Anno quarto & quinto

Annæ Reginæ.

An Act for the Encreaſe and better Preſervation of Salmon and other Fiſh, in the Rivers within the Counties of *Southampton* and *Wilts*.



Whereas the Salmon and Salmon-kind of Fiſh reſorting to Spawn within the Rivers and Freſhes in the County of Southampton, and Southern parts of Wiltſhire, are in Danger of utter Decay, to the great Loſs of this Kingdom; and the Royalties and Fiſheries in the ſaid Counties, are in great meaſure Conſumed and Deſtroyed, by placing divers Engines and other Devices in and upon the Main Rivers, and in the New Channels, Dikes and Cuts, which now are or ſhall be Cut out of the ſame Rivers, by means whereof the Salmon Strikes or Kippers, as well as the young Fry or Smelts are taken and deſtroyed, and are prevented from returning to the Sea in Seaſon: And whereas the Owners and Occupiers of the Salmon Fiſheries within the ſaid Counties, regarding only their Private and Greedy Profit, do Deſtroy the Stock of the ſaid Fiſheries, by preventing the Breed of good Fiſh, to paſs in Seaſon through their Fiſhing Wyres and Fiſhing Hatch-ways from the Sea into the ſaid Rivers to Spawn, and by Killing ſuch as are under Size, and by Fiſhing continually out of Seaſon, at and in the ſaid Fiſhing Wyres and Creeks of the Rivers, with Nets and other Devices, whereby not only the Encreaſe of the Species of the ſaid Fiſh, but alſo the Growth thereof is in great meaſure Deſtroyed: And whereas notwithſtanding the many good Laws before this time made and ſtill in Force, with intent to Prohibit unlawful Killing or otherwiſe Deſtroying the Game of this Kingdom, divers Sturdy and Diſorderly Perſons (through defect in the ſaid Laws for ſufficiently puniſhing of Offenders, and neglecting their lawful Employments) do Poach with Nets and Angles, Gins

and other unlawful Engines; and by unlawful means in the Night, and at other times, do Take, Kill and Destroy the Fish; to the great Detriment of the Lords of Manors, and the other Owners and Occupiers of Fisheries in the said County of Southampton and Southern parts of Wiltshire; For remedy whereof, Be it Enacted by the Queens 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 the Statute made in the Fourth and Fifth Year of the Reign of King William and Queen Mary now in Force, for the better Preservation of the Game relating to Salmon-Fishing, and every Article and Thing therein contained, shall be duly put in Execution according to the True of the same, and that the Statute made in the Thirteenth Year of King Edward the First, whereby it is Provided that the Waters of Humber, Owse, Trent, Dover, Arre, Derwent, Wherse, Niddiore, Swale, Tese, Tine, Eden, and all other Waters wherein Salmon be taken, shall be in defence from taking Salmon, from the Nativity of our Lady, unto Saint Martins Day; And likewise that Young Salmon shall not be taken nor destroyed by Nets, nor by other Engines, at Mill-Pools, from the midst of April, unto the Nativity of Saint John the Baptist, and in places where Fresh Waters be, shall extend and be in full Force, as well to all and every the Rivers, Creeks and Waters in the County of Southampton, and Southern parts of Wiltshire, as to the Waters in the last-mentioned Act here above enumerated and contained, and in like manner, and under the same Pains and Penalties as therein mentioned and expressed.

And be it further Enacted by the Authority aforesaid, That there shall be Assigned Overseers of this Statute, by any Two or more Justices of the Peace, residing within Five Miles of the respective Rivers within the said Counties of Southampton and Wiltshire, under their Hands and Seals from time to time, who being Sworn before the said Justices of the Peace, shall often See and Enquire after the Offenders against this Statute, and shall Take and Apprehend all and every such Offender and Offenders, and take and destroy all Nets and other Craft and Engines, where they shall find the same, being Kept, Used, or in Being contrary to this or any other Act now in Force relating to Fishing, and all and every Offender and Offenders so Taken or Apprehended by the said Overseers or any of them, or by any other lawful means shall be brought before some Justice of the Peace of the said Counties, to answer for every such Offence, and being Convicted before any such Justice of the Peace for the said Counties, by one or more Witnesses upon Oath, which Oath the said Justice hath hereby Power to Administer, or Confession of such Offender, shall for the first Trespass or Offence, Forfeit a Sum to be Ascertained by such Justice of the Peace, before whom such Conviction shall be made, not under Twenty Shillings, nor more than Five Pounds, and for the second Trespass or Offence, shall Forfeit a Sum not under Forty Shillings, to be Ascertained, as aforesaid, nor more than Ten Pounds, and as the Trespass or Offence shall Increase to double the Penalty, to be ascertained, as aforesaid, One half thereof to be paid to the Informer, and the other half there-

of to the Poor of the Parish where the said Offence or Offences shall be Committed, and in Case the Offender or Offenders shall not be able, or do not on Demand pay the said Penalty or Penalties, then he or they shall be sent by such Justice of the Peace, before whom such Conviction shall be made, as aforesaid, to the House or Houses of Correction within the said respective Counties where such Offender or Offenders shall be taken, and there kept for the space of Three Months.

