ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

* **

Cap. ccxxvii.

An Act for the better Regulation of the *Rochester* Oyster Fishery; and for other Purposes.

[5th *July* 1865.]

WHEREAS from Time out of Mind there has been an Oyster Fishery (in this Act called the Fishery) in the River *Medway* in the County of *Kent*, and in many of the Creeks and Branches thereof within the Jurisdiction of the Mayor, Aldermen, and Citizens of the City of *Rochester* (in this Act called the Corporation), and the Fishery has been free and common to all Oystermen and Dredgers (in this Act called the Dredgers), after having served Seven Years Apprenticeship to a Dredger: And whereas an Act of the Second Year of *George* II. Chapter 19. was 2 G. 2. c. 19.
passed, for the well ordering, governing, and improving of the Fishery, under the Authority of the Corporation, and thereby divers Powers with respect to the Fishery were conferred on the Court of Admiralty of the Corporation and on a Jury of the Dredgers, impannelled and sworn at the Court, and on Water Bailiffs appointed by the Jury respectively, and Provision was made for the borrowing from Time to Time, on the Presentment by the Jury, of Money to be expended in buying and laying down Oysters and the Brood and Spat of Oysters in the River and Creeks within the Fishery, the Monies so borrowed

to be deemed the common Debt of all the Dredgers, and to be raised by equal and proportionable Contribution, and Rate, to be assessed on every Bushel or less Quantity of Oysters taken in the Fishery, as the Jury should appoint: And whereas divers Sums of Money have accordingly from Time to Time been borrowed and expended in laying down Oysters Brood and Spat within the Limits of the Fishery, and from Time to Time Monies so borrowed have been repaid, but, owing to the Want of sufficient Capital to be so expended and other Causes, the Fishery has of late Years not yielded sufficient Oysters for the Repayment of Monies so borrowed, and there is now a Debt on the Fishery the Principal of which amounts to Twenty thousand two hundred and ninety-eight Pounds Fifteen Shillings, as appears by the First Schedule to this Act annexed, and there is an Arrear of Interest thereon which, calculated at the Rate of Three Pounds *per Centum per Annum*, after giving Credit for the One Half Year's Interest by this Act directed to be paid, will on the Thirtieth Day of *June* One thousand eight hundred and sixty-six amount to Two thousand nine hundred and thirty Pounds One Shilling and Fivepence, as appears by that Schedule: And whereas, without the Aid of further Capital for laying down Oysters Brood and Spat therein, the Fishery cannot yield sufficient Oysters for the Repayment of that Debt, and the Jury cannot obtain a Loan of further Monies for the Purpose, and cannot provide the requisite Capital out of their own Resources: And whereas the Number of the Dredgers is about Five hundred, of whom many are resident elsewhere than in or near to *Rochester*, and less than Two hundred live there and follow the Calling of Dredgers or Fishermen: And whereas it is of Importance, not only to the Dredgers but also to the Public, that the Fishery should be made productive, and in order thereto that the recited Act should be amended, and further Powers should be conferred on the Court, and the Powers of the Jury with respect to the borrowing, expending, and repaying of Monies should be extended, and further Provision should be made for the improving and regulating of the Fishery: And whereas the Dredgers are desirous and the present Creditors of the Fishery are willing that the Provisions by this Act made with respect to the Fishery and the present Debt thereon be made: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it 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:

Short Title. **1.** This Act may be cited as "*Rochester* Oyster Fishery Act, 1865."

2. The

Parts of 10 & 11 Vict. c. 16. incorporated.

2. The "Commissioners Clauses Act, 1847," (except so far as any of the Sections or Provisions thereof are expressly excepted or varied by this Act,) is incorporated with and forms Part of this Act; provided that the following Provisions of that Act are not incorporated with this Act:

(*a.*) With respect to the Qualification of Commissioners:

(*b.*) With respect to the Election and Rotation of the Commissioners:

(*c.*) With respect to the Meetings and other Proceedings of the Commissioners, and their Liabilities, except Sections 48 to 52, both inclusive.

Interpretation of Terms.

3. In this Act the following Words and Expressions have the following Meanings; (that is to say,)

(*a.*) "The Court" means the Court of Admiralty of the Corporation:

(*b.*) "The Jury" means the Jury from Time to Time impannelled and sworn under the recited Act as amended by this Act:

(*c.*) "The present Debt" means so much of the several Principal Monies and Arrears of Interest respectively specified in the First Schedule to this Act annexed as from Time to Time remains unsatisfied:

(*d.*) "The present Creditors" means the Persons from Time to Time entitled to the present Debt:

(*e.*) "The Mortgagees" means the Mortgagees from Time to Time under this Act:

(*f.*) "The Committee" means the Committee from Time to Time appointed under this Act by the Mortgagees, or, as the Case requires, by the present Creditors:

(*g.*) "The Three Bodies" means the Jury and the Two Committees:

(*h.*) "The current Year" means the respective Year beginning with the First Day of *July* in One Year and ending with the Thirtieth Day of *June* in the then next Year:

(*i.*) "The current Year's Mortgages" means the Mortgages from Time to Time granted under this Act for securing Monies raised for the Purposes of the current Year:

(*j.*) "The postponed Mortgages" means the Mortgages from Time to Time granted under this Act for securing Monies raised for the Purposes of Years preceding the current Year:

(*k.*) "Oysters" includes Oysters Were Brood and Spat.

Same Meanings to Words in incorporated

4. The several Words and Expressions to which, by the Act in part incorporated with this Act, Meanings are assigned, have in this Act the same respective Meanings, unless excluded by the Subject or Context;

Acts as in this Act.

Context; provided, that the Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; and the Expression "the Commissioners" means "the Jury."

Limits of Act.

5. The Limits of this Act are the ancient Limits of the Fishery.

Jurisdiction of Court for Execution of Act.

6. The Court from Time to Time shall have full Jurisdiction and Authority, for all the Purposes of this Act, with respect to the Court, and may make all such Inquiries, and take all such Evidence, and make and enforce all such Orders, including Orders for the ascertaining and paying of Costs, and all such Rules and Regulations for the due Execution of this Act by or under the Authority of the Court, as the Court from Time to Time think just; Provided that all Rules and Orders of the Court immediately before the passing of this Act in force shall, until repealed or altered under this Act by the Court, remain in full Force, and the same may be altered or repealed when and as the Court think fit,

Summons for holding Court.

7. For the Purposes of the recited Act as amended by this Act, and this Act, the Court may from Time to Time be summoned by at least Three Days Notice in Writing from the Mayor of *Rochester* to the Aldermen; and the Mayor may summon a Court whenever he is thereunto requested in Writing by the Foreman of the Jury, or by any Three or more of the Jury, or by any Member of either of the Two Committees; provided that if and whenever, for any Cause, the Mayor fails for Two Days to comply with the Requisition, then the Court shall be summoned by the Town Clerk of *Rochester*.

