ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 45.

An Act for the better regulating and improving the Fiſheries in the Arm of the Sea, between the County of *Cumberland*, and the Counties of *Dumfries* and *Wigton*, and the Stewartry of *Kirkcudbright*; and alſo the Fiſheries in the ſeveral Streams and Waters which run into, or communicate with, the ſaid Arm of the Sea. [5th *June* 1804.]

WHEREAS the Fiſheries in the Arm of the Sea which is ſituate between the County of *Cumberland*, in that Part of *Great Britain* called *England*, and the County of *Dumfries*, the Stewartry of *Kircudbright*, and the County of *Wigton*, in that Part of *Great Britain* called *Scotland*; and alſo the Fiſheries in the ſeveral Rivers, Rivulets, Brooks, Streams, Ponds, Pools, and other Waters, which run into, or otherwiſe communicate with, the ſaid Arm of the Sea, were formerly of great Value to the Owners, Farmers, and Occupiers thereof, and of much publick Utility; but from the great Deſtruction that hath of late Years been made therein by evil diſpoſed Perſons deſtroying the Breeding Kepper, and Shedder Salmon, Gilſies, Trouts, and Whitings otherwiſe Herlings, and the Brood, Spawn, and Fry thereof, and all other Kinds of Fiſh which are bred in the ſaid Arm of the Sea, and in the Rivers, Rivulets, Brooks, Streams, Ponds, Pools, and other Waters which run into or communicate therewith (excluſive of other Cauſes, if ſuch exiſt) the ſaid Fiſheries have fallen into great Decay, and become nearly uſeleſs and unprofitable, to the great Loſs of the Publick, as well as the Individuals intereſted therein: For Remedy whereof, and for the Improvement of the ſaid Fiſheries, may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the

Salmon, *etc.* not to be taken, within certain Limits between 25 *September* and 31 *December*, &c.

the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That no Perſon or Perſons whomſoever ſhall, by any Ways or Means whatſoever, fiſh for, take, kill, or deſtroy, or attempt to take, kill, or deſtroy, any Salmon, Gilſe, Sea Trout, or Whiting otherwiſe Herling, in the ſaid Arm of the Sea, or in any River, Rivulet, Brook, Stream, Pond, Pool, or other Water which runs into, or otherwiſe communicates with, the ſaid Arm of the Sea, within the reſpective Times herein-after mentioned; (that is to ſay) in the River *Eden*, in the Counties of *Weſtmoreland* and *Cumberland*; in the Rivers *Bladenoch*, *Luce*, and *Poltanton*, in the County of *Wigton*; in the River *Cree*, which is ſituate between the ſaid County of *Wigton* and the Stewartry of *Kircudbright*; or in any River, Rivulet, Brook, Stream, Pond, Pool, or other Water which runs into, or otherwiſe communicates with, the ſaid Rivers, or any of them, at any Time or Times between the Twenty-fifth Day of *September* in any Year and the Thirty-firſt Day of *December* then next following; in the Rivers *Dee* and *Fleet*, in the Stewartry of *Kircudbright*, or in any River, Rivulet, Brook, Stream, Pond, Pool, or other Water which runs into, or otherwiſe communicates with, the ſaid laſt-mentioned Rivers, or either of them, at any Time or Times between the Twenty-fifth Day of *September* in any Year and the Firſt Day of *February*, then next following; in the ſaid Arm of the Sea, or in the Rivers *Eſk*, *Lyne*, and *Liddel*, on the North Side of the ſaid County of *Cumberland* or in the River *Derwent* in the ſame County; in the Rivers *Annan* and *Nith*, in the County of *Dumfries*; in the River *Orr* otherwiſe *Urr*, in the Stewartry of *Kircudbright*, or in any other River, Rivulet, Brook, Stream, Pond, Pool, or other Water which runs into, or communicates with, any of the ſaid laſt-mentioned Rivers or the ſaid Arm of the Sea, and not herein-before particularly mentioned, at any Time or Times between the Twenty-fifth Day of *September* in any Year and the Tenth Day of *March* then next following; nor ſhall any Perſon or Perſons whomſoever kill or wound any Salmon, Gilſe, Sea Trout, or Whiting otherwiſe Herling, with any Spear, Lyſter, Harpoon, Crook, or other Inſtrument in the ſaid Arm of the Sea, or in any of the Rivers or Waters aforeſaid, at any Time or Times between the Twenty-fifth Day of *September* in any Year and the Tenth Day of *March* then next following, upon Pain that all and every Perſon and Perſons offending herein ſhall forfeit and pay for the Firſt Offence the Sum of Five Pounds of lawful Money of *Great Britain*, for the Second Offence the Sum of Fifteen Pounds, and for the Third and and every other Offence the Sum of Twenty Pounds, and ſhall alſo forfeit and loſe all the Fiſh ſo taken, and all and every Baſket, Package, Boat, Trow, Net, Tackle, and other Engine or Device whatſoever made uſe of in fiſhing for any ſuch Fiſh as aforeſaid; and all and every ſuch Baſkets and Packages, Boats, Trows, Nets, Tackle, Engines, and Devices, ſo forfeited as aforeſaid, ſhall be cut in Pieces, burnt, or otherwiſe deſtroyed, and the Fiſh ſo forfeited be diſpoſed of or diſtributed by the Conſtable, Headborough, Tythingman, or other Peace Officer of the Pariſh or Place where the Offender or Offenders ſhall be convicted, according to the Direction of the Juſtice or other Perſon by and before whom ſuch Offender or Offenders ſhall be convicted of any ſuch Offence or Offences as aforeſaid.

Not to uſe Spears, *etc.* between 25 *September* and 10 *March*.

Owners of Fiſheries to take away Fiſhing Boats,

II. And be it further enacted, That all and every Owner and Owners, Farmer and Farmers, Occupier and Occupiers, of any Fiſhery, Fiſh Lock,

Lock, Coop, Bay, Engine, or Device whatſoever, which is now or ſhall at any Time or Times hereafter be built, ſet, placed, or fixed, in the ſaid Arm of the Sea, or in or upon any Bank, Sand, or Shore thereof, or near thereto, or in or near any River, Rivulet, Brook, Stream, Pond, Pool, or other Water which runs into, or otherwiſe communicates with, the ſaid Arm of the Sea, ſhall yearly and every Year, upon the ſaid Twenty-fifth Day of *September* or within Two Days afterwards, unleſs prevented by a Flood of Water, or other unavoidable Accident or Circumſtance, take, remove, and wholly carry away, or cauſe to be taken, removed, and carried away, to his, her, and their own Homes, Dwelling Houſes, or other Premiſes, all, each, and every Fiſhing Boat, Trow, Net, Grate, Heck, Gate, Hook, Lyſter, Crook, Trap, or Device, which ſhall have been uſed or intended to be uſed, fixed, put, placed, or faſtened, in or about any ſuch Fiſhery, Fiſh Lock, Coop, or Bay, in lawful Times of the Year, for the Purpoſe of ſtopping, taking, or killing of Salmon, Gilſe, Sea Trout, or Whiting otherwiſe Herling, or any other Fiſh hereby prohibited to be taken or killed, and the ſame ſo taken away and removed as aforeſaid to their own Homes, Dwelling Houſes, or other Premiſes as aforeſaid, ſhall there keep and cauſe to be kept during the Whole of the reſpective Times within which it is hereby made unlawful for any Perſon to fiſh as aforeſaid in the ſaid Arm of the Sea, and the ſaid Rivers, Rivulets, Brooks, Streams, Ponds, Pools, and other Waters reſpectively, during the Whole of which Seaſons and Times every ſuch Fiſhery, Fiſh Lock, Coop, or Bay, ſhall continue open and clear of and from all Obſtructions whatſoever, and have a full and ſufficient Cut, Paſſage, or Place made therein, by the Owner or Owners, Occupier or Occupiers thereof, which ſhall be and contain Four Feet at leaſt in Breadth, when placed in the main Stream, and not leſs than Six Feet, when ſituated in other Places, and be of ſufficient Depth to permit Salmon Gilſes and all other Fiſh to paſs and repaſs; and that every Perſon or Perſons offending herein ſhall, for every Day or other leſs Space of Time (in caſe the whole Space of Time ſhall be leſs than One Day) which he, ſhe, or they, ſhall ſuffer any Fiſhing Boat, Trow, Net, Grate, Heck, Gate, Hook, Lyſter, Crook, Trap, or Device, to be unremoved, in the Manner herein directed, or otherwiſe to remain or be in or upon the ſaid Arm of the Sea, or any of the ſaid Rivers, Rivulets, Brooks, Streams, Ponds, Pools, or other Waters, or the Banks or Shores thereof, or any ſuch Fiſh Lock, Coop, or Bay, to remain or be not opened and cleared, and having ſuch Cut, Paſſage, or Place, as is herein-before directed, forfeit and pay the Sum of Ten Pounds.

etc. after a certain Time, in every Year.

