CHAP. lxxxv.

An Act to incorporate the Colne Fishery Company, and to authorise the demise to them of the Fishery of the River Colne. [4th July 1870.]

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WHEREAS the fishery of the River Colne, extending from North Bridge, in the borough of Colchester, to Westnesse, otherwise St. Osyth Point, in Essex, and in the creeks and branches of the said river within the same extent, hath from time immemorial belonged to the Corporation of the borough of Colchester, whether under the title of burgesses of the said borough, or of bailiffs and burgesses, or of bailiffs and commonalty, or of mayor and commonalty, or of mayor, aldermen, and burgesses, and the same fishery was confirmed by charters granted in the first year of the reign of King Richard the First, and in the first year of King Richard the Second, and in the first year of King Edward the Fourth, and in the fifteenth year of King Charles the Second, and in the fifth year of King William the Third:

And whereas the said Corporation have held courts under the name of Admiralty Courts, and have granted licenses to dredge and take oysters in the said fishery to certain persons being inhabitants of the parishes of St. Osyth, Brightlingsea, Alresford, Wivenhoe, East Mersea, Langenhoe, Fingringhoe, and East Donyland in Essex, and have at the said courts made and approved rules for governing and preserving the fishery and for protecting the same from trespassers, and have also from time to time appointed a water sergeant or bailiff to enforce the said rules, and at the said courts there has been annually appointed a jury of the dredgermen, consisting of twelve or more persons, who have framed or aided in framing the said rules:

And whereas an Act was passed in the thirty-first year of King George the Second, "for regulating, governing, preserving, and "improving the oyster fishery in the River Colne and waters thereto "belonging," whereby, after reciting the foregoing facts, and that by virtue of several judgments upon informations in the nature of quo

"Colne Fishery Act, 1758" (31 G. 2).

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warranto there then remained no mayor, aldermen, or justices of the peace within the said borough, nor any person or persons, to hold the said Courts of Admiralty, or to make and establish any necessary rules and orders, or to enforce such as had been formerly made for the government and preservation of the said fishery, and that the said fishery was likely to be ruined and destroyed, it was enacted that three or more justices of the peace residing within the said borough and the liberties thereof, or within the Colchester division of the county of Essex, should once or oftener in every year hold an Admiralty Court, and fine dredgermen for absence from the same, and appoint a water sergeant or bailiff, and grant licenses to dredgermen upon payment of the usual fees, in such manner as the Corporation had theretofore done, and cause their water sergeant or bailiff to return a jury of twelve or more of the most efficient and intelligent men amongst the said licensed dredgermen and administer the oath to such jury, and the said Act empowers the jury at such courts to make "orders for limiting the time when the said fishery "or any part or parts thereof within the limits aforesaid shall or "may be opened and oysters taken therein, and also the times "when the said fishery or any part or parts thereof shall be shut "and no oysters taken therein, and also to state and appoint the "quantities or stints of oysters each dredgerman may take or "dredge in a day, and order and set a certain measure for such "stint, and to make such other rules and orders as they shall judge "necessary, as well for the preservation of the brood, culsh, and "spat of oysters, as otherwise for preserving, well regulating, and "ordering the said oyster fishery," and to set and impose fines not exceeding forty shillings for any one offence for breach of any of the said orders, and the said Act directs that the said rules and orders being approved, altered, or amended and confirmed by the justices assembled at such Admiralty Court, shall be observed by all dredgermen accordingly, and that if any person not being licensed by the said Court shall at any time enter the said fishery and dredge for and take oysters therein, every such person shall forfeit the sum of five pounds for every time he shall commit such offence; and the Act further provides that the powers and authorities thereby given to the said justices shall continue in force only and until the borough of Colchester shall be re-incorporated, and that from thenceforth those powers and authorities shall be and remain in the Corporation, and all the other powers, matters, and things thereby enacted should stand ratified and confirmed to such Corporation:

And whereas the borough of Colchester was re-incorporated by Royal Charter in the year 1763:

