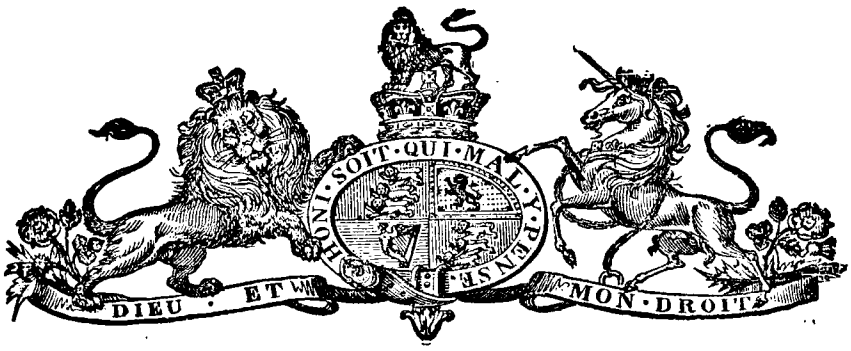


ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. XLV.

An Act to carry into effect a Convention between Her Majesty and the Emperor of the *French* concerning the Fisheries in the Seas adjoining the *British* Islands and *France*, and to amend the Laws relating to *British* Sea Fisheries.

[13th *July* 1868.]

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:

PART I.

Preliminary.

Division of Act.

1. This Act shall be divided into Parts as follows:

Part I. Preliminary.
Part II. Sea Fishery Convention.
Part III. Oyster Fisheries.
Part IV. Legal Proceedings.
Part V. Miscellaneous.

2. This

Short Title.

2. This Act may be cited as The Sea Fisheries Act, 1868.

Commencement of Act.

3. This Act shall (except as is in this Act expressly otherwise provided) come into force on such Day as may be fixed by a Notice in that Behalf published in the *London Gazette*, which Day is in this Act referred to as the Commencement of this Act.

Continuance of Act as herein stated.

4. So much of this Act as relates to *French* Subjects or *French* Sea-Fishing Boats outside of the exclusive Fishery Limits of the *British* Islands, and as gives Powers to *French* Sea-Fishery Officers, shall, on the Determination of the Convention set out in the First Schedule to this Act, cease to apply to *French* Subjects, Boats, and Officers; but, subject as aforesaid, this Act shall continue in force notwithstanding the Determination of that Convention.

Interpretation of Terms:

5. In this Act—

"Sea-Fish:"

The Term "Sea-Fish" does not include Salmon, as defined by any Act relating to Salmon, but, save as aforesaid, includes every Description both of Fish and of Shell Fish which is found in the Seas to which this Act applies; and "Sea-Fishing," "Sea-Fisherman," and other Expressions referring to Sea-Fish shall in this Act be construed to refer only to Sea-Fish as before defined:

"Sea-Fishing Boat:"

The Term "Sea-Fishing Boat" includes every Vessel of whatever Size, and in whatever Way propelled, which is used by any Person in Sea-Fishing, or in carrying on the Business of a Sea-Fisherman:

"British Islands:"

The Term "*British* Islands" includes the United Kingdom of *Great Britain* and *Ireland*, the *Isle of Man*, the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and their Dependencies; and the Terms "*Great Britain* and *Ireland*" and "United Kingdom," as used in the First Schedule to this Act, shall be construed to mean the "*British* Islands" as herein defined:

"Exclusive Fishery Limits:"

The Terms "exclusive Fishery Limits of the *British* Islands" and "exclusive Fishery Limits of *France*" mean the Limits within which the exclusive Right of Fishing is by Article One of the First Schedule to this Act reserved to *British* Subjects and *French* Subjects respectively:

"Consular Officer:"

The Term "Consular Officer" includes Consul General, Consul, and Vice-Consul, and any Person for the Time being discharging the Duties of Consul General, Consul, or Vice-Consul; and the Term "Consular Agent" in the First Schedule to this Act shall be construed to mean Consular Officer:

The

The Term "Court" includes any Tribunal or Magistrate exercising Jurisdiction under this Act: "Court:"

The Term "Person" includes a Body Corporate: "Person:"

The Term "the *Irish* Fishery Commissioners" means the Commissioners acting in execution of the Act of the Session of the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter One hundred and six, intituled *An Act to regulate the* Irish *Fisheries*, and the Acts amending the same. "The Irish Fishery Commissioners."

PART II.

Convention and Fisheries.

General Provisions.

6. The Convention set out in the First Schedule to this Act (referred to in this Act as the Convention) is hereby confirmed, and the Articles thereof and the Declaration thereto annexed shall be of the same Force as if they were enacted in the Body of this Act. Confirmation of Convention.

7. It shall be lawful for Her Majesty from Time to Time, by Order in Council, to make, alter, and revoke Regulations for carrying into execution this Act and the Intent and Object thereof, and for the Maintenance of good Order among Sea-Fishing Boats, and the Persons belonging thereto, and to impose Penalties not exceeding Ten Pounds for the Breach of such Regulations. Power to Her Majesty, by Orders in Council, to make, &c. Regulations for Execution of Act and Maintenance of Order.

8. The following Persons shall have Authority to enforce the Provisions of this Act and of any Order in Council made thereunder; namely, every Officer of or appointed by the Board of Trade, every Commissioned Officer of any of Her Majesty's Ships on Full Pay, every *British* Consular Officer, every Collector and Principal Officer of Customs in any Place in the *British* Islands, every Inspecting Commander of the Coast Guard, every Principal Officer of a Coast Guard Station, and every Commander of any Vessel belonging to the *French* Government, and every Person appointed by the *French* Government to superintend the Fisheries referred to in the Convention; and such Persons are in this Act referred to as Sea-Fishery Officers. Who are to be Sea-Fishery Officers.

9. A Sea-Fishery Officer, for the Purpose of enforcing the Provisions of this Act and of any Order in Council made thereunder, may, with respect to any Sea-Fishing Boat within the exclusive Fishery Limits of the *British* Islands, and with respect to any *British* Powers of Sea-Fishery Officers.

or

or *French* Sea-Fishing Boat outside of those Limits, in the Seas to which this Act applies, exercise the following Powers:

(1.) He may go on board it:

(2.) He may require the Owner, Master, and Crew, or any of them, to produce any Certificates of Registry, Licences, Official Logbooks, Official Papers, Articles of Agreement, Muster Rolls, and other Documents relating to the Boat or to the Crew, or to any Member thereof, or to any Person on board the Boat, which are in their respective Possession or Control on board the Boat, and may take Copies thereof or of any Part thereof:

(3.) He may muster the Crew of the Boat:

(4.) He may require the Master to appear and give any Explanation concerning his Boat and her Crew, and any Person on board his Boat, and the said Certificates of Registry, Licences, Official Logbooks, Official Papers, Articles of Agreement, Muster Rolls, and other Documents, or any of them:

(5.) He may examine all Sails, Lights, Buoys, Barrels, Floats, Nets, and Implements of Fishing belonging to the Boat:

(6.) He may make any Examination and Inquiry which he deems necessary to ascertain whether the Provisions of this Act, or of any Order in Council made thereunder, are complied with:

(7.) He may, in the Case of any Person who has committed any of the Acts constituted Offences by this Part of this Act, or by any Order in Council made thereunder, without Summons, Warrant, or other Process, both take the Offender and the Boat to which he belongs, and the Crew thereof, to the nearest or most convenient Port, and bring him or them before a competent Court, and, subject to Article Twenty-seven of the Convention, detain him, it, and them in the Port until the alleged Offence has been adjudicated upon.

Protection of Fishery Officers.

10. A Sea-Fishery Officer shall be entitled to the same Protection in respect of any Action or Suit brought against him for any Act done or omitted to be done in the Execution of his Duty under this Act as is given to any Officer of Customs by the Customs Consolidation Act, 1853, and (with reference to the Seizure or Detention of any Ship) by any Act relating to the Registry of *British* Ships.

Fishery Regulations.

Penalty on obstructing or disobey-

11. If any Person obstructs any Sea-Fishery Officer in acting under the Powers conferred by this Act, or refuses or neglects to comply with

with any Requisition or Direction lawfully made or given by, or to answer any Question lawfully asked by, any Sea-Fishery Officer in pursuance of this Act, such Person shall be deemed to have committed an Offence against the Fishery Regulations of this Act. ing Sea-Fishery Officer.

12. If any Person belonging to a Sea-Fishing Boat which is either *British* or *French* acts in contravention of Article Eleven of the First Schedule to this Act, such Person shall be deemed to have committed an Offence against the Fishery Regulations of this Act. As to Violation of Article 11 of Convention.

13. If within the exclusive Fishery Limits of the *British* Islands any Person, or if outside of those Limits any Person belonging to a Sea-Fishing Boat which is either *British* or *French*, acts in contravention of Articles Twelve, Fifteen, Sixteen, Seventeen, Nineteen, Twenty, and Twenty-one of the First Schedule to this Act, or any of them, or causes Injury to any Person in any One or more of the following Ways, namely, by assaulting any one belonging to another Sea-Fishing Boat, or by causing Damage to another Sea-Fishing Boat, or to any Property on board thereof or belonging thereto, such Person shall be deemed to have committed an Offence against the Fishery Regulations of this Act. As to Violation of Articles 12, 15, 16, 17, 19, 20, and 21 of Convention.

14. Every Person who has committed an Offence against the Fishery Regulations of this Act within the exclusive Fishery Limits of the *British* Islands, and every Person belonging to a *British* Sea-Fishing Boat who has committed an Offence against those Regulations outside of those Limits, shall be liable to a Penalty of not less than Eight Shillings and not more than Fifty Pounds, or, in the Discretion of the Court, to Imprisonment for not less than Two Days and not more than Three Months, with or without Hard Labour. Penalty for Offences.

If the Offence is One by which some Injury has been caused in any of the Ways before mentioned the Court may order the Offender to pay in addition to any Penalty a reasonable Sum as Compensation to the Person injured, which Sum may be recovered in the same Manner as a Penalty under this Act.

15. Where a Person belonging to a *French* Sea-Fishing Boat has committed, outside of the exclusive Fishery Limits of the *British* Islands, an Offence against the Fishery Regulations of this Act, he shall, after the Evidence is taken as provided by this Act, be sent back to *France* for Trial. Offender belonging to a French Boat to be sent back to France.

Exclusive Fishery Limits.

Penalties for Violation of exclusive Limits.

16. If any Person belonging to a *French* Sea-Fishing Boat acts in contravention of Articles Thirty-two, Thirty-three, and Thirty-five of the First Schedule to this Act, or any of them, the Master or Person for the Time being in charge of such Boat shall be liable for the First Offence to a Penalty not exceeding Ten Pounds; for the Second or any subsequent Offence to a Penalty not exceeding Twenty Pounds.

And the Court may order that in default of Payment of any such Penalty the Boat to which the Offender belongs may be detained in some Port of the *British* Islands for a Period not exceeding Three Months from the Date of the Sentence inflicting the Penalty.

Entry of Boats and Sale of Fish.

As to Suspension of Article 31 of Convention.

17. Article Thirty-one of the Convention and the Declaration annexed to the Convention shall not come into force until such Day as may be fixed in that Behalf by a Notice published in the *London Gazette*.

