



ANNO SEXTO

GULIELMI IV. REGIS.

Cap. lxxv.

An Act to alter, amend, and enlarge the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty, intituled *An Act for the more effectual Preservation and Increase of the Breed of Salmon, and for better regulating the Fisheries in the River Tweed, and the Rivers and Streams running into the same, and also within the Mouth or Entrance of the said River.*

[21st June 1836.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the more effectual Preservation and Increase of the Breed of Salmon, and for better regulating the Fisheries in the River Tweed, and the Rivers and Streams running into the same, and also within the Mouth or Entrance of the said River*: And whereas the Powers and Provisions of the said recited Act exercised by the Commissioners and Overseers appointed by the same have been found to be of great Benefit and Advantage to the said Fisheries and to the Public; but by reason of the great Decrease in the Value of the Salmon Fisheries in the said River *Tweed* the Rate or Assessment by the said recited Act authorized to be levied has become insufficient for the Purposes for which the same was intended, and it has been found necessary that the said Rate or Assessment should be increased, and the Powers of the said Commissioners and their Representatives enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the Commissioners and Overseers appointed or to be appointed under or by virtue of the said herein-before recited Act or this Act, or their Representatives, in general, stated, or adjourned Meetings assembled, to be held under the Authority of the said recited Act or this Act, to

11 G. 4. c. 54.

Additional Rates or Assessments to be imposed.

ascertain and impose, in lieu of the Rate or Assessment by the said recited Act authorized to be levied, a Rate or Assessment to be paid by the whole Proprietors of Salmon Fisheries in the said River *Tweed*, or in any River or Stream running into or communicating with the same, and in the Mouth or Entrance of the said River, not exceeding Twenty Pounds *per Centum per Annum*, to be paid for the First Year ending the First Day of *August* in the present Year One thousand eight hundred and thirty-six, and annually thereafter, in proportion to the Rents or yearly Value of their several Salmon Fisheries; that is to say, in proportion to the yearly Rent where the Fisheries shall be let at Rack Rent, and in proportion to the yearly Value where the Fisheries shall not be so let; and the same shall thereafter be paid either yearly or half-yearly, as the said Commissioners and Overseers may from Time to Time direct and appoint, by the several Tenants or Occupiers of the said several Salmon Fisheries, 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 at settling or paying their usual Rents; and failing any of the said Rates or Assessments being paid to the Collector or Collectors acting under the Authority of the said recited Act and this Act, by any One or more of such Tenants or Occupiers as aforesaid, when required, the same shall, on Demand, be paid by the Owner or Proprietor or Owners or Proprietors of the Salmon Fisheries so possessed by such Defaulter or Defaulters, and the Rate or Assessment made at such Meeting shall be binding upon and enforced against every such Owner or Owners of a Salmon Fishery, and the said Tenants or Occupiers.

Application
of Rates
or Assess-
ments.

II. And be it further enacted, That the Rates or Assessments levied from Time to Time under and by virtue of this Act shall be applied in defraying the Expences of applying for and procuring this Act, and in paying the Salaries to Clerks, Collectors, Officers, and Water Bailiffs, and the other Expences to be incurred under the said recited Act and this Act, and in paying off the several Debts due and owing by the Commissioners and Overseers appointed by the said recited Act.

Additional
Commission-
ers and
Overseers
appointed.

III. And be it further enacted, That, in addition to the Commissioners and Overseers appointed or authorized to be appointed under the said recited Act, the Husband of every Proprietrix or Liferentrix of Salmon Fishings in the said River *Tweed* of the annual Value or Extent in the said recited Act required as sufficient to qualify Persons to be Commissioners and Overseers under the same shall be and he is hereby appointed a Commissioner and Overseer for the Purposes mentioned in the said recited Act and this Act, so long as such Proprietrix or Liferentrix shall be in the Possession of such Qualification.

Eldest Son
or other Heir
of a Commis-
sioner or
Overseer
may repre-
sent him in
Case of Ab-
sence.

IV. And be it further enacted, That in case of the Absence from any Meeting of Commissioners and Overseers of any Commissioner or Overseer who shall not have appointed a Proxy to act for him in manner in the said recited Act or this Act mentioned, it shall and may be lawful for the eldest Son or other Heir Apparent or Heir Presumptive of such Commissioner and Overseer to act and vote at such Meeting of Commissioners and Overseers in the stead of his Father, or of the Person to whom he is such Heir Apparent or Heir Presumptive.

V. And

V. And be it further enacted, That it shall and may be lawful to and for each and every Person by the said recited Act or this Act appointed a Commissioner and Overseer for putting the said recited Act and this Act into execution; or the Guardians or Administrators at Law of any such Person who shall be under Age, to nominate and appoint from Time to Time his or her *bonâ fide* ordinary Chamberlain, Factor, or Attorney, holding a regular written Appointment as such, to be Proxy for and to represent and act in all or any Meetings of the said Commissioners and Overseers as the Representative or Proxy of the Person for whom he is so nominated or appointed, in the Absence of such Person so nominating or appointing him, but such Chamberlain, Factor, or Attorney so nominated and appointed (provided he be not himself a Commissioner and Overseer in virtue of the Powers of the said recited Act or this Act) shall at all such Meetings only be entitled to give One Vote, without regard to the Number of Proxies he may hold.