And whereas the said licensed dredgermen formed themselves in the year 1807 into a Company called "The Colne Fishery Com-

pany," but without incorporation by charter or by statute, and they appointed two foremen, a treasurer, and a clerk, and in the year 1827, "at a customary Court and a Court of Conservancy "for the said fishery, commonly called an Admiralty Court," certain amended rules and orders were made and were approved and confirmed by the mayor and recorder of Colchester and by three justices of the borough of Colchester, which rules and orders define the Colne Fishery Company as consisting "of all licensed "dredgermen to whom the mayor and justices of the said borough "granted licenses at the said Court, and of all other persons who "shall be entitled to receive and actually take out annual licenses "from the mayor and justices for the time being to dredge and "take oysters in the said fishery," and the said rules direct that the said Company shall be under the management and direction of two persons to be called foremen, to be chosen annually by the jury at an Admiralty Court, and the rules authorised the said foremen to contract in the name and for the benefit of the Company, by borrowing any sum of money not exceeding five thousand pounds, for the purchase of stock brood, spat, spawn, and culsh, to lay in the river, and otherwise for the improvement of the fishery, and the said rules and orders define who shall be entitled to become members of the Company, and in what way the fishery shall be conducted:

And whereas the receipts or earnings of the dredgermen have been heretofore carried to a common fund, out of which certain sums have been paid to each dredgerman, according to his individual earnings, the expenses of the Company have been defrayed, the principal and interest of any money borrowed by the Company have been paid, and after the said payments and other necessary outgoings have been discharged the residue of the fund has been divided among the dredgermen according to the rules established by the Company:

And whereas the Company are not now indebted in any sum of money:

And whereas during several years last past the Corporation and the Company have been, and they still are, in litigation on the subject of their respective rights in and in relation to the said fishery, and in consequence of such litigation the Corporation have for some time past abstained from granting any licenses to dredge, and it would conduce to the public advantage that the recited Act should be repealed, and that the said Company should be incorporated, and that the said fishery should be demised to them by the Corporation for a long term of years, and that the provisions herein-after contained should be made with respect to the govern-

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ment of the Company, and to the future management and control of the fishery; and the Corporation and the Company are desirous that such arrangement should be carried into effect:

But inasmuch as the purposes aforesaid cannot be effected without the authority of Parliament:

May it please Your Majesty that it may be enacted; and be it 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, as follows:

Short title. Commencement of Act.

1. This Act may be cited for all purposes as "the Colne Fishery Act, 1870," and it shall have effect from the day of the passing thereof.

Interpretation of terms.

2. Where the expression "the Corporation" is used in this Act it means the mayor, aldermen, and burgesses of the borough of Colchester, acting by the town council of the said borough;

Where the expression "the Board" is used it shall mean the Fishery Board.

Recited Act 31 G. 2. repealed. Rights saved.

3. The recited Act passed in the thirty-first year of King George the Second is hereby repealed, provided that such repeal shall not invalidate any act done, or contract made, or legal proceeding, whether criminal or civil, commenced before the passing of this Act under the authority of the said repealed Act, which legal proceedings may be prosecuted as if this Act had not been passed; and all persons who at the passing of this Act hold any offices by virtue of the said repealed Act, or under the authority of any body or persons constituted or empowered thereby, or under the Company herein-after dissolved, shall continue to hold the said offices until their term of office shall expire, or until they shall die, resign, or be removed, and in case of death, resignation, or removal before the last Monday in the month of February one thousand eight hundred and seventy-one, their vacancies shall be filled up by the like class of persons who would have the filling up the same had the vacancy occurred after the said date.

Orders of 10th Sept. 1827 annulled.

4. The rules and orders made on the tenth day of September 1827 are hereby annulled.

Colne Fishery Company dissolved.

