



# Tweed Fisheries Act 1857

## CHAPTER cxlviii

### TWEED FISHERIES ACT 1857

- 11 G. 4. & 1 W. 4. c. liv. 6 & 7 W. 4. c. lxxv.
- I Short Title.
  - II Interpretation of Terms.
  - III Recited Acts repealed.
  - IV Rates and Property vested in the Commissioners.
  - V Contracts and Deeds to remain in force, and Commissioners liable for Debts.
  - VI Actions not to abate.
  - VII Proceedings under recited Acts to be valid.
  - VIII Arrears of Rates to be paid to the Commissioners.
  - IX Present Officers continued.
  - X—XIV .....
  - XV Penalty on Commissioners acting if not qualified.
  - XVI Commissioners not to act while holding Places of Profit.
  - XVII .....
  - XVIII Special Meetings may be called.
  - XIX Quorum and Adjournment of Meetings.
  - XX— .....
  - XXII .....
  - XXIII Commissioners to defray their own Expenses.
  - XXIV Commissioners may appoint Officers.
  - XXV Books and Accounts to be kept and to be open to Inspection.
  - XXVI Same Person not to be Clerk and Treasurer.
  - XXVII Penalty on Officer taking Fees other than those allowed.
  - XXVIII Security to be taken from Officers intrusted with Money.
  - XXIX Collectors to pay over Moneys to the Treasurer.
  - XXX Officers to account.
  - XXXI Summary Recovery against Officers failing to account.

*Changes to legislation: There are currently no known outstanding effects for the Tweed Fisheries Act 1857. (See end of Document for details)*

---

XXXII	Officers refusing to make out Accounts and deliver up Documents may be committed to Prison.
XXXIII	Where Officers about to abscond a Warrant may be issued in the first instance.
XXXIV	Proceedings against Officers not to discharge Sureties.
XXXV	Commissioners may sue and be sued.
XXXVI	Water Bailiffs to be appointed.
XXXVII	.....
XXXVIII	Water Bailiffs may apprehend Offenders.
XXXIX	.....
XL	Magistrates may act though interested in Fisheries.
XLI	Limits of the Mouth or Entrance of the Tweed.
XLII—	.....
XLIV	.....
XLV	Nets not to be used in Annual Close Times.
XLVI	.....
XLVII	Removal of Boats and Nets used in Fishing.
XLVIII	Boats and Nets not removed may be seized without Warrant.
XLIX	Nets left in the River during Close Times may be seized.
L	.....
LI	Magistrates empowered to issue Search Warrants on Information of Nets, Fish, &c. being illegally in possession.
LII	Ferry Boats and Boats of Proprietors and Occupiers of Land not to be used in Fishing.
LIII	Regulation of private Boats.
LIV	Commissioners to appoint distinguishing Marks for Boats.
LV, LVI	.....
LVII	Removal of Obstructions in the River.
LVIII	Cairns to be removed.
LIX	.....
LX	To prevent beating the Water.
LXI	As to Water-wheels and Machinery.
LXII	As to the Working of Wear Shot Nets.
LXIII,	.....
LXIV	.....
LXV	Noxious Matters not to be placed in the River.
LXVI	Rubbish not to be placed in the River at or below High-water Mark.
LXVII	.....
LXVIII,	.....
LXIX	.....
LXX	Penalty on Persons taking foul or unseasonable Fish.
LXXI	.....
LXXII	Foul or unseasonable Fish to be put back into River.
LXXIII	Fish taken in Nets or otherwise in open Season to be restored to the Owner or Occupier of Fishings.
LXXIV	To prevent Destruction of Spawn or Fry.
LXXV,	.....
LXXVI	.....
LXXVII	Management of joint Fisheries.
LXXVIII	Arbitration in case of Difference.
LXXIX	Rates to be levied.
LXXX	Recovery of Rates.
LXXXI	Application of Rates.

