CAP. XXXIII.

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.

[28th *July* 1843.]

'WHEREAS an Act was passed in the First Year of the Reign of His Majesty King *George* the First, intituled
1 G 1. 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 giving Leave to import Lobsters in Foreign Bottoms; and for the better Preservation of Salmon within several Rivers of that Part of this Kingdom called* England, in which it is amongst other things recited, that the several Acts of Parliament theretofore made for the Preservation of Fishing within the Rivers of this Realm have hitherto proved ineffectual in respect to the Rivers *Severn*, *Dee*, *Wye*, *Teame*, *Were*, *Tees*, *Ribble*, *Mersey*, *Dun*, *Air*, *Ouse*, *Swaile*, *Calder*, *Wharfe*, *Eure*, *Derwent*, and *Trent*, for Want of a due Encouragement to be given to such Persons who could discover the many illegal Practices and Abuses done therein, and by reason of the Dilatoriness and Expensiveness of the Suits and Proceedings directed by the said Acts for punishing such Abuses; wherefore, for Remedy whereof, and for the better securing the Spawn, Fry, and Breed of Salmon in the said Rivers, it was among other things enacted, that if any Person or Persons whatsoever should at any Time thereafter, between the last Day of *July* and the Twelfth Day of *November*, for ever, by or with any Net, Device, Engine, Ways or Means whatsoever, take, kill, destroy, or wilfully hurt any Salmon of any Kind or Size whatsoever in the said Rivers, every Person so offending in any of the said Cases who should be convicted thereof before any Justice or Justices of the Peace of the County wherein the said Offence should be committed, either upon View of such Justice or Justices, by Confession of such Offender, or by One or more credible Witness or Witnesses upon Oath (which Oath every such Justice of the Peace was thereby empowered to administer), should forfeit the Sum of Five Pounds for every such Offence, besides the Fish so taken, and the Nets, Engines, and Devices used in doing or committing the same; one Moiety of the said Sum to be paid to the Informer or Informers, and the other Moiety thereof to the Poor of the Parish where the said Offence should be committed, to be levied by Distress and Sale of the Offender's Goods and Chattels by Warrant under the Hand and Seal of the Justice or Justices of the Peace

' before

'before whom he should be convicted as aforesaid, rendering 'the Overplus, if any be, over and above the Charges of the 'Distress, to the Person so distrained; and for Want of such 'Distress the Offender should be committed to the House of 'Correction or other County Gaol or Prison for any Time 'not exceeding Three Months nor less than One Month, there 'to be kept to hard Labour, and suffer such other corporal 'Punishment as the said Justice or Justices, upon Consideration 'of the Circumstances of such Offence, should think fit; and 'the said Justice or Justices of the Peace before whom the 'Person so offending should be convicted should order such 'Nets, Engines, and Devices made use of in taking such Fish 'to be seized and immediately cut in Pieces or otherwise 'destroyed in his or their Presence: And whereas it is expe- 'dient to repeal the said recited Provision of the said Act, 'so far as concerns the Days between which Salmon of any 'Kind or Size are not to be taken, killed, or destroyed, or 'wilfully hurt, in the said Rivers, and to extend to all the 'aforesaid Rivers the Provisions of the said Act passed in the 'Fifty-eighth Year of the Reign of His Majesty King *George* 'the Third, intituled *An Act for preventing the Destruction of* 58 G. 3. c. 43. '*the Breed of Salmon, and Fish of the Salmon Kind, in the Rivers* '*of* 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, That so much of the said first-mentioned Act passed in the First Year of the Reign of King *George* the First as is herein-before recited shall, so far as concerns the Days between which Salmon of any Kind or Size are not to be taken, killed, or destroyed, or wilfully hurt, in the said Rivers, and the Penalties therein contained, so far only as they relate to the Offence herein mentioned, be and the same is hereby repealed.

Repeal of so much of 1 G. 1. c. 18. as fixes Fence Days.

II. And be it enacted, That all the Provisions of the said Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for preventing the Destruction of the Breed of Salmon, and Fish of Salmon Kind, in the Rivers in* England, shall, from and immediately after the passing of this Act, be extended to and the same are hereby extended to all and each of the said Rivers herein-before mentioned, and the Waters communicating therewith respectively, as fully and effectually as if the said Rivers had been expressly mentioned in the said last-mentioned Act, and as if no Provision had been made by any Act in force at the Time of the passing of the said last-mentioned Act for limiting the Time within which it should be lawful to take Salmon or Fish of the Salmon Kind in any of the said Rivers.

Provisions of 58 G. 3. c. 43. extended to Rivers mentioned in 1 G. 1. c. 18.