5. The Colne Fishery Company is hereby dissolved, and all the property of the said Company, real and personal, and all its moneys, claims, and demands, and all its rights, powers, and privileges (subject nevertheless to the enactments herein contained), and all its debts, contracts, and liabilities, are hereby transferred to, and shall

be exercised and enjoyed by, and shall be imposed upon and attach to the Company incorporated by this Act: Provided,

Firstly. That such dissolution and transfer shall not affect or diminish the liability of any person with respect to moneys borrowed, if any, by or on behalf of the dissolved Company:

Secondly. That all books or other documents of the dissolved Company shall be admitted in evidence for and against the Company hereby incorporated, notwithstanding such dissolution.

Incorporation of Colne Fishery Company.

6. All persons to whom the Corporation granted licenses during the years 1867 and 1868 to dredge for oysters in the River Colne shall, on and from the passing of this Act, and subject to the provisions thereof, be a body corporate by the name of "the Colne Fishery Company," and they, together with all such other qualified persons as are herein-after mentioned, shall have perpetual succession and a common seal, and may purchase and hold quays, wharves, land, and offices for the transaction of their business, provided that no such land exceed four acres in extent.

Providing for annual payments.

7. Every member of the Company shall, in the month of July in every year, pay to the treasurer of the Company the sum of ten shillings towards the funds of the said Company, and in case of default by any member a demand in writing shall be made by the said treasurer and delivered to each member making such default, or sent by post, or addressed to his or her last known place of abode in England, and if such member shall not, within three months from the making or sending of such demand in manner aforesaid, pay the said sum of ten shillings to the said treasurer, together with a sum of two shillings and sixpence by way of fine, and an additional sum of two shillings and sixpence for every month after the first month during which the said sum shall remain unpaid, such defaulter shall cease to be a member of the Company, and shall forfeit all right and interest in the fishery, but shall notwithstanding be subject to the payment of a proportionate part of the Company's liabilities to that period; provided nevertheless, that if any member shall be in foreign parts during the month of July in any year, and by reason thereof the said sum of ten shillings should not be paid as herein-before required, such member shall and may be re-admitted, if at any time before the first day of July succeeding that on which the said payment became due he shall pay the said treasurer the said sum of ten shillings, and upon such payment being made such member shall share the benefits and shall contribute to the liabilities of the Company in the same manner as he would have done had he paid the said ten shillings at the time herein-before first appointed.

Providing for re-admission of

8. Provided also, that any person who has so ceased to be a member of the Company may be re-admitted upon payment of the

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members in default.

arrears which shall have accrued from the date of his last payment until the time of his re-admission, but any person so re-admitted shall not be entitled to any share of the profits of the Company in the year of his re-admission, or to any share of the said profits during the time that he was in default.

As to admission of new members of Company.

9. A meeting of the Company shall be convened by public notice advertised in two newspapers published in the county of Essex, and be held in the town hall of Colchester, within two calendar months after the passing of this Act, and afterwards annually on the last Monday in the month of February, at eleven o'clock in the forenoon; the first of the said meetings shall be presided over by the mayor of Colchester, or, in his absence, by the deputy mayor or some other member of the town council, and all subsequent meetings by some member of the town council and being also a member of the Board, if any such be present, or, in the absence of any such person, then by some other member of the Board; and at the said first meeting the mayor, or the deputy mayor, or some other member of the town council, and at the subsequent yearly meeting the Board, shall determine who are entitled to become members of the Company.

Providing for lease of fishery.

10. Within three months from the passing of this Act the Corporation shall grant and the Company shall accept a lease of the fishery for a term of ninety-nine years, and the consideration to be paid to the Corporation by the Company for such lease shall be:—

(a.) An annual fixed rent of five hundred pounds, free from deductions except income tax, payable in equal half-yearly proportions on the twentieth day of February and the twentieth day of August in every year; the first half-yearly payment to be made on the twentieth day of August one thousand eight hundred and seventy:

(b.) One half the net proceeds of the income derived from floating fish:

(c.) The contingent revenue herein-after provided for out of the gross proceeds of the oyster fishery:

and the said lease shall contain covenants not to assign or underlet, except with the consent of the Fishery Board, and to observe the provisions of the Act, and a proviso for the re-entry by the Corporation on the fishery and for the termination of the demise in case of non-payment of rent or a breach of the covenants of the lease; and the said lease shall confer on the members of the Company the exclusive right to fish and dredge in the River Colne and the creeks and branches of the said river, subject to the provisions of this Act, and to the rules, byelaws, and regulations, and to the payments for the time being in force with respect to the fishery.

