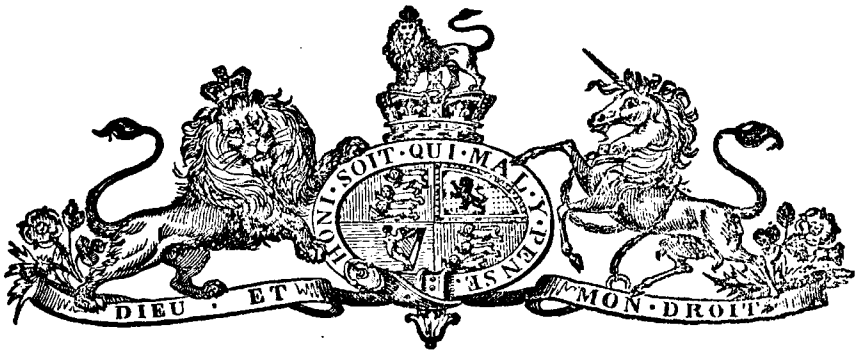


ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

***

"Justice" or "Justices" shall mean any Justice or Justices of the Peace acting for the County, City, or Burgh where the Matter requiring the Cognizance of such Justice or Justices shall arise:

"Secretary of State" shall mean One of Her Majesty's Principal Secretaries of State:

"Proprietor" or "Proprietors" shall mean and include any Person, Company, or Corporation who is the Proprietor of a Salmon Fishery, or who receives or is entitled to receive the Rents of such Fishery on his or their own Account, or as Trustee, Guardian, or Factor for any Person, Company, or Corporation, and shall also include Her Majesty in right of Her Crown:

"Byelaw" and "Byelaws" shall include all Rules, Orders, and Regulations made by the Commissioners under the Authority of this Act:

"Salmon" shall mean and include Salmon, Grilse, Sea Trout, Bull Trout, Smolts, Parr, and other migratory Fish of the Salmon Kind:

"Fisheries" and "Fishery" shall mean Salmon Fisheries and a Salmon Fishery in any River or Estuary or in the Sea:

"River" shall include Tributaries and any Lake from or through which any River flows:

"Valuation Roll" shall mean the Valuation Roll in force for the Time for any County, and each of the Royal Burghs therein, made up under the Authority of the Public General Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, or any other Act relating to the Valuation of Lands and Heritages in *Scotland* which may be in force for the Time.

Commencement of Act.

3. The Enactments and Provisions of this Act with respect to the Appointment, Powers, and Duties of the Commissioners, and the Election, Powers, and Duties of District Boards, shall come into operation and take effect from and after the passing of this Act, and all the other Enactments and Provisions of this Act shall come into operation and take effect from and after the First Day of *January* One thousand eight hundred and sixty-three.

Each River and Estuary, and the Seacoasts adjoining, to be a District.

4. Each River in *Scotland* flowing into the Sea, and every tributary Stream or Lake flowing into or connected with such River, and the Mouth or Estuary of such River, and the Seacoasts adjoining thereto, divided into such Portions as may be fixed and defined by the Commissioners under the Authority of this Act, shall form a District for the Purposes of this Act.

Commissioners to be appointed by Secretary of State.

5. It shall be lawful for the Secretary of State to appoint Three Commissioners for the Purposes of this Act, who shall be paid at such Rate,

Rate, not exceeding Three Pounds *per* Day each, as the Commissioners of the Treasury may direct, the whole Amount to be received by each Commissioner not exceeding Three hundred and fifty Pounds *per Annum*, over and above such Travelling Expenses as the Commissioners of the Treasury may sanction: Provided that the Duration of the Office of such Commissioners shall in no Case extend beyond Three Years.

Duties of Commissioners.

