CHAPTER i.

An Act to confirm certain Orders made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Greshernish and Lynn Deeps. [23d April 1872.]

A.D. 1872.

WHEREAS an Order made by the Board of Trade under The Sea Fisheries Act, 1868, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 31 & 32 Vict. c. 45.

And whereas it is expedient that the several orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Confirmation of Orders in schedule.

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force.

Short title.

2. This Act may be cited as The Oyster and Mussel Fisheries Orders Confirmation Act, 1872.

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The SCHEDULE of Orders.

GRESHERNISH.—Establishment and Maintenance of Several Oyster and Mussel Fishery.

LYNN DEEPS.—Regulation of Oyster and Mussel Fishery.

Gresheruish.

GRESHERNISH OYSTER AND MUSSEL FISHERY.

Order for the Establishment and Maintenance, by John Robertson, of a several or exclusive Oyster and Mussel Fishery in Loch Gresheruish, Isle of Skye, in the County of Inverness.

Undertakers.

1. John Robertson, residing at Greshernish, Isle of Skye, and his heirs and assigns, shall be the Undertakers of the fishery mentioned in this Order.

Limits of fishery and plans.

2. The following are the Undertakers fishery grounds under this Order (as shown on plans deposited at the Board of Trade, and marked "Greshernish Fishery Order, 1872"), namely, all those parts of the foreshore and bed of Loch Greshernish situate within the parish of Durinish, Isle of Skye, in the county of Inverness, containing an area of 167 acres or thereabouts, and bounded as follows; that is to say, on the west and south by the lands of Greshernish and Coislater, and partly by the lands of Edinbane; on the east by the said lands of Edinbane, extending northwards from the southern extremity of the loch to a point on the shore of the loch 6,100 links or thereabouts, and on the north and north-east by an imaginary line drawn across the loch as follows, namely, from the point last mentioned 1,000 links or thereby due west, thence in a north-westerly direction to a point distant about 3,000 links, and thence in a more westerly direction to a point distant 3,000 links or thereby on the western shore of the loch, forming the north-western extremity of the fishery.

Right of several fishery.

3. This Order confers on the said John Robertson, and his heirs and assignees, a right of several oyster and mussel fishery within the limits above mentioned.

Marking of limits.

4. The limits of the said several fishery are marked on the said plans deposited at the Board of Trade, and shall be further marked or buoyed out in such manner as the Board of Trade may from time to time direct. Notice of the said limits may also be given to fishermen, dredgermen, and other persons, in such manner as the Board of Trade may direct.

Works not to be commenced without assent of Board of Trade.

5. No buildings, erections, embankments, or other works shall at any time be commenced or executed within the limits above described without the previous sanction and approval in writing of the Board of Trade.

Gresheruish.

6. The Undertakers shall render to the Board of Trade such accounts of their capital, expenditure, and income, and of all oysters and mussels sold by them, in such form and at such times as the Board of Trade may require, and shall allow the Board of Trade, or any person appointed by the Board of Trade, to inspect the fishery, and all books and documents in their possession relating thereto, and shall give to such Board or person all such information relating thereto as they or he may require.

Undertakers to give accounts of capital, receipts, and expenditure, and of oysters and mussels sold.

7. This Order shall continue in operation for sixty years from its confirmation by Act of Parliament, and no longer.

Time of operation.

8. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866."

Saving rights under Crown Lands Act, 1866.

9. This Order may be cited as "The Gresheruish Fishery Order, 1872."

Short title.

LYNN DEEPS OYSTER AND MUSSEL FISHERY.

Lynn Deeps.

Order for the Regulation, by the Corporation of the Borough of King's Lynn, of an Oyster and Mussel Fishery in Lynn Deeps, being a portion of the Estuary called the Wash, in the County of Norfolk.

1. The mayor, aldermen, and burgesses of the borough of King's Lynn, acting by their council, (in this Order called "the Corporation,") shall be the undertakers of the fishery mentioned in this Order, herein-after called the fishery.

Undertakers.

