



CHAP. lxx.

An Act to confirm certain Orders made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Donibristle (Firth of Forth) and the Holy Loch (Firth of Clyde). A.D. 1869.

[12th July 1869.]

WHEREAS an Order made by the Board of Trade under The Sea Fisheries Act, 1868, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 31 & 32 Vict. c. 45.

And whereas it is expedient that the several Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several Orders set out in the schedule to this Act shall be confirmed, and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirmation of Orders in schedule.

2. This Act may be cited as The Oyster and Mussel Fisheries Orders Confirmation Act, 1869. Short title.

A.D. 1869.

The SCHEDULE of Orders.

1. DONIBRISTLE (FIRTH OF FORTH).—Establishment and Maintenance of Several Oyster Fishery.
 2. HOLY LOCH (FIRTH OF CLYDE).—Establishment and Maintenance of Several Oyster and Mussel Fishery.
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DONIBRISTLE OYSTER FISHERY.

ORDER for the establishment and maintenance by the Right Honourable Archibald George Earl of Moray of a Several or Exclusive Oyster Fishery at Donibristle in the estuary of the Firth of Forth in the county of Fife.

1. The Earl of Moray and his successors in the earldom and estates of Moray shall be the Undertakers of the fishery mentioned in this Order.

2. The following are the Undertakers fishery grounds under this Order (as shown on plans deposited at the Board of Trade), namely, all those parts of the foreshore and bed of the Firth of Forth situate within the several parishes of Aberdour and Dalgetty in the county of Fife, and bounded as follows: on the south by an imaginary straight line drawn from the south-west point of the island of Inchcolm to the headland which is immediately to the east of the port of St. David's in Inverkeithing Bay; on the east by an imaginary line drawn from the northermost point of St. Colm's Abbey in the said island of Inchcolm to a point due north thereof on the shore of the said firth; and on the north by the high-water mark of the said Earl's estate of Donibristle, and containing an area of 1,120 acres or thereabout.

3. This Order confers on the said Earl of Moray and his successors, as aforesaid, a right of several or exclusive oyster fishery within the limits above mentioned.

4. The limits of the said several fishery shall on the coast of the said county of Fife be marked out by two posts or beacons painted white placed at the eastern and western extremities of the fishery above the line of high-water mark, or in such other manner as the Board of Trade shall from time to time approve.

5. In the event of the marks by the last foregoing article being destroyed or removed by storm or otherwise, they shall be replaced by the Undertakers with all reasonable despatch, and notice of the said limits may be given to fishermen, dredgermen, and other persons as follows:

- (1.) By notice boards erected on the shore of that portion of the island of Inchcolm or county of Fife which adjoins the fishery;

(2.) By advertisement in the London "Shipping and Mercantile Gazette," the "Scotsman," and also some other newspaper published and circulating in the county of Fife. A.D. 1869.

6. No buildings, erections, embankments, or other works shall at any time be commenced or executed within the limits above described, without the previous sanction and approval in writing of the Board of Trade.

7. The Undertakers shall render to the Board of Trade such accounts of their capital, expenditure, and income, and of all oysters sold by them, in such form and at such times as the Board of Trade may require, and shall allow the Board of Trade, or any person appointed by the Board of Trade, to inspect the fishery, and all books and documents in their possession relating thereto, and shall give to such board or person all such information relating thereto as they or he may require.

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

9. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866."

10. This Order may be cited as "The Donibristle Fishery Order, 1869."

HOLY LOCH OYSTER AND MUSSEL FISHERY.

ORDER for the Establishment and Maintenance by James Hunter, Esquire, of Hafton, of a Several Oyster and Mussel Fishery at Ardnadam, in the Holy Loch, Firth of Clyde, in the county of Argyll.

1. James Hunter, Esquire, of Hafton, his heirs and assignees, shall be the Undertakers. Undertakers of the fishery mentioned in this Order.

2. The following are the Undertakers fishery grounds under this Order, as shown on a plan marked "Plan of Holy Loch Oyster and Mussel Fishery, 1869," and deposited at the Board of Trade, namely, all those parts of the foreshore and bed of the Holy Loch situate within the united parish of Dunoon and Kilmun, in the county of Argyll, containing an area of three hundred and seven imperial acres, or thereabouts, and bounded as follows; that is to say, by a straight line drawn from Lazaretto Point, on the west shore of the Holy Loch, in a north-easterly direction into the Holy Loch, to a point five hundred and fifty feet or thereby from high-water mark; thence by a curved line drawn in a north-westerly and afterwards in a northerly and north-easterly direction through the Holy Loch, following ten fathoms water at low tides, to a point five hundred feet or thereby seaward of the confluence of the river Meikle Echaig with the Holy Loch at low-water mark; thence in a north-westerly direction, by the west side of the channel of the said river Meikle Echaig, to an island below and near to the junction of the

Limits of fishery.

