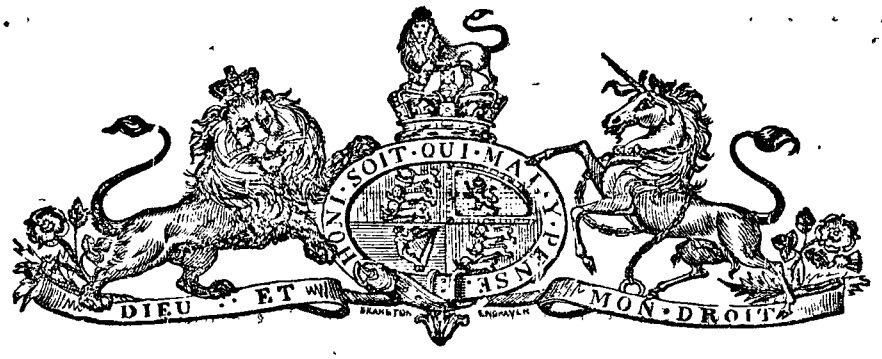


ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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CAP XCII.

An Act for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries of *Ireland*. [31st *August* 1848.]

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 the same was amended by an Act of the Seventh and Eighth Years of the Reign of Her said Majesty, and further amended by an Act of the Eighth and Ninth Years and by an Act of the Ninth and Tenth Years of Her said Majesty: And whereas by reason of the Want of Co-operation among the several Parties exercising the Rights of Salmon and Trout Fishing, and the Extent of the common or public Rights of such Fishing on the Sea Coast and in the Estuaries and Rivers of *Ireland*, and the varied and conflicting Interests involved therein, Measures have not been taken for the due Protection of these Fisheries, and the Enforcement of the Law in respect of the same; and it is expedient, with a view to the Increase and Improvement of the said Fisheries, to make Provision for more effectually carrying out the Provisions of the said Acts: And whereas it is expedient that Funds should be provided for defraying the Cost of such additional Protection, and it is just and right that the same should be levied from the Persons for the Time being using any Engine or Device whatsoever for the Capture of such Fish:

5 & 6 Vict. c. 106.

Commissioners of Public Works in Ireland to be Commissioners for the Purposes of this Act.

Fish: 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 Commissioners of Public Works in *Ireland*, as Commissioners of Fisheries, together with the Inspecting Commissioners of Fisheries herein-after mentioned, shall be Commissioners for the Execution of this Act; and shall for the Purposes of this Act and the said recited Acts have and use all the Powers, Privileges, and Authorities vested in the Commissioners for the Execution of the said Acts; and the said recited Acts and this Act shall be construed together as One Act.

Recited Acts and this Act construed as One Act.

Two existing Inspectors of Fisheries to be Inspecting Commissioners.

II. And be it enacted, That from and after the passing of this Act the Two existing Inspectors of Fisheries appointed under the Provisions of the said recited Acts shall be denominated and shall, during the Pleasure of the Commissioners of Her Majesty's Treasury, be Inspecting Commissioners of Fisheries, and shall be associated with the Commissioners of Public Works in *Ireland* for the Time being, and with them be Commissioners for the Execution of the said recited Acts and this Act; and in the Case of any Vacancy in the Office of the said Inspecting Commissioners, or either of them, by Death, Resignation, or Dismissal, it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to appoint, during their Pleasure, in the Room of each such Inspecting Commissioner so dying, resigning, or being dismissed, another Inspecting Commissioner of Fisheries, who shall be associated with the said Commissioners of Public Works in like Manner; and the said Commissioners of Her Majesty's Treasury shall be empowered from Time to Time to fix such Salaries for any such Inspecting Commissioners as they shall think fit; and such Inspecting Commissioners of Fisheries shall and may, for the Purposes of the 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 the said recited Acts or any of them vested in or given to the said Commissioners of Public Works, or any of them, as Commissioners of Fisheries; 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 Inspecting Commissioners of Fisheries, may be exercised by the said Commissioners of Public Works, or by such Inspecting Commissioners of Fisheries, or by any one or more of them.

Commissioners for executing this Act to divide Ireland into Districts for the Purposes of this Act.

III. And be it enacted, That the said Commissioners for the Execution of this Act shall, before the End of this present Year, or at any Time afterwards, as they may find it expedient, divide *Ireland* and the Sea Coast and Islands thereof into Districts for the Purposes of this Act, and shall cause the said Districts to be defined and described by suitable Notices and Maps to be published for that Purpose; and each such District shall be so formed as to embrace One or more River or Rivers, or Lake or Lakes, with the Tributaries thereof, which are frequented by Salmon, Trout, or Pollen, or Fish of the Salmon Kind, or Eels, together with such Portions of the Sea

Coast and Islands adjacent thereto as shall be described by such Maps; and the said Commissioners shall subdivide each such District into Two or more Electoral Divisions, to be called the Upper or Fresh Water and Lower or Tidal Electoral Divisions of such Districts, and upon the Maps aforesaid the said Commissioners shall cause to be delineated the Limits and Boundaries of such Electoral Divisions as aforesaid; and it shall be lawful for the said Commissioners from Time to Time, if it shall appear to them expedient or necessary so to do, to alter any such District or Electoral Division and fix other Boundaries for the same, duly publishing and describing the same as herein-before provided.