2. The following are the description and limits of the fishery (as shown on plans deposited at the Board of Trade, and marked "Lynn Deeps Fishery Order, 1872"); namely, all those parts of the foreshore and bed of the haven and estuary generally known as Lynn Deeps, situate in the county of Norfolk, and containing an area of 107 nautical square miles or thereabouts, and bounded as follows; (that is to say,) commencing on the east by the line of ordinary high-water mark, from the lower or northernmost end of the east bank of the Norfolk Estuary Marsh Cut, and proceeding in an easterly direction, in a direct line towards North Wootton Church, in the county of Norfolk, to high-water mark on the main land or sea bank there, and thence in a north-easterly direction along the line of high-water mark to the Wolferton Creek, and thence following the course, at low water, of the said creek to the point where the water of this creek discharges itself into the old channel, thence in a northerly and north-easterly direction along the line of ordinary low-water mark, by the western side of the Stubborn Sand, and so on, by the line of ordinary low-water mark, along Hunstanton and Holme Beach, to a place called St. Edmund's Ness, otherwise Gore End or Gore Point, thence by an imaginary line drawn in a north-easterly direction, to the buoy marked, in Staff-Commander Calver's amended admiralty chart of 1867, as "The Lynn outer Knock Buoy," thence

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in a north-westerly direction to Boston outer Dog's Head Buoy, as marked on the same chart, thence along the eastern limit of the Boston fishery, as defined in "The Boston Deeps Fishery Order, 1870," (confirmed by "The Oyster and Mussel Fisheries Orders Confirmation Act, 1870, No. 1,") by an imaginary line drawn across the two sands known as the Dog's Head Sand and the Long Sand, to the Roger Buoy, situated at the south-east point of the sand called the Roger Sand, and known as the Roger Point, thence by an imaginary line to the outer Gat Buoy, situated at the extremity of the sand known as the Gat Sand, thence by an imaginary line drawn in a southerly direction to the buoy known as the Wisbech Bar Buoy, and thence leaving the eastern limit of the Boston fishery by an imaginary line drawn in a southerly direction, passing by the Life Beacon, and westward of the Bell Buoy and Little Bell Buoy, across the middle of the Westmark Knock Sand, to a point midway between the Lynn Pilot Vessel, as marked in the said admiralty chart, and the northern extremity of the Wisbech Cut, and thence in a south-easterly direction across the Hull Sand, to a point at high water-mark on the main land or sea bank, where Terrington St. Clement's church, in the county of Norfolk, bears due south, and thence following the line of ordinary high-water mark in an easterly direction to the point of commencement at the lower or northernmost end of the Estuary Marsh Cut (but excluding the marsh lands containing 549 acres 2 roods and 27 perches, or thereabouts, sold in the year 1867 by George William Pierrepoint Bentinck, Esquire, to James Walker, Esquire).

Dredging for mussels during the months of June, July, and August prohibited.

3. No person shall dredge or fish for, or take mussels within the fishery during the months of June, July, and August in any year.

Powers to close portions of fishery.

4. The Corporation may from time to time make byelaws for closing any portion or portions of the fishery, so far as relates to the fishing for oysters or mussels, for such periods as they may deem necessary, but subject to the conditions following :—

(1.) No portion shall be closed for a longer continuous period than three years :

(2.) The oyster fishing may be closed during every month of June, July, and August :

(3.) No greater extent in the whole than one third of the oyster beds and one third of the mussel beds respectively, shall be closed at any one time, except as to oyster beds during every month of June, July, and August; and except that, during the first three years after the passing of the Act confirming this Order, one half of the oyster beds and one half of the mussel beds respectively, may be closed :

(4.) As to so much of the fishery as is situated to the north of an imaginary line drawn from Gore Point in a north-westerly direction to Gibraltar Point, passing a little to the north of the Well Light, and hereinafter called "The Joint Fishery," no byelaw for regulating or closing it, or any part of it, shall be made by the Corporation without the consent of the corporation of Boston, and the water bailiffs appointed by the corporation of Boston, under "The Boston Deeps Fishery Order, 1870," shall, as regards the joint fishery, have and exercise,

in common with the water bailiffs appointed by the Corporation, all the powers conferred by article 13 of this Order :

