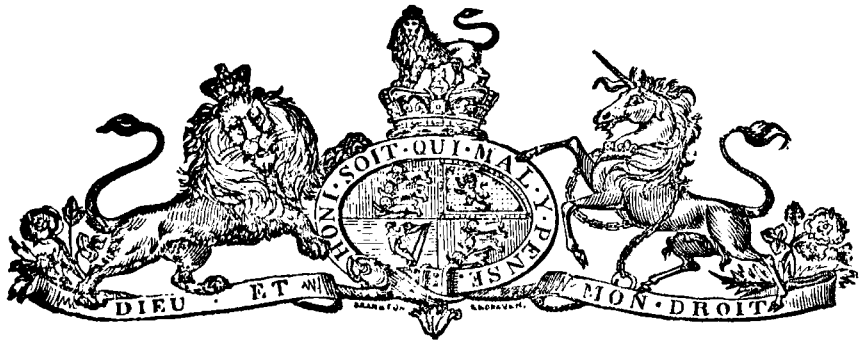


ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. CVIII.

An Act for the further Amendment of an Act of the Sixth Year of Her present Majesty, for regulating the *Irish* Fisheries. [8th *August* 1845.]

WHEREAS an Act was passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to regulate the* Irish *Fisheries:* And whereas one other Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *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:* And whereas it is expedient, for the better Regulation and Improvement of the said Fisheries, to give further Power and additional Means for the Purpose of more effectually carrying out the Provisions of the said Acts, and to amend the said recited Acts in the several Particulars hereinafter mentioned: 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 it shall and may be lawful to and for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, by Warrant under the Hands of any Three or more of them, if they shall

5 & 6 Vict. c. 106.

7 & 8 Vict. c. 108.

Treasury may appoint an additional Commissioner for Fisheries;

shall so think fit, to appoint One Person to be a Commissioner of Fisheries, to be associated with the Commissioners of Public Works in *Ireland* for the Time being, and with them be a Commissioner for the Execution of the said recited Acts and this Act during Pleasure, and to remove such Commissioner, and to appoint another in the Stead of the Person so removed or dying or resigning; and it shall be lawful for the said Commissioners of Her Majesty's Treasury to pay to such Person to be so appointed such Sum by way of annual Salary as the said Commissioners of Her Majesty's Treasury shall think fit; and such Commissioner of Fisheries, when so appointed, shall and may, for the Purposes of said recited Acts and this Act, have, use, and exercise all and every the like Powers and Authorities and have like Privileges as are by said recited Acts or any of them vested in or given to the said Commissioners of Public Works or any of them; and all and every the Powers and Authorities in and by the said recited Acts and this Act given to or vested in the said Commissioners of Public Works, or which under the Provisions of this Act may be used by or be vested in such new Commissioner, may be exercised by the said Commissioners of Public Works, or by such new Commissioner appointed under this Act, or by any One or more of them.

and allow him a Salary.

The Use of illegal Weirs and Nets to be subject to the same Penalties as for Erection.

II. And be it enacted, That if any Person shall, after the Twentieth Day of *August* One thousand eight hundred and forty-five, fish with or use any Stake Weir, Stake Net, Bag Net, fixed Net, or any Contrivance for placing or erecting any Net or Engines, which under the Provisions of the said first-recited Act are prohibited to be placed or erected in any Part of any Estuary or the Mouth or tidal Part of any River where the Breadth of the Channel at Low Water of Spring Tides is less than Three Quarters of a Mile Statute Measure, or which are prohibited to be placed or erected within the Space of One Statute Mile Seaward, Coastwards, or Inwards from or on either Side of the Mouth or Entrance of any River into the Sea, the inland Portion of which River is frequented by Salmon, and the Breadth of which Mouth, as now or hereafter to be defined by the said Commissioners, is less than Half a Mile Statute Measure at Low Water of Spring Tides, any Person so offending shall be subject and liable to such and the same Penalty and Penalties as by said first-mentioned Act the Person or Persons erecting or placing such Weirs, Nets, or Contrivance for placing or erecting Nets, are subject and liable to; and upon Proof that any such Weir, Net, or Contrivance has been so used or fished it shall be lawful for the Justices at Petty Sessions, or other the Persons having Jurisdiction to enforce the Provisions of the said recited Acts or this Act, to direct the same to be forfeited and removed, and the Materials thereof to be disposed of and dealt with in such and the same Manner as by said first-recited Act is provided and directed in Cases of the Seizure of illegal Nets, or legal Nets when used contrary to Law.