Conservators of Fisheries to be elected for each District.

IV. And be it enacted, That for each such District as aforesaid Conservators of Fisheries shall be annually elected and appointed as herein-after provided.

Commissioners to prescribe Number of Conservators to be elected from each Electoral Division.

V. And be it enacted, That the said Commissioners shall be authorized and empowered to determine and declare the Number of Conservators, not less than Three nor more than Nine, which shall be elected and returned from each such Electoral Division to represent the same, and the Persons so to be returned for each Electoral Division shall be the elected Conservators of Fisheries for the District until the next annual Election.

Owners of several Fisheries of a certain Value to be Conservators in like Manner as elected Conservators.

VI. And be it enacted, That if in any District One or more Persons shall possess a several or exclusive Fishery or Fisheries therein, as Owner, Lessee, or Occupier, valued under the Acts for the more effectual Relief of the destitute Poor in *Ireland* at One hundred Pounds yearly or upwards, he or they shall be entitled to sit with the elected Conservators for such District, and shall be deemed *ex officio* a Conservator or Conservators for the same, so long as he or they shall possess such Fishery or Fisheries, and shall have a Vote in all Matters, and shall have all the Powers and Privileges under this Act which the said elected Conservators may individually possess: Provided always, that where a Fishery so rated shall be held by several Persons as Owners, Lessees, or Occupiers, One Person alone shall sit and act as a Conservator as aforesaid in respect of such Fishery.

Elected Conservators to be chosen by the Persons paying Licence.

VII. And be it enacted, That the elected Conservators shall be elected annually by the Persons who shall have paid Licence Duty and been licensed within each Electoral Division of a District in the current Year, under the Provisions of this Act, in the Manner herein-after mentioned.

All Engines, Nets, &c. for Salmon and Trout Fishing, &c. to be licensed and pay an annual Duty.

VIII. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and forty-nine, all Engines, Nets, Instruments, or Devices whatsoever used for the taking of Salmon, Trout, Pollen, or Fish of the Salmon and Trout Kind, or for the taking of Eels, and all fixed Salmon, Trout, or Eel Fisheries within any District, or on or off the Sea Coast thereof, shall, except as herein-after provided, before the same be used in the said Year or any subsequent Year, be duly licensed and rated in the Manner herein-

herein-after prescribed, upon Payment of the Licence Duty or Rate, as the Case may be, herein-after provided.

Persons who have paid Licence Duty entitled to vote for Conservators.

IX. And be it enacted, That every Person who shall have paid Licence Duty under this Act, within and for any such Electoral Division within any Year, shall be entitled to vote at the Election of the Conservators to be chosen for such Division held for such current Year, either in Person or by Proxy, according to such Regulations and Forms for the Election as shall be fixed and directed by the Commissioners before mentioned, such Proxy being a qualified Elector, and shall be entitled to have a Vote or Votes thereat according to the following Scale; (that is to say), if the Licence Duty so paid by such Person shall not amount to Two Pounds One Vote; if the same shall amount to Two Pounds, and not to Five Pounds, Two Votes; and if the same shall amount to Five Pounds, and not to Ten Pounds, Three Votes; and if the same shall exceed Ten Pounds, Four Votes.

Votes to be cumulative.

Commissioners for Purposes of first Elections to fix and publish the Scale of Licence Duties and Rates for each District.

X. And be it enacted, That, for the Purposes of the First Meetings in each and every Electoral Division under this Act for the Election of Conservators as aforesaid, the said Commissioners shall fix and determine the Scale of Licence Duties and Rates to be paid as aforesaid in respect of all Engines, Nets, Instruments, or Devices whatsoever used for the taking of Salmon, Trout, Pollen or Fish of the Salmon or Trout Kind, and for the taking of Eels, and for all fixed Salmon, Trout, or Eel Fisheries within each District, or on or off the Sea Coast thereof, and shall give public Notice of the same within each Electoral Division, and such Scale of Licence Duties and Rates shall remain in force until the same shall be altered under the Provisions of this Act: Provided always, that such Licence Duties and Rates respectively shall not exceed the Amount of the respective Licence Duties and Rates specified in the Schedule to this Act annexed.

First Meetings of Persons paying Licence Duty for the Election of Conservators to be called by Commissioners.

XI. And be it enacted, That the said Commissioners shall appoint the Places and Times at which all Persons who shall have paid the Licence Duty as herein provided in each Electoral Division of each District for the Year One thousand eight hundred and forty-nine shall assemble in the Month of *July* in that Year, the Commissioners giving Two Weeks Notice thereof by Hand-bills and Advertisements in Two or more Newspapers circulating in such District; and all Persons who shall have paid any such Licence Duty for such Year within such Electoral Division shall be entitled to vote at such respective Meeting, and shall choose a Chairman to preside thereat: Provided always, that it shall be lawful for the said Commissioners, or any One or more of them, to attend and preside at any such first Meeting, instead of such Chairman.

Commissioners may attend and preside.