III. 'And whereas it is expedient to make Provision for 'more effectually fixing the Days for being restrained from 'taking Salmon, commonly called "Fence Days," in such 'Parts of any River as may run between or form the Boundary 'of Two adjoining Counties;' be it therefore enacted, That wheresoever

Mode of fixing Fence Days as to Parts of Rivers between or forming Boundary of Two adjoining Counties.

wheresoever the Course of any of the herein-before mentioned Rivers, or of any Rivers to which the Provisions of the said recited Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third now apply, shall run between or form the Boundary of Two adjoining Counties, it shall be lawful for the Justices of the Peace acting for either of such Counties, at their Quarter Sessions of the Peace, upon the Refusal or Neglect of the Justices of the Peace acting for such other adjoining County to fix certain Days, according to the Provisions of the said last-mentioned Act, to be Fence Days for such Part of any such River, themselves to fix certain Days as Fence Days, during which it shall not be lawful for any Person or Persons whatsoever to take, kill, or destroy, or attempt to take, kill, or destroy, any Salmon, Salmon Trout, or Fish of the Salmon Kind, or any Brood, Spawn, or Fry of such Fish, in any Portion of such River as runs between or forms the Boundary of such Two Counties.

If Justices of any such Two Counties cannot agree, the Justices of next adjoining County to fix the Days.

IV. And be it enacted, That in case the Justices of the Peace acting for such Two adjoining Counties should not fix the same Days as Fence Days for such Part of any River as runs between or forms the Boundary of the Two Counties, the Clerk of the Peace for each County respectively shall give Notice to the Clerk of the Peace of the County next adjoining through which the lower Course of the River shall entirely pass, or if there shall be no such County then to the Clerk of the Peace of the County next adjoining through which the upper Course of the River shall entirely have passed, of the Days which have been proposed as Fence Days by the Justices of the Peace for such Two adjoining Counties as aforesaid; and it shall thereupon be lawful for the Justices of the Peace acting for such next adjoining County through which the Course of the River shall entirely pass or have passed, as the Case may be, and they are hereby required, at their next Quarter Sessions, to fix certain Days as Fence Days for any Part of such River as runs between or forms the Boundary of such adjoining Counties: Provided always, that the first of such Fence Days shall be some Day between the Days proposed by such adjoining Counties for the Commencement of such Fence Days, and the last of such Days shall be a Day between the Days proposed by the said adjoining Counties for the Determination of such Fence Days.

Offences committed in a River forming a Boundary how to be cognizable.

V. And be it enacted, That any Offence against the Provisions of the said recited Acts or of this Act committed by any Person whatsoever in such Part of any River as runs between or forms the Boundary of Two adjoining Counties shall be cognizable by any Justice or Justices of the Peace, as the Case may require, acting for either one of such Counties.

So much of 58 G. 3. c. 43. as imposes Penalties for taking, selling, &c. Spawn,

VI. 'And whereas it is by the said recited Act of the Fifty-'eighth Year of the Reign of His Majesty King *George* the 'Third enacted, that no Person shall at any Time after the 'First Day of *September* One thousand eight hundred and 'eighteen take, kill, or destroy, or knowingly have in his or

'her

'her Possession, either on the Water or on the Shore, or 'shall bring to Shore, or cry or carry about, sell, offer, or expose to or for Sale, or shall exchange for any Goods, Matter, or Thing, any Spawn, Fry, or Brood of Fish, or any unsizeable Fish, or any Kepper or Shedder Salmon being unseasonable Salmon, commonly called Old Salmon, or any Salmon caught in any River during the Periods when fishing for Salmon is prohibited under the Provisions of any Law now in force, or when the same shall be prohibited by any Order to be made by the Justices at their Sessions as herein-before provided; and it shall be lawful for any Conservator or Overseer thereof, or any other Person under the Authority of this Act, to take and seize all or any such Spawn, Fry, or Brood of Fish, or such other Fish as aforesaid, wherever the same shall be found, together with all Baskets and Package in which the same shall be so found or taken, and to deliver the Person on whom the same may be found to a Constable or other Peace Officer; and after every such Seizure shall be made the Spawn, Fry, or Brood, or other Fish as aforesaid, together with the Baskets and Package in which the same shall be so seized, shall be delivered into the Hands of some Constable or other Peace Officer, and every such Constable or other Peace Officer is hereby authorized and required to take every such Offender with whom he shall be so charged for any such Offence into his Custody, and also the Spawn, Fry, or Brood of Fish, and such other Fish as aforesaid, and all Baskets and Packages in which the same shall be so seized, and which shall be delivered to such Constable or other Peace Officer, as aforesaid, and to carry such Offender, and all such Spawn, Fry, or Brood of Fish, and such other Fish as aforesaid, together with the Baskets and Package as aforesaid which shall have been delivered to any such Constable or other Peace Officer with all convenient Speed, before some Justice or Justices or Magistrate of the County, City, or Place where the Offence shall be committed, for such Offender to be dealt with according to Law; and on the Conviction of any such Offender or Offenders for any such Offence before any such Justice or Justices or Magistrates as aforesaid, every such Offender shall forfeit all and every such Spawn, Fry, or Brood of Fish, unsizeable Fish, and Fish out of Season, which shall be so seized, together with all Baskets or Package in which the same shall be so seized; and all such Spawn, Fry, or Brood of Fish, or such other Fish as aforesaid, together with such Baskets and Package in which the same shall have been so seized as aforesaid, shall, by Order of the Justice or Justices before whom the same shall be so brought, be delivered to the Person or Persons who shall have so seized the same and shall prosecute to Conviction any such Offender; and every Offender who shall be so convicted as aforesaid of any such Offence shall besides forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Five Pounds:

Fish, &c., or Fish caught during prohibited Periods, repealed.