Commissioners empowered to suspend the

III. And whereas, notwithstanding the Provisions of the said first-recited Act with regard to the Erection and Use of Stake Weirs, Stake Nets, Bag Nets, fixed Nets, and Contrivances for fixing or placing

placing Nets, the same or some Parts thereof are in many Instances erected and used in Places prohibited by the said recited Act by Parties who have no Title so to do; and it is expedient, for the Protection of public Rights, and to prevent Disputes, that the said Commissioners should have Power to suspend the Use of such Weirs, Nets, and Contrivances, and remove the same, in all Cases where it shall appear to them that the same or any Part thereof are illegally erected, placed, or used; and that the said Commissioners should for such Purposes have and use the same Powers and Authorities with respect to such Weirs, Nets, and Contrivances, or any Part thereof, as they are now authorized under the said first-recited Act to use and exercise in Cases of Weirs or Nets and Contrivances erected in such Manner as in their Judgment to be injurious and detrimental to Navigation; be it therefore enacted, That it shall be lawful for the said Commissioners, upon and after Complaint being made to them in Writing, signed by the Party making the same, and setting forth the Circumstances under which any such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance, or any Part of the same, is or shall be so erected or used contrary to the Provisions of the said recited Acts or this Act, to summon before them the Party or Parties complained of to attend at some Place near or convenient to that in which any such Weir, Net, or Contrivance may be so erected and used; and the said Commissioners shall accordingly, at the Time and Place mentioned in any such Summons, upon Proof of the personal Service of such Summons, or upon Proof of such Summons having been left at or on board the Vessel, or at or posted on the known Residence of the Party or Parties complained of, proceed to hear all such pertinent Evidence as may be adduced before them by or on behalf of the Party making such Complaint, as well as the Party or Parties complained of; and if after hearing all such Evidence the said Commissioners shall so think fit and right it shall and may be lawful to and for the said Commissioners to make an Order or Decision in Writing under their Hands and Seals, declaring that such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance, or any Part thereof, is a Nuisance, and shall be abated and removed; and the said Commissioners are hereby empowered, by Warrant under their Hands and Seals, to authorize any Person to abate and remove any such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance, or any Part thereof, at the Expence of the Party or Parties appearing to the said Commissioners to have erected or used the same; and, subject to the Appeal herein-after provided for, it shall be lawful to and for the said Commissioners to order and direct that the Materials of any such Weir, Net, or Contrivance, or any Part thereof, be forfeited and sold, and the Produce arising from such Sale applied in such Manner as is by the said first-mentioned Act provided in Cases of illegal Nets used, or legal Nets illegally used, for fishing; provided always, that nothing herein contained shall extend to any Case where the Party who erected or used such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance acted under a fair and reasonable Supposition that he had a Right to do the Act complained of, and shall, if so required by the said Commissioners, give Security, in such Manner and in such Amount not exceeding One hundred Pounds as the said Commissioners shall think fit, conditioned to appeal to the Judges

Use of and remove illegal Weirs and Nets in Places prohibited.

Judges of Assize within such Time and in such Manner and subject to such Regulations as are herein-after provided in Cases of Appeals against any Order or Decision of the said Commissioners as last aforesaid, and upon such Appeal to establish or prove before such Judges that he had a Right or Title to erect or use such Weir, Net, or Contrivance, or any Part thereof, at the Time or in the Place where the same may have been so erected or used; and it shall be lawful for such Judges or one of them to hear and decide such Matter as aforesaid as if the same were an Appeal from an Order or Decision made by the said Commissioners for the Abatement as a Nuisance of such Weir, Net, or Contrivance, or any Part thereof, and thereupon to certify under their or his Hands or Hand their or his Decision whether such Party had or had not established or proved before them or him such Right or Title as aforesaid.

