

ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. CIX.

An Act to amend the Laws relating to Fisheries of Salmon in *England*. [6th *August* 1861.]

WHEREAS the Salmon Fisheries of *England* have of late Years been greatly injured, and for the Purpose of increasing the Supply of Salmon it is expedient to amend the Laws relating to Fisheries of Salmon in *England:* 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, as follows:

Preliminary.

1. This Act may be cited for all Purposes as the Salmon Fishery Act, 1861. Short Title.

2. This Act shall not extend to *Scotland* or *Ireland*, or to the River *Tweed*, as defined by the *Tweed* Fisheries Amendment Act, 1859. Application of Act.

3. This Act shall not come into operation until the First Day of *October* One thousand eight hundred and sixty-one. Commencement of Act.

4. In this Act, unless there is something inconsistent in the Context, the Words and Expressions herein-after mentioned shall have Definition of Terms

have respectively the Meanings hereby assigned to them; that is to say,

"Person" shall include any Body of Persons, corporate or unincorporate:

"Salmon" shall include all migratory Fish of the Genus Salmon, whether known by the Names herein-after mentioned, that is to say, Salmon, Cock or Kipper, Kelt, Laurel, Girling, Grilse, Botcher, Blue Cock, Blue Pole, Fork Tail, Mort, Peal, Herring Peal, May Peal, Pugg Peal, Harvest Cock, Sea Trout, White Trout, Sewin, Buntling, Guiniad, Tubs, Yellow Fin, Sprod, Herling, Whiting, Bull Trout, Whitling, Scurf, Burn Tail, Fry, Samlet, Smoult, Smelt, Skirling or Scarling, Parr, Spawn, Pink, Last Spring, Hepper, Last Brood, Gravelling, Shed, Scad, Blue Fin, Black Tip, Fingerling, Brandling, Brondling, or by any other local Name:

"Young of Salmon" shall include all Young of the Salmon Species, whether known by the Names of Fry, Samlet, Smolt, Smelt, Skirling or Skarling, Par, Spawn, Pink, Last Spring, Hepper, Last Brood, Gravelling, Shed, Scad, Blue Fin, Black Tip, Fingerling, Brandling, Brondling, or by any other Name, local or otherwise:

"Court" shall include Two or more Magistrates assembled in Petty Sessions:

"Tidal Waters" shall include the Sea, and all Rivers, Creeks, Streams, and other Water as far as the Tide flows and reflows:

"Inland Waters" shall mean all Waters that are not tidal Waters:

"Dam" shall mean all Weirs and other fixed Obstructions used for the Purpose of damming up Water:

"Fishing Weir" shall mean a Dam used for the exclusive Purpose of catching or facilitating the catching of Fish:

"Fishing Mill Dam" shall mean a Dam used or intended to be used partly for the Purpose of catching or facilitating the catching of Fish, and partly for the Purpose of supplying Water for Milling or other Purposes:

"Fixed Engine" shall include Stake Nets, Bag Nets, Putts, Putchers, and all fixed Implements or Engines for catching or for facilitating the catching of Fish:

"Home Office" shall mean One of Her Majesty's Principal Secretaries of State.

Law of Fishing.

Prohibition of certain Modes of destroying Fish.

Penalty on mixing poisonous Substances in Rivers.

5. Every Person who causes or knowingly permits to flow, or puts or knowingly permits to be put, into any Waters containing Salmon, or into any Tributaries thereof, any liquid or solid Matter to such an Extent

Extent as to cause the Waters to poison or kill Fish, shall incur the following Penalties; (that is to say,)

(1.) Upon the First Conviction a Penalty not exceeding Five Pounds:

(2.) Upon the Second Conviction a Penalty not exceeding Ten Pounds, and a further Penalty not exceeding Two Pounds for every Day during which such Offence is continued:

(3.) Upon the Third or any subsequent Conviction, a Penalty not exceeding Twenty Pounds a Day for every Day during which such Offence is continued, commencing from the Date of the Third Conviction:

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 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 deemed to be a Nuisance or otherwise be contrary to Law.

Power to have Question under preceding Section decided by Jury.

6. Where any Proceedings are instituted by any Complainant against any Person for the Recovery of any Penalties alleged to have been incurred by him under the last preceding Section, if such Person, herein-after referred to as "the Defendant," on appearing before the Justices constituting the Court by which he is to be tried in pursuance of this Act, alleges, by way of Defence, that he has used the best practicable Means, within a reasonable Cost, to render such Matter harmless, and proves to the Satisfaction of the Court that in the event of the Complaint being decided against him the Expense of permanently preventing the Matter complained of would, exclusive of Costs, exceed One hundred Pounds, and gives Security, to be approved by such Court, duly to prosecute his Appeal and to abide the Event thereof, all Proceedings before the Justices shall be stayed, and it shall be lawful for such Complainant to bring an Action in One of Her Majesty's Superior Courts of Law at *Westminster* against the Defendant; and the Plaintiff in such Action shall deliver to the Defendant an Issue or Issues whereby the Question whether he has used the best practicable Means, within a reasonable Cost, to render such Matter harmless may be tried; and the Form of such Issue or Issues, in case of Dispute, or in the Case of Nonappearance of the Defendant, shall be settled by the Court in which the Action is brought, and such

such Action shall be prosecuted and Issue or Issues tried in the same Manner and subject to the same Incidents in and subject to which Actions are prosecuted and Issues tried in other Cases within the Jurisdiction of such Court, or as near thereto as Circumstances admit.