Providing for Fishery Board.

11. The fishery shall be managed by a Fishery Board, which shall consist of twelve persons, who shall from time to time be appointed in the following manner:—

As to Corporation members.

(1.) Within one month from the passing of this Act, and in the month of February in each succeeding year, the Corporation shall appoint six members of the town council to be members of the Fishery Board for the ensuing year, and such nomination shall be testified in writing under the signature of the mayor or town clerk, and shall be transmitted forthwith to the clerk or treasurer of the Fishery Board:

As to Company's first members.

(2.) The remaining six members of the Board shall be appointed as follows:—

The person who immediately before the passing of this Act was treasurer of the Colne Fishery Company shall, within six weeks after the passing of this Act, return to the clerk to the Company the names of twenty of the most efficient and intelligent members of the Company (other than members by right of widowhood), and the said clerk or treasurer shall cause the names of the said twenty members to be placed on or near the door of the town hall, Colchester, at least three clear days before the first meeting of the Company, herein-before provided for; and the said meeting shall, between the hours of twelve at noon and two in the afternoon of the same day, out of the same twenty members of the Company elect, by ballot, twelve to be returned to the Corporation, who shall thereout select six to be members of the Board.

As to clerk to the Company.

12. At a meeting of the Company's members of the Fishery Board, to be held in the month of February in each year, the majority of the Company's members on that Board shall appoint a clerk to the Company for the year ensuing, and such clerk shall be re-eligible, and shall be paid by the Company: Provided that the Company's members of the said Board may suspend or remove him, and appoint another in his stead; provided also, that if there is an equality of votes at any such meeting of the Company's members for any of the purposes aforesaid the chairman of such meeting shall have a second or casting vote.

As to attendance of clerks.

13. The town clerk and clerk to the Company, or other officer appointed by the Corporation or Company respectively for that purpose, may from time to time attend the meetings of the Fishery Board, but have no vote thereat.

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As to Company's subsequent members.

14. The treasurer appointed by the members of the Company under this Act, or, in the event of his absence, death, or incapacity, then the majority of the six members of the Company on the Fishery Board, shall, at least one week before the last Monday in the month of February in each year, return to the clerk to the Company the names of twenty of the most efficient and intelligent members of the Company, and the clerk to the Company shall cause the names of the said twenty members to be placed on or near the door of the town hall of Colchester at least three clear days before the said meeting, and the members of the Company assembled at the said meeting shall, between the hours of twelve at noon and two in the afternoon of the same day, out of the said twenty members of the Company elect twelve by ballot, and the clerk or treasurer appointed by the members of the Company shall forthwith transmit to the town clerk of the borough the said twelve names, and out of the said number the Corporation shall select six to be members of the Fishery Board for the ensuing year, and shall within seven days testify such selection in writing, under the hand of the mayor or town clerk, by notice sent to the clerk of the Company.

As to vacancies.

15. Any vacancy arising among the Corporation members of the Fishery Board by reason of absence, death, resignation, or otherwise, shall within twenty-one days be filled up by the remaining Corporation members of the Board out of members of the town council; and any such vacancy arising among the Company's members of the said Board shall within the same period be filled up by the remaining members of the Company on the said Board out of the twelve members of the Company whose names were submitted to the Corporation for selection at the meeting of the Company next previous to such vacancy arising: Provided that, in case of any such vacancy arising either among the Corporation members of the Fishery Board or among the Company's members of the said Board, and not being filled up in manner herein-before provided, then it shall be lawful for the town council, and they are hereby required, forthwith to fill up such vacancy in the Corporation members of the Fishery Board from the members of the town council for the time being, and also to fill up such vacancy in the Company's members of the Fishery Board out of the remaining six members of the Company whose names had been transmitted to the town clerk for selection in the month of February immediately preceding such vacancy.

As to treasurers.