Power to Commissioners of Customs to make Regulations respecting Report and Entry of Sea-Fishing Boats.

18. The Commissioners of Her Majesty's Customs may from Time to Time make, alter, and revoke Regulations for carrying into effect Article Thirty-one of the Convention, and respecting the Report of *British* Sea-Fishing Boats which have visited Foreign Ports, and of Sea-Fishing Boats which are not *British*, and respecting the Entry and Landing of Fish taken by Sea-Fishing Boats which are not *British*, or respecting any of such Matters, and may for such Purpose alter and dispense with all or any of the Regulations and Enactments relating to the aforesaid Matters which are contained in this or any other Act, or are otherwise from Time to Time in force.

The Regulations so made shall be deemed to be Regulations within the Meaning of Section Two hundred of the Customs Consolidation Act, 1853.

As to the Sale of Fish.

19. After the Commencement of this Act all Restrictions whatever, in *England*, on the Sale of Sea-Fish, as defined by this Act, which is not diseased, unsound, unwholesome, or unfit for the Food of Man, shall be abolished.

Lights.

As to Violation of Articles 13 and 14 of Convention.

20. Articles Thirteen and Fourteen of the First Schedule to this Act shall, as to all Sea-Fishing Boats within the exclusive Fishery Limits of the *British* Islands, and as to *British* Sea-Fishing Boats outside of these Limits, have the same Force as if they were

Regulations

Regulations respecting Lights within the Meaning of the Acts relating to Merchant Shipping, with this Addition, that any Sea-Fishery Officer shall have the same Powers of enforcing such Regulations as are given to any Officer by such Acts, and any Infringement of the Regulations contained in Articles Thirteen and Fourteen shall be deemed an Offence within the Meaning of the Portion of this Act which gives Power to Sea-Fishery Officers.

Article 22 to be deemed included in Term "Wreck."

21. The Boats and Articles specified in Article Twenty-two of the First Schedule to this Act shall be deemed to be included in the Term "Wreck" as used in any Act relating to Merchant Shipping.

Registry of Sea-Fishing Boats.

As to Entry or Registry of British Sea-Fishing Boat.

22. Subject to any Exemptions allowed by or in pursuance of any Order in Council made as herein-after mentioned, every *British* Sea-Fishing Boat shall, as required by Articles Four, Five, Six, Seven, and Eight of the Convention, be lettered and numbered and have Official Papers, and shall for that Purpose be entered or registered in a Register for Sea-Fishing Boats.

A *British* Sea-Fishing Boat which is required to be entered or registered in pursuance of this Part of this Act, but is not so entered or registered, shall not be entitled to any of the Privileges or Advantages of a *British* Sea-Fishing Boat, but all Obligations, Liabilities, and Penalties with reference to such Boat, and the Punishment of Offences committed on board her, or by any Persons belonging to her, and the Jurisdiction of Officers and Courts, shall be the same as if such Boat were actually so entered or registered.

If any *British* Sea-Fishing Boat required to be entered or registered in pursuance of this Part of this Act, and not being so entered or registered, is used as a Sea-Fishing Boat in the Seas to which this Act applies, the Owner and the Master of such Boat shall each be liable to a Penalty not exceeding Twenty Pounds; and any Sea-Fishery Officer may seize and detain such Boat and prevent it from going to Sea and from Sea-Fishing until it is duly entered or registered, and may for that Purpose, if it is at Sea, take it back into the nearest or most convenient Port in the *British* Islands.

Power to Her Majesty in Council to provide for Registry of British Sea-Fishing Boats.

23. It shall be lawful for Her Majesty by Order in Council from Time to Time to do all or any of the following Things; namely,

(*a.*) To make Regulations for carrying out, enforcing, and giving Effect to both the Entry and Registry of *British* Sea-Fishing

Fishing Boats, and also Articles Four, Five, Six, Seven, and Eight of the First Schedule to this Act:

(*b.*) To adopt in such Regulations any existing System of Registry or lettering and numbering of Boats, and to provide for bringing any such System into conformity with the Requirements of the Convention and this Act, and with the said Regulations:

(*c.*) To define the Boats or Classes of Boats to which such Regulations or any of them are to apply, and to provide for the Exemption of any Boats or Classes of Boats from such Regulations or any of them, and from the Provisions of this Part of this Act with respect to Entry or Registry and the Possession of a Certificate of Registry and Official Papers:

(*d.*) To apply to the Entry and Registry respectively of Sea-Fishing Boats so defined, and to all Matters incidental thereto, such (if any) of the Enactments contained in any Act relating to the Registry of *British* Ships, and with such Modifications and Alterations as may be found desirable:

(*e.*) To impose Penalties not exceeding Twenty Pounds for the Breach of any Regulations made by any Order in Council, for the Breach of which a Punishment cannot be provided by the Application of the Enactments contained in any Act relating to the Registry of *British* Ships:

(*f.*) To alter and revoke an Order so made:

And every such Order shall be of the same Force as if it were enacted in this Act.

As to Effect of Registry.

24. In all Proceedings against the Owner or Master of or any Person belonging to any Boat registered or entered in the Register for Sea-Fishing Boats for Offences against the Fishery Regulations or Regulations as to Lights in this Act, and in all Actions or Suits for the Recovery of Damages for Injury done by any such Boat, such Register, or the Register under any Act relating to the Registry of *British* Ships as to Boats registered therein, shall be conclusive Evidence that the Persons registered at any Date as Owners of such Boat were at that Date Owners thereof, and that the Boat is a *British* Sea-Fishing Boat: Provided that—

(1.) This Provision shall not prevent any Proceedings, Action, or Suit being taken or instituted against any Person not registered who is beneficially interested in the Boat:

(2.) This Provision shall not affect the Rights of the Owners among themselves, or the Rights of any registered Owner against

against any Person not registered who is beneficially interested in the Boat:

(3.) Save as aforesaid, Entry or Registry in the Register for Sea-Fishing Boats shall not confer, take away, or affect any Title to or Interest in any Sea-Fishing Boat.

Sect. 207 of 16 & 17 Vict. c. 107. not to apply to certain Boats.

25. The Two hundred and seventh Section of the Customs Consolidation Act, 1853, shall not apply to any *British* Sea-Fishing Boat entered or registered in pursuance of this Part of this Act.

Sea-Fishing Boats within exclusive Limits to have Official Papers.

26. Subject to any Exemptions allowed by or in pursuance of such Order in Council, the Master of every Sea-Fishing Boat within the exclusive Fishery Limits of the *British* Islands, and of every *British* Sea-Fishing Boat outside of those Limits, shall have on board his Boat, if it is a *British* Sea-Fishing Boat required by this Part of this Act to be entered or registered, the Certificate of Registry or Official Papers issued to the Boat in pursuance of any Act relating to the Registry of *British* Ships, or of this Part of this Act, and if it is not *British*, then Official Papers evidencing the Nationality of such Boat.

The Master of any such Boat who acts in contravention of this Section, unless there is a reasonable Cause for not having such Certificate or Official Papers (Proof whereof shall lie on him), shall be liable, together with his Boat and Crew, to be taken by any Sea-Fishery Officer, without Warrant, Summons, or other Process, into the nearest or most convenient Port, and there to be ordered by the Court, on any Proceeding in a summary Manner, to pay a Penalty not exceeding Twenty Pounds, and if such Penalty is not paid, and the Boat is not *British*, such Boat may be detained in Port for a Period not exceeding Three Months from the Date of the Sentence.

PART III.

OYSTER FISHERIES.

Note.—As to this Part see 29 & 30 Vict. c. 85. and 30 & 31 Vict. c. 18.

Preliminary.

Part III. not to apply to Places herein stated.

27. This Part of this Act shall not interfere with the Jurisdiction or Powers now possessed by the *Irish* Fishery Commissioners with regard to Oyster Fisheries, and shall not apply to *Ireland*, the *Isle of*

of Man, or the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, or their Dependencies, or to the Seas adjoining the same, within the exclusive Fishery Limits of the *British* Islands, or to any Seas outside of those exclusive Fishery Limits.

Interpretation of certain Terms.

28. In this Part of this Act the Words "Oysters" and "Mussels" respectively include the Brood, Ware, Half-ware, Spat, and Spawn of Oysters and Mussels respectively.

In this Part of the Act the Expression "Oyster and Mussel Fishery" includes a Fishery for either Oysters or Mussels separately, and the Term "Oyster or Mussel Fishery" includes a Fishery for both Oysters and Mussels; and the Provisions of this Part of this Act shall be construed to apply in the Case of any Fishery to Oysters and Oyster Ground and Beds alone, or to Mussels and Mussel Ground and Beds alone, or to both Oysters and Mussels and Oyster and Mussel Ground and Beds, according as the Right of Fishery is for Oysters alone, or for Mussels alone, or for both Oysters and Mussels.

Order for Fishery.

Power to Board of Trade on Memorial to make Order for Oyster Fishery.

29. An Order for the Establishment or Improvement, and for the Maintenance and Regulation, of an Oyster and Mussel Fishery on the Shore and Bed of the Sea, or of an Estuary or tidal River, above or below, or partly above and partly below, Low-water Mark (which Shore and Bed are in this Part of this Act referred to as the Sea Shore), and including, if desirable, Provisions for the Constitution of a Board or Body Corporate for the Purpose of such Order, may be made under this Part of this Act, on an Application by a Memorial in that Behalf presented to the Board of Trade by any Persons desirous of obtaining such an Order (which Persons are in this Part of this Act referred to as the Promoters).

Publication of Draft Order and Notice to Owners of adjoining Lands, &c.

30. If on Consideration of the Memorial the Board of Trade think fit to proceed in the Case, the Promoters shall cause printed Copies of the Draft of the Order as proposed by them (with such Modifications, if any, as the Board of Trade require) to be published and circulated in such Manner as the Board of Trade think sufficient and proper for giving Information to all Parties interested, and shall give Notice of the Application, in such Manner as the Board of Trade direct or approve, to the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers (if any) of the Portion of the Sea Shore to which the proposed Order relates, and of the Lands adjoining thereto.

31. During

Objections and Representations respecting Order.

31. During One Month after the first Publication of the Draft Order the Board of Trade shall receive any Objections or Representations made to them in Writing respecting the proposed Order.

Inquiry into proposed Order by public Sittings.

32. The Board of Trade shall, as soon as conveniently may be after the Expiration of the said Month, appoint some fit Person to act as Inspector respecting the proposed Order.

The Inspector shall proceed to make an Inquiry concerning the Subject Matter of the proposed Order, and for that Purpose to hold a Sitting or Sittings in some convenient Place in the Neighbourhood of the Portion of the Sea Shore to which the proposed Order relates, and thereat to take and receive any Evidence and Information offered, and hear and inquire into any Objections or Representations made respecting the proposed Order, with Power from Time to Time to adjourn any Sitting; and the Inspector may, for the Purpose of such Inquiry, take Evidence, and by Summons under his Hand require the Attendance of any Person, and examine him and any Person who attends before him, on Oath or otherwise, as he thinks expedient, and may administer an Oath or take any Affidavit or Declaration for the Purpose of the Inquiry; and any Person so summoned who, after Tender to him of his reasonable Expenses, refuses or neglects to obey such Summons, and any Person who refuses or neglects to answer any Question which the Inspector is authorized to ask, shall be liable, on summary Conviction, to a Penalty not exceeding Ten Pounds for each Offence; and any Person who wilfully gives false Evidence in any Examination on Oath in any such Inquiry, or in an Affidavit or Declaration to be used in any such Inquiry, shall be deemed guilty of Perjury.