(5.) One month's previous notice, at least, of the portion or portions to be closed shall be given by an advertisement in the London Shipping and Mercantile Gazette, in Lloyd's List, and in some local newspaper, and by affixing such notice on the town hall at King's Lynn, and in some conspicuous place in or adjoining the portion or portions of the fishery proposed to be closed :

(6.) A certificate in writing, signed by a secretary or by an assistant secretary of the Board of Trade, stating whether any portion or portions is or are, or is not or are not, or have been or have not been duly closed under the provisions of this Order, shall be taken as conclusive evidence of the fact stated in such certificate.

Dredging within closed portions prohibited.

No person shall dredge, fish for, or take any oysters or mussels within the fishery in contravention of any byelaw, whereof notice has been given as aforesaid.

Power to make byelaws with approval of Board of Trade.

5. The Corporation, with the approval of the Board of Trade, may make byelaws and regulations for regulating the fishery generally, in terms not inconsistent with this Order. Such byelaws and regulations shall be revised from time to time, when and as required by the Board of Trade, and any byelaw or regulation not so revised may at any time be cancelled by the Board of Trade and shall then cease to have effect.

Dredging boats to be licensed.

6. No person shall dredge, fish for, or take oysters or mussels within the said fishery, otherwise than in a duly licensed vessel. Licenses for any period not exceeding one year shall be granted by the Corporation to any person applying for the same, on his paying the tolls in this Order specified. Every such license shall include both oyster fishing and mussel fishing, and shall be available for one vessel only; provided that every license for a smack shall include the use of one row boat, such row boat to be used when fishing only by the regular crew of the smack. Every license granted by the Boston corporation, under "The Boston Deeps Fishery Order, 1870," shall be available for the joint fishery.

Office for granting licenses.

7. The office for granting licenses under this Order shall be the office for the time being of the town clerk of the borough of King's Lynn, and every license signed by him shall be deemed to have been granted by the Corporation, though not sealed with the corporate seal.

Tolls payable on licenses.

8. There shall be paid in respect of such licenses, and before they are granted, the following tolls; viz.,

	s.	*d.*
For a license for one year, for every ton the vessel licensed is capable of carrying - - - -	3	0
For a license for one month, for every ton - -	0	9
For a license for one week, or any less period, for every ton - - - - - - - - -	0	3

There shall be a fee of one shilling paid upon the issuing of each license.

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Where a license has been lost or accidentally destroyed, a new license by way of substitution may be issued on the payment of a like fee of one shilling.

The person in charge of any vessel (not being a row boat belonging to a smack fishing for oysters or mussels) within the fishery shall, when required by any water bailiff, produce the license of such vessel, and shall desist from such fishing till the same is produced.

Taking of small oysters and mussels prohibited.

9. Save as by article 12 in this Order expressly provided, no person shall at any time remove from the fishery, or from one portion of the fishing grounds to another, any mussels of less size than two inches in length, or any oysters which will pass through a circular ring of two and a half inches in diameter, measured on the inside of such ring.

Provision as to possession within the fishery of mussels or oysters under specified size.

10. If any mussels of less size than two inches in length, or any oysters which will pass through a circular ring of two and a half inches in diameter, measured on the inside of such ring, are found in the possession of any person not being duly authorised as provided by article 12 of this Order, within the limits of the fishery, and he is taken or summoned before a justice of the peace, then, if such person does not satisfy the justice that he came lawfully by the same, he shall be deemed to be a person who has fished for or taken mussels or oysters contrary to the restrictions and regulations contained in this Order.

Riddlings and refuse to be deposited at appointed places only.

11. All persons dredging, fishing for, or taking mussels within the fishery, or bringing mussels within the fishery, whether taken or dredged within the fishery or not, shall deposit all riddlings and refuse arising from screening or preparing the mussels for market, either on such of the mussel beds, or at such place or places only as the Corporation may from time to time appoint.