Persons assembled at such first Meetings and at future annual Meet-

XII. And be it enacted, That the Persons so assembled in each Electoral Division at such first Meetings, and at all annual Meetings for such Elections, and who shall be qualified to vote under this Act, shall have Power to elect the appointed Number of Persons as herein provided to represent them as Conservators of the Fisheries for the ensuing

ensuing Year; and it shall and may be lawful for the Chairman as aforesaid, or the said Commissioners, as the Case may be, to receive the Votes of the Persons so assembled as aforesaid, and to declare the Persons who shall have received the greater Number of Votes to be the elected Conservators as aforesaid; and the Chairman of such Meeting, or the said Commissioners, as the Case may be, shall certify under his or their Hand the Election of each Conservator, and furnish him with a Certificate, which shall be sufficient Authority for him to act as such Conservator as herein provided, and shall also within Four Days after such Election cause a List of such Conservators, with a Statement of the Residence and Post Town of each, to be transmitted to the Office of the said Commissioners; and the Persons so elected for each Electoral Division of a District shall conjointly form, with any such *ex-officio* Conservators as aforesaid, a Board of Conservators of Fisheries for such District, until the Formation of a new Board in like Manner in the ensuing Year, and so in like Manner in each succeeding Year.

ings to elect Conservators of Fisheries for the Year.

XIII. And be it enacted, That after the first Board of Conservators of Fisheries for any District shall have been formed, the Board of Conservators for each such District shall be and are hereby empowered from Time to Time, as they shall think fit, to fix and determine, subject to the Approval of the Commissioners, the Amount of Licence Duty to be paid for each Year after the Year One thousand eight hundred and forty-nine for every Engine, Net, Instrument, Weir, or Device, set forth in the Schedule to this Act, used for the taking of Salmon, Trout, Pollen or Fish of the Salmon Kind, and for the taking of Eels, within each such District, or on or off the Sea Coast thereof, and for every Engine, Net, Instrument, Weir, or Device for any such Purpose which may be proposed to be used, and which is not enumerated in the said Schedule; and the Board of Conservators are hereby also empowered to fix and determine, subject to the Approval of the Commissioners from Time to Time, the Rate *per Centum* to be paid for each Year after the Year One thousand eight hundred and forty-nine, upon the Poor Law Valuation, in the Cases of fixed and established Salmon, Trout, or Eel Fisheries, which are designated Several Fisheries, as herein-before mentioned, within each District, or on or off the Sea Coast thereof: Provided always, that no Licence Duty or Rate to be fixed by the said Conservators shall exceed the respective Amount of Duty specified in the said Schedule, or the Rate of Ten *per Centum* on the Poor Law Valuation of established or Several Fisheries; and that any Alteration in the same so to be made shall commence and have effect on and from the First Day of *January* in the then succeeding Year.

Power to Boards of Conservators, after the Year 1849, to alter and fix, subject to Approval of Commissioners, the Licence Duty and Rates.

XIV. And be it enacted, That the Board of Conservators of each District shall from Time to Time fix and determine and duly publish Notice of the Times and Places for the General Meetings of such Board, and also the Times and Places for the then next Annual Meetings of Electors in each Electoral Division for the Election of Conservators for the same.

Board of Conservators, when constituted, to fix Times and Places of Meetings.

In case of Failure of any Electoral Divisions to elect, the Conservators of other Divisions shall act for the District.

XV. And be it enacted, That if the Persons entitled to meet and elect such Representatives or Conservators in any one or more Electoral Division or Divisions of a District shall fail or neglect for any Year so to do, the Representatives or Conservators of any other One or more electoral Division or Divisions of such District for which Conservators shall have been elected shall be empowered, nevertheless, to act in all Matters and Things relating to such District under the Provisions of this Act.

On Failure of Election of any Conservators, the former Board to act.

XVI. And be it enacted, That if no One Electoral Division in a District shall in any Year elect Conservators as aforesaid, it shall be lawful for the previously existing Board of Conservators for such District to continue to act as, and to all Intents and Purposes they shall be, Conservators for such District for that Year.

Quorum of Boards of Conservators.

Chairman to have a casting Vote.

XVII. And be it enacted, That, for the Purposes of this Act, at all District Meetings of the Board of Conservators, Three of the Persons entitled and empowered to act and vote thereat, as hereinbefore provided, shall form a Quorum, and all Matters and Things shall be determined and decided by the Majority of such Persons so assembled; and if on any Matters upon which a Difference may arise the Votes shall be equal, the Chairman shall, in addition to his original Vote, be entitled to give a casting Vote.

How Meetings of Board of Conservators are to be called.

XVIII. And be it enacted, That it shall and may be lawful for any such Board of Conservators assembled at a District Meeting to fix Time and Place for holding a General Annual Meeting, and hold adjourned Meetings; and it shall be lawful for any Three Conservators from Time to Time to call Special Meetings, provided that Notice of the Place and Time of each such Special Meeting, subscribed by Three or more Conservators, or by the Clerk of the Board, on their Requisition to him, shall be inserted at least Twice in some Two Newspapers circulating in the County or Counties in which such District shall be situate, at least Ten Days before such Meeting shall be held, or that the Clerk of such Board shall, on such Requisition as aforesaid, give Ten Days Notice in Writing of such Meetings to each Conservator entitled to act within such District.

Board of Conservators at the Annual Meetings to nominate Treasurer, Clerk, Inspectors, and Water Bailiffs.