Notice shall be published in such Manner as the Board of Trade direct of every such Sitting (except an adjourned Sitting) Fourteen Days at least before the holding thereof.

Report of Inspector as to proposed Order.

33. The Inspector shall make a Report in Writing to the Board of Trade setting forth the Result of the Inquiry, and stating whether in his Opinion the proposed Order should be approved, with or without Alteration, and if with any, then with what Alteration, and his Reasons for the same, and the Objections and Representations, if any, made on the Inquiry, and his Opinion thereon.

Settlement and making of Order.

34. As soon as conveniently may be after the Expiration of the said Month, or after the Receipt by the Board of Trade of the Report of the Inspector, they shall proceed to consider the Objections or Representations that have been made respecting the proposed Order and also the Report of the Inspector, and thereupon they shall either

either refuse the Application or settle and make an Order in such Form and containing such Provisions as they think expedient.

Publication of Order.

35. Where the Board of Trade make an Order, the Promoters shall cause it to be published and circulated in such Manner as the Board of Trade think sufficient for giving Information to all Parties interested, and shall give Notice of it, in such Manner as the Board of Trade direct or approve, to the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers (if any) of the Portion of the Sea Shore to which the Order relates, and of the Lands adjoining thereto.

Expenses connected with Order.

36. All Expenses incurred by the Board of Trade in relation to any Memorial, or to any Order consequent thereon, shall be defrayed by the Promoters, and the Board of Trade shall, if they think fit, on or at any Time after the Presentation of the Memorial, require the Promoters to pay to the Board of Trade such Sum as the Board of Trade think requisite for or on account of those Expenses, or to give Security to the Satisfaction of the Board of Trade for the Payment of those Expenses on Demand.

Confirmation of Order by Act of Parliament.

37. An Order of the Board of Trade under this Part of this Act shall not of itself have any Operation, but the same shall have full Operation when and as confirmed by Act of Parliament, with such Modifications, if any, as to Parliament seem fit.

Power to refer Order to a Select Committee if opposed.

38. If in the Progress through Parliament of a Bill confirming an Order a Petition is presented to either House of Parliament against the Order, the Bill, as far as it relates to the Order petitioned against, may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose as in case of a Private Bill.

As to Amendment of Order by Board of Trade.

39. The Board of Trade may from Time to Time make an Order for amending an Order that has been confirmed by Act of Parliament, and all the Provisions of this Part of this Act relative to an original Order shall apply also to an amending Order, *mutatis mutandis*.

Effect of Grant of Several Oyster Fishery.

40. Where an Order of the Board of Trade under this Part of this Act confers a Right of Several Oyster and Mussel Fishery, the Persons obtaining the Order, in this Act referred to as the Grantees, shall, by virtue of the Order and of this Part of this Act, but subject to any Restrictions and Exceptions contained

tained in the Order, have, within the Limits of the Fishery, the exclusive Right of depositing, propagating, dredging, and fishing for, and taking Oysters and Mussels, and in the Exercise of that Right may, within the Limits of the Fishery, proceed as follows, namely, make and maintain Oyster and Mussel Beds or either of them, and at any Season 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.

Effect of Grant of Power of regulating Fishery.

41. Where an Order of the Board of Trade under this Part of this Act, without conferring a Right of Several Oyster and Mussel Fishery, confers a Right of regulating an Oyster and Mussel Fishery, and imposes Restrictions on or makes Regulations respecting the dredging and fishing for and taking Oysters and Mussels, or either of them, within the Limits of the regulated Fishery, or imposes Tolls or Royalties upon Persons dredging, fishing for, and taking Oysters and Mussels, or either of them, within the Limits of such Fishery, the Persons obtaining the Order, in this Act included in the Term the Grantees, shall, by virtue of the Order and of this Part of this Act, but subject to any Restrictions and Exceptions contained in the Order, have Power to do all or any of the following Things; namely,

(*a.*) To carry into effect and enforce such Restrictions and Regulations:

(*b.*) To levy such Tolls or Royalties:

(*c.*) To provide for depositing and propagating Oysters and Mussels within the Limits of the Fishery, and for improving and cultivating the Fishery.

All such Restrictions, Regulations, Tolls, and Royalties shall be imposed on and apply to all Persons equally, and shall be for the Benefit of the Fishery only, and the Tolls and Royalties shall be applied in the Improvement and Cultivation of the Fishery.

Any Person who dredges or fishes for or takes any Oysters or Mussels in contravention of any such Restriction or Regulation, or without paying any such Toll or Royalty, shall be liable on summary Conviction to pay a Penalty not exceeding Twenty Pounds, and to forfeit all Oysters and Mussels so taken, or a Sum equal to the Value thereof if they have been sold, which Forfeiture may be enforced in the same Manner as a Penalty.

The Court may direct such Forfeiture to be delivered or paid to the Grantees to be applied by them for the Improvement and Cultivation of the Fishery.

42. When-

Proof of marking of Limits.

42. Whenever it is necessary in any legal Proceeding to prove that, in pursuance of any Act of Parliament or of an Order under this Part of this Act, the Limits of any Oyster and Mussel Fishery have been duly buoyed or otherwise marked, or Notices of such Limits have been duly published, posted, or distributed, or that Notice of the Provisions of the Order or of such Act relating to the Oyster and 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.

Fishery to be within County for Purposes of Jurisdiction.

43. The Portion of the Sea Shore to which an Order of the Board of Trade under this Part of this Act relates (as far as it is not by Law within the Body of any County) shall for all Purposes of Jurisdiction be deemed to be within the Body of the adjoining County, or to be within the Body of each of the adjoining Counties, if more than One.

Limitation on Term of Several Fishery.

44. The Board of Trade shall not in any Case make an Order conferring a Right of Several Oyster and Mussel Fishery, or a Right of regulating an Oyster and Mussel Fishery, for a longer Period at once than Sixty Years.

Condition for Cesser of Several Fishery, if no adequate Benefit.

45. A Right of Several Oyster or Mussel Fishery conferred by an Order of the Board of Trade under this Part of this Act, or by "The *Roach River* Oyster Fishery Act, 1866," and a Right of regulating an Oyster and Mussel Fishery, shall, notwithstanding anything in the Order or in the said Act, be determinable by a Certificate of the Board of Trade (which Certificate they are hereby empowered to make) certifying to the Effect that the Board of Trade are not satisfied that the Grantees under the Order, or the Company under the said Act (as the Case may be), are properly cultivating the Oyster or Mussel Ground within the Limits of such Fishery, or are properly carrying into effect and enforcing the Restrictions and Regulations, and levying the Tolls or Royalties; and on any such Certificate being made, the Right of Several Fishery or Right of regulating the Fishery (as the Case may be) by such Order or the said Act conferred shall, by virtue of this Part of this Act and of the Certificate, be absolutely determined, and all Provisions of this Part of this Act or of the

the said Act shall cease to operate in relation to such Fishery as a Several Oyster and Mussel Fishery or as a regulated Fishery.

For the Purposes of this Provision the Board of Trade may from Time to Time, with respect to any such Fishery, make such Inquiries and Examination by an Inspector or otherwise, and require from the Grantees or Company such Information, as the Board of Trade think necessary or proper, and the Grantees or Company shall afford all Facilities for such Inquiries and Examination, and give such Information, accordingly.

Consent with respect to Rights of the Crown or Duchies of Lancaster and Cornwall.

46. Where any Portion of the Sea Shore proposed to be comprised in an Order of the Board of Trade under this Part of this Act belongs to Her Majesty, Her Heirs or Successors, in right of the Crown, but is not under the Management of the Board of Trade, or forms Part of the Possessions of the Duchy of *Lancaster* or of the Duchy of *Cornwall*, the Board of Trade shall not make the Order without such Consent as herein-after mentioned; namely,

In the first-mentioned Case of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them:

In the secondly-mentioned Case of the Chancellor of the Duchy of *Lancaster* in Writing under his Hand attested by the Clerk of the Council of the Duchy:

In the thirdly-mentioned Case of the Duke of *Cornwall*, or other the Persons for the Time being empowered to dispose for any Purpose of Lands of the Duchy of *Cornwall*.

Compensation to Landowners, &c.

47. Where any Portion of the Sea Shore comprised in an Order of the Board of Trade under this Part of this Act does not belong to Her Majesty, Her Heirs or Successors, in right of the Crown, or form Part of the Possessions of the Duchy of *Lancaster* or of the Duchy of *Cornwall*, the Board of Trade shall incorporate in the Order "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation (*Scotland*) Act, 1845," as the Case requires, and shall apply the Provisions thereof respectively to the Purchase or taking of such Portion of the Sea Shore.

Order of Board of Trade not to abridge Right of Several Fishery, &c.

48. No Order made by the Board of Trade under this Part of this Act shall take away or abridge any Right of Several Fishery, or any Right on, to, or over any Portion of the Sea Shore, which Right is enjoyed by any Person under any Local or Special Act of Parliament, or any Royal Charter, Letters Patent, Prescription, or immemorial Usage, without the Consent of such Person.

49. The

Copies of Orders and Acts printed by Queen's Printer to be kept for Sale.

49. The Persons obtaining an Order under this Part of this Act shall at all Times keep at some convenient Place, in the Neighbourhood of the Portion of the Sea Shore to which the Order relates, Copies of the Order with the Act confirming it, and of this Part of this Act, printed respectively by some of Her Majesty's Printers, and shall sell such Copies to all Persons desiring to buy them at a Price not exceeding Sixpence for One Copy of this Part of this Act and of the Order and of the Act confirming it together.

If any such Persons fail to comply with this Provision, they shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding One Pound for every Day during which such Failure continues after the Day on which the First Penalty is incurred.

Annual Report of Board of Trade.

50. There shall be annually laid before both Houses of Parliament a Report of the Board of Trade respecting the Applications to and Proceedings of the Board of Trade under this Part of this Act during each Year.

Protection of Oyster Beds.

Property in Oysters, &c. within Several Fishery.

51. All Oysters and Mussels being in or on an Oyster or Mussel Bed within the Limits of a Several Oyster and Mussel Fishery granted by an Order under this Part of this Act, and all Oysters being in or on any private Oyster Bed which is owned by any Person independently of this Act, and is sufficiently marked out or sufficiently known as such, shall be the absolute Property of the Grantees or of such Owner, as the Case may be, 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 the Grantees and such Owner respectively.

Property in Oysters, &c. removed from Several Fishery.

52. All Oysters and Mussels removed by any Person from an Oyster or Mussel Bed within the Limits of any such Several Fishery, and all Oysters removed by any Person from any such private Oyster Bed, and not either sold in Market overt or disposed of by or under the Authority of the Grantees or Owner (as the Case may be), shall be the absolute Property of the Grantees and Owner respectively, 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 the Grantees and Owner respectively.

53. It

Protection of Several Fishery.