16. There shall be two treasurers for the fishery, one of whom shall be chosen by the Corporation in the month of February in every year, and the other shall be chosen by the Company's

members of the Fishery Board, at a meeting of the Board in the month of February in every year, and, in case of equality of votes of the said members at such election, the majority present of the entire Fishery Board shall determine which of the persons having such equality of votes shall be elected, and the treasurer elected by the Company's members of the Board shall continue in office until the last Monday in the month of February following, when he shall be eligible for re-election, but the Corporation or members of the Company by whom the said treasurers were respectively appointed may suspend or remove them, and appoint another in their stead.

Proceedings of Board.

17. The following rules shall apply to the proceedings of the Board:—

(a.) All meetings shall take place at the town hall at Colchester, or at such other place as they shall from time to time appoint, and at such times as they shall appoint, but special meetings of the Board shall be convened within seven days after request in writing, signed by three members of the Board, stating the object of such meeting:

(b.) Five shall be a quorum of the Board:

(c.) The chairman of the Board shall be a member of the town council, if any such be present:

(d.) The chairman shall have but one vote:

(e.) In case of equality of votes upon any question, such question shall from time to time, within fourteen days after such equality arises, be referred to the arbitration of some person skilled in the cultivation of oysters, and appointed by a majority of the Board, or, in default of such appointment, to some person to be appointed by the Board of Trade: Provided that no such reference to arbitration shall at any time be had or take place unless at least two members of the Board shall, within two clear days after such equality of votes appears, demand such arbitration in writing, and such demand shall be served on the clerk of the Fishery Board or the mayor of the borough for the time being:

(f.) The proceedings of the Board shall not be invalidated by reason of any informality in the appointment of its members, or of any vacancy in either class of its members, provided that the necessary quorum subsists:

(g.) Every member of the Company on the Fishery Board shall be entitled to a sum not exceeding ten shillings a day for his expenses (exclusive of his travelling expenses) while engaged in the business of the fishery, to be paid out of the three fourths of the gross proceeds of the fishery belonging to the Company:

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(h.) All meetings of the Board shall be convened by letters signed by the clerk of the Board or town clerk, and posted at least two clear days before the day of meeting:

(i.) All notices to be given by the Board shall be signed by the clerk of the Board or the town clerk, and all notices to be served on the Board may be delivered to the clerk of the Board, or, in his absence, to some member of the Board.

As to rescinding of resolutions.

18. No proposition for rescinding any resolution of the Fishery Board shall be brought forward except at a meeting duly convened for that purpose, after at least ten days notice in writing to every member of the Fishery Board of the special object of the intended meeting.

Functions of the Board.

19. Subject to the provisions of this Act and to any byelaws from time to time subsisting with relation to the fishery, the Fishery Board shall have the absolute control and management of the fishery; they may appoint, remunerate, and remove a clerk and all other officers, servants, and workmen necessary for such control and management, and they shall have control over the application of the moneys to be expended upon the fishery and over the revenue to be derived from the fishery.

Auditors.

20. There shall be two auditors of the accounts relating to the fishery, the one of whom shall be appointed by the town council in the month of February in the year one thousand eight hundred and seventy-one, and thenceforth in the same month in every year, such appointment being testified under the signature of the mayor or town clerk, and being transmitted within fourteen days to the clerk of the Company; and the other shall be appointed by the six Company's members of the Board, or a majority of such members, in the same month in every year, and the said appointment, testified in writing under their hands, shall be transmitted within fourteen days to the mayor or town clerk of the Corporation; the said auditors shall hold their offices for one year, and shall be capable of re-appointment, and the remuneration of each shall be paid by the Corporation and Company respectively; and in case of the death, resignation, or incapacity of either of the said auditors during his year of office, his place shall be supplied by the Corporation or the Company, as the case may be, at any meeting of the town council or of the Company's members of the Board after such vacancy: Provided that, in case of equality of votes, the chairman of the said members shall have a casting as well as his original vote.

Functions and powers of auditors.

