ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. ix.

An Act to confirm certain Orders made by the Board of Trade under The Oyster and Mussel Fisheries Act, 1866, relating to the Rivers *Blackwater* (*Essex*) and *Hamble*. [29th *May* 1868.]

WHEREAS an Order made by the Board of Trade under The Oyster and Mussel Fisheries Act, 1866, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament: 29 & 30 Vict. c. 85.

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:

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 Confirmation of Orders in Schedule.

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 Fisheries Orders Confirmation Act, 1868.

The

The SCHEDULE of Orders.

1. BLACKWATER (Essex).—Establishment and Maintenance of several Oyster Fishery.
2. HAMBLE.—Establishment and Maintenance of several Oyster Fishery.

BLACKWATER (ESSEX) OYSTER FISHERY.

Order for the Establishment and Maintenance by the Fish and Oyster Breeding Company, Limited, of a several Oyster Fishery in the Estuary of the Tidal River Blackwater in the County of Essex.

Undertakers.

1. The Fish and Oyster Breeding Company, Limited, (in this Order called the Company,) shall be the Undertakers of the Fishery mentioned in this Order.

Limits of Fishery, and plans.

2. The following are the Company's fishing grounds under this Order (as shown on plans deposited at the Board of Trade), namely:—All such parts of the foreshore and bed of the River Blackwater as lie below low-water mark of ordinary neap tides situate within the several parishes of Saint Peter Maldon, Saint Mary Maldon, Heybridge, Great Totham Goldhanger, Steeple, Saint Lawrence, Tolleshunt D'Arcy, and Tollesbury, and extra-parochial, or some or one of them, all in the county of Essex, containing an area of 350 acres or thereabouts, and bounded as follows; that is to say, on the west by an imaginary line drawn from Rebank on the north side to Wade Creek on the south side of the river, and on the east by an imaginary line drawn from the low water extremity of Thurstlet Spit on the north side of the river to a point on the southern side of the river opposite to and due south of the said extremity.

Right to several Fishery.

3. This Order confers on the Company a right of several Oyster Fishery within the limits above mentioned.

Marking of limits.

4. The limits of the several Fishery shall be marked out as follows; that is to say, on the east and west by beacons placed on the line of low-water ordinary neap tides at the four points or boundaries referred to in Article 2. of this Order, and on the north and south by similar beacons placed on the line of low-water ordinary neap tides at intervals of not more than one quarter of a mile.

5. In

Notice of limits to be given.

5. In the event of the marks by the last foregoing article prescribed being obliterated by storm or unavoidable accident, notice of the said limits may be given to fishermen, dredgermen, and other persons as follows; that is to say,

By advertisement in the "Times" and "Chelmsford Chronicle" newspapers, or any other newspaper which may from time to time circulate in or near the said parishes, by notice at the Custom House, Maldon, and by notice boards erected on the banks of that part of the river Blackwater included in the fishery.

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

6. No buildings, erections, embankments, or other marks, except 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 Board of Trade.

Company to give accounts of capital, receipts, and expenditure, and of Oysters sold.

7. The Company shall render to the Board of Trade such accounts of their capital, expenditure, and income, and of all Oysters 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.

Time of operation.

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

Saving rights under "Crown Lands Act, 1866."

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," but the Board of Trade shall be at liberty to make any arrangements with respect to the shore and bed of the river within the limits above described as if this Order had not been made.

Short title.

10. This Order may be cited as "The Blackwater (Essex) Oyster Fishery Order, 1868."

HAMBLE OYSTER FISHERY.

Order for the Establishment and Maintenance by Thomas Warner, of Botley, and John Scovell, of Hamble, both in the County of Southampton, Merchants, of a several Oyster Fishery in the Estuary of the River Hamble in the County of Southampton.

Undertakers.