'And whereas it is expedient that the said Provision be repealed;' be it therefore enacted, That the said Provision be and the same is hereby repealed.

Penalty on Persons taking, selling, &c. Spawn, Fish, &c. after Fence Days.

VII. And be it enacted, That no Person shall upon any Pretence whatsoever, at any Time after the Days to be fixed by any Justice or Justices of the Peace to be Fence Days by virtue of the Provisions of this Act, take, kill, or destroy, or have in his or her Possession, either on the Water or on the Shore, or shall bring to Shore, or cry or carry about, sell, offer, or expose to or for Sale, or shall exchange for any Goods, Matter, or Thing, any Spawn, Fry, or Brood of Fish, or any unsizeable Fish, or any Kepper or Shedder Salmon being unseasonable Salmon, commonly called Old Salmon, or any Salmon caught in any River during the Periods when fishing for Salmon is prohibited under the Provisions of any Law now in force, or when the same shall be prohibited by any Order to be made by the Justices at their Sessions, as provided by the said recited Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, or by any Order to be made by the Justices at their Sessions or otherwise as hereinbefore provided; and it shall be lawful for any Conservator or Overseer thereof, or any other Person under the Authority of the said recited Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, or under the Authority of this Act, to take and seize all or any such Spawn, Fry, or Brood of Fish, or such other Fish as aforesaid, wherever the same shall be found, together with all Baskets and Package in which the same shall be so found or taken, and to deliver the Person on whom the same may be found to a Constable or other Peace Officer; and after every such Seizure shall be made the Spawn, Fry, or Brood, or other Fish as aforesaid, together with the Baskets and Package in which the same shall be so seized, shall be delivered into the Hands of some Constable or other Peace Officer, and every such Constable or other Peace Officer is hereby authorized and required to take every such Offender with whom he shall be so charged for any such Offence into his Custody, and also the Spawn, Fry, or Brood of Fish, and such other Fish as aforesaid, and all Baskets and Packages in which the same shall be so seized, and which shall be delivered to such Constable or other Peace Officer as aforesaid, and to carry such Offender, and all such Spawn, Fry, or Brood of Fish, and such other Fish as aforesaid, together with the Baskets and Package as aforesaid, which shall have been delivered to any such Constable or other Peace Officer, with all convenient Speed, before some Justice or Justices or Magistrate of the County, City, or Place where the Offence shall be committed, for such Offender to be dealt with according to Law; and on the Conviction of any such Offender or Offenders for any such Offence before any such Justice or Justices or Magistrate as aforesaid, every such Offender shall forfeit all and every such Spawn, Fry, or Brood of Fish, unsizeable Fish, and Fish out of Season, which shall be so seized, together with all

all Baskets or Package in which the same shall be so seized and all such Spawn, Fry, or Brood of Fish, or such other Fish as aforesaid, together with such Baskets and Package in which the same shall have been so seized as aforesaid, shall, by Order of the Justice or Justices before whom the same shall be so brought, be delivered to the Person or Persons who shall have so seized the same and shall prosecute to Conviction any such Offender; and every Offender who shall be so convicted as aforesaid of any such Offence shall besides forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Five Pounds.

All the Powers, Penalties, &c. of said Acts of 1 G. 1. c. 18. and 58 G. 3. c. 43. to apply to this Act.

VIII. And be it enacted, That all the Powers and Provisions, Rules, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things, contained in the said recited Acts passed in the First Year of the Reign of His Majesty King *George* the First and in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, shall be applied and put in Practice in the Execution of this Act, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in this Act, so far as the same are compatible and consistent with the Provisions of this Act, and except so far as the same are expressly altered or repealed by this Act.

CAP. XXXIV.

An Act for the better Apprehension of certain Offenders. [28th *July* 1843.]

'WHEREAS it is expedient to make more effectual Provision for the Apprehension and Trial of Offenders 'against the Laws who may be in other Parts of Her Majesty's 'Dominions than those in which their Offences were committed:' 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, That from and after the passing of this Act, if any Person charged with having committed any Offence such as is herein-after mentioned against the Laws of any Part of Her Majesty's Dominions not being Part of the United Kingdom of *Great Britain* and *Ireland*, and against whom a Warrant shall have been issued for such Offence by any Person having lawful Authority to issue the same within that Part of Her Majesty's Dominions where such Offence shall have been committed, shall be in any Place within the said United Kingdom, it shall be lawful, in *Great Britain*, for One of Her Majesty's Principal Secretaries of State, and in *Ireland* for the Chief Secretary of the Lord Lieutenant of *Ireland*, to endorse his Name on such Warrant, which Warrant so endorsed shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed, and also to all

Offenders in the Colonies escaping into the United Kingdom may be there apprehended.