Court may be adjourned and summoned.

8. For the Purposes of the recited Act as amended by this Act, and this Act, the Court may be adjourned from Time to Time, or until summoned, and may be held at the Times to which it is adjourned and at the Times for which it is summoned.

Declaration instead of Oath by Jurymen.

9. The Form of Oath set forth in the recited Act as the Oath to be administered to every Juryman (as an Addition to the usual Oath) is by this Act repealed, and instead thereof every Juryman, in addition to the usual Oath, shall at every Court make and sign a Declaration to the Effect following:

'I *A.B.* do solemnly declare, That I will faithfully and impartially, 'and according to the best of my Skill and Judgment, execute 'all the Powers and Authorities reposed in me as a Juryman by 'virtue of the Act of the Second Year of George the Second, Chapter 'Nineteen, for regulating, well ordering, governing, and improving 'the

'the Oyster Fishery in the River Medway and Waters thereof, 'under the Authority of the Mayor and Citizens of the City of 'Rochester in the County of Kent, and the "Rochester Oyster 'Fishery Act, 1865," respectively.'

False Declaration a Misdemeanor.

10. Any Person who falsely or corruptly makes and subscribes the Declaration, knowing it to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

Term of Office of Jury for executing Act.

11. In order to the Execution of this Act by the Jury, the several Persons who from Time to Time are returned and impannelled and sworn, under the recited Act as amended by this Act, shall, until other Persons are returned and impannelled and sworn in their Place, be the Jury for the Purposes of this Act.

Acts of Majority of Jury valid.

12. Whatsoever is under this Act to be done by the Jury may be done by the major Part in Number of them.

Presentments by Jury.

13. The Jury from Time to Time may inquire and present as to all or any of the following Matters:

(*a.*) The Necessity of stocking any of the Oyster Grounds by laying Oysters there:

(*b.*) The Money requisite for stocking any of the Oyster Grounds:

(*c.*) The Money requisite for meeting current Expenses of the Fishery:

(*d.*) The Money requisite to be borrowed for those Purposes respectively, and for Payment of the Expenses of and incident to the preparing and applying for and the obtaining and passing of this Act:

(*e.*) Any Matters incidental or accessory to any of those Matters.

Presentments by Jury when confirmed by Court binding.

14. Every Presentment under this Act by the Jury, when confirmed by the Court, shall be binding on all Parties interested, and shall have Effect accordingly; provided that no Presentment shall have Effect to the Prejudice of any of the Rights under this Act of the Mortgagees or of the present Creditors.

Power for Jury to borrow.

15. If and whenever the Jury present that it is requisite that any Money be borrowed for any of the Purposes in this Act in that Behalf provided for, and the Presentment is confirmed by the Court, the Jury may borrow and reborrow the Amount so presented and confirmed, at Interest on Mortgage of the Fishery, and the Mortgages and Transfers thereof may be in the Forms given in the Second Schedule to this Act annexed, with such Modifications, if any, thereof respectively, as the Jury and the respective Mortgagees agree on.

Appointment of Committee by Mortgagees.

16. The Mortgagees may, within Two Months after the Date of the First Mortgage executed after the passing of this Act, and in the Month of *June* in every Year thereafter, appoint for the Purposes of this Act a Committee of Three Persons, all or any of whom may be Mortgagees, and the Appointment shall be made by the Majority in Value of the Mortgagees by Writing under their respective Hands delivered to the Town Clerk of *Rochester*; and if and whenever there is a Vacancy in the Committee the Mortgagees may in like Manner appoint a Person to supply the Vacancy, who shall stand in the Place of his Predecessor; and the Persons so from Time to Time appointed, not ceasing to be Committee-men by Death, Resignation, or Removal, may hold Office until their respective Successors are appointed; provided that no Member of the Court shall, although a Mortgagee, be eligible to be appointed One of the Committee.

Appointment of Committee by Creditors.

17. The present Creditors may, within Two Months after the passing of this Act, and in the Month of *June* in every Year thereafter, appoint for the Purposes of this Act a Committee of Three Persons, all or any of whom may be present Creditors; and the Appointment shall be made by the Majority in Value of the present Creditors by Writing under their respective Hands delivered to the Town Clerk of *Rochester*; and if and whenever there is a Vacancy in the Committee the present Creditors may in like Manner appoint a Person to supply the Vacancy, who shall stand in the Place of his Predecessor; and the Persons so from Time to Time appointed, not ceasing to be Committee-men by Death, Resignation, or Removal, may hold Office until their respective Successors are appointed.

Exercise of Powers by Committee-men in Office.

18. With respect to each of the Two Committees, it shall not be necessary for the Exercise by the respective Committees of their Powers under this Act that there should be Three Committee-men in Office, but their Powers may be exercised by the Committee-men or Committee-man from Time to Time in Office, and when Three are in Office the Majority in Number of them shall bind the Minority, and when Two are in Office, if they fail to agree, the Matter in difference between them may be referred by them or either of them to and be determined by the Court, and the Determination of the Court thereon shall bind the Committees; provided that if at any Time there shall not be any Committees or Committee of the Two Bodies or either of them, by reason of the Neglect of the Two Bodies or either of them to appoint the Committees or Committee, the several Powers by this Act to be exercised by the Jury, with the Consent of the Two Committees, shall be exerciseable by the Jury, as if the Two Committees, or, as the Case may be, the Committee in the Appointment whereof such Neglect shall have been made, consented thereto.

19. If

Determination by Court of Differences between the Three Bodies.

19. If and whenever in any Case, not otherwise provided for by this Act, in which there is any Difference between the Three Bodies, or any Failure from any Cause by them respectively to agree on any Matter on which it is requisite for the due Execution of this Act that they respectively should agree, the Matter in difference, or the Matter with respect to which they respectively so fail to agree, may be referred by the Three Bodies, or any or either of them, or any other Party interested, to and shall be determined on by the Court.

When Debts paid off Jury to exercise Powers as if Committee consented.

20. When all the present Debts are satisfied, and all Interest payable under this Act in respect thereof is fully paid, and no Mortgage granted under this Act is in force, the several Powers of this Act to be exercised by the Jury with the Consent of the Two Committees shall be exerciseable by the Jury as if the Two Committees consented thereto.

Place for Meetings of Jury and Committees.

21. All Meetings of the Jury and the Two Committees respectively, and of the Three Bodies or any Two of them, shall be held at the City of *Rochester*, and, when conveniently practicable, at the Guildhall of the City.

The Treasurer.

22. The Chamberlain of the Fishery shall be the Treasurer for the Purposes of this Act.

Receipts of Treasurer.

23. The Receipt of the Treasurer in Writing under his Hand for any Money paid to him under this Act shall be a sufficient and effectual Discharge for the same, and from all Liability, Claims, and Demands in respect thereof.

