SHIPLEY.

Provisional Order for extending the Borrowing Powers of the Shipley Local Board of Health. —Local Government Act, 1858.

Whereas, by an Order of Her most Gracious Majesty in Council, bearing date the Twenty-first day of February 1853, the Public Health Act, 1848, was duly applied to the Township of Shipley, in the Parish of Bradford, in the County of York, and the said Township was thereby constituted a District under that Act.

And whereas the Local Board of Health of the said District have borrowed under that Act, and under the Shipley Waterworks and Police Act, 1854, sums amounting in the whole to Twenty-nine thousand five hundred Pounds, to defray the expense of a portion of the works for sewering, and supplying water to, the said District, which said sums at the time the borrowing of them was sanctioned equalled the assessable value for one year of the premises assessable under that Act within such District, and the amount authorized by the second herein-before cited Act to be borrowed, but such sums were not sufficient to defray the cost of completing the works for the purposes aforesaid.

And whereas the said Local Board have, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for power to borrow or re-borrow, for or on account of such works of sewerage and water supply, a further sum or sums, not exceeding in the whole two years' assessable value of the premises assessable within such District; and whereas the said further sum or sums are proposed to be repaid within a period of fifty years from the date of the borrowing thereof.

And whereas, after due inquiry and report by Alfred Dickens, Esquire, the Inspector appointed for the purpose, it appears expedient that the prayer of such Petition should, to the extent herein-after set forth and described, be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me, as one of Her Majesty's Principal Secretaries of State, I do hereby, by this Provisional Order under my Hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order—

The Local Board of Health for the District of Shipley, in the County of York, shall have power and authority to borrow or re-borrow, for the execution and completion of works of sewerage and water supply within such District, on mortgage of the rates leviable by them under the Local Government Act, 1858, an amount not exceeding in the whole Five thousand Pounds, over and above the amount already borrowed by the said Local Board, the said amount to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my Hand this Eighteenth day of April 1860.

(Signed) G. C. Lewis.

CAP. XLV.

An Act to extend the Act of the Eighth and Ninth Years of *Victoria*, Chapter Twenty-six, for preventing fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in *Scotland*. [23d *July* 1860.]

8 & 9 Vict. c. 26.

'WHEREAS by the Act Eighth and Ninth Victoria, Chapter Twenty-six, intituled '*An Act to prevent fishing for Trout or other Fresh-water Fish by Nets in the Rivers* 'and Waters in Scotland, Provision is made for preventing the Destruction of Trout 'and other Fresh-water Fish by Nets in the Rivers, Waters, and Lochs of *Scotland*: And 'whereas there are various other Ways by which Trout and other Fresh-water Fish may 'be

'be destroyed which have not yet been declared illegal:' 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:

Fishing for Trout, &c. by means of Nets, &c. in any Rivers, &c. in Scotland prohibited.

I. That it shall not be lawful for any Person whatsoever, (except as herein-after provided,) at any Time after the passing of this Act, to fish for Trout or other Fresh-water Fish in any River, Water, or Loch in *Scotland*, with any Net of any Kind or Description, or by what is known as Double Rod Fishing, or Cross Line Fishing, or Set Lines, or Otter Fishing, or Burning the Water, or by striking the Fish with any Instrument, or by Pointing, or to put into the Water Lime or any other Substance destructive to Trout or other Fresh-water Fish with Intent to destroy the same; and if any Person shall wilfully take, fish for, or attempt to take, or aid and assist in taking or fishing for, or attempting to take or fish for, in or from any such River, Water, or Loch, any Trout or other Fresh-water Fish by or with any Net of any Kind or Description, or by Double Rod Fishing, or Cross Line Fishing, or by Set Lines, or Otter Fishing, or by Burning the Water, or striking the Fish with any Instrument, or by Pointing, or by putting into the Water Lime or any other Substance destructive to Trout or other Fresh-water Fish with Intent to destroy the same, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, besides forfeiting the Trout or Fish taken, and also every Boat or Net, Tackle, Instrument, or other Article in or by which the same may have been taken or attempted to be taken, and shall also pay the full Expenses of the Conviction: Provided that nothing in this Act contained shall prevent any Person having the Right to fish in any River, Water, or Loch in *Scotland*, or any Person having Permission from such Person, from exercising the Right of fishing in such River, Water, or Loch in any Mode not prohibited by Law prior to the passing of this Act.

Penalty.

Nothing to prevent Persons having Rights, &c. to fish.

Penalty for trespassing on any Ground or River to fish with Net, &c.

