ANNO TRICESIMO

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C A P. XVIII.

An Act for the Preservation and further Protection of Oyster Fisheries. [3d *May* 1867.]

WHEREAS it is expedient to make Provision for the Protection of private Oyster Beds, Layings, or Fisheries: 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. This Act may be cited as The Oyster Preservation Act, 1867. **Short Title.**

2. In this Act the Word "Oysters" includes the Brood, Ware, Half-ware, Spat, and Spawn of Oysters, and the Word "Person" includes Body Corporate. **As to Words "Oysters" and "Person."**

3. All Oysters being in or on any Oyster Bed, Laying, or Fishery which is the Property of any Person, and is sufficiently marked out or known as such, shall be the absolute Property of such Person, and in all Courts of Law and Equity and elsewhere, and for all Purposes, Civil, Criminal, or other, shall be deemed to be in the actual Possession of such Person. **Oysters in the Oyster Grounds or Fishery to be Owner's Property.**

4. All

Oysters removed from the Fishery to be Owner's Property.

4. All Oysters removed by any Person from any such Oyster Bed, Laying, or Fishery, and not either sold in Market overt, or disposed of by or under the Authority of the Person to whom such Bed, Laying, or Fishery belongs as aforesaid, shall be the absolute Property of such last-mentioned Person, and in all Courts of Law and Equity and elsewhere, and for all Purposes, Civil, Criminal, or other, the absolute Right to the Possession thereof shall be deemed to be in such last-mentioned Person.

Proof of marking of Limits.

5. Whenever it is necessary in any legal Proceeding to prove that the Limits of any Oyster or Mussel Fishery have been duly buoyed or otherwise marked, or that Notices of such Limits have been duly posted, published, or distributed in pursuance of any Act of Parliament or of any Order of the Board of Trade confirmed by Parliament, or that Notice of the Provisions of such Act or Order relating to the Oyster or Mussel Fishery has been duly published, a Certificate purporting to be under the Hand of One of the Secretaries or Assistant Secretaries of the Board of Trade, certifying that the Board of Trade are satisfied that the said Limits were so buoyed or marked, or that the said Notices were duly published, posted, or distributed, shall be received as Evidence that the same have been so buoyed or marked, or that the said Notices have been so published, posted, or distributed.

Contiguous Fisheries.

6. When Two or more Oyster Beds, Layings, or Fisheries belonging to different Proprietors are contiguous to each other, and any Indictment or Prosecution shall be raised or Proceeding taken against any Person for stealing Oysters from the same, it shall be sufficient, in alleging and proving the Place from which such Oysters were stolen, to allege and prove that they were stolen from one or other of such contiguous Beds, Layings, or Fisheries, and in alleging and proving the Property and lawful Possession of such Oysters it shall be sufficient to allege and prove that the same belonged to and were in the lawful Possession of one or other of such Proprietors, although it is not alleged or proved from which of such contiguous Beds, Layings, or Fisheries the same were stolen, or of which of such Proprietors they were the Property or in the lawful Possession.

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