1. Thomas Warner, of Botley, and John Scovell, of Hamble, both in the County of Southampton, Merchants, their executors, administrators, and assigns, (in this Order called the Undertakers,) 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), namely:—All those parts of the foreshore and bed of the River Hamble situate within the several parishes or places of Hamble, Hound, Bursledon, Botley, Warsash, Swanwick, and

and Tichfield, or some of them, all in the county of Southampton, containing an area of one hundred and thirty acres or thereabouts, and bounded as follows; that is to say,

By a line comprising all the land forming part of the bed of the River Hamble, between low water of ordinary neap tides on one side of the said river, and low water of ordinary neap tides on the other side thereof, situate between the following points; viz., between a point opposite, or nearly opposite, a house or building called Dock House, situate in or adjoining a wood or coppice known as Dock or Foster's Coppice, in the parish of Botley, in the county of Southampton, and Bursledon Bridge, in the parish of Bursledon, in the same county, and also between a point opposite the "Ship and Launch" public house, in the last-named parish, and a point opposite the upper boundary of an Oyster Pit or Pits, now in the possession of Mr. Robert Scovell, in the parish of Hamble, in the said county, excepting thereout all such portions of foreshore or river bed (if any) as are now customarily used or enjoyed as hards, landing places, or moorings.

Exception not to confer title to foreshore.

3. Nothing contained in this Order shall vest in any person who is now using or enjoying any portion of the foreshore or river bed as a hard, landing place, or mooring, any right or title to the foreshore or bed of the river which he does not otherwise possess.

Right to several Fishery.

4. This Order confers on the Undertakers a right of several Oyster Fishery within the limits above mentioned, subject to the following restrictions:

Upon giving one calendar month's notice in writing to the Undertakers, any local authority, properly constituted, or any riparian owner or occupier within the limits above mentioned, may, with the consent of the Southampton Harbour and Pier Board as the Conservators of the River, and of the Board of Trade, construct such hards, piers, jetties, landing places, or moorings extending to or below low water of spring tides as may be necessary either for the convenience and accommodation of the public or for the reasonable enjoyment of the adjacent property. The consent of the Undertakers shall not be necessary to such construction, but at least twenty-one days notice in writing shall be given to the Undertakers before any consent by the Board of Trade is given for the construction of any such hard, pier, jetty, landing place, or mooring.

Marking of limits.

5. The limits of the said several Fishery shall be marked out at and within the several boundaries above mentioned by the erection and maintenance, by the Undertakers, of booms or posts painted black, and placed at intervals on both sides of the Hamble River at low-water mark of ordinary neap tides; and in the event of such marks being destroyed or removed by storm or otherwise, they shall be replaced by the Undertakers with all reasonable despatch.

No buoys, &c. to be placed in the River, except upon the low-water line.

6. No buoys, booms, posts, or other marks or beacons shall be placed in the River Hamble by the Undertakers for the purpose of marking out the limits of the Fishery, or the position of their Oyster beds or layings, or for any other purpose, except only upon the line of low water of ordinary neap tides.

Works not to be constructed without sanction of the Board of Trade.

7. No buildings, erections, embankments, or other works, except the booms or posts referred to in Clause 5 of this Order, shall at any time be commenced or executed within the limits above described, without the sanction and approval, in writing, of the Board of Trade.

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

8. The Undertakers shall render to the Board of Trade such accounts of their capital, expenditure, and income, and of all Oysters 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.

Saving of rights of Bursledon Bridge Company.

9. Nothing contained in this Order shall take away, lessen, or prejudice any now existing right of the Bursledon Bridge Company under the fourteenth section of 37 Geo. 3. c. 131.

Saving rights of Southampton Harbour and Pier Board.

10. Nothing contained in this Order shall divert, take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, jurisdictions, or authorities given, granted, or conferred to or upon the Southampton Harbour and Pier Board under or by virtue of "The Southampton Harbour and Pier Act, 1863," but all such estates, rights, privileges, powers, jurisdiction, and authorities respectively shall be and remain in as full force and effect in all respects as if this Order had not been made.

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

11. This Order shall not be taken as a consent to the surrender of such rights, interests, powers, authorities, and privileges (if any) as have been transferred to the management of the Board of Trade by "The Crown Lands Act, 1866."

Time of operation.

12. This Order shall continue in operation for sixty years from its confirmation by Act of Parliament, and no longer; provided that in case the lease which has, by an agreement dated the 29th day of December 1866, been agreed to, be granted to the Undertakers by the Honourable Charles Alexander Gore, Commissioner of Her Majesty's Woods, Forests, and Land Revenues, on behalf of the Crown, shall be determined or come to an end at any time sooner than the expiration of the said period of sixty years, then and in such case this Order shall cease and determine at the same time as the demise intended to be effected by such lease as aforesaid.

Short title.

13. This Order may be cited as "The Hamble Oyster Fishery Order, 1868."

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.