Effect of Issue.

7. The Verdict of the Jury on such Issue shall, unless the Court before which the same is tried orders a new Trial, be conclusive as to the Questions involved in any subsequent Proceedings that may be had for the Recovery of any Penalties in pursuance of the said Section, and any Costs that may have been incurred before the Justices by the Parties to such Action as is mentioned in this Section shall be deemed to be Costs incurred in such Action, and be payable accordingly.

Penalty on fishing with Lights, Spears, &c.

8. No Person shall do the following Things or any of them; that is to say,

(1.) Use any Light for the Purpose of catching Salmon:

(2.) Use any Spear, Gaff, Strokehall, Snatch, or other like Instrument for catching Salmon:

(3.) Have in his Possession a Light or any of the foregoing Instruments under such Circumstances as to satisfy the Court before whom he is tried that he intended at the Time to catch Salmon by means thereof:

And any Person acting in contravention of this Section shall incur a Penalty not exceeding Five Pounds, and shall forfeit any Instruments used by him or found in his Possession in contravention of this Section; but this Section shall not apply to any Person using a Gaff as auxiliary to angling with a Rod and Line.

Penalty on using Roe as a Bait.

9. No Person shall do the following Things or any of them; that is to say,

(1.) Use any Fish Roe for the Purpose of fishing:

(2.) Buy, sell, or expose for Sale, or have in his Possession, any Salmon Roe:

And any Person acting in contravention of this Section shall for each Offence incur a Penalty not exceeding Two Pounds, and shall forfeit all Salmon Roe found in his Possession; but this Section shall not apply to any Person who uses or has in his Possession Salmon Roe for artificial Propagation or other scientific Purposes, or gives any Reason satisfactory to the Court by whom he is tried for having the same in his Possession.

Penalty on using certain Nets.

10. No Person shall take or attempt to take Salmon with any Net having a Mesh of less Dimensions than Two Inches in extension from Knot to Knot (the Measurement to be made on each Side of the

the Square), or Eight Inches measured round each Mesh when wet; and any Person acting in contravention of this Section shall forfeit all Nets and Tackle used by him in so doing, and shall for each Offence incur a Penalty not exceeding Five Pounds; and the placing Two or more Nets behind or near to each other in such Manner as to practically diminish the Mesh of the Nets used, or the covering the Nets used with Canvas, or the using any other Artifice so as to evade the Provisions of this Section with respect to the Mesh of Nets, shall be deemed to be an Act in Contravention of this Section.

Penalty on placing or fixing fixed Engines.

11. No fixed Engine of any Description shall be placed or used for catching Salmon in any inland or tidal Waters; and any Engine placed or used in contravention of this Section may be taken possession of or destroyed; and any Engine so placed or used, and any Salmon taken by such Engine, shall be forfeited, and, in addition thereto, the Owner of any Engine placed or used in contravention of this Section shall, for each Day of so placing or using the same, incur a Penalty not exceeding Ten Pounds; and for the Purposes of this Section a Net that is secured by Anchors, or otherwise temporarily fixed to the Soil, shall be deemed to be a fixed Engine, but this Section shall not affect any ancient Right or Mode of Fishing as lawfully exercised at the Time of the passing of this Act by any Person by virtue of any Grant or Charter or immemorial Usage; provided always, that nothing in this Section contained shall be deemed to apply to Fishing Weirs or Fishing Mill Dams.

Penalty on using certain Dams for catching Salmon.

12. The following Regulations shall be observed with respect to Dams:

(1.) No Dam except such Fishing Weirs and Fishing Mill Dams as are lawfully in use at the Time of the passing of this Act, by virtue of a Grant or Charter or immemorial Usage, shall be used for the Purpose of catching or facilitating the catching of Salmon:

1. Any Person catching or attempting to catch Salmon in contravention of this Section shall incur a Penalty not exceeding Five Pounds for each Offence, and a further Penalty not exceeding One Pound for each Salmon which he catches:
2. All Traps, Nets, and Contrivances used in or in connexion with the Dam for the Purpose of catching Salmon shall be forfeited:
3. All Salmon caught in contravention of the above Prohibition shall be forfeited:

And no Fishing Weir, although lawfully in use as aforesaid, shall be used for the Purposes of catching Salmon unless it have therein such