Monies to be paid to Treasurer.

24. All Monies from Time to Time borrowed by the Jury on Mortgage of the Fishery, and received as Fines for Leases granted under this Act by the Jury, and the gross Amount of all Monies received for the Sale by the Jury of Oysters, less only the Commission thereon allowed in accordance with this Act, shall be paid to the Treasurer, and shall be carried by him to the proper Account by this Act prescribed.

Items of Accounts.

25. Every Account kept by the Treasurer under this Act shall show all Receipts, Credits, Payments, and Liabilities relating to the respective Account; provided that if and whenever any Item appears to the Treasurer to be applicable to Two or more of the Accounts, he may apportion it between the Accounts as to him seems just.

Accounts to be made up half-yearly.

26. The Accounts kept for the Purposes of this Act shall be made up and balanced half-yearly, to the Thirtieth Day of *June*

June and the Thirty-first Day of *December*, both inclusive, in every Year.

Auditors.

27. There shall be Two Auditors for the Purposes of this Act, who from Time to Time shall be appointed, one by the Jury and the other by the Two Committees; and for the Purposes of Section 92 of the "Commissioners Clauses Act, 1847," incorporated with this Act, the Two Auditors shall be equivalent to a permanent Auditor.

Regulations to be made by the Three Bodies.

28. From Time to Time the Three Bodies may meet together and make Regulations with respect to the several Matters in that Behalf by this Act provided for; and if and whenever the Three Bodies fail to meet together, after not less than Four Days Notice in Writing from one Body to the several Members of the other Bodies, requesting that a Meeting of the Three Bodies be held, and specifying the Time and Place and Objects of Meeting, then the Regulations proposed by the Body making the Request shall be referred by them to the Court: Each of the Three Bodies shall have One Vote as to the Regulations proposed, the Vote of each Body to be separately determined by the Majority of its Members present at the Meeting; and if and whenever the Three Bodies fail to agree, or any or either of them fail to vote on any Regulations submitted to a Meeting of the Three Bodies, then the Matter in difference between them shall be referred by the Three Bodies, or any or either of them, to the Court; and every Matter so referred to the Court shall be determined by the Court; and the Determination on the Regulations so proposed and the Matters so in difference respectively of the Court shall bind the Three Bodies and all other Parties interested.

Purposes of Regulations.

29. The Purposes for which Regulations from Time to Time shall be so made are the following; that is to say,

(*a.*) The Places within the Fishery where Oysters shall be laid down:

(*b.*) The Times when Oysters shall be so laid down:

(*c.*) The highest Price at which Oysters to be so laid down shall be bought:

(*d.*) The Wages or Remuneration which shall be paid,—

(1.) For laying down Oysters within the Fishery;

(2.) For dredging Oysters within the Fishery;

(3.) For cleansing and making marketable Oysters dredged within the Fishery;

(4.) For carrying Oysters to Market;

(5.) For selling Oysters:

(*e.*) The Allowances, if any, which shall be made to Dredgers with respect to Boats, Nets, or Tackle:

(*f.*) The Agents who shall be employed for buying Oysters:

(*g.*) The

(*g.*) The Agents who shall be employed for selling Oysters:

(*h.*) The Commission which shall be allowed to Agents buying Oysters:

(*i.*) The Commission which shall be allowed to Agents selling Oysters:

(*j.*) The letting of any of the Oyster Grounds, and the exclusive User and Enjoyment of the same and the Oyster Fishery there, and the Periods for which, and the Terms, pecuniary and otherwise, and Conditions, on which the same should be let.

Jury to carry on Business of Fishery.

30. In accordance with the Provisions of the recited Act as amended by this Act, and of this Act, and the Rules, Orders, and Regulations from Time to Time made under the recited Act and this Act respectively, and from Time to Time in force, the Business and Affairs of the Oyster Fishery, and the Employment therein of the Dredgers, and the Appointment and Removal of Agents for buying and selling Oysters, and the buying, laying down, dredging, cleansing, and making marketable and selling of Oysters, shall be carried on by or under the Superintendence of the Jury, and they shall make adequate Provision for securing the Payment to the Treasurer of all Monies by this Act required to be paid to him.

Remunera- to Jury.

31. There shall from Time to Time be allowed to the Jury, as their Remuneration for the Execution by them of this Act, such a Sum not exceeding for any One Year Fifty Pounds as the Three Bodies agree on and the Court confirm, and the Remuneration shall be divided between the Jurymen as they think fit; and the Court shall have no Power, against the Consent of the Two Committees, to determine as to the Amount of the Remuneration.

Power to Jury to appoint Committee of themselves.

32. The Jury from Time to Time may appoint and remove a Committee of themselves to act in the Execution of this Act in any ordinary Cases for which the Consent of the Two Committees is not requisite, and may prescribe the Duties, Quorum, and Procedure of the Committee so appointed; and they, within the Limits of their Appointment, may exercise the Powers by this Act conferred on the Jury.

Power to Committee of Jury as to granting of Leases.

33. The Jury from Time to Time may, if they think fit, appoint and remove a Committee of Three Members of the Jury for the Purposes of this Act, with respect to the letting and Leases of Parts of the Oyster Grounds; and all the Powers of the Jury with respect to such letting and Leases, and all Matters incidental thereto, may be exercised by that Committee, in the Place of and as representing the Jury, and this Act shall be read and have Effect accordingly.

Dredgers not employed by Jury not to dredge in Fishery.

34. Such of the Dredgers as from Time to Time are not employed for Purposes of this Act, as determined by the Jury, shall not dredge for any Oysters within the Limits of the Fishery, or in any other Manner interfere with any Part of the Oyster Grounds or any of the Oysters there; and if and whenever any Person offends against this Enactment, every Person so offending shall for every such Offence forfeit not exceeding for the First Offence Forty Shillings, and for every subsequent like Offence Five Pounds, or in any Case, at the Option of the Justice before whom he is convicted, may be imprisoned in the Common Gaol not exceeding Fourteen Days for the First Offence, and not exceeding Three Months for every subsequent Offence.

Jury to determine Employment, &c. of Dredgers.

35. The Jury, of their own Authority, shall determine which of the Dredgers shall be employed for Purposes of this Act, and the Times during which and the Purposes for which they respectively shall be so employed, and, subject to the Provisions of this Act and the Regulations made thereunder, the Wages or Remuneration to be paid to them respectively for their Services, but in every Case not exceeding the highest Wages or Remuneration then fixed under this Act.

Penalty for paying Wages, &c. in excess.

36. The Jury shall not at any Time make or allow any Payment in excess of any of the Payments provided for by the Regulations from Time to Time made under this Act and in force; and if and whenever the Jury, without the previous Consent of the Two Committees, make or allow any such Payment or Allowance in excess, every Member of the Jury concurring in or assenting to the Offence shall for every such Offence forfeit Four Times the Amount of the Excess, and so much of the Penalty as is not awarded to the Informer shall be paid to the Treasurer, and be carried by him to "the Oyster Fishery General Account."

