ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

****

C A P. CVIII.

An Act to amend an Act of the Sixth Year of Her present Majesty, intituled *An Act to regulate the* Irish *Fisheries;* and to empower the Constabulary Force to enforce certain Provisions respecting the *Irish* Fisheries. [5th *September* 1844.]

WHEREAS an Act was passed in the Sixth Year of the
Reign of His late Majesty, intituled *An Act to consolidate* 6 & 7 W. 4.
the Laws relating to the Constabulary Force in Ireland, c. 13. s. 15.
and it was thereby, among other things, provided, that no chief or other Constable or Sub-Constable appointed under that Act should be employed to enforce any Acts relating to the Laws for the Preservation of Fish, except only in Cases when forcible Resistance shall have been actually made, and proved by Information taken on Oath: And whereas an Act was passed in the Sixth Year of the Reign of Her present
Majesty, intituled *An Act to regulate the* Irish *Fisheries*, whereby, 5 & 6 Vict.
among other things, certain Regulations for the general Preservation c. 106.
of the *Irish* Fisheries during certain Periods of the Year, and the Protection of the public Interests therein, were made; and it is

expedient that the Constabulary Force shall be empowered to enforce such Regulations: Be it therefore enacted by the Queen'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 the Officers and Men of the Constabulary Force in *Ireland* shall, any thing in the said first-recited Act to the contrary notwithstanding, have, for the Purpose only of enforcing the Regulations of the said recited Act of Her present Majesty's Reign herein-after set forth, and of this Act, all such Powers, Privileges, and Authorities as are by such Act conferred upon Water Bailiffs duly appointed thereunder, but subject nevertheless to such Orders and Restrictions, in respect of their being employed to enforce such Regulations, as shall from Time to Time be made by the Inspector General of the said Constabulary Force, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Constabulary Force empowered to carry into effect certain Regulations of the Fishery Act and of this Act.

II. And be it enacted, That the Regulations in enforcing which it shall be lawful to employ the Officers and Men of the said Constabulary Force shall be the Regulations herein-after mentioned; (that is to say,) all and singular the Regulations made by the said recited Act of Her present Majesty's Reign and by this Act, or under any Authority derived therefrom, for the Observance and Enforcement of the several Periods fixed by or under Authority of such Acts as the annual Close Seasons for the Salmon Fishery, the Trout Fishery, the Eels Fishery, and Oyster Fishery respectively, and for the free Passage of Fish during such several annual Close Seasons, and requiring for that Purpose the making and maintaining of Openings, and the Removal of Obstructions, and directing certain Acts, Matters, and Things to be done, and prohibiting other Acts, Matters, and Things to be done, during and in relation to such annual Close Seasons respectively; and also all and singular the Regulations made by the said recited Act, or any Authority derived therefrom, for the Observance and Enforcement of the several weekly Close Seasons fixed by such Act, in reference to inland Lakes and Rivers, and in reference to the Sea or any Estuary or Tideway respectively, and for the free Passage of Fish during such weekly Close Seasons, and requiring for that Purpose the making and maintaining of Openings, and the Removal of Obstructions, and directing certain Acts, Matters, and Things to be done, and prohibiting other Acts, Matters, and Things to be done, during and in relation to such weekly Close Seasons respectively; and also all and singular the Regulations of the said last-recited Act prohibiting any Person wilfully taking, selling, purchasing, or having in his Possession the Spawn, Smelts, or Fry of Salmon, or of Trout, or of Eels, or in any Way or by any Device wilfully obstructing the Passage of the said Smelts or Fry, or injuring or disturbing any such Spawn or Fry, or any Spawning Bed, Bank, or Shallow where the same

Regulations for the Observance of the annual and weekly Close Seasons.