II. If any Person shall trespass upon any Ground, enclosed or unenclosed, or in or upon any River, Water, or Loch, with Intent to take any Trout or other Fresh-water Fish, with any Net, Double Rod, Cross Line, Set Line, or Otter, or by Burning the Water, or by striking the Fish with any Instrument, or by Pointing, or to destroy the Fish by putting Lime or other Substance destructive to Trout or other Fresh-water Fish into the Water, such Person shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

Power to Persons having Authority to seize Boats, Nets, &c. used in Commission of Offences.

III. It shall be lawful for any Person, having the Authority of the Proprietor of Land through or past which the River or Water flows or upon which the Loch is wholly or partially situate, to seize and detain any Boat or Net of any Description, Double Rod, Cross Line, Set Line, or Otter, or Materials for Burning the Water, or Instruments for striking the Fish, or for Pointing, or Lime or other Substance destructive to Trout or other Fresh-water Fish, used or intended to be used in the Commission of any such Offence, and also any Fish taken by any such Offender, and to give Information thereof to the Sheriff or Justice of the Peace.

Justices who are Proprietors not to be disqualified from acting.

IV. All Justices of the Peace shall and may act in the Execution of this Act notwithstanding that such Justices shall be the Proprietors of Land through or past which any River or Water may flow, or upon which any Loch may be wholly or partially situated, or shall otherwise have a Right of Trout or Fresh-water Fishing in any such River, Water, or Loch, except in Cases in which the Offence has been committed on the Property of such Justice, or in which such Justice is a Party to the Prosecution of the Case, or is directly interested in the Result thereof; and no such Proprietor or Party having Right as aforesaid shall be incompetent as a Witness to prove any Offence committed against this Act by reason of his being such Proprietor or having such Right.

For the Recovery of Penalties.

V. And for the Recovery of the Penalties and Forfeitures imposed by this Act, be it enacted, That any such Penalties or Forfeitures may be recovered by summary Proceeding upon Complaint in Writing made by the Procurator Fiscal or by any Party prosecuting for the same to the Sheriff or any Justice of the Peace for the County in which such Offence

shall be committed, or to the Sheriff or any Justice of the Peace for any County in which the Offender may be found, and on such Complaint such Sheriff or Justice of the Peace shall issue a Warrant for bringing the Party complained against immediately before him, or shall issue an Order requiring such Party to appear at a Time and Place to be named in such Order; and every such Order shall be served on the Party complained against by any County Officer, either by delivering to such Party personally or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereon the same has proceeded; and either upon the Appearance or the Default to appear of the Party complained against it shall be lawful for the Sheriff or Justice to proceed to the hearing of the Complaint; and upon Proof of the Offence, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern, adjudge, and sentence him to pay the Penalty or Forfeiture incurred, and the Expenses attending the Conviction, and to grant Warrant for imprisoning him until such Penalty or Forfeiture and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty or Forfeiture and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Forfeiture and Expenses shall not have been paid, and which Period shall in no Case exceed Two Months; and it shall be lawful for the Sheriff or Justice to make such Orders concerning the immediate Disposal of any Boat, Net, Double Rod, Cross Line, Set Line, or Otter, or Materials for Burning the Water, or Instruments for striking the Fish, or for Pointing, or Lime or other Substance destructive to Trout or other Fresh-water Fish, or Fish seized or forfeited under the Provisions of this Act, as may be necessary.

Power to appeal in manner as in 20 G. 2. c. 43.

VI. It shall be lawful for any Person who shall think himself aggrieved by any Judgment of the Sheriff or Justice of Peace pronounced in any Case arising under this Act to appeal from the same to the next Circuit Court of Justiciary, or, where there are no Circuit Courts, to the High Court of Justiciary at *Edinburgh*, in the Manner and by and under the Rules, Limitations, Conditions, and Restrictions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, for taking away and abolishing Heritable Jurisdiction in *Scotland*, with this Variation, that such Person shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty or Forfeiture and Expenses awarded against him by the Sentence appealed from in the event of the Appeal being dismissed or not insisted in, together with any additional Expenses that may be awarded by the Court on deciding or dismissing the Appeal; and it shall not be competent to appeal from or bring the Judgment of any Sheriff or Justice of Peace acting in the Execution of this Act under Review, by Advocation or Suspension or by Reduction, or in any other Way than as herein provided.

Application of Penalties.

VII. All Penalties and Forfeitures imposed under the Authority of this Act shall, when levied, be paid, the one Half thereof to the Prosecutor and the other Half to the Inspector of the Poor of the Parish within which the Offence shall have been committed, on behalf of such Poor.

Limitation of Actions.

VIII. No Prosecution or other Proceeding whatever shall be brought or commenced against any Person for any Offence against this Act, unless the same shall be commenced within Three Months after such Offence shall have been committed.

Interpretation of Terms.

