# CHAPTER xxvii.

An Act to confirm an Order made by the Secretary for Scotland under the Sea Fisheries Act, 1868, relating to the Oyster and Mussel Fishery (Loch Sween). A.D. 1891.

[11th May 1891.]

WHEREAS an Order made by the Secretary for Scotland 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 Order made by the Secretary for Scotland 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 Order in schedule.**

**1.** The Order set out in the schedule to this Act shall be and the same is 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 Fishery (Loch Sween) Order Confirmation Act, 1891.

[*Price* 3*d.*]

A.D. 1891.

*Loch Sween.*

# SCHEDULE.

## LOCH SWEEN.

ORDER for the ESTABLISHMENT and MAINTENANCE by Colonel JOHN WINGFIELD MALCOLM, Younger, of Poltalloch, M.P., and Major DUNCAN CAMPBELL, of Inverneill and Ross, of a SEVERAL OYSTER and MUSSEL FISHERY in LOCH SWEEN, in the county of ARGYLL.

**Undertakers.**

1. Colonel John Wingfield Malcolm, younger, of Poltalloch, M.P., and Major Duncan Campbell, of Inverneill and Ross, and their 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 office of the Fishery Board for Scotland), namely:—All and whole the entire part or portion of the bed of the sea in Loch Sween, and Linne Vurich, and estuaries, bays, lochs, creeks, and inlets thereof, lying on the north and north-east of an imaginary line crossing from Castle Sween on the east of Loch Sween to the rock known as Clach Mor of Danna, on the west of said loch, situate within the parish of North Knapdale, in the county of Argyll, coloured pink on the said plans, and containing an area of 4,162 imperial acres or thereabouts.

**Right to fishery.**

3. This Order confers on the said Colonel John Wingfield Malcolm and Major Duncan Campbell, and their respective heirs as aforesaid, a several right of oyster and mussel fishery within the limits above mentioned, with the exclusive right of depositing, propagating, dredging, and fishing for, and taking oysters and mussels, and in the exercise of that right, to make and maintain oyster and mussel beds, or either of them, and at any season to collect oysters and mussels, and remove the same from place to place, and deposit the same as and where they think fit, and do all other things which they think proper for obtaining, storing, and disposing of the produce of their fishery: Provided always, that the Undertakers shall not sell, expose for sale, or buy for sale any oysters during the close time appointed by the Fisheries (Oysters, Crabs, and Lobsters) Act, 1877, or any Act or Acts amending or altering the same. The Undertakers shall supply mussels, when fit for bait, to fishermen requiring them, at a fair price (per bushel or hundredweight), to be fixed in case of dispute by the Fishery Board for Scotland.

40 & 41 Vict. c. 42.

A.D. 1891.

*Loch Sween.*

Marking of limits.

4. The limits of the said fishery shall be marked out as follows:—That is to say, by booms or poles painted white placed at or immediately above low-water mark at the following places, namely:—(1), Clach-Mor of Danna; (2), the north-east promontory of Danna Island; (3), a point of land opposite the lands of Lower Fernoch where the public road approaches the sea 300 yards distant south-west of the thirteenth milestone from Lochgilphead; (4), the north-eastmost point of Linne Vurich; (5), the south-west promontory of Taynish Farm; (6), the south-west promontory of Taynish Island; (7), opposite the north-westmost house of Tayvallich; (8), Kintallin, directly west of the south-west point of Rudha-na-Stuire; (9), the north-westmost portion of the bay immediately north-east of Galachollie old farmhouses; (10), Rudha-na-Stuire, the south-west point of Oib-Mohr; (11), west centre of Squer-bhuibhe; (12), west side of the south point of Rudha-nan-Sgarbh; (13), the north-east point of the estuary Sailen-Mohr; (14), Rhudha-na-marraidh, south-west of Oib-Graham; (15), Rhudha Cladh-eoin, the south-east point of Oib-Graham; (16), the north-east point of an island adjacent to the manse and glebe of Kilmichael-Inverlussa; (17), the promontory of Ashfield between Ashfield House and Eilean-Lon; (18), the south promontory of Eilean-Cala, west of Eilean-Lon; (19), Rudh-an-tacir; and (20), Castle Sween, or in such other way as the Fishery Board may from time to time approve.

Notice to be given.

5. In the event of the marks by the last foregoing Article prescribed being obliterated or destroyed by storm or otherwise, they shall be replaced by the Undertakers, and notice of the said limits shall be given to fishermen, dredgermen, and other persons, by advertising the same at least twice in a newspaper published in the county, and circulated in the district, and by notices posted up in Tayvallich, and ten other conspicuous places in the vicinity of the fishery.

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

6. No buildings, erections, embankments, or other works, other than the marks mentioned in Article 4 of this Order, shall at any time be commenced or executed, within the limits above described, without the previous sanction and approval in writing of the Fishery Board for Scotland and of the Board of Trade.

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

7. The Undertakers shall render to the Fishery Board for Scotland 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 may require, and shall allow the Board, or any person appointed by the Board, to inspect the fishery, and all books and documents in the possession of the Undertakers relating thereto, and shall give to such Board or person all such information relating thereto as they or he may require.

Time of operation.

8. This Order shall continue in operation for sixty years from its confirmation by Act of Parliament.

A.D. 1891.

*Loch Sween.*

Saving of rights under Crown Lands Act, 1866, and obedience to Acts of Parliament, and regulations of Fishery Board.

9. 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, and it is issued and accepted by the Undertakers subject to the provisions of the Sea Fisheries Acts, 1868 and 1885, and the Fishery Acts, 1877 and 1881, and the regulations issued in pursuance of the said Acts, or which may from time to time be altered and varied by the Fishery Board for Scotland.

Short title.

10. This Order may be cited as the Oyster and Mussel Fishery (Loch Sween) Order, 1891.

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