III. Provided always, and be it further enacted, That it ſhall and may be lawful for any Owner, Farmer, or Occupier, of any Fiſhery in the ſaid Arm of the Sea, or in any of the Rivers or Waters aforeſaid, in Caſes of Emergency and Neceſſity, to put One or more Fiſhing Boat or Boats, Trow or Trows, upon the ſaid Arm of the Sea, or Rivers or Waters, or any of them, for the Purpoſe of croſſing and recroſſing the ſaid Arm of the Sea, or Rivers or Waters, or any of them, or for pleaſuring thereon, ſo as ſuch Fiſhing Boat or Boats, Trow or Trows, be withdrawn as aforeſaid, when and ſo ſoon as the Emergency, Neceſſity, or other Cauſe for which ſuch Fiſhing Boat or Boats, Trow or Trows, ſhall have been put upon the ſaid Arm of the Sea, or any of the Rivers or Waters aforeſaid, ſhall ceaſe and determine; and

Allowing Boats to remain for the Purpoſe of croſſing and re-croſſing the Arm of the Sea, *etc.* or for Pleaſure.

Not to extend to Paſſage or Pleaſure Boats.

and alſo that nothing herein contained ſhall extend, or be deemed, conſtrued, or taken to extend, to any Paſſage Boat or Pleaſure Boat kept upon the ſaid Arm of the Sea, or any of the Rivers or Waters aforeſaid.

Penalty on taking Fiſh out of Seaſon.

IV. And be it further enacted, That, from and after the Expiration of One Month after the paſſing of this Act, if any Perſon or Perſons whomſoever ſhall, by any Ways, Means, or Device whatſoever, take, kill, or deſtroy, any Kepper, Shedder, or Breeding Salmon, or any Gilſe, Sea Trout, or Whiting otherwiſe Herling, out of Seaſon, in the ſaid Arm of the Sea, or in any River, Rivulet, Brook, Stream, Pond, Pool, or other Water which runs into, or otherwiſe communicates therewith as aforeſaid, every ſuch Perſon or Perſons ſo offending ſhall for the Firſt Offence forfeit and pay the Sum of Five Pounds, for the Second Offence the Sum of Fifteen Pounds, and for the Third and every other Offence the Sum of Twenty Pounds, and moreover ſhall be liable unto and forfeit and pay the Sum of Twenty Shillings for every Kepper, Shedder, or Breeding Salmon, Gilſe, Sea Trout, or Whiting otherwiſe Herling, which any ſuch Perſon or Perſons ſhall take, kill, or deſtroy, or knowingly have in his, her, or their Cuſtody, Poſſeſſion, or Keeping.

Owners, *etc.* of Fiſheries not to be ſubject to Penalties for taking Fiſh in certain Caſes

V. Provided always, and be it further enacted, That in caſe any Owner, Occupier, or Farmer of any Fiſhery, or his, her, or their Agents, Servants, or Fiſhermen, ſhall, during the reſpective Times herein preſcribed as the lawful and ſeaſonable Times of the Year for fiſhing, take or catch any Kepper, Shedder, or Breeding Salmon, or any Gilſe, Sea Trout, or Whiting otherwiſe Herling, then out of Seaſon, he, ſhe, and they ſhall not be liable to any of the Penalties herein mentioned, provided he, ſhe, and they do and ſhall, immediately after taking or catching any ſuch Kepper, Shedder, or Breeding Salmon, Gilſe, Sea Trout, or Whiting otherwiſe Herling, out of Seaſon as aforeſaid, return and put the ſame at Liberty, alive and unhurt, into the Water from whence the ſame ſhall have been taken or caught by him, her, or them, reſpectively; any Thing herein contained to the contrary in anywiſe notwithſtanding.

To prevent Owners and Occupiers of Mills from deſtroying the Brood of Fiſh.

VI. And whereas great Injuries ariſe to the ſaid Fiſheries by the Owners and Occupiers thereof, and of Corn Mills, Fulling Mills, and other Mills and Water Works, and other Perſons, deſtroying the Brood, Spawn, and Fry of Salmon and other Fiſh, by various Devices, in the ſaid Arm of the Sea, Rivers, Mill Leads, Mill Dams, and Fiſheries; for Remedy thereof, be it further enacted, That, from and after the paſſing of this Act, if any Perſon or Perſons ſhall fiſh with, or uſe, place, lay, ſet, continue, or draw, any Net, Grate, Heck, Gate, Creel, Hamper, Engine, or other Device whatſoever, in the ſaid Arm of the Sea, or in any River, Rivulet, Brook, Stream, Pond, Pool, or other Water, or in any Mill Pool, Mill Dam, Mill Lead, Sluice, or Cut, which runs into or otherwiſe communicates with the ſaid Arm of the Sea, or uſe any Method, Means, or Device whatſoever, in order to take, kill, or deſtroy, or attempt to take, kill, or deſtroy, any Spawn, Fry, or young Brood of any Salmon, Gilſe, Salmon Trout, Sea Trout, or Whiting otherwiſe Herling, at any Time or Times in the Year, every ſuch Perſon or Perſons ſo offending ſhall forfeit and pay for the Firſt Offence the Sum of Five Pounds, for the Second Offence the Sum of Fifteen Pounds, and for the Third and every other Offence the Sum of Twenty Pounds.

VII. And

To prevent the Fry of Fish being destroyed by Flooding Lands.

VII. And whereas Dams, Weirs, and other Contrivances have been and are erected in or across Rivers and Streams for the Purpose of conveying or forcing the Water over the Banks and Sides of the same Rivers or Streams, and into Cuts, Channels, or Sluices, for the Purpose of watering and improving Meadows and other Lands, by which Means great Quantities of the Fry of Salmon and other Fish are conveyed or forced over such Banks and Sides of the said Rivers and Streams, or into the said Cuts, Channels, and Sluices, and are not able to return into the said Rivers and Streams, but are totally destroyed; for Remedy whereof, be it enacted, That every Person and Persons who hath or have made or erected, or shall hereafter make or erect, any such Dam or Weir for the Purposes aforesaid, shall place and fix such Bars, Lattice, Wicker Work, or other Device or Means in Front of every such Cut, Channel, and Sluice, and on the Banks and Sides of the said Rivers and Streams as shall effectually prevent the Passage of such Fry into such Cuts, Channels, or Sluices, and over such Banks and Sides of the said Rivers and Streams as aforesaid; and in case any such Person or Persons as aforesaid shall neglect so to do, every such Person or Persons so offending shall for the First Offence forfeit and pay the Sum of Five Pounds, for the Second Offence the Sum of Fifteen Pounds, and for the Third and every other Offence the Sum of Twenty Pounds.

Empowering Justices to order unlawful Nets, *etc.* to be destroyed.

