



ANNO QUADRAGESIMO QUINTO

GEORGIUM III. REGIS.

Cap. 33.

An Act for the Preservation of Salmon and other Fish in the Rivers in the County of *Carmarthen*, and County of the Borough of *Carmarthen*.

[17th May 1805.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of His late Majesty King *Edward* the First, intituled, *A* 13 Ed. 1. & 13 Rich. 2. *Penalty for taking of Salmons at certain Times of the Year*, whereby it was provided, that the Waters of *Humber*, *Ouse*, *Trent*, *Done*, *Arre*, *Derwent*, *Whufe*, *Nidyore*, *Swale*, *Tese*, and all other Waters (wherein Salmon be taken within the Kingdom) should be in Defence for taking Salmon from the Nativity of our Lady unto Saint Martin's Day; which Act was confirmed, and further Provision made relating thereto by an Act, passed in the Thirteenth Year of the Reign of His late Majesty King *Richard* the Second, intituled, *A Confirmation of Thirteenth Edward First*, Statute One Chapter Forty-seven, touching taking Salmons: And whereas the periods limited by the said Acts are not suited to the Fisheries for Salmon, Salmon Peal, or Salmon Kind, Sewen Bouges otherwise Sea Trout, or to the Protection of the Spawn or Fry of Salmon in the River or Water of *Towy* or *Tewy*, in the County of *Carmarthen*, and

[Loc. & Per.] 7 U County

County of the Borough of *Carmarthen*, and also in the Rivers or Waters of *Tivy, Tave, Cowin, Mydrim, Gwili, Cothy, Gwendraeth Fawr, Gwendraeth Fach, Pibwr, Sazodd, Clydach, Branc Lash, Twrch, Twelley, Loughor, Ammon, Dulas, Gwetherich, Cwmdwr, Doithie, Pyscotdwr, Gwensflood, Gwernlas Dwmnant, Marless, Garthgenning, and Conwill*, or by whatsoever other Name or Names the same are called or known; and all other the Rivers or Waters in the said County of *Carmarthen*, and County of the Borough of *Carmarthen*, and have been found very prejudicial to the Owners and Proprietors of the Fisheries in such Rivers, and to the Publick: And whereas it is necessary that Provision should be made for the better Preservation of Salmon, and the Spawn, Fry, or young Brood of Salmon, Salmon Peal, Salmon Kind, Sewen Louges or Sea Trout, in the said Rivers or Waters, and in the several Rivulets or Streams of Water communicating therewith; 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 it shall be lawful for the respective Owners and Proprietors, and Persons legally entitled, and their respective Agents and Servants, and they are hereby authorized and empowered to fish in the said respective Rivers or Waters, commonly called, known, or distinguished by the Names of the *Towy* or *Tewy*, in the County of *Carmarthen*, and in the said County of the Borough of *Carmarthen*, and also in the *Tivy, Tave, Cowin, Gwili, Cothy, Gwendraeth Fawr, Gwendraeth Fach, Pibwr, Sazodd, Clydach, Branc Lash, Twrch, Twelley, Loughor, Ammon, Dulas, Gwetherich, Cwmdwr, Doithie, Pyscotdwr, Gwensflood, Gwernlas Dwmnant, Marless, Garthgenning, and Conwill*, or by whatsoever other Name or Names the same are called or known, and in all or any other Rivers in the said County of *Carmarthen*, and County of the Borough of *Carmarthen*, or in any of the Streams of Water communicating therewith respectively, at any Time or Times in the Year, after the passing of this Act, until the First Day of *November* One thousand eight hundred and five, and in every subsequent Year between the First Day of *April* and the First Day of *November*, with legal and proper Nets, or Hooks and Lines, to take, kill, or destroy any Salmon, Salmon Peal, or Salmon Kind, Sewen Bouges or Sea Trout, and to offer to Sale any of such Fish so taken between the said last-mentioned Periods; and that all such Fish so taken within the said respective Rivers and Waters, and within the respective Periods aforesaid, shall be deemed and considered to be in Season, and proper to be killed; the said recited Acts, or either of them, or any other Act or Acts, Law, Statute, Ordinance, or Custom, to the contrary notwithstanding.

Power for legal Owners, &c. to take Salmon, &c. with legal Nets, at certain Times.

For restraining Persons taking Salmons, etc. or pursuing or injuring the same.

II. Provided always, and be it further enacted, That no Person shall at any Time hereafter, pursue, take, kill, or destroy, or seek or endeavour to take, kill, or destroy, pursue, hurt, or injure any such Fish, by Means of any Weapon called a *Spear* or by laying or using any hot Lime or Filth, or by Means of any Fire or Light, or white Object, nor lay or draw any Kind of Net, Engine, or Device, or wilfully do or commit, or cause to be done or committed, any Act whatsoever (except angling or fishing with Rods, Hooks, or Lines) in the said Rivers, or any of them, or any Waters.

