments and Devices as aforeſaid; and One Half of ſuch Penalty ſhall go and be paid to the Informer, and the other Half to the Poor of the Pariſh or Pariſhes where the Offence ſhall have been committed; and every ſuch Penalty may and ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender, by Warrant under the Hand and Seal or Hands and Seals of any ſuch Juſtice or Juſtices of the Peace, returning the Overplus (if any) after deducting and retaining thereout the Coſts and Charges of ſuch Diſtreſs and Sale, or otherwiſe relating to the Premiſes, to the Perſon ſo diſtrained on; and for want of ſuch Diſtreſs, or in caſe the Offender ſhall on Demand neglect or refuſe, or ſhall not be able to pay any ſuch Penalty, then ſuch Offender ſhall for every ſuch Offence be ſent by ſuch Juſtice or Juſtices of the Peace before whom ſuch Conviction ſhall be made as aforeſaid, to the Houſe of Correction of the ſaid County where ſuch Offender ſhall be taken, there to be kept to hard Labour for any Time not exceeding Six Calendar Months nor leſs than Two Calendar Months; and the ſaid Juſtice or Juſtices of the Peace before whom the Perſon or Perſons offending ſhall be convicted, ſhall order ſuch Nets, Engines, Inſtruments, and other Devices kept or made uſe of for taking ſuch Fiſh, to be ſeized and immediately cut in Pieces, or otherwiſe deſtroyed or diſpoſed of in his or their Preſence, in ſuch Manner as he or they ſhall think proper.

Allowing an Appeal.

V. And be it further enacted, That all Perſons who ſhall think themſelves aggrieved by any Judgement of any Juſtice or Juſtices of the Peace in any of the Caſes aforeſaid, may appeal to the Juſtices of the Peace of the ſaid County of *Devon* at their next General Quarter Seſſions of the Peace to be held for the ſaid County, who are hereby empowered to hear and finally determine the ſame, ſo that the Perſon or Perſons ſo appealing ſhall enter into a Recognizance before ſuch Juſtice or Juſtices, with ſufficient Sureties to be approved of by ſuch Juſtice or Juſtices, to abide the Event of ſuch Appeal, and the Determination thereon to be made, and ſo that ſuch Perſon or Perſons ſo appealing ſhall by himſelf or his Agent, give Ten Days previous Notice in Writing of ſuch Appeal, to the Party or Parties againſt whoſe Act or Acts ſuch Appeal ſhall be made; and the Juſtices at the ſaid General Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Appeal, and make ſuch Order therein, and award ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable; and by their Order or Warrant to levy the Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; which Determination of the Juſtices at their ſaid General Quarter Seſſions ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*.

Declaring the Act publick.

VI. And be it further enacted, That this Act ſhall be deemed and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

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