Appeal to Judge of Assize.

IV. Provided always, and be it enacted, That if any Person shall think himself aggrieved by any such Order or Decision of the said Commissioners such Person may appeal to the next going Judges of Assize at the Assizes to be held for the County, County of the City or Town, in which or on the Shore or Boundary of which any such Weir, Net, or Contrivance shall have been so erected or used, provided such Assizes shall be held at any Time not less than Thirty-one Days after the Time the said Commissioners shall have made any such Order or Decision; and in case such Assizes shall be held within Thirty-one Days from the Time of such Order or Decision, such Appeal shall be made to the Assizes to be held in and for such County, County of a City or Town, next after such First Assizes; and that no such Appeal shall be allowed, received, heard, or determined, unless the Party appealing shall, within Twenty-one Days from the Date of such Order or Decision of the said Commissioners, give Notice in Writing to the said Commissioners of his Intention to try such Appeal; and it shall be lawful to and for the said Judges of Assize or one of them to try the Subject Matter of the said Appeal, and decide whether the Party appealing had a Right to erect or use such Weir, Net, or Contrivance, or any Part thereof, at the Time or in the Place where the same may have been so erected or used: Provided always, that in case of such Appeal being made, and Notice given as aforesaid, the Materials of such Weir, Net, or Contrivance, or any Part thereof, as the Case may be, shall be deposited in the Custody of such Officer or Men of the Coast Guard or Constabulary, or with such other Party or Person as the said Commissioners may direct or appoint for the Purpose, there to remain and be kept until the Matter of such Appeal shall be decided as aforesaid, or until the Time for prosecuting the same shall have expired, and if such Decision shall be in favour of the Appellant such Materials shall thereupon be returned to such Appellant.

No Persons other than those entitled under 5 & 6 Vict. c. 106. to use Nets, &c. on the Coast of Ireland.

V. And whereas under the Provisions of the said first-recited Act the Right to use Stake Weirs, Stake Nets, Bag Nets, and other fixed Nets in the Sea and Tide-ways along the Coast of *Ireland* is defined and declared, and certain Persons are therein mentioned and specified as the Persons entitled to exercise such Right as aforesaid; be it therefore enacted, That if any Person or Persons, other than

than the Persons entitled to exercise such Right as aforesaid under the Provisions of the said first-recited Act, shall erect, use, or fish with any Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance for placing or erecting Nets on any Parts of the Coast of *Ireland*, or in the Sea or Tide-ways adjoining the same, he or they shall for each Offence forfeit and pay a Sum not exceeding Ten Pounds, and such Weir, Net, or Contrivance shall also be forfeited, and ordered by the Magistrate before whom such Person or Persons may be convicted to be removed, at the Expence of the Offender, and the Materials thereof disposed of in like Manner as by said first-recited Act is directed in Cases of illegal Nets used, or legal Nets used illegally, for fishing.

Penalty.

VI. And be it enacted, That if, after any such Order or Decision of the said Commissioners as is in this Act herein-before authorized to be made, unless and until the same shall be reversed on Appeal, any Person shall again erect or use any such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance, or any Part thereof, as aforesaid, in or adjoining or contiguous to any Place where it may have been ordered and decided by the said Commissioners that any such Weir, Net, or Contrivance, or any Part thereof, should be abated and removed, or if, contrary to the Provisions of the said first-recited Act, any Person shall erect, re-erect, or use any such Weir, Net, or Contrivance, or any Part thereof, after Conviction under the said Act of any Person for erecting, or under this Act for using or fishing with, any such Weir, Net, or Contrivance, or any Part thereof, in the same Place, or in, adjoining, or contiguous to the same, every such Person shall, in addition to the Penalties in and by the said Act or this Act prescribed, forfeit and pay a Sum not exceeding Twenty Pounds for every Day such Weir, Net, or Contrivance, or any Part thereof as aforesaid, shall remain so erected or used; and it shall be lawful to and for the said Commissioners, by Warrant under their Hands and Seals, from Time to Time and as often as any such Weir, Net, or Contrivance, or any Part thereof, as aforesaid, shall be so erected or used, to abate and remove the same.

