conformably to the Conditions and Provisions of the said Act, in relation to the said *Craven* Scholarships, shall have the same Force and Effect as if the said Scholarships had been expressly named and included in the said Act as University Emoluments, and in Elections to the said Scholarships no Person shall be entitled to Preference by reason of his being of the Name or Kindred of the Founder: Provided that nothing herein or in the said Act or in such Statutes or Regulations contained shall preclude the High Court of Chancery from augmenting from Time to Time the Number of Scholars, whenever the increased Income of the Foundation shall permit.

20 & 21 Vict. c. 77.

II. 'And whereas by an Act Twenty and Twenty-first *Victoria*, Chapter Seventy-seven, 'it was enacted that "the acting Judge and Registrar of every Court, and other Person 'now having Jurisdiction to grant Probate or Administration, and every Person having the 'Custody of the Documents and Papers of or belonging to such Court or Person, shall, 'upon receiving a Requisition for that Purpose, under the Seal of the Court of Probate from 'a Registrar, and at the Time and in the Manner mentioned in such Requisition, transmit 'to the Court of Probate, or to such other Place as in such Requisition shall be specified, 'all Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, 'Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, 'Writs, Documents, and every other Instrument relating exclusively or principally to 'Matters or Causes Testamentary, to be deposited and arranged in the Registry of each 'District, or in the principal Registry, as the Case may require, so as to be easy of Reference, under the Control and Direction of the Court:" And whereas in the Case of 'the Court of the Chancellor of the University of *Oxford* it has been found inconvenient to 'separate the Testamentary Records, Instruments, and Papers of or belonging to the said 'Court from the other Records, Instruments, and Papers thereof:' Be it further enacted, That the Vice Chancellor of the said University shall, as soon as conveniently may be, cause to be made an Index to such of the Records and other Instruments and Papers whatsoever of or belonging to the said Court as relate exclusively or principally to Matters or Causes Testamentary, which shall be as accurate as the Nature of the said Records and other Instruments and Papers will permit, and shall transmit a Copy of such Index to the Principal Registrar of Her Majesty's Court of Probate, and such Transmission thereof shall be a sufficient Compliance with the above-recited Enactment of the said Act, so far as regards the Court of the Chancellor of the said University, and it shall thereafter be lawful for the said University, notwithstanding the said Act, to retain the Custody of all the Records, Documents, and Papers to which such Index shall relate: Provided that all the said Records, Instruments, and Papers shall at all convenient Times be liable to be inspected and to have Extracts or Copies taken therefrom by the Authority of the Principal Registrar of Her Majesty's Court of Probate, or of the District Registrar of the same Court at *Oxford*, on Payment of the same Fees as would have been payable if such Records, Instruments, and Papers had been deposited in the principal Registry, or in the Registry of the *Oxford* District, as the Case might have required; such Fees to be paid to the same Person or Persons as would in that Event have been entitled to receive the same; and that no Officer of the said University, or of the said Court of the Chancellor thereof, shall be entitled to receive any Fee from any Person inspecting the said Records, or taking Extracts or Copies therefrom by the Authority aforesaid.

University to retain the Custody of certain Testamentary Documents and transmit an Index thereof to Court of Probate.

CAP. XCII.

An Act to amend the Law relative to the *Scottish* Herring Fisheries.

[13th *August* 1860.]

'WHEREAS the following Acts were passed for the Encouragement and Regulation 'of the *British* White Herring Fishery; that is to say, the Acts Forty-eighth 'George the Third, Chapter One hundred and ten; Fifty-first *George* the Third, Chapter

'One

'One hundred and one; Fifty-second *George* the Third, Chapter One hundred and fifty-three; Fifty-fourth *George* the Third, Chapter One hundred and two; Fifty-fifth *George* the Third, Chapter Ninety-four; First *George* the Fourth, Chapter One hundred and three; First and Second *George* the Fourth, Chapter Seventy-nine; Fifth *George* the Fourth, Chapter Sixty-four; Seventh *George* the Fourth, Chapter Thirty-four; First *William* the Fourth, Chapter Fifty-four; Sixth and Seventh *Victoria*, Chapter Seventy-nine; Tenth and Eleventh *Victoria*, Chapter Ninety-one; and Fourteenth and Fifteenth *Victoria*, Chapter Twenty-six: And whereas it is expedient that the recited Acts should be amended, and that further Provision should be made for carrying into effect the Purposes thereof:' Be it 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, as follows:

48 G. 3. c. 110.
51 G. 3. c. 101.
52 G. 3. c. 153.
54 G. 3. c. 102.
55 G. 3. c. 94.
1 G. 4. c. 103.
1 & 2 G. 4. c. 79.
5 G. 4. c. 64.
7 G. 4. c. 34.
1 W. 4. c. 54.
6 & 7 Vict. c. 79.
10 & 11 Vict. c. 91.
14 & 15 Vict. c. 26.

I. This Act may be cited for all Purposes as "The Herring Fisheries (*Scotland*) Act, 1860." Short Title.

II. The following Words in this Act shall have the several Meanings hereby assigned to them: Interpretation of Terms.

The Words "the Commissioners" shall mean the Commissioners of the *British* White Herring Fishery:

The Word "Superintendent" shall mean and include the Naval Superintendent appointed under the Authority of the recited Acts or any of them, and the Superintendent or Superintendents appointed under the Authority of this Act:

The Words "Officer of the Fishery" shall mean an Officer of the *British* White Herring Fishery appointed under the Authority of the recited Acts or any of them, or this Act:

The Words "the Coasts of *Scotland*" shall mean and include all Bays, Estuaries, Arms of the Sea, and all tidal Waters within the Distance of Three Miles from the Mainland or adjacent Islands.

III. The Commissioners may from Time to Time, subject to the Approval of the Commissioners of Her Majesty's Treasury, appoint any Person or Persons to be Superintendent or Superintendents of the Fishery; and every Superintendent so appointed shall have and be entitled to exercise all the Powers, Functions, and Privileges which can be exercised or are enjoyed under and in virtue of the recited Acts or any of them, or this Act, by the Naval Superintendent, or by the Officers of the Fishery appointed by the Commissioners of Her Majesty's Treasury, under the Authority of the Act Forty-eighth *George* the Third, Chapter One hundred and ten, except the superintending of the curing of Herrings, and the branding of Barrels containing the same; and every Person who resists or obstructs any Superintendent in the Execution of the Duties of his Office shall be liable to a Penalty not exceeding Fifty Pounds, or, failing Payment thereof, to Imprisonment for any Period not exceeding Sixty Days. Commissioners may appoint Superintendents of the Fishery.

IV. It shall not be lawful to take or fish for Herrings or Herring Fry on the West Coasts of *Scotland*, between the Points of *Ardnamurchan* on the North and the *Mull of Galloway* on the South, at any Time between the First Day of *January* and the Thirty-first Day of *May* inclusive in any Year, nor between *Cape Wrath* on the North and the said Point of *Ardnamurchan* on the South at any Time between the First Day of *January* and the Twentieth Day of *May* inclusive in any Year, and the Commissioners may, on Application made to them, and after such Inquiry as they shall think necessary, by Regulations to be made by them from Time to Time, fix the Periods, if any, during which it shall not be lawful to take or fish for Herrings within any other Limits or Locality on the Coasts of *Scotland*; and every Person who takes or fishes for Herrings or Herring Fry in breach or contravention of the above Enactment or of any such Regulations shall be liable to a Penalty of not less than Five and not exceeding Twenty Pounds for every such Offence; and all Nets used for taking or fishing for Herrings in breach or contravention of the above Enactment or of any such Regulations may be seized by the Superintendent, or any Person acting under his Orders, or by any Officer of the Fishery, or by Order of any Sheriff, Commissioners may fix Periods during which the Herring Fishing may not be carried on.

Sheriff, Justice of the Peace, or Magistrate having Jurisdiction under this Act, and shall be forfeited.

Commissioners may make Regulations for the Management and Protection of the Herring Fisheries, and Preservation of Order.

V. The Commissioners may from Time to Time make such Regulations as they think fit for the more effectual Government, Management, and Protection of the Herring Fisheries on the Coasts of *Scotland*, and for the Preservation of Order among the Persons engaged therein; and every Person who commits any Breach or Contravention of any such Regulations shall be liable to have his Boat detained by the Superintendent, or any Person acting under his Orders, or by any Officer of the Fishery, or by Order of any Sheriff, Justice, or Magistrate having Jurisdiction under this Act, and shall be liable to a Penalty of not less than Five and not exceeding Twenty Pounds for every such Offence.