A.D. 1869. — rivers Meikle Echaig and Little Echaig; thence in a straight line by the lower end of the said island to the lands of Orchard; and thence by a curved line following the windings of the line of high-water mark of ordinary spring tides of the Holy Loch, in a westerly and southerly direction along the shore to the said Lazaretto Point (excepting therefrom all that part of the foreshore between high and low-water mark of ordinary spring tides lying opposite the village of Sandbank, extending from a point three hundred feet or thereby north-west of the house known as the Argyll Hotel to a point three hundred feet or thereby west of Ardnadam Pier), as the said boundaries are delineated and coloured red on the said plan deposited at the Board of Trade: Provided that nothing in this Order shall in any way prejudice or affect the title to the soil, or any question relating thereto.

Right of several fishery.

3. This Order confers on the said James Hunter, his heirs and assignees, a right of several oyster and mussel fishery within the limits above described.

Marking of limits.

4. The limits of the said several fishery shall be marked out as follows; that is to say,

(1.) Where such limits are seaward beyond low-water mark, by buoys painted black and placed at intervals, as shown on the said deposited plan:

(2.) On the west bank of the channel of the river Meikle Echaig, where it crosses the foreshore and enters the Holy Loch, by three booms or posts painted black and placed at intervals; and by a beacon at high-water mark on the shore of the lands of Orchard, opposite the lower end of the said island, as shown on the said deposited plan:

(3.) Where such limits are landward, by the line of high water of ordinary spring tides:

or in such other manner as the Board of Trade shall from time to time approve; and the limits of the said excepted part of the foreshore opposite the village of Sandbank shall be marked out—

(1.) On the land side, by beacons on the shore three hundred feet from the Argyll Hotel and Ardnadam Pier respectively; and,

(2.) On the sea side, by booms or posts painted black and placed at intervals along the line of low-water mark of ordinary spring tides, as shown on the said deposited plan:

or in such other manner as the Board of Trade shall from time to time approve.

Notice to be given if marks obliterated.

5. In the event of the marks by the immediately preceding article prescribed being obliterated by storm or unavoidable accident, notice of the said limits may be given to fishermen, dredgermen, and other persons, as follows; that is to say, by advertisements inserted once in each of two successive weeks in one newspaper published in Glasgow and one newspaper published in Greenock, and generally circulating in the county of Argyll; by notices delivered at the Custom House of Greenock; and by notices affixed to notice boards erected at or near the said several fishery: Provided that the marks by the immediately preceding article prescribed shall be replaced as soon as practicable after any such storm or accident.

6. No buildings, erections, embankments or other works, other than the marks mentioned in Article 4 of this Order, shall at any time be commenced or executed within the limits above described, without the previous sanction and approval in writing of the Board of Trade.

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

7. The Undertakers shall render to the Board of Trade such accounts of their capital, expenditure, and income, and of all oysters and mussels sold by them, in such form and at such times as the Board of Trade may require, and shall allow the Board of Trade, or any person appointed by the Board of Trade, to inspect the fishery, and all books and documents in their possession relating thereto, and shall give to such Board or person all such information relating thereto as they or he may require.

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

8. Nothing contained in this Order shall take away, lessen, or prejudice any rights or claims to salmon fishings or fishings for other fish of the salmon kind, in the Holy Loch or in the river Meikle Echaig; and the Undertakers shall not at any time fish with a dredge, or dredge for oysters or mussels within three hundred feet of the channel and outfall of the said river Meikle Echaig.

Saving rights of salmon fishing.

9. Nothing contained in this Order shall take away, lessen, or prejudice the rights of the public to the free use as heretofore of the passage or road across the foreshore at the head of the Holy Loch, known as the Anemoigne Road or Ford, from the point where the said road or ford leaves the public road from Sandbank to Dallelongart, opposite to the house of Broxwood, to the north-west boundary of the fishery mentioned in this Order.

Saving certain rights of way.

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

Time of operation.

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

Saving rights under "Crown Lands Act, 1866."

12. This Order may be cited as "The Holy Loch Fishery Order, 1869."

Short title.

