


ANNO QUINTO

# VICTORIÆ REGINÆ.

Sess. 2.

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## *Cap.* lxiii.

### An Act for regulating and maintaining the Fisheries in the River *Tyne*. [18th *June* 1842.]

WHEREAS the Supply of Salmon in the River *Tyne*, which was formerly most abundant, has greatly decreased, and there is Reason to apprehend that a further Decrease will take place, unless effectual Measures be taken for the better Regulation and maintaining of the Fisheries in the said River; but these Objects cannot be attained without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and 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 this Act shall extend to and include and shall be put in force within the following Limits; that is to say, the River *Tyne* throughout its whole Course, and the Channel or Bed and Shores thereof, and also all Rivers, Streams, and Waters, and all Dams, Sluices, Ponds, and other Pools or Cuts which flow into or communicate with the said River throughout their respective Courses, and the Channels or Beds and

Limits of this Act.

Shores thereof, and also so much of the Main Sea, and of the Coast and Beach and Shores and Bed thereof, as is included by and within a supposed straight Line drawn from *Bates'* otherwise *Saint Mary's Island*, situate about Four Miles and One Quarter of a Mile to the North of the Entrance into the said River, to *Souter Point*, which is about Four Miles and One Quarter of a Mile to the South of the same Entrance, and also so much of the Main Sea as is opposite to, and is within Two Miles, measured in an Easterly Direction, of any Part of the said supposed straight Line.

Commissioners appointed.

II. And be it enacted, That for executing the Purposes of this Act all the Proprietors of Fisheries within the Limits of this Act, having respectively an Estate for Twenty-one Years, or other greater Estate, either legal or equitable, and who shall for the Time being be rated or assessed for the Purposes of this Act in manner herein-after provided, and the eldest Sons of such Proprietors respectively, the Husband of every such Proprietor being a Female, One Guardian or Committee of every such Proprietor being a Minor or Lunatic, One Member of each Corporation or associated Body holding, enjoying, or possessing any such Fishery, and One Trustee for every such Estate when the same shall be vested in a Trustee or Trustees, shall be and they are hereby appointed Commissioners for carrying this Act into execution.

For regulating the Mode of voting.

III. And be it enacted, That at the Meetings of Commissioners to be held under this Act each Fishery represented by a Commissioner, if of the clear annual Rent or Value of Twenty Pounds and under Fifty Pounds, shall confer Two Votes, and if of the clear annual Rent or Value of Fifty Pounds and under One hundred Pounds, Four Votes, and if of the clear annual Rent or Value of One hundred Pounds or more, Six Votes, and no Fishery shall confer more than Six Votes; and the clear annual Rent or Value of the Fisheries respectively shall be ascertained, if necessary, in the Way herein-after provided for the ascertaining of such annual Rent or Value for the Purpose of rating or Assessment; and if Two or more Commissioners shall be present at any Meeting who shall represent one and the same Fishery, the Vote or Votes for such Fishery shall be given by such one of the same Commissioners as shall be determined by them.

Power to Commissioners to name Representatives.

IV. And be it enacted, That it shall be lawful for every Person hereby appointed a Commissioner to appoint, by Writing under his Hand, from Time to Time, any Person to be his Proxy and to act in all Meetings of the Commissioners as his Representative, which Proxy so appointed shall be entitled, in the Absence of such Commissioner for whom he may be so appointed Proxy, to vote and act at all such Meetings for such Commissioner by whom he is so appointed, but no Person shall hold more than One Proxy at one and the same Time.

Commissioners not to act while holding

V. And be it enacted, That if any Person entitled to be a Commissioner for carrying this Act into execution shall accept or continue to hold any Place of Profit arising out of the Rate of Assessment herein-after

herein-after granted, such Person shall from thenceforth, and while he continues to hold and enjoy such Place of Profit, be disabled to act as a Commissioner; and further, that it shall not be lawful for any Person holding such Place of Profit to represent and vote for any Commissioner at any Meeting for carrying this Act into execution. Places of Profit.

VI. And be it enacted, That if any Person, being incapacitated to act, or not being duly qualified as aforesaid, or after having become disqualified, shall act as a Commissioner, or shall appoint any Person to act for him, such Person so acting or appointing shall for every such Offence forfeit the Sum of Twenty Pounds, and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same, by Action of Debt or on the Case; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of this Act; nevertheless all Acts and Proceedings of any Person acting as a Commissioner, being incapacitated, not being duly qualified, or being disqualified, done previous to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified. Penalty on Commissioners not being qualified acting.

VII. And be it enacted, That the Commissioners for executing this Act shall hold their First General Meeting within the Borough and County of *Newcastle-upon-Tyne* upon the Fourth *Thursday* after the passing of this Act, between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon, and proceed to put this Act into execution; and a General Meeting of the Commissioners shall be held on the First *Thursday* in *September* annually, at the Place and between the Hours aforesaid, unless some other Place shall be appointed by the Commissioners; and it shall be lawful for the Commissioners present at such First or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place within the said Borough, or within the County of *Northumberland* or of *Durham*; and if at any such Meeting there shall not be Three Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners present, or any One Commissioner, if only One be present, or the Clerk of the said Commissioners in the Absence of any Commissioner, to adjourn such Meeting to another Day; and if the Meeting shall not be adjourned, then it shall be lawful for any Two of the Commissioners, or the Clerk, to appoint a Meeting to be held at any convenient Place within the said Town, and not less than Seven Days Notice shall be given of such intended Meeting. First and other Meetings.

VIII And be it enacted, That it shall be lawful for the said Commissioners to hold Special Meetings; and any Two or more of the Commissioners may call such Special Meeting, or may require the Clerk to call such Special Meeting to be held, but no such Meeting shall be held unless Seven Days Notice thereof shall be given. Special Meetings.

IX. And

**Quorum of Commissioners.**

IX. And be it enacted, That all Powers of this Act may be exercised by any Three or more of the Commissioners present at any Meeting holden in pursuance of this Act; and no Business shall be transacted at any Meeting of the Commissioners unless Three or more Commissioners shall be present at such Meeting, such Three or more Commissioners representing at least Three or more of the Fisheries within the Limits of this Act.

**How Notices of Meetings are to be given.**

X. And be it enacted, That all Notices of any Meeting to be held under the Authority of this Act shall be in Writing, and shall be delivered at or sent by the Post to the usual Place of Abode of each of the Commissioners, and advertised once or oftener in One or more Newspapers circulated within the Borough and County of *Newcastle-upon-Tyne*, or in the County of *Northumberland* or of *Durham*, Seven Days at least previous to such Meeting; and every Notice shall be signed by the Clerk of the Commissioners, or by Two or more of the Commissioners calling such Meeting, and shall specify the Time and Place of Meeting, and, in case of a Special Meeting, shall specify the Object thereof, and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

**Expences of Meetings.**

XI. And be it enacted, That at all Meetings of the Commissioners they shall defray their own Expences, except for the Use of the Room in which the Meeting is held.