Free Gap as is herein-after mentioned; and no Fishing Mill Dam, although lawfully in use as aforesaid, shall be used for the Purposes of catching Salmon unless it have attached thereto a Fish Pass of such Form and Dimensions as shall be approved of by the Home Office, nor unless such Fish Pass has constantly running through it such a Flow of Water as will enable Salmon to pass up and down such Pass, but so nevertheless that such Pass shall not be larger nor deeper than requisite for the above Purposes:

(2.) No Person shall catch or attempt to catch, except by Rod and Line, any Salmon in the Head Race or Tail Race of any Mill, or within Fifty Yards below any Dam, unless such Mill or Dam has attached thereto a Fish Pass of such Form and Dimensions as may be approved by the Home Office, and such Fish Pass has constantly running through it such a Flow of Water as will enable Salmon to pass up and down it; and if any Person acts in contravention of the foregoing Provision,

1. He shall incur a Penalty not exceeding Two Pounds for each Offence, and a further Penalty not exceeding One Pound for every Salmon so caught:
2. He shall forfeit all Salmon caught in contravention of this Section, and all Nets or other Instruments used or placed for catching the same.

Penalty on Company or Person not erecting Gratings to prevent the Descent of Salmon into Artificial Streams.

13. Where Salmon or the Young of Salmon are led aside out of a main Stream by means of any artificial Channel used for the Purpose of supplying Towns with Water, or for supplying any navigable Canal, the Company or Persons having the Control over such artificial Channel shall, within Six Months after the Commencement of this Act, put up and shall maintain, at their own Costs and Charges, a Grating or Gratings across such Channel, for the Purpose of preventing the Descent of the Salmon or the Young of Salmon, and such Grating or Gratings shall be placed in such Form and Manner as may be approved by One of the Inspectors in this Act mentioned; and any Company or Persons failing to put a Grating or Gratings in Cases where they are required to do so by this Section shall incur a Penalty not exceeding Five Pounds for every Day after the Expiration of such Period of Six Months during which he fails to comply with the Provisions of this Section; and any such Company or Person failing so to maintain the same shall incur a Penalty not exceeding One Pound for every Day during which such Failure continues: Provided always, that no such Grating shall be so placed as to interfere with the Passage of Boats on any navigable Canal.

Prohibition

Prohibition of the Destruction of unseasonable Fish.

Penalty on taking unclean Fish.

14. No Person shall do any of the following Things; that is to say,

(1.) Wilfully take any unclean or unseasonable Salmon;

(2.) Buy, sell, or expose for Sale, or have in his Possession, any unclean or unseasonable Salmon, or any Part thereof:

And any Person acting in contravention of this Section shall incur the following Penalties; that is to say,

(1.) He shall forfeit any Fish taken, bought, sold, or exposed for Sale, or in his Possession;

(2.) He shall incur a Penalty not exceeding Five Pounds in respect of each Fish taken, sold, or exposed for Sale, or in his Possession:

But this Section shall not apply—

(1.) To any Person who takes such Fish accidentally, and forthwith returns the same to the Water with the least possible Injury:

(2.) To any Person who takes or is in possession of such Fish for artificial Propagation or other scientific Purposes.

Penalty on taking the Young of Salmon.

15. No Person shall do the following Things or any of them; that is to say,

(1.) Wilfully take or destroy the Young of Salmon;

(2.) Buy, sell, or expose for Sale, or have in his Possession, the Young of Salmon;

(3.) Place any Device for the Purpose of obstructing the Passage of the Young of Salmon;

(4.) Wilfully injure the Young of Salmon;

(5.) Wilfully disturb any Spawning Bed, or any Bank or Shallow on which the Spawn of Salmon may be:

And any Person acting in contravention of this Section shall incur the following Penalties; that is to say,

(1.) He shall forfeit all the Young of Salmon found in his Possession;

(2.) He shall forfeit all Rods, Lines, Nets, Devices, and Instruments used in committing any of the above Offences;

(3.) He shall for each Offence pay a Penalty not exceeding Five Pounds;

But nothing herein contained shall apply to any Person who may have obtained such Young of Salmon for artificial Propagation or other scientific Purposes, and nothing herein contained shall prejudice the legal Right of any Owner to take Materials from any Stream.

16. If

Penalty on disturbing Fish when spawning.

16. If any Person wilfully disturbs or attempts to catch Salmon when spawning, or when on or near their Spawning Beds, he shall for each Offence incur a Penalty not exceeding Five Pounds; but this Section shall not apply to any Person who may catch or attempt to catch Salmon for the Purposes of artificial Propagation or other scientific Purposes.

Restrictions as to Times of Fishing.

Close Time.

17. No Person shall fish for, catch, or attempt to catch, or kill Salmon between the Days herein-after mentioned (which Interval is herein referred to as the Close Season); that is to say, between the First Day of *September* and the First Day of *February* following, both inclusive, except only that it shall be lawful to fish with a Rod and Line between the First Day of *September* and the First Day of *November* following, both inclusive; and any Person acting in contravention of this Section shall forfeit any Salmon caught by him, and shall in addition thereto incur a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Two Pounds in respect of each Salmon so caught.