Persons re-erecting or using Weirs decided to be illegal subject to a Penalty for each Day the same may remain.

5 & 6 Vict. c. 106. s. 22.

VII. And be it enacted, That in all Cases of maliciously or wantonly injuring or destroying any Weir, Net, or other Contrivance legally erected or used for taking Fish, any Person injured by any such Offence, and intending to apply for Compensation for any Loss or Damage sustained thereby, on serving the like Notices, lodging the like Application, and taking like Proceedings (as nearly as the Nature of the Case will admit) as in and by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland, are respectively required in Cases of Applications for Compensation for malicious Injuries under the said last-mentioned Act, shall be entitled to make Application at Presentment Sessions as in and by the said Act provided as to Cases of malicious Injuries; and such Application having been considered and dealt with at such Presentment Sessions in the Manner in the said Act directed with regard to Applications for Compensation for

Application to Presentment Sessions for Compensation for malicious Injury to legal Fishing Weirs.

6 & 7 W. 4. c. 116.

malicious Injuries, it shall and may be lawful for the Grand Jury of the County, County of a City, or County of a Town in or on the Shores or Boundary of which or adjacent whereto such Injury shall have been sustained, and such Grand Jury are hereby required, either to disallow such Application altogether, or present such Sum or Sums of Money as the Person or Persons so injured ought to receive for such Injury or Damage, to be levied off such County, or such Barony, Parish, District, Townland, or Sub-denomination thereof, as the Grand Jury shall direct: Provided always, that such Application and Presentment shall be subject and liable to the like Traverse and all other Proceedings, and be subject to the like Regulations and Provisions, as by the said Act of the Sixth and Seventh Years of King *William* the Fourth any Application or Presentment for Compensation for malicious Injuries is subject and liable to under the said Act, and as if such Regulations and Provisions were herein repeated.

Grand Jury to adjudicate.

Traverse.

In case of Injury done on the Verge of Two or more Counties, the Amount may be apportioned thereon.

VIII. And be it enacted, That in case such malicious Injury as aforesaid shall be committed on the Verge or within the Distance of One Mile of the Boundary of any Two or more Counties, the Person or Persons who shall sustain such Injury may apply for Compensation in the Manner herein-before directed in either or any one of such neighbouring Counties, and all Proceedings shall be taken thereupon as herein-before provided, and in and by the said Act of the Sixth and Seventh Years of King *William* the Fourth directed; and in case any Sum or Sums of Money shall be presented by the Grand Jury of the County where such Application shall be made, or shall be finally awarded by the Verdict of any Jury, as and for Compensation to the Person or Persons applying as aforesaid, the Judge at the Assizes of such County shall have Power and Authority to apportion the Amount of such Compensation amongst such neighbouring Counties, and to direct the Proportion of the same which shall be paid by such Counties respectively, and shall certify the same accordingly, and such Presentment shall thereupon be diminished or Presentment made according to the Proportion which the said Judge shall direct to be paid by such County; and the Grand Jury or Grand Juries of the said other neighbouring County or Counties respectively shall and they are hereby required, on the Production of the Certificate of such Judge declaring the Proportion to be paid by such County or Counties, to present such Proportion to be raised in the Manner mentioned in the said Act of the Sixth and Seventh Years of King *William* the Fourth, and paid to the Person so applying: Provided always, that no such Presentment as aforesaid shall be considered as conferring or confirming any Title in or upon the Party making such Application as aforesaid.

Commissioners to define Distances from Mouths of Rivers.

IX. And be it enacted, That in all Cases where the said Commissioners, under the Provisions of the said first-recited Act, have heretofore defined or may hereafter define the Mouth or Entrance into the Sea of any River, it shall and may be lawful for the said Commissioners, in addition to such Definition and Determination as aforesaid, to define and determine the Points of Termination of the respective Distances prescribed by the said first-recited Act, and to illustrate and show by a Map or Plan, or otherwise as they may consider best, the

the said Points of Termination, and the Space or Spaces within which it is by the Provisions of the said first-recited Act prohibited to erect or use certain Fishing Weirs, Nets, or Engines, or to use or practise certain Modes of Fishing.