IX. The Words "River," "Water," or "Loch" occurring in this Act shall mean and include any Stream, Burn, Millpool, Mill-lead, Milldam, Sluice, Pond, Cut, Canal, and Aqueduct, and every other Collection or Run of Water in which Trouts and other Fresh-water Fish breed, haunt, or are found or preserved; the Word "Sheriff" shall mean the Sheriff or Steward of the County in which the Offence happens or Case arises, and shall include the Sheriff-Substitutes of such Sheriffs; the Expression "Justice of the Peace" shall mean a Justice of the Peace of the County in which the Offence happens or Case arises; and the Expression "County Officer" shall mean and include Sheriff's Officer, Constable, or any Officer of the County Police Force.

X. Nothing

X. Nothing herein contained shall affect any Act of Parliament, General or Local, passed for the Preservation of the Salmon Fisheries in *Scotland*, or in relation to the fishing of Salmon or Fish of the Salmon Kind in *Scotland*. Saving the Laws regarding the Salmon Fisheries.

XI. Nothing herein contained shall affect or apply to the killing of Trout or other Fresh-water Fish with Single Rod and Line which shall be regulated by the Laws in existence prior to the passing of this Act. Saving the Laws regarding fishing with Single Rod.

CAP. XLVI.

An Act to amend and enlarge the Powers and Provisions of the several Acts relating to the *Caledonian* and *Crinan* Canals. [23d *July* 1860.]

'WHEREAS the following Acts were passed for the Purpose of making and keeping in repair or otherwise regulating and improving the *Caledonian* and *Crinan* Canals; that is to say, the Acts Forty-third *George* the Third, Chapter One hundred and two; Forty-fourth *George* the Third, Chapter Sixty-two; Sixth *George* the Fourth, Chapter Fifteen; Third and Fourth *Victoria*, Chapter Forty-one; Thirty-third *George* the Third, Chapter One hundred and four; Thirty-ninth *George* the Third, Chapter Twenty-seven; Thirty-ninth *George* the Third, Chapter Seventy-one; Forty-fifth *George* the Third, Chapter Eighty-five; Fifty-first *George* the Third, Chapter One hundred and seventeen; Fifty-sixth *George* the Third, Chapter One hundred and thirty-five; Third and Fourth *William* the Fourth, Chapter Thirteen; Eleventh and Twelfth *Victoria*, Chapter Fifty-four; and Twenty and Twenty-first *Victoria*, Chapter Twenty-seven: And whereas by the said Act Eleventh and Twelfth *Victoria*, Chapter Fifty-four, the Commissioners of the *Caledonian* Canal were incorporated, and the *Caledonian* Canal and the *Crinan* Canal were vested in the Commissioners: And whereas it is expedient that the subsisting Powers of the recited Acts relating to the said Canals should be amended and enlarged, and that further Powers should be conferred on the Commissioners for the Maintenance, Management, and Regulation of the said Canals:' 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, as follows:

43 G. 3. c. 102. 44 G. 3. c. 62. 6 G. 4. c. 15. 3 & 4 Vict. c. 41. 33 G. 3. c. 104. 39 G. 3. c. 27. 39 G. 3. c. 71. 45 G. 3. c. 85. 51 G. 3. c. 117. 56 G. 3. c. 135. 3 & 4 W. 4. c. 13. 11 & 12 Vict. c. 54. 20 & 21 Vict. c. 27.

I. This Act may be cited for all Purposes as "The *Caledonian* and *Crinan* Canals Amendment Act, 1860." Short Title.

II. The following Expressions in this Act shall have the Meanings hereby assigned to them; that is to say, the Expression "the Canals" shall mean and include the whole Navigations of the *Caledonian* Canal and the *Crinan* Canal, and all the Harbours, Wharfs, Quays, Basins, and other Works connected therewith respectively; and the Expression "the Commissioners" shall mean the Commissioners of the *Caledonian* Canal, incorporated by the recited Act Eleventh and Twelfth *Victoria*, Chapter Fifty-four. Interpretation of Terms.

III. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," so far as not altered by this Act, is hereby incorporated with this Act, and shall apply to the Canals, with the Exception of the Clauses with respect to the following Matters; that is to say, with respect to the Purchase and taking of Lands otherwise than by Agreement; with respect to the Entry upon Lands by the Promoters of the Undertaking; with respect to small Portions of intersected Land; and with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be required for the Purposes thereof; and the Expression "the Promoters of the Undertaking" in the said Act shall mean the Commissioners under this Act. 8 & 9 Vict. c. 18. incorporated.

IV. "The Commissioners Clauses Act, 1847," so far as not altered by this Act, is hereby incorporated with this Act, with the Exception of the Clauses with respect to the following Matters; 10 & 11 Vict. c. 16 incorporated.