6. The Commissioners shall have the Powers and perform the Duties herein-after specified; that is to say,

(1.) To fix and define, for the Purposes of this Act and the other Acts relating to Salmon and Salmon Fisheries in *Scotland*, the natural Limits which divide each River in *Scotland* (including the Estuary thereof) from the Sea, in so far as the same may not be already fixed by Statute or by judicial Decision:

(2.) To fix, for the Purposes of this Act, the Limits of the *Solway Firth*, having regard to an Act passed in the Forty-fourth Year of the Reign of His Majesty King *George* the Third, Chapter Forty-five:

(3.) To fix, for the Purposes of this Act, the Limits of every District, and the Portions of the Seacoast adjoining to the Mouth or Estuary of any River to be included in such District:

(4.) To fix, for the Purposes of this Act, a Point on each River (including the Estuary thereof) below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors:

(5.) To determine, subject to the Provisions of this Act, at what Dates the Annual Close Time for every District shall commence and terminate, and at what Periods subsequent to the Commencement and prior to the Termination of the Annual Close Time it shall be lawful to fish for and take Salmon with the Rod and Line: Provided that the Number of Days during which such Annual Close Time shall continue shall be the same as regards every District:

(6.) To make general Regulations with respect to the following Matters; *viz.*,

The due Observance of the Weekly Close Time:

The Construction and Use of Cruives:

The Construction and Alteration of Mill Dams, or Lades, or Water Wheels, so as to afford a reasonable Means for the Passage of Salmon:

The Meshes of Nets (so that they shall not intercept Smolts or Salmon Fry):

Obstruc-

Obstructions in Rivers or Estuaries to the Passage of Salmon:

Provided that such Regulations shall not interfere with any Rights held at the Time of the passing of this Act under Royal Grant or Charter, or possessed for Time immemorial.

Annual and Weekly Close Time.

7. The Annual Close Time for every District shall continue for One hundred and sixty-eight Days; and the Weekly Close Time, except for Rod and Line, shall continue from the Hour of Six of the Clock on *Saturday* Night to the Hour of Six of the Clock on *Monday* Morning; but the Commissioners shall have Power, on the Application of the District Board, or of any Two Proprietors of Fisheries in any District, to vary the Period at which the Weekly Close Time shall commence in any District, or any Part thereof, in so far as they may think reasonable or expedient: Provided that such Weekly Close Time shall in no Case be less than Thirty-six Hours.

Application of Annual Close Time.

8. The Annual Close Time shall be applicable to every Mode of fishing for or taking Salmon in any River, Lake, or Estuary, or in the Sea, except by means of the Rod and Line for the Periods in each District to be fixed by the Commissioners subsequent to the Commencement and prior to the Termination of the Annual Close Time during which it shall be lawful to fish for and take Salmon by means of the Rod and Line.

Present Annual Close Times to subsist until altered under this Act.

9. In regard to any River and Estuary which are regulated by any Local Act relating thereto the Annual Close Time fixed by such Act, and in regard to all other Rivers, Estuaries, and Seacoasts in *Scotland* the Annual Close Time fixed by the Public General Act Ninth *George* the Fourth, Chapter Thirty-nine, shall respectively be applicable until the Annual Close Time with respect to any such River, Estuary, or Seacoast shall be otherwise determined by any Byelaw made by the Commissioners under the Authority of this Act.

Fishing illegal where prohibited by existing Acts.

10. It shall not be lawful to fish for or take Salmon at any Place or by any Mode prohibited by any Statute relating to Salmon or Salmon Fisheries in *Scotland* subsisting and in force at the Date of the passing of this Act; and nothing contained in this Act or in any Byelaw made by the Commissioners shall render legal any Mode of fishing which was or would have been illegal at the Date of the passing of this Act.

Penalties for Offences.

11. Every Person who commits any of the following Offences shall for every such Offence be liable to a Penalty not exceeding Five Pounds,

Pounds, and to a further Penalty not exceeding Two Pounds for every Salmon taken or killed contrary to the Provisions of this Act, or of any Byelaw made by the Commissioners under the Authority of this Act; and shall, in addition to such Penalties, at the Discretion of the Magistrate, forfeit every Boat, Net, Rod, Line, or other Article which has been or may be used in fishing for or taking Salmon, and which is found in the Possession of such Person at the Time of the committing such Offence; that is to say,

Every Person who fishes for or takes Salmon during the Annual Close Time by any Means other than the Rod and Line:

Every Person who fishes for or takes Salmon, except during *Saturday* or *Monday*, by Rod and Line, during the Weekly Close Time, or acts in breach or contravention of any Byelaw made by the Commissioners in regard thereto:

Every Person who fishes for or takes Salmon during the Annual Close Time by means of the Rod and Line at a Period not sanctioned by the Commissioners:

Every Person who fishes for Salmon with a Net having a Mesh contrary to any Byelaw of the Commissioners:

Every Person who obstructs or impedes the Passage of Salmon contrary to any Byelaw of the Commissioners:

Every Person who sells or exposes for Sale fresh Salmon taken within the Limits of this Act during the Period between the Commencement of the latest and the Termination of the earliest Annual Close Time which may have been fixed for any District; but the Burden of proving that Salmon so sold or exposed by any Person for Sale have been caught beyond the Limits of this Act shall lie on the Person selling or exposing the same for Sale:

Every Person who takes or has in his Possession any foul or unseasonable Salmon:

Every Person who uses or has in his Possession any Light for the Purpose and with the Intention of taking Salmon:

Every Person who sets a Net or any other Engine for Capture of Salmon when the Fish show themselves when leaping at or trying to ascend any Fall or other Impediment:

Every Person who wilfully takes or destroys or injures or obstructs the Passage of the Young of Salmon, or disturbs any Spawning Bed, or any Bank or Shallow on which the Spawn of Salmon may be deposited; but this Provision shall not apply to Acts done for the Purpose of the artificial Propagation of Salmon or for other scientific Purposes, or in the Course of the Exercise of Rights of Property in the Bed of any Stream: Provided also, that the District Board may, with the Consent of all the

Proprietors of Salmon Fisheries in any River or Estuary, adopt such Means as they think fit for preventing the Ingress of Salmon into narrow Streams or Tributaries in which they or the Spawning Beds are, from the Nature of the Channel, liable to be destroyed, but always so that no Water Rights used or enjoyed for the Purposes of Manufactures or Agricultural Purposes or Drainage shall be interfered with thereby.

Penalty for using or possessing Salmon Roe.

12. Every Person who uses Salmon Roe for the Purpose of fishing, or has in his Possession any Salmon Roe for Sale or for the Purpose of fishing, shall for every such Offence be liable to a Penalty not exceeding Two Pounds, and shall forfeit any Salmon Roe found in his Possession.

Penalty for causing or allowing poisonous Substances to flow into Rivers.

13. Every Person who causes or knowingly permits to flow, or puts or knowingly permits to be put, into any River containing Salmon, any liquid or solid Matter poisonous or deleterious to Salmon, or who shall discharge into any River Sawdust to an Extent injurious to any Salmon Fishery, shall be liable to the following Penalties; (that is to say,)

For the First Offence a Penalty not exceeding Five Pounds:

For the Second Offence a Penalty not exceeding Ten Pounds, and a further Penalty not exceeding Two Pounds for every Day during which such Offence is continued:

For the Third or any subsequent Offence a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Five Pounds for every Day during which such Offence is continued:

But no Person shall be subject to the foregoing Penalties for any Act done in the Exercise of any Right to which he is by Law entitled, if he prove to the Satisfaction of the Court before whom he is tried that he has used the best practicable Means, within a reasonable Cost, to dispose of or render harmless the liquid or solid Matter so permitted to flow or to be put into Waters; but nothing herein contained shall prevent any Person from acquiring a legal Right in Cases where he would have acquired it if this Act had not passed, or exempt any Person from any Punishment to which he would otherwise be subject, or legalize any Act or Default that would but for this Act be contrary to Law.

Commissioners to visit and report on Rivers and Estuaries.

14. The Commissioners shall visit and report on the several Rivers and Estuaries and Salmon Fisheries in *Scotland*, after Notice duly given by special Advertisement in some Newspaper of general Circulation in the District, not less than Ten Days before any such Visitation, to the Proprietors of Salmon Fishings on

on each of such Rivers or Estuaries, of their Intention so to visit and report.

Commissioners to make Byelaws on Matters specified in Third and Fourth Subdivisions of Sixth Section of this Act.