Commissioners may prohibit the Use of Trawl, Beam, and Drag Nets.

VI. The Commissioners may, on Application made to them, and after such Inquiry as they shall think necessary, by Regulations to be made by them from Time to Time, prohibit on the Coasts of *Scotland*, and within such Limits and for such Periods as they may think fit, the Use of any Trawl, Drag, or Beam Net which, in the Opinion of the said Commissioners, is injurious to the Spawn of Herring, or otherwise to the Herring Fishery; and every Person who commits any Breach or Contravention of any such Regulations shall be liable to a Penalty of not less than Five and not exceeding Twenty Pounds for every such Offence: Provided, that this Provision shall not in any way affect any of the Prohibitions or Requirements of any of the recited Acts in so far as relates to fishing for Herrings.

Commissioners may rescind Regulations, &c.

VII. The Commissioners may from Time to Time rescind, alter, or amend any Regulation or Regulations made by them under the Authority of this Act.

Regulations to be approved by the Lords of the Treasury, and to be published.

VIII. All Regulations made by the Commissioners under the Authority of this Act shall, before taking effect, be submitted to and approved by the Commissioners of Her Majesty's Treasury, and shall thereafter be published by printed Copies thereof being posted up in conspicuous Positions near the Harbours or other Places frequented by Fishermen in the Districts or Places to which the Regulations shall apply, and by printed Copies thereof being deposited with every Officer of the Fishery in such Districts or Places, and in the Office of the Sheriff Clerk of the County, and also by Advertisement inserted in some Newspaper published or circulated in such Districts or Places, either setting forth such Regulations in full, or intimating that such Regulations have been made and that Copies thereof are lodged with the Officers of the Fishery as aforesaid, all in such Manner as the Commissioners shall direct; and on such Regulations being so published it shall not be any Defence against Proceedings for the Enforcement of any Penalty or Forfeiture incurred by any Breach or Contravention thereof, that the Person charged with such Breach or Contravention was ignorant of such Regulations: Provided that such Regulations shall be so published at least Two Weeks before taking effect; and a printed Copy of any Regulation signed by the Secretary of the Commissioners for the Time being shall be Evidence of the Terms of such Regulation, and that the same has been duly published, reserving to any Person having Interest the Right to prove that the same was not so published.

Penalty under Sect. 6. of 14 & 15 Vict. c. 26. declared.

IX. Every Person committing any Breach or Contravention of the Provisions of the Sixth Section of the Act Fourteenth and Fifteenth *Victoria*, Chapter Twenty-six, shall for each Offence be liable to a Penalty of not less than Five and not exceeding Twenty Pounds for every such Offence, and every Net used in contravention of the said Act shall be forfeited.

Nets and Fishing Implements when found to be delivered to the Commissioners or their Secretary, and, unless liable to Forfeiture, to be restored to the Owners, or if not claimed to be sold.

X. All Nets, Buoys, Floats, or other Fishing Implements or Apparatus whatsoever, abandoned and found by or delivered to the Superintendent or any Officer of the Fishery, shall be held subject to the Orders and at the Disposal of the Commissioners or their Secretary, and shall, unless the same are liable to Forfeiture under the Provisions of the recited Acts or any of them, or of this Act, be restored to the Owner thereof or his Representatives, on Evidence being produced of his or their Right thereto: Provided that if the same shall not be claimed and Evidence of the Right thereto produced by the Person claiming the same within the Space of One Year, such Nets or other Implements shall, if not liable to Forfeiture as aforesaid, be sold by Public Auction by the Commissioners, and the Price

Price thereof, after deducting Expenses, shall be accounted for to the Commissioners of Her Majesty's Treasury.

Fishing Boats and Implements of Fishing to be marked and numbered, and if not marked and numbered, may be seized and detained.