same may be; and also all and singular the Regulations of the said Act prohibiting any Person wilfully taking, killing, destroying, exposing to sale, or having in his Possession, any red, black, foul, unclean, or unseasonable Salmon or Trout; and also all and singular the Regulations of the said Act prohibiting any Person, in any Season of the Year, in any Mill Pool or Mill Dam, or in any Works appurtenant to any Mill or Factory, or in any of the Watercourses leading the Water to or from such Mill or Factory, placing, laying, setting, or drawing any Net, Grate, Creel, or other Engine, or using any Means or Device whatsoever (save and except Rod and Line used subject to the Provisions of the said Act), for the Purpose of taking, destroying, or obstructing any Salmon or other Fish, or the Fry thereof; and also all and singular the Regulations of the said Act prohibiting the Proprietor or Tenant of any Eel Weir taking or suffering to be taken therein any Salmon or Trout, or Salmon or Trout Fry, or Spent Salmon; and also all and singular the Regulations of the said last-recited Act prohibiting, between Sun-set and Sun-rise, the having or using any Light or Fire, Spear, Gaff, Strokeall, or other such Instrument, with Intent to take Salmon or other Fish in or on the Banks of any Lake or River, or chasing, injuring, or disturbing Spawning Fish or Fish on Spawning Beds, or attempting to catch Fish in such Places (except with Rod and Flies only within the lawful Period), or damming or teeming or emptying any River or Mill-race for the Purpose of taking or destroying any Salmon or Trout, or the Fry thereof.

Regulations against Fishing with Lights, &c. at Night.

III. And whereas by the said last-recited Act it is provided, that the Commissioners for the Execution of the said Act may, if they shall so think fit, decide that the Period by the said Act appointed for the Close Time for the Fisheries in particular Localities shall cease, and that such other Period as shall be fixed upon by the said Commissioners as the Close Time for any of such Fisheries respectively shall be kept and observed in lieu thereof, or to alter the Period within which it shall not be lawful to hang any Coghill or other Nets in the Gaps, Eyes, or Sluices of Eel or other Weirs, or make use of fixed Engines for taking Eels: And whereas it is expedient for such Purpose to extend to the Inspectors of Fisheries appointed by the said Commissioners the Power to hear and receive Evidence, and to examine and inquire into the Subject of such Fisheries; be it therefore enacted, That it shall and may be lawful for any Inspector of Fisheries by the said Commissioners duly appointed, at the Direction and by the Order of the said Commissioners, to attend at any Meeting by the said Commissioners convened respecting the Fisheries in any particular Locality; and that the said Inspector of Fisheries shall hear and receive all such pertinent Evidence as shall be offered to him upon the Subject of the said Fisheries, and shall examine and inquire into the same upon Oath (which Oath the said Inspector is hereby authorized

Inspector of Fisheries empowered to receive Evidence to enable Commissioners to alter the Close Seasons in any River or District.

authorized and empowered to administer), or otherwise, and by all such Means as may be deemed expedient by him, or as shall be by the said Commissioners in that Behalf directed; and that the said Inspector shall, within One Month after the said Meeting shall have taken place, faithfully report to the said Commissioners all the Evidence he shall have so received, and the Result of such Examination and Inquiry; and that it shall and may be lawful for the said Commissioners to act upon such Evidence, Examination, and Inquiry as if the same had been heard, taken, received, and made by the said Commissioners themselves.

Commissioners empowered to alter Close Season on shorter Notice than by last-recited Act directed.

IV. And whereas it is expedient that the said Commissioners should be authorized to alter Close Seasons on shorter Notice than in and by the said Act directed; be it enacted, That it shall and may be lawful for the said Commissioners to alter the Close Time for the Fishery in any particular Locality, and that such other Period as shall be fixed upon by the said Commissioners as the Close Time for any Fishery in any Locality shall be kept and observed in such Locality in lieu thereof, and to alter the Period within which it shall not be lawful to hang any Coghill or other Nets in the Gaps, Eyes, or Sluices of Eel or other Weirs, or make use of fixed Engines for taking Eels, upon calling a Meeting of the Persons possessed of or interested in any such Fishery, giving Notice of the Day and Place appointed for such Meeting, not less than Fourteen Days from the Date of such Notice, by printed Handbills and Advertisement twice at least in some Newspaper published and circulating in the County or several Counties within which or on the Coast whereof such Fishery is in whole or in part situated, any thing in the said Act of the Sixth Year of the Reign of Her present Majesty requiring a longer or other Notice to the contrary notwithstanding.