Power to Jury to lease Parts of Oyster Grounds and Fishery.

37. The Jury from Time to Time, in accordance with the Regulations made as aforesaid, shall, with the Approval of the Court, grant Leases of any of the Oyster Grounds, and the exclusive User and Enjoyment of the same and of the Oyster Fishery there, and of all or any other Rights to be specified in any such Lease with respect to the same, and the Leases may be for any Periods not exceeding Twenty-one Years, and either on a Fine or yearly Rent or both; provided that no Lease shall be so granted of any Oyster Ground which has at any Time within Ten Years next before the passing of this Act been worked by the Jury as an Oyster Ground.

Leases of Parts of

38. Every Lease under this Act shall be made by the Chamberlain of the Fishery and any Three of the Jury, and shall be executed

executed by the Four Lessors, and shall also be under the Seal of the Court, which Seal shall, by the Direction of the Court, be affixed thereto by the Mayor of *Rochester*, and may be in the Form given in the Second Schedule to this Act annexed, with such Modifications, if any, thereof, as the Case requires; and every such Lease shall have Effect as if the Lessors were seised in Fee Simple absolute in their own Right, free from Incumbrances, of the Premises thereby demised; and, unless and until the contrary be shown, every Lease having that Seal affixed thereto, and purporting to be a Lease granted under this Act, shall, without Proof of any Matter other than the affixing thereto of that Seal, be deemed to be a Lease duly made under this Act. Oyster Ground and Fishery.

39. Except only so far as it is by this Act otherwise expressly provided, when any Part of the Oyster Grounds and the Fishery is leased under this Act, then during the Continuance of the respective Lease the respective Part of the Oyster Grounds comprised therein and the Fishery there shall, for the Purposes of the recited Act and this Act respectively, be deemed not to be within the Limits of the Fishery or of the Oyster Grounds; save only that the respective Lessees shall be entitled to the full Protection of the recited Act as amended by this Act and this Act respectively in favour of their Claims as Lessees. Oyster Grounds and Fishery comprised in Lease to be deemed not within Limits of Fishery.

40. All Oysters from Time to Time after the passing of this Act, being within the Limits of the Oyster Grounds, or, as the Case shall be, of any Parts thereof held under Lease granted under this Act, shall be the absolute Property of the Jury, or, as the Case shall be, of the Lessees and in all Courts of Law and Equity and elsewhere, and for all Purposes, Civil and Criminal or otherwise, shall be deemed to be the absolute Property and in the actual Possession of the Jury, or, as the Case shall be, of the Lessees. Oysters in the Oyster Grounds to be Property of Jury or their Lessees.

41. All Oysters from Time to Time after the passing of this Act, having been within the Limits of the Oyster Grounds, or, as the Case shall be, of any Parts thereof, held under Lease granted under this Act, and having been removed from the same respectively, and by whomsoever removed, and notwithstanding the same, after being so removed, having been sold otherwise than in Market overt, or by or under the Authority of the Jury, or as the Case shall be, of the Lessees, shall at all Times be the absolute Property of the Jury, or, as the Case shall be, of the Lessees, and in all Courts of Law and Equity and elsewhere, and for all Purposes, Civil and Criminal or otherwise, the same shall be deemed to be their respective absolute Property and the absolute Right to the Possession thereof shall be deemed to be in the Jury, or, as the Case shall be, in the Lessees. Oysters removed from the Oyster Grounds, and not sold by Jury, &c., to be their Property, &c.

42. No

Penalties for dredging for Oysters or disturbing Oyster Fishery, and other Offences.

42. No Person, other than the Agents, Officers, and Servants of the Jury, or, as the Case shall be, the Lessees, or their Agents, Officers, and Servants, in the due Exercise of their respective Duties or Authorities under this Act, or Dredgers, thereunto expressly authorized by the Jury, testified by Writing under the Hands of Three or more of the Jurymen, shall within the Limits of the Oyster Grounds, or, as the Case shall be, of any Parts thereof, held under Lease granted under this Act, do any of the following Things:

(*a.*) Fish for or take or attempt to take any Oysters:

(*b.*) Dredge or trawl for any Oysters:

(*c.*) Fish for or take or attempt to take, otherwise than by Line or Hook, or by Net solely adapted for catching Floating Fish, any Eels, or any Soles, Flounders, Plaice, Turbot, Halibut, or other Flat Fish, or any other Fish whose natural Habit it is to be in the Mud or Sand at or near to the Bottom of the Water:

(*d.*) Dredge for any Ballast, Mud, Sand, or other Substance, except in the due Execution of Authority for improving the Navigation:

(*e.*) Deposit any Ballast, Rubbish, or other Substance:

(*f.*) Use any other Net, or any Engine, Implement, Tackle, Apparatus, or Device, other than Line and Hook (*c.*), for any of those Purposes:

(*g.*) Place any Weir, Engine, Work, Implement, Apparatus, or Device prejudicial or likely to be prejudicial to any Oyster Bed or Oysters, or to the Fishery or any Part thereof:

(*h.*) In any other Manner wilfully disturb any Oyster Bed or Oysters:

(*i.*) Wilfully do or occasion in any other Manner any Injury or Damage to any Oyster Bed or Oysters, or to the Fishery or any Part thereof:

(*k.*) In any Place within or beyond the Limits of this Act sell or expose for Sale, or have in his Possession, without the Authority or Permission of the Jury, or, as the Case shall be, of the Lessees, any Oyster the Property of the Jury, or, as the Case shall be, of the Lessees:

And if any Person acts in any respect in contravention of this Section every Person so offending shall for every such Offence incur the following Penalties; that is to say,

(*l.*) He shall forfeit all the Fish and Ballast found in his Possession:

(*m.*) He shall forfeit all Nets, Engines, Implements, Tackle, Weirs, Works, Anchors, Moorings, Apparatus, and Devices, other than Lines and Hooks (*c*), used in committing any of the Offences:

(*n.*) He

(*n.*) He shall pay a Penalty not exceeding Two Pounds for the First Offence;

(*o.*) And not exceeding Five Pounds for the Second Offence;

(*p.*) And not exceeding Ten Pounds for the Third and every subsequent Offence:

And in addition to the Penalties, and whether or not they be inflicted, he shall make full Compensation to the Jury, or, as the Case shall be, to the Lessees, for all Damage or Injury sustained by them respectively by reason of the Offence, or instead of any of the pecuniary Penalties he may, in the Discretion of the Justice before whom he is convicted, be imprisoned for not exceeding

(*q.*) For the First Offence, Fourteen Days;

(*r.*) For the Second Offence, Forty-two Days;

(*s.*) For the Third or any subsequent Offence, Three Months:

Provided that nothing in this Section expressed shall take away or limit any Right or Remedy which the Jury or the Lessees might have if this Section were not enacted.

