CAP. LXXXVIII.

An Act to validate certain Licences granted in *Ireland* for the Establishment of Oyster Beds. [6th *August* 1866.]

5 & 6 Vict. c. 106.

'WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to regulate the* Irish *Fisheries*, and which said Act has since been amended by a certain Act of the Session held in the Eighth and Ninth Years of the Reign of Her said Majesty, Chapter One hundred and eight, and by a certain other Act of the Session held in the Thirteenth and Fourteenth Years of the same Reign, Chapter Eighty-eight, and by other Acts, and by the said Acts Provision is made for the Protection and Regulation of the Oyster Fisheries in *Ireland*, and for the granting of Licences to Owners and Occupiers of Lands and others to plant and form Oyster Beds and Layings:

'And whereas, under and by virtue of the Provisions of the said Acts, Licences have heretofore been granted to divers Persons to form Oyster Beds in *Ireland*, and many of such Beds have been formed accordingly, and Doubts have arisen as to the Operation of such Licences, and the Extent of the Rights acquired under them, and it is expedient to declare the Right of Persons claiming under such Licences:'

Be it declared and 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:

Declaration as to Licences heretofore granted.

1. Every Licence heretofore granted by the Commissioners for executing the aforesaid Acts to any Person or Persons shall be deemed to be effectual to vest in such Licencee, his Heirs and Assigns, the exclusive Right of laying and planting Oysters and fishing for Oysters in the Oyster Bed or Laying by such Licence authorized to be formed, according to the Tenor and Effect of such Licence, free from all prior or other Rights, Titles, Estates, or Interests whatsoever.

Penalties for injuring Oyster Beds.

2. It shall not be lawful for any Person other than the Licencees or their Assigns, their Agents, Servants, and Workmen, within the Limits of any Oyster Bed or Laying, knowingly to do any of the following Things:—

To use any Implement of Fishing, except a Line and Hook or a Net adapted solely for catching floating Fish, and so used as not to disturb or injure in any Manner any Oyster Bed or Oysters, or the Oyster Fishery:

To dredge for any Ballast or other Substance except under a lawful Authority for improving the Navigation:

To deposit any Ballast, Rubbish, or other Substance:

To place any Implement, Apparatus, or Thing in the Opinion of the Commissioners prejudicial or likely to be prejudicial to any Oyster Bed or Oysters, or Brood or Spawn thereof, or to the Oyster Fishery, except for a lawful Purpose of Navigation or Anchorage:

To disturb or injure in any Manner, except as last aforesaid, any Oyster Bed or Oysters, or Brood or Spawn thereof, or the Oyster Fishery:

To interfere with or take away any of the Oysters from such Bed, without the Consent of the Licencees or Owners or Occupiers of such Bed:

And if any Person does any Act in contravention of this Section he shall on summary Conviction be liable to the following Penalty, namely,—to a Penalty not exceeding Two Pounds for the First Offence, and not exceeding Five Pounds for the Second Offence, and not exceeding Ten Pounds for the Third and every subsequent Offence; and every such Person shall also be liable to make full Compensation to the Licencees for all Damage sustained by them by reason of his unlawful Act, and in default of Payment the same may be recovered from him by the Grantees by Proceedings in any Court of competent Jurisdiction, whether he has been prosecuted for or convicted of an Offence against this Section or not.

3. In

3. In any Case where any such Licence has been granted by the said Commissioners, if it shall appear to the said Commissioners that the Licencee under such Licence, or his Assigns, within the Period of Three Years after the passing of this Act has not taken proper Steps to form the Oyster Bed or Laying in such Licence mentioned, then and in such Case it shall be lawful for the said Commissioners or any Two of them, by an Order in Writing under their Hands, to revoke such Licence, and thereupon all the Rights and Privileges by such Licence shall cease and determine: Provided always, that previously to the making of such Order the said Commissioners shall cause a Notice in Writing, stating their Intention to make such Order, to be served upon the Person for the Time being entitled to such Licence, or in case such Person cannot be found, the Commissioners shall cause such Notice to be inserted as an Advertisement Three Times at least in some Newspaper circulating in the District; and no such Order shall be made till after the Expiration of One Month from the Service of such Notice, or from the Date of the last of such Advertisements, which shall last happen.

Power to Commissioners to revoke Licences in certain Cases.

4. A copy of the Licence, certified by the Commissioners or their Secretary, shall be received as Evidence of the original Licence, and shall be of the same Effect as if the original Licence were produced.

Certified Copy of Licence to be Evidence.

5. This Act shall be read together and construed as One Act with the said Acts now in force for the Regulation of the Fisheries in *Ireland*.

This Act to be read together with former Acts.

6. From and after the passing of this Act the Eighteenth Section of the Eighth and Ninth *Victoria*, Chapter One hundred and eight, and the Forty-second Section of the Thirteenth and Fourteenth *Victoria*, Chapter Eighty-eight, shall be and the same are hereby repealed.

Sect. 18. of 8 & 9 Vict. c. 108. and Sect. 42. of 13 & 14 Vict. c. 88. repealed.

CAP. LXXXIX.

An Act for vesting in the Conservators of the River *Thames* the Conservancy of the *Thames* and *Isis* from *Staines* in the County of *Middlesex* to *Cricklade* in the County of *Wilts*; and for other Purposes connected therewith. [6th *August* 1866.]

'WHEREAS the Preservation and Improvement of the Stream Bed and Banks of the upper Part of the *Thames* is an Object of great local and public Importance:

'And whereas by the Acts described in the First Schedule to this Act (to which Acts the Expression "the Upper Navigation Acts" where used in this Act refers, and which Acts, or some of them, are severally referred to in this Act by the respective short Descriptions in the same Schedule contained) certain Powers for the Maintenance and Improvement of the Navigation of the *Thames* from *Staines* in the County of *Middlesex* to *Cricklade* in the County of *Wilts* were vested in Commissioners (in this Act called the Upper Navigation Commissioners):

'And whereas by the Upper Navigation Act of 1795 the following Persons are appointed the Upper Navigation Commissioners, namely,—

'"The Representatives in Parliament for the Counties of *Wilts, Gloucester, Oxford, Berks,* "and *Bucks,* and for all Cities and Towns within the same, and for the University of "*Oxford;* the Representatives in Parliament for the Counties of *Middlesex* and "*Surrey,* and for the Cities of *London* and *Westminster,* and the Borough of "*Southwark;* the Lord Mayor and Aldermen of the City of *London,* the Vice-"Chancellor and Heads of Colleges and Halls in the University of *Oxford,* the Dean "and Canons of *Christ Church,* the Dean and Canons of *Windsor,* the Provost and "Fellows of *Eton College,* the Rectors and Incumbents of the several Parishes that "border upon the *Thames* and *Isis* on both Sides from *Staines* to *Cricklade;* the "Mayors and Recorders of *Oxford, Abingdon, Wallingford, Reading, Henley, Maiden-*