



ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 19.

An Act for the Regulation of the Oyster, Sole, and Salmon Fisheries, within the Harbour of *Milford*, in the County of *Pembroke*, and the Rivers running into the said Harbour. [21st April 1806.]

WHEREAS an Act was made in the Thirteenth Year of the Reign of His late Majesty King *Edward* the First, intituled, *A Penalty for taking of Salmon at certain Times of the Year*; whereby it was provided, that the Waters of *Humber, Ouse, Trent, Donne, Arre, Derwent, Whuse, 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 Harbour of *Milford*, in the County of *Pembroke*, or in the Rivers or Waters running thereinto or communicating therewith, in the said County of *Pembroke*: And whereas it is necessary that Provision should be made for the better Preservation of Salmon, and the Spawn, Fry, or young

[*Loc. & Per.*] Brood

13 Ed. I. St. 1. c. 47. and

13 Ric. II. St. 1. c. 19.

Brood of Salmon, Salmon Peal, Salmon Kind, Sewen Bouges, otherwise Sea Trout, in the said Harbour, and in the said Rivers or Waters, and in the several Rivulets or Streams of Water communicating therewith: And whereas from Time immemorial there has been a Fishery for Oysters, Soles, Whittings, and other Fish within the Harbour of *Milford*, in the County of *Pembroke*, and in the several Rivers and Waters running into or communicating with the said Harbour, to the great Benefit not only of the Inhabitants of the circumjacent Country, but of the Publick at large: And whereas the said Fishery has of late been much injured by the Oysters being taken during the Breeding Season, and by taking them in too great Quantities, and of an improper Size, and by catching the Soles and Whittings therein of too small a Size: And whereas the said Fishery will in Proceſs of Time be totally and utterly destroyed, except Proviſions are made for the Prevention thereof: But as ſuch Proviſions cannot be made without the Aid and Authority of Parliament; 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 and may be lawful to and 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 Harbour of *Milford*, in the County of *Pembroke*, and in the ſaid reſpective Rivers or Waters, commonly called, known, or diſtinguiſhed by the Names of *Siveney*, *Cledde* otherwiſe *Doy Cledde*, in the ſaid County of *Pembroke*, or by whatſoever other Name or Names the ſame are called or known, or in any of the Streams of Water communicating therewith reſpectively, at any Time or Times in each and every Year after the paſſing of this Act, between the Thirtieth Day of *April* and the Firſt Day of *November*, and 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 Harbour of *Milford*, 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 thereof in anywiſe notwithstanding.

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

For reſtraining Perſons taking Salmon, &c. or purſuing or injuring the ſame.

II. Provided always, and be it enacted, That if any Perſon or Perſons ſhall at any Time hereafter purſue, take, kill, or deſtroy, or ſeek or endeavour to take, kill, or deſtroy, purſue, hurt, or injure any Salmon, Salmon Peal, or Salmon Kind, Sewen Bouges or Sea Trout, 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, or 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 Harbour of *Milford*, or in any of the ſaid Rivers or Waters, or in any Water, Rivulet, Stream, Mill Dam, Mill Leat, Sluice, Cut, Pool, or Pond communicating therewith, whereby the Spawn or Small Fry of Salmon therein, or any Kepper or Shedder Salmon not being in Length Twelve 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 Harbour of *Milford*, or across any of 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 Harbour, or the said Rivers, Rivulets, or other Waters communicating therewith as aforesaid, or any of them, or 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 if any Owner, Proprietor, Servant, or Agent, or any other Person whomsoever, shall at any Time or Times hereafter, between the Thirtieth Day of *October* and the Thirtieth Day of *April* in the Year following, take, kill, or destroy, pursue, hurt, or injure, or attempt or endeavour by any Net, Engine, Instrument, Hook, Art, Means, Contrivance, or Device, of what kind or nature 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 Harbour of *Milford*, or within the said Rivers or Waters, or any of them, or within any Water, Rivulet, Stream, Mill Dam, Mill Leat, Sluice, Cut, Pool, or Pond communicating therewith, or shall offer to Sale, or dispose or buy or purchase any Fish, Spawn, Brood, or Fry so taken in the said Harbour of *Milford*, or in any of the said Rivers or Waters, or in any Water, Rivulet, Stream, Mill Dam, Mill Leat, Sluice, Cut, Pool, or Pond aforesaid, every such Owner, Proprietor, Servant, Agent, and other Person so offending, shall for every such first Offence forfeit and pay any Sum not exceeding Ten Pounds, and for every second and subsequent Offence any Sum not exceeding Twenty Pounds, at the Discretion of the Justice or Justices before whom the Offender or Offenders shall be convicted, and shall also forfeit all 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.

