ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 2.

An Act for amending an Act of the Forty-fourth Year of His present Majesty, for regulating certain Fisheries in the County of *Cumberland*, and other Places therein mentioned; so far as respects the Fishery in the River *Derwent*.

[13th *March* 1809.]

WHEREAS an Act was passed in the Forty-fourth Year of the Reign of His present Majesty, intituled, *An Act for the better regulating and improving the Fisheries in the Arm of the Sea between the County of* Cumberland *and the Counties of* Dumfries *and* Wigton, *and the Stewartry of* Kirkcudbright, *and also the Fisheries in the several Streams and Waters which run into or communicate with the said Arm of the Sea*, whereby it was enacted, That no Person whomsoever should fish for, take, kill or destroy, or attempt to take, kill or destroy any Salmon, Gilse, Sea Trout or Whiting, otherwise, Herling, in the said Arm of the Sea, or in any River, Stream or Water, which communicates with the said Arm of the Sea, within the respective Times therein mentioned, and more particularly in the River *Derwent*, in the County of *Cumberland*, as well as in other Rivers in the same County, and in the County of *Dumfries* and Stewartry of *Kirkcudbright*, at any Time or 44 G. 3. c. 45.

Times between the Twenty-fifth Day of *September* in any Year, and the Tenth Day of *March* then next following, nor ſhould any Perſon kill or wound any Salmon, Gilſe, Sea Trout or Whiting, otherwiſe Herling, with any Spear, Lyſter, Harpoon, Crook or other Inſtrument, in the ſaid Arm of the Sea, or in any of the Rivers or Waters aforeſaid, at any Time between the Twenty-fifth Day of *September* in any Year, and the Tenth Day of *March* then next following, upon Pain that all and every Perſon and Perſons ſo offending, ſhould forfeit and pay the ſeveral Sums, and to be recovered in the Manner therein mentioned: And it was by the ſaid Act further enacted, That no Perſon ſhould at any Time or Times in the Year uſe in any River, Stream or other Water which communicates with the ſaid Arm of the Sea, any Grate, Heck, Gate, or other Engine or Device whatſoever, and for the Purpoſes of a Grate, Heck or Gate, in any Fiſhery, Fiſh Lock, Coop, Bay or other Work in any River, Stream or other Water, within any of the Counties or Stewartry aforeſaid, whereof the Bars or Stops ſhould be otherwiſe than perpendicular and of an oval Shape, with the Edges rounded off, and whereof the Width or Space between each Bar or Stop ſhould be of a leſs Size, Square or Width than Three Inches (except as therein mentioned, and alſo except in the River *Eſk*, where it ſhould be lawful to uſe any Grate, Heck or Gate, whereof the Width or Space between each Bar or Stop ſhould not be of leſs Size, Square or Width, than One Inch at the leaſt): And whereas the Right Honourable *William* Earl of *Lonſdale*, Knight of the moſt Noble Order of the Garter, is, or claims to be the ſole Owner and Proprietor of the Fiſhery in the River *Derwent* in the ſaid County of *Cumberland*, in the ſaid recited Act mentioned, from the Sea Eaſtward as far as the Manors of *Seaton* and *Stainburn* extend, and it had, before the paſſing of the ſaid recited Act, been the Uſage and Cuſtom to fiſh, and to take and catch Fiſh in the ſaid River during the whole Year, except from the Tenth Day of *October* to the Tenth Day of *February*, and the Reſtriction in the ſaid recited Act of and from fiſhing, and the taking and catching Fiſh from the Twenty-fifth Day of *September* to the Tenth Day of *March*, has been and will be a great Detriment and Loſs to the ſaid Earl of *Lonſdale*; and it had been alſo the Uſage and Cuſtom to uſe Grates, Hecks and Gates in the ſaid River *Derwent*, of the Width of One Inch and an Half, for the taking and catching of Fiſh, and therefore the Reſtriction in the ſaid Act of and from uſing Grates, Hecks or Gates, of the Width of Three Inches, has been and will be a great Loſs to the ſaid Earl of *Lonſdale*, unleſs ſome Relief is granted to him in thoſe Reſpects: May it therefore pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the ſaid Earl of *Lonſdale*, and the Owners and Occupiers for the Time being of the ſaid Fiſhery in the ſaid River *Derwent*, with ſuch other Perſons as they or any of them ſhall from Time to Time authorize ſo to do, to fiſh for, take, kill and deſtroy any Salmon, Gilſe, Sea Trout or Whiting, otherwiſe Herling, and any other Fiſh, in the ſaid River *Derwent*, or in the Arm of the Sea adjoining thereto, at any Time or Times on and between the Twenty-fifth Day of *September* and the Tenth Day of *October*, and alſo on and between the Tenth Day of *February* and the Tenth Day of *March*, in every or any Year; and alſo that they ſhall and may on and from the ſaid Twenty-fifth Day of *September* to and on the

Power to take Fiſh in the River Derwent.

Tenth Day of *October*, and on and from the Tenth Day of *February* to and on the Tenth Day of *March*, continue any Fiſhing Boat, Trow, Net, Grate, Heck, Gate, Hook, Trap or Device, which ſhall have been uſed or intended to be uſed in lawful Times of the Year for the Purpoſes of ſtopping, taking or killing of Salmon, Gilſe, Sea Trout or Whiting, otherwiſe Herling, or any other Fiſh, upon, in or near the ſaid River *Derwent*, and the Sides and Banks thereof; any Thing in the ſaid recited Act contained to the contrary thereof in anywiſe notwithſtanding.

Power to uſe Hecks, Nets, Grates, &c. of One Inch and an Half wide.

II. And be it further enacted, That it ſhall and may be lawful for the ſaid Earl of *Lonſdale*, and the Owners and Occupiers of the ſaid Fiſhery in the ſaid River *Derwent*, and his and their Servants and other Perſons employed by him or them, to erect, place and make uſe of any Grate, Heck, Gate, Net or other Device for the taking and catching of Fiſh, of the Width or Space between each Bar, Stop or Meſh, of One Inch and an Half; any Thing in the ſaid recited Act contained to the contrary notwithſtanding.

Public Act.

III. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

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