Power of Home Office to extend or vary Close Season.

18. The Home Office may, upon the Application of the Justices in Quarter Sessions assembled of any County abutting on Water containing Salmon, extend or vary the Time during which it is prohibited to take Salmon in such Waters; any such Application shall be forwarded to the Home Office by the Chairman of such Justices, but it shall not be entertained by the Home Office until due Proof is given that Notice of such Application has been served on the Clerk of the Peace of every County abutting on such River other than the County from the Justices of which the Application proceeds, and that a Copy of such Notice has been published in every County abutting on such River by Advertisement once at least in each of Four successive Weeks in some local Newspaper; the Extension of such Time as aforesaid by the Home Office shall be made by Order under the Hand of One of Her Majesty's Principal Secretaries of State, and a Copy of the *London Gazette* containing such Order shall be Evidence of the same having been made.

For the Purposes of this Section any Riding or other Division of a County having a separate Court of Quarter Sessions shall be deemed a separate County, and any Penalties imposed by this Act for the Purpose of prohibiting the killing of Fish during the Close Time shall apply to such extended Close Time; and the Home Office may from Time to Time vary the Close Time so extended.

19. No

Penalty on selling Fish during Close Time.

19. No Person shall buy, sell, or expose for Sale, or have in his Possession for Sale, any Salmon between the Third Day of *September* and the Second Day of *February* following; and any Person acting in contravention of this Act shall forfeit any Fish so bought, sold, or exposed for Sale, or in his Possession for Sale, and shall incur a Penalty not exceeding Two Pounds for each such Fish; but this Section shall not apply to any Person buying, selling, or exposing for Sale, or having in his Possession for Sale, Salmon cured, pickled, or dried, or any fresh Salmon caught beyond the Limits of this Act, nevertheless the Burden of proving any fresh Salmon that is sold, or exposed, or in the Possession of any Person for Sale between the said Third Day of *September* and the said Second Day of *February* to have been caught beyond the Limits of this Act shall lie on the Person selling or exposing the same for Sale, or having the same in his Possession for Sale.

Removal of fixed Engines during Close Time.

20. The Proprietor or Occupier of every Fishery for Salmon shall, within Thirty-six Hours after the Commencement of the Close Season, cause to be removed and carried away from the Waters within his Fishery the Inscales, Hecks, Tops, and Rails of all Cruives, Boxes, or Cribs, and all Planks and temporary Fixtures used for taking or killing Salmon, and all other Obstructions to the free Passage of Fish in or through the Cruives, Cribs, and Boxes within his Fishery; and if any Proprietor or Occupier omits to remove and carry away in manner aforesaid any Things hereby required to be removed and carried away he shall incur the following Penalties; (that is to say,)

(1.) He shall forfeit all the Engines or other Things that are not removed and carried away in compliance with this Section:

(2.) He shall, for every Day during which he suffers such Things to remain unremoved beyond the Period prescribed by this Act, pay a Sum not exceeding Ten Pounds.

Weekly Close Time.

21. No Person shall fish for, catch, or kill by any Means other than a Rod and Line, any Salmon between the Hour of Twelve of the Clock at Noon on *Saturday* and the Hour of Six of the Clock on *Monday* Morning; and any Person acting in contravention of this Section shall forfeit all Fish taken by him, and any Net or moveable Instrument used by him in taking the same, and in addition thereto shall incur a Penalty not exceeding Five Pounds, and a further Penalty not exceeding One Pound in respect of each Fish so taken between Twelve of the Clock at Noon on *Saturday* and Six of the Clock on *Monday* Morning; but nothing in this Section contained shall compel the Owner of any Putts or Putchers to remove or draw up the same during such Time as is mentioned in this

this Section, or subject him to a Penalty, so that he lets down a Net in such Manner or uses such other Device as the Home Office approves for the Purpose of preventing Salmon passing into the Putts or Putchers during such Time as aforesaid.

A free Passage to be left through Cribs or Traps during Weekly Close Time.

22. The Proprietor or Occupier of every Fishery shall, between Twelve of the Clock at Noon on *Saturday* and Six of the Clock on the *Monday* Morning following, maintain a clear Opening, of not less than Four Feet in Width from the Bottom to the Top, through all Cribs, Boxes, or Cruives used for taking Salmon within his Fishery, so that a free Space of that Width is effectually secured for the Passage of Fish up and down through each Box, Crib, or Cruive, whether used for the Purpose of fishing or not; and shall, for the Purpose of maintaining such Opening, remove the Inscales and Rails of all such Boxes, Cribs, or Cruives; and any Person acting in contravention of this Section shall incur the following Penalties:

(1.) He shall for each Offence pay a Sum not exceeding Five Pounds, and a further Penalty not exceeding One Pound for each Fish so taken:

(2.) He shall forfeit every Fish caught in contravention of this Section.