XIX. And be it enacted, That it shall and may be lawful for the Board of Conservators for each such District, at the Annual General Meeting or some other Meeting specially appointed by them before the First Day of *October* in the Year One thousand eight hundred and forty-nine, and in each subsequent Year, at any Time when it may be necessary or expedient, to nominate and appoint a Clerk or Clerks, with reasonable Salary or Salaries, as the said Board may think necessary, and to appoint some Bank to act as Treasurer or Treasurers of such Board, and also to appoint as many Inspectors and Water Bailiffs as may be necessary, with reasonable Salaries, but only to the Extent which the Funds at their Disposal will admit of, for the Protection of the Fisheries in the District, and for generally enforcing the Fishery Laws within the same: Provided always, that no elected or other Conservator shall be eligible to hold any Appointment under this Act from which any Salary or Emolument shall be derived; and it shall be

be lawful for the Board of Conservators from Time to Time to remove any such Clerks, Inspectors, or Water Bailiffs, and to nominate others in their stead.

Conservators may apply Funds of District towards providing Passes for Fish through natural and artificial Obstructions.

XX. And be it enacted, That the Board of Conservators of any District shall be and are hereby empowered to apply from Time to Time any Portion of the Funds in the Hands of the Treasurers to the Credit of such District which they may think fit, for the Purpose of making Passes in or over Weirs, or removing or making Passes in or over natural Obstructions in any River in such District, subject to the Sanction of the said Commissioners, under the Provisions of the said recited Act of the Fifth and Sixth Years of Her Majesty's Reign; and upon obtaining the Sanction of the said Commissioners it shall be lawful for the said Board of Conservators to place to the Credit of the said Commissioners such Sum of Money as shall have been for that Purpose approved and sanctioned by them, and it shall be lawful for the said Commissioners thereupon, as they shall think fit, to construct such Works and make such Alterations in the Bed of any River as shall effectually secure a free and uninterrupted Passage for Fish, or to direct and cause such Alterations to be made in any Weir, Dam, or Dyke erected in or across any River frequented by Salmon, for affording a free and uninterrupted Passage for Fish, pursuant to the Powers and Provisions of the said recited Act of the Fifth and Sixth Years of Her Majesty's Reign.

For Engines, Nets, &c. not enumerated in Schedule, Licences, before the Formation of Boards to be fixed by Commissioners, afterwards by the Board of Conservators.

XXI. And be it enacted, That for any Engine, Instrument, Net, Weir, or Device whatsoever not enumerated in the Schedule to this Act, and which may be proposed to be used for fishing for Salmon, Trout, Pollen or Fish of the Salmon or Trout Kind, or for Eels, it shall be lawful for the said Commissioners at any Time before a Board of Conservators shall be formed, and after the Formation of such Board it shall be lawful for such Board of Conservators for the District, as the Case may be, to fix and determine the Licence Duty on Payment of which the same may be used in such District, regard being had, as far as practicable, to the relative Capability of Capture and Productiveness of the same, as compared with those set forth in the said Schedule, and the relative Proportion of the Duties therein set forth: Provided always, that the Party proposing to use any such Engine, Instrument, Net, Weir, or Device not enumerated in such Schedule shall previously give Notice to some Constabulary or Coast Guard Officer of the District, or to some Inspector appointed under this Act, of his Intention to use the same, who shall and is hereby required to forward to the said Commissioners or the said Conservators, as the Case may be, a Description thereof, as to its relative Capability of Capture as compared with the Engines, Instruments, Nets, Weirs, or Devices set forth in the said Schedule, and shall furnish the Name by which it shall be designated, upon which the Commissioners or the said Conservators, as the Case may be, may authorize the Use of the same, upon Payment of the Licence Duty which they may fix, and cause the same to be inserted in the Schedule of Licences for the said District: Provided always, that Rods used singly for taking Trout, Perch, Pike, or other Fish, save and except Salmon, shall not be subject to any Licence Duty under this Act: Provided

Saving as to Rods not used for Salmon.

Provided also, that if any Person using a Rod shall, under Pretence or otherwise of fishing for Trout, Perch, Pike, or other Fish, take or kill Salmon with such Rod, such Person shall be subject to a Penalty of the like Amount as the Licence Duty for the Time being payable for a Salmon Rod, and the same shall be recoverable before a Justice or Justices in like Manner as other Penalties under the said recited Acts or this Act: Provided also, that all Cross Lines used with a Rod or Rods for taking Fish of any Kind whatsoever shall be subject to the Licence Duty payable under this Act for the Time being upon Cross Lines and Rods, until the same shall be altered as herein provided.

Penalty on using Engines, Nets, &c. without Licence.

XXII. And be it enacted, That if any Person shall use or erect any Engine, Net, Instrument, or Device whatsoever, subjected to Licence Duty as aforesaid for the taking of Salmon, Trout, Pollen or Fish of the Salmon or Trout Kind, or Eels, or by any Means fish within any fixed Salmon, Trout, or Eel Fishery in any Year, without the same respectively being duly licensed for such Year under the Provisions of this Act, every such Engine, Net, Instrument, and Devices, and such Means of Fishing, shall be forfeited and sold, or otherwise disposed of, as the Justice or Justices shall deem fit, and the entire Proceeds thereof shall be added to the general Funds of the District constituted under this Act in which the same shall be erected or used; and any Person erecting or using the same shall be liable to pay such Penalty, not less than Half nor exceeding the Whole of the Licence Duty at which under this Act the Engine, Net, Instrument, or Device he shall have been so using or erecting would for the Time being be subject to under this Act, as such Justice or Justices shall think fit; such Forfeitures and Penalties to be proceeded for and recovered under the Warrant of such Justice or Justices, in the Manner and subject to the Regulations in the said recited Act of the Fifth and Sixth Years of Her present Majesty's Reign provided as to the Recovery of Forfeitures and Penalties thereunder.