21. The Fishery Board shall deliver to such auditors in the month of August the yearly accounts and balance sheet of the fishery (distinguishing the oyster fishery from the floating fishery), and showing the receipts and expenditure in relation to the same

during the year ending on the next preceding thirty-first day of July, and it shall be the duty of the said auditors to examine the same accounts and to ascertain their accuracy, and they shall have access to all books and vouchers of the Company and the Board necessary for such examination; and they may either make a special report thereon or simply confirm the same; and the balance sheet so confirmed or reported on, together with the report (if any), shall be transmitted by the auditors to the mayor or town clerk of the borough and to the clerks of the Company and Fishery Board respectively, and the said account shall be printed and published in the same manner as the accounts of the Corporation are printed and published.

As to floating fish.

22. There shall be kept by the Board a separate account of the revenue derived by the Company from floating fish, and of any expenditure that may have been made with respect to the same or the sale thereof.

Application of annual proceeds.

23. The gross annual proceeds of the fishery shall be applied by the Board in the following manner and in the following order:—

As to the Oyster Fishery.

First. In paying the said annual rent of five hundred pounds to the Corporation at the periods before mentioned:

Secondly. In paying the principal or such part of the principal of moneys borrowed and reborrowed by the Board, and expended in the purchase of oysters or oyster brood for stocking the said fishery, and in bringing into use the unproductive or unprofitable parts of the said fishery, and also the interest on the said moneys borrowed and reborrowed, or such parts of the said principal moneys and interest as may be determined by the Board or agreed on with the persons lending the moneys:

And thirdly. The balance of the said gross proceeds in every year ending on the thirty-first day of July, after making thereout the payments first and secondly herein-before provided for, shall, subject to the proviso next herein-after contained, belong and be paid to the Company, who shall pay thereout the salaries of officers and servants of the Company employed in and about the said fishery, and shall also pay the current expenses incurred in the working and management of the said fishery: Provided that if the said balance of the gross proceeds in any year exceeds fifteen hundred pounds, one fourth of such excess shall belong and be paid to the Corporation.

As to the Floating Fish.

The annual proceeds shall be applied by the Board:—

Firstly. In the discharge of expenses relating to that part of the fishery:

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Secondly. The residue shall be divided equally between the Corporation and the Company.

As to water bailiff and his powers.

24. The Corporation shall appoint from time to time a fit person to be "water bailiff," and such assistants to the said water bailiff as the Corporation may think needful for the purpose of protecting the said fishery and enforcing the byelaws in relation thereto, and the Corporation may fix and pay the remuneration of such water bailiff and his assistants, and may suspend or remove them or any of them and appoint other persons in their stead, and the said water bailiff and his assistants may have and exercise all such powers as the said byelaws may give them.

Byelaws.

25. The Fishery Board may from time to time make byelaws for the management and protection of the fishery, and may from time to time amend, repeal, or vary such byelaws, and may impose penalties for breach of any of the byelaws, such penalties in no case exceeding three pounds for the first offence, five pounds for the second offence, and for the third offence the forfeiture of all right and interest in the fishery, and the person who shall have so forfeited all his right and interest shall cease to be a member of the Company, provided that no such forfeiture shall relieve the member of the Company from his share of liabilities incurred by the Company before such forfeiture.

As to confirmation and publication of byelaws.

26. No such byelaws shall be valid until approved by the Board of Trade, and when the same shall be so approved there shall be affixed to the door or other conspicuous part of the town hall of Colchester an intimation that a printed copy thereof may be obtained by every person applying for the same at the office of the town clerk of the said borough of Colchester, and printed copies of all byelaws from time to time subsisting shall be delivered by the said town clerk to every person so applying upon payment of a sum not exceeding sixpence for each copy.

As to register of dredgermen.

27. The treasurer appointed by the members of the Company on the Fishery Board shall in the month of August in every year deliver to the town clerk a list, signed by such treasurer, of the names of all persons who on the first day of that month were members of the Company, and the town clerk shall preserve such list for a period of twelve months after such delivery, and the same shall be open to the inspection of any person on payment of a fee of one shilling.