15. The Commissioners shall, on or before the First Day of *January* One thousand eight hundred and sixty-three, fix and determine by Byelaws the Matters specified in the Third and Fourth Subdivisions of the Sixth Section of this Act; and a Copy of such Byelaws applicable to each District shall be, prior to the said Date, transmitted by Post to the Sheriff Clerk of each County, in so far as the same may relate to a District or Part of a District situate therein; and the Sheriff Clerk shall, on Receipt of such Copy, give Notice of such Byelaws by Advertisement inserted once for each of Two successive Weeks in some Newspaper published in such County, or, if no Newspaper be published therein, in some Newspaper published in a County adjoining thereto; and every Person whose Interests may be affected by any such Byelaws may state to the Secretary of State any Objections to any such Byelaw; and the Secretary of State shall, after One Month after the Date of such Byelaws, approve or alter or disapprove of the same; and every such Byelaw, when approved of or altered by the Secretary of State, shall be published in the *Edinburgh Gazette*, and in such further Mode as the Secretary of State may direct, and on being so published shall be legal and binding on all concerned: Provided that in the Case of such Districts in which by reason of their inconsiderable Size it may seem to the Commissioners unnecessary to determine such Matters, they may defer doing so until required by more than Six Proprietors of Fisheries within the same, after the Limits of such District have been defined, as herein-after provided, and shall proceed, in other respects, as above provided.

Commissioners to make Byelaws on the other Matters specified in Sixth Section.

16. The Commissioners shall, on or before the First Day of *January* One thousand eight hundred and sixty-four, determine the other Matters specified in the Sixth Section of this Act, by Byelaws under their Hands, or the Hand of any Two of them, and shall report the same to the Secretary of State; provided that previously to making such Byelaws they shall communicate the same to the District Board, and afford the Board reasonable Opportunity of making any Representation to the Commissioners respecting the same; and a Copy of such Byelaws shall be transmitted to the Sheriff Clerk of each County, in so far as the same may relate to any District situated therein; and the Sheriff Clerk shall, on the Receipt of such Copy, give Notice of such Byelaws by Advertisement inserted once for each of Two successive Weeks in some Newspaper published in such County, or, if no Newspaper be published

published therein, in some Newspaper published in a County adjoining thereto; and every Person whose Interests may be affected by any such Byelaws may state to the Secretary of State any Objections to any such Byelaw; and the Secretary of State shall, after Two Months and within Four Months after the Date of such Byelaws, approve or alter or disapprove of the same; and every such Byelaw, when approved of or altered by the Secretary of State, shall be published in the *Edinburgh Gazette*, and in such further Mode as the Secretary of State may direct, and on being so published shall be legal and binding on all concerned.

As to Evidence to be taken by Commissioners.

17. The Commissioners, in execution of this Act, shall take such Evidence as they may find to be necessary, and in the event of Witnesses refusing to attend and give Evidence, or to allow Access to Documents, they may apply to the Sheriff of the County for a Warrant to cite Witnesses and Havers, and the Sheriff is hereby authorized to grant the same.

As to the Election of District Boards.

18. Within Three Months after any Byelaw constituting the District shall have been published the Sheriff shall direct the Sheriff Clerk to make up a Roll of the Upper Proprietors and also a Roll of the Lower Proprietors in each District; and the Qualification of an Upper Proprietor shall be the Property of a Fishery entered in the Valuation Roll as of the yearly Rent or yearly Value of Twenty Pounds or upwards, or, if such Fishery be not valued on the Valuation Roll, of Half a Mile of Frontage to the River, with a Right of Salmon Fishing, and the Qualification of a Lower Proprietor shall be the Property of a Fishery entered in the Valuation Roll as of the yearly Rent or yearly Value of Twenty Pounds or upwards; and the Sheriff shall have Power to decide summarily any Question arising on any Claim to such Qualification; and the Sheriff shall thereafter direct the Sheriff Clerk to call a Meeting of the Upper Proprietors, and also a Meeting of the Lower Proprietors, at such Times and Places as he shall direct; and Notice of such Meeting shall be given as herein-before provided with respect to the Publication of Byelaws made by the Commissioners; and the Upper Proprietors and Lower Proprietors present at such separate Meetings respectively shall elect not more than Three of their Number to be Members of the District Board, every Proprietor of a Fishery valued at more than Five hundred Pounds on the Valuation Roll having Two Votes at such Election, and an additional Vote for every Five hundred Pounds of Rental, but not more than Four Votes in all; and the Members so elected with the Proprietor having the largest Amount entered in the Valuation Roll as the yearly