*Changes to legislation: There are currently no known outstanding effects  
for the Tweed Fisheries Act 1857. (See end of Document for details)*

---

- LXXXII Penalties to be summarily recovered.
- LXXXIII Penalties to be levied by Pounding or Distress and Sale.
- LXXXIV Imprisonment in default of Pounding or Distress.
- LXXXV Pounding or Distress how to be levied.
- LXXXVI Pounding or Distress not unlawful for Want of Form.
- LXXXVII Application of Penalties.
- LXXXVIII Penalties to be sued for within Six Months.
- LXXXIX Damage to be made good in addition to Penalty.
  - XC As to enforcing of Summonses and Warrants.
  - XCI Witnesses may be summoned, and Penalty on their making default.
  - XCII Disposal of forfeited Articles.
  - XCIII Form of Proceedings against Offenders.
  - XCIV Proceedings not to be quashed for Want of Form.
  - XCV Prosecutor not bound to negative Plea of Licence.
  - XCVI As to Appeals in Scotland.
  - XCVII As to Appeals in England.
  - XCVIII Quarter Sessions to dispose of Appeal.
  - XCIX Persons giving false Evidence liable to Penalties of Perjury.
  - C Act not to affect Powers of Lord High Admiral.

---

SCHEDULES referred to in this Act.

SCHEDULE (A.) — Forms of Proceedings for Recovery of Rates.

1. Petition.  
To the Honourable the Sheriff of the County of [orHer...  
The Petition of A,B., Clerk [orTreasurer] to the Commissioners  
appointed under...  
Humbly showeth, That C.D. is Owner [orTenant or Occupier] of a...  
May it therefore please your Lordship [orHonours] to grant Warrant...  
A.B.
2. Certificate by Collector.  
I E.F., Collector appointed by the Commissioners acting under “The  
Tweed...  
E.F.  
Sworn at this Day of Eighteen hundred and Before me, G.H....
3. Warrant.  
Having considered the foregoing Complaint, grants Warrant for  
Recovery of...  
G.H. [Magistrate.]

SCHEDULE (B.) — Forms of Proceedings for Recovery of Penalties.

1. Information upon Oath.  
I A.B., residing at in the County of , Water Bailiff...  
Sworn at this Day of A.B. 18 , before me,  
E.F. [Magistrate.]
2. Petition for Warrant of Search.  
[Place and Date.]  
Warrant is craved for any Water Bailiff appointed under “The...  
G.H., P.F.,  
[or other Party entitled to prosecute for Penalties.]
3. Warrant of Search.  
At the Day of 18 , at of the Clock...

*Changes to legislation: There are currently no known outstanding effects for the Tweed Fisheries Act 1857. (See end of Document for details)*

---

Having considered the preceding Information and Application, grants Warrant as...

E.F. (Magistrate.)

4. Complaint.

To the Honourable the Sheriff of the County of [orHer...

The Petition and Complaint of G.H. Procurator Fiscal of Court for...

Humbly showeth,

That C.D., now or lately residing at in the County of...

May it therefore please your Lordship [orHonour] to grant Warrant...

According to Justice, &c.,

G.H., P.F. [or other Party entitled to prosecute.]

5. Deliverance on Complaint.

[Place and Date.]

The [Magistrate] having considered the foregoing Complaint, grants Warrant for...

E.F. [Magistrate.]

6. Citation.

C.D. Take Notice that you are summoned to appear before...

L.M., Sheriff Officer [orConstable].

7. Execution of Citation.

I.L.M., Sheriff Officer [orConstable] of the County of [or other...

L.M., Sheriff Officer [orConstable].

N.O., Witness.

8. Conviction in England.

to wit, Be it remembered, That on the Day of...

E.F. G.H.

9. Conviction in Scotland.

[Place and Date.]

The [Magistrate] in respect of the Evidence adduced [orof the...

E.F. [Magistrate.]

\*[If it shall appear at the Trial that no sufficient...

†[If any Article be forfeited, add here, "and further decerns and...

Note.—Warrants of Pounding or Distress in the above Form may...

10. Warrant of Imprisonment.

To be granted in case of a Return being made...

[Place and Date.]

The [Magistrate] in respect of the Return made that no...

E.F. [Magistrate.]

11. Warrant of Liberation.

[Place and Date.]

The [Magistrate] in respect of the Return of a sufficient...

E.F. (Magistrate.)

12. Warrant of Concurrence.

[Place and Date.]

I.M.N., Sheriff [orJustice of the Peace, or Sheriff Clerk] of the County...

M.N.

**Changes to legislation:**

There are currently no known outstanding effects for the Tweed Fisheries Act 1857.