III. And whereas Disputes may arise touching the Limits and Extent of the said Harbour of *Milford* be it therefore enacted, That for the several Purposes of this Act, the Limits of the said Harbour shall be deemed and taken to extend from a certain Point called *Saint Anne's Point*, to a certain Point called *Linney Head*.

Limits of
the Harbour.

IV. And be it further enacted, That if any Person or Persons shall at any Time after the First Day of *June* next bring to Shore, or sell, offer, or expose to Sale, or shall exchange for any Goods, Matter, or Thing, any Sole or Soles, Whiting or Whittings caught or taken within the said Harbour of *Milford*, or within any of the Rivers or Waters running into or communicating therewith, which shall not be of the Length or Size of Eight Inches at the least, from the Eyes to the utmost Extent of the Tail, every such Person so offending shall for every such Offence forfeit all and every such Sole and Soles, Whiting or Whittings, so brought on Shore, sold, offered, or exposed to Sale, or exchanged as aforesaid, to the Poor of the Parish or Place where the Offence shall be committed; and shall also for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and the Whole of such Penalty shall go to the Informer.

Soles not to
be taken un-
der a certain
Size.

V. And

Time limited
for taking
Oysters.

V. And be it further enacted, That if any Person or Persons shall, from and after the passing of this Act, at any Time or Times in any Year between the Thirtieth Day of *April* and the First Day of *October*, with or by means of any Net, Trawl, Dredge, or other Instrument or Engine whatsoever, take or catch, or cause to be taken or caught, any Oysters, Oyster Brood, or Spat, within the said Harbour of *Milford*, or within the Rivers or Waters running into or communicating therewith, or any of them; or shall dredge for Oysters, or Oyster Brood, or Spat, or use any Oyster Dredge, or any Net, Instrument, or Engine whatsoever, within the said Harbour of *Milford*, or within the Rivers or Streams running into or communicating therewith, or any of them, for the Purpose of taking or catching Oysters, or Oyster Brood, or Spat, although no Oysters, Oyster Brood, or Spat, shall be actually taken or caught at any Time or Times in any Year between the said Thirtieth Day of *April* and the First Day of *October*, then and in every such Case every such Person so offending, shall for every such first Offence forfeit and pay any Sum not exceeding Ten Pounds, and for every second and subsequent Offence any Sum not exceeding Twenty Pounds, at the Discretion of the Justice or Justices before whom the Offender or Offenders shall be convicted, and shall also forfeit all the Oysters, Oyster Brood, and Spat, so taken or caught, together with all Dredges, Nets, Instruments, and Engines employed in the taking or catching thereof.

Persons
found taking
or using
Engines, re-
fusing to
discover
themselves,
may be
seized.