Waters, Rivulets, Streams, Mill Dams, Mill Leads, Sluices, Cuts, Pools, or Ponds communicating therewith, whereby the Spawn or Small Fry of Salmon therein, or any Kepper or Shedder Salmon, not being in Length Sixteen Inches or more, shall be taken, killed, or destroyed, or shall hereafter make, erect, or set any Bank, Dam, Hedge, or Stank, Net or Nets, across the said Rivers, Waters, or Rivulets, or any Part thereof, whereby the Salmon therein may be hindered from passing or going up to spawn, or the young Fry or young Salmon from going down the said Rivers, Rivulets, or other Waters communicating therewith as aforesaid; nor shall at any Time or Times hereafter fish therein for Salmon with any other Net or Nets than such as is or are allowed by an Act passed in the First Year of the Reign of Queen Elizabeth, intituled, *An Act for the Preservation of the Spawn and Fry of Fish*; and no Owner, Proprietor, Servant, or Agent, or any other Person whomsoever, shall or may at any Time or Times hereafter between the First Day of November, and the First Day of April in any Year, take, kill, or destroy, pursue, hurt, or injure, or attempt or endeavour by any Art, Means, Contrivance, or Device, of what Kind soever, to seek, take, kill, or destroy, or to pursue, hurt, or injure any Salmon, Salmon Peal, or Salmon Kind, or any of the Spawn, Brood, or Fry of Salmon, or any Kepper or Shedder Salmon, or any Sewen Bouges or Sea Trout within the said Rivers or any Waters, Rivulets, Streams, Mill Dams, Mill Leads, Sluices, Cuts, Pools, or Ponds communicating therewith, or offer to Sale or dispose, or buy or purchase, any Fish, Spawn, Brood, or Fry so taken in the said Rivers, or any Waters, Rivulets, Streams, Mill Dams, Mill Leads, Sluices, Cuts, Pools, or Ponds aforesaid, on pain of forfeiting for every such first Offence any Sum not exceeding Ten Pounds nor less than Twenty Shillings, and for every Second and subsequent Offence, any Sum not exceeding Twenty Pounds nor less than Forty Shillings, at the Discretion of the Mayor, or Justice or Justices before whom the Offender or Offenders shall be convicted, as herein-after mentioned, together with the Fish, Spawn, Brood, or Fry so taken, and all the Nets, Weapons, Lines, Instruments, Boats, Coracles, Devices, or Things, used in the taking thereof, or in the committing of any Offence against the Provisions of this Act.

III. And be it further enacted, That all the Penalties and Forfeitures by this Act imposed, so far as the same relate to any Offences committed within the said County of the Borough of *Carmarthen*, or any of the Liberties thereof, shall and may be recovered before the Mayor, or any Justice of the Peace within the said County of the Borough; and all such Penalties and Forfeitures arising on any Offence committed within any Part of the Port, River, and Water of *Towy* or *Tewy*, between *Carmarthen Bridge* and the Bar of the same Port, or any of the Banks thereof (not being within the said County of the Borough of *Carmarthen*, or the Liberties thereof) shall and may be recovered before the said Mayor, or any Justice of the Peace within the said County of the Borough of *Carmarthen*, or before any Justice of the Peace of the said County of *Carmarthen*; and all Penalties and Forfeitures arising on any Offences committed in any other Part of the said County of *Carmarthen*, shall and may be recovered before any Justice of the Peace of the said County; and every Person offending against this Act may be convicted either upon View of any such
Mayor

For Recovery
of Penalties.

Mayor or Justices of the Peace, or by Confession of any such Offender or Offenders, or by the Oath of One or more credible Witnesses or Witnesses, or by the Oath of any Owner, Proprietor, or other such Person legally entitled to fish as aforesaid, or of his, her, or their Agents or Servants, who are hereby respectively declared to be competent, good, and sufficient Witnesses in that Behalf, and which Oath any such Mayor or Justice of the said Borough or County is hereby authorized to administer; and every such Penalty may and shall be levied, by Distress and Sale of the Goods and Chattels of such Offender, by Warrant under the Hand and Seal or Hands and Seals of any such Mayor, or Justice or Justices of the Peace, returning the Overplus (if any) after deducting and retaining thereout the Costs and Charges of such Distress and Sale, or otherwise relating to the Premises, to the Person so distrained on; and for want of such Distress, or in case the Offender shall upon Demand neglect or refuse, or shall not be able to pay any such Penalty, then such Offenders shall for every such Offence be sent by such Mayor or Justices of the Peace, before whom such Conviction shall be made as aforesaid, to the Common Gaol or House of Correction of the said County or County of the Borough of *Carmarthen*, where such Offender shall be taken, in their respective Jurisdictions, there to be kept to hard Labour for any Time not exceeding Six Calendar Months, nor less than One Calendar Month; and the said Mayor or Justice of the Peace, either in the said County of the Borough, or County, before whom the Person or Persons offending shall be convicted, shall order such Nets, Engines, Instruments, and other Devices, kept or made use of for taking such Fish, to be seized, and immediately cut in pieces or otherwise destroyed, or disposed of in such Manner as he or they may think proper; and all such Penalties shall go and be distributed in the Manner following, that is to say; One Half of all such Penalties as shall be recovered before the Mayor or any Justice of the Peace within the said County of the Borough of *Carmarthen* to the Person informing, and the other Half to the Poor of the Parish of *Saint Peters*, in the said County of the Borough; and One Half of all such Penalties as shall be recovered before any Justice of the Peace of the said County to the Person informing, and the other Half to the Poor of the Parish where the Offence shall be committed.