**Order of Business at Meetings.**

XII. And be it enacted, That at every Meeting of the Commissioners One of the Commissioners present shall be elected Chairman by the Majority of the Votes of the Commissioners present at such Meeting and entitled to vote; and all Questions considered at any such Meeting shall be decided by a Majority of the Votes given thereon, and if there be an equal Division of Votes the Chairman shall have a casting Vote in addition to his own Vote as a Commissioner: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman One of the Commissioners having equal Numbers of Votes whose Name would stand first if the Names of the Commissioners present were alphabetically arranged shall be Chairman of such Meeting.

**Resolutions of General Meetings.**

XIII. And be it enacted, That it shall not be in the Power of any adjourned or Special Meeting to alter or rescind any Act done or Resolution made by the First or any stated General Meeting.

**Actions or Suits to be brought in the Names of any Two Commissioners or the Clerk.**

XIV. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act, to be brought by or against the Commissioners, it shall be sufficient to state the Names of any Two of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit, and no such Action shall abate to be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

XV. And

XV. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed only against the Goods and Chattels belonging to the Commissioners by virtue of their Office.

Executions against Goods of Commissioners.

XVI. And be it enacted, That every such Commissioner or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put or with which he may become chargeable by reason of being so made Plaintiff or Defendant; and no such Commissioner or Clerk shall be personally liable for the Payment of the same, unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by the Clerk, or Two Commissioners, or more, as aforesaid, it have been so brought without the Order or Direction of the Commissioners.

Indemnity to Commissioners and Clerk.

XVII. And be it enacted, That it shall be lawful for the said Commissioners, at their stated General, Adjourned, or Special Meetings, from Time to Time to appoint a Treasurer and Clerk and Collector, and such other Officers as they shall think fit, with such Salaries and Allowances as they shall think reasonable, and to remove such Clerk, Treasurer, Collector, and Officers, and appoint others in their Stead; and whenever any such Treasurer, Clerk, Collector, or other Officer shall die, become incapable to act, or shall quit the Service of the said Commissioners, it shall be lawful for any Three of the said Commissioners to appoint some other fit and proper Person to be Treasurer, Clerk, Collector, or Officer in the Place of him so dying, becoming incapable to act, or quitting the said Service, until the then next Meeting of the said Commissioners, when such Appointment shall be confirmed, or another Treasurer, Clerk, Collector, or Officer nominated and appointed.

Commissioners to appoint a Treasurer and other Officers.

XVIII. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer; and that neither the Person who shall be the Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

Offices of Clerk and Treasurer to be separate.

Penalty.

If any Person accept both the Office of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Treasurer, or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk:

If any Clerk or Treasurer hold any Place of Profit or Trust under the Commissioners other than that of Clerk or Treasurer, as the Case may be:

And any Person may sue for such Penalty, either by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*, and shall, on Recovery thereof, be entitled to full Costs of Suit.

Commissioners to take Security from all Officers intrusted with Money.

XIX. And be it enacted, That the Commissioners shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing, from Time to Time, when required by the Commissioners so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Books of Account to be kept, and to be open to Inspection.

XX. And be it enacted, That the Commissioners shall cause a Book or Books to be kept by their Clerk, in which such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended, and of the Acts, Proceedings, and Transactions of the said Commissioners in virtue of and under the Authority of this Act; and such Books shall at all reasonable Times be open to the Inspection of the Commissioners, without any Fee being demanded for such Inspection; and it shall be lawful for any of the Commissioners aforesaid, at seasonable Times, to take Copies of or Extracts from the said Books, without paying any thing for the same, or to require the Clerk to furnish such Copies or Extracts thereof, paying at the Rate of Sixpence for every One hundred Words so to be copied; and if, on Request for that Purpose, the Clerk shall fail to permit any of the Commissioners aforesaid to inspect such Books, or to take Copies or Extracts as aforesaid, or shall fail to furnish such Copies or Extracts, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds.

Officers to account.

XXI. And be it enacted, That every Officer appointed or employed by the Commissioners by virtue of this Act shall, from Time to Time, when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account, in Writing under his Hand, of all Monies received by him on behalf of the Commissioners, and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of, and together with such Account such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Account.

XXII. And

Remedy against Officers failing to account.

XXII. And be it enacted, That if any such Officer shall fail to render such Account, or to produce and deliver up all the Books, Vouchers, and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Books, Papers, and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him, or if such Officer cannot be found, then in his Absence such Justice may hear and determine the Matter in a summary Way, and may adjudge and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Justice may order such Officer to pay the same forthwith; and if he shall fail to pay the Amount it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or, in default thereof, to commit the Offender to Gaol, there to remain, without Bail, for any Time not exceeding Three Calendar Months; and in any of the following Cases; (that is to say,)

If such Officer do not appear before such Justice at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of this Act, or belonging to the Commissioners, in his Possession or Power,

Such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he have made out and delivered such Account, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Commitment not to discharge Sureties.

XXIII. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer.

Accounts to be settled and examined at the annual Meeting.

XXIV. And be it enacted, That the Accounts of the Monies received and expended by the Commissioners shall be produced at the annual General Meeting of the Commissioners which shall take place in *September* in every Year, or at some Adjournment thereof, at which Meeting

Meeting it shall be lawful for all Persons interested to be present; and such Accounts shall be examined and settled by the Commissioners, and if the same shall be found just and true they shall be allowed by the Commissioners, and certified accordingly, under the Hand of the Chairman of such Meeting; and after such Account shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at the next or next but one General Quarter Sessions of the Peace for the Borough and County of *Newcastle-upon-Tyne*, which Appeal it shall be lawful for any Person interested in such Account to institute and prosecute in the Manner and subject to the Provisions and Regulations herein-after set forth and provided for the making of Appeals.

Annual Account to be prepared, and a Copy thereof transmitted to the Clerk of the Peace.

XXV. And be it enacted, That the Commissioners shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *August*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly certified by the Clerk for the Time being of the said Commissioners, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace of each of the Counties of *Northumberland* and *Durham*, and of the Town and County of the Town of *Newcastle-upon-Tyne*, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Commissioners shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Annual and weely Close Times.

XXVI. And be it enacted, That it shall not be lawful for any Person to take or fish for any Fish of the Salmon Kind within the Limits of this Act at any Time between the Tenth Day of *September* in any Year and the Tenth Day of *February* in the Year following, nor at any Time between Ten of the Clock on *Saturday* Night and Two of the Clock on *Monday* Morning between the Tenth Day of *February* and the Tenth Day of *September* in each Year,

Penalties on Persons taking or fishing for Salmon in Close Time.

XXVII. And be it enacted, That if at any Time during the Periods of the annual and weekly Close Times aforesaid any Person shall wilfully take, or shall fish for or attempt to take, or aid or assist in taking, fishing for, or attempting to take, or shall hire or employ any other Person to take or to fish for any Fish of the Salmon Kind, within the Limits of this Act, every such Person shall forfeit any Sum not less than One Pound and not exceeding Ten Pounds for and in respect of each and every such Offence, and shall also forfeit each and every such Fish so taken, and each and every Boat, Net, Rod, or Engine used, or by which any such Fish has been taken or attempted to be taken, and also the further Sum of Five Shillings for each and every such Fish so taken.