Additional Powers to enforce Observance of the weekly and other Close Times.

X. And whereas it is found expedient to give additional Powers to enforce the strict Observance of the weekly and other Close Times and Seasons in and by the said first-recited Act required to be observed and kept; be it therefore enacted, That it shall and may be lawful for all Officers and Men of the Navy or Coast Guard Service, and of the Constabulary, and for any Person appointed by or acting under the Authority of the said Commissioners, when and as often as they or any of them shall, in any Fishing Weir, Net, or Contrivance, during the weekly or other Close Time or Season (as fixed under the Provisions of the said first-recited Act), find any Passage shut, closed, or obstructed, or during such Close Time in any Place find any Net or other Contrivance placed or used where the same are now by Law or may hereafter be prohibited by the said Commissioners, in pursuance of the Powers in them vested, or shall at any Time find any Obstruction in the Queen's Share or free Gap through or over any Fishing or other Weir, or in the Sluice Passages appurtenant to any Mill or Factory at any Time when the Sluice Gate of same shall be open, then and so often to open such Passages and remove all such Obstructions, doing no unnecessary Damage, and to seize and remove all Nets or Parts of Nets which may be found so as aforesaid placed or used contrary to the Provisions of the said first-recited Act or this Act: Provided always, that nothing herein contained or done in pursuance of the same shall exempt any Person from the Penalties and Forfeitures in and by the said first-recited Act prescribed in respect to any of the Matters aforesaid; and provided also, that none of the Parties or Persons hereby authorized to open such Passages or remove such Nets or Obstructions shall be liable for any Damage caused by the opening of such Passages, or Removal of such Nets or Obstructions, unless the same shall be unnecessarily, wantonly, or maliciously done.

Size of the Meshes of the Nets.

XI. And whereas it has been found that the Size of the Meshes of Nets (not made of Wood, Iron, or other rigid Materials,) for the taking of Salmon and Trout in the Sea and Tideways, and the Size of the Meshes of all Nets to be used in the inland and fresh-water Portions of Rivers, as fixed and prescribed by said first-recited Act, is too large, and permits the Escape of great Quantities of valuable Fish, as well as diminishes the Value of much of the Fish that may be taken; be it therefore enacted, That so much of the said first-recited Act as fixes or prescribes the Size of the Meshes of any such Nets as aforesaid shall be and is hereby repealed, and that from and after the passing of this Act no Net, save as herein-after provided, for the taking of Salmon or Trout in the Sea, Estuaries, or Tideways, or for the taking of any Fish in the inland and fresh-water Portions of Rivers and Lakes, shall be used with a Mesh of less Size than One and three-quarter Inches from Knot to Knot, to be measured along the Side of the Square, or Seven Inches, to be measured all round each such Mesh, such Measurements being taken in the clear, when the Net is wet;

wet; and that if any Person shall use any Net contrary to this Provision, such Person shall be liable and subject to the Penalties and Forfeitures by said first-recited Act mentioned and prescribed in Cases of any Person using Nets with Meshes of less Size than the Size in the said Act prescribed and limited.

Commissioners may alter the Size of Meshes in certain Localities.

XII. Provided always, and be it enacted, That it shall and may be lawful for the said Commissioners, by any Bye Law to be made in accordance with the Provisions of said first-recited Act, and for such Time as to them shall seem fit, to alter, in and for any particular District or Locality, the Size of the Meshes of the Nets as herein prescribed, and to permit the Use of Meshes of such other Size in the said District or Locality as the said Commissioners shall prescribe; and all Parties using Nets with Meshes of a less Size in such District or Locality than such as shall be so permitted and prescribed by the said Commissioners shall be subject and liable to like Penalties and Forfeitures as by said first-recited Act mentioned and prescribed in Cases of any Person using Nets with Meshes of a less Size than the Size prescribed by said first-recited Act.

Stamp Duty in the Appointment of Water Bailiff.