XI. All Fishing Boats used for the Purpose of fishing for Herrings on the Coasts of *Scotland*, and the Sails and Buoys and principal Floats of each Net, and all other Implements of Fishery belonging to such Boats, shall be marked in such Manner as the Commissioners may direct by Regulations made and published as herein mentioned; and every such Boat, Sail, Buoy, Net, or other Implement of Fishery which shall not be so marked and numbered as aforesaid may be seized by the Superintendent or any Person acting under his Orders, or by any Officer of the Fishery, or by Order of any Sheriff, Justice, or Magistrate having Jurisdiction under this Act, and shall be detained for such Period not exceeding One Month as the Superintendent shall determine.

Sect. 46. of 48 G. 3. c. 110. repealed, and Names of Owners to be painted on Boats.

If Names not painted on Boats they shall be detained.

XII. The Forty-sixth Section of the Act Forty-eighth *George* the Third, Chapter One hundred and ten, is hereby repealed; and from and after the passing of this Act the Owner of every Boat which shall be employed in the Herring Fishery shall paint, or cause to be painted in a distinct and legible Manner upon the Stern of such Boat, in White or Yellow Roman Letters of Two Inches in Length, on a Black Ground, the Name of the Owner of the Boat, and the Port or Place to which she belongs; and every Boat employed in the Herring Fishery on which such Names as aforesaid shall not be painted in manner before directed shall be detained for a Period not exceeding One Month, and may be seized by the Superintendent or any Person acting under his Orders, or by any Officer of the Fishery, or by Order of any Sheriff, Justice, or Magistrate having Jurisdiction under this Act.

Nets other than Drift Nets to be laid aside during Fishery, and if not laid aside may be seized and forfeited.

XIII. For the Purposes of the Provisions of the Sixth Section of the Act Fourteenth and Fifteenth *Victoria*, Chapter Twenty-six, the Herring Fishery shall be held to be carried on whenever Herrings are being caught, and every Net, other than Drift Nets, which, in the Opinion of such Commissioners, may be used for the Purpose of taking Herrings in contravention of the said Act, shall during the whole Time of such Herring Fishery be removed and laid aside, or shall be liable to be seized and forfeited, and the Owner thereof to be proceeded against accordingly; and the finding of any such other Net in any open Place, and not removed and laid aside as aforesaid, shall be held *primâ facie* Evidence of the Purpose of the Possessor of such Net to use the same in contravention of the Provisions of the recited Acts or of this Act; and unless such Possessor shall prove to the Satisfaction of the Sheriff, Justice or Justices of the Peace, or Magistrate, before whom he may be prosecuted, that such Net was not intended to be used for any such unlawful Purpose, such Net shall be forfeited and destroyed, and the Possessor thereof shall be liable in the Penalty imposed by the Sixth Section of the said Act; and, in addition to any Superintendent or Person acting under his Orders, or any Officer of the Fishery, every Constable or Officer of the Police of any County or Burgh acting under the Authority and Orders of the Sheriff or any Justice of the Peace or Magistrate of such County or Burgh shall, for the Purpose of enforcing the Provisions of the Sixth Section of the said Act, have within such County or Burgh the Power to seize any such Net in order to the Condemnation and Forfeiture thereof; and on the Requisition of any Superintendent or other Officer of the Fishery, any Constable or Officer of Police shall be entitled to assist and co-operate with him or them in the Execution of this Act.

Mode of enforcing Fines, Forfeitures, and Penalties.

XIV. It shall be lawful for the Superintendent or any Officer of the Fishery, or for the Procurator Fiscal of any County or Burgh, to apply by Petition in the Form of Schedule (A.) to this Act annexed, or as nearly so as may be, to any Sheriff, Justice of the Peace, or Magistrate having Jurisdiction in such County or Burgh, to grant Warrant to search for and seize any Net or other Fishing Apparatus prohibited by or used or intended to be used in contravention of any of the recited Acts or this Act; and any Forfeiture or Penalty imposed by or incurred under the Provisions of the recited Acts or any of them, or of this Act, may be sued for, enforced, and recovered, with Expenses, in the Form and Manner directed or provided by the recited Acts or any of them, or by Petition or Complaint presented by or in the Name of the Secretary of the Commissioners for the Time being, or the Superintendent or any Officer of the Fishery, or any Procurator Fiscal within the County