XXVIII. And

Penalties for selling or possessing Fish caught in Close Time.

XXVIII. And be it enacted, That if any Person shall sell, or offer or expose for Sale, or shall exchange for any Goods, Matter, or Thing, or shall knowingly or wilfully purchase or have in his Possession, any Fish of the Salmon Kind killed, taken, or caught within the Limits of this Act, at any Time during the Period of annual Close Time aforesaid, every such Person shall forfeit any Sum not less than Ten Shillings and not exceeding Five Pounds for and in respect of every such Fish so sold, or offered or exposed for Sale, or exchanged, purchased, or had as aforesaid, and shall also forfeit every such Fish, and each and every Boat, Hamper, Creel, Pannier, or Package in which the same may be found.

To protect the Spawning.

XXIX. And be it enacted, That if any Person shall, during the Period of annual Close Time aforesaid, wilfully injure, disturb, or molest in any Manner or Way whatsoever any Fish of the Salmon Kind, or shall at any Period of the Year wilfully injure or disturb, in any Manner or Way whatsoever, any Spawn or young Brood of any Fish of the Salmon Kind, or any Spawning Bed, Bank, or Shallow wherein or whereon the same may be, each and every such Person shall forfeit a Sum not less than One Pound and not exceeding Ten Pounds for each and every such Offence.

Penalty on taking Salmon Fry (except by Angling).

XXX. And be it enacted, That if any Person shall, during the Periods of annual and weekly Close Times aforesaid, or between the Fifteenth Day of *March* and the Twenty-fifth Day of *May* in any Year, wilfully fish for, kill, or take, or aid or assist in fishing for, killing, or taking, or wilfully prevent or obstruct the Passage of any Salmon Fry, by any Means or by any Device, within the Limits of this Act, (except by means of Angling or Rod-fishing in manner and subject as hereinafter provided,) or shall sell, purchase, or wilfully have in his Possession any Salmon Fry killed, taken, or caught contrary to the Provisions of this Act, every such Person shall forfeit a Sum not less than Five Shillings and not exceeding Five Pounds for each such Offence, and shall also forfeit the further Sum of One Shilling for each of the Salmon Fry so taken, killed, or destroyed, or found in his Possession, and shall also forfeit all Nets, Rods, Tackle, and Engines whereby the same shall have been killed or taken, together with the Hampers, Creels, Panniers, or Packages wherein the same may be found.

Penalties for killing, selling, or having unclean Salmon.

XXXI. And be it enacted, That if any Person shall, by any Means or Device whatsoever, wilfully kill or take any Kelt, Kipper, Shedder, Baggit, Red or Black Fish, or other foul, unclean, or unseasonable Fish of the Salmon Kind, or if any Person shall sell or expose for Sale, or knowingly and wilfully purchase or have in his Possession, any Kelt, Kipper, Shedder, Baggit, Red or Black Fish, or other foul, unclean, or unseasonable Fish as aforesaid, caught within the Limits of this Act, every Person so offending shall for every such Offence forfeit any Sum not less than One Pound and not exceeding Ten Pounds, and moreover shall forfeit the Sum of Five Shillings for every such Fish which any such Person shall wilfully kill or take, sell or expose for Sale, purchase, or knowingly have in his Possession.

Provision as to Angling.

XXXII. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Proprietor or Occupier, or any Person duly authorized by Writing under the Hand of any Proprietor or Occupier of any Fishery within the Limits of this Act, fishing for, killing, or taking within such Fishery any Salmon Fry, by means of Angling or Rod-fishing.

Against the Use of Dams, Wears, Stake and fixed Nets, or beating of the Water, or Lights, &c.

XXXIII. And be it enacted, That if any Person shall place, set, or use, or shall hire, employ, or authorize any Person to place, set, or use, any Dam, Wear, or Barrier, or any Cruive or Fish Lock, or any Stake, Bag, fixed, stationary, or anchored, or Splash or Hang Net, Engine, or Device whatsoever, or shall beat the Water, or place or set any White Object, or shall use any Light or Fire of any Kind, within the Limits of this Act, for the taking or Destruction of or whereby any Fish of the Salmon Kind, or Salmon Fry, shall be taken or destroyed, every Person so offending shall forfeit and pay any Sum not less than One Pound and not exceeding Ten Pounds for and in respect of each and every such Offence, and also a further Sum of not less than Ten Shillings and not exceeding Five Pounds for and in respect of each and every Day any such Offence shall be committed, permitted, and continued.

For regulating the Use and Size of Nets, &c.

XXXIV. And be it enacted, That if any Person shall, during the annual Close Time aforesaid, or between the Tenth Day of *February* and the Twenty-fifth Day of *May* in any Year, use, or hire, employ, or authorize any Person to use, within the Limits of this Act, for the taking of any Fish whatsoever, any Net, Engine, or Device whatsoever, whereof the Meshes, Apertures, or Openings shall be of a less Size than One Inch and a Quarter of an Inch from Knot to Knot, Five Inches round, or Two Inches and One Half of an Inch in Length when extended, (except Nets which shall be solely used for the taking of Herrings, Mackerells, Sprats, Sparlings, and Shrimps, and except Eel Stages or Traps, and except also small Hand Nets used by Anglers or Rod-fishers for securing or landing Fish when taken with the Rod, and for taking Minnows and other small Fish for Bait,) or shall at any other Time use, within the Limits of this Act, for the taking of any Fish whatsoever, any Net, Engine, or Device whatsoever whereof the Meshes, Apertures, or Openings shall be of a less Size than Three Quarters of an Inch from Knot to Knot, Three Inches round, or One Inch and a Half of an Inch when extended, (except Nets which shall be solely used for the taking of Shrimps, and Eel Stages or Traps, and such small Hand Nets as aforesaid,) or shall at any Time use or employ any Double Net, or any Rope, Twine, Thread, Grass, Hay, or Straw, or any other Means or Device whatsoever, by which to stop up or reduce in Size the Meshes, Apertures, or Openings of any Net, Engine, or Device whatsoever, every Person so offending shall for every such Offence forfeit any Sum not exceeding Ten Pounds, and shall also forfeit every Net, Engine, or Device which shall be so used or employed, or the Meshes, Apertures, or Openings of which shall be so stopped up or reduced in Size, contrary to this Clause: Provided always, that if any Person shall use, within the Limits of this Act, any Net, Trap, Engine, or Device whatsoever, for the

Purpose of taking Sprats or Eels, between the Fifteenth Day of *March* and the Twenty-fifth Day of *May* in any Year, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For regulating Fishing Operations.