As to interest of members dying, and of their widows.

28. Upon the death of any member of the Company, his interest in the Company shall thereupon cease, but his personal representatives shall (subject to his liabilities under this Act) be entitled to his share of the then current year's profits of the said fishery, but if he should leave a widow him surviving, such widow shall during

her widowhood be a member of the Company, and shall be entitled to the same benefits and be subject to the same liabilities as her deceased husband would have been if living, and upon her marriage or death her interest in the Company shall cease, except that she or her personal representatives shall (subject to her liabilities under this Act) be entitled to her share of the then current year's profits of the said fishery.

As to admission of new members.

29. Every person shall hereafter be entitled to become a member of the Company who shall have been legally bound by indenture of apprenticeship to a member of the Company, other than a member by widowhood, within the several parishes of Saint Osyth, Brightlingsea, Alresford, Wivenhoe, East Mersea, Langenhoe, Fingringhoe, and East Donyland, subject to the following provisions:—

(1.) The indenture of apprenticeship shall be registered with the clerk of the Company, in a book to be kept by him for that purpose, within three calendar months from the date of the said indenture:

(2.) The apprentice shall have served such member duly and truly for the full term of seven years:

(3.) In case of the death of the master, service under the indenture until the expiration thereof shall be considered valid and effectual if performed to the widow of such master (she continuing his widow), or to his legal representative, if a member of the Company, or to any other member of the Company to whom the apprentice shall be assigned, or to the widow of such last-mentioned member, or his or her personal representative (being a member of the Company), in like manner as on the death of the original master, notwithstanding the member to whom such apprentice shall be assigned shall have one or more apprentices who shall or may be entitled to become a member or members of the Company at the expiration of his or their respective servitudes; and this provision shall (so far as it is applicable) apply to the apprentice of any member who shall, under the provisions herein-before contained, have forfeited his interest in the Company:

(4.) Such assignment shall be made within six calendar months next after the death of any master, or death or second marriage of any mistress, and shall be registered with the clerk of the Company within three calendar months from the date of such assignment:

(5.) All such indentures of apprenticeship, and every assignment thereof, shall be prepared by the clerk of the Company, and previous to the registry of any such indenture or

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assignment the same shall be presented by the said clerk to a meeting of the Fishery Board, and, if correct, the same shall then be registered, and it shall not afterwards be necessary for the apprentice to prove the execution of any such indenture, or of such assignment, in order to entitle himself to become a member of the Company, but the same shall be deemed and taken to have been duly executed:

Provision for sons of members.

(6.) When and as often as any member of the Company shall be desirous to take an apprentice, with a view to such apprentice becoming, at the expiration of his servitude and by virtue thereof, a member of the Company, he shall, previous to the binding, signify such intention in writing to the Board, and if it shall appear that there is any son of a member desirous and willing to be bound apprentice to the member intending to take an apprentice, or whose parent may wish to bind him apprentice, such member shall accept such son of a member in preference to the son of any other person, unless the Board shall make a special order to the contrary:

As to eldest sons of dredgermen.

(7.) Every member of the Company shall be allowed to take as his apprentice his eldest son for the time being, who shall be entitled to be admitted a member, notwithstanding such member shall, at the time of binding, or at any subsequent period, have another apprentice bound to him in order to his thereafter being admitted a member:

Regulating number of apprentices.

(8.) No person shall be entitled to be admitted a member of the Company, although he may have been properly bound and performed his service, if he shall have been bound to a member having at the time of such binding another apprentice whose indenture shall then or thereafter be registered with the clerk to the Company, unless such last-mentioned apprentice shall, at the time of such binding, be in the last year of his servitude, or be the eldest son then living of the member to whom he shall have been so bound as aforesaid:

As to age of members.

(9.) The Fishery Board shall admit all persons entitled to become members of the Company, and no person shall be admitted until he shall have attained the age of twenty-one years:

As to registration fee.