or Burgh where the Offence has been committed or is to be tried, or at the Instance of any Person or Persons who may prosecute the same, to the Sheriff or any Two or more Justices of the Peace or Magistrates having Jurisdiction as herein-after provided; and where Proceedings are so taken by Petition or Complaint the same may be served by any Officer of the Law or any Officer of the Fishery; and it shall be lawful for the Sheriff, Justice, or Magistrate to summon the Person complained of to appear personally at any Time or Place to be named in the Summons; and if such Person shall not appear accordingly then (upon Proof of the due Service of the Summons by delivering a Copy thereof to such Person, or at his usual Place of Abode to some Inmate thereat, and explaining the Purport thereof to such Inmate,) either to proceed to hear and determine the Case in the Absence of such Person or to issue his or their Warrant for apprehending and bringing such Person before him or them, as the Case may be, or (if satisfied from Information on Oath that such Person is likely to abscond) to issue such Warrant in the first instance without any previous Summons, and the Person in whose Name such Petition or Complaint shall be presented shall be entitled to and have the Benefit of all the Privileges, Protections, and Provisions given and conferred by any Act or Acts to or for Officers of the Customs and Excise on the Occasion of their acting in the Execution of their respective Offices, as to any Action or Suit or any Matter relating thereto; and all Penalties imposed and recovered under the Provisions of the recited Acts or any of them, or of this Act, shall be appropriated and disposed of in Terms of the Act Forty-eighth *George* the Third, Chapter One hundred and ten.

Judges who may try Offences, and Mode of Enforcement of Orders and Sentences.

XV. It shall be competent to try all Offences under the recited Acts or any of them, or this Act, before any Sheriff or any Two or more Justices of the Peace or Magistrates having Jurisdiction in the Place where the Offence was committed, or where the Offender resides or is found, or if Offenders charged with the same Offence reside within different Jurisdictions, then before any Sheriff or any Two or more Justices of the Peace or Magistrates having Jurisdiction in the Place, or within the County or Burgh, where any One of such Offenders resides or is found; and all Orders or Warrants of Service or Citation, Judgments, Sentences, Convictions, or other Warrants of Execution, may be served or enforced upon or against any Offender, or his Goods or Effects, or any Witness, in any other County, Burgh, or Place where such Offender or Witness resides or is found, or where the Goods and Effects of any Offender are found, as well as in the County, Burgh, or Place where the same are issued, provided the same be endorsed by the Sheriff or a Justice of the Peace or Magistrate of such other County, Burgh, or Place; and such Endorsation shall be sufficient Authority to the Sheriff Officers or Constables of both Jurisdictions respectively to put such Orders, Warrants, Judgments, Sentences, Convictions, or other Warrants into execution within such other County, Burgh, or Place.

Jurisdiction where Offence committed on the Coasts.

XVI. Where any Offence under the recited Acts or any of them, or this Act, shall be committed on the Coasts of *Scotland*, such Offence shall be held to have been committed within the County or either of the Counties next adjacent to the Place where such Offence was committed.

Petitions, Orders, and Sentences may be in a Summary Form as in Schedule (B.)

XVII. Any Petition or Complaint, and Proceedings following thereon, before the Sheriff or Justices of the Peace or Magistrates before whom any Person or Persons shall be complained of or proceeded against for any Offence under the Provisions of the recited Acts or any of them, or of this Act, and the Orders, Warrants, Judgments, Sentences, and Convictions therein, may be in a Summary Form, and may be printed or written, or partly printed and partly written, and may be in the Form of Schedule (B.) to this Act annexed, or as nearly so as may be; and the same, or Extracts thereof, signed by the Clerk of Court, shall be sufficient Authority to any Officer of the Law or Officer of the Fishery to serve such Petition or Complaint, and to any Officer of the Law to enforce such Orders, Warrants, Judgments, Sentences, and Convictions; and the same or Extracts thereof shall be endorsed as hereinbefore provided, if they are to be enforced in any other Jurisdiction than that in which they were issued: Provided that all Citations to Offenders shall be served at least Six Days previous to the Day of Trial therein specified.

No Record of Evidence necessary, and

XVIII. It shall not be necessary to have any written Record of Evidence in any Petition or Complaint or Proceedings under the Provisions of the recited Acts or any of them, or of this

this Act; and such Petitions or Complaints, and the Orders, Warrants, Judgments, Sentences, Convictions, and Proceedings therein, shall not be quashed or vacated for Want of Form, and shall not be subject to Appeal or Review in any Court, or by any Process whatsoever except as herein-after provided. Proceedings not to be quashed or reviewed.