XXXV. And be it enacted, That if the Lessee or Occupier of any Fishery within the Limits of this Act shall at any Time wilfully row or shoot, or cause or allow any Net to be rowed or shot, beyond the Land Boundary of his Fishery, or shall not at any Time draw a Net to land upon the same Side of the River from which it was rowed or shot, he shall for every such Offence forfeit and pay a Sum not less than Ten Shillings and not more than Five Pounds; and where Two or more Persons shall be respectively Lessees or Occupiers of Fisheries on contrary Sides of the said River *Tyne*, and immediately opposite to each other, and such Persons shall, by themselves or Servants, be fishing at the same Time, such Persons shall respectively shoot their Nets Turn and Turn about, and shall interfere with the Fishing Operations of each other as little as may be; and if any Person shall offend herein he shall for every such Offence forfeit and pay a Sum not less than Ten Shillings and not more than Five Pounds.

To prevent the wilful and unnecessary anchoring of Vessels and other Interferences with Fishing Grounds and Operations.

XXXVI. And be it enacted, That if the Owner or Master or other Person having the Charge of any Ship, Keel, Boat, or other Vessel or Craft, within the Limits of this Act, shall wilfully and unnecessarily or without reasonable Cause so anchor, ground, or manage the same as to interfere with and prejudice the Nets or Fishing Operations of the Occupier of any Fishery, or the Boats and Tackle used in or about the same, every Person so offending shall for every such Offence forfeit any Sum not less than Ten Shillings and not more than Five Pounds.

Nets, &c. to be removed in Close Time.

XXXVII. And be it enacted, That every Occupier of any Fishery within the Limits of this Act shall immediately after the Tenth Day of *September* in each Year remove from such Fishery, and from the Landing Places and Grounds adjacent thereto, all Nets, Engines, and other Tackle used and employed by such Occupier in the taking and killing of Fish of the Salmon Kind, or otherwise effectually secure the same so as to prevent their being used in fishing until the Tenth Day of *February* in the Year following; and in case any such Occupier shall neglect or refuse so to remove or secure all and every such Nets, Engines, and other Tackle as aforesaid, and to keep the same secure and apart from the said Fisheries and Premises during the Time aforesaid, such Person so refusing or neglecting, and being convicted thereof, shall for every such Offence forfeit and pay any Sum not less than Ten Shillings and not exceeding Five Pounds: Provided always, that it shall be lawful to allow such Nets, Engines, and other Tackle as aforesaid to remain upon the Ground adjacent to such Fishery a reasonable Time after the said Tenth Day of *September* in each Year, for the Purpose of drying the same.

Nets, &c. not removed may be seized by

XXXVIII. And be it enacted, That it shall be lawful for any Water Keeper or other Person employed in the Execution of this Act, without any

Water Keepers, &c.

any other Authority than this Act, to seize all such Nets, Engines, and other Tackle which shall not have been so removed or secured as aforesaid, and to remove and convey the same to some Place of Security; and such Water Keeper or other Person shall give Information thereof to any Justice, who shall and may thereupon hear and determine upon the Cause, Propriety, and Legality of such Seizure and Removal, and shall and may thereupon order all such Nets, Engines, and other Tackle to be returned to the Owner thereof, or to be forfeited and sold, or otherwise disposed of, as the Justice of the Case may require.

Penalty on improper Persons fishing.

XXXIX. And be it enacted, That if any Person, not being an Owner or Occupier of any Fishery or of any Lands within the Limits of this Act, or not duly authorized by Licence or Leave, in Writing or printed, under the Hand of such Owner or Occupier, or not otherwise having a Right or Title for such Purpose, shall at any Time fish with, or use or assist in fishing with or using, within the Limits of this Act, any Net, Salmon Spear, or similar Engine, or Salmon Tackle of any Description whatever, every Person so offending shall for every such Offence forfeit and pay any Sum not less than Ten Shillings and not exceeding Five Pounds, and shall also forfeit the Nets, Salmon Spears, or other Engines or Tackle so used by him; and it shall be lawful for any Water Keeper or other Person employed or acting under the Authority of this Act to seize and detain all such Nets, Spears, Engines, or Tackle from any Person so fishing with the same who, not being such Owner or Occupier as aforesaid, shall not, upon Demand, show a Licence or Leave for fishing with or using the same in manner before mentioned.

Penalty on Trespassers.

XL. And be it enacted, That if any Person shall trespass within the Limits of this Act, for the Purpose or with Intent to take, kill, destroy, injure, or disturb any Fish of the Salmon Kind, or any Salmon Fry, or the Spawn of any Fish of the Salmon Kind, every such Person shall for every such Offence forfeit any Sum not exceeding Two Pounds; and every such Person so offending, and being thereof convicted, shall, over and above the said Penalty, forfeit each and every such Fish so taken, and each and every Boat, Net, Rod, Spear, Engine, or other Tackle by which any such Fish hath been taken or attempted to be taken, and shall also forfeit the further Sum of One Shilling for each and every such Fish so taken.

Fish to be given up to Proprietors, &c. of Fishery where taken.

XLI. And be it enacted, That if in the open Season any Person, while in the Act of fishing for River or Fresh Water Trout, or other Fish, shall take any Fish of the Salmon Kind within the Limits of this Act, by any Means whatsoever, such Person shall forthwith deliver up the same to the Proprietor or Occupier of the Fishery where the same were taken; and in default thereof every such Person shall forfeit a Sum not less than Ten Shillings and not exceeding Two Pounds for every such Fish so taken by him.

For the Protection of Sparlings

XLII. And whereas a certain Fish commonly called the Sparling is found within the Limits of this Act, and it is desirable that the Time for taking the same should be limited; be it therefore enacted, That

That if any Person shall during the weekly Close Times aforesaid, or during the Months of *April* and *May* in any Year, wilfully take, destroy, or fish for, or have in his Possession, or hire, employ, or authorize any Person to take, destroy, or fish for, any Fish of the Sparling Kind, every Person so offending shall for every such Offence forfeit any Sum not less than Ten Shillings and not more than Five Pounds. during spawning Season.

XLIII. And be it enacted, That upon Information in Writing upon Oath to any Justice that the Informant hath probable Cause to suspect and believe, and doth suspect and believe, that any Fish of the Salmon or Sparling Kind, or Salmon Fry, have been taken or caught, contrary to the Provisions of this Act, by any Person, and are within the Jurisdiction of the said Justice, it shall be lawful for the said Justice and he is hereby required to authorize and direct, by Warrant under his Hand, any Constable or other Peace Officer, or any Water Keeper to be appointed under the Authority of this Act, to search for such Fish in any Dwelling House or other Place wherein they have Information that such Fish as aforesaid are; and if upon such Search any Fish of the Salmon or Sparling Kind, or Salmon Fry, shall be there found, it shall be lawful to and for the said Constable or other Peace Officer, or Water Keeper, and he is hereby required, to seize the same; and such Justice shall moreover summon the Person in whose Dwelling House or other Place the same shall be found to appear before him within a reasonable Time, to answer and account for the same; and if such Person shall fail to account for the same to the Satisfaction of the said Justice before whom he shall be so brought as aforesaid, or shall fail to appear before such Justice on the Case being called, after such previous Summons, such Person shall stand and be convicted of having such Fish of the Salmon or Sparling Kind, or Salmon Fry, in his Dwelling House or other Place, knowing the same to have been taken or caught contrary to the Provisions of this Act, and shall forfeit for every such Offence a Sum not less than Ten Shillings and not exceeding Five Pounds, and also One Shilling for every such Fish so found. Magistrates empowered to issue Search Warrants upon Information of Fish being illegally taken and concealed.

