ANNO TERTIO

VICTORIÆ REGINÆ.

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down to a Place called *Stinket Ness*, with all Watercourses and Indraughts, and from *Stinket Ness* by the South Side into a Channel called *How Fleet*, betwixt the Sand and the Land, which said Channel hath in Times past come out above the Beacon at *Faversham Creek*'s Mouth, and from the Beacon to a Place called the *Lanes*, and from the *Lanes* Eastward to the *West Hole*, and from the *West Hole* to the *East Hole*, and from the *East Hole* to a Place called *Spit Creek*, and from *Spit Creek* to a Place called the *Hope*, and from the *Hope* Eastward to a Place called the *Ness Ground*, lying upon the East Side of the Channel, and from thence to *Kimber Creek*, and from *Kimber Creek* to a Place called *Great Bales Poole*, and from *Great Bales Poole* to *Little Bales Poole*, and from thence down along the West Side of the *Pollard* to a Place called the *Wears*, upon the East Side, and from thence to a Place called *Hampton Pytts*, and so into the Sea: And whereas there is and from Time out of Mind hath been a certain Company, in the Nature of a prescriptive Corporation, called or known by the Name of "The Company or Fraternity of Free Fishermen and Dredgermen of the Manor and Hundred of *Faversham* in the County of *Kent*;" and the Freemen or Members of the said Company have bred, laid, dredged for, caught, had, and taken Oysters and Oyster Brood in the Waters and Creeks within the said Fishery, exclusive of all other Persons, the said Company paying in consideration thereof a yearly Sum of Twenty-three Shillings and Four-pence to the Lord of the said Manor and Hundred of *Faversham* for the Time being: And whereas certain Courts called Water Courts of the said Manor and Hundred have Time out of Mind been held before the Steward of the said Manor and Hundred on *Saturday* next after *Easter* and on *Saturday* next after *Lammas Day* in every Year, at which Courts the Members or the Majority of the Members of the said Company or Fraternity then present have made Orders, Rules, and Regulations for the Government and Management of the said Company, and for imposing and levying Fines and Penalties on the Members of the said Company for the Breach or Non-observance of such Orders, Rules, and Regulations; and at the Court holden on *Saturday* next after *Easter*, or in pursuance of Orders then made, Persons qualified according to the Usages and Customs of the said Company have been heretofore admitted to the Freedom of the said Company: And whereas the said Fishery is maintained and preserved at a very considerable yearly Sum of Money by the said Company, and the said Fishery is of great Benefit to the Public as well as to the said Company; and it is expedient that further Power should be granted to the said Company to maintain and preserve the same than they now possess, and that the Time for holding the Water Courts for the said Manor and Hundred should be altered; and it is desirable that further Powers should be granted to the said Company; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Persons at present composing "The Company or Fraternity of Free Fishermen and Dredgermen of the Manor and Hundred of *Faversham* in the County of

Company to retain its present Powers.

of *Kent*," and all other Persons who shall hereafter be free of the said Fishery, shall and may have and exercise all the Powers and Authorities now vested in and belonging to and now used and exercised by the said Company, and also shall have and exercise all such other Powers and Authorities as are herein-after given or mentioned.

General Annual Courts to be held.

II. And be it further enacted, That within Three Calendar Months next after the passing of this Act, and on the First *Saturday* in the Month of *February* in every Year, or as soon after as conveniently may be, a General Annual Court of the said Company shall be held before the Steward for the Time being of the said Manor and Hundred, or his lawful Deputy, at which Court all Persons duly qualified according to the Usages and Customs of the said Company shall and may be admitted to the Freedom thereof, in the same Manner and on the same Conditions as Persons have been heretofore admitted to the Freedom of the said Company; and at the said Court there shall be elected out of the Members of the said Company a Foreman, Treasurer, Secretary, and Twelve Jurymen, who shall be sworn before the said Steward, or his Deputy, in the same Manner as the Foreman, Treasurer, and Book-keeper, and Jury of the said Company have heretofore been sworn for the faithful Performance of the Duties of their respective Offices, and shall continue in Office until the next General Annual Court of the said Company, and until their Successors shall be appointed, unless they, or any or either of them, shall sooner die, or become incapable of fulfilling the Duties of their respective Offices, in any of which Events it shall be lawful for the said Company, at their next Annual Court, or at any Special General Court to be held as herein mentioned, to appoint another Person to fill up any Vacancy that may so happen; and such Foreman, Treasurer, Secretary, and Jury for the Time being shall have the Management and Regulation of the said Fishery, and of the Affairs of the said Company, in the same Manner and to the same Extent as the Foreman, Treasurer, Book-keeper, and Jury of the said Company have heretofore had the Management and Regulation thereof.