And be it further Enacted by the Authority aforesaid, That no Person or Persons (not being by Law duly Qualified) shall hereafter kill, destroy or wilfully hurt any Salmon or Salmon-kind, or any other Fish, and that neither they nor any other Person or Persons whatsoever, shall and may at any time or times after the Thirtieth Day of June, which shall be in the Year of our Lord, One thousand seven hundred and six, take, kill, or destroy any Salmon, Salmon-Peale, or Salmon-kind, by Hawks, Racks, Gins, Nets, Angles or other Devices whatsoever, until after the Eleventh Day of November in every Year, or offer to Sale any of the said Fish so taken, under the like Pains, Penalties, Forfeitures and Imprisonments as are herein before mentioned.

And be it further Enacted by the Authority aforesaid, That if any Salmon or Salmon-kind shall go into any of the Dikes, Cuts or Water-Carriages, that then all Owners and Occupiers of Meadow Grounds in and upon the Banks of any Waters or Rivers in the said Counties within the time limitted and restrained by the said Act, shall permit the said Fish to pass or go out of the said Cuts, or Dikes, or Streams, into the Main Rivers again, and not by any wilful means to destroy them for Sale or otherwise, under the like Pains, Penalties, Forfeitures and Imprisonment, as afore mentioned.

And be it Enacted by the Authority aforesaid, That all Owners and Occupiers of Corn, Fulling and Paper Mills, and other Mills, upon any the Waters or Rivers in the said Counties, shall constantly keep open one Scuttle or small Hatch of a Foot Square in the Waste-Hatch or Water-course in the direct Stream, wherein no Water Wheel standeth, sufficient for the Salmon to pass and repass freely up and down the said Rivers in the said Counties, from the Eleventh Day of November, to the One and thirtieth Day of May in every Year, during which Season, the Old Salmon and the Young Fry of the preceding Year retire to the Sea, and the Breeding Salmon come from the Sea to Spawn, and shall not make Use of any Nets, Pots, Racks, Hawks, Gins or other Devices whatsoever to be placed in the said Scuttle or small Hatch of a Foot Square in the said Waste-Hatch, in or about the said Mills respectively, during the said Term, to kill, or destroy, or take any Salmon or Salmon-kind, upon the like Pains, Penalties, Forfeitures and Imprisonment, as aforesaid; And in case they shall lay any Pots or Nets to Catch Eeles, after the First Day of January, to the Tenth Day of March in every Year (which they may do) they shall set Racks before them, to keep out of the said Pots or Nets the Old Salmon or Kippers, which, during that Season, are out of Kind, and returning to the Sea; And after the Tenth Day of March, to the One and thirtieth Day of May in every Year, they shall

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lay no Pot, Net or Engine, but what shall be Wide enough to let the Fry of Salmon pass through to the Sea, or shall take, or keep, or offer to Sale any of the Young Fry, that, during the Seasons aforesaid, are returning from the said Rivers to the Sea, upon the Pains, Penalties, Forfeitures and Imprisonments, as aforesaid.

And be it further Enacted by the Authority aforesaid, That no Bouges, otherwise called Sea-Trouts, shall be taken in any of the said Rivers, Creeks or Arms of the Sea in the Counties before mentioned, after the Thirtieth Day of June, to the Eleventh Day of November every Year, upon the like Pains, Penalties, Forfeitures and Imprisonments, as aforesaid.

And whereas divers Disorderly, Idle and Mean Persons, have and keep Nets, Angles, Leaps, Pitches and other Engines for the taking and killing of Fish out of the Ponds, Waters, Rivers, and Fisheries in the said Counties, to the Damage of the Owners thereof: Be it therefore Enacted by the Authority aforesaid, That no Person or Persons whatsoever shall have or keep any Net, Angle, Leap, Pitch or other Engine for taking of Fish, other than as is Provided for and Allowed of by an Act made in the Second Year of King William and Queen Mary, Intituled, An Act for the more easie Discovery and Conviction of such as shall Destroy the Game of this Kingdom, and the subsequent Acts made in the Third, Fourth and Fifth Years of the said King William and Queen Mary, for the more easie Conviction of such as shall Destroy the Game of this Kingdom, none of which Acts, or any Part or Matter therein contained, or in any other Act relating to the Preservation of the Game of this Kingdom, is hereby intended or deemed to be Repealed.

And be it Enacted, That if any Person or Persons shall sell or expose to sale any Salmon, or Salmon-kind in the said Counties, from the Thirtieth Day of June, to the Eleventh Day of November in every Year, such Person or Persons shall for every Salmon or Salmon-kind so sold or exposed to sale, be subject to the Pains, Penalties, Forfeitures and Imprisonments, as aforesaid.

And be it further Enacted by the Authority aforesaid, That all the Forfeitures and Penalties arising by Conviction of any Offender or Offenders against this Act, shall be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal of the Justice before whom the Offender or Offenders shall be Convicted, rendring the Overplus, if any be, and for want of Distress, the Offender or Offenders shall be Committed to the House or Houses of Correction in the said Counties, as aforesaid.

Provided always, That this Act, or any thing herein contained, shall not extend, or be construed to extend to any County or Place in this Kingdom, save only to the said County of Southampton, and the Southern Parts of Wiltshire; Any thing herein contained to the contrary notwithstanding.

FINIS.