XLIV. Provided always, and be it enacted, That nothing in this Act contained shall prejudice or affect any Right of the Fishermen of *Cullercoats*, and other common Fishermen, to use in the Main Sea, from their Boats, such Nets and Lines as have been heretofore lawfully and accustomably used by such Fishermen, and otherwise to exercise their respective Callings as heretofore, so only that such Fishermen do not use, within the Limits of this Act, any Stake, Bag, fixed, stationary, or anchored Net, or Splash or Hang Net, capable of or adapted for the taking or Destruction of Fish of the Salmon Kind, or by which any Fish of the Salmon Kind shall be obstructed, impeded, or prevented from entering the River *Tyne*, other than and except the Splash or Hang Nets heretofore accustomably used by the Fishermen of *Cullercoats*, so only that such Splash or Hang Nets be not used of a larger Size, or in a different Manner or Way, than such Nets have been heretofore accustomably used by them, and that such Splash or Hang Nets be not used within One Half Mile of the Bar at the Mouth or Entrance of the River *Tyne*, and so also Saving Rights of Cullercoats Fishermen.

also that no Fish of the Salmon Kind be taken or destroyed, or sold or disposed of, by such Fishermen within the annual and weekly Close Times aforesaid.

Penalty on destroying Salmon, &c. by means of Lime, &c.

XLV. And be it enacted, That if any Person shall at any Time lay or use any hot Lime, or any Material or Drug pernicious to Fish, or shall use any Water in which any Green Lint or Flax has been steeped, or any Water impregnated with any Material or Drug pernicious to Fish, for the Purpose or with the Intent of taking or destroying any Fish of the Salmon Kind, or Salmon Fry, within the Limits of this Act, every Person so offending shall for every such Offence forfeit any Sum not less than Ten Shillings and not exceeding Five Pounds, together with the Costs of Suit; and in case any Person committing any such Offence shall have his Face blackened, coloured, or otherwise disguised, such Person shall, in addition to the said Penalty, forfeit a further Sum not exceeding Five Pounds.

To prevent the laying of Refuse of Gas, &c. into the River.

XLVI. And be it enacted, That if any Person shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, in such Quantity and of such Quality as to be injurious to Fish, any Washings or other Waste Liquids, or any noisome or offensive Liquids, Refuse, Substances, or Things whatsoever used, arising, or produced in, from, or by the Gas Light Works of such Person, or in the Manufacture or Process of making Gas for the Purpose of Light or Illumination by such Person, into or within the Limits of this Act, or into any Aqueduct, Drain, or Sewer flowing into or within the Limits of this Act, or shall at any Time lay or place or employ any Person to lay or place any hot Lime into or within the Limits of this Act, then and in every such Case such Person shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, and shall also forfeit and pay the Sum of Two Pounds daily as long as such Washings, Liquids, Substances, or Things shall be caused or permitted so to flow after Notice to stop or prevent the same given to such Company or Persons by and at the Instance of the Commissioners, or their Clerk, Water Keepers, or other Officers.

For Regulation of Mill Dams, &c.

XLVII. And be it enacted, That all Mill Dams, Dikes, Wears, and other permanent Obstructions to the Run of Fish in the said River *Tyne*, or in any Stream or Water running into the same, save and except such as are at present existing or erected in or across the *Derwent*, and all other tributary Streams, in the Parishes of *Ryton* and *Winlaton* in the County of *Durham*, shall be so altered and constructed as to permit and allow of the free Run of the Fish over or through such Mill Dams, Dikes, Wears, and permanent Obstructions in the main Stream in the ordinary and mean State of such River, Stream, or Water, or the Proprietor or Occupier of every such Mill Dam, Dike, Wear, or Obstruction shall make, construct, and place and maintain at such Dam, Dike, Wear, or Obstruction such an Opening, Escape, or Stair as will enable Fish of the Salmon Kind freely and easily to ascend or pass over or through such Dam, Dike, Wear, or Obstruction in the ordinary or mean State

State of such River, Stream, or Water; and in case any Proprietor or Occupier of any such Mill Dam, Dike, Wear, or other Obstruction shall neglect so to alter and construct the same, or to make, construct, or place such Opening, Escape, or Stair, for the Space of Twenty Days after a Requisition to that Effect, signed by any Three or more of the Commissioners, shall have been served upon such Proprietor and Occupier, or left for them at their usual Place of Residence, it shall be lawful for any Justice of the Peace within whose Jurisdiction the said Mill Dam, Dike, Wear, or other Obstruction is situate, or where the Proprietor or Occupier shall be or reside, upon the Application or Information of any One or more of the said Commissioners, or their Clerk, to summon the Proprietor or Occupier making default to appear before him, at a Time to be mentioned in the Summons, to show Cause why he has not complied with the Requisition; and in case no sufficient Cause for such Noncompliance shall be shown to the Satisfaction of the Justice, or in case of the Party making default failing to appear, he shall forfeit a Sum not exceeding Twenty Pounds; and such Justice shall thereupon order such Dam, Dike, Wear, or Obstruction to be altered forthwith, or such Opening, Escape, or Stair to be made, constructed, and placed, under the Inspection and Direction of a proper Person, to be named by such Justice, at the Expence of the Proprietor or Occupier of the same, in such Manner as may sufficiently effect the Object intended with as little Injury as may be to the Proprietor or Occupier thereof; and such Expence shall be levied and recovered in the same Manner as is herein-after directed with respect to the levying and recovering of Penalties and Forfeitures under this Act: Provided always, that with respect to Dams at present existing or erected in or across the said River *Tyne*, or in or across any Stream or Water running into the same, the Expence of making such Alterations, or making, constructing, and placing such Openings, Escapes, or Stairs as aforesaid for the first Time to or at any such Dam, shall be borne and paid by the Commissioners from or out of the Fund or Assessment hereinafter provided; and that the making such Alterations, or making, constructing, and placing such Openings, Escapes, or Stairs as aforesaid, shall not prejudice or injure the going or working of the Mills worked or driven by the Water of such Dams.

Provision as to Bywell Dam.

XLVIII. Provided always, and be it enacted, That the Provision in this Act contained, as to the Regulation of Mill Dams, Dikes, Wears, or Barriers, Cruives, and other permanent Obstructions to the Run of Fish, shall not extend to or be deemed or construed to extend to, or to affect or alter, *Bywell* Dam in the Parishes of *Bywell Saint Andrew* and *Bywell Saint Peter*, or the one of them, in the County of *Northumberland*: Provided nevertheless, that such Dam be rendered incapable of taking Fish after the Tenth Day of *September* annually until the Tenth Day of *February* in the following Year, and that during the aforesaid Periods of annual and weekly Close Time One good and sufficient Opening, Escape, or Stair be made and opened therein so as to afford a free and sufficient Passage for the Fish up and down the said River *Tyne* during the whole of the said Periods of annual and weekly Close Time, but so nevertheless

nevertheless that such Opening, Escape, or Stair shall not be larger than requisite for the above Purposes, nor be such as to lower the Water below the present Centre or lowest Part of the Top of such Dam or Damback, and shall not prejudice or injure the going or working of the Mill situate at or immediately below such Dam, by diminishing the Supply of Water, or otherwise howsoever: Provided always, that the Expence of making such Alterations, or of making, constructing, and placing such Opening, Escape, or Stair as aforesaid, for the first Time, shall be borne and paid by the Commissioners from or out of the Fund or Assessment herein-after provided.