Forfeitures to be applied to the Funds of the District.

Recovery of Forfeitures and Penalties.

All Several Fisheries to be subject to an annual Rate according to Valuation.

XXIII. And be it enacted, That in all Cases of fixed and established Salmon, Trout, or Eel Fisheries which under the Provisions of the said first-recited Act are designated "Several Fisheries," or are now or may hereafter be claimed or possessed or used as Several Fisheries, whether the same be fished by means of Weirs extending entirely or partly across Rivers or Estuaries, with Boxes, Baskets, or Cruives, or be fished by means of existing natural or artificial Obstruction stopping the Fish, or by Draft, Pole, Loop, or other Nets, or by Rod and Line, or by any other Means or Device whatsoever, the Persons using, occupying, or holding such Fisheries, whether such Occupation and holding shall be by Lease, Demise, Agreement, or Tenancy at Will, or in Fee Simple, Fee Tail, or for Life, shall in each Year pay as an annual Rate, in Two equal half-yearly Gales, on the First Day of *February* and the First Day of *July*, in every Year after the passing of this Act, such Sum in addition to the Licence Duty by this Act provided to be paid for the Engines, Instruments, Nets, or Devices erected or used in fishing such Fishery, as shall be equal to the Amount of the Difference between the Sums paid by such respective

tive Persons for such Licence Duty or Duties as aforesaid, and the annual Sum of Ten *per Centum* upon the Poor Law Valuation of such Fishery, subject to such Alteration of such Per-centage as may from Time to Time be made by the Board of Conservators of the District under the Provisions of this Act.

Last-mentioned Rate recoverable before Justices as Wages, or by Civil Bill, or by Action.

XXIV. And be it enacted, That any such last-mentioned Rate may be recovered in a summary Way before any One or more Justice or Justices of the Peace, in like Manner as Wages, or by Civil Bill before the Assistant Barrister of the respective County, or by Action in the Superior Courts, at the Suit of the said Commissioners, if no Board of Conservators of the District shall have been formed, or if such Board shall have been formed, then at the Suit of the Clerk of the said Board of Conservators, as the Case may be.

Valuation of such Fisheries.

XXV. And be it enacted, That in any Cases where any such Fisheries as last aforesaid may not be or have not been valued by the Persons appointed as Valuators for the Purposes of the Poor Laws in force in *Ireland*, the said Commissioners, on the Application of the Board of Conservators, may and are hereby empowered to call upon the Poor Law Commissioners of *Ireland* to cause the same to be valued separately and distinctly from other Property for the Purposes of this Act.

Collection of such annual Rate.

XXVI. And be it enacted, That such last-mentioned Rate shall be collected by such Persons as the said Commissioners for the Execution of this Act, at any Time before the Formation of a Board of Conservators for the District, or after the Formation of such Board, then as the said Board, as the Case may be, shall from Time to Time appoint, adequate Security being taken by the said Commissioners or the said Conservators, as the Case may be, from the Persons authorized to receive the same for the duly accounting for the same and for the due Performance of the Duties which the said Commissioners or the said Conservators, as the Case may be, may prescribe for them, and the Cost of any Allowance to be made for the Collection of the same shall be charged to the Expenses of the District for which the same shall be collected.

All Monies received for Licences, Rates, Penalties, &c., in each District to be lodged in the Bank, and applied to defray the Expenses of such District under this Act.

XXVII. And be it enacted, That the total Amount of all Sums of Money received for all Licence Duties and Rates, and from the Sale of forfeited Engines, Nets, or Instruments as aforesaid, and from Penalties (save so much as shall be paid to any Informer as hereinafter mentioned) under the Provisions of this Act, shall, until the Appointment of a Treasurer for each respective District as herein provided, be lodged in the Bank of *Ireland*, to the Credit of the said Commissioners, in the Matter of the District for which the same shall have been received, and shall be applied to the Purposes of such respective District as herein provided; and regular Accounts of the Receipts and Disbursements on account of each District shall be kept and furnished by the said Commissioners, until the Appointment of such Treasurer as aforesaid; and upon the Appointment of a Treasurer of each District respectively as herein provided, the Commissioners shall cause the Monies lodged in the Bank of *Ireland*

in the Matter of such respective District to be transferred and lodged with all Accounts relating to such District to and with the respective Treasurer of such District, and thenceforth all Sums of Money received for Licence Duties and Rates, and for Forfeitures and Penalties, for each such District, shall be paid over by the Parties receiving the same to and received by such Treasurer of such District and be applied to the Purposes of such District under the Provisions of this Act; and such Treasurer shall pay such Sums of Money as shall be required for the Purposes of the District from Time to Time upon a Draft or Order signed by the Chairman at any General Meeting of the Board of Conservators and by Two other Conservators.

Form of Licences, &c.