53. It shall not be lawful for any Person other than the Grantees, their Agents, Servants, and Workmen, within the Limits of any such Several Fishery, or in any Part of the Space within the same described in this Behalf in the Order, or other than the Owner of any such private Oyster Bed, his Agents, Servants, and Workmen, within the Limits of such Bed, 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 or Mussel Bed, or Oysters or Mussels, or the Oyster or Mussel 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 prejudicial or likely to be prejudicial to any Oyster or Mussel Bed, or Oysters or Mussels, or to the Oyster or Mussel Fishery, except for a lawful Purpose of Navigation or Anchorage:

To disturb or injure in any Manner, except as last aforesaid, any Oyster or Mussel Bed, or Oysters or Mussels, or the Oyster or Mussel Fishery:

And if any Person does any Act in contravention of this Section he shall 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 Grantees and Owner respectively for all Damage sustained by them or him by reason of his unlawful Act, and in default of Payment the same may be recovered from him by the Grantees and Owner respectively by Proceedings in any Court of competent Jurisdiction (but not in a summary Manner, whether he has been prosecuted for or convicted of an Offence against this Section or not.

Limits of Fishery to be kept marked out.

54. Provided always, That nothing in the last foregoing Section shall make it unlawful for any Person to do any of the Things therein mentioned,—

(*a.*) In the Case of a Fishery granted by an Order under this Part of this Act, if at the Time of his doing the same the Limits of the Several Fishery or of the Space within the same described in that Behalf in the Order are not sufficiently marked out in manner prescribed by or under the Order,

or if Notice of those Limits has not been given to him in manner so prescribed:

(*b.*) In the Case of a private Oyster Bed owned by any Person independently of this Act, if it is not sufficiently marked out and known as such.

Contiguous Fisheries.

55. When Two or more Oyster or Mussel Beds or Fisheries belonging to different Proprietors are contiguous to each other, and any Proceeding by Indictment or otherwise is taken against any Person for stealing Oysters or Mussels from any Bed formed under an Order made in pursuance of this Part of this Act, or for stealing Oysters from any Bed formed independently of this Act, it shall be sufficient, in alleging and proving the Property and lawful Possession of the Oysters or Mussels stolen, and the Place from which they were stolen, to allege and prove that they were the Property of and in the lawful Possession of one or other of such Proprietors, and were stolen from one or other of such contiguous Beds or Fisheries.

Application of Act to Orders, &c. under 29 & 30 Vict. c. 85.

56. This Part of this Act shall, as to all Orders made under the Oyster and Mussel Fisheries Act, 1866, which have been or may be confirmed in this Session of Parliament, apply in the same Manner as if they had been made and confirmed in pursuance of this Part of this Act.

All Orders made under the Oyster and Mussel Fisheries Act, 1866, before the Commencement of this Act, and not so confirmed, and all Proceedings taken before the Commencement of this Act with a view to obtain any such Orders, shall have Effect and be proceeded with as if they had been respectively made and taken under this Part of this Act.

PART IV.

Legal Proceedings.

Mode of recovering Penalties.

57. All Penalties, Offences, and Proceedings under this Act, or under any Order in Council made thereunder, (except any Felony, and except as otherwise provided,) may be recovered, prosecuted, and taken in a summary Manner, and—

In *England*, before any Justice, and

In

In *Scotland*, before any Court or Judge acting under the Summary Procedure Act, 1864, and any Act amending the same, in manner directed by those Acts, and

In the *Isle of Man*, and the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark* respectively, before any Court, Governor, Deputy Governor, Deemster, Jurat, or other Magistrate, in the Manner in which the like Penalties, Offences, and Proceedings are by Law recovered, prosecuted, and taken, or as near thereto as Circumstances admit.

Appeal.

58. If any Person feels aggrieved by any Conviction under this Act, or by any Determination or Adjudication of the Court with respect to any Compensation under this Act, where the Sum adjudged to be paid exceeds Five Pounds, or the Period of Imprisonment adjudged exceeds One Month, he may appeal therefrom in manner following; (that is to say,)

In *England*, in manner directed by Law, subject, in the City of *London* and the Metropolitan Police District, to the Enactments in that Behalf made, and subject elsewhere to the Conditions and Regulations following:

1. The Appeal shall be made to some Court of General or Quarter Sessions for the County or Place in which the Court whose Decision is complained of has Jurisdiction, holden not less than Fifteen Days and not more than Four Months after the Decision of the Court from which the Appeal is made:
2. The Appellant shall within Three Days after the said Decision give Notice in Writing to the other Party of his Intention to appeal, and the Ground of such Appeal:
3. Immediately after such Notice the Appellant shall before a Justice of the Peace enter into Recognizances with Two sufficient Sureties conditioned personally to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as may be awarded by the Court:
4. The Court may adjourn the Appeal, and upon the Hearing thereof they may reverse, confirm, or modify the Decision of the Justice or Justices, with or without Costs to be paid by either Party:

In *Ireland*, in manner directed by the Petty Sessions, *Ireland*, Act, 1851, and any Act amending the same:

In *Scotland*, the *Isle of Man*, and the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*, in manner in which Appeals from the like Convictions and Determinations and Adjudications are made.

59. Where

Proceedings where Offender belongs to a French Boat.

59. Where a Person belonging to a *French* Sea-Fishing Boat is charged with having committed outside of the exclusive Fishery Limits of the *British* Islands an Offence against the Fishery Regulations of this Act, the Court shall have Jurisdiction to hear and shall hear the Case in the same Manner as if such Person were liable to a Penalty under this Act, subject to the following Provisions:

(1.) The Statement on Oath of each Witness shall be put into Writing, and such Writing, in this Act referred to as the Deposition, shall (in the Presence of the Accused, unless he has left the Port,) be read over to and signed by the Witness and by the Person or One of the Persons who constitute the Court:

(2.) After the Examination of all the Witnesses has been completed the Court shall inquire whether the Accused has any Answer to make to the Accusation, and shall warn him that what he says may be given in Evidence against him:

(3.) Any Statement made by the Accused shall be put into Writing, and signed by the Person or Persons constituting the Court, and added to the Depositions:

(4.) If the Court is of opinion that the Evidence is not sufficient to put the Accused upon his Trial, or to raise a strong or probable Presumption of his Guilt, the Court shall order him to be discharged. If the Court is of the contrary Opinion, the Court shall make an Order directing him to be sent back to *France* for Trial, and directing the Depositions to be sent to the Collector of Customs of the Port for Transmission to the *British* Consular Officer of the Port to which the Accused belongs:

(5.) All Proceedings under this Section shall, if possible, be completed before the Expiration of Three clear Days after the Arrival of the Offender at the Port in the *British* Islands.

Jurisdiction of Courts.

60. For the Purpose of giving Jurisdiction to Courts under this Act the following Provisions shall have Effect:

(1.) A Sea-Fishing Boat shall be deemed to be a Ship within the Meaning of any Act relating to Offences committed on board a Ship:

(2.) The same Court shall have Power to exercise the Jurisdiction conferred by this Act with respect to an Offence committed by a Foreign Subject as would have Jurisdiction to try such Offence if it had been committed by a *British* Subject.

61. If

Evidence taken in France.

61. If any Offender belonging to a *British* Sea-Fishing Boat is taken into a *French* Port in pursuance of the Convention, the Depositions, Minutes, and other Documents, authenticated in manner provided by Article Twenty-eight of the Convention, shall be receivable in Evidence without further Proof of their Authenticity, and a Certificate under the Seal of a *French* Consular Officer in the *British* Islands that such Documents have been so authenticated shall be conclusive Evidence of the Fact.

If the Depositions were taken in the Presence of and so as to be understood by the Accused, or if the Accused had an Opportunity of cross-examining the Deponents, or if the Minutes are Minutes of a Judicial Proceeding at which the *British* Consular Officer of the Port was present, and in which the Matter in dispute was fairly investigated, and the Accused had an Opportunity of making his Defence, the *British* Consular Officer shall certify such Fact or Facts under his Hand and Seal, and until the contrary is proved such Certificate shall be sufficient Evidence of the Matters therein stated, and such Seal, Signature, and Certificate shall be deemed to be a Seal, Signature, and Document within the Meaning of Sections Three and Five of the Act of the Session of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter Forty-two, intituled *An Act to enable Diplomatic and Consular Agents abroad to administer Oaths and do Notarial Acts.*

Service to be good if made personally or on board Ship.

62. Service of any Summons or other Matter in any legal Proceeding under this Act shall be good Service if made personally on the Person to be served, or at his last Place of Abode, or if made by leaving such Summons for him on board any Sea-Fishing Boat to which he may belong, with the Person being or appearing to be in command or charge of such Boat.

Masters of Boats liable to Penalties imposed.

63. Where any Offence against the Fishery Regulations of this Act has been committed by some Person belonging to any Sea-Fishing Boat, the Master or Person for the Time being in charge of such Boat shall in every Case be liable to pay any Penalty imposed or Compensation awarded in respect of such Offence, unless the Person who actually committed such Offence is proved guilty to the Satisfaction of the Court.

Any Penalty under this Act, except a Penalty for the Non-payment of which Detention in a Port is specially provided as the Remedy, may be recovered in the ordinary Way, or, if the Court think fit so to order, by Distress or Poinding and Sale of the Sea-Fishing Boat to which the Offender belongs, and her

Tackle, Apparel, and Furniture, and any Property on board thereof or belonging thereto, or any Part thereof.

Application of Penalties.

64. The Court imposing any Penalty or enforcing any Forfeiture under this Act may, if it think fit, direct the whole or any Part thereof to be applied in or towards Payment of the Expenses of the Proceedings; and, subject to such Direction, and to any Direction given under any express Provision in this Act, all Penalties and Forfeitures recovered under this Act shall be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Commissioners of the Treasury may direct, and shall be carried to the Consolidated Fund.

Saving of Rights as herein stated.

65. Nothing in this Act shall prevent any Person being liable under any other Act or otherwise to any Indictment, Proceeding, Punishment, or Penalty, other than is provided for any Offence by this Act, so that no Person be punished twice for the same Offence.

Nothing in this Act, or in any Order in Council made thereunder, nor any Proceedings under such Act or Order with respect to any Matter, shall alter the Liability of any Person in any Action or Suit with reference to the same Matter, so that no Person shall be required to pay Compensation twice in respect of the same Injury.

PART V.

MISCELLANEOUS.

Confirmation of Treaties for exempting from DuesForeign Sea-Fishing Boats entering British Ports from Stress of Weather.

66. Whereas by a Convention concluded between the United Kingdom and *France* on the Twenty-sixth Day of *January* One thousand eight hundred and twenty-six it was, amongst other Matters, agreed that Sea-Fishing Boats of either Country, when forced by Stress of Weather to seek Shelter in the Ports or on the Coasts of the other Country, should on certain Conditions be exempted from all Dues to which they would otherwise be liable, and Doubts have arisen whether that Part of the said Convention has ever been confirmed by the Authority of Parliament, and it is expedient to remove such Doubts, and to enable Her Majesty to provide for the due Execution of the said Convention and of any other like Convention or Treaty which may be made by Her Majesty: Be it enacted, That where any such Convention or Treaty as mentioned in this Section has been or may hereafter be concluded with any Foreign Country, Her Majesty may by Order in Council direct that every Sea-Fishing Boat belonging to such Foreign Country, when forced by

by Stress of Weather to seek Shelter in any Port or Place in the *British* Islands, shall, if it does not discharge or receive on board any Cargo, and complies with the other Conditions, if any, specified in such Order, be exempt from all Dues, Tolls, Rates, Taxes, Duties, Imposts, and other Charges to which it would otherwise be liable in such Port or Place, and every such Boat shall be exempt accordingly.