VI. And be it further enacted, That if any Person or Persons shall be found actually taking or catching any Oysters, or Oyster Brood, or Spat, within the said Harbour, or in any of the Rivers or Waters running into or communicating therewith, or any of them, or dredging for Oysters, or Oyster Brood, or Spat, or using any Oyster Dredge, or any Net, Instrument, or Engine whatsoever in the said Harbour of *Milford* or in any River or Water communicating therewith, for the Purpose of taking or Catching Oysters or Oyster Brood, or Spat, at any Time or Times in any Year between the said Thirtieth Day of *April* and the First Day of *October*, then and in every such Case it shall and may be lawful to and for the Water Bailiff of the said Harbour of *Milford*, and to and for any other Person or Persons whatsoever, to seize, secure, and detain every such Person so being found actually taking or catching any Oysters, or Oyster Brood, or Spat, or dredging for Oysters, Oyster Brood, or Spat, or using any Oyster Dredge, or any Net, Instrument, or Engine for the Purpose of taking or catching any Oysters, Oyster Brood, or Spat, although no Oysters, Oyster Brood, or Spat, shall have been actually taken or caught, and without any other Warrant than this Act forthwith to carry and convey him, her, or them, before any Justice of the Peace for the said County of *Pembroke*, in order to his, her, or their being convicted of such Offence or Offences.

Governor of
Milford, &c.
may make
Bye-Laws.

VII. And be it further enacted, That it shall and may be lawful to and for the Governor of *Milford Haven* for the Time being, the Lord Lieutenant for the County of *Pembroke* for the Time being, the Representatives in Parliament for the County of *Pembroke*, the Town of *Pembroke*, and for the Town and County of *Haverfordwest* for the Time being, the Mayor of the Town of *Pembroke* for the Time being, the Mayor of the Town of *Haverfordwest*, in the said County of *Pembroke*,
for

for the Time being, and the Collectors of His Majesty's Customs for the Port of *Pembroke* and of *Milford* for the Time being, or any Four of them, from Time to Time to make, ordain, and establish such Bye-Laws, Rules, Orders, Limitations, and Regulations for the inspecting, protecting, preserving, taking, and catching of Fish and Oysters, Oyster Brood, or Spat, within the said Harbour of *Milford*, or in any River or Water running into or communicating therewith, and for the Conduct of the several Persons taking or catching Fish and Oysters therein, and likewise from Time to Time to repeal, add to, amend, or alter all or any of such Bye-Laws, Rules, Orders, Limitations, and Regulations, as to them the said Governor, Lord Lieutenant, Representatives in Parliament, Mayors and Collectors, shall seem most fitting and requisite, and to fix and appoint reasonable pecuniary Penalties, not exceeding Five Pounds, for the Non-observance or other Breach of any such Bye-Law, Rule, Order, Limitation, and Regulation; and the said Governor, Lord Lieutenant, Representatives in Parliament, Mayors, and Collectors, shall cause such Bye-Laws, Rules, Orders, Limitations, and Regulations to be printed, and stuck up or placed upon some conspicuous Place or Places near to the said Harbour, and within the said respective Towns of *Pembroke* and *Haverfordwest*, and in the Custom House of the Port of *Milford*; and a Copy of all such Bye-Laws, Rules, Orders, Limitations, and Regulations, shall be fairly written in some Book or Books to be provided and kept for that Purpose; and such Book or Books shall be lodged with and kept by the Clerk of the Peace of the said County of *Pembroke* for the Time being; and all Persons shall at all seasonable Times in the Daytime, have free Liberty to inspect the same, paying for every such Inspection the Sum of One Shilling and no more; and may take any Copy or Copies thereof paying to the said Clerk of the Peace the Sum of Eight-pence for every Seventy-two Words; and all such Bye-Laws, Rules, Orders, Limitations, and Regulations when so made, printed, and stuck up or placed, and a Copy thereof entered in a Book and lodged with the said Clerk of the Peace of the said County of *Pembroke* for the Time being, in Manner aforesaid, shall be good, and shall be Binding upon all Persons concerned, provided that the same be not inconsistent with or repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or inconsistent with or repugnant to the Provisions and Directions in this Act contained; and all such Bye-Laws, Rules, Orders, Limitations, and Regulations, shall be subject to Appeal in Manner by this Act directed: Provided always, that nothing herein contained shall extend, or be construed to extend, so as to enable the said Governor of *Milford Haven*, or the said Lord Lieutenant, or the said Representatives in Parliament, or the said Mayors, or the said Collectors, to make any Bye-Law, Rule, Order, Limitation, or Regulation, for the taking or catching of any Oysters, Oyster Brood, or Spat, in any River or Water in which any Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, hath or have, or is entitled to have or enjoy the exclusive Right of Fishery therein.