XXVIII. And be it enacted, That all Licences under this Act shall be prepared and printed in such Form as the said Commissioners shall prescribe or from Time to Time think necessary to adopt; and a separate Licence shall be issued for each separate Engine, Net, Instrument, or Device for taking Fish, and each Licence issued before the Formation of a Board of Conservators for the District shall be stamped with the Seal of the said Commissioners, and if issued after the Formation of such Board shall be stamped with the Seal of such Board, which Seal shall be provided for such Purpose: Provided always, that the Year for which such Licence shall issue, and a Name, Number, or Letter describing the District and the Electoral Division for the Purposes of this Act in which the Licence shall be used, and the Name of the Engine, Net, Instrument, or Device for which the same shall be issued, shall be printed thereon in clear and legible Characters; and such Licence shall be only good and valid for the Year, District, and Purpose for which the same shall be issued, and for no other; and that any Party using or presenting the same for any other Year, District, or Purpose, or in any Manner altering or fraudulently counterfeiting the same, shall be liable to a Penalty, not less than the whole Amount of the Licence Duty for which the same shall have been issued, or which the Party so misusing or counterfeiting the same would be liable to under this Act, and not exceeding double the Amount of the same, at the Discretion of such Justice or Justices before whom the Offence may be tried.

Penalty for misusing or counterfeiting the same.

Penalty on Persons using or having Engines, Nets, &c. not producing Licence when required.

Parties having them for Sale, &c. exempt from Penalty.

XXIX. And be it enacted, That any Person using any such Engine, Net, Instrument, or Device as aforesaid, or having the same erected or in fishing Order, or found with the same in his Possession, in or near any Fishing Place, or going to or returning from Fishing, shall and is hereby required to produce to any of the said Commissioners or any Officer of the said Commissioners, or any Conservator of the District, or any Inspector, Water Bailiff, or Officers, or Men of the Navy, Coast Guard, or Constabulary, when demanded, the Licence for the same, under and subject to like Penalties (in case of Failure) as in the last preceding Provision mentioned: Provided always, that such Parties as shall to the Satisfaction of the Justices or Justice be proved to have them in possession as Manufacturers or Sellers of the same, and not for the Purposes of using the same within the Year in which such Demand shall be made of them respectively, shall be exempt from any such Penalty.

XXX. And

Licences how sold.

XXX. And be it enacted, That such Licences as aforesaid under this Act shall be publicly sold either by licensed Stamp Distributors, or by such Persons and in such and so many Places throughout each District, as the said Commissioners before the Formation of a Board of Conservators for the District, or after the Formation of such Board, then as such Board of Conservators, as the Case may be, shall from Time to Time appoint, adequate Security being taken by the said Commissioners or the said Board of Conservators, as the Case may be, from the Persons authorized to sell the same, for duly accounting for the same and for the due Performance of their Duty; and the Cost for any Allowance to be made for the Sale of the same shall be charged to the Expenses of the District for which the same shall be issued: Provided always, that if any Person shall have paid a Licence Duty for a Rod within any District as aforesaid, such Person shall not be liable to pay an additional Sum for a Licence in any other District by reason only of angling with a Rod in any other District.

Licences to be sold to all Persons demanding to purchase, but such Licences not to confer Rights not otherwise possessed; but not to alter Rights of Parties.

XXXI. And be it enacted, That all Persons whosoever demanding to purchase any such Licences, and tendering to any Person so appointed to distribute the same the Amount of Licence Duty for the Time being to be paid under the Provisions of this Act, shall be entitled to receive the same without any Question or Objection whatsoever arising either from the Time when, the Purpose for which, or the Right in virtue of which he or they may desire to use such Licence, or on any other Grounds whatsoever: Provided always, that nothing herein contained with reference to the Possession of any such Licence, or the Payment of the Licence Duty or Rates under this Act, shall be construed to give or confer any Right of fishing or of using any Instrument or Device for taking Fish by any Means or in any Place which the Party having or using such Licence would not have possessed if this Act had not been passed, or to alter or affect the Rights of any other Persons.

Account of Sales of Licences to be furnished.

XXXII. And be it enacted, That all Persons whom the Commissioners or Board of Conservators, as the Case may be, shall appoint to sell Licences as aforesaid, shall furnish to the said Commissioners or Board of Conservators, as the Case may be, an Account of such Sales monthly, or so often as they may require, and shall set forth in such Accounts the Sums received for Licences for each particular Engine, Net, Instrument, or Device, the Names and Residences of the Persons who shall have purchased such Licences as aforesaid, and the District and Electoral Division of such District for which such Licences shall have been obtained.

Security to be given by the Clerk of the Conservators, and Duties to be performed by him and other Officers.

XXXIII. And be it enacted, That the Board of Conservators of each District shall take sufficient Security from any Clerk whom they may appoint, and any other Officer or Person having the Care or Custody of Money to be received by virtue of this Act, for the due Execution of the Duties of his respective Office, or for duly accounting for such Money, as the said Board of Conservators shall think proper; and such Clerks shall attend the stated and other Meetings of the said Board, and shall, in a proper Book or Books to be provided for that Purpose,

Purpose, enter and keep a true Account of all the Monies 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 Board, by virtue of and under the Authority of this Act, and shall perform such other Duties as the said Board may direct; and every Conservator shall and may at all convenient Times have Access to and peruse and inspect the same, and each such Board are hereby empowered and required to cause their said Clerk to furnish to the said Commissioners annually, or as often as they may require, an Account of all Monies received and disbursed relating to each such District under the Authority of the Board of Conservators.