VIII. And be it further enacted, That if any such Net, Grate, Heck, Gate, Creel, Hamper, or other Engine or Device whatsoever as aforesaid, shall be found or placed in or near the said Arm of the Sea, or in or near any River, Rivulet, Brook, Stream, Pond, Pool, or other Water, Mill Lead, Mill Dam, Sluice, or Cut, which runs into, or otherwise communicates with, the said Arm of the Sea, at any Time or Times in the Year, it shall and may be lawful to and for any Person or Persons to seize the same, and with all convenient Speed carry the same before any Justice or Justices of the Peace or Sheriff or Stewart Depute, or their Substitutes, or Magistrates of Royal Burghs, for the County, Shire, Division, Burgh, or Place, where or near to which such Net, Grate, Heck, Gate, Creel, Hamper, or other Engine or Device whatsoever, shall be found as aforesaid; and if upon due Proof thereof, the same shall be adjudged and determined by any such Justice or Justices of the Peace, or Sheriff or Stewart Depute, or their Substitutes, or other Magistrates as aforesaid, to have been found or placed contrary to the Meaning of this present Act, it shall and may be lawful to and for the same Justice or Justices of the Peace, or Sheriff or Stewart Depute, or their Substitutes, or other Magistrates aforesaid, to cause the same to be cut in Pieces, burnt, or otherwise destroyed, by the Constable or other Peace Officer of the Parish or Place, where such Justice or Justices of the Peace, Sheriff or Stewart Depute, or other Magistrate aforesaid, shall be or reside.

To prevent Persons, not being Owners or Occupiers of Fisheries, from taking Fish, without being duly authorized.

IX. And be it further enacted, That, from and after the passing of this Act, if any Person or Persons, not being the Owner, Occupier, or Farmer of a Fishery, or the Agent, Servant, or Fisherman of some Owner, Occupier, or Farmer of a Fishery, or other Person by them, some or One of them, thereunto lawfully authorized, shall, at any Time or Times in the Year, by any Ways, Means, or Device whatsoever, take, kill, or destroy, or attempt to take, kill, or destroy, any Salmon, Gilse, Sea Trout, Salmon Trout, or Whiting

Whiting otherwiſe Herling, or any other Fiſh whatſoever, or any of the Brood, Spawn, or Fry thereof, in any River, Rivulet, Brook, Stream, Pond, Pool, or other Water, Mill Lead, Mill Dam, Sluice, or Cut, which runs into, or otherwiſe communicates with, the ſaid Arm of the Sea, every ſuch Perſon or Perſons ſhall for the Firſt Offence forfeit and pay the Sum of Five Pounds, for the Second Offence the Sum of Fifteen Pounds, and for the Third and every other Offence the Sum of Twenty Pounds, and ſhall alſo forfeit and loſe the Fiſh by him or them taken, together with the Baſkets, Creels, Packages, Rods, and Lines, Nets, and all and every Engine or Device whatſoever, which ſhall have been uſed by any ſuch Offender or Offenders in the taking, killing, or deſtroying, or attempting to take, kill, or deſtroy, any ſuch Fiſh, to be diſtributed and diſpoſed of, cut in Pieces, or otherwiſe deſtroyed, in the Manner herein-before directed with reſpect to Forfeitures for Fiſhing, within the Times hereby prohibited.

For allowing Owners and Occupiers of Fiſheries, and others with their Leave, to fiſh with Rods or Lines between 1ſt *June*, and 25th *September*.

X. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the Owner or Owners, Farmer or Farmers, Occupier or Occupiers, of any Fiſhery in any River, Rivulet, Brook, Stream, Pond, Pool, or other Water which runs into, or otherwiſe communicates with, the ſaid Arm of the Sea, and for all and every Perſon or Perſons having the Leave, Licence, or Authority of any ſuch Owner or Owners, Farmer or Farmers, Occupier or Occupiers, in Writing, ſo to do, to angle and fiſh with Rods and Lines, in their reſpective Fiſheries, at any Time or Times between the Firſt Day of *June* and the Twenty-fifth Day of *September* in every Year, for any Kind or Sort of Fiſh, in his or their own Fiſhery or Fiſheries, except ſuch as is or are prohibited by this Act to be taken or killed; and no ſuch Owner, Farmer, or Occupier, or his, her, their, or any of their Agents, Servants, Fiſhermen, or other Perſon or Perſons, thereunto by them or any of them lawfully authorized, by Leave, Licence, or Authority as aforeſaid, ſhall be liable, on account of any ſuch Angling, to any Penalty or Penalties inflicted by this Act; any Thing herein contained to the contrary notwithſtanding.

Penalty on Perſons ſelling Fiſh out of Seaſon, or having them in their Poſſeſſion.

XI. And be it further enacted, That, from and after the Expiration of One Month after the paſſing of this Act, if any Perſon or Perſons ſhall knowingly have in his, her, or their Cuſtody, Poſſeſſion, or Keeping, or ſell, offer, or expoſe to Sale, any Salmon, Gilſe, Salmon Trout, Sea Trout, or Whiting otherwiſe Herling, within the Counties of *Cumberland* or *Weſtmoreland*, in that Part of *Great Britain* called *England*, or the County of *Dumfries*, the Stewartry of *Kirkcudbright*, or the County of *Wigton*, in that Part of *Great Britain* called *Scotland*, during the reſpective Times when by this Act the ſame are prohibited to be taken in any Year (except ſuch Fiſh as ſhall not have been taken or killed in or near the ſaid Arm of the Sea, or in or near any of the Rivers or Waters aforeſaid, and alſo except ſuch Fiſh as ſhall have been taken and killed in the ſaid Counties and Stewartry within the reſpective Times hereby allowed and made lawful to take and kill Fiſh therein, the Proof whereof ſhall lie upon ſuch Perſon or Perſons) or any Kepper, or Shedder, Salmon, or Salmon out of Seaſon, or any Gilſe, Sea Trout, or Whiting otherwiſe Herling, out of Seaſon, or any Fiſh prohibited to be taken or killed by this Act, or any of the Brood, Spawn, or Fry thereof, at any Time or Times in the Year, every Perſon or Perſons in whoſe Cuſtody, Poſſeſſion, or

or Keeping, the ſame ſhall be found, or who ſhall ſell, offer, or expoſe the ſame to Sale, ſhall forfeit and pay, and be liable to the ſame Penalty or Penalties which he, ſhe, or they, would have forfeited and been liable to pay, in caſe he, ſhe, or they, had taken, killed, or deſtroyed, or attempted to take, kill, or deſtroy ſuch Fiſh in the ſaid Arm of the Sea, or in any River, Rivulet, Brook, Stream, Pond, Pool, or other Water which runs into, or otherwiſe communicates with, the ſaid Arm of the Sea.

Penalty on Perſons killing Fiſh with hot Lime, *etc.*

XII. And be it further enacted, That, from and after the paſſing of this Act, if any Perſon or Perſons ſhall beat the Water, or huſh or lay any hot Lime or Filth, or ſteep any green Lint or Flax, or let off any ſtagnated Water, or Water mixed or impregnated with any hot Lime or other pernicious Thing, in or into the ſaid Arm of the Sea, or any ſuch River, Rivulet, Brook, Stream, Pond, Pool, or other Water as aforeſaid, or ſhall therein or thereupon, or near thereto, ſet, lay, or place any Fire or Light, or any white or other Object, Device, or Thing (except lawful Fiſhing Nets and Engines) which may be or tend to the Injury or Deſtruction of the Fiſh, or of the Brood, Spawn, or Fry thereof, or which may prevent, or tend to prevent, Fiſh from entering into the ſaid Rivers and Waters, or any of them, or from going up or down the ſame, every ſuch Perſon or Perſons ſo offending ſhall for the Firſt Offence forfeit and pay the Sum of Five Pounds, for the Second Offence the Sum of Fifteen Pounds, and for the Third and every other Offence the Sum of Twenty Pounds.