Special General Courts may be held.

III. And be it further enacted, That it shall be lawful for the said Foreman, Treasurer, Secretary, and Jury, or for any Twenty Members of the said Company, at any Time to call a Special General Court of the Company, to be held in the same Manner as the said Annual General Court, for any Purpose they may think proper, provided the Notice for calling such Court shall specify the Object for which it is so called; and such Notice shall be inserted in some Newspaper printed in the said County of *Kent* Seven Days at the least before the holding of such Court, and no other Business shall be transacted at such Court than what shall be specified in such Notice.

Company may appoint Auditors.

IV. And be it further enacted, That it shall be lawful for the said Company, at any Annual or Special General Court, to elect and appoint such Number of Persons, either Members of the said Company or not, as they may think proper, to audit the Accounts of the said Company; and such Auditors shall continue in Office for such Period as they shall be respectively appointed for, unless they shall sooner die,

die, resign, or become incapable of fulfilling the Duties of their Office, in which Event it shall be lawful for the said Company, at any such Annual or Special General Court as aforesaid, to elect and appoint another Person to fill up any Vacancy that may so happen.

Secretary not to be Treasurer, and vice versâ.

V. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint any Person who may be appointed their Secretary in the Execution of this Act, or the Partner of such Secretary, or any Clerk or other Person in the Service or Employment of such Secretary or of his Partner, to be Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Clerk or other Person in the Service or Employment of such Treasurer or his Partner, to be the Secretary to the said Company for the Purposes of this Act; and if any Person shall accept both the Offices of Secretary and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Secretary, or the Clerk or other Person in the Service or Employ of such Secretary or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Secretary in the Execution of this Act, or shall act as Deputy of such Secretary, or in any Manner officiate for such Secretary, or if any such Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case.

Officers to account.

VI. And be it further enacted, That every Officer or Person who shall be employed by virtue of this Act shall from Time to Time, when thereunto required by the said Company, make out and deliver to the said Company, or to such Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act, stating how and to whom and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall pay all such Monies as upon the Balance of such Accounts shall appear to be owing from him to the Treasurer of the said Company, or to such Persons as the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up such Vouchers and Receipts as are in his Possession or Power relating to the same, or to pay the Balance thereof when required in manner aforesaid, or shall refuse or neglect to deliver up to the said Company, or to such Person as they respectively shall appoint, within Three Days after being thereunto required by the said Company, or by such other Person as last aforesaid, all Books, Papers, Vouchers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Company, or by any Officer

Officer thereof, or by any other Person by their Authority and on their Behalf, to any Justice of the Peace for the County or Place in which such Officer or Person shall be or reside, such Justice may and he is hereby required, by Warrant under his Hand and Seal, to cause such Person or Officer to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and settle the said Accounts, if produced, in such Manner as the said Company might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to the Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing by such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by a Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or appearing shall not make out and deliver to such Justice such Accounts in Writing as aforesaid, or produce and deliver to the said Justice the several Vouchers and Receipts in his Possession or Power relating to such Accounts, or deliver up such Books, Papers, and Writings aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby required, by Warrant under his Hand and Seal, to commit such Officer to some Common Gaol or House of Correction for the County, City, or Place in which such Officer or Person shall live or reside, there to remain without Bail or Mainprize until he shall have made and delivered such Accounts, and have delivered up the Vouchers and Receipts (if any) in his Possession or Power relating thereto, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to be in