Appointment
of Assistants
to the Water
Bailiff.

VIII. And be it further enacted, That it shall and may be lawful for the said Governor, Lord Lieutenant, Representatives in Parliament, Mayors, and Collectors, or any Four or more of them, to nominate and appoint any Number of Persons not exceeding Five, to aid and assist the said Water Bailiff in carrying the several Purposes of this Act into Execution, and from Time to Time to remove any such Person or Persons; and to appoint any other Person or Persons in his or their room or stead, or in the room or stead of any such Person or Persons who shall die.

Water Bailiffs
may go on
board Vessels.

IX. And be it further enacted, That it shall and may be lawful to and for the said Water Bailiff, and to and for any other Person or Persons appointed by virtue of this Act, or any of them, at any Time or Times, to enter and go on board of any Boat or other Vessel belonging to any Person or Persons dredging, taking, catching, or receiving on board any Oysters, Oyster Brood, or Spat, within the said Harbour of *Milford*, or in any Part of any River or Water running into or communicating with the said Harbour (not being a River or Water in which any Person or Persons, Body or Bodies Politick or Corporate, hath or have, or is or are entitled to or enjoy the exclusive Right of Fishery) and there to view and examine the Oysters, Oyster Brood, and Spat, taken, caught, or received on board, and thereout to take and throw overboard all such Oyster Brood and Spat as shall be there found; and also all such Oysters as shall be there found, contrary to any Bye-Law, Rule, Order, Limitation, or Regulation made in pursuance of this Act; and if any Person or Persons on board of any such Boat or Vessel shall resist, oppose, or refuse to permit and suffer any such Water Bailiff or other Person or Persons appointed by virtue of this Act to assist the said Water Bailiff to come on board such Boat or Vessel, or when such Water Bailiff or other Person or Persons as aforesaid shall be on board, shall not permit or suffer such Water Bailiff or other Person or Persons as aforesaid, to view or examine the Oysters, Oyster Brood, or Spat there, or to throw overboard the Oyster Brood or Spat there found, or any Oysters as shall be there found, contrary to any Bye-Law, Rule, Order, Limitation, or Regulation made in pursuance of this Act; then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on
Water Bailiff,
or Assistant,
taking any
Gratuity, etc.

X. And be it further enacted by the Authority aforesaid, That if any such Water Bailiff, or any of his Assistants, shall at any Time hereafter receive any Sum of Money, Gratuity, or Reward whatsoever, from any Person or Persons to prevent, delay, or hinder any Prosecution, or compound for or wilfully conceal any Offence to be committed contrary to this Act, every such Water Bailiff, and his Assistants respectively, so offending, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on
emptying
Rubbish into
the Harbour.

XI. And be it further enacted, That if any Person or Persons shall throw, empty, or lay, or cause to be thrown, emptied, or laid, any Ballast, Earth, Dust, Rubbish, Ashes, Gravel, Shingle, or Stones into
the

the said Harbour, or any Part or Parts thereof (save and except in such Part or Parts thereof as the said Water Bailiff, or other Person or Persons appointed by virtue of this Act to aid and assist the said Water Bailiff in carrying the several Purposes of this Act into Execution (shall direct) then and in every such Case, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XII. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act or by virtue of the Powers thereof imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place where the Offence shall happen (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness or Witnesses upon Oath, and which Oath such Justice is hereby empowered to administer); and the Overplus, if any, of the Money arising by such Distress and Sale, shall be returned, upon Demand, to the Owner of such Goods and Chattels after deducting the Costs and Charges of making, keeping, and selling the Distress); and all such Penalties and Forfeitures when recovered shall be applied in the Manner herein-before directed; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized, and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the common Gaol or House of Correction of the County or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

Recovery and Application of Penalties.