XIX. It shall be lawful for any Person who shall have been found liable to any Penalty under the Provisions of any of the recited Acts or of this Act, in case such Penalty shall not be of less Amount than Ten Pounds, within Two Days of such Conviction, to require the Judge before whom he shall have been tried, or the presiding Judge if more than One, to state in Writing the material Facts of the Case, proved in Evidence at the Trial, and any Circumstances which such Judge may deem to be important with reference to the Sentence pronounced; and the Judge shall thereafter authenticate such Statement with his Signature, and deliver the same to the Defender or his Agent, and the Defender may thereupon appeal to the next Circuit Court of Justiciary, or, where there are no Circuit Courts, to the High Court of Justiciary at *Edinburgh*, in the Manner and by and under the Rules, Limitations, Conditions, and Restrictions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, for taking away and abolishing heritable Jurisdiction in *Scotland*, with this Variation, that such Person shall, in place of finding Caution in the Terms prescribed by this Act, be bound to find Caution to pay the Penalty or Forfeiture and Expenses awarded against him by the Sentence appealed from in the event of the Appeal being dismissed or not insisted in, together with any additional Expenses that may be awarded by the Court on deciding or dismissing the Appeal. Appeal.

XX. All Boats, Nets, Buoys, Floats, or other Fishing Implements or Apparatus which shall be forfeited under the Provisions of the recited Acts or any of them, or of this Act, or of any Regulation to be made by the Commissioners as herein provided, may be either sold by Public Auction, or destroyed by the Commissioners, as they shall think fit; and in Cases of Sale the Proceeds, after deducting Expenses, shall be accounted for to the Commissioners of Her Majesty's Treasury, or, if the Magistrate declaring the Forfeiture shall so direct, One Half thereof shall be paid to the Captor or Informer. Boats, Nets, &c. forfeited may be sold or destroyed. As to Proceeds in case of Sale.

XXI. It shall be lawful for any Sheriff or Justices of the Peace or Magistrates who shall try any Petition or Complaint under the Provisions of the recited Acts, or any of them, or of this Act, and who in pronouncing Sentence shall decern against any Offender for Payment of any Penalty or Expenses, to grant Warrant (failing Payment of the Penalty or Expenses so decerned for, or Security therefor being found to the Satisfaction of the Clerk of Court) for the Recovery of such Penalty and Expenses by Poinding and Imprisonment, and for imprisoning such Offender for any Period not exceeding Thirty Days, unless such Penalty and Expenses be sooner paid; and such Warrant may be carried into execution by the Imprisonment of the Offender in any Prison within the Jurisdiction where the same was issued, or, after such Warrant is endorsed as herein provided, in any Prison within any other Jurisdiction where he may be found. Judge may grant Warrant of Imprisonment, failing Payment of or Security for Penalty and Expenses.

XXII. Any Person found in the Act of committing any Offence in contravention of the Provisions of the recited Acts or any of them, or of this Act, and refusing, when required by any Officer of the Fishery or any Officer of Police, to state his Name and Place of Residence, may be apprehended and brought before any Sheriff, Justice of the Peace, or Magistrate having Jurisdiction, who shall forthwith examine and discharge or commit such Person until Caution *De judicio sisti* be found, as the Case may require: Provided that such Person shall not be detained more that Twenty-four Hours without the Warrant of a Sheriff, Justice of the Peace, or Magistrate for such Detention. Persons found committing Offences may be apprehended.

XXIII. It shall be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent under the Seal appointed to be kept and used in *Scotland* instead of the Great Seal thereof, to nominate and appoint any Number of Persons, not exceeding Five, to be Commissioners of the *British* White Herring Fishery, in addition to the Commissioners appointed under the recited Acts of the Forty-eighth and Fifty-fifth *George* the Third and Tenth and Eleventh *Victoria*, and the other Acts before recited. Her Majesty may appoint Five additional Commissioners.

XXIV. No

Limitation of Actions.

XXIV. No Prosecution or other Proceeding whatever shall be brought or commenced against any Person for any Offence against this Act or the recited Acts, unless the same shall be commenced within Six Months after such Offence shall have been committed.

Regulations to be laid before Parliament.