Dredgers freed from Liability to present Debts.

43. In consideration of the Provision by this Act made for the Payment of the present Debts, all the Dredgers are by this Act freed from the present Debts and every Part thereof, and all Interest accrued and to accrue thereon, and from all Liability, Forfeitures, Claims, and Demands in respect thereof, save only the Claims and Demands in respect thereof which from Time to Time may be made in accordance with this Act.

Accumulation of Interest on present Debts.

44. Forthwith after the passing of this Act, the Jury shall, out of Monies then in their Hands, and so far as the same suffice, pay to the present Creditors rateably One Half Year's Arrear of Interest at the Rate of Three Pounds *per Centum per Annum* on the Principal Monies forming Part of the present Debt; and all other the Arrears of Interest and current Interest and future Interest up to the Thirtieth Day of *June* One thousand eight hundred and sixty-six inclusive, calculated at the Rate of Three Pounds *per Centum per Annum*, and amounting to the Sums mentioned in the First Schedule to this Act annexed, on those Principal Monies, shall form Part of the present Debt, and be paid, but without any Interest thereon; and, except only as is by this Act provided, all Liabilities, Rights, Remedies, Claims, and Demands in respect of those Principal Monies and all Interest thereon are by this Act extinguished.

Future Interest on present Debts.

45. The Principal Monies forming Part of the present Debt shall bear Interest at the Rate of Three Pounds *per Centum per Annum* from and after the Thirtieth Day of *June* One thousand eight hundred and sixty-six, but not from any earlier Day, and the Interest shall fall

fall due on the Thirtieth Day of *June* in every Year, and the first Interest thereon shall fall due on the Thirtieth Day of *June* One thousand eight hundred and sixty-seven.

Security for present Creditors.

46. The Principal Monies and Interest payable under this Act to the present Creditors shall be payable and paid only by means of the Monies by this Act made applicable in that Behalf; and except only as regards Compositions from Time to Time payable to them or any of them under this Act, no one of the present Creditors shall, with respect to any Part of the present Debt or the Interest thereon, have any Priority to or Preference over any other of them.

Compositions with present Creditors.

47. If and whenever the Jury, by Agreement with any of the present Creditors, can compound for all or any Part of his Part of the present Debt by Payment of not exceeding One Half of the Amount thereof, they may do so, and in order thereto may raise the Money required by borrowing at a Rate of Interest not exceeding Five Pounds *per Centum per Annum*, or, with the Consent of the Committee of the present Creditors, by the Sale and Conversion of the Sinking Fund or any Part thereof, or by both those Modes; and on Payment within Three Months thereafter, or such further Time (if any) as is agreed on between the Parties, of the Composition to the present Creditor, the Part of the present Debt in respect of which the Composition is so paid shall thereupon be satisfied, and be by this Act absolutely extinguished; provided that no Agreement for any such Composition shall be absolute unless and until it is approved or sanctioned by the Committee of the present Creditors, or, in case of Difference between them and the Jury, is confirmed by the Court.

Monies borrowed on Mortgage of Fishery to be carried to "the Oyster Fishery Mortgage Account."

48. All Monies from Time to Time borrowed by the Jury on Mortgage of the Fishery, and paid to the Treasurer, shall be carried by him to a separate Account called "the Oyster Fishery Mortgage Account," and the Monies from Time to Time standing to the Credit of that Account shall be applied only as follows:

(*a.*) Out of the respective Monies so borrowed there shall be paid the necessary Expenses of and incident to the borrowing and securing of the same respectively:

And after and subject to that Payment

(*b.*) The respective Monies so borrowed shall be applied only for the Purposes for which the same respectively are so borrowed:

(*c.*) But if the whole of the Monies so borrowed for any specified Purpose be not required for that Purpose, the Surplus thereof shall be carried to an Account to be called "the Oyster

Oyster Fishery Mortgage Excess Account," and shall be applied in or towards Repayment rateably of the Principal Monies secured by the current Year's Mortgages.

Application of "the Oyster Fishery Fines and Rents Account."

49. All Monies from Time to Time received as Fines or Rents on Leases granted under this Act shall, when respectively paid to the Treasurer, be carried by him to a separate Account called "the Oyster Fishery Fines and Rents Account," and shall be applied only as follows:

(*a.*) The Monies received as Fines shall be added to "the Sinking Fund" by this Act prescribed for paying off the present Debt:

(*b.*) The Monies received as Rents shall be applied first in or towards Payment rateably of the Interest and Arrears of Interest on the Principal Monies forming Part of the present Debt, and then of the Principal thereof:

(*c.*) After the present Debt, with all Interest thereon, is paid off, those Monies shall be applied by the Jury for such of the Purposes of the Fishery and in such Manner as the Jury think fit and on their Application the Court order.

Application of "the Oyster Fishery General Account."

50. The gross Amount of all Monies received for the Sale under this Act by the Jury of Oysters, less only the Commission allowed in accordance with this Act thereout, shall, when respectively paid to the Treasurer, be carried by him to a separate Account called "the Oyster Fishery General Account," and so far as the same will suffice shall be applied only as follows:

(*a.*) In Payment of the Wages or Remuneration and Commission on buying Oysters from Time to Time respectively payable under this Act, and the necessary Expenses of the Court and the Three Bodies respectively of and incident to the Execution of this Act:

And after and subject to those Payments

(*b.*) In Payment rateably of the Interest secured by the current Year's Mortgages:

And after and subject to that Payment

(*c.*) In or towards Repayment rateably of the Principal Monies secured by the current Year's Mortgages:

And after and subject to that Payment

(*d.*) In or towards Payment rateably of the Interest for the current Year and Arrears of Interest secured by the postponed Mortgages:

And after and subject to that Payment

(*e.*) In or towards Repayment rateably of the Principal Monies remaining secured by the postponed Mortgages;

And

And after and subject to the Repayment of all Principal Monies and Interest secured by the current Year's Mortgages and the postponed Mortgages respectively,

(*f.*) In Payment to the present Creditors rateably of the Interest and Arrears of Interest on the Principal Monies forming Part of the present Debt:

And after and subject to that Payment

(*g.*) In setting apart "the Sinking Fund" by this Act prescribed for paying off the present Debt:

And after and subject to those several Payments, and when the Amount set apart for the current Year in respect of the "Sinking Fund" is not less than One Fifteenth of the then aggregate Amount of the Principal Monies forming Part of the present Debt,

(*h.*) The Surplus if any for the current Year shall be carried to a Fund to be called "the Accumulating Fund."

Current Year's Credits applicable as current Year's Receipts.