XIII. And it is further enacted, That in case any Person against whom any Warrant shall be issued by any Justice of the Peace acting in Execution of this Act, either before or after Conviction for any Offence against the same, shall escape, go into, reside, or be in any other County, Riding, Division, City, Liberty, Town, or Place, out of the Jurisdiction of such Justice granting such Warrant or Warrants as aforesaid; or if the Goods and Chattels of any Offender convicted of any Offence in pursuance of this Act, shall be in a different County, Riding, Division, City, Liberty, Town, or Place than where the said Party was convicted, or the Warrant of Distress granted, it shall and may be lawful to and for any Justice of the Peace of the County, Riding, Division, City, Liberty, Town, or Place into which such Person shall escape, either before or after Conviction, or where his Goods and Chattels shall be after such Conviction, and he is hereby required, upon Proof made upon Oath of the Hand Writing of the Justice granting such Warrant or Warrants to indorse his Name on such Warrant; and the same, when so indorsed, shall be a sufficient Authority to all Peace Officers to execute such Warrant in such other County, Riding, Division, City, Liberty, Town, or Place,

If the Offender escape out of the Jurisdiction, &c. any Justice, etc. may indorse the Warrant, etc.

and Peace Officer to execute the same.

out

out of the Jurisdiction of the Person granting the said Warrant; and the said Justice, after indorsing the said Warrant, may, on the Offender or Offenders being apprehended and brought before him, proceed to hear and determine the Complaint in the same Manner as if it had originally arisen within his Jurisdiction, or may direct the Offender to be carried to the Justice who granted the said Warrant to be dealt with according to Law.

XIV. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, or against any Order of Sessions, or against any Bye-Law, Rule, Order, Limitation or Regulation made in pursuance of this Act, the Form of Conviction shall be in the Words or to the Effect following; (that is to say)

Form of
Conviction.

BE it Remembered, That on this _____ Day of _____
in the _____ Year of the Reign
of _____ A. B. is convicted before
of His Majesty's Justices of the Peace for the
of having [*as the Offence shall be*] and I [*or, we*] the said
do adjudge him [*her, or, them*] to forfeit and pay for the
same the Sum of _____ Given under my Hand
and Seal [*or, our Hands and Seals*] the Day and Year afore-
said.

Appeals

XV. And be it further enacted, That it shall and may be lawful to and for any Person or Persons convicted before any such Justice or Justices of the Peace of any Offence or Offences against this Act, or against any Bye-Law, Rule, Order, Limitation or Regulation, made in pursuance of this Act, to appeal to the Justices of the Peace assembled at the next General Quarter Sessions or General Sessions, to be holden for the County or Place where such Conviction shall be made, on giving immediate Notice of such Appeal, and finding sufficient Security to the Satisfaction of such Justice or Justices, for being personally present at such General Quarter Sessions or General Sessions, and for prosecuting the said Appeal with Effect, and for abiding the Determination of the Court therein; and such Justices, in such General Quarter Sessions or General Sessions shall hear and determine the Matter, and may either confirm; or quash or annul the said Conviction, and award such Costs to either Party as to them the said Justices shall seem just and reasonable; and the said Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of any such Bye-Law, Rule, Order, Limitation, or Regulation, and may order such further Satisfaction to be made to the Party injured as to them shall seem right and proper; and the Decision of the said Justices shall be final, binding, and conclusive.

Distress not
unlawful for
Want of
Form.

XVI. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect

Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on Account of any Irregularity that shall be afterwards done by the Party or Parties so distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

XVII. And be it further enacted, That no Order, Verdict, Assessment, Judgement, or other Proceedings made touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law, or Statute to the contrary thereof in anywise notwithstanding.

Proceedings not to be quashed for want of Form, or removeable by *Certiorari*.

XVIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Ten Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover without Notice, or after Tender of Amends.

XIX. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall arise, and not elsewhere; and if any such Action or Suit shall be brought before Ten Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Limitation of Actions.

Publick Act.

XX. 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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