Regulations for Oyster Fisheries off the Irish Coast.

67. The *Irish* Fishery Commissioners may from Time to Time lay before Her Majesty in Council Byelaws for the Purpose of restricting or regulating the dredging for Oysters on any Oyster Beds or Banks situate within the Distance of Twenty Miles measured from a straight Line drawn from the Eastern Point of *Lambay Island* to *Carnsore Point* on the Coast of *Ireland*, outside of the exclusive Fishery Limits of the *British* Islands, and all such Byelaws shall apply equally to all Boats and Persons on whom they may be binding.

It shall be lawful for Her Majesty, by Order in Council, to do all or any of the following Things; namely,

(*a*) To direct that such Byelaws shall be observed:

(*b*) To impose Penalties not exceeding Twenty Pounds for the Breach of such Byelaws:

(*c*) To apply to the Breach of such Byelaws such (if any) of the Enactments in force respecting the Breach of the Regulations respecting *Irish* Oyster Fisheries within the exclusive Fishery Limits of the *British* Islands, and with such Modifications and Alterations as may be found desirable:

(*d*) To revoke or alter any Order so made.

Provided that the Length of Close Time prescribed by any such Order shall not be shorter than that prescribed for the Time being by the *Irish* Fishery Commissioners in respect of Beds or Banks within the exclusive Fishery Limits of the *British* Islands.

Every such Order shall be binding on all *British* Sea-Fishing Boats, and on any other Sea-Fishing Boats in that Behalf specified in the Order, and on the Crews of such Boats.

Regulation as to Seine-Fishing in Cornwall.

68. On the Coast of *Cornwall*, except so much of the North Coast as lies to the East of *Trevose Head*, no Person between the Twenty-fifth of *July* and Twenty-fifth of *November* in any Year—

(*a*) shall, from Sunrise to Sunset, within the Distance of Two Miles from the Coast, measured from Low-water Mark (whether in Bays or not), use a Drift Net or Trawl Net, or

(*b*) shall,

(*b*) shall, within Half a Mile of any Sea-Fishing Boat stationed for Seine-Fishing, anchor any Sea-Fishing or other Boat (not being a Boat engaged in Seine-Fishing), or lay, set, or use any Net, Boulter, or Implement of Sea-Fishing (except for the Purpose of Seine-Fishing):

Any Person who acts in contravention of this Section shall be liable on summary Conviction to a Penalty not exceeding Twenty Pounds, which may be recovered in the same Manner as a Penalty for an Offence against the Fishery Regulations of this Act.

As to Publication and Evidence of Orders in Council.

69. With respect to any Orders in Council made in pursuance of this Act, the following Provisions shall have Effect:

(1.) They shall be published in the *London Gazette*, or otherwise published in such Manner as the Board of Trade may direct for such sufficient Time before they come into force as to prevent Inconvenience:

(2.) They may be proved in any legal Proceeding by the Production of a Copy of the Gazette containing the said Advertisement, or of a Copy of the Orders or Regulations purporting to be printed by the Printer to Her Majesty.

Application of Act.

70. The Enactments in this Act which are restricted in Terms to the Seas outside the exclusive Fishery Limits of the *British* Islands or to any particular Part of the *British* Islands and the Seas adjoining the same shall apply only to those Seas and such Part, but, save as aforesaid, this Act shall apply to the Seas adjoining the Coasts of *France* specified in Article Three of the First Schedule to this Act outside of the exclusive Fishery Limits of *France*, and to the whole of the *British* Islands as defined by this Act, and to the Seas surrounding the same, whether within or without the exclusive Fishery Limits of the *British* Islands, and the Royal Courts of *Guernsey* and *Jersey* shall register this Act in their respective Courts.

Provided that nothing in this Act relating to Oyster or Mussel Fisheries, or to Oysters or Mussels, shall in any way whatever alter, interfere with, or affect the Jurisdiction which the *Irish* Fishery Commissioners would have Power to exercise over the Seas surrounding *Ireland* and over the Oyster Fisheries and Oyster Beds in those Seas if this Act had not passed.

Repeal of Acts as in Second Schedule.

71. The Enactments described in the Second Schedule to this Act are hereby repealed:

Provided that—

1st. This Repeal shall not affect the Validity or Invalidity of anything already done or suffered, or any Right or Title conferred

conferred by or in pursuance of any Enactment hereby repealed, or already acquired or accrued, or any Remedy or Proceeding in respect thereof, or any Proof of any past Act or Thing, or any Offence committed before the Commencement of this Act, or any Penalty or Proceeding in respect thereof:

2d. This Repeal shall not revive or restore any Jurisdiction, Toll, Imposition, Office, Duty, Bounty, Franchise, Liberty, Custom, Privilege, Restriction, Exemption, Usage, or Practice not now existing or in force.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

CONVENTION between HER MAJESTY and the EMPEROR OF THE FRENCH, relative to FISHERIES in the SEAS between GREAT BRITAIN and FRANCE.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French, having charged a Mixed Commission with preparing a revision of the Convention of the 2nd of August 1839, and of the Regulation of June 23, 1843, relative to the fisheries in the seas situated between Great Britain and France; and the members of that Commission having agreed upon certain arrangements which experience has shown would be useful, and which appear to them such as will advantageously modify and complete the former arrangements in the common interest of the fishermen of the two countries; their said Majesties have judged it expedient that the arrangements proposed by the said Commission should be sanctioned by a new Convention, and have for that purpose named as their Plenipotentiaries, that is to say,

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Bickerton Pemell, Lord Lyons, a Peer of the United Kingdom, a Member of Her Britannic Majesty's most Honourable Privy Council, Knight Grand Cross of the most Honourable Order of the Bath, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of the French;

And His Majesty the Emperor of the French, Leonel, Marquis de Moustier, Grand Cross of the Imperial Order of the Legion of Honour, &c. &c. &c., His Minister and Secretary of State for Foreign Affairs;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

British fishermen shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark, along the whole extent

extent of the coasts of the British islands; and French fishermen shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark along the whole extent of the coast of France; the only exception to this rule being that part of the coast of France which lies between Cape Carteret and Point Meinga.

The distance of three miles fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries shall, with respect to bays, the mouths of which do not exceed ten miles in width, be measured from a straight line drawn from headland to headland.

The miles mentioned in the present Convention are geographical miles, whereof sixty make a degree of latitude.

ARTICLE II.

It is agreed that the lines drawn between the points designated by the letters A, B, C, D, E, F, G, H, I, K, on the chart annexed to the present Convention, and signed by the respective Plenipotentiaries, shall be acknowledged by the High Contracting Parties, as defining from Point Meinga to Cape Carteret, the limits between which and the French shore the right of fishery shall be reserved exclusively to French fishermen, and these lines are as follows; that is to say,

The first line runs from the point A, three miles from low-water mark (Point Meinga bearing south) to the point B, of which the landmarks are Agon Tower on with the clump of trees upon Mount Huchon, and the summit of Gros Mont in a line with the Semaphore on Grand Isle.

The second line runs from the said point B towards Agon Tower and the clump of trees upon Mount Huchon, in the direction north sixty-four degrees east, until, at the point C, it brings the windmill of Lingreville to bear due east.

The third line runs from point C due east towards Lingreville Windmill, until the Grand Huguenant is brought to bear on the Etat Rock at point D.

The fourth line runs from point D northward (keeping the Grand Huguenant in one with the Etat Rock) until it intersects at E a line whose landmarks are Agon Tower on with Coutances Cathedral.

The fifth line runs eastward from point E to point F, where the Steeple of Pirou is brought to bear in a line with the Sennequet Lighthouse.

The sixth line runs from point F due north to point G, where the Steeple of Blainville is brought in a line with the Sennequet Lighthouse.

The

The seventh line runs from point G in the direction of Pirou Steeple to point H, where the Lighthouse on Cape Carteret bears north twenty-four degrees west.

The eighth line runs from point H to point I nearly abreast of Port Bail; point I having for landmarks the Fort of Port Bail in a line with the Steeple of Port Bail.

And finally, the ninth line runs from point I to the Three Grunes at point K. where Cape Carteret bears east ten degrees north, in a line with Barneville Steeple.

It is further agreed that all the bearings specified in the present Article are to be taken according to the true meridian, and not according to the magnetic meridian.

ARTICLE III.

The arrangements of the present Convention shall apply beyond the fishery limits of both countries, as defined by the preceding Articles, to the seas surrounding and adjoining Great Britain and Ireland, and adjoining the coasts of France between the frontiers of Belgium and Spain. The rules respecting oyster fishery shall, however, be observed only in the seas comprised within the limits herein-after described.

ARTICLE IV.

All British and French fishing boats shall be lettered and numbered.

In the United Kingdom there shall be a series of numbers for the fishing boats belonging to each collectorship of Customs, and in France a series of numbers for the fishing boats belonging to each district of Maritime Registry; and to these numbers shall be prefixed a letter (or letters) to be designated by the Board of Customs in the United Kingdom, and by the Ministry of Marine in France.

ARTICLE V.

The letter (or letters) and number shall be placed on each bow of the boat, 3 or 4 inches (8 or 10 centimetres French) below the gunwale, and they shall be painted in white oil colour on a black ground.

For boats of 15 tons burthen and upwards the dimensions of the letters and numbers shall be 18 inches (45 centimetres French) in height, and $2\frac{1}{2}$ inches (6 centimetres French) in breadth.

For boats of less than 15 tons burthen, the dimensions shall be 10 inches (25 centimetres French) in height, and $1\frac{3}{4}$ inches (4 centimetres French) in breadth.

The same letter (or letters) and number shall also be painted on each side of the mainsail of the boat, in black oil colour on white sails,

sails, and in white oil colour on tanned or black sails. Such letter (or letters) and number on the sails shall be one-third larger in every way than those placed on the bows of the boat.

The name of each fishing boat, and that of the port to which she belongs, shall be painted in white oil colour on a black ground on the stern of the boat, in letters which shall be at least 3 inches (8 centimetres French) in height and ½ inch (12 millimetres French) in breadth.

The letters, numbers, and names placed on the boats and on their sails shall not be effaced, covered, or concealed in any manner whatsoever.

ARTICLE VI.

All the buoys, barrels, and principal floats of each net, and all other implements of fishery, shall be marked with the same letter (or letters) and number as those of the boats to which they belong.

These letters and numbers shall be large enough to be easily distinguished. The owners of the nets or other fishing implements may further distinguish them by any private marks they judge proper.

ARTICLE VII.

The letters and numbers of British fishing boats shall, after having been entered in the registry book kept at the collectorship of Customs, be inserted on the licences or other official papers of those boats.

The letters and numbers of French fishing boats shall, after having been entered in the registry book kept at the Maritime Registry Office, be inserted on the muster rolls of those boats.

ARTICLE VIII.

The licences or other official papers of British fishing boats, and the muster rolls of French fishing boats, shall contain the description and tonnage of each boat, as well as the names of its owner and of its master.