Not to affect the Conſtruction of Mill Dams;

XIII. Provided always, and be it further enacted, That nothing herein contained ſhall in any Manner affect the Conſtruction of any Mill Dam, Caul, Dam Dyke, or Fiſh Gap, heretofore legally eſtabliſhed, for the Purpoſe of any Mill, Iron Forge, or any other Purpoſe whatſoever, nor to make void any Agreement heretofore made with any Owner of ſuch Mill, Iron Forge, or Erection for any other Purpoſe.

nor the preſent Modes of Fiſhing, which are to remain as before.

XIV. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend, or be deemed or conſtrued to legalize, nor to demoliſh, take away, or deſtroy, any Net, Fiſh Lock, Coop, Bay, or other Work which ſhall have been or may hereafter be lawfully erected, put, placed, fixed, or uſed, in the ſaid Arm of the Sea, or in or upon any Bank, Sand, or Shore thereof, or near thereto, or in or near any River, Rivulet, Brook, Stream, Pond, Pool, or other Water, Mill Lead, Mill Dam, Sluice, or Cut, which runs into or otherwiſe communicates therewith, or to the preſent Modes or Methods uſed for taking and killing Fiſh therein, other than and as hereby particularly enacted; and provided, ſuch Cut, Paſſage, or Place, as is herein-before directed, ſhall, during the Times herein-before in that Behalf mentioned, be made, kept, and left open in every ſuch Net, Fiſh Lock, Coop, Bay, or other Work aforeſaid; and that nothing in this Act contained ſhall be conſtrued to preclude or prejudice any Perſon or Perſons whomſoever from conteſting, litigating, or challenging any Right or Times of fiſhing, or the taking, catching, or deſtroying of Fiſh in the ſaid Arm of the Sea and Rivers aforeſaid, in any of His Majeſty's Courts of Record at *Weſtminſter*, or in any of the Courts of Seſſion, Juſticiary, or Sheriffs Courts or other Courts in *Scotland*.

XV. And

For regulating the Size of Nets.

XV. And be it further enacted, That, from and after the Expiration of One Month after the paſſing of this Act no Perſon or Perſons whomſoever ſhall, at any Time or Times in the Year, uſe in the ſaid Arm of the Sea any Net, Engine, or Device whatſoever, whereof the Meſh ſhall be of a leſs Size than One Inch and Three-fourth Parts of an Inch at the leaſt from Knot to Knot, or Seven Inches round (except Nets which ſhall be ſolely uſed for the taking of Herrings and Shrimps), or any Engine or Device whatſoever made of Stone, Wood, Wicker Ware, or Wattling, riſing above the natural Surface of the Sand or Gravel in that Part of the ſaid Arm of the Sea which lies Eaſtward from a Place called *The Hotel* at *Skinberneſs*, in the Pariſh of *Abby Holme* in the ſaid County of *Cumberland*, and from thence in a direct Line acroſs the ſaid Arm of the Sea extending Northward to the large Houſe at *Carſethorn* of *Arbigland* in the Stewartry of *Kircudbright*, which ſhall not be open and clear, and have a full Cut or Opening therein for the Breadth or Space of Three Feet in every Fifteen Yards, or Six Feet in every Thirty Yards in the Length thereof; and that all ſuch Wicker Ware and Wattling ſhall be made, put, and placed ſo as not to riſe or be above the natural Surface of the Sand or Gravel more than Six Inches in Height: Provided nevertheleſs, that ſuch Cut or Opening may, during the lawful and ſeaſonable Times in the Year hereby allowed for fiſhing, be covered with a Net of the Size and Deſcription of Seven Inches round, as herein immediately before ſpecified, nor ſhall any Perſon or Perſons whomſoever at any Time or Times in the Year, uſe in any River, Rivulet, Brook, Stream, Pond, Pool, or other Water which runs into or otherwiſe communicates with the ſaid Arm of the Sea, any Net, Engine, or Device whatſoever, whereof the Meſh ſhall be of a leſs Size than One Inch at the leaſt from Knot to Knot, or Five Inches round (except ſmall Hand Nets uſed ſolely in Angling), or any Grate, Heck, Gate, or other Engine or Device whatſoever, uſed for the Purpoſes of a Grate, Heck, or Gate in any Fiſhery, Fiſh Lock, Coop, Bay, or other Work in any River, Rivulet, Brook, Stream, Pond, Pool, or other Water, within any of the Counties or Stewartry aforeſaid, whereof the Bars or Staps ſhall be otherwiſe than perpendicular, and of an oval Shape, with the Edges rounded off, and whereof the Width or Space between each Bar or Stap ſhall be of a leſs Size Square or Width than Three Inches, (except ſuch Nets as ſecondly herein-before mentioned and regulated, and alſo except in the River *Eſk* aforeſaid, where it ſhall be lawful to uſe any Grate, Heck, or Gate, whereof the Width or Space between each Bar or Stap ſhall not be of leſs Size Square or Width than One Inch at the leaſt); and moreover, that no Perſon or Perſons whomſoever ſhall uſe in the ſaid Arm of the Sea, or in any of the Rivers or Waters aforeſaid, any Net, Engine, or Device whatſoever which ſhall be double or armoured, and if any be ſo uſed of ſuch leſs Size, or be doubled or armoured, it ſhall and may be lawful to and for any Perſon or Perſons to ſeize and carry the ſame, with all convenient Speed, before any Juſtice or Juſtices of the Peace, or Sheriff or Stewart Depute, or their Subſtitutes, or Magiſtrates of Royal Burghs, for the County, Shire, Stewartry, Diviſion, or Place, where or near to which any ſuch Net or Device as laſt aforeſaid ſhall be found; and if upon due Proof the ſame ſhall be adjudged and determined by the ſaid Juſtice or Juſtices of the Peace, or Sheriff or Stewart Depute, or their Subſtitutes, or Magiſtrates aforeſaid, to be of illegal Size, or be double or armoured, contrary to the Meaning of this Act, it ſhall and may be lawful to and for the ſaid Juſtice or Juſtices of the Peace, Sheriff or Stewart

Stewart Depute, or their Subſtitutes, or Magiſtrates aforeſaid, to cauſe the ſame to be cut in Pieces, or otherwiſe deſtroyed, by the Conſtable, Headborough, Tythingman, or other Peace Officer of the Pariſh or Place where any ſuch Offender or Offenders ſhall be convicted; and moreover, every Perſon or Perſons found ſo offending, and being thereof convicted, ſhall, for every ſuch Net or Device ſo uſed as aforeſaid, forfeit and pay the Sum of Five Pounds.

Penalty on Perſons blackening and diſguiſing themſelves, and entering Rivers and Fiſheries.

XVI. And be it further enacted, That, from and after the paſſing of this Act, if any Perſon or Perſons whomſoever, having his, her, or their Face or Faces blackened or painted, or being maſked or otherwiſe diſguiſed, ſhall enter into, or be in or upon the ſaid Arm of the Sea, or any ſuch River, Rivulet, Brook, Stream, Pond, Pool, or other Water as aforeſaid, or the Bank, Sand, or Shore thereof, with Intent therein to take, kill, or deſtroy, or attempt to take, kill, or deſtroy, any Salmon or other Fiſh whatſoever, or having any Engine or Device whatſoever in his, her, or their Cuſtody, Poſſeſſion, or Keeping, which ſhall appear to have been uſed, or be intended to be uſed, for the Purpoſe of taking, killing, or deſtroying of any Salmon or other Fiſh in the ſaid Arm of the Sea, or in any ſuch River, Rivulet, Brook, Stream, Pond, Pool, or other Water, as aforeſaid, every Perſon or Perſons ſo offending ſhall, for every Offence, forfeit the Sum of Ten Pounds, and moreover ſhall be committed by the Juſtice or Juſtices of the Peace, or Sheriff or Stewart Depute, or their Subſtitutes, or Magiſtrates of Royal Burghs, by or before whom any ſuch Offender or Offenders ſhall be convicted, to the Common Gaol or Houſe of Correction for the County, Shire, Stewartry, Diviſion, or Place, for which ſuch Juſtice, Sheriff, or Stewart Depute, or their Subſtitutes, or other Magiſtrate, ſhall act, there to remain, be impriſoned, and kept at hard Labour, without Bail or Mainprize, for any Time not exceeding Two Calendar Months nor leſs than Fourteen Days; and in caſe any Perſon or Perſons, who ſhall be convicted of any of the ſaid laſt mentioned Offences, ſhall not pay the Penalty in which he, ſhe, or they, ſhall be convicted as aforeſaid, before the Expiration of ſuch his Impriſonment, then ſuch Perſon or Perſons ſhall be further continued in Priſon and kept at hard Labour, without Bail or Mainprize, in ſuch Gaol or Houſe of Correction for any Time not exceeding Six Months, nor leſs than One Calendar Month, at the Diſcretion of the Juſtice, or other Perſon or Perſons, by and before whom any ſuch Offender or Offenders ſhall be convicted, to be expreſſed in the Warrant of Commitment.