Form of
Conviction.

IV. And be it further enacted, That every Conviction under this Act shall be certified by the Mayor or Justice of the Peace by or before whom the same shall be made, to the General Sessions of the Peace to be held in and for the said County of the Borough, or to the Justices assembled at the General Quarter Sessions of the Peace for the said County of *Carmarthen* where the Offender or Offenders shall be convicted, and shall be there filed amongst the Records of the said Sessions; and every such Conviction shall be in the Form of Words or to the Effect following; (that is to say),

‘ **B**E it remembered, That on the _____ Day of _____ in
 ‘ the Year _____ *A. B.* was convicted before me *C. D.*
 ‘ Mayor of the County of the Borough of *Carmarthen*, [or *E. F.* one of
 ‘ His Majesty’s Justices of the Peace for the County of the Borough of
 ‘ *Carmarthen*, or, County of *Carmarthen*, as the Case may be] in pur-
 ‘ suance of an Act, made and passed in the Forty-fifth Year of the Reign
 ‘ of His Majesty King *George* the Third, intituled, [insert the Title of this
 ‘ Act.]

Act] this being the First Offence [Second, or, Third Offence, as the
 Case may be] and I [or, We] do hereby adjudge him [her, or, them] to
 pay and forfeit for the said Offence the Sum of _____ of
 lawful Money of Great Britain. Given under my Hand and Seal at
 _____ in the County of _____ the Day and
 Year above written. 'C. D.'

Which said Conviction and Adjudication shall be good and valid in Law, to
 all Intents and Purposes, and shall not be quashed, set aside, or judged
 void or insufficient for want of Form only, and shall not be liable to be
 removed by *Certiorari* or otherwise into His Majesty's Court of King's
 Bench, or any of His Majesty's Courts of Record at *Westminster*, or in the
 Court of Great Sessions in *Wales*.

V. And be it further enacted, That every Person who shall think him-
 self or herself aggrieved by the Judgement of the said Mayor, or any Justice
 of the Peace, in any of the Cases aforesaid, may, if convicted of any Offence
 committed within the said County of the Borough, or any of the Liberties
 thereof, appeal to the Justices of the Peace for the County of the said
 Borough of *Carmarthen*, at their next General Sessions of the Peace to be
 held for the said County of the Borough of *Carmarthen*; or if convicted in
 any Part of the said County of *Carmarthen*, out of the said County of
 the Borough, or any of the Liberties thereof, to the Justices of the Peace
 of the County of *Carmarthen*, at their next General Quarter Sessions of
 the Peace to be held for the said County, who are hereby empowered to
 hear and finally determine the same, so that the Person so appealing shall
 enter into a Recognizance before such Mayor or Justice, with sufficient
 Sureties, to be approved of by such Mayor or Justice, to abide the Event of
 such Appeal, and the Determination thereon to be made, and so that such
 Person so appealing shall, by himself or his Agent, give Ten Days previous
 Notice in Writing of such Appeal to the Party or Parties against whose
 Act or Acts such Appeal shall be made; and the Justices at such Sessions,
 in their respective Jurisdictions, are hereby required to hear and determine
 the Matter of every such Appeal, and make such Order therein, and
 award such Costs, as to them in their Discretion shall seem reasonable, and
 by their Order and Warrant to levy the Costs which shall be so awarded,
 by Distress and Sale of the Goods and Chattels of the Party or Parties
 liable to pay the same, rendering the Overplus (if any) to the Owner or
 Owners of such Goods and Chattels, after deducting the reasonable
 Charges of such Distress and Sale; which Determination of the said
 Justices in their respective Jurisdictions, shall be final and conclusive to all
 Parties concerned, and shall not be removed by *Certiorari* or any other
 Writ or Process whatsoever, into any of His Majesty's Courts of Record
 at *Westminster*, or Court of Great Session for the County and County of
 the Borough of *Carmarthen*.

Allowing to
 Appeal.

VI. And whereas the Mayor, Burgeses, and Commonalty of the County
 Borough of *Carmarthen*, in order to promote the good Ends and Purposes
 proposed by this Act, have consented and agreed that Half the Charges
 and Expences of obtaining this Act shall be paid and defrayed by and out
 of the Income or Monies belonging to the said Corporation of the Borough
 of *Carmarthen*, be it therefore enacted, That Half the Charges and Ex-
 pences

Half of the
 Charges of
 the Act agreed
 to be paid by
 the Corpora-
 tion.

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pences of obtaining this Act shall be paid and defrayed by the said Mayor, Burgeses, and Commonalty of the said County Borough of *Carmarthen*; and the said Corporation of the Borough of *Carmarthen* is hereby made liable and answerable for such Charges and Expences as aforesaid, and shall be and is hereby indemnified in the Payment thereof, and for such Application of the Money of the said Corporation.

Publick Act.

VII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others without being specially pleaded.

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