Water Keepers to be appointed:

XLIX. And be it enacted, That the Commissioners or their said Representatives, in any Meeting assembled, may appoint such a Number of Water Keepers and other Officers as they shall judge necessary for the proper Protection of the Fisheries within the Limits of this Act, or authorize any Two or more Commissioners to nominate and appoint such Water Keepers, for such Periods, and at such Salaries, and on such Terms and Conditions, as shall appear to be expedient; and it shall be in the Power of any Meeting of Commissioners, or their said Representatives, from Time to Time to remove such Water Keepers, or any of them, and appoint others in their Room, and to make such Alterations in regard to their Salaries, as to the said Commissioners shall appear proper; and further, that it shall be lawful for any Two Commissioners to supply and fill up any Vacancy that may occur by the Death, Resignation, or Dismissal of any Water Keeper, till the next Meeting be held; and before any Water Keeper shall be entitled to act under the Authority of this Act he shall take the Oath following before a competent Magistrate; *videlicet*,

to take Oath before acting.

'I *A. B.* do solemnly swear, That I will duly and faithfully execute 'the Office of a Water Keeper in Terms of an Act passed in the '  Year of the Reign of Her Majesty Queen *Victoria*, 'intituled [*here insert the Title of this Act*]. So help me GOD.'

Powers of Water Keepers.

L. And be it enacted, That the Water Keepers to be appointed as aforesaid shall, after being sworn into Office, be empowered to exercise the Powers and Authorities of Constables, in regard to all Matters connected with this Act, and, specially for the Purpose of preventing Offences, or detecting and apprehending Offenders, to enter upon any inclosed or uninclosed Grounds adjoining or near to the Limits of this Act, and at all Times, with their Boats or otherwise, to enter upon all and every the Fisheries, Rivers, and Waters, Dams, Sluices, Ponds, and other Pools or Cuts, within the Limits of this Act, for the Purpose of preventing and detecting unlawful Fishings or Obstructions within the said Limits, and to moor, anchor, or otherwise fix their Boats at such Places as they shall find convenient, provided that by such mooring, anchoring, or fixing their Boats they do not obstruct or impede any legal Mode of fishing.

Apprehending Offenders by Water Keepers.

LI. And be it enacted, That it shall be lawful for every Water Keeper, without any Warrant or Authority other than this Act, to arrest and detain any Person who shall be found committing any

Offence against this Act, and also to seize and detain any Boat, Net, Spear, Rod, Engine, or Tackle found in the Possession of any such Person, and to convey such Offender, or cause him to be conveyed, before some Justice, who shall forthwith proceed against such Offender according to Law, and according to the Provisions in this Act contained.

Penalty for Neglect of Duty

LII. And be it enacted, That every such Water Keeper who shall be guilty of any Neglect or Violation of his Duty as a Water Keeper shall be liable to a Penalty of not less than Five Pounds, or, in the Discretion of the Justice before whom he may be convicted, may lawfully be imprisoned, with or without hard Labour, for any Time not exceeding One Month.

Penalty on Persons assaulting Water Keepers.

LIII. And be it enacted, That every Person who shall assault or resist any Constable, Water Keeper, or other Person acting under this Act, in the Execution of his Duty, or who shall aid or incite any Person so to assault or resist, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or, in the Discretion of the Justice before whom he shall be convicted, may be imprisoned for any Term not exceeding Three Months.

Power to Water Keepers to take Recognizances.

LIV. And be it enacted, That whenever any Person charged with any Offence not amounting to Felony, and of which he shall be liable to be summarily convicted before a Justice, shall be, without the Warrant of a Justice, in the Custody of any Water Keeper or other Officer entitled to act under the Authority of this Act, it shall be lawful for such Water Keeper or other Officer, if he shall deem it prudent so to do, but in such Cases only in which the Offender cannot be conveniently taken before a Justice, to take the Recognizance of such Person, with or without Sureties, conditioned as herein-after mentioned.

Form of Recognizance.

LV. And be it enacted, That every Recognizance so taken shall be taken without Fee or Reward, and shall be conditioned for the Appearance of the Person thereby bound before a Justice at a certain Day not later than Seven Days from the Date of such Recognizance, and the Time and Place of such Appearance shall be specified in the Recognizance.

Recognizance to be registered and returned to the Justice.

LVI. And be it enacted, That the Officer taking any such Recognizance shall enter in a Book to be kept for that Purpose the Name, Residence, and Occupation of the Party and his Sureties, if any, entering into such Recognizance, together with the Condition thereof, and the Sum thereby acknowledged, and shall return every such Recognizance to the Justice at the Time and Place when and where the Party is bound to appear; and every such Recognizance shall have the like Force and Effect as if the same had been taken before a Justice.

Commissioners, &c. may act as Justices.

LVII. And be it enacted, That a Person shall not be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Commissioner, or by reason

reason of his being interested in any Salmon Fishery within the Limits of this Act, except in any Case where such Justice of the Peace or his Tenant or Farmer of any Fishery within the Limits of this Act is a Party in the Suit or Prosecution or other Matter to be heard and determined by any such Justice; and also that every Owner, Occupier of or any Person otherwise interested in any Salmon Fishery, and also every Water Keeper, shall not be an incompetent Witness to prove any Offence committed against this Act, by reason of his being such Owner or Occupier, or so interested.

Owners, &c. may give Evidence.

Power to levy Rates.

LVIII. And in order to raise Money for carrying the several Purposes of this Act into execution, be it enacted, That it shall be lawful for the Commissioners, or their Proxies or Representatives, in any Meeting assembled under the Authority of this Act, once in every Year after the passing of this Act, to be computed from the First Day of *September* in the present Year One thousand eight hundred and forty-two, or oftener if they shall think it necessary, to ascertain, make, and impose One or more equal Rate or Rates, Assessment or Assessments, to be signed by the Chairman of such Meeting, upon the Owners or Proprietors of all Salmon Fisheries within the Limits of this Act, according to the annual Value of the same, so as such Rates or Assessments do not exceed in any One Year the Sum of Five Shillings in the Pound on such annual Value; such Rates or Assessments to be paid by the several Tenants or Occupiers of the said several Salmon Fisheries respectively for and on behalf of the respective Owners or Proprietors of the same, and for which Payments such Tenants or Occupiers shall be entitled to Relief from their respective Owners or Proprietors, and to deduct the Amounts thereof at settling or paying their usual Rents; and failing any of the said Rates or Assessments being paid to the Collector or Collectors by any One or more of the said Tenants or Occupiers, when required, the same shall, on Demand, be paid by the Owner or Proprietor of the Salmon Fishery for which any such Rate or Assessment is in default or unpaid; and the Rate or Assessment made at such Meeting shall be binding upon and enforced against every such Owner or Proprietor and Tenant or Occupier.