Factors, Attornies, &c., may represent Commissioners.

VI. And whereas by the said recited Act it is enacted, that it shall not be lawful for any Person or Persons to fish for or take by means of angling or Rod-fishing any Salmon, Grilse, Sea Trout, Bull Trout, Whitling, or other Fish of the Salmon Kind, in the said River *Tweed*, or in any River, Rivulet, Brook, or Stream, or in any Mill Pool, Mill Lead, Mill Dam, Sluice, Pond, or other Pool or Cut which runs into or otherwise communicates with the said River *Tweed*, or within the Mouth or Entrance of the said River *Tweed*, at any Time or Times between the First Day of *November* in any Year and the Fifteenth Day of *February* in the Year following; and that each Boat, with its Oars, used and retained for the Purpose of angling or Rod-fishing, shall be removed and carried away from the respective Fisheries, Fishing Shields, and Fishing Grounds, on or before the Third Day of *November* in each Year, to Places to be named by the Commissioners and Overseers, there to be lodged and kept and remain until the Thirteenth Day of *February* in the following Year; and it is expedient to alter the Time allowed for angling or Rod-fishing; be it therefore enacted, That so much of the said recited Act shall be and is hereby repealed; and from and after the passing of this Act it shall not be lawful for any Person or Persons to fish for or take by means of angling or Rod-fishing any Salmon, Grilse, Sea Trout, Bull Trout, Whitling, or other Fish of the Salmon Kind, in the said River *Tweed*, or in any River, Rivulet, Brook, or Stream, or in any Mill Pool, Mill Lead, Mill Dam, Sluice, Pond, or other Pool or Cut which runs into or otherwise communicates with the said River *Tweed*, or within the Mouth or Entrance of the said River *Tweed*, at any Time or Times between the Seventh Day of *November* in any Year and the Fifteenth Day of *February* in the Year following; and that each Boat, with its Oars, used and retained for the Purpose of angling or Rod-fishing, shall be removed and carried away from the respective Fisheries, Fishing Shields, and Fishing Grounds, on or before the Tenth Day of *November* in each Year, to some Place or Places to be named by the Commissioners and Overseers appointed by the said recited Act and this Act, where the same can be securely lodged and kept so as to prevent their being used in fishing, and there to remain until the Thirteenth Day of *February* in the following Year, under the same Penalties and Forfeitures as are by the said recited Act enacted for fishing in the close Time therein appointed, and for Non-removal of Boats and Oars at the Times in the said recited Act appointed.

Repeal of Period in which Salmon, &c. shall not be taken by Rod-fishing.

and at which Boats for Rod-fishing shall be removed.

Period in which Salmon shall not be taken by Rod-fishing.

When Boats used for Rod fishing to be removed.

VII. And

Boats used solely for Net-fishing not to be used for Rod-fishing.

Ferry Boats not to be used for fishing.

Boats used solely for Net-fishing to have a distinguishing Mark.

Former Act to remain in force, except as hereby altered.

Public Act.

VII. And be it further enacted, That no Boat which in the fishing Season by Nets is generally and ordinarily used for fishing with Nets, shall at any Time during the Prolongation of the fishing Season for angling or Rod-fishing be used for such angling or Rod-fishing, but all such Boats shall be removed from the several and respective Fisheries on or before the Seventeenth Day of *October* in every Year in manner directed by the said recited Act; and no public Ferry Boat shall at any Time be used or employed for fishing, but the same shall be kept solely for the Use of the Ferry to which it belongs, and for the constant Convenience of the Public thereat; and every Proprietor or Occupier of any public Ferry who shall use, or permit or allow to be used, his, her, or their Ferry Boat for the Purpose of fishing shall forfeit and pay for every such Offence not less than Ten Pounds and not exceeding Thirty Pounds, and the Ferry Boat or Boats shall be forfeited in like Manner as Boats used in fishing during close Time.

VIII. And for the Purpose of distinguishing such Boats as in the fishing Season are generally and ordinarily used for fishing with Nets, be it enacted, That it shall and may be lawful for the said Commissioners and Overseers at any General Annual Meeting from Time to Time to direct and appoint all such Boats to be painted or otherwise marked by some Colour or Mark, so that the same may be known and may be easily distinguished from Ferry Boats or Boats used indiscriminately for both Net-fishing and Rod-fishing, which Direction or Appointment shall be notified to the Owner and Occupier of each Fishing using any such Boat, or to his or their known Agent, and which distinguishing Colour or Mark every Owner and Occupier of every such Boat so generally and ordinarily used for fishing with Nets shall be bound after such Notification to put upon each such Boat previous to the Commencement of the next fishing Season, and also upon all such Boats as they shall afterwards use, and to keep the same thereon until such Time as some new Direction or Appointment in that Behalf shall have been made by the said Commissioners and Overseers, and upon Failure therein every such Owner or Occupier of any such Boat shall for every such Offence forfeit and pay any Sum not less than Five Pounds and not exceeding Ten Pounds.

IX. And be it further enacted, That all and every the Clauses, Exceptions, Powers, Authorities, Articles, Rules, Penalties, Forfeitures, Matters, and Things in the said recited Act contained (except in so far as they are altered or varied by this present Act) shall continue in full Force and Effect, and shall be executed, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in this Act.

X. And be it further 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.