Fish Passes.

Proprietor with Consent of Home Office may attach Fish Passes to existing Dams.

23. Any Proprietor of a Fishery with the written Consent of the Home Office may attach to every Dam existing at the Time of the passing of this Act a Fish Pass, of such Form and Dimensions as the Home Office may approve, so that no Injury be done to the Milling Power or to the Supply of Water to or of any navigable River, Canal, or other Inland Navigation by such Fish Pass; and any Person obstructing any Person legally authorized in erecting or doing any necessary Act to erect or maintain such Fish Pass shall incur a Penalty not exceeding Ten Pounds for each Act of Obstruction; and any Person injuring such Fish Pass shall pay the Expense of repairing the Injury, such Expense to be recovered in a summary Manner, and, in addition thereto, if such Injury is wilful, shall incur a Penalty not exceeding Five Pounds; and any Person doing any Act for the Purpose of preventing Salmon from passing through a Fish Pass, or taking any Salmon in its Passage through the same, shall incur a Penalty not exceeding Five Pounds for a First Offence, and not exceeding Ten Pounds for each subsequent Offence, and shall forfeit any Salmon taken by him in contravention of this Section, and any Instrument used by him in taking the same: Provided that if any Injury is done to any Dam by reason of the affixing of a Fish Pass in pursuance of this Section, any Person sustaining

taining any Loss thereby may recover Compensation for such Injury in a summary Manner from the Person or Body of Persons by whom such Fish Pass has been affixed.

Notice required before Home Office gives Consent.

24. The Home Office shall not give their Consent to the Attachment by a Proprietor of a Fish Pass to any Dam, in pursuance of the last preceding Section, unless such Proprietor proves, to the Satisfaction of the Home Office, that he has served Notice on the Owner of such Dam of his Intention to apply for such Consent, and at the same Time has furnished him with Plan and Specification of the Fish Pass which he proposes to erect, a reasonable Time before his Application; and it shall be lawful for such Owner to urge any Objections he may think fit to the Home Office against their giving their Consent, and the Home Office shall take any Objections so made into consideration before they give their Consent to the Attachment of the Fish Pass.

Fish Passes to be attached to future Dams.

25. Every Person who, after the passing of this Act, in Waters where Salmon are found, constructs a new Dam, or raises or alters, so as to create increased Obstruction to Fish, a Dam already constructed, shall attach and maintain attached thereto in an efficient State a Fish Pass of such Form and Dimensions as may be determined by the Home Office, and if he do not, such Person shall incur a Penalty not exceeding Five Pounds; and it shall be lawful for the Home Office to cause to be done any Work by this Section required to be done by such Person, and to recover the Expense of doing the same in a summary Manner from the Person in default; but this Section shall not authorize anything to be done which may injuriously affect any navigable River, Canal, or Inland Navigation, nor shall anything in this or the last preceding Section prevent any Person from removing a Fish Pass for the Purpose of repairing or altering a Dam, so that within a reasonable Time he restore such Fish Pass in as an efficient a State as it was before he removed the same.

Supply of Water to Fish Passes.

26. Where a Fish Pass is attached to any Dam in pursuance of this Act, the Sluices, if any, for drawing off the Water which would otherwise flow over the Dam shall be kept shut at all Times when the Water is not required for Milling Purposes in such Manner as to cause such Water to flow through the Fish Pass; and any Person making Default in complying with the Requisitions of this Section shall incur a Penalty not exceeding Five Shillings *per* Hour for every Hour during which such Default continues; but this Section shall not preclude any Person from opening a Sluice for the Purpose of letting off Water in Cases of Flood, or for Milling Purposes, or when necessary

necessary for the Purposes of Navigation, or for cleaning or repairing any Dam or Mill or the Appurtenances thereof.

Restrictions as to Fishing Weirs.

Construction of Free Gaps.

27. Where any Fishing Weir extends more than halfway across any Stream at its lowest State of Water, it shall have a Free Gap or Opening in accordance with the Regulations following, unless otherwise authorized by the Home Office, under the Powers of this Act; that is to say,

(1.) The Free Gap shall be situate in the deepest Part of the Stream between the Points where it is intercepted by the Weir:

(2.) The Sides of the Gap shall be in a Line with and parallel to the Direction of the Stream at the Weir:

(3.) The Bottom of the Gap shall be level with the natural Bed of the Stream above and below the Gap:

(4.) The Width of the Gap in its narrowest Part shall be not less than One Tenth Part of the Width of the Stream; provided always, that such Gap shall not be required to be wider than Forty Feet, and shall not in any Case be narrower than Three Feet.

Enforcing Free Gaps in Fishing Weirs.

