



1853.

No. 15.

*An Act to encourage the formation of Oyster Beds, and to protect the same.*

[Assented to, December 9, 1853.]

**W**HEREAS it is expedient to encourage the formation of Oyster Beds, and to protect persons forming the same—Be it therefore Enacted, by the Lieutenant-Governor of South Australia, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1. It shall be lawful for the Governor, or any person by him authorized in that behalf, to license the formation of Oyster Beds, in places where no natural Oyster Beds at present exist, and to prescribe the limits within which any licence for that purpose shall be exercised, and the extent of the bed, not exceeding two hundred yards in frontage along the coast, to be formed under the authority of such licence; and every licence to be granted under the authority hereof shall be void unless, within six months from the granting of the same, an Oyster Bed shall have been laid down and marked off, and stocked by the person holding such licence, or if the same shall cease to be used as an Oyster Bed for twelve calendar months.

Governor may license formation of Oyster Beds.

2. Every person to whom any such licence shall have been granted shall forthwith publish in the *South Australian Government Gazette* a description of the situation, bearings, boundaries, and distinctive marks of the Oyster Bed authorized by such licence.

Person obtaining licence, to publish description of beds.

3. Any person who shall have obtained such licence and published such description as aforesaid, and who shall have marked out the Oyster Bed specified in such licence by proper and sufficient marks and

Persons having licence, solely entitled to produce of Oyster Beds.

and buoys corresponding to such description, shall be solely entitled to all the Oysters produced and being within the limits of such Oyster Bed, and shall be entitled to the same remedies for the unlawful taking of any Oysters therefrom, and for any injury done to the same or to the buoys or other marks indicating the boundary thereof, as though he were lawfully possessed of the soil of such Oyster Bed.

Stealing Oysters,  
larceny.

Unlawfully dredging  
for same, misdemeanor.

4. Any person who shall steal any Oysters, or Oyster Brood, or Oyster Spat, from any Oyster Bed named in any such licence, and sufficiently marked out as aforesaid, and the description whereof shall have been duly advertised as aforesaid, shall be guilty of larceny, and, upon conviction, shall be punished accordingly; and any person who shall unlawfully and wilfully use any dredge or instrument within the limits of any such Oyster Bed for the purpose of taking Oysters or Oyster Brood, though none shall be actually taken, shall be guilty of a misdemeanor, and, upon conviction, shall be liable to a fine not exceeding Twenty Pounds, or to be imprisoned, with hard labor, for any period not exceeding three calendar months.