ARTICLE IX.

The fishermen of both countries shall, whenever required, exhibit their licences or other official papers, or their muster rolls, to the commanders of the fishery cruizers, and to all other persons of either country appointed to superintend the fisheries.

ARTICLE X.

Fishing of all kinds, by whatever means and at all seasons, may be carried on in the seas lying beyond the fishery limits which have been fixed for the two countries, with the exception of that for oysters, as herein-after expressed.

ARTICLE XI.

From the 16th of June to the 31st of August inclusive, fishing for oysters is prohibited outside the fishery limits which have been fixed for the two countries, between a line drawn from the North Foreland Light to Dunkirk, and a line drawn from the Land's End to Ushant.

During the same period and in the same part of the Channel, no boat shall have on board any oyster dredge, unless the same be tied up and sealed by the Customs authorities of one of the two countries in such a manner as to prevent its being made use of.

ARTICLE XII.

No boat shall anchor between sunset and sunrise on grounds where drift-net fishing is actually going on.

This prohibition shall not apply to anchorings which may take place in consequence of accidents, or any other compulsory circumstances; but in such case the master of the boat thus obliged to anchor shall hoist, so that they shall be seen from a distance, two lights placed horizontally about 3 feet (1 metre French) apart, and shall keep those lights up all the time the boat shall remain at anchor.

ARTICLE XIII.

Boats fishing with drift nets shall carry on one of their masts two lights, one over the other, 3 feet (1 metre French) apart.

These lights shall be kept up during all the time their nets shall be in the sea between sunset and sunrise.

ARTICLE XIV.

Subject to the exceptions or additions mentioned in the two preceding Articles, the fishing boats of the two countries shall conform to the general rules respecting lights which have been adopted by the two countries.

ARTICLE XV.

Trawl boats shall not commence fishing at a less distance than three miles from any boat fishing with drift nets.

If trawl boats have already shot their nets, they must not come nearer to boats fishing with drift nets than the distance above mentioned.

ARTICLE XVI.

No boat fishing with drift nets shall shoot its nets so near to any other boat which has already shot its nets on the fishing ground as to interfere with its operations.

ARTICLE XVII.

No decked boat fishing with drift nets shall shoot its nets at a less distance than a quarter of a mile from any undecked boat which is already engaged in fishing.

ARTICLE XVIII.

If the spot where fishing is going on should be so near to the fishery limits of one of the two countries that the boats of the other country would, by observing the regulations prescribed by Articles XV., XVI., and XVII. preceding, be prevented from taking part in the fishery, such boats shall be at liberty to shoot their nets at a less distance than that so prescribed; but in such case the fishermen shall be responsible for any damage or losses which may be caused by the drifting of their boats.

ARTICLE XIX.

Nets shall not be set or anchored in any place where drift-net fishing is actually going on.

ARTICLE XX.

No one shall make fast or hold on his boat to the nets, buoys, floats, or any part of the fishing tackle belonging to another boat.

No person shall hook or lift up the nets, lines, or other fishing implements belonging to another person.

ARTICLE XXI.

When nets of different boats get foul of each other, the master of one boat shall not cut the nets of another boat except by mutual consent, and unless it be found impossible to clear them by other means.

ARTICLE XXII.

All fishing boats, all rigging gear or other appurtenances of fishing boats, all nets, buoys, floats, or other fishing implements whatsoever, found or picked up at sea, shall, as soon as possible, be delivered to the Receiver of Wreck if the article saved be taken into the United Kingdom, and to the Commissary of Marine if the article saved be taken into France.

The Receiver of Wreck or the Commissary of Marine, as the case may be, shall restore the articles saved to the owners thereof, or to their representatives.

These functionaries shall fix the amount which the owners shall pay to the salvors.

ARTICLE XXIII.

The execution of the regulations concerning lights and signals, licences, muster rolls, and official papers, the lettering and numbering

ing of boats and implements of fishing, is placed, with respect to the fishermen of each of the two nations, under the exclusive superintendence of the cruizers and agents of their own nation.

Nevertheless, the commanders of the cruizers of one of the two nations shall acquaint the commanders of the cruizers of the other nation with any infractions of the above-mentioned regulations committed by the fishermen of such other nation which may come to their knowledge.

ARTICLE XXIV.

All infractions of the regulations concerning the placing of boats on the fishing ground, the distances to be observed between them, the prohibition of oyster fishing during a portion of the year, and concerning every other operation connected with the act of fishing, and more particularly concerning circumstances likely to cause damage, shall be taken cognizance of by the cruizers of either nation, whichever may be the nation to which the fishermen guilty of such infractions may belong.

ARTICLE XXV.

The commanders of cruizers of either country shall exercise their judgment as to the causes of any infractions brought to their knowledge, or as to damage arising from any cause whatever committed by British or French fishing boats in the seas beyond the fishery limits which have been fixed for the two countries; they may detain the offending boats and take them into the port nearest the scene of the occurrence, in order that the infraction or damage may be there duly established, as well by comparing the declarations and counter-declarations of the parties interested as by the testimony of those who were present.

ARTICLE XXVI.

When the offence shall not be such as to require exemplary punishment, but shall nevertheless have caused damage to any fisherman, the commanders of the cruizers shall be at liberty, should the circumstances admit of it, to arbitrate at sea between the parties concerned. On refusal of the offenders to defer to their arbitration the said commanders shall take both them and their boats into the nearest port, to be dealt with as stated in the preceding Article.

ARTICLE XXVII.

Every fishing boat which shall have been taken into a foreign port in conformity with the two preceding Articles shall be sent back to her own country for trial as soon as the infraction for which she may have been detained shall have been duly established.

Neither

Neither the boat nor her crew shall, however, be detained in the foreign port more than three clear days.

ARTICLE XXVIII.

The depositions, minutes of proceedings, and all other documents concerning the infraction, after having been authenticated by the Collector of Customs in the United Kingdom, or by the Commissary of Marine in France, shall be transmitted by that functionary to the Consular Agent of his nation residing in the port where the trial is to take place.

Such Consular Agent shall communicate those documents to the Collector of Customs, or to the Commissary of Marine, as the case may be; and if, after having conferred with that functionary, it shall be necessary for the interest of his countrymen, he shall proceed with the affair before the competent tribunal or magistrates of the country.

ARTICLE XXIX.

In both countries the competent Court or magistrate shall be empowered to condemn to a fine of at least eight shillings (ten francs), or to imprisonment for at least two days, persons who may infringe the regulations of the Convention concerning—

1. The close season for oysters, and illegal possession of dredges on board during that season;
2. The letters, numbers, and names to be placed on the boats, sails, nets, and buoys;
3. The licences or muster rolls;
4. The flags and lights to be carried by the boats;
5. The distances to be observed by the boats between each other;
6. The placing and anchoring of vessels and boats;
7. The placing and shooting of nets and the taking them up;
8. The clearing of nets;
9. The placing of buoys upon nets.

In case of repetition of the offence, the amount of fine or period of imprisonment may be doubled.

ARTICLE XXX.

In all cases of assault committed or of damage or loss inflicted at sea by fishermen of either country upon fishermen of the other country, the Courts of the country to which the offenders belong shall condemn the latter to a fine of at least eight shillings (10 francs), or to imprisonment for at least two days. They may, moreover, condemn the offenders to pay adequate compensation for the injury.

ARTICLE XXXI.

Fishing boats of either of the two countries shall be admitted to sell their fish in such ports of the other country as may be designated for that purpose, on condition that they conform to the regulations mutually agreed upon. Those regulations, together with a list of the ports, are annexed to the present Convention; but without prejudice to the opening by either country of any additional ports.

ARTICLE XXXII.

The fishing boats of the one country shall not enter within the fishery limits fixed for the other country, except under the following circumstances:—

1. When driven by stress of weather or by evident damage.
2. When carried in by contrary winds, by strong tides, or by any other cause beyond the control of the master and crew.
3. When obliged by contrary winds or tide to beat up in order to reach their fishing ground; and when from the same cause of contrary wind or tide they could not, if they remained outside, be able to hold on their course to their fishing ground.
4. When, during the herring fishing season, the herring boats of the one country shall find it necessary to anchor under shelter of the coasts of the other country, in order to await the opportunity for proceeding to their fishing ground.
5. When proceeding to any of the ports of the other country open to them for the sale of fish in accordance with the preceding Article; but in such case they shall never have oyster dredges on board.

ARTICLE XXXIII.

When fishing boats, availing themselves of the privilege specified in Article XXXI., shall have oysters on board, they shall not carry any dredges or other implement for taking oysters.

ARTICLE XXXIV.

The commanders of cruizers may authorize boats belonging to their own country to cross the exclusive fishery limits of the other country, whenever the weather is so threatening as to compel them to seek shelter.

ARTICLE XXXV.

Whenever, owing to any of the exceptional circumstances specified in the three preceding Articles, the fishing boats of either country shall be in the ports or within the fishery limits fixed for the other country, the masters of such boats shall immediately hoist a blue flag two feet (60 centimetres French) high, and three feet

feet (one metre French) long, and shall keep that flag flying at the masthead so long as they remain in such ports or within such limits. The flag shall be hauled down as soon as the boat is outside the said limits.

Such boats must return outside the said limits as soon as the exceptional circumstances which obliged them to enter shall have ceased.

ARTICLE XXXVI.

The commanders of the cruizers of each of the two countries, and all officers or other agents appointed to superintend fisheries, shall exercise their judgment as to infractions of the regulations with regard to the fishery limits, and when they shall be satisfied of the fact of the infraction they may detain the boats of the offenders, or cause them to be detained, and may take them, or cause them to be taken, into port, where, upon clear proof of the offence, such boats may be condemned by the competent Court or magistrate to a fine not exceeding 10 pounds (250 francs). In default of payment such boats may be detained for a period not exceeding three months.

In case of repetition of the offence the fine may be doubled.

ARTICLE XXXVII.

The proceedings and trial in cases of infraction of the provisions of the present Convention shall take place as speedily and as summarily as the laws in force will permit.

ARTICLE XXXVIII.

The terms "British Islands" and "United Kingdom," employed in this Convention, shall include the Islands of Jersey, Guernsey, Alderney, Sark, and Man, with their dependencies.

ARTICLE XXXIX.

Her Britannic Majesty engages to recommend to Parliament to pass an Act to enable Her to carry into execution such of the arrangements contained in the present Convention as require legislative sanction. When such an Act shall have been passed, the Convention shall come into operation from and after a day to be then fixed upon by the two High Contracting Parties. Due notice shall be given in each country by the Government of that country of the day which may be so fixed upon.

ARTICLE XL.

The Convention shall continue in force for 10 years from the day on which it may come into operation, and if neither party shall, 12 months before the expiration of the said period of 10 years, give notice of its intention to terminate its operation, the Convention shall

shall continue in force one year longer, and so on from year to year, until the expiration of one year's notice from either party for its termination.

The High Contracting Parties however reserve to themselves the power to make, by mutual consent, any modification in the Convention which experience shall have shown to be desirable, provided it is not inconsistent with the principles on which it is based.

ARTICLE XLI.