Powers of Inspectors and Water Bailiffs.

XXXIV. And be it enacted, That such Inspectors and Water Bailiffs as shall be appointed under the Provisions of this Act shall have, for the Enforcement of the said recited Acts and this Act, the Powers of Constables, and all the Powers and Authorities conferred on Water Bailiffs, or Officers or Men of the Constabulary Force or Coast Guard, or Navy, under the said recited Acts, or any of them.

How Fines and Penalties under recited Acts and this Act to be recovered and applied.

XXXV. And be it enacted, That all Fines, Penalties, and Forfeitures under this Act not herein-before provided for shall be recoverable in like Manner and subject to like Provisions as Penalties and Forfeitures under the Provisions of the said first-recited Act, and one Moiety of every Sum of Money levied as a Fine or Penalty for any Offence under the Provisions of the said recited Acts or this Act (save and except Penalties for Nonpayment of any such Licence Duty as aforesaid) shall be paid to the Informer or Person who shall be the Means of bringing to Justice any Person offending against any of such Provisions, and the other Moiety shall (any thing in the said recited Acts to the contrary notwithstanding) be applied to the Purposes of this Act for the District formed under this Act in which such Offence shall have been committed.

Appointment of Officers not subject to Stamp Duty.

XXXVI. And be it enacted, That the Appointment of Officers under this Act shall not be subject or liable to the Payment of any Stamp Duty.

Nothing herein to abridge the Powers of the Commissioners and Officers under recited Acts.

XXXVII. Provided always, and be it enacted, That nothing in this Act contained shall be construed to lessen or abridge the Powers conferred by the said recited Acts on the said Commissioners, or on any Inspectors, Water Bailiffs, Officers, and Men of the Navy, Coast Guard, or Constabulary, but the same shall remain and be in full Force and Effect for the Purposes of the said Acts, and for aiding the Officers, Inspectors, and Water Bailiffs to be appointed under this Act for enforcing the Provisions of the said Acts and this Act.

Commissioners may attend and advise at Meetings of Conservators.

XXXVIII. And be it enacted, That the said Commissioners shall be empowered to attend any Meeting of any Board of Conservators, held under the Provisions of this Act, and to advise, consult, and confer with them upon the Regulation, Management, and Improvement of the Fisheries, and shall and may at all convenient Times have Access to and peruse, when they shall think fit, the Books and Accounts kept for the Purposes of any District under this Act.

XXXIX. And

Defining Powers of Commissioners to alter Close Seasons.

XXXIX. And whereas by the said recited Act of the Fifth and Sixth Years of Her Majesty's Reign the said Commissioners are empowered, in manner in the said Act directed, to decide that the Period in the said Act appointed for the Close Time of the Fisheries therein mentioned respectively should cease, and that such other Period as should then be fixed upon by them as the Close Time for any of such Fisheries should be kept and observed in lieu thereof, or to alter, as therein mentioned, the Period within which it should not be lawful to hang any Coghil or other Nets in the Gaps, Eyes, or Sluices of Eel or other Weirs, or make use of fixed Engines for taking Eels, subject to the Provisions in the said Act contained: And whereas by the said Act of the Ninth and Tenth Years of Her Majesty's Reign so much of the said first-recited Act as specified the Close Time or Close Season in which no Fish of the Salmon Kind should be taken is repealed, and new Periods for the Close Time as to Fish of the Salmon Kind are by the said Act prescribed and substituted: And whereas Doubts may be entertained whether the Powers of the said Commissioners to alter the Close Time or Close Season as to such Fish of the Salmon Kind as aforesaid, under the Provisions of the said first-recited Act, are still subsisting and unaffected by the Provisions of the said Act of the Ninth and Tenth Years of Her Majesty's Reign; and for the Removal of such Doubts, be it enacted, That, notwithstanding anything in the last-mentioned Act contained, all the Powers and Authorities vested in the said Commissioners under the said first-recited Act relating to the altering the Close Time or Close Season for any such Fisheries in the said Act mentioned, and also for altering any Close Time or Close Season for any Estuary or Portion of the Sea Coast, or for any Tideways, or for any River or Lake above the Tideway or Portion thereof where the Tide ebbs and flows, prescribed and established by the said Act of the Ninth and Tenth Years of Her Majesty's Reign, shall be and remain in full Force and Effect, and may be used and exercised as to any of such Close Seasons in like Manner and subject to like Provisions as directed and contained in the said first-recited Act of the Seventh and Eighth Years of Her Majesty's Reign: Provided always, that in case the said Commissioners shall decide upon altering any of such Close Seasons as aforesaid, such Change or Alteration shall commence and take Effect at the Expiration of Six Weeks from the Date of the Publication of the said Decision in the *Dublin Gazette*, anything in the said first-recited Act to the contrary notwithstanding.

In case Commissioners alter Close Seasons, Notice to be given of the same.

Alteration of Close Season in certain Rivers above Tideways.