yearly Rent or yearly Value of Fisheries in such District shall constitute the District Board; and the last-mentioned Proprietor shall be the Chairman of the Board, and have a deliberative as well as a casting Vote; and the Election of such Board shall be notified by the Chairman of such respective Meetings to the Sheriff Clerk within Seven Days from the Date of the same, and the Sheriff shall thereafter summon the First Meeting of such Board for such Day and such Place as he may fix: Provided always, that if any River be situate in Two or more Counties, the Notices above provided shall be given and such Meetings shall be called in such Manner as the Sheriffs of such Counties jointly shall direct.

Constitution of the Board where Proprietors are less in Number than Three. Their Votes.

19. If in any District the Upper Proprietors or the Lower Proprietors shall be fewer in Number than Three, the Board shall consist of an equal Number, elected as aforesaid, along with the Proprietor having the largest Valuation, who shall also be Chairman of the Board, as above provided; and if such last-mentioned Proprietor be the sole Upper or the sole Lower Proprietor, he shall have Two Votes on the Board; and if there shall be only One Proprietor in any District such Proprietor shall have and may exercise all the Powers by this Act conferred on the District Board.

Mandatories may be appointed.

20. It shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, in Cases where Her Majesty in right of Her Crown is Proprietor of any Fishery, and for any Corporation or Company, being the Proprietors of any Fishery, or for any Proprietor of a Fishery, respectively, from Time to Time to nominate and appoint, by any Writing under his or their Hand or Seal, any Person as the Mandatory of such Commissioners, Corporation, Company, or Proprietor to attend, act, and vote at any Meeting of Proprietors under this Act; and every such Nomination and Appointment shall subsist until recalled by the said Commissioners or either of them, or by the Corporation or Company or Proprietor making the same.

Payment to Sheriff Clerk in connexion with Elections.

21. All Expenses incurred by the Sheriff Clerk in making up the Roll of Proprietors, and in calling and attending the Meetings for the Election of the District Board, with such reasonable Remuneration for his Time and Trouble as shall be fixed by the Sheriff, shall be paid to the Sheriff Clerk by the District Board out of the Assessments to be levied under the Authority of this Act.

Powers and Duties of District Boards.

22. The District Board may sue or be sued in the Name of their Clerk, and if there be more than Six Members Three Members shall form

form a Quorum, and if there be fewer than Six Members Two shall form a Quorum, and they shall keep regular Books and Accounts, and shall hold their First Meeting within Ten Days after the First Election under this Act at a Time and Place to be fixed at the Meetings of Proprietors at which such Election took place, or in Cases where such Election is not necessary the First Meeting shall take place at a Time to be fixed by a Majority of the Proprietors, and Notice of such Meeting shall be given as herein-before provided with respect to the Publication of Byelaws to be made by the Commissioners; and the District Board shall have Power, subject to the Provisions of this Act and the Byelaws made by the Commissioners, to make and alter from Time to Time Regulations for the Preservation of the Fisheries in the District, and from Time to Time to appoint a Clerk, and such Number of Constables, Water Bailiffs, Watchers, and other Officers as they think fit, to fix and prescribe the Duties of all Persons appointed by them, and to remove such Persons, and appoint other Persons in their Stead; and they may combine with any other District Board for the Purpose of this Act, and to maintain a common Staff of Officers for the Protection and Preservation of the Fisheries of more than One District, and may agree with the Police Committee of any County for the Purpose of paying additional Constables for the better Protection of the Fisheries in their District: Provided that all such Regulations shall, before taking effect, be reported to and approved by the Secretary of State, and shall not interfere with any vested Right of Property, and shall not authorize any Encroachment or Trespass on private Property.