For Recovery of Penalties.

XVII. And be it further enacted, That all and every the pecuniary and other Penalties and Forfeitures hereby inflicted, may be ſued for, recovered, and adjudged, and all and every Offence and Offences againſt this Act heard and determined, by and before any One or more Juſtice or Juſtices of the Peace within that Part of *Great Britain* called *England*, or any Juſtice or Juſtices of the Peace, or Sheriff or Stewart Depute, or their Subſtitutes, or Magiſtrates of Royal Burghs, within that Part of *Great Britain* called *Scotland*, for the County, Shire, Stewartry, Diviſion, Burgh, or Place, wherein any Offender or Offenders againſt this Act ſhall be or reſide, or wherein or near to which the Offence or Offences ſhall be committed, by and upon the Oath or Affirmation of One or more credible Witneſs or Witneſſes, or by the Confeſſion of the Party or Parties

ties in *England*, and in like Manner, or by the Oath or Oaths of the Party or Parties themſelves in *Scotland*, which Oath or Oaths, Affirmation or Affirmations, every ſuch Juſtice of the Peace, Sheriff or Stewart Depute, and their Subſtitutes, and other Magiſtrates aforeſaid, are hereby authorized, empowered, and required to adminiſter accordingly; and that it ſhall and may be lawful to and for the Juſtice or Juſtices, or other Perſon or Perſons, by or before whom any ſuch Offender ſhall be convicted, to mitigate and reduce, if he or they ſhall ſee fit, all and every the pecuniary Penalties hereby impoſed, in Manner following; that is to ſay, any Penalty of Ten Pounds to any Sum not leſs than Five Pounds, any Penalty of Fifteen Pounds to any Sum not leſs than Ten Pounds, and any Penalty of Twenty Pounds to any Sum not leſs than Fifteen Pounds, and alſo that it ſhall and may be lawful to and for the Juſtice or Juſtices, or other Perſon or Perſons, by or before whom any ſuch Offender ſhall be convicted, to order and adjudge ſuch Offender or Offenders to pay to the Informer or Proſecutor, ſuch reaſonable Sum for the Coſts of Suit and Proſecution, as to ſuch Juſtice or Juſtices, or other Perſon or Perſons aforeſaid, ſhall ſeem fit; and in caſe any ſuch Perſon or Perſons ſhall be convicted of any Offence or Offences againſt this Act, and ſhall not immediately, upon ſuch Conviction, pay down the Penalty or Penalties, together with ſuch Coſts of Suit or Proſecution, in which he, ſhe, or they, ſhall have been ſo convicted or ordered to pay as aforeſaid, into the Hands of the Juſtice or Juſtices of the Peace, or Sheriff or Stewart Depute, or their Subſtitutes, or other Magiſtrates as aforeſaid, by and before whom he, ſhe, or they, ſhall have been ſo convicted, or other Perſon by them or any of them authorized to receive the ſame, in order that the ſame may be diſpoſed of and diſtributed according to the Directions of this Act, it ſhall and may be lawful to and for any ſuch Juſtice or Juſtices of the Peace, Sheriff or Stewart Depute, or their Subſtitutes, or other Magiſtrates aforeſaid, to order and command their reſpective Officers to take the Charge of and keep in Cuſtody any ſuch Perſon or Perſons ſo convicted, and immediately thereupon every ſuch Juſtice or Juſtices of the Peace, Sheriff or Stewart Depute, or their Subſtitutes, or other Magiſtrates aforeſaid, are hereby authorized, empowered, and required, to grant his or their Warrant or Warrants in due Form of Law, under his or their Hand and Seal or Hands and Seals, and thereby commit every ſuch Offender or Offenders to the Common Gaol or Houſe of Correction, for the County, Shire, Stewartry, Diviſion, or Place, for which ſuch Juſtice or Juſtices, Sheriff or Stewart Depute, or their Subſtitutes, or other Magiſtrates aforeſaid ſhall act, for ſuch Time or Times as is and are herein-after mentioned, unleſs the ſaid Penalty or Penalties and Coſts ſhall reſpectively be ſooner paid, or otherwiſe ſuch Juſtice or Juſtices of the Peace, Sheriff or Stewart Depute, or their Subſtitutes, or other Magiſtrates aforeſaid, ſhall and may grant his or their Warrant or Warrants in due Form of Law, under his or their Hand and Seal or Hands and Seals, to levy and recover the ſaid Penalty and Penalties and Coſts by Diſtreſs and Sale of the Offender's Goods and Chattels; and that all Penalties and Forfeitures which ſhall be ſo paid or levied as aforeſaid, ſhall from Time to Time be paid, applied, and diſpoſed of, as follows; that is to ſay, One Moiety thereof to the Informer or Informers, and the other Moiety, after defraying all Coſts, Charges, and Expences attending the Proſecution and the levying and recovering of the Penalty, to

Juſtices may mitigate Penalties.

Perſons not paying the Penalties to be committed to Priſon, or Juſtices may grant Warrants againſt the Offenders Goods, at the Election of the Informer.

For Application of Penalties.

to the Churchwardens or Overſeers of the Poor of the Pariſh or Place, where the Offence or Offences ſhall have been committed, or in caſe the ſame ſhall have been committed out of the Body of any County, or the Pariſh wherein the ſame ſhall have been committed ſhall be unknown, then to the Churchwardens or Overſeers of the Poor of the Pariſh or Place where the Offender ſhall be convicted, and in *Scotland* to the Kirk Seſſion of the ſaid reſpective Pariſhes, for the ſole Uſe and Benefit of the Poor of ſuch Pariſh or Place; and the Overplus of the Money levied remaining (if any there be) after any Penalty or Penalties, and all Coſts, Charges, and Expences, attending the levying and recovering thereof are deducted, (which Coſts, Charges, and Expences, ſhall always be taxed, ſettled, and aſcertained, by and before the Juſtice or Juſtices of the Peace, Sheriff, or Stewart Depute, or their Subſtitutes, or other Magiſtrates as aforeſaid, by or before whom any ſuch Offender or Offenders ſhall be convicted), ſhall, on Demand, be returned to the Owner or Owners of the Goods and Chattels ſo diſtrained; and in caſe ſufficient Diſtreſs or Diſtreſſes ſhall not be found, or ſuch Penalty or Penalties, and Coſts, ſhall not be immediately paid, that then it ſhall and may be lawful for any ſuch Juſtice or Juſtices of the Peace, or Sheriff or Stewart Depute, or their Subſtitutes, or other Magiſtrates aforeſaid, and he and they is and are hereby reſpectively authorized, empowered, and required, for the Firſt Offence, to commit every ſuch Offender or Offenders to ſuch Gaol or Houſe of Correction as aforeſaid, for any Time not exceeding Three Months nor leſs than One Calendar Month, for the Second Offence for any Time not exceeding Six Months nor leſs than Two Calendar Months, and for the Third and every other Offence for any Time not exceeding Nine Months nor leſs than Three Calendar Months, there to be kept at hard Labour, and be and remain without Bail or Mainprize.