XIII. And be it enacted, That the Appointment of each Water Bailiff under the Provisions of the said first-recited Act or this Act shall be subject to a Stamp Duty of Five Shillings, and to no higher Duty; any thing in any other Act or Acts to the contrary notwithstanding.

Power to prohibit the Use of Engines injurious to Fisheries.

XIV. And be it enacted, That it shall and may be lawful for the said Commissioners, from Time to Time, by any Bye Law made in pursuance of the Provisions of said first-recited Act (subject to such Penalties and Forfeitures as by the said first-recited Act they are empowered to impose for the Breach of any Bye Law), to prohibit the Use, at any Time or Season, of any Engine or Device for the Capture of Fish which, upon Inquiry had, the said Commissioners shall deem to be injurious to the Fisheries.

Commissioners may permit the Use of Trammel or other Nets during the Daytime.

XV. And be it enacted, That it shall and may be lawful for the said Commissioners (any thing in the said first-recited Act to the contrary notwithstanding) to make and ordain, in the Manner and under the Regulations in the said first-recited Act mentioned, any Bye Law authorizing the Use between Sunrise and Sunset of any Trammel or other Net on any Part of the Coasts of *Ireland*, or the Islands lying off the same, where such Trammel or other Nets may, in the Opinion of the said Commissioners, be used during the Daytime without Injury to the Fisheries.

Oyster Beds below lowest Water of Spring Tide not to be deemed private Property, unless held by

XVI. And be it enacted and declared, That nothing in the said first-recited Act shall be construed to protect, as an exclusive Right or private Property, any Oyster Bed or Oyster Fishery lying below the Level of the lowest Water of Spring Tides, or to subject any Person to be deemed guilty of or to be indicted for Larceny for taking Oysters from any such Oyster Bed or Fishery, unless such Oyster Bed or Fishery shall be legally possessed and enjoyed by some Person

Person by virtue of Charter, Grant, Patent, or Act of Parliament, in and by which such Oyster Bed or Fishery is specially granted, and the Limits thereof accurately described, or unless the same has been held and enjoyed by Prescription as an exclusive Right and private Property, within Limits clearly defined. Charter or Prescription.

XVII. And whereas the Cultivation and Improvement of the Oyster Fisheries may be greatly promoted by the Formation and Protection of artificial Oyster Beds or Layings of Oysters on the Shore, above the Level of the lowest Water of Spring Tides, and for this Purpose it is expedient to permit the Formation and Cultivation of such Oyster Beds, and to provide for the Protection of the same in such and the same Manner as by the said first-recited Act is provided for the making and Protection of Bait Beds; be it therefore enacted, That it shall and may be lawful for the Owner or Occupier of any Land bordering on the Sea, or any Estuary, with the Permission in Writing of the said Commissioners, or for any Person or Persons, with the Consent of such Owner or Occupier, and with the Permission in Writing of the said Commissioners, to form or plant any Oyster Bed or Laying on the Shore adjacent to such Lands, and between high and lowest Water Mark of Spring Tides, and it shall be lawful for the several Persons forming or planting any such Oyster Bed or Laying to hold the same as private Property, and to exercise an exclusive Control over the same, and such Oyster Beds shall be entitled to the like Protection as by said Act is provided in case of any other Oyster Beds or Layings being the exclusive Property of any Person: Provided always, that the forming and planting of such Oyster Beds as aforesaid shall not give any exclusive Right or Title to the Occupancy of the said Shore, except for the Purpose aforesaid, or to the Appropriation of any public Banks or Beds at present resorted to for Oysters, but that the Rights herein-before granted and conferred are to be considered as exclusively applying to Places where no such public Oyster Beds at present exist; saving to the Queen's most Excellent Majesty, and all the Subjects of this Realm, the free and full Exercise and Enjoyment of all other Rights of Fishing or other Rights whatsoever in or along the said Shore, subject to the Provisions herein and in said recited Acts or any of them contained. Power to make Oyster Beds.

XVIII. Provided also, and be it enacted, That if after the Formation and laying of such Oyster Beds as aforesaid any Person shall interfere with or take away any of the Oysters from such Bed, without the Consent of the Owners or Occupiers of such Bed, every Person so offending shall be deemed guilty of Larceny, and being convicted thereof shall be punished accordingly. Persons stealing from such Beds guilty of Larceny.