Power reserved to remove brood of mussels and oysters.

12. For the purpose only of better cultivating the fishery, the Corporation or any person or persons duly authorised by them, or acting in pursuance of any regulation made by them under the preceding section, may remove any brood of mussels and any spat or small-sized oysters from one portion of the fishery to another, at such times as the Corporation may direct.

Power to appoint water bailiff.

13. The Corporation may from time to time appoint, suspend, or remove, and again appoint, a water bailiff or bailiffs to enforce the provisions of this Order, and the byelaws and regulations made under this Order, and generally to regulate the fishery. Every such water bailiff shall have and may exercise all the powers and authorities of a constable for regulating and protecting the fishery, and shall also have the following powers; that is to say, he may enter any smack, fishing boat, or row boat within the limits of the fishery; he may examine the catches, nets, and fishing implements and gear of any such boat; he may seize oysters or mussels taken within the fishery contrary to the provisions of this Order or of any byelaw or regulation made thereunder, and he may do all other lawful acts for giving effect to such provisions, byelaws, and regulations. Any person considered by a water bailiff to have offended against any of such provisions, byelaws, or regulations, shall, when required by such water bailiff, state correctly his christian name, surname, and place of abode. Any person refusing or omitting when required to state correctly his name and place of abode, or wilfully continuing to offend after having been required by a water bailiff to desist, may be apprehended by any water bailiff or any person

acting by order of a water bailiff, and conveyed before a justice of the peace, to be dealt with according to law. Any person resisting, obstructing, or assaulting a water bailiff in performance of his duty may be apprehended and conveyed before a justice of the peace, and upon conviction shall be liable to a penalty not exceeding ten pounds, in addition to any other penalty or punishment incident to his offence. No person apprehended under this article of this Order shall be detained in custody more than twenty-four hours without being brought before a justice, but at the expiration of that time, if not previously brought before a justice, shall, on correctly stating his name and place of abode, be discharged, without prejudice to further proceedings by summons or warrant.

Tolls to be applied in maintaining and improving the fishery.

14. The whole of the money received by the Corporation from licences, tolls, fees, or otherwise, under this Order, shall be applied to the improvement, maintenance, and regulation of the fishery under the powers of "The Sea Fisheries Act, 1868."

Provision for payment of costs of Order, and repayment of advances by the Corporation.

15. The Corporation may forthwith pay out of their borough fund the costs of and incident to preparing and obtaining this Order, and may from time to time advance out of the borough fund so much of the expenses to be from time to time incurred in and about carrying this Order into effect, and improving, maintaining, and regulating the fishery, as the tolls actually received shall not have sufficed to pay; such advances to be repaid out of the money subsequently received for tolls, when sufficient for the purposes aforesaid.

Marking of limits.

16. The limits of the fishery shall be marked out by the navigation buoys and sea marks described in article 2 of this Order, or in such other manner as the Board of Trade may from time to time direct, and in the event of these marks being obliterated by storm or otherwise, they shall be replaced from time to time by the Corporation.

Marks, if obliterated, to be replaced.

Works not to be commenced without sanction of Board of Trade.

Saving rights of Norfolk Estuary Company.

17. No buildings, erections, embankments, or other works other than the marks mentioned in article 16 of this Order, shall at any time be commenced or executed within the fishery, without the previous sanction and approval in writing of the Board of Trade. But nothing contained in this Order shall in any manner lessen or take away any of the rights, powers, or privileges now exercised, or which may be exercised by the Norfolk Estuary Company under any Act of Parliament now in existence, or under any Act continuing or relating to such powers.

Undertakers to give accounts of expenditure and income and other information.

18. The Corporation shall render annually to the Board of Trade, on the 31st of August in every year, accounts of their expenditure and income under this Order, and all other information required by the Board of Trade with reference to the subject of this Order, in such form as the Board of Trade may from time to time require, and shall allow the Board of Trade, or any person appointed by the Board of Trade, to inspect the fishery, and all books, accounts, and other documents in the possession of the Corporation relative to the fishery, and shall give to such Board or person all such information relating thereto as they or he may require.