Overplus of Money levied to be returned to the Offender.

In caſe ſufficient Diſtreſs cannot be made, Offenders to be committed.

XVIII. And, for the better preventing and puniſhing Offences againſt this Act, be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to ſeize and apprehend any Perſon or Perſons whomſoever, who ſhall be found offending againſt any Thing enacted or contained in this Act, together with the Fiſh, Baſkets, Packages, Nets, Lyſters, Crooks, and all and every other Engine and Device whatſoever and them to take, carry, and convey, with all convenient Speed, to the Sheriff or Stewart Officer, Conſtable, Headborough, Tythingman, or other Peace Officer, in the Pariſh or Place where or near to which the Offender or Offenders ſhall be apprehended, who is and are hereby authorized and required, with all convenient Speed, to convey and carry every ſuch Offender or Offenders, together with the Fiſh, Baſkets, Packages, Nets, Rods, and all and every other Engine and Device, before ſome Juſtice or Juſtices of the Peace, Sheriff or Stewart Depute, or their Subſtitutes, or Magiſtrates of Royal Burghs, for the County, Shire, Stewartry, Burgh, Diviſion, or Place, where or near to which any ſuch Offender or Offenders ſhall be apprehended, or the Perſon or Perſons who ſhall ſeize and apprehend any ſuch Offender or Offenders as aforeſaid, ſhall and may, and is and are hereby authorized and empowered, if he or they ſhall think proper ſo to do, immediately to carry and convey any ſuch Offender or Offenders, together with the Fiſh, Baſkets, Packages, Nets, Lyſters, Crooks, and all and every other Engine and Device whatſoever, before any ſuch Juſtice or Juſtices of the Peace, or Sheriff or Stewart

For authorizing Perſons to ſeize Offenders, and carry them before a Magiſtrate.

Stewart Depute, or their Subſtitutes, or Magiſtrates of Royal Burghs, as laſt aforeſaid.

Juſtices on receiving Informations, may grant Warrants for apprehending Offenders.

XIX. And be it further enacted, That it ſhall and may be lawful for any Juſtice or Juſtices of the Peace, Sheriff or Stewart Depute, or their Subſtitutes, or Magiſtrates of Royal Burghs, in and for the ſaid Counties and Stewartry, or any of them, and they are hereby required, upon Information being made to him or them upon Oath, againſt any Perſon or Perſons who ſhall or may offend againſt any thing contained in this Act, to grant his or their Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to apprehend any Perſon or Perſons ſo offending, and cauſe ſuch Offender or Offenders to be brought before him or them, or ſome other ſuch Juſtice or other Magiſtrate, or it ſhall and may be lawful to and for any ſuch Juſtice or Juſtices, or other Magiſtrates as aforeſaid, upon any Information made without Oath, to grant his or their Summons or Summonſes againſt the Party charged with any ſuch Offence or Offences, or for any Witneſs or Witneſſes to prove any ſuch Offence or Offences as aforeſaid; and if any ſuch Perſon or Perſons who ſhall be duly ſummoned, ſhall neglect or refuſe to appear at the Time and Place appointed by ſuch Summons or Summonſes, every ſuch Juſtice or Juſtices of the Peace, Sheriff or Stewart Depute, or their Subſtitutes, or Magiſtrates of Royal Burghs, ſhall and may, upon Oath being made of the Perſon or Perſons being ſo duly ſummoned, grant his or their Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to apprehend and bring before him and them, or ſome other ſuch Juſtice or Magiſtrate as aforeſaid, the Party or Parties who ſhall neglect or refuſe to appear after being duly ſummoned as aforeſaid; and ſuch Juſtice or Juſtices, or other Magiſtrates aforeſaid, ſhall enquire into, hear, and determine, the Matter of every ſuch Offence or Offences in a ſummary Way.

Juſtices may act, notwithſtanding they may be intereſted in Fiſheries, except in Caſes where they or their Tenants are Parties in the Suit.

XX. And be it further enacted, That all and every Juſtice and Juſtices of the Peace, within that Part of *Great Britain* called *England*, and all and every Juſtice and Juſtices of the Peace, Sheriff or Stewart Depute, or their Subſtitutes, or Magiſtrates of Royal Burghs, within that Part of *Great Britain* called *Scotland*, ſhall and may act in the Execution of this Act, notwithſtanding any ſuch Juſtice or Juſtices of the Peace, Sheriff or Stewart Depute, or other Magiſtrates aforeſaid, ſhall be or are intereſted in any Fiſhery in the ſaid Arm of the Sea, or in any ſuch River, Rivulet, Brook, Stream, Pond, Pool, or other Water as aforeſaid, except in any Caſe or Caſes where ſuch Juſtice or Juſtices of the Peace, Sheriff or Stewart Depute, or their Subſtitutes, or other Magiſtrates aforeſaid, or his or their Tenant or Tenants, Farmer or Farmers, of any Fiſhery or Fiſheries, is or are Party or Parties in the Suit or Proſecution to be heard and determined by any ſuch Juſtice or Juſtices of the Peace, Sheriff or Stewart Depute, or their Subſtitutes, or other Magiſtrates aforeſaid; and alſo that all and every

Owners, *etc.* of Fiſheries, may be Witneſſes to prove Offences.

Owner, Farmer, or Occupier of, or any Perſon otherwiſe intereſted in any Fiſhery or Right of Fiſhing in the ſaid Arm of the Sea, or any ſuch River, Rivulet, Brook, Stream, Pond, Pool, or other Water as aforeſaid, ſhall and are hereby declared not to be an incompetent Witneſs or Witneſſes to prove any Offence or Offences done or committed againſt this Act, by reaſon of his or her being ſuch Owner, Farmer, or Occupier.

XXI. And

Penalties may be ſued for in the Courts at *Weſtminſter*, &c.

XXI. And be it further enacted, That all and every the pecuniary Penalties and Forfeitures hereby impoſed within *England* may be ſued for and recovered, together with full Coſts of Suit, by and to the only proper Uſe and Behoof of any Perſon who ſhall inform or ſue for the ſame, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Wager of Law, nor more than One Imparlance, ſhall be allowed; and wherein alſo, in caſe the Offence ſhall have been committed out of the Body of any County, the Venue ſhall and may be laid, and the Cauſe tried, in the County of *Cumberland*.

Form of Conviction.

XXII. And be it further enacted, That the Conviction or Convictions of all and every Offender or Offenders againſt this Act, within that Part of *Great Britain* called *England*, ſhall be certified by the Juſtice or Juſtices of the Peace by and before whom the ſame ſhall be made, to the General Quarter Seſſions of the Peace to be held in and for the County, Riding, Diviſion, or Place, where the Offender or Offenders ſhall be convicted, and ſhall there be filed amongſt the Records of the ſaid Seſſions; and alſo that all and every Conviction or Convictions of all and every Offender or Offenders againſt this Act, within that Part of *Great Britain* called *Scotland*, ſhall be ſummarily proceeded in at the Suit, Information, or Inſtance, of any Perſon or Perſons whomſoever, according to the judicial Forms in *Scotland*, before any Juſtice or Juſtices of the Peace, or Sheriff or Stewart Depute, or their Subſtitutes, or other Magiſtrates aforeſaid; and that all and every Conviction or Convictions in *England* ſhall be written in the Form of Words or to the following Effect:

'BE it remembered, That on the Day of in the Year *A. B.* was, upon the Complaint of *C. D.* convicted before me [*or*, us] *E. F.* One [*or*, Two] of His Majeſty's Juſtices of the Peace [*as the Caſe may be*] for in purſuance of an Act, made and paſſed in the Forty-fourth Year of the Reign of His Majeſty King *George* the Third, intituled, [*inſert the Title of the Act*] this being the Firſt Offence [Second *or* Third Offence, &c. *as the Caſe may be*]; and I [*or*, we] do hereby adjudge him [her, *or* them] to pay and forfeit for the ſaid Offence the Sum of of lawful Money of *Great Britain*, One Moiety thereof to the Churchwardens or Overſeers of the Pariſh of and the other Moiety thereof, together with the further Sum of for Coſts of Suit and Proſecution, to the ſaid *C. D.* Given under my Hand and Seal [*or*, our Hands and Seals, *as the Caſe may be*] at in the County of the Day and Year above written.'