XL. And whereas by the said recited Act of the Ninth and Tenth Years of Her Majesty's Reign certain Periods are fixed as the Close Times or Close Seasons during which Fish of the Salmon Kind shall not be killed, destroyed, or taken, and, amongst other things, it is provided that (save as therein-after mentioned, and save in the Counties of *Antrim*, *Tyrone*, *Donegal*, *Londonderry*, *Mayo*, *Fermanagh*, *Leitrim*, and *Sligo*,) no Fish of the Salmon Kind shall be killed, destroyed, or taken by any Person or by any Means whatsoever in or from any Part of any River or Lake above the Tideway, or Portion thereof where the Tide ebbs and flows, at any Time between the Fifteenth Day of *September* in each Year and the last Day of *February* in the Year following, both the said Days inclusive; provided always, that in any such Part of any River or Lake above the

Tideway, or Portion thereof where the Tide ebbs or flows, no Fish of the Salmon Kind shall be killed, destroyed, or taken between the First and Fourteenth Days of the Month of *September*, both the said Days inclusive, by any Person by means of any Weir, Crib, Cruive, Box, Trap, Draw Net, Haul Net, Fixed Net, or other Net or Device whatsoever, save by Rods and Lines only: And whereas by means of the said Provisions the Open Time for fishing with Rods and Lines in the Portions of Rivers and Lakes above the Tideways is shorter by Fourteen Days than the Open Time for fishing in any Estuary or on the Sea Coast, or in the Tideway of any River or Lake: And whereas it is expedient and equitable to equalize the Periods of Open Time for Fishing with Rods and Lines; be it therefore enacted, That from and after the passing of this Act, as regards all Parts of *Ireland* and the Sea Coast thereof (save the said Eight Counties and the Sea Coast thereof herein-before mentioned), the Close Time during which it shall not be lawful to kill, destroy, or take Fish of the Salmon Kind, in or from any Part of any River or Lake above the Tideway with Rods and Lines only, shall be between the Twenty-ninth Day of *September* in each Year and the last Day of *February* in the Year following, both the said Days inclusive, unless and until such Close Time shall be altered by the said Commissioners under the Provisions of the said recited Acts and this Act as herein-before mentioned.

Penalty for killing or taking Fish in or from Several Fisheries.

XLI. And be it enacted, That if any Person or Persons not being authorized by the Owner, Lessee, or Occupier of a Several Fishery as defined under the first-recited Act shall enter into or upon such Several Fishery for the Purpose or under the Pretence of killing Fish therein or taking Fish therefrom, or shall kill Fish therein or take Fish therefrom, he or they shall for every such Offence forfeit and pay a Sum not less than Ten Shillings nor more than Five Pounds, the same to be recoverable in a summary Way before a Justice or Justices, as provided by the said first-recited Act of the Fifth and Sixth Years of Her Majesty's Reign.

Mininum of Penalties in certain Cases.

XLII. And whereas by the said recited Act of the Fifth and Sixth Years of Her present Majesty's Reign, in the Section of the said Act numbered Thirty-six in the Copies thereof printed by the Queen's Printers, it is provided, that the several Persons who shall commit any of the Offences in the said Section mentioned shall forfeit and pay any Sums not exceeding the several and respective Sums in the said Section mentioned: And whereas it is expedient that a minimum Penalty should be specified in each such Case; be it therefore enacted, That every Person who shall commit any of the Offences in the said Section of the said Act specified shall (in addition to any other Forfeiture thereby specified) forfeit and pay a Sum not exceeding the Sum for such Offence respectively specified in the said Section of the said Act, and not less in any Case than the Sum of Ten Shillings: Provided always, that nothing in this Act contained shall be construed to legalize any Fishery or Weir not being legal at the Time of the passing of this Act.

Act may be amended, &c.

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

SCHE-

SCHEDULE to which the foregoing Act refers.

SCALE of LICENCE DUTIES for each Engine, Net, Instrument, or Device used in Salmon, Trout, Pollen, or Eel Fisheries in Districts.

	£	s.	d.
1. Single Salmon Rods	1	0	0
2. Cross Lines and Rods	2	0	0
3. Snap Nets	1	10	0
4. Draft Nets or Seines	3	0	0
5. Drift Nets	3	0	0
6. Trammel Nets, or Draft Nets for Pollen	1	10	0
7. Pole Nets	2	0	0
8. Other Nets, or similar Engines not named above	-- Licence Duties, such as shall be fixed by Commissioners or Conservators as provided by this Act.		
9. Bag Nets	5	0	0
10. Fly Nets	5	0	0
11. Stake Nets, or Stake Weirs (Scotch)	15	0	0
12. Head Weir	3	0	0
13. For every Box, Crib, Cruive, or Drum Net in any Weir for taking Salmon or Trout	5	0	0
14. For every Gap, Eye, or Basket in any Weir for taking Eels	1	0	0
Note.—Fixed Fisheries for Salmon or Eels claimed to be "Several Fisheries," whether fished by means of fixed Weirs with Boxes, Cruives, or Rails for stopping the Fish, or by means of the Fish being stopped by Rocks or other natural or artificial Obstructions, and taken by means of Draft or other Nets	-- to be rated at Ten per Cent. on Poor Law Valuation, unless such Per-centage be reduced by the Commissioners or by the Conservators, as provided by this Act.		

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