ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

C A P. LXXVI.

An Act to explain and amend certain Provisions in Acts of the Parliament of *Ireland* for the Protection of Fisheries in that Kingdom.

[10th *August* 1838.]

WHEREAS by an Act passed in the Parliament of *Ireland* in the Seventeenth and Eighteenth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Preservation of Fish in Rivers, Lakes, and Inland Waters*, it is enacted, that " no Person or Persons whatsoever shall from and after the passing of this Act throw or empty any waste Dye Stuffs, Lime, Flax, Hemp, or any other Kind of noxious or poisonous Substance into any River, and if any Person shall so offend he, she, or they shall forfeit for every such Offence the Sum of Five Pounds, to be levied of the Goods and Chattels of such Offender, to be recovered in such Manner as therein directed, one Moiety of such Penalty to be given to the Poor of the Parish wherein such Offence shall be committed, and the other to the first real Informer of such Offence; and in case no Distress sufficient to answer the said Penalty can be found, that the Offender shall in such Case be committed to the County Gaol, there to remain without Bail or 17 & 18 G. 3. c. 19. s. 4.

Mainprize for any Time not exceeding Three Calendar Months, as his Committal by such Justices as shall adjudge the said Penalty shall specify": And whereas the Enactment aforesaid was renewed and continued in force for Seven Years by an Act subsequently passed by the Parliament of *Ireland* in the Twenty-first and Twenty-second Years of the Reign of His late Majesty King *George* the Third,
21 & 22 G. 3. c. 40. s. 20. intituled *An Act for continuing, renewing, and amending several temporary Statutes:* And whereas the said Enactment was still further renewed and continued in force for Ten Years from the Tenth Day of *May* in the Year of our Lord One thousand seven hundred and eighty-four, by an Act passed in the Parliament of *Ireland* in the Twenty-third and Twenty-fourth Years of the Reign of His late
23 & 24 G. 3. c. 40. Majesty King *George* the Third, intituled *An Act for the Protection and Improvement of the Inland Fisheries of this Kingdom:* And whereas by another Act passed in the said Parliament of *Ireland* in the Twenty-sixth Year of the Reign of His late Majesty King
26 G. 3. c. 40. s. 13. *George* the Third, intituled *An Act to explain and amend an Act passed in the Twenty-third and Twenty-fourth Years of His present Majesty, intituled 'An Act for the Protection and Improvement of the 'Inland Fisheries of this Kingdom,'* the said Enactment is explained, and stated to be directed against such Persons as shall "steep or cause to be steeped poisonous Drugs or Weeds in any Water, whereby the Fish are liable to be injured or destroyed": And whereas by an Act passed in the Parliament of *Ireland* in the Thirty-second Year of
32 G. 3. c. 40. His late Majesty *George* the Third, intituled *An Act for reviving and continuing certain temporary Statutes*, and also by another Act of the said Parliament passed in the Thirty-third Year of His Majesty
33 G. 3. c. 50. *George* the Third, intituled *An Act for the Encouragement of the Fisheries in this Kingdom, and for continuing certain Acts respecting the same*, the aforesaid Acts and Enactments are made perpetual: And whereas various Dye Stuffs in use in Manufactures are not poisonous nor injurious to Fish, but nevertheless, owing to the Enactments of the aforesaid Acts, the emptying or permitting the same to be emptied into any River would render and have rendered the Person or Persons so acting liable to vexatious Prosecutions, and to the Penalties and Imprisonment herein-before recited, to the manifest Discouragement and Interruption of Manufactures, and contrary to the real Intention of the said Acts: And whereas it is necessary to explain and amend the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Acts passed in the Seventeenth and Eighteenth, Twenty-first and Twenty-second, Twenty-third and Twenty-fourth, Twenty-sixth, and Thirty-second, and Thirty-third Years of the Reign of His late Majesty King *George* the Third, as relates to the emptying of any waste Dye Stuff, Lime, Flax, Hemp, or other Kind of noxious or poisonous Substance into any River be and the same is hereby repealed.

Repeal of certain Provisions of recited Acts.

For punishing Persons throwing

II. And be it enacted, That from and after the passing of this Act no Person or Persons whatsoever shall throw or empty into any

River frequented by Fish, or into any Stream or Watercourse flowing into any such River, any poisonous Dye Stuff, Flax, Hemp, Lime Waste, or other Substance in a poisonous State; and if any Person shall so offend he, she, or they shall forfeit for every such Offence the Sum of Five Pounds, to be levied of the Goods and Chattels of such Offender, on being convicted thereof before any Two Justices of the Peace of the County or Jurisdiction in which the Offences shall be committed, one Moiety of such Penalty to be given to the Poor of the Parish wherein such Offence shall have been committed, and the other to the first real Informer of such Offence; and in case no Distress sufficient to answer the said Penalty can be found, that the Offender shall in such Case be committed to the County Gaol or House of Correction, there to remain without Bail or Mainprize and to be kept at hard Labour for any Time not exceeding Three Calendar Months, as his Committal by such Justices as shall adjudge the said Penalty shall specify: Provided always, that nothing in the aforesaid Acts or in this Act contained shall extend or be construed to render Parties liable to the Penalties hereby imposed for casting into any River any Dye Stuffs or other Materials which are not of a deleterious Nature, or which are not in a State poisonous to Fish. poisonous Materials into Rivers.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended this Session.

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