XXV. All Regulations made by the Commissioners under the Authority of this Act shall, so soon as the same have been approved by the Commissioners of Her Majesty's Treasury, be laid before both Houses of Parliament forthwith, if Parliament be then sitting, or, if Parliament be not then sitting, immediately on the assembling of the then next Session of Parliament.

Act not to apply to Ireland or the Isle of Man.

XXVI. Nothing in this Act contained shall be held or construed to apply to Fishing on the Coasts of *Ireland* or the *Isle of Man*.

SCHEDULE (A.)

Unto the Honourable the Sheriff *or* Her Majesty's Justice or Justices of the Peace *or* Magistrate of the County or Burgh of

The Complaint of *A.B.*

Humbly showeth,

That the Complainer has good Reason to believe that a Net [*or Nets or other fishing Apparatus*] prohibited by or used or intended to be used in contravention of "The Herring Fisheries (Scotland) Act, 1860," or the Acts therein recited, or one or other of the said Acts, is situate and to be found [*describe the Place*].

May it therefore please your to grant Warrant to search for and seize the said Net [*or other fishing Apparatus*], to be dealt with in Terms of the said Acts or any of them.

WARRANT [*to be endorsed on Complaint*].

[*Place and Date*].

Grants Warrant as craved.

(Signed) *A.B.*, Sheriff.
_____ Justice of the Peace.
_____ Magistrate.

SCHEDULE (B.)

FORMS OF PROCEEDINGS.

COMPLAINT.

Unto the Honourable the Sheriff *or* Her Majesty's Justice or Justices of the Peace *or* Magistrate of the County or Burgh of

The Complaint of *A.B.*

Humbly showeth,

That *C.D.* has been guilty of a Contravention of "The Herring Fisheries (Scotland) Act, 1860," or of the Act [*specify the Act or Acts*] therein recited, or of one or other of the said Acts, in so far as [*here describe the Offence generally, and state the Time and Place when and where the same was committed*], whereby the said *C.D.* has incurred the Forfeiture [*or* Penalty] of , provided by the Section [*or* Sections] of the said Act [*or* Acts].

May it therefore please your to grant Warrant to summon the said *C.D.* to appear before to answer to this Complaint, and to be dealt with in Terms of the said Acts or one or other of them.

According to Justice, &c.

[*Signed by Complainer or Informer.*]

WARRANT.

WARRANT.

[*Place and Date.*]

Having considered the foregoing Complaint, grants Warrant to summon the said *C.D.* complained of to compear before [*Sheriff, Justices of the Peace,* or *Magistrate and Place and Time,*] and that by serving the said *C.D.* with a Copy of the foregoing Complaint and of this Deliverance; and also grants Warrant for citing Witnesses at the Instance of both Parties, to attend at the same Place and Time.

[*Sheriff, Justice of Peace, or Magistrate.*]

SENTENCE.

[*Place and Date.*]

The [*Sheriff, Justices of the Peace,* or *Magistrate*], in respect of the Evidence adduced [*or* of the judicial Confession of the said *C.D., as the Case may be*], convicts the said *C.D.* of the Offence charged, and decerns and adjudges him to forfeit and pay to the Complainer the Sum of of Penalty, with the Sum of of Expenses, One Half of the said Penalty to be retained by the Complainer, and the other Half thereof [*or as the Case may be*] to be paid and accounted for by him to the Commissioners of Her Majesty's Treasury; and failing Payment by the said *C.D.* forthwith* grants Warrant for Recovery of the said Penalty and Expenses by Poinding of his Goods and Effects, and summary Sale thereof on the Expiration of not less than Forty-eight Hours after such Poinding; appoints a Return or Execution of such Poinding and Sale to be reported within Eight Days from this Date, and in the meantime grants Warrant for detaining the said *C.D.* in the Prison of until such Return be reported.

* [*If it shall appear at the Trial that no sufficient Poinding can be made within the Jurisdiction of the Sheriff, Justices of the Peace,* or *Magistrate, say here,* "and in respect it appears that no sufficient Poinding and Sale can be had whereon to levy the said Penalty and Expenses, grants Warrants to imprison the said *C.D.* in the Prison of for the Space of from this Date, unless the said Penalty and Expenses be sooner paid, and decerns."]