28. The following Rules shall be observed for the Purpose of enforcing efficient Free Gaps in Fishing Weirs; that is to say,

(1.) Where a Weir is without a legal Free Gap at the Time of the Commencement of this Act the Owner of such Weir shall within Twelve Months after the Commencement of this Act make such a Gap, and if he does not he shall incur a Penalty not exceeding Five Pounds for every Day after the Expiration of such Period of Twelve Months during which he does not make such Gap

(2.) Where a Free Gap has been made in a Weir, but the same is not maintained in accordance with this Act, the Owner of such Weir shall incur a Penalty not exceeding One Pound a Day for each Day he is in default:

(3.) No Alteration shall be made in the Bed of any River in such Manner as to reduce the Flow of Water through a Free Gap; if it is, the Person making the same shall incur a Penalty not exceeding Five Pounds, and a further Penalty of One Pound a Day until he restores the Bed of the River to its original State:

(4.) No Person shall place any Obstruction, use any Contrivance, or do any Act whereby Fish may be scared, deterred, or in any way

way prevented from freely entering and passing up and down a Free Gap at all Periods of the Year; and any Person placing any Obstruction, using any Contrivance, or doing any Act in contravention of the Regulation lastly herein-before contained shall incur a Penalty not exceeding Five Pounds for the First Offence, and not exceeding Ten Pounds for each subsequent Offence; but this last Regulation shall not apply to a temporary Bridge or Board used for crossing the Free Gap, and taken away immediately when a Person has crossed the same.

Construction of Boxes and Cribs in Fishing Weirs and Fishing Mill Dams.

29. The following Rules shall be observed in relation to the Construction of Boxes and Cribs in Fishing Weirs and Fishing Mill Dams; that is to say,

(1.) The Upper Surface of the Sill shall be level with the Bed of the River:

(2.) The Bars or Inscales of the Heck or Upstream Side of the Box or Crib shall not be nearer each other than Two Inches, and shall be capable of being removed and shall be placed perpendicularly:

And the Owner of any Fishing Weir or Fishing Mill Dam that has attached thereto any Box or Crib in contravention of this Act shall bring the same into conformity with this Act within Six Months after the Commencement of this Act; and he shall incur a Penalty not exceeding Five Pounds for every Day after the Expiration of such Period of Six Months during which he fails to comply with the Provisions of this Section; and any Owner failing so to maintain the same shall incur a Penalty not exceeding One Pound for every Day during which such Failure continues.

Construction of Spur Walls in Fishing Weirs or Fishing Mill Dams.

30. There shall not be attached to any Box or Crib in any Fishing Weir or Fishing Mill Dam any Spur or Tail Wall, Leader, or Outrigger of a greater Length than Twenty Feet from the upper or lower Side of such Box or Crib; and if any Box or Crib in any Fishing Weir or Fishing Mill Dam has any Walls, Leaders, or Outriggers in contravention of this Section, the Owner of the Weir or Fishing Mill Dam shall incur a Penalty not exceeding One Pound for every Day during the Continuance thereof.

CENTRAL AUTHORITY.

General Superintendence of Fisheries by Home Office.

31. The general Superintendence of the Salmon Fisheries throughout *England* shall be vested in the Home Office, and it shall be lawful for the Home Office to appoint Two Inspectors of Fisheries for Three Years, to assign to them their Duties, and to pay

pay to them such Salaries as may from Time to Time be determined by the Commissioners of Her Majesty's Treasury.

The Home Office may from Time to Time remove the said Inspectors, and appoint other Persons in their Stead.

Annual Reports of Inspectors to be laid before Parliament.

32. The Home Office shall annually lay before Parliament Reports from the Inspectors, which Reports shall contain as far as may be practicable a Statistical Account of the Fisheries, with such other Information as may be collected, and Suggestions offered for their Regulation and Improvement.

Justices at Sessions to appoint Conservators of Rivers.

33. It shall be lawful for the Justices of the Peace assembled at any General or Quarter Sessions of the Peace from Time to Time to appoint Conservators or Overseers for the Preservation of Salmon, and enforcing for that Purpose the Provisions of this Act within the Limits of the Jurisdiction of such Justices.

Justice may grant a Warrant to enter suspected Places.

34. It shall be lawful for any Justice of the Peace, upon an Information on Oath that there is probable Cause to suspect any Breach of the Provisions of this Act to have been committed on any Premises, or any Salmon illegally taken or any illegal Nets or other Engines to be concealed on any Premises, by Warrant under his Hand and Seal, to authorize and empower any Inspector, Water Bailiff, Conservator, Constable, or Police Officer to enter such Premises for the Purposes of detecting such Offence, or such concealed Fish, at such Time or Times, in the Day or Night, as in such Warrant may be mentioned, and to seize all illegal Engines, or any Salmon illegally taken, that may be found on such Premises; provided that no such Warrant shall continue in force for more than One Week from the Date thereof.

LEGAL PROCEEDINGS.

Recovery of Penalties.