51. For the Purpose of paying off Principal Monies and Interest secured by the current Year's Mortgages, all Credits of the current Year properly included in the current Year's Accounts, although realized after the Expiration of the current Year, shall be deemed Part of the current Year's Receipts, and be applied accordingly.

Priority of Mortgages.

52. The current Year's Mortgages shall, with respect to the Monies applicable in respect of the current Year for Payment of the Principal Monies and Interest thereby secured, have Priority to and Preference over all the postponed Mortgages, but no One of the current Year's Mortgages shall have any Priority to or Preference over any other of the current Year's Mortgages, and no one of the postponed Mortgages shall have any Priority to or Preference over any other of the postponed Mortgages.

Interest on Monies secured by Mortgages.

53. The Interest from Time to Time payable on the Monies secured by Mortgages granted under this Act shall commence on the respective Days on which the Monies thereby secured are paid to the Treasurer, and shall fall due on the Thirtieth Day of *June* in every Year, and the first Interest shall fall due on the Thirtieth Day of *June* next after the Payment to the Treasurer of the respective Monies so secured.

Exercise by Court of Powers of Jury.

54. If and whenever the Monies for the current Year standing to the Credit of the General Account are insufficient for the Payment in full of all Interest for the current Year on the current Year's Mortgages and Two Thirds of the Principal Monies secured by those Mortgages, the Court, on the Application of the Two Committees or either

either of them, may, in the Place of the Jury, exercise during the then next Year such of the Powers under this Act of the Jury as the Court think fit.

Payments out of Mortgage Account and General Account.

55. Subject to the Provisions of this Act, and the Regulations from Time to Time in force thereunder with respect to Payments to be made out of Monies standing to the Mortgage Account and the general Account respectively, the Jury from Time to Time may make thereout such Payments for any of the Purposes for which those Monies respectively are applicable as the Three Bodies from Time to Time agree on, or as, failing their Agreement thereon, are determined by the Court; and every such Payment shall be made by means of a Cheque drawn on the Treasurer, and signed by Two or more of the Jurymen and One or more of the Members of each of the Two Committees.

Temporary Investment of Monies by Treasurer.

56. If and whenever there are in the Hands of the Treasurer, standing to the Credit of the Mortgage Account or the General Account, any Monies in excess of what is immediately or is likely to be shortly thereafter required for the Purposes of this Act, the Monies so in excess may, and, on the Request of the Three Bodies or any of them, shall be invested by the Treasurer, in the Names of himself and One of the Jurymen and One of the Members of each of the Two Committees, in the Purchase of Exchequer Bills or other Government Securities, which shall, when requisite, be sold and converted into Money, and the net Monies arising from the Sale or Conversion thereof, and the Interest or Dividends arising from the same until sold, shall be paid to the Treasurer, and shall be carried by him to the Credit of the Mortgage Account, or, as the Case shall be, of the General Account, according as the Monies so invested were taken from those Accounts respectively.

Sinking Fund for paying off present Creditors.

57. The Sinking Fund to be provided under this Act shall be provided for paying off by Composition or otherwise the present Debt, and the Amount to be applied for the Purpose in every Year shall be such a Sum, not exceeding in any One Year One Fifteenth of the then aggregate Amount of the Principal Monies forming Part of the present Debt, as the Monies by this Act made applicable to the Sinking Fund suffice to pay.

The Sinking Fund Account.

58. The Monies from Time to Time applicable for and invested as the Sinking Fund, and the net Monies arising from the Sale and Conversion into Money of the Sinking Fund, shall be carried by the Treasurer to a separate Account, called "the Sinking Fund Account."

The Accumulating Fund Account.

59. The Monies from Time to Time applicable for and invested as the Accumulating Fund, and the net Monies arising from the Sale and Conversion into Money of all or any Part of the Accumulating Fund, shall be carried by the Treasurer to a separate Account, called "the Accumulating Fund Account."

Investment and Increase of Accumulating Fund.

60. The Monies from Time to Time carried to the Accumulating Fund, and the Income from the Accumulations, shall be invested and accumulated in like Manner as the Sinking Fund under this Act and the Income therefrom is to be invested and accumulated.

Periodical Conversion into Money of Accumulating Fund.

61. Except as is by this Act otherwise provided, the Accumulating Fund shall be sold or converted into Money at the End of every Fourteenth Year after the Commencement thereof.

Anticipation by Order of Court of Period of Accumulating Fund.

62. Provided, That if and whenever the Accumulating Fund is sufficient for the Payment in full of all Principal Monies and Interest payable out of the net Proceeds thereof, or for paying off any Part of those Principal Monies and Interest by way of Composition as by this Act provided, the Court, on the Application of the Jury or any other Party interested, may order that the Accumulating Fund or a sufficient Part thereof be sold or converted into Money, although the respective Period of Fourteen Years have not elapsed, and the Order shall be obeyed.

Suspension of Accumulating Fund.

63. If and whenever there is not at the End of the current Year any Principal Money secured by Mortgage under this Act, the present Debt having been satisfied, no Payment to the Accumulating Fund shall be made for that Year, if the Court, on the Application of the Jury, so order, and the Monies which but for the Order would for the current Year be applicable for the Accumulating Fund shall be applied under this Act as if the same were surplus Monies arising from the Sale and Conversion into Money of the Accumulating Fund.

Application of Accumulating Fund.

64. The Accumulating Fund shall, so far as the same will suffice, be applied only as follows:

(*a.*) In making, according to the respective Priority thereof, the several Payments (*b.*), (*c.*), (*d.*), (*e.*), and (*f.*) for which Monies standing to the Credit of the General Account are under this Act applicable:

And after and subject to those Payments

(*b.*) In paying off rateably the present Debt:

And after and subject to that Payment

(*c.*) The Surplus, if any, of the net Monies shall be applied by the Jury for such of the Purposes of the Fishery and in such Manner as the Jury think fit and on their Application the Court order.

Sales by Order of Court of Accumulating Fund.

65. If and whenever the Monies standing to the Credit of the General Account for the current Year are insufficient for making in full the Payment (*b.*) or (*d.*) or (*f.*) to be made thereout for the current Year, the Court, on the Application of the Jury, may order that the Accumulating Fund or a sufficient Part thereof be sold or converted into Money, and the net Proceeds thereof, so far as they will suffice, be applied in making good the Deficiency of all or any of those Payments, and the Order shall be obeyed.

Names in which Sinking Fund and Accumulating Fund to be invested.

66. The Sinking Fund and the Accumulating Fund respectively shall from Time to Time be invested in the Purchase of Exchequer Bills or other Government Securities by the Treasurer, in the Names of himself and One of the Jurymen and One of the Members of each of the Two Committees; and if and whenever, by Death or otherwise, it is requisite that the Investments should be made in the Names of Persons other than those in whom the Investments are then made a Change of the Investments shall be made accordingly; and it shall be a Duty of the Treasurer to provide that, so far as from Time to Time is practicable, the Investments shall at all Times stand in the Names of Four living Persons.