The Convention concluded between the High Contracting Parties on the 2nd of August 1839, and the Regulations of the 23rd of June 1843, shall continue in force until the day when, as provided in Article XXXIX., the present Convention shall come into operation, and shall then altogether cease and determine.

ARTICLE XLII.

The present Convention shall be ratified, and the ratifications shall be exchanged as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 11th of November in the year of our Lord 1867.

(L.S.) LYONS.
(L.S.) MOUSTIER.

ADDITIONAL ARTICLE.

It is agreed that Article XXXI. of the Convention signed this day shall not come into operation until the two Contracting Parties shall have come to a further understanding on the subject. Due notice shall be given of the day that may be fixed upon for its coming into operation.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the Convention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 11th of November in the year of our Lord 1867.

(L.S.) LYONS.
(L.S.) MOUSTIER.

Declaration

Declaration annexed to the Convention of November 11, 1867.

The fishermen of each country shall not be allowed to land or discharge their fish in the other country except at places where there is a Custom House, and during office hours.

Immediately upon their arrival, and in all cases before they commence the discharge of their cargo, they shall present their muster roll, or licence, or official paper, to the proper officer of Customs, and shall pass an entry at the Custom House stating as nearly as possible the quantity of fish which they have on board.

If the master of a fishing boat cannot write, the officer of Customs shall fill up for him the form required, and the master shall affix his mark thereto.

The Custom House officers shall have power to board and search the fishing boats of the other country in the manner directed by the Customs laws.

During their stay in the ports of the other country, the fishermen of either country shall, if required to do so by the Customs authorities, deposit in a warehouse or in the Custom House, until their departure, all stores subject to duty, which shall not be necessary for their daily consumption. No charge shall be made for such warehousing.

The ports enumerated in the subjoined list, where there is a Custom House establishment, are those that shall be open in each country to the fishermen of the other country. In case the Customs establishment at any of those ports should be abolished, notice thereof shall be given to the Government of the other country.

LIST of the Ports in the UNITED KINGDOM open for the Importation of Fish by FRENCH FISHING BOATS.

In England.

Bristol.	Liverpool.	Ramsgate.
Cardiff.	London.	Shields.
Dover, C.	Lowestoft.	Shoreham, C.
Folkestone, C.	Middlesborough.	Southampton, C.
Falmouth, C.	Newcastle.	Sunderland.
Grimsby.	Newhaven, C.	Swansea.
Hartlepool.	Newport.	Weymouth, C.
Harwich.	Portsmouth, C.	Whitby.
Hull.	Plymouth, C.	Yarmouth.

In Scotland.

Aberdeen.	Greenock.	Wick.
Glasgow.	Leith.	

Sea Fisheries.

In Ireland.

Belfast. Dublin. Waterford.
Cork. Galway.

In the Channel Islands.

Jersey, C. Guernsey, C.

The Ports in the Channel are marked with a C.

LIST of the Ports of the FRENCH EMPIRE open for the Importation of Fish by BRITISH FISHING BOATS.

Directions.	—
DUNKERQUE -	Gravelines.
	Dunkerque.
BOULOGNE -	Hourdel.
	St. Valéry-sur-Somme.
	Crotoy.
	Abbeville.
	Berck (plage maritime).
	Etaples.
	Boulogne.
	Calais.
LE HAVRE -	Harfleur.
	Le Havre.
	Fécamp.
	St. Valéry-en-Caux.
	Dieppe.
	Tréport.
	Eu.
ROUEN - -	Rouen.
	Croisset.
	Duclair.
	Caudebec.
CAEN - -	Isigny.
	Port-en-Bessin.
	Courceulles.
	Caen.
	Ouistreham.
	Trouville.
	Honfleur.
	Pont-Audemer.
SAINT LÔ -	Granville.
	Regneville.
	Portbail (Havre).
	Dielette.
	Carentan.
	Cherbourg.
	Barfleur.
	Saint Vaast.
	Omonville.
SAINT BRIEUC -	Lannion.
	Perros.
	Tréguier.
Saint Brieuc —*suite.*	Lézardrieux.
	Pontrieux.
	Paimpol.
	Portrieux.
	Binic.
	Le Légué.
	Dahonet.
	Erquy.
	Le Guildo.
	Plouer.
	Dinan.
	Saint Suliac.
	Saint Servan.
	Saint Malo.
	La Houlle.
	Le Vivier.
BREST - -	Quimperlé.
	Douélan.
	Pontaven.
	Concarneau.
	Quimper.
	Pont l'Abbé.
	Audierne.
	Douarnenez.
	Morgat.
	Camaret.
	Port Launay.
	Le Faon.
	Landerneau.
	Brest.
	Le Conquet.
	Labrevrach.
	Roscoff.
	Morlaix.
VANNES -	Redon.
	La Roche-Bernard.
	Tréhiguier.
	Billiers.
	Pénerf.
	Ambon.
	Vannes.
	Belle-Croix.
	Sarzeau.
	Suscinio.
	Saint Armel.

Sea Fisheries.

Directions.	——	Directions.	——
Vannes—*suite.*	Novalo.	La Rochelle —*suite.*	Lusac (port sur canal).
	Quatre-vents.		Marennes (idem).
	Ile d'Ars (Ile du Morbihan).		Le Chapus.
	Port Novalo.		Le Château (Ile d'Oléron).
	Larmorbaden.		St. Pierre (idem).
	Locmariaquer.		St. Georges (idem).
	Auray.		St. Denis (idem).
	Rochdu.		Bronage (port sur canal).
	La Trinité.		Moëze.
	Carnac.		Charente.
	Porthaliguen.		Rochefort.
	Palais (Ile).		Fouran.
	Etel.		Ile d'Aix (Ile).
	Port Louis.		La Rochelle.
	Hennebon.		Lauzières.
	Lorient.		Marans.
	Kernevel.		La Flotte (Ile de Ré).
	Groix (Ile).		St. Martin (idem).
Nantes -	Noirmoutiers.		Loix (idem).
	St. Gilles.		Ars (idem).
	Ile d'Yeu.		Luçon (port sur canal).
	La Barre-de-Mont (pour sur canal).		L'Aiguillon.
			Les Sables.
	Beauvoir (idem).		Saint-Martin de Brem.
	Boin (idem).		
	Bourgneuf.	Bordeaux -	La Teste.
	Pornic.		Gujan.
	Paimbœuf.		Certes.
	Saint Nazaire.		Le Verdon.
	Nantes.		La Fosse (port sur canal).
	Chantenay.		
	La Basse-Indre.		Pauillac.
	Port Nichet.		Bordeaux.
	Pouliguen.		Libourne.
	Le Croisic.		Plaigne.
	La Turballe.		Bourg.
	Le Rosais.		Blaye.
			Montagne.
La Rochelle	La Tremblade.		Les Meschers.
	Mornac.		Royan.
	L'Eguille.		
	Le Gua.	Bayonne -	Saint Jean de Luz.
	Nieulle (port sur canal).		Bayonne.

In witness whereof the respective Plenipotentiaries have signed these Annexes to the Convention concluded this day, and have affixed thereto the seals of their arms.

At Paris, the 11th November 1867.

(L.S.) LYONS.
(L.S.) MOUSTIER.

SECOND

SECOND SCHEDULE.

A description of a portion of an Act is inclusive of the section first or last mentioned, as forming the beginning or as forming the end of the portion comprised in the description.

Date of Act.	Title of Act.
4 Hen. 7. c. 21. -	An Act for yᵉ ꝑservac̃on of the frye of Fyshe.
7 Hen. 7. c. 9. [In Statutes of the Realm only.]	Orford.
5 Eliz. c. 5. - -	An Act touching certayne Politique Constitutions made for the Maintenance of the Navye.
13 & 14 Car. 2. c. 28.	An Act for the Regulation of the Pilchard Fishing in the Counties of Devon and Cornwall.
10 & 11 Will. 3. c. 24. [10 Will. 3. c. 13. in Statutes of the Realm.]	An Act for making Billingsgate a free Market for the Sale of Fish.
9 Anne, c. 26. - - [c. 28. in Statutes of the Realm.]	An Act for the better Preservation and Improvement of the Fishery within the River of Thames, and for regulating and governing the Company of Fishermen of the said River.
1 Geo. 1. s. 2. c. 18. -	An Act for the better preventing fresh Fish taken by Foreigners being imported into this Kingdom; and for the Preservation of the Fry of Fish; and for the giving Leave to import Lobsters and Turbets in Foreign Bottoms; and for the better Preservation of Salmon within several Rivers in that Part of this Kingdom called England.
2 Geo. 2. c. 19. -	An Act for regulating, well-ordering, governing, and improving 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.
29 Geo. 2. c. 23. - In part.	An Act for encouraging the Fisheries in that Part of Great Britain called Scotland - } In part; namely, Except Sections One and Seventeen, so far as they relate to Scotland.

Sea Fisheries.

Date of Act.	Title of Act.
33 Geo. 2. c. 27. -	An Act to repeal so much of an Act passed in the Twenty-ninth Year of His present Majesty's Reign, concerning a free Market for Fish at Westminster, as requires Fishermen to enter their Fishing Vessels at the Office of the Searcher of the Customs at Gravesend; and to regulate the Sale of Fish at the First Hand in the Fish Markets at London and Westminster; and to prevent Salesmen of Fish buying Fish to sell again on their own Account; and to allow Bret and Turbot, Brill and Pearl, although under the respective Dimensions mentioned in a former Act, to be imported and sold; and to punish Persons who shall take or sell any Spawn, Brood, or Fry of Fish, unsizeable Fish, or Fish out of Season, or Smelts under the Size of Five Inches, and for other Purposes.
2 Geo. 3. c. 15. In part. -	An Act for the better supplying the Cities of London and Westminster with Fish, and to reduce the present exorbitant Price thereof, and to protect and encourage Fishermen - Except Section Seven. — In part; namely,
11 Geo. 3. c. 31. In part. -	An Act for the Encouragement of the White Herring Fishery - - - - Except Sections Eleven to Thirteen. — In part; namely,
19 Geo 3. c. 26. -	An Act to continue and amend an Act made in the Eleventh Year of His present Majesty's Reign, intituled "An Act "for the Encouragement of the White Herring Fishery."
26 Geo. 3. c. 45. -	An Act to continue and amend an Act made in the Twenty-fifth Year of the Reign of His present Majesty, for the Encouragement of the Pilchard Fishery, by allowing a further Bounty upon Pilchards taken, cured, and exported.
26 Geo. 3. c. 81. In part. -	An Act for the more effectual Encouragement of the British Fisheries - - - Except Section Nineteen. — In part; namely,
27 Geo. 3. c. 10. -	An Act to extend the Provisions of an Act made in the Twenty-sixth Year of His present Majesty's Reign, intituled "An Act for the more effectual Encouragement of "the British Fisheries."
30 Geo. 3. c. 54. -	An Act for vesting the Estates and Property of the Trustees of Westminster Fish Market in the Marine Society for the Purposes therein mentioned, and for discontinuing the Powers of the said Trustees.
31 Geo. 3. c. 45. -	An Act for the Encouragement of the Pilchard Fishery, by allowing a further Bounty upon Pilchards taken, cured, and exported.
35 Geo. 3. c. 54. -	An Act for the Encouragement of the Mackerel Fishery.
35 Geo. 3. c. 56. -	An Act to continue and amend an Act made in the Twenty-sixth Year of the Reign of His present Majesty, intituled "An Act for the more effectual Encouragement "of the British Fisheries."