SENTENCE OF FORFEITURE.

The [*Sheriff, Justice of the Peace,* or *Magistrate*] in respect of the Evidence adduced [*or* of the judicial Confession of the said *C.D., as the Case may be*], finds that a Net [*or Nets or other fishing Apparatus*] prohibited by or used or intended to be used in contravention of "The Herring Fisheries (Scotland) Act, 1860," or of the Act [*specify the Act*] therein recited, has been forfeited in Terms of the said Act or Acts, and declares the same to be forfeited accordingly [and further, *if the Magistrate see Cause,* appoints One Half of the Proceeds thereof, when sold, to be paid to *E.F.*, the Captor *or* Informer.]

WARRANT OF IMPRISONMENT.

To be granted in case of a Return being made that no sufficient Goods and Effects could be found.

[*Place and Date.*]

The [*Sheriff, Justice of the Peace,* or *Magistrate*], in respect of the Return made that no sufficient Effects can be found whereon to levy the said Penalty and Expenses, grants Warrant to imprison the said *C.D.* in the Prison of for the Space of from this Date, unless the said Penalty and Expenses be sooner paid and decerns.

WARRANT OF LIBERATION.

[*Place and Date.*]

The [*Sheriff, Justice of the Peace,* or *Magistrate*], in respect of the Return of a sufficient Poinding and Sale of the Effects of the said *C.D.* [*or* in respect of Payment having been made of the said Penalty and Expenses, *as the Case may be*], grants Warrant to the Keeper of the Prison of for the immediate Liberation of the said *C.D.*, and decerns.

CAP. XCIII.

An Act to amend and further extend the Acts for the Commutation of Tithes in *England* and *Wales*. [13th *August* 1860.]

'WHEREAS an Act was passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled '*An Act for the Commutation of Tithes in* England *and* Wales, and the said Act has been 'amended, and the Provisions thereof have been extended, by Acts passed in the Sessions 'of Parliament held in the First Year, the First and Second Years, the Second and Third 'Years, the Third Year, the Fifth and Sixth Years, the Ninth and Tenth Years, and the 'Tenth and Eleventh Years of the Reign of Her present Majesty: And whereas it is 'expedient that the said Acts should be amended, and that the Provisions thereof should 'be further extended in manner herein-after mentioned:' Be it 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, as follows:

6 & 7 W. 4. c. 71.

Corn Rents under Local Acts may be converted into Tithe Rentcharge.

I. Where Corn Rents are payable by virtue of any Local Act of Parliament, in commutation of the whole or Part of the Tithes of any Parish, and such Corn Rents shall be subject to Variation at certain Periods under the Provisions of the same Act, the Commissioners, upon the Application in Writing of the Owners of Lands liable to the Payment of the major Part in Value of such Corn Rents, or of the Persons to whom a major Part in Value of such Rents are payable, at any Time at which the said Corn Rents might be subjected to Variation under such Local Act, or at any other Time, upon the joint Application in Writing of the Owners of Lands liable to the Payment of the major Part in Value of such Corn Rents, and of the Persons to whom a major Part in Value of such Rents are payable, may by an Award under their Hands and Seal convert the same into a Rentcharge, to be thenceforth and for ever thereafter payable, in like Manner and subject to the like Incidents as Rentcharges awarded under the said recited Acts are payable and subject to: Provided always, that nothing in this Act contained shall be construed to render any such Rentcharge liable to Parochial or other Rates or Taxes from which the Corn Rents in respect of which such Rentcharge shall have been awarded were free and exempt.

County or Towns from whose Returns Average to be calculated.

II. Wherever the Local Act provides that the average Prices upon which any Corn Rents shall be varied shall be taken from any County or from Towns from which Corn Returns are made, the Commissioners shall calculate the Rentcharge to be awarded by them in lieu of such Corn Rents upon the Returns for such County or such Towns; and where no Corn Returns are made from the Towns so named, the Commissioners shall select Two Towns in the same or any adjoining County from which there are Returns, and give Notice thereof in such Manner as to them shall seem fit, and shall appoint a Time (being not less than Twenty-one Days from the Date of the Notice) within which Objections to such Selection may be signified in Writing to the Commissioners by any Person interested, and if there be any such Objections the Commissioners shall consider the