Power to revise tolls with consent

19. The Corporation, with the consent of the Board of Trade, may from time to time revise the tolls leviable under this Order, either by increasing or

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diminishing the amount thereof, or by varying the mode and times in and for which the same are levied or otherwise, provided that public notice of such revised tolls shall be given either by advertisement or otherwise, in such manner as the Board of Trade shall direct.

Corporation may act jointly with Boston corporation and H. S. Le Strange, Esq.

20. The Corporation may act under this Order jointly with the Boston corporation in respect of their adjacent fishery on the west, and jointly with Hamon Styleman Le Strange, Esquire, in respect of the adjacent frontage claimed by him on the east of the fishery.

Execution of Order by Corporation.

21. So far as this Order is to be carried into execution by the Corporation, acting by their council, it shall be carried into execution by them pursuant to the powers and provisions of the Act of the sixth year of William the Fourth, for the regulation of municipal corporations, and the other laws, whether general or local, from time to time in force and affecting the municipal corporation of the borough, and these powers and provisions shall extend and apply to the purposes of this Order accordingly.

Corporation may appoint committee to carry out Order.

22. The Corporation may, if they think fit, from time to time appoint any members of their body (not exceeding seven) to be a committee for carrying into effect the provisions of this Order, to be called the Lynn Fishery Committee, and herein-after referred to as "the committee."

Fishery committee to execute Order.

23. The committee shall be subject to the control and regulation of the Corporation, and subject thereto shall have full power and authority in the name and as the agents of the Corporation to carry into execution the several powers and provisions of this Order; but the Corporation from time to time may revoke or suspend all or any of the powers of the committee, and notwithstanding the existence, or during any vacancy or non-existence of the committee, may carry into execution all or any of the powers and provisions of this Order.

Procedure of fishery committee.

24. Any three members of the committee shall be a quorum, and the committee shall meet from time to time as occasion may require, on twenty-four hours notice in writing from the town clerk, and the members present may elect a chairman, and the chairman in every case of an equality of votes shall have a second or casting vote.

Minutes of proceedings of fishery committee.

25. Minutes of all orders and proceedings of the committee shall be entered in books kept for the purpose, and the orders and proceedings so entered and signed by the chairman of the same, or of any subsequent meeting, shall be deemed orders and proceedings, and shall be admitted in evidence in all courts and elsewhere accordingly.

Power to Board of Trade to repeal or amend Order.

26. The Board of Trade may, under the thirty-ninth section of "The Sea Fisheries Act, 1868," from time to time make an order or orders repealing, amending, altering, or adding to all or any of the provisions of this Order.

Saving rights under "The Crown Lands Act, 1866."

27. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866."

28. Save as to any right of fishing for oysters or mussels, this Order shall not operate to take away or abridge such right, title, or interest (if any) as Hamon Styleman Le Strange, Esquire, his heirs or assigns, may have in, to, or over the foreshore within the limits affected by this Order: Provided always, that nothing herein contained shall be held to recognise or confirm any right, title, or claim of the said Hamon Styleman Le Strange, Esquire, into or over the foreshore aforesaid, it being the intention of this Order that, save as to any right of fishing for oysters or mussels, the right and title into or over such foreshore shall remain in the same state as if this Order had not been made.

Saving rights of H. S. Le Strange.

29. Notwithstanding anything in this Order contained, the Board of Trade may at any time make a grant or grants of a several oyster and mussel fishery within the fishery, and all the powers and provisions contained in this Order shall be subject to the power of the Board of Trade to make such grant, and to any alteration which may be consequent on such grant, or on any order made in pursuance of such grant.

Reservation of power to grant several oyster and mussel fishery within limits.

30. This Order shall continue in operation for sixty years from its comfirmation by Act of Parliament and no longer.

Duration of Order.

31. This Order may be cited as "The Lynn Deeps Fishery Order, 1872."

Short title.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1872.