Which ſaid Conviction and Adjudication ſhall be good and valid in Law, to all Intents and Purpoſes, and ſhall not be quaſhed, ſet aſide, or judged void or inſufficient, for want of Form only, and ſhall not be liable to be removed by *Certiorari* or otherwiſe, into His Majeſty's Court of King's Bench, or any other of His Majeſty's Courts of Record at *Weſtminſter*, in *England*, or be liable to be challenged by Suſpenſion, Advocation, or Reduction, in *Scotland*, but ſhall be deemed and taken to be final to all Intents and Purpoſes whatſoever.

Perſons convicted under this Act, not to be proſecuted under or

XXIII. And be it further enacted, That where any Offender ſhall be punished for any Offence, by virtue of this Act, ſuch Offender ſhall not again be proſecuted, nor incur any Penalty by virtue of any other Law

any other Act for the same Offence.

or Statute now in force, or be liable to any other Punishment for the same Offence.

Allowing an Appeal to the Quarter Sessions, or Lords Commissioners of Justiciary.

XXIV. And be it further enacted, That all and every Person and Persons who shall think himself, herself, or themselves aggrieved by the Judgement of any Justice or Justices of the Peace within that Part of *Great Britain* called *England*, in any of the Cases aforesaid, may appeal to the Justices of the Peace for the County, Shire, Division, or Place, where such Judgement shall be given, at the then next or next but one General Quarter Sessions of the Peace; but that no such Appeal shall be received, heard, or determined, unless the Appellant or Appellants shall, within Fourteen Days next after such Judgement, and Ten Days at the least before the holding of such Sessions, give and leave Notice in Writing, as well at the Publick Office of the Clerk of the Peace for such County, Shire, Division, or Place, where such Person or Persons shall be convicted, as to the Person, or at the Dwelling House of the Informer or Prosecutor of his, her, or their Intention to bring such Appeal, and shall also enter into a Recognizance or Bail before such Justice or Justices, with Two sufficient Sureties, in such Sum as any such Justice or Justices of the Peace shall think fit, not exceeding Fifty Pounds each, conditioned to try such Appeal, and likewise to pay the Costs of such Appeal, in case Judgement and Sentence shall, upon the hearing thereof, be given against the Appellant or Appellants, within Six Days next after the Determination thereof; and that the said Justices at their said Sessions, shall and may, upon due Proof of such Notice given as aforesaid, hear and determine every such Appeal in a summary Way, and shall award and order to the Party in whose Behalf such Appeal shall be determined, such Costs and Charges as they in their Discretion shall think reasonable and just, to be paid by the Party or Parties against whom such Appeal shall be determined; and in case such Costs and Charges shall not be paid within the Space of Six Days next after the hearing and determining of such Appeal, the same may be levied by Distress and Sale of the Goods and Chattels of the Person or Persons ordered to pay the same, or his or their Surety or Sureties, in the same Manner and by the same Means as all Distresses are ordered to be taken under or by virtue of this Act; and in case any Person or Persons ordered to pay such Costs, shall happen to go into, or remove his Goods and Chattels into any County, Shire, Division, or Place, out of the Jurisdiction of the said Court where such Appeal shall be brought or heard, it shall and may be lawful for any Justice or Justices of the Peace, or Sheriff or Stewart Depute, or their Substitutes, or other Magistrates, of or for the County, Shire, Stewartry, Division, or Place, wherein such Person shall be or inhabit, or any of his Goods or Chattels shall be found; and every such Justice and Justices of the Peace, Sheriff or Stewart Depute, or their Substitutes, or other Magistrates, is and are hereby required, authorized, and empowered, upon Request to him for that Purpose to be made, and a true Copy of the Order for the Payment of such Costs and Charges produced, and proved by some credible Witness upon Oath, which Oath any such Justice or Justices of the Peace, Sheriff or Stewart Depute, or their Substitutes, or other Magistrates, is and are hereby empowered and authorized to administer, to grant his or their Warrant in due Form of Law, in order to cause the Money mentioned in that Order to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who is, are, or shall be ordered, and ought to pay the same, yet nevertheless to return the Overplus to the Person

For Recovery of Penalties and Costs where Offenders remove into other Jurisdictions.

Perſon or Perſons entitled thereto, in like Manner as is directed in all other Caſes of Diſtreſs under this Act; and the Determination of the ſaid Juſtices at ſuch Quarter Seſſions ſhall be binding and concluſive to all Intents and Purpoſes whatſoever; and that all and every Perſon and Perſons who ſhall think himſelf, herſelf, or themſelves, aggrieved by the Judgement of any Juſtice or Juſtices of the Peace, or Sheriff or Stewart Depute, or their Subſtitutes, or other Magiſtrates aforeſaid, within that Part of *Great Britain* called *Scotland*, in any of the Caſes aforeſaid, may appeal to the Lords Commiſſioners of Juſticiary at their next Circuit Court, in the Manner, and by and under the Rules, Limitations, Conditions, and Reſtrictions, contained in the Act of Parliament paſſed in the Twentieth Year of King *George* the Second, for taking away and abolifhing the heritable Juriſdictions in that Part of *Great Britain* called *Scotland*.

For Limitation of Actions.

XXV. And be it further enacted, That no Action at Law or other Proceeding whatſoever, ſhall be brought or commenced againſt any Perſon or Perſons for any thing done or to be done by virtue or in Execution of this Act, until One Calendar Month after Notice thereof in Writing ſhall have been given to the Perſon or Perſons againſt whom ſuch Action or Proceeding ſhall be intended to be brought, or left at his, her, or their laſt or uſual Place or Places of Abode, ſetting forth the Cauſe of ſuch Action or Proceeding, and containing the Name and Place of Abode of the Plaintiff or Plaintiffs, and alſo of his or their Attorney; and that every Action or Proceeding brought for any Thing done or to be done as aforeſaid, ſhall be brought within the Space of Six Calendar Months next after the Cauſe of Action or Complaint ſhall ariſe, and ſhall be laid and tried in the County, Shire, Stewartry, Diviſion, or Place, where the Fact ſhall have been committed, and not elſewhere, if the ſame ſhall have been committed in the Body of any County, and if not, then in the County of *Cumberland* when the Fact ſhall ariſe in *England*, and in the County of *Dumfries* when the Fact ſhall ariſe in *Scotland*, and the Defendant or Defendants therein may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done by virtue hereof; and alſo, that it ſhall and may be lawful to and for ſuch Perſon or Perſons, at any Time before Action brought, to tender Amends to the Party complaining, or his or her Agent or Attorney; and in caſe the ſame is not accepted, to plead ſuch Tender in bar to the Action, together with the Plea of Not Guilty, and any other Plea, with the Leave of the Court; and if on the Trial of ſuch Action, it ſhall appear that the ſame was brought before the Expiration of One Calendar Month next after ſuch Notice ſhall have been ſo given or left as aforeſaid, or after the End of Six Calendar Months next after the Cauſe thereof ſhall have ariſen, or if ſuch Action ſhall have been brought or laid in any other County or Place than as aforeſaid, or after ſufficient Tender of Amends ſhall have been made to the Party or Parties aggrieved, that then and in any of the Caſes aforeſaid, the Jury, if in *England*, ſhall find a Verdict for, and acquit the Defendant or Defendants in ſuch Action; and if a Verdict ſhall be found for, or a Sentence or Decree in *Scotland* be given in favour of ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall diſcontinue the ſame, after the Defendant or Defendants ſhall have appeared, or ſhall be nonſuited, or if upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs,

tiffs, the Defendant or Defendants in such Action shall have Treble Costs, and have the like Remedies for recovering the same as Defendants have for recovering their Costs in other Cases at Law; and that no Action, Suit, Information, or other Proceeding whatsoever, shall be brought or commenced against any Person or Persons for any Offence or Offences against this Act, unless the same shall be laid or commenced within Six Calendar Months next after any such Offence or Offences shall have been committed.