35. All Penalties imposed by this Act, and all Costs or Expenses by this Act directed to be recovered in a summary Manner, may be recovered, within Six Months after the Commission of the Offence, before Two Justices, in manner directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of the Justices of the Peace out of Sessions within* England *and* Wales *with respect to Summary Convictions and Orders*, or of any Act amending the same; and all Monies received in respect of Penalties recovered under the Act shall be paid as follows; that is to say,

Such Portion not exceeding One Half, as the Court may think fit, to the Person on whose Complaint the Penalty is recovered,

and

and the Remainder in manner directed by the said Act of Eleventh and Twelfth Years of the Reign of Her present Majesty *Victoria*, Chapter Forty-three; and all Forfeitures shall be disposed of as the Court may direct, and the Proceeds, if any, shall be applied in manner in which the Monies received in respect of Penalties are hereby directed to be applied.

Offences on Rivers may be tried in County on either Side.

36. Where any Offence under this Act is committed in or upon any Waters forming the Boundary between any Two Counties, Districts of Quarter Sessions or Petty Sessions, such Offence may be prosecuted before any Justice or Justices of the Peace in either of such Counties or Districts.

Offences committed on Sea Coast where to be tried.

37. Any Offence committed under this Act, on the Sea Coast or at Sea, beyond the ordinary Jurisdiction of any Justice of the Peace, shall be deemed to have been committed within the Body of any County abutting on such Sea Coast or adjoining such Sea, and may be tried and punished accordingly.

Saving Clause for dredging.

38. Nothing in this Act contained shall prejudice the legal Right of any Conservators, Directors, Commissioners, Undertakers, Persons, or Body of Persons corporate or unincorporate to dredge, scour, cleanse, or improve any navigable River, Canal, or other Inland Navigation.

REPEAL OF ACTS.

Repeal of Acts.

39. From and after the Commencement of this Act there shall be hereby repealed the several Acts and Parts of Acts set forth in the Schedule hereto, to the Extent to which such Acts or Parts of Acts are therein expressed to be repealed: Provided that such Repeal shall not affect—

1. Any Security duly given before this Act comes into operation:
2. Anything duly done before this Act comes into operation:
3. Any Liability accruing before this Act comes into operation:
4. Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence committed before this Act comes into operation:
5. The Institution of any legal Proceeding or any other Remedy for ascertaining, enforcing, or recovering any such Liability, Penalty, Forfeiture, or Punishment as aforesaid.

SCHEDULE.

Reference to Act.	Title of Act.	Extent of Repeal.
13 Ed. 1. Stat. 1. c. 47.	A Penalty for taking of Salmon at certain Times of the Year.	The whole Act.
25 Ed. 3. Stat. 4. c. 4.	" New Weirs shall be pulled down and not " repaired."	The whole Act.
45 Ed. 3. c. 2.	The Penalty of him that setteth up or enhanceth Wares.	The whole Act.
13 Rich. 2. Stat. 1. c. 19.	A Confirmation of Stat. 13 Ed. 1. Stat. 1. c. 47.	The whole Act.
17 Rich. 2. c. 9.	Justices of Peace shall be Conservators of the Statutes made touching Salmon.	The whole Act.
1 Hen. 4. c. 12.	A Confirmation of former Statutes touching pulling down of Wears.	The whole Act.
4 Hen. 4. c. 11.	Commissions shall be awarded to Justices, &c. to inquire of Wears and Kidels, &c.	The whole Act.
2 Hen. 6. c. 15.	No Man shall fasten Nets to anything over Rivers.	The whole Act.
12 Ed. 4. c. 7.	An Act for the taking away Wears and Fishgarthes.	The whole Act.
11 Hen. 7. c. 5.	Every Man may pull down the Wears and Engines in the Haven of Southampton, &c.	The whole Act.
14 & 15 Hen. 8. c. 13.	A Confirmation of the Statute 11 Hen. 7. c. 5., and the same made perpetual.	The whole Act.
23 Hen. 8. c. 18.	For pulling down Piles and Fishgarths in the Rivers Ouse and Humber.	The whole Act.
1 Eliz. c. 17.	An Act for the Preservation of Spawn and Fry of Fish.	In so far as it relates to Salmon.
3 Car. 1. c. 4.	An Act for Continuance and Repeal of divers Statutes.	The First Section of the Act.
3 Jas. 1. c. 12.	An Act for the better Preservation of Sea Fish.	The whole Act.
30 Car. 2. c. 9.	An Act for the better Preservation of Fishing in the River of Severn.	The whole Act.
4 Ann. c. 21.	An Act for the Increase and better Preservation of Salmon and other Fish in the Rivers within the Counties of Southampton and Wiltshire.	The whole Act.
9 Ann. c. 26.	An Act for the better Preservation and Improvement of Fishery within the River of Thames, and for regulating and governing the Company of Fishermen of the said River.	The Second Section of the Act.
1 Geo. 1. Stat. 2. c. 18.	An Act for the better preventing Fresh Fish taken by Foreigners being imported into this Kingdom, and for the Preservation of the Fry of Fish, and for the giving Leave to import Lobsters and Turbets in Foreign Bottoms, and for the better Preservation of Salmon within several Rivers in that Part of this Kingdom called England.	Sects. 11 to 16 inclusive.
23 Geo. 2. c. 26.	An Act to continue several Laws for the better Regulation of Pilots for the conducting of Ships and Vessels from Dover, Deal, and Isle of Thanet up the River	Sects. 7, 8, & 9.