Power to Commissioners to suspend, for a fixed Period, the Oyster Fishery in any particular Locality.

V. And whereas it is by the said last-recited Act further enacted, that it shall not be lawful for any Person between the First Day of *May* and the First Day of *September* in any Year to dredge for, take, catch, or destroy any Oyster or Oyster Brood, save and except when the Season for taking the same shall be changed by the said Commissioners, according to the Provisions of the said last-recited thereinafter mentioned Act; and it is expedient, for the Preservation, Protection, and Improvement of the Oyster Fisheries of *Ireland*, that in certain Localities the Power to dredge, fish for, or take Oysters should be suspended and prohibited for certain Periods; be it therefore enacted, That it shall and may be lawful for the said Commissioners, if they shall so think fit, upon the Application of any Person interested in any Oyster Fishery in any particular Locality, to call a Meeting of the Persons possessed of or interested in such Oyster Fishery, after giving Notice of such Meeting in the Manner by the said last-recited Act directed with respect to changing the Periods within

within which it shall not be lawful to fish in Fisheries in particular Localities, and issuing such Summonses as is by the said last-recited Act in that Behalf directed, and by themselves or their Inspector hearing and receiving all such pertinent Evidence as shall be offered to them or him on the Subject of the said Fishery, and examining and inquiring into the same upon Oath, or otherwise to decide upon, fix, and appoint a Period, not exceeding the Term of Three Years, within which it shall not be lawful to dredge for, take, catch, or destroy any Oyster or Oyster Brood in such Locality.

Such Decision to be published.

VI. And be it enacted, That such Decision shall take effect and shall be published at the Time and in the Manner by the said Act directed as to the Decision of the said Commissioners respecting the Close Time of any District, Lake, or River.

Use of Seine Net lawful for Herrings.

VII. And whereas it is enacted by the said Act of the Fifth and Sixth of Her present Majesty, that no Person shall, at any Time between Sun-rise and Sun-set, set, either in the Sea or within the Tide-way in any Estuary, any Sea Net for the catching of Herrings, or any Trammel Net, or leave any Drag or other Net in the Water, between Sun-rise and Sun-set, except Stake or Fixed Nets for the catching of Salmon as therein-after provided, and save also Seines or Drift Nets for Pilchards or Fish other than Herrings: And whereas it has been found expedient to permit, under certain Restrictions, the Use of Seine Nets for the taking of Herrings; be it therefore enacted, That, notwithstanding any thing in the said recited Act to the contrary, it shall and may be lawful to and for all Persons to use Seine Nets for the catching of Herrings, save and except in such Places and at such Times as shall or may hereafter be forbidden by any Bye Law, Rule, or Regulation to be hereafter made by the said Commissioners.

When the Commissioners have defined the Mouth of any River, a Copy of such Definition to be deposited with the Clerk of the Peace;

and a certified Copy thereof to be Evidence.

VIII. And whereas by the said Act of the Sixth Year of Her present Majesty the Commissioners for the Execution thereof are authorized and empowered to define the Mouths of Rivers under the Circumstances and for the Purposes therein mentioned; and it is expedient to provide for the due Publication of all Definitions to be so made by the said Commissioners, and Proof thereof in all Courts of Law or Justice; be it therefore enacted, That when and so soon as the said Commissioners shall and may from Time to Time define the Mouth or Entrance of any River, under the Provisions of the said Act, a Copy of the Definition to be so made shall be deposited with the Clerk or Clerks of the Peace for the County or Counties in which the Mouth or Entrance of such River as so defined shall be situated; and in all Cases when it shall hereafter become necessary to prove such Definition in any Court of Law or Justice or elsewhere, a Copy, obtained from the Office of any Clerk of the Peace with whom the same

same may be lodged, and certified by him to be a true Copy thereof, shall be received and taken as full and sufficient Evidence of the Existence of such Definition.

Act may be amended this Session.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

LONDON Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1844.