For ascertaining Value of Fisheries.

LIX. And be it enacted, That in order to ascertain the annual Value of the said Salmon Fisheries when the same or any of them are unlet or unoccupied, or occupied by the Owners or Proprietors thereof, or let or used in some other Way than for Payment of a yearly Rack Rent, or for any Sum of Money not equivalent to the full annual Value thereof, it shall be lawful for the Commissioners or their Representatives, at any General Meeting, to appoint Two or more Persons to value such Salmon Fisheries, and the Report of such Persons made on Oath before One or more of the said Commissioners shall be deemed and taken as the Rule of Assessment; and such Valuations shall be made when and so often as the said Commissioners shall think proper.

Rate to be open to In-

LX. And be it enacted, That immediately after any Rate shall be made the same shall be open to the Inspection of any Person rated

in such Rate, at all seasonable Times, and any such Persons may take Copies or Extracts from such Rate without paying any thing for the same; and if the Person having the Custody of such Rate shall refuse to or shall not permit any Person so rated as aforesaid to take Copies or Extracts from such Rate, he shall forfeit for every such Offence any Sum not exceeding Five Pounds. Inspection of Rate-payers.

LXI. And be it enacted, That the several Rates made under this Act shall be vested in the Commissioners, and shall be payable at such Times as they shall direct to the Collectors to be appointed by them. Rates to be vested in Commissioners.

LXII. And be it enacted, That the Books of Rates of the Commissioners, and all Entries made therein in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act. Rate Books to be Evidence.

LXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person shall have been rated, if it shall appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate conformable to this Act, and no such Amendment shall be held to avoid the Rate: Provided always, that every Person who shall be aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made; and every Person whose Rate shall be altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him. Rates may be amended.

LXIV. And be it enacted, That if any Person shall think himself aggrieved by any Rate or Assessment made under the Authority of this Act, or by any Matters included in or omitted from the same, he may appeal to the next or next but one General Quarter Sessions of the Peace for the County, Borough, or Place in which such Cause of Appeal shall have arisen; but no such Appeal against such Rate or Assessment, or any Matter included in or omitted from the same, shall be entertained, unless Notice in Writing of such Appeal, stating the Nature and Grounds thereof, shall be given to the Commissioners or their Clerk Fourteen Days at least before the holding of such Sessions. Appeal against Rate.

LXV. And be it enacted, That at the General Quarter Sessions for which any such Notice of Appeal shall be given, the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it till the following Sessions, and in such Case the Court shall hear and determine the Appeal at such last-mentioned Sessions. Court of Quarter Sessions to make such Order as they think reasonable.

LXVI. And

On Appeal, Quarter Sessions to have same Power of amending and quashing Rates, and of awarding Costs as in Appeals against Poor Rates.

LXVI. And be it enacted, That the Court of Quarter Sessions shall, in any Appeal against any Rate made under the Authority of this Act, have the same Powers of amending or quashing such Rates as are by Law vested in them respectively for amending or quashing the Rates for the Relief of the Poor within their several Jurisdictions upon Appeals against such Rates, and shall likewise have, in any Appeal against any Rate made under the Authority of this Act, the same Powers of awarding Costs to be paid by or to any of the Parties to an Appeal, and of recovering such Costs, as are now vested in them respectively for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within their several Jurisdictions.

Liability to Rates not to disqualify Witnesses or Justices.

LXVII. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be deemed an incompetent Witness in any Proceeding before a Court of Justice under this Act, or be disabled to act as a Justice in the Execution of the same.

Rates to be recovered by Action or Distress.

LXVIII. And be it enacted, That if any Person rated under the Authority of this Act shall not pay any of the said Rates due from him for the Space of Fourteen Days after Demand thereof in Writing by the Commissioners, or their Clerk, Collector, or Treasurer, it shall be lawful for the Commissioners, or any One of them, or their Clerk aforesaid, to sue for and recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*; or any Justice of the Peace, within whose Jurisdiction the Defaulter may reside, or his Goods or Effects may be found, shall, on Application of the Commissioners, or their Clerk, Collector, or Treasurer, summon any such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid; and in case no sufficient Cause for the Nonpayment of such Rates shall be shown accordingly, the same, together with the Costs of the Distress, shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Warrant of Distress.

LXIX. And be it enacted, That the Warrant of Distress for the Nonpayment of any Rate may include one Person or several Persons, and may be to the Effect mentioned in Schedule (A.) to this Act annexed.

Application of Rates.

LXX. And be it enacted, That the Money which shall arise from the said Rates or other Money to be received by the Commissioners under this Act shall be applied, in the first place, in Payment of the Interest and Instalments for the Repayment of the Monies borrowed on Mortgage of the said Rates, and of the Expences of obtaining this Act, and, in the next place, in paying the Salaries and Wages of the Water Keepers and other Officers appointed under this Act, and defraying the Expences of carrying the several Purposes of this Act into Execution.

Recovery of Penalties.

LXXI. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, the Recovery of which is

is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made before any One or more Justice or Justices, and on the Complaint being made to any such Justice he shall grant a Warrant for bringing the Party complained of immediately before him in the Form set forth in Schedule (B.) hereunto annexed, or shall issue a Summons in the Form set forth in Schedule (C.) hereunto annexed, requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any One or more Justice or Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Printing shall have been exhibited before him or them, and upon Proof of the Offence, either by Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any One or more Justice or Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs of or attending the Information, Suit, and Conviction as such Justice shall think fit; and such Conviction shall be in the Form set forth in Schedule (D.) hereunto annexed.

Penalties may be levied by Distress.

LXXII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any One or more Justice or Justices as aforesaid shall issue their Warrant of Distress accordingly in the Form set forth in the said Schedule (D.)

Imprisonment in default of Distress.

LXXIII. And be it enacted, That it shall be lawful for the said Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress, and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for the First Offence for any Term not exceeding Two Months nor less than One Month, for the Second Offence for any Term not exceeding Four Months nor less than Two Months, and for the Third and every other Offence for any Term not exceeding Six Months nor less than Three Months, unless

unless such Penalty or Forfeiture and Costs be sooner paid and satisfied; and such Warrant shall be indorsed on the Conviction, and shall be in the Form set forth in Schedule (E.) hereunto annexed.

Application of Penalties.

LXXIV. And be it enacted, That all Penalties or Forfeitures recovered by virtue of this Act shall from Time to Time be paid, applied, and disposed of as follows; (that is to say,) one Half thereof to the Informer, and the other Half thereof, after defraying all Costs, Charges, and Expences attending the Prosecution, and the levying and recovering of the Penalty, in so far as the same have not been recovered, to the Treasurer or Collector of the Rates or Assessments herein-before imposed, and the same shall be applied and disposed of for and towards the same Purposes as the said Rates or Assessments are applicable.