For appointing Conservators, or Water Bailiffs, to protect the Fisheries.

XXVI. And, for the better protecting and preserving the said Fisheries, be it further enacted, That Two-third Parts in Value of the Owners, Farmers, or Occupiers of any Fishery or Fisheries, in the said Arm of the Sea, or in any Fishery or Fisheries in any River, Rivulet, Brook, Stream, Pond, Pool, or other Water which runs into, or otherwise communicates therewith, (the annual Value of whose Fishery or Fisheries shall be rated as herein-after mentioned at Twenty Pounds *per Annum* or upwards), may from Time to Time and at all Times hereafter, upon Application and Notice to the Justices of the Peace in *England*, at any General Quarter Sessions of the Peace held within their respective Jurisdictions, and also upon like Application and Notice to the Judge Ordinary, or Justices of the General Quarter Sessions of the Peace in *Scotland*, held within their respective Jurisdictions, be at Liberty to hire or engage any proper Person or Persons to be Conservator or Conservators, Water Bailiff or Water Bailiffs, of the Fisheries in the said Arm of the Sea, or any Part thereof, or in any of the Rivers or Waters aforesaid; or any Part thereof, for any Space not exceeding Six Calendar Months at any One Time, who shall from Time to Time be paid, at the End of the said Term, by the Person or Persons who shall so hire or engage him or them, at a Rate not exceeding Two Guineas for each Mile in Length of the said Arm of the Sea, or River or Water, whereof he or they shall or may be appointed, and do the Duty of Conservator or Conservators, Water Bailiff or Water Bailiffs, as aforesaid; and the Person or Persons so hiring, engaging, and paying the said Conservator or Conservators, Water Bailiff or Water Bailiffs as aforesaid, shall be reimbursed the said Wages so paid, by an equal Rate or Rates, to be made upon himself, herself, and themselves, and all and every other Occupier and Occupiers of all and every Fishery and Fisheries in the said Arm of the Sea, or River or Water, where and for which such Conservator or Conservators, Water Bailiff or Water Bailiffs, shall be appointed and serve as aforesaid; and that such Rate or Rates, so to be made as aforesaid, shall be equal, and according to the real and true annual Value of each respective Fishery; and which said Rate or Rates shall be and are hereby required to be made and regulated by the Justices of the Peace, Judge Ordinary, or Sheriff or Stewart Depute, or their Substitutes, or the Magistrates of Royal Burghs, within their respective Jurisdictions, Twice every Year, (that is to say,) at their General Quarter Sessions of the Peace to be held at *Easter* and *Michaelmas* every Year, and a true Copy thereof shall always be filed with the Clerk of the Peace or Sheriff Clerk of the County, Shire, Stewartry, Riding, Division, Burgh, or Place where the same shall be so made and regulated, which may be inspected by any Person or Persons, on Payment of a Fee of One Shilling to such Clerk of the Peace or Sheriff Clerk; and such Justices of the Peace, Judge Ordinary, Sheriff or Stewart Depute, or their Substitutes, or other Magistrates aforesaid, respectively,

tively, are hereby also required, authorized, and empowered, to administer the Oath herein-after mentioned to every Conservator or Water Bailiff, at the Time of his Appointment, and also sign a Certificate thereof; (that is to say),

Conservator's Oath.

'I *A. B.* do solemnly and sincerely swear, That I will diligently, faithfully, and impartially, execute the Office of Conservator or Water Bailiff in the Arm of the Sea, Water, or River of in the County or Stewartry of [*between such a Place and such a Place*]; and that I will, without Favour or Affection, make due and immediate Information to a proper Magistrate, within the County of or Stewartry of against all and every Person and Persons whom I shall see, detect, or know, of committing any Offence against an Act of Parliament, made and passed in the Forty-fourth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act* [*insert the Title of this Act*].'

Certificate of Appointment of Conservator.

'I *A. B.* One [*or*, we, *A. B.* and *C. D.* Two] of His Majesty's Justices of the Peace [*or*, Judge Ordinary] in and for the County or Stewartry of do hereby certify, That *C. D.* of, *&c.* was this Day of at the General Quarter Sessions of the Peace [*or*, Circuit Court] holden in and for the County, Shire, or Stewartry of duly sworn and appointed a Conservator and Water Bailiff of the Arm of the Sea, River, or Water of from to being Miles in Length, pursuant to an Act of Parliament, made and passed in the Forty-fourth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act, &c.* [*insert the Title of this Act*]. Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year first above written.'

Persons aggrieved, may appeal against the Rates.

XXVII. And be it further enacted, That all and every Person and Persons who shall think himself, herself, or themselves aggrieved in any respect whatsoever, by any such Rate or Rates as aforesaid to be made upon him, her, or them, in pursuance of this Act, shall and may appeal against such Rate or Rates, in the like Manner, and under and subject to the same Rules and Regulations, and subject to such Costs on either Side, as are herein-before mentioned and prescribed with respect to Persons aggrieved by and appealing against Convictions upon or under this Act.

For ascertaining the Limits of the Arm of the Sea, for the Purposes of this Act.

XXVIII. And whereas Disputes may arise touching the Limits of the said Arm of the Sea, be it therefore further enacted, That for the sole Purpose of executing this Act, and no other, the same shall extend over and across the Whole of the said Arm of the Sea, which lies Eastward from a Place called *The Hotel* at *Skinberness*, in the Parish of *Abbey Holme*, in the said County of *Cumberland*, and from thence in a direct Line across the said Arm of the Sea, extending Northward to the large House at *Carsethorn* of *Arbigland*, in the said Stewartry of *Kircudbright*, and from thence Westward along the Shore of the said Arm of the Sea, which adjoins the County of *Dumfries*, the Stewartry of *Kircudbright*, and the County of *Wigton* aforesaid, for Two Miles in Breadth, pointing Southward from High Water Mark down to a Place called *The Mull of Galloway*, in the said County of *Wigton*, and also in like Manner extending Westward along the Shore of

of the ſaid Arm of the Sea, which adjoins the ſaid County of *Cumberland*, from the Hotel at *Skinberneſs* aforeſaid, for Two Miles in Breadth, pointing Northward from High Water Mark down to a Place called *Hodbarrow Point*, in the Pariſh of *Millum*, in the ſaid County of *Cumberland*; and likewiſe for the ſole Purpoſes of this Act, and no other, the Limits of the Mouth or Entrance of the River *Nith*, ſituate in the County of *Dumfries* aforeſaid, ſhall for the future be deemed and taken to be and extend from the large Houſe at *Carſethorn* of *Arbigland* aforeſaid, in a Line acroſs the ſaid River *Nith* due Eaſt.

For repealing Act 32 G. 3.

XXIX. And whereas it is expedient that an Act, paſſed in the Thirty-ſecond Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for regulating and improving the Salmon Fiſheries in the River* Nith, *in the County of* Dumfries, ſhould be repealed, be it therefore further enacted, That, from and immediately after the paſſing of this Act, the ſaid Act ſhall be and the ſame is hereby repealed.

Publick Act.

XXX. And be it further enacted, That this Act ſhall be deemed and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges of Aſſize, Juſtices of the Peace, and other Perſons whomſoever, without ſpecially pleading the ſame.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1804.