Date of Act.	Title of Act.
36 Geo. 3. c. 77. -	An Act to explain and amend an Act made in the last Session of Parliament, intituled "An Act for the Encouragement of the Mackerel Fishery."
36 Geo. 3. c. 118. -	An Act to authorize the Sale of Fish at Billingsgate by Retail.
37 Geo. 3. c. 94. -	An Act to continue an Act made in the Thirty-first Year of the Reign of His present Majesty, intituled "An Act for the Encouragement of the Pilchard Fishery, by allowing a further Bounty upon Pilchards taken, cured, and exported."
38 Geo. 3. c. 58. -	An Act to continue until the First Day of March One thousand seven hundred and ninety-nine an Act made in the Thirty-fifth Year of the Reign of His present Majesty, intituled "An Act to continue and amend an Act made in the Twenty-sixth Year of the Reign of His present Majesty, intituled 'An Act for the more effectual Encouragement of the British Fisheries.'"
39 Geo. 3. c. 100. In part. -	An Act to revive and continue until the End of the next Session of Parliament an Act made in the Thirty-fifth Year of the Reign of His present Majesty, to continue and amend an Act made in the Twenty-sixth Year of the Reign of His present Majesty, intituled "An Act for the more effectual Encouragement of the British Fisheries;" and to amend an Act made in the Twenty-sixth Year of the Reign of His present Majesty, for extending the Fisheries and improving the Sea Coast of this Kingdom - - - - Section One. — In part; namely,
39 & 40 Geo. 3. c. 85.	An Act to continue until the Fifth Day of April One thousand eight hundred and one, and amend, an Act of the last Session of Parliament, for continuing several Acts for the Encouragement of the British Fisheries.
39 & 40 Geo. 3. c. 107.	An Act to permit until Six Weeks after the Commencement of the next Session of Parliament the Importation of Swedish Herrings into Great Britain.
41 Geo. 3. sess. 2. c. 97.	*An Act the Title of which begins with the Words* "An Act to continue several Laws relating to encouraging the Fisheries," *and ends with the Words* "as relates to ascertaining the Strength of Spirits by Clarke's Hydrometer."
41 Geo. 3. sess. 2. c. 99.	An Act for granting Bounties for taking and bringing Fish to the Cities of London and Westminster, and other Places in the United Kingdom.
42 Geo. 3. c. 3. - -	An Act to revive and continue until the Twenty-fifth Day of March One thousand eight hundred and three so much of an Act made in the Forty-first Year of the Reign of His present Majesty as relates to permitting the Use of Salt Duty-free in preserving of Fish, and to discontinuing the Bounty payable on White Herrings exported, and to indemnify all Persons who have issued or acted under any Orders for delivering Salt Duty-free for the Purposes in the said Act mentioned.

Sea Fisheries.

Date of Act.	Title of Act.
42 Geo. 3. c. 19. -	An Act to amend so much of an Act made in the Twenty-ninth Year of the Reign of His late Majesty King George the Second, intituled "An Act for explaining, amending, "and rendering more effectual an Act made in the Twenty-"second Year of His present Majesty's Reign, intituled "'An Act for making a free Market for the Sale of Fish "'in the City of Westminster, and for preventing the "'forestalling and monopolizing of Fish, and for allowing "'the Sale of Fish, under the Dimensions mentioned "'in a Clause contained in an Act of the First Year "'of His late Majesty's Reign, in case the same are "'taken with a Hook,' as relates to the Sale of Eels."
42 Geo. 3. c. 79. -	An Act to revive and continue until the Fifth Day of April One thousand eight hundred and four, and to amend, several Acts passed in the Twenty-seventh, Thirty-fifth, and Thirty-ninth Years of His present Majesty's Reign, for the more effectual Encouragement of the British Fisheries; and to continue until the Fourteenth Day of June One thousand eight hundred and three, and from thence to the End of the then next Session of Parliament, so much of an Act of the Sixth Year of the Reign of His present Majesty as relates to the prohibiting the Importation of Foreign wrought Silks and Velvets.
42 Geo. 3. c. lxxxviii.	An Act for repealing so much of an Act made in the Second Year of the Reign of His present Majesty, intituled "An Act for the better supplying the Cities of London "and Westminster with Fish, and to reduce the present "exorbitant Price thereof; and to protect and encourage "Fishermen," as limits the Number of Fish to be sold by Wholesale within the said City of London, and for the better Regulation of the Sale of Fish by Wholesale in the Market of Billingsgate within the said City.
43 Geo. 3. c. 29. - -	*An Act the Title of which begins with the Words* "An Act to revive and continue," *and ends with the Words* "to "the End of the then next Session of Parliament."
44 Geo. 3. c. 86. - -	An Act for reviving, amending, and further continuing several Laws relating to the more effectual Encouragement of the British Fisheries until the Fifth Day of April One thousand eight hundred and six, and to the Encouragement of the Trade and Manufactures of the Isle of Man, to the improving the Revenue thereof; and the more effectual Prevention of smuggling to and from the said Island, until the Fifth Day of July One thousand eight hundred and five.
45 Geo. 3. c. 102. -	An Act to revive and continue an Act made in the Thirty-first Year of His present Majesty, intituled "An Act "for the Encouragement of the Pilchard Fishery by "allowing a further Bounty upon Pilchards taken, cured, "and exported."
46 Geo. 3. c. 34. -	An Act for further continuing until the Twenty-fifth Day of March One thousand eight hundred and seven an Act made in the Thirty-ninth Year of His present Majesty, for the more effectual Encouragement of the British Fisheries.

Date of Act.	Title of Act.
47 Geo. 3. sess. 2. c. 51.	An Act to revive and continue until the Twenty-fifth Day of March One thousand eight hundred and eight an Act of the Thirty-ninth Year of His present Majesty, for the more effectual Encouragement of the British Fisheries.
47 Geo. 3. sess. 2. c. 67.	An Act to permit, until the End of the next Session of Parliament, the Importation of Swedish Herrings into Great Britain.
48 Geo. 3. c. 86. -	An Act to revive and continue until the Twenty-fifth Day of March One thousand eight hundred and nine an Act of the Thirty-ninth Year of His present Majesty, for the more effectual Encouragement of the British Fisheries.
48 Geo. 3. c. 110. - In part.	An Act for the further Encouragement and better Regulation of the British White Herring Fishery until the First Day of June One thousand eight hundred and thirteen, and from thence to the End of the then next Session of Parliament - - - (In part; namely,) Except Sections 4, 5, 7, 9, 10, 11, 12, 18, 31, 32, 34 to 45, 47 to 50, 51, 53, 54, and 56 to 60, so far as they relate to Scotland, and are not inconsistent with this Act.
50 Geo. 3. c. 54. -	An Act to revive and continue until the Twenty-fifth Day of March One thousand eight hundred and eleven an Act of the Thirty-ninth Year of His present Majesty, for the more effectual Encouragement of the British Fisheries.
50 Geo. 3. c. 108. - In part.	An Act to amend and enlarge the Powers of an Act passed in the Second Year of His present Majesty, for the Encouragement of the Fisheries of this Kingdom, and the Protection of the Persons employed therein - (In part; namely,) Sections One to Four.
51 Geo. 3. c. 34. -	An Act for continuing the Premiums allowed to Ships employed in the Southern Whale Fishery.
51 Geo. 3. c. 101. -	An Act for amending an Act of the Forty-eighth Year of His present Majesty, for regulating the British White Herring Fishery.
52 Geo. 3. c. 42. -	An Act for amending the Laws relating to the Allowance of the Bounties on Pilchards exported until the Twenty-fourth Day of June One thousand eight hundred and nineteen.
54 Geo. 3. c. 102. -	An Act to continue until the End of the next Session of Parliament several Acts relating to the British White Herring Fishery.
55 Geo. 3. c. 94. - In part.	An Act to continue and amend several Acts relating to the British White Herring Fishery (In part; namely,) Except Sections 1 to 4, 9 to 15, 17, 18, 20, 21, 23, 31 to 33, and 38 to 43, so far as they relate to Scotland, and are not inconsistent with this Act.

Sea Fisheries.

Date of Act.	Title of Act.
59 Geo. 3. c. 77. -	An Act to continue until the Twenty-fourth Day of June One thousand eight hundred and twenty-six an Act for amending the Laws relating to the Allowance of the Bounties on Pilchards exported.
1 Geo. 4. c. 82. -	An Act to amend an Act of the Fifty-ninth Year of the Reign of His late Majesty King George the Third for the Encouragement and Improvement of the Irish Fisheries.
1 Geo. 4. c. 103. -	An Act for the further Encouragement and Improvement of the British Fisheries.
1 & 2 Geo. 4. c. 79. - In part.	An Act to repeal certain Bounties granted for the Encouragement of the Deep Sea British White Herring Fishery, and to make further Regulations relating to the said Fishery - } In part; namely, Except Section 9 and except Sections 3 and 5 so far as they relate to Scotland.
5 Geo. 4. c. 64. - In part.	An Act to amend the several Acts for the Encouragement and Improvement of the British and Irish Fisheries - - } In part; namely, Sections 1 to 8.
7 Geo. 4. c. 34. -	An Act to amend an Act of the Fifth Year of His present Majesty, for amending the several Acts for the Encouragement and Improvement of the British and Irish Fisheries.
11 Geo. 4. & 1 Will. 4. c. 54. In part.	An Act to revive, continue, and amend several Acts relating to the Fisheries - - } In part; namely, So much as relates to England, and so much as is inconsistent with this Act.
4 & 5 Will. 4. c. 20. -	An Act to explain and amend an Act passed in the Thirty-third Year of the Reign of His late Majesty King George the Second, to regulate the Conveyance and Sale of Fish at first hand.
6 & 7 Vict. c. 79. -	An Act to carry into effect a Convention between Her Majesty and the King of the French concerning the Fisheries in the Seas between the British Islands and France.
14 & 15 Vict. c. 26. - In part.	An Act to amend the Acts relating to the British White Herring Fishery - - } In part; namely, Sections 5 and 6.
18 & 19 Vict. c. 101. -	An Act for the more effectual Execution of the Convention between Her Majesty and the French Government concerning the Fisheries in the Seas between the British Islands and France.
23 & 24 Vict. c. 92. - In part.	An Act to amend the Law relative to the Scottish Herring Fisheries - - } In part; namely, Sections 7, 11 to 13, and 25.
24 & 25 Vict. c. 72. - In part.	An Act to make further Provision for the Regulation of the British White Herring Fishery in Scotland - - - } In part; namely, Sections 2, 3, and 6, and so much of the Remainder of the Act as is inconsistent with this Act.

Sea Fisheries.

Date of Act.	Title of Act.
28 & 29 Vict. c. 22. - In part.	An Act to amend the Acts relating to the Scottish Herring Fisheries - - - In part; namely, So much as is inconsistent with this Act.
29 & 30 Vict. c. 85. -	An Act to facilitate the Establishment, Improvement, and Maintenance of Oyster and Mussel Fisheries in Great Britain.
30 & 31 Vict. c. 18. -	An Act for the Preservation and further Protection of Oyster Fisheries.

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