(10.) The clerk of the Company shall receive from the master or apprentice for the registry of every indenture of apprenticeship, and of every assignment thereof, a fee of seven shillings, and no more:

Provided that nothing herein contained shall be construed to affect the title of any apprentice who has already been bound under any rules of the dissolved Company to be admitted a member of the

Company incorporated by this Act, if the Fishery Board shall have satisfactory proof that such rules have been complied with.

Limiting right to fish or dredge.

30. No person shall be entitled to fish or dredge in the River Colne, or in the creeks or branches of the said river, who is not for the time being a member of the Company, except, as to the floating fishery, persons to whom the Fishery Board shall from time to time grant license in writing to catch and dispose of floating fish under such conditions, and on payment of such sum or sums of money, as the said Fishery Board shall determine.

Power to Company to borrow money.

31. For the purpose of maintaining and improving the said fishery, it shall be lawful for the Board, from time to time, to borrow and reborrow any sums of money, so that the entire amount at any one time shall not exceed the sum of ten thousand pounds, and to grant, by way of security for the same sums, bonds under the seal of the Company, and which shall be countersigned by eight members of the Fishery Board for the purpose of authenticating the same.

Sums borrowed to be deemed common debt of the Company.

32. All sums so borrowed, or otherwise due from the Company, shall be deemed the common debt of all the members of the said Company, and each member's share and proportion of the sums so borrowed may be levied and collected by such proportionate contribution and share as the Fishery Board at any meeting thereof shall direct, and such contribution and share shall be collected by such persons and in such manner as the said Fishery Board shall nominate and appoint; and in case any of the said members shall at any time refuse or neglect to pay, then and in that case the share and interest in the said fishery of the member so refusing or neglecting shall absolutely cease, but as to his or her proportionate part or share of all liabilities to that time, it shall be lawful for the treasurer or other officer appointed for that purpose by the Company's members of the Fishery Board, and he is hereby required, after demand made by him of the party so refusing or neglecting, and on refusal or non-payment thereof, to stop and detain in the hands of such treasurer out of the money arising from the share of such person his share of such liabilities, and if there shall not be money enough in the hands of such treasurer coming to such person to pay the sums so due, the said sums of money so due may be recovered by action of debt in any county court within whose jurisdiction such person in default may dwell, and in the said action the said treasurer or clerk shall be the plaintiff on behalf of the Company.

Provisions of 11 & 12 Vict. c. 43. applicable to this Act.

33. All the provisions contained in the Act passed in the eleventh and twelfth years of the reign of Her present Majesty, chapter 43, intituled "An Act to facilitate the Performance of the Duties of

A.D. 1870.

" the Justices of the Peace out of Sessions within England and " Wales with respect to Summary Convictions and Orders," and all provisions which are or shall be contained in any Act or Acts amending the same, relating to the proceedings for the recovery of penalties by summary conviction, and to appeals against such convictions, and the levying and enforcing of penalties, and the costs of such proceedings, shall be applied and put in force in relation to the penalties by this Act imposed and by any byelaws to be made in pursuance of this Act.

Incorporating portions of Companies Clauses Act.

34. The following provisions in "The Companies Clauses Consolidation Act, 1845," excepting in so far as they are inconsistent with the express provisions of this Act, shall be incorporated with and form part of this Act; namely,—

With respect to the accountability of the officers of the Company;

With respect to the keeping of accounts and the right of inspection thereof by the shareholders, and the members of the Company shall for the purpose of the said enactment be deemed shareholders;

With respect to the making of byelaws;

With respect to the giving of notices;

With respect to the tender of amends;

With respect to the recovery of damages not specially provided for and penalties;

And with respect to access to the special Act:

Provided that the forfeiture by a member of his right and interest in the fishery shall be deemed to be a forfeiture within the meaning of the said Act, as fully as though the same had been a pecuniary penalty or forfeiture.

Saving of rights.

35. This Act shall not in any way prejudice or affect the rights or privileges (if any) of lords of manors and owners of private layings or fisheries in the River Colne and the creeks and branches of the said river.

Expenses of Act.

36. The expenses of obtaining this Act and incidental thereto shall be paid by the Company.

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