Penalties to be be sued for within Six Months.

LXXV. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

LXXVI. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Informalities.

LXXVII. And be it enacted, That no Proceeding under or in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts, other than such Appeal as is herein-after provided for.

Distress how to be levied.

LXXVIII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Assessment, Penalty, or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods, Chattels, and Effects of the Party liable to pay the same, wherever the same may be; and the Overplus arising from the Sale of such Goods, Chattels, and Effects, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

LXXIX. And

Distress not unlawful for Want of Form.

LXXIX. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions, on giving Security.

LXXX. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice, or of the Commissioners, under the Provisions of this Act, he may appeal to the General Quarter Sessions of the Peace for the County, Borough, or Place in which the Cause of Appeal shall have arisen, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order, Determination, or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

LXXXI. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Order, Determination, or Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs, both of the Order, Determination, or Adjudication, and of the Appeal, as they may think reasonable; and the Determination of the Court shall not be subject to any Challenge or Review, but shall be final and conclusive to all Intents and Purposes whatsoever.

A Person punished under this Act not to be again prosecuted.

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

For defraying Expences of procuring this Act.

LXXXIII. And be it enacted, That the Expences of advertising, preparing, procuring, and passing this Act, including all previous Expences relating thereto, shall be ascertained by the said Commissioners or their Representatives at their First Meeting held for the Purposes of this Act, or at some Adjournment thereof, and shall be paid by the Proprietors of Salmon Fisheries within the Limits of this Act,

Act, within Twelve Calendar Months after the passing thereof, and shall be levied from the Owners of the said several Salmon Fisheries in the same Manner and under the like Provisions and Powers as are herein-before directed with regard to Expences to be incurred in carrying this Act into execution, or shall, at the Option of the said Commissioners, be raised by a Mortgage or Charge of the Rates and Assessments to be made pursuant to this Act: Provided always, that One Tenth Part of the Principal Money raised by way of Mortgage, as well as the whole of the yearly Interest of such Debt, shall be annually raised and paid off out of such Rates or Assessments as aforesaid; and that any Three of the said Commissioners shall be competent to sign and execute such Mortgage, and to give a good Discharge for the Money thereby secured; and the Person paying the same shall not be bound to see to the Application thereof, nor answerable for the Loss or Non-application thereof.

Interpretation of Act.

LXXXIV. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them; (that is to say,)

The Words or Expression "the Limits of this Act" shall include the River *Tyne* throughout its whole Course, and the Channel or Bed and Shores thereof, and also all Rivers, Streams, and Waters, and all Dams, Sluices, Ponds, and other Pools or Cuts which flow into or communicate with the said River throughout their respective Courses, and the Channels or Beds and Shores thereof, and also so much of the Main Sea, and of the Coast and Beach and Shores and Bed thereof as is included by and within a supposed straight Line drawn from *Bates'* otherwise *Saint Mary's Island*, situate about Four Miles and One Quarter of a Mile to the North of the Entrance into the said River, to *Souter Point*, which is about Four Miles and One Quarter of a Mile to the South of the same Entrance; and also so much of the Main Sea as is opposite to, and is within Two Miles, measured in an Easterly Direction, of any Part of the said supposed straight Line;

And that the Words or Expression "Fish of the Salmon Kind" shall include Salmon, Grilse, Sea Trout or Salmon Trout, Bull Trout, Whitling, and Herling, and that the Words or Expression "Salmon Fry" shall include Smolt or Smelt, Par, Brandling, or Rack, and all other the Fry or Young of Fish of the Salmon Kind;

And that Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number;

And that Words importing the Masculine Gender only shall include Females;

And that the Word "Month" shall mean Calendar Month;

And that the Word "Person" shall include Corporation, whether Aggregate or Sole, and any Company or Association of Persons;

And that the Word "Oath" shall include Affirmation in case of Quakers, and any Declaration or Solemnity lawfully substituted

for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath;

And that the Word "Justice" shall mean Justice of the Peace for the County, Borough, City, or Place where the Matter requiring the Cognizance of any Justice shall arise;

And that the Words or Expression "the Commissioners" shall mean the Commissioners appointed in or by virtue of this Act:

Provided always, that those Words and Expressions to which more than One Meaning is to be attached shall not have the different Meanings given to them in those Cases in which there is any thing in the Subject or Context repugnant to such Construction.

Public Act.

LXXXV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

## SCHEDULES to which the foregoing Act refers.

### SCHEDULE (A.)

*Form of Warrant of Distress.*

to wit. } To One of the Collectors of the Rates under an Act passed, *&c.* intituled, *&c.*, and to all Constables.

WHEREAS the under-mentioned Persons, now or late Owners or Occupiers of Salmon Fisheries within have been duly rated in or are liable to the Payment of a Rate made on the Day of under the Authority of the said Act, and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down, which they have not paid, as appeareth upon Oath to me, One of Her Majesty's Justices of the Peace for the and the said several Persons having been duly summoned to appear before me to answer the Premises, and not having shown sufficient Cause why such several Sums of Money should not be paid; these are therefore in Her Majesty's Name to require you, or any of you, forthwith to levy the said several Sums due as herein-before mentioned, by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted; and if no sufficient Distress can be had and taken, then that you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize and direct: And I do hereby strictly charge and command all and singular the Constables respectively to be aiding and assisting in all Things relating to the Premises. Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and .

| | Sums due. |
|---|---|
| | £ s. d. |
| *A. B.* - - - - | |
| *C. D.* - - - - | |

SCHE-

## SCHEDULE (B.)

*Form of Warrant for Summary Appearance.*

By virtue of the Tyne Fisheries Act, Warrant is hereby granted for bringing (*A.B.*), accused under the said Act of [*here insert the Offence*], before me, forthwith to answer to the said Accusation, and to be dealt with in Terms of the said Act.

Given under my Hand at this Day of .

*J.P*

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## SCHEDULE (C.)

*Form of Summons.*

By virtue of the Tyne Fisheries Act (*A.B.*) is hereby summoned to appear before me at on the Day of to answer to the Complaint of that the said (*A.B.*) has contravened the said Act by [*here describe the Offence*].

Given under my Hand at this Day of .

*J.P.*

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## SCHEDULE (D.)

*Form of Conviction and Warrant of Distress.*

Be it remembered, That on the Day of (*A.B.*) is convicted before me One of the Justices of the Peace for of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the Tyne Fisheries Act; and the said (*A.B.*) is hereby adjudged to pay the Sum of for Penalty, and for Costs, and failing Payment of the said Penalty and Costs Warrant of Distress is hereby granted, according to the Terms of the said Act.

Given under my Hand at this Day of .

*J.P.*

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SCHE-

## SCHEDULE (E.)

*Form of Warrant of Committal.*

WARRANT is hereby granted to commit (*A.B.*) to the Gaol of for the Offence before described, for the Term of there to remain without Bail, unless the said Penalty and Costs be sooner paid.

Given under my Hand at this Day of .

*J.P.*

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