Assessments may be imposed by District Boards.

23. The District Board shall have Power to impose an Assessment for the Purposes of this Act, to be called the Fishery Assessment, on the several Fisheries in each District, according to the yearly Rent or yearly Value of such Fisheries as entered in the Valuation Roll; and every Proprietor of a Fishery which is not valued on the Valuation Roll, and who shall claim Right to vote in the Election of Members of the District Board, shall be held to be a Proprietor of a Fishery of the Value of Twenty Pounds, and shall be assessed accordingly; and such Fishery Assessments may be imposed, collected, and recovered by the District Board in the same Manner as Police Assessments may be imposed, collected, and recovered by the Commissioners of Supply under the Authority of the Public General Act, Twentieth and Twenty-first *Victoria*, Chapter Seventy-two; and for the Purpose of imposing, collecting, and recovering such Fishery Assessments the District Boards shall have and may exercise all the Powers conferred by the said Act on Commissioners of Supply for imposing,

imposing, collecting, and recovering the Assessments leviable under the same.

As to future Elections of District Boards.

24. Each District Board shall continue in Office for Three Years, and Members thereof shall be eligible for Re-election, and Vacancies occurring during such Period shall be filled up by the Board until the next Meeting of Proprietors, who shall then fill up the same; and Meetings of the Upper and Lower Proprietors respectively for the Purpose of each triennial Election of not more than Three Upper Proprietors and Three Lower Proprietors respectively shall be called by the Clerk, who shall give Notice of such Meetings by Advertisement as herein-before provided with respect to the Publication of Byelaws made by the Commissioners; and such Meetings shall at the same Time take such Steps as they shall think proper for auditing and attesting the Accounts of the District Board for the preceding Three Years.

Penalties for Breach of Byelaws and Regulations.

25. It shall be lawful for the District Board, by any Byelaw or Regulation to be made by them and approved of by the Secretary of State as herein-before provided, to enact that any Person committing any Breach or Contravention of such Byelaw or Regulation shall be liable for every such Offence to a Penalty not exceeding Two Pounds; and such Penalty may be sued for and recovered in the same Manner as Penalties incurred and imposed under the Provisions of this Act.

Forfeited Articles may be seized.

26. Any Net, Rod, Line, or other Article directed to be forfeited under this Act may be seized by any Constable, Water Bailiff, Watcher, or other Officer appointed by the District Board, and the Sheriff or Justice may either order the same to be destroyed or to be sold, and the Proceeds of such Sale to be paid to the Clerk on behalf of the District Board.

Three or more Persons illegally fishing at Night to be guilty of a Criminal Offence.

27. If Three or more Persons acting in concert, or being together or in company, shall at any Time between the Expiration of the First Hour after Sunset on any Day and the Beginning of the last Hour before Sunrise on the following Morning enter or be found upon any Ground adjacent or near to any River or Estuary or the Sea, or in or upon any River or Estuary or the Sea, with Intent illegally to take or kill Salmon, or having in his or their Possession any Net, Rod, Spear, Light, or other Instrument used for taking Salmon with such Intent as aforesaid, or shall illegally take or kill, or attempt to take or kill, or aid or assist in killing or taking Salmon, every such Person shall be guilty in *Scotland* of a Criminal Offence, and

and in *England* within the Limits of the "*Tweed* Fisheries Amendment Act" of a Misdemeanor, and shall for every such Offence be liable to a Fine not exceeding Five Pounds, or to Imprisonment for any Period not exceeding Three Months, as the Sheriff or Justices before whom such Persons or any of them are tried and convicted may determine; and if such Fine be not paid immediately on Conviction, the Offender so failing to pay shall be sentenced to Imprisonment for such Period, not exceeding Three Months, as the Sheriff or Justices may adjudge, unless such Fine shall be sooner paid.

Prosecution for Offences under this Act, and Recovery of Penalties.