Application of "The Oyster Fishery Petty Cash Account."

67. If and whenever the Three Bodies so agree, or, in case of their failing to agree thereon, the Court so determine, the Treasurer shall carry from the General Account, or, as the Case requires, from the Mortgage Account, out of Monies borrowed on Mortgage for current Expenses, to a separate Account called "the Oyster Fishery Petty Cash Account," such a Sum, not exceeding in the whole at any One Time Two hundred and fifty Pounds, as is so agreed on or determined, for enabling current Expenses for Wages, Commission, and other ordinary current Outgoings to be punctually paid.

Payments out of Petty Cash Account.

68. Subject to the Regulations (if any) from Time to Time in force under this Act with respect to Payments to be made out of Monies standing to the Credit of the Petty Cash Account, the Jury from Time to Time may make thereout such Payments for ordinary current Expenses as they think fit; and every such Payment shall be made by means of a Cheque to Order, drawn on the Treasurer, and signed by any Three or more of the Jurymen.

Mortgagee, &c. not disqualified for

69. A Person shall not be incapable of acting as a Member of the Court, or as a Juryman or otherwise, in the Execution of this Act by reason

acting on Court, &c.

reason of his being a Mortgagee or other Creditor entitled to any of the Benefits of this Act.

Saving Rights of Crown.

70. Nothing in this Act shall authorize the Jury or their Lessees to take, use, or otherwise interfere with any Land, Soil, Tenement, or Hereditament, or any Right in respect thereof, belonging to Her Majesty in right of Her Crown, without the previous Consent in Writing of Her Majesty's Commissioners of Woods, Forests, and Land Revenues, or One of them, (and which Consent they or he may give,) or take away, lessen, prejudice, or alter any of the Estates, Rights, Privileges, or Authorities now or hereafter vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving Rights saved by recited Act.

71. Except only as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any Estate, Right, Interest, Power, or Privilege which is within any of the Savings in Section Nine of the recited Act, or interfere with the Operation or Effect of that Section.

Saving Rights of Lord of Manor and Landholders.

72. Except as is by this Act expressly provided, no Power under this Act shall be exercised so as in any Manner to defeat, lessen, or prejudicially interfere with any Right, Jurisdiction, Usage, or Property of the Lord of any Manor, or the Owner of any Land respectively adjoining to or including the Oyster Grounds or any Part thereof, without in every Case his respective previous Consent in Writing.

Saving Rights of Corporation.

73. Except only as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the Estates, Jurisdictions, Franchises, Rights, Powers, Privileges, or Immunities of the Corporation.

Saving for Three of present Creditors.

74. Inasmuch as the Assent to this Act of *Thomas Field*, *Thomas Tremain*, and *Martha Wickenden*, Three of the present Creditors, has not been proved: Therefore, with respect to each of them, this Act shall not bind or affect him or her, his or her Executors, Administrators, or Assigns, unless and until he, she, or they shall assent to this Act in Writing signed by him, her, or them, and attested by at least One Witness, as follows; that is to say,

'I [*or* we] [ ] hereby assent to the
'"Rochester Oyster Fishery Act, 1865." As witness my Hand [*or*
'our Hands], this Day of A.D. 18 .
'Witness

And the Writing so signed and attested shall within Six Months after the Date thereof be enrolled in the High Court of Chancery, and thenceforth shall be deemed to be Part of this Act.

75. Nothing

Fishery not exempt from Provisions of General Acts.

75. Nothing in this Act shall exempt the Fishery from the Provisions of any General Act already or hereafter passed relating to Oyster Fisheries.

Monies applicable for Expenses of Act.

76. Any Monies standing to the Credit of the Fishery or of the Dredgers in respect of Compensation for Part of the Oyster Grounds taken under the Authority of any Act of Parliament may be applied in or towards the Expenses of obtaining this Act, and any of those Monies in Court may be taken out of Court for the Purpose.

Expenses of Act.

77. All the Costs, Charges, and Expenses of and incidental to the preparing and applying for and the obtaining and passing of this Act, including the Expenses of the present Creditors, in relation to the Bill for this Act, shall be paid by the Jury out of the Monies by this Act made applicable to the Payment thereof.

The FIRST SCHEDULE.

Present Creditors.

	Principal Monies.			Arrears of Interest to 30th June 1866.		
	£	s.	d.	£	s.	d.
Abel, Walter and Ann	30	0	0	4	3	4
Ackworth, Susannah	50	0	0	5	15	8
Ackworth, George and Susan	100	0	0	13	17	6
Anderson, Joseph and Sophia	100	0	0	14	1	1
Baldwin, Thomas, the Executors of	150	0	0	20	11	10
Baldwin, Charity, the Executor of	100	0	0	13	10	0
Beney, James	50	0	0	7	9	9
Beney, Thomas	140	0	0	20	6	11
Beney, Thomas, junior	150	0	0	20	12	6
Betts, Elizabeth	200	0	0	28	15	7
Best, Alfred	30	0	0	4	3	4
Brisley, Susannah, or the Trustees of her Marriage Settlement	200	0	0	29	3	3
Clements, Robert	6,800	0	0	1,070	5	2
Crouch, George, the Executors of	250	0	0	32	16	7
Davison, Jane, Widow	550	0	0	74	11	4
Depo, James and Ann	325	0	0	43	6	4
Ellis, Ann	100	0	0	14	5	1
Fenn, John	92	0	0	13	15	6
Field, Thomas	70	0	0	11	3	0
Filley, John Thompson	60	0	0	8	11	8
Gallon, William, the Executors of	300	0	0	39	5	10
George Inn Benefit Society, the	350	0	0	48	2	3
Gibbs, Thomas and Catherine	110	0	0	14	15	9
Hancock, Mary	300	0	0	39	9	0
Heizman, Anthony and Harriett	330	0	0	43	19	10
Hendy, James; Hendy, Susannah; and Blakey, Ann	300	0	0	39	1	11
Hill, William Blake, and Mary	200	0	0	28	9	5
Hill, Elizabeth; Hill, Thomas John; and William Page	100	0	0	14	5	5
Jarrett, Alicia	500	0	0	71	2	2
Jewess, John Samuel	50	0	0	7	2	0
Jordan, James	20	0	0	2	14	8
Longley, Peggy	245	0	0	34	17	6
Marendaz, Louisa	50	0	0	6	3	2

Rochester Oyster Fishery Act, 1865.