XIX. And be it enacted, That for the Purpose of replenishing and supplying such artificial Oyster Beds or Layings, or other Beds and Layings the exclusive Property of any Person or Persons, but for no other Purpose whatsoever, it shall and may be lawful for any Person to dredge for and take Oysters from any natural public Bed lying below the Level of the lowest Water of Spring Tides, during such Part only of the Close Season as now fixed or hereafter to Power to dredge during Part of Close Time for Oysters to supply Beds.

be fixed under the Provisions of said first-recited Act, as the said Commissioners shall upon Inquiry think fit to appoint for such Purpose, for or in any District or Place: Provided always, that if any Oysters dredged or taken during such Part of the Close Season shall be brought to Shore, or sold or offered for Sale, or be found in the Possession of any Person on Land, or be used for any other Purpose than the replenishing or supplying any such artificial or other Bed as aforesaid, every Person so offending shall forfeit all such Oysters, and be subject and liable to the same Penalties and Forfeitures as by said first-recited Act prescribed in Cases of Offences against the Provisions of the said first-recited Act for the Observance of the Close Season in respect to Oysters.

Commissioners to make Bye Laws for Improvement of Oyster Fisheries.

XX. And be it enacted, That it shall and may be lawful for the said Commissioners from Time to Time to make and ordain, in the Manner and with and under the Powers and Regulations in the said first-recited Act mentioned, such Bye Laws, Rules, and Regulations as to them the said Commissioners shall seem expedient, to prevent the Destruction or Removal from the natural Beds of small unsizeable Oysters, and to fix by any such Bye Laws, Rules, or Regulations the Size or Dimensions of the smallest Oysters which may be removed from such Beds, and to appoint such Means to be adopted in the dredging and culling of the Oysters on the Fishing Grounds as will secure the Return to the Sea of all Oysters of less Dimensions than those to be so fixed, and during any Part of the Close Time, or in Places where in pursuance of said second-recited Act dredging for Oysters shall be prohibited for a certain Period, to prohibit, if they shall so think fit, that any Boat shall have on board a Dredge or other Implements for the taking of Oysters, and to make such other Rules and Regulations as to them shall seem fit for the Increase, Improvement, and Protection of the Oyster Fisheries.

Proprietors of Oyster Beds may appoint Water Bailiffs.

XXI. And be it enacted, That it shall and may be lawful for any Proprietor or Tenant of any Oyster Bed or Laying, or for any associated Body of Persons interested in the Protection and Improvement of any Oyster Fishery, to appoint, in the same Manner and subject to the same Restrictions and Provisions as in and by the said first-recited Act and this Act are provided for the Appointment of Water Bailiffs, any Person or Persons to be a Water Bailiff or Water Bailiffs for the Protection of any such Oyster Fishery, and for the due Enforcement of the Provisions of the said recited Acts and this Act in respect of the same, and of the Bye Laws, Rules, and Regulations now or hereafter to be made by said Commissioners in relation thereto; and the Water Bailiffs so to be appointed shall have and may exercise and use all and every the same Powers and Authorities, and have the same Privileges as by the said recited Acts or this Act are vested in or given to the Water Bailiffs appointed or to be appointed thereunder, so far as the same may be necessary for the Purposes aforesaid.

Decisions and Judgments of Commis-

XXII. And be it enacted, That all Orders and Decisions, Judgments and Definitions, which shall be made, pronounced, or given by the said Commissioners under the Provisions of the said recited Acts

or

or this Act, shall be recorded in the Office of the said Commissioners, and a Copy of each such Order, Decision, Judgment, or Definition (as the Case may be) shall be deposited with the Clerk or Clerks of the Peace for the County or Counties to any Part of which, or the Sea bordering on which or any Part of which, the same shall relate or apply; and in all Cases where it shall hereafter become necessary to prove any such Order, Decision, Judgment, or 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 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 any such Order, Decision, Judgment, or Definition; and any such Order or Decision, Judgment or Definition, shall not be quashed, set aside, or adjudged void or insufficient for Want of Form only, and shall not be liable to be removed by Certiorari or otherwise into Her Majesty's Court of Queen's Bench, or any other of Her Majesty's Courts of Record in *Dublin*.

sioners to be recorded, and Copies to be Evidence.