28. All Offences under this Act may be prosecuted and all Penalties incurred under this Act may be recovered before any Sheriff or any Two Justices acting together and having Jurisdiction in the Place where the Offence was committed, at the Instance of the Clerk of any District Board or of any other Person; and it shall be lawful for the Sheriff or Justices to whom any Petition or Complaint is presented to proceed in a summary Form, and to grant Warrant for bringing the Persons complained against before him or them, and on Proof on Oath by One or more credible Witness or Witnesses or Confession of the Person accused, or other legal Evidence, forthwith to determine and give Judgment in such Complaint, without any written Pleadings or Record of Evidence, other than a Record of the Charge and of the Judgment pronounced thereon, and to grant Warrant for the Recovery of all Penalties and Expenses decerned for, by Poinding, and Imprisonment for any Period not exceeding Six Months; and any Person who shall think himself aggrieved by any Judgment of the Sheriff or Justices pronounced in any Complaint or Prosecution under this Act may appeal to the Court of Justiciary at their next Circuit Court, or where there is no Circuit Court to the High Court of Justiciary at *Edinburgh*, in the Manner and under the Rules, Limitations, Conditions, and Restrictions contained in the Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, Chapter Forty-three, for taking away and abolishing Heritable Jurisdictions in *Scotland*, with this Variation, that such Person shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty and Expenses awarded against him by the Judgment appealed from, in the event of such Appeal being dismissed, together with any additional Expenses that shall be awarded by the Circuit Court or Court of Justiciary on dismissing such Appeal; and it shall not be competent to appeal from or bring the Judgments of any Sheriff or Justices acting under this Act under Review by Advocation or in any other Way than as herein provided.

29. In

Enforcement of Regulations and Byelaws.

29. In the event of any Person refusing or neglecting to obey any Byelaw made by the Commissioners, or any Regulation made by the District Board, the Clerk may apply to the Sheriff by summary Petition in ordinary Form, praying to have such Person ordained to obey the same, and the Sheriff shall take such Proceedings and make such Orders thereupon as he shall think just.

Expenses may be decerned for.

30. In giving Judgment on any Application or Complaint under this Act the Sheriff or Justices may find the Person complained against liable in Expenses, and may decern for Payment of the same.

Recovery of Penalties and Expenses.

31. All Penalties and Expenses incurred under this Act, or under any Byelaw or Regulation made under the Authority thereof, may be recovered by ordinary Action or in the Small Debt Court of the Sheriff.

Payment and Application of Penalties.

32. The Penalties incurred under this Act shall in all Prosecutions at the Instance of the Clerk of any District Board be payable to and recoverable by such Clerk, and shall in all other Cases be paid and applied in such Manner as the Sheriff or Justices may direct; and all Penalties and Expenses received by the Clerk, and the Proceeds of the Sale of any Articles seized and directed to be sold as before provided, shall be applied by the District Board towards defraying the Expenses incurred by them in carrying into execution the Provisions of this Act.

Certain Provisions of Act 24 & 25 Vict. c. 109. applied to Solway Firth.

33. From and after the First Day of *January* One thousand eight hundred and sixty-five the Provisions of the said Act, intituled *An Act to amend the Laws relating to Fisheries of Salmon in* England, shall extend and apply to Salmon Fisheries in the Waters and on the Shores of the *Solway Firth* situate in *Scotland*, as the same may be fixed by Authority of this Act, and to the Rivers flowing into the same, in so far as such Provisions relate to the Use of fixed Engines for the taking of Salmon: Provided that all Offences against such Provisions shall be prosecuted and punished as directed by this Act.

This Act not to apply to the River Tweed.

34. No Part of this Act, with the Exception of the Tenth, Twelfth, and Twenty-seventh Clauses, shall apply to the River *Tweed*, or to any Fisheries in the said River or the Mouth or Entrance thereof, as defined by "The *Tweed* Fisheries Amendment Act, 1859;" and any Penalties incurred under the said Tenth, Twelfth, and Twenty seventh Clauses of this Act shall, so far as concerns the

River *Tweed*, be recoverable in manner prescribed by the *Tweed* Fisheries Amendment Act, 1857, which Act, and the *Tweed* Fisheries Amendment Act, 1859, shall remain in full Force and Effect, anything herein contained to the contrary notwithstanding.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1862.