	Principal Monies.			Arrears of Interest to 30th June 1866.		
	£	s.	d.	£	s.	d.
McMillan, Mary, the Executors of	440	0	0	57	12	6
Miles, William	100	0	0	14	3	7
Miles, William and Mary Ann	160	0	0	22	15	7
Newlyn, Thomas and Mary Ann	25	0	0	3	10	5
Norten, Edward and Jane	30	0	0	4	3	4
Obee, Thomas	40	0	0	5	15	10
Odd Fellows, (Golden Lion,) the	141	15	0	18	16	6
Pettit, Sarah	300	0	0	42	12	3
Pettit, John	1,000	0	0	142	7	8
Phillips, Isaac and Fanny	180	0	0	21	18	2
Prall, Richard, junior	310	0	0	43	2	9
Pratt, Thomas; Pratt, Elizabeth; and Pratt, Amelia	650	0	0	92	10	11
Pratt, Thomas and Elizabeth	500	0	0	70	6	6
Pyke, Martha, the Trustees of	500	0	0	69	19	4
Red Cow Amicable Society, the	250	0	0	33	11	0
Saxby, Mary Ann, the Executors of	100	0	0	14	4	1
Tassell, Robert	660	0	0	88	1	9
Tremain, Thomas and Mary	25	0	0	3	19	2
Turpin, Mercy, and Hadlee, Elizabeth	500	0	0	67	0	2
Ward, Mary	550	0	0	72	16	2
Wadhams, Richard	205	0	0	28	12	7
Watson, Joseph, and Ann Baines	85	0	0	12	1	8
Weal, Sarah	50	0	0	7	18	4
Webb, Hannah	190	0	0	26	1	5
Wickenden, Martha	30	0	0	4	12	9
Winch, Richard	500	0	0	66	15	3
Woolsey, Elizabeth	100	0	0	15	12	11
Watermill Amicable Society, the	275	0	0	38	4	6

The SECOND SCHEDULE.

Form of Mortgage.

No. £

By virtue of "The Rochester Oyster Fishery Act, 1865," we, the Jury of Dredgers acting under the Act, in consideration of the Sum of Pounds paid by *A.B.* of to the Chamberlain of the Fishery, as the Treasurer under the Act for the Purposes of the Act for the Year One thousand eight hundred and , do grant unto the said *A.B.* , his Executors, Administrators, and Assigns, such Proportion of the Rochester Oyster Fishery and the Oyster Grounds and the Spat Brood Were and Oysters from Time to Time thereon, and the Monies from Time to Time applicable under the Act for Payments to the Mortgagees of the Fishery as that Sum of Pounds does or shall bear to the whole Sum which is from Time to Time secured by Mortgages under that Act of the Fishery, to hold to the said *A.B.* , his Executors, Administrators, and Assigns, from this Day until that Sum of Pounds, with Interest at per Centum per Annum for the same, be fully paid and satisfied, in accordance with that Act. In witness whereof we, being Five of the Jury, have hereunto set our Hands and Seals, this Day of Anno Domini One thousand eight hundred and .

Form of Transfer of Mortgage.

No. £

I *A.B.* of in consideration of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, or Assigns, the Mortgage No. , dated the Day of One thousand eight hundred and , made by the Jury acting under "The Rochester Oyster Fishery Act, 1865," for securing Pounds raised for the Year One thousand eight hundred , with per Centum Interest [*or, if the Transfer be by Endorsement,* "the within Security"], and all my Estate, Right, and Interest in and to the Oyster Fishery, Oyster Grounds, and Monies thereby granted, and in and to the Principal Money and Interest thereby secured. In witness whereof I have hereunto set my Hand and Seal, this Day of Anno Domini One thousand eight hundred .

Rochester Oyster Fishery Act, 1865.

Form of Lease.

THIS Indenture made the Day of in the Year of our Lord One thousand eight hundred and between *A.B.*, the Chamberlain of the Rochester Oyster Fishery, *C.D.* of *E.F.* of and *G.H.* of Three of the Jury of the said Fishery (herein-after called the Lessors) of the one Part, and *J.K.* of (herein-after called the Lessee) of the other Part, witnesseth, that in pursuance of "The Rochester Oyster Fishery Act, 1865," and for the Considerations herein appearing, the Lessors, but not by way of Warranty or Covenant, do hereby demise to the Lessee all (*describing the Parcels*), with the Appurtenances, to have and to hold the same unto the Lessee, his Executors, Administrators, and Assigns, for the Term of Years from the Day of One thousand eight hundred and yielding and paying therefor (*stating the Rent*), the same to be paid by (*quarterly*) Payments on (*stating the Days of Payment*), and every Payment to be made at the Office in Rochester of the Chamberlain without any Deduction, except for Property or Income Tax; and the Lessee, for himself, his Heirs, Executors, Administrators, and Assigns, doth hereby covenant with the Lessors, their Heirs, Executors, Administrators, and Assigns, as follows:

First, that the Lessee, his Executors, Administrators, or Assigns, will duly pay to the Lessors, their Heirs or Assigns, the Rent hereby reserved, in accordance with the Reservation thereof herein-before contained:

Secondly, and during the Term hereby granted will bear and pay all present and future Landlords and Tenants Taxes, Rates, Assessments, and Impositions whatsoever upon the demised Premises, or the Landlords or Tenants in respect thereof, the Property or Income Tax legally retainable by the Lessee, his Executors, Administrators, or Assigns, out of the Rent only excepted:

Thirdly, and during the Term will properly and sufficiently cleanse and keep in good Order and Condition, stock and manage the demised Oyster Grounds in the Manner from Time to Time most approved for the profitable Management of Oyster Grounds, and will perform and observe with respect to the same the Terms and Conditions following:

(A.) At least £ in every Year to be spent in stocking the Grounds:

(B.) From to in every Year to be Close Time, and no Oysters to be sold or dredged up during that Time (*and so on, stating briefly the Terms and Conditions*):

Fourthly, and the demised Premises so kept and managed with a Stock of Oysters Were or Brood thereon, reasonably estimated to be worth at least £ , will, at the Determination of the Term, quietly yield up to the Lessors, their Heirs or Assigns.

(*Any other Covenants agreed on.*)

Provided, and it is hereby agreed, that if the Rent shall at any Time be for Twenty-eight Days wholly or partly in arrear, and not paid when demanded during

during or after the Twenty-eight Days, or there shall be any Breach of any of the Lessees Covenants herein-before contained, or the Lessee, his Executors, Administrators, or Assigns, shall be bankrupt, or make any Composition with his or their Creditors,

(*Any other Events agreed on may here be stated,*)

then and in every such Case, and notwithstanding any Waiver, express or implied, of any prior Right of Re-entry under this Condition, the Lessors, their Heirs or Assigns, into the demised Premises or any Part thereof in the Name of the whole may re-enter, and the demised Premises may repossess as in their former Estate.

(*Any other Provisions agreed on.*)

In witness whereof the Lessors and Lessee respectively have to these Presents and a Counterpart thereof set their respective Hands and Seals, and the Seal of the Court of Admiralty of the Mayor, Aldermen, and Citizens of the City of Rochester has been to the same respectively affixed, the Day and Year first above written.

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