XXIII. And be it enacted, That the several Penalties, Forfeitures, and Expences directed or empowered to be imposed, levied, recovered, or enforced under the Provisions of the said recited Act of the Seventh and Eighth Years of the Reign of Her present Majesty or this Act, or by any Bye Law, Rule, or Regulation made or to be made by the said Commissioners in pursuance of the said recited Acts or this Act, may be recovered, levied, enforced, and applied in like Manner and by such Ways and Means as are provided by the said first-recited Act of the Fifth and Sixth Years of the Reign of Her present Majesty as to the Penalties, Forfeitures, and Expences imposed or provided thereby.

Penalties and Forfeitures to be recovered and applied as directed by 5 & 6 Vict. c. 106.

XXIV. And be it enacted, That the said Commissioners shall, as to all Matters and Things done or to be done under the Provisions of the said Act of the Seventh and Eighth Years of Her Majesty, or this Act, have, use, and exercise the like Powers and Authorities and have the like Privileges as are by the said first-recited Act of the Fifth and Sixth Years of Her Majesty vested in or given to the Commissioners of Public Works, or any of them, under the said first-recited Act.

Commissioners to have same Powers, Authorities, and Privileges under this Act as under 5 & 6 Vict. c. 106.

XXV. And be it enacted, That the said herein-recited Acts of the Fifth and Sixth Years of Her Majesty's Reign and of the Seventh and Eighth Years of Her Majesty's Reign shall continue and be in full Force and Effect, save and except so far as the same are or either of them is altered by or inconsistent with any of the Provisions of this Act, and that the said Acts and this Act shall be construed together as One Act; and that in the Construction of this Act, except where the Nature of the Provisions or the Context of this Act shall exclude such Construction, the Words "Net," "Salmon," "Vessel," "River," "Person," "Proprietor," "County," and "Estuary," shall be construed to have the Meaning and extend and be applied as in the said first herein-recited Act is directed and provided; and the Words "said Commissioners," in the said recited Acts or this Act, shall be construed and mean and extend and be applied to the Commis-

Interpretation of Words in this Act.

Commissioners of Public Works for the Time being and any Commissioner to be appointed under this Act, or any One or more of them; and the Expression "Judge of Assize" shall, as to Cases arising in the County of *Dublin* or County of the City of *Dublin*, mean and include a Judge of any of Her Majesty's Superior Law Courts of Record in *Dublin* at Nisi Prius at the Sittings next after the pronouncing of any Order or Decision appealed from, or if such Sittings shall commence within Twenty-one Days after the pronouncing of any such Order or Decision, then at the Sittings next but one from the pronouncing of such Order or Decision; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Words "Close Time" or "Close Season" shall, when used in the said Acts or this Act, be construed to mean the Time or Season within which it is or may be prohibited to fish for, take, or destroy, by certain specified Means, or by any Means whatsoever, as the Case may be, any of the particular Kinds of Fish prohibited to be fished for or taken by such specified Means, or by any Means, as the Case may be, during such Time or Season.

"Salmon" to include Pollen or Fresh-water Herring.

XXVI. And be it enacted, That the Word "Salmon" in the said recited Acts and this Act shall also mean and be construed to extend to and include the Fish called Pollen or Fresh-water Herring, and the Fry and Spawn thereof; and all the Provisions of the said recited Acts and this Act for the Protection and Regulation of the Salmon Fisheries shall extend to and include such Pollen, save and except that the Close Season for said Pollen shall be the same as that fixed by said first-recited Act for Trout, unless such Close Season for Pollen shall be altered by the said Commissioners in pursuance of the Powers vested in them for altering the Close Time of any District, Lake, or River; and during the open fishing Time for such Pollen it shall be lawful that the same may be fished for or taken by such Nets or other Means as the said Commissioners shall authorize, sanction, or direct.

Alteration of Act.

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

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