Salmon Fisheries.

Reference to Act.	Title of Act.	Extent of Repeal.
	of Thames and Medway, and for permitting Rum or Spirits of the British Sugar Plantations to be landed before the Duties of Excise are paid thereon, and to continue and amend an Act for preventing Frauds on the Admeasurement of Coals within the City and Liberty of Westminster and several Parishes near thereunto, and to continue several Laws for preventing Exactions of Occupiers of Locks and Wears upon the River Thames westward, and for ascertaining the Rates of Water Carriage upon the said River, and for the better Regulation and Government of Seamen in the Merchants Service; and also to amend so much of an Act made in the First Year of the Reign of King George the First as relates to the better Preservation of Salmon in the River Ribble, and to regulate Fees in Trials at Assizes and Nisi Prius upon Records issuing out of the Office of Pleas of the Court of Exchequer, and for the apprehending of Persons in any County or Place upon Warrant granted by Justices of the Peace in any other County or Place, and to repeal so much of an Act made in the 12th Year of the Reign of King Charles the Second as relates to the Time during which the Office of Excise is to be kept open each Day, and to appoint for how long Time the same shall be kept open upon each Day for the future, and to prevent the dealing or destroying of Turnips, and to amend an Act made in the Second Year of His present Majesty for better Regulation of Attorneys and Solicitors.	
33 Geo. 2. c. 27.	An Act to repeal so much of an Act passed in the Twenty-ninth Year of His present Majesty's Reign concerning a free Market for Fish at Westminster as requires Fishermen to enter their Fishing Vessels at the Office of the Searcher of the Customs at Gravesend, and to regulate the Sale of Fish at the First Hand in the Fish Markets in London and Westminster, and to prevent Salesmen of Fish buying Fish to sell again on their own Account, and to allow Biet and Turbot, Brill and Pear, although under the respective Dimensions mentioned in a former Act, to be imported and sold, and to punish any Persons who shall take or sell any Spawn, Brood, or Fry of Fish, unsizeable Fish, or Fish out of Season, or Smelts under the Size of Five Inches, and for other Purposes.	Sect. 13.
18 Geo. 3. c. 33.	An Act for the better Preservation of Fish, and regulating the Fisheries in the Rivers Severn and Verniew.	In so far as it relates to Salmon.

Salmon Fisheries.

Reference to Act.	Title of Act.	Extent of Repeal.
37 Geo. 3. c. 95.	An Act to amend Two Acts made in the Fourth Year of the Reign of Queen Anne and the First Year of the Reign of King George the First, for the Preservation of Salmon and other Fish in the Rivers within the Counties of Southampton and Wilts.	In so far as it relates to Salmon.
58 Geo. 3. c. 43.	An Act for preventing the Destruction of the Breed of Salmon and Fish of Salmon Kind in the Rivers of England.	The whole Act.
6 & 7 Vict. c. 33.	An Act to repeal so much of an Act of the First Year of King George the First as limits the Time for taking and being restrained from taking Salmon in certain Rivers, and to amend and extend the Provisions of an Act of the Fifty-eighth Year of King George the Third to the Rivers therein mentioned.	The whole Act.
11 & 12 Vict. c. 52.	An Act to explain the Acts for preventing the Destruction of the Breed of Salmon and Fish of the Salmon Kind.	The whole Act.

Private Acts relating to Salmon Fisheries.

——	Rivers affected.	Extent of Repeal.
43 Geo. 3. c. 61. -	Teign, Dart, and Plym, Devon - -	The whole Act.
44 Geo. 3. c. 45. -	Rivers flowing into the Solway Firth -	The whole Act, except in so far as it relates to Scotland, and to Fish other than Salmon in England.
45 Geo. 3. c. 33. -	Carmarthenshire Rivers - - -	The whole Act.
46 Geo. 3. c. 19. -	Rivers running into Milford Harbour -	In so far as it relates to Salmon.
49 Geo. 3. c. 2. -	Lord Lonsdale's Fisheries in Derwent	The whole Act.
5 & 6 Vict. c. 63. -	Tyne - - - - - - -	The whole Act.
21 & 22 Vict. c. 141. -	Tees - - - - - -	So much of Sects. 63 & 64 as relates to the making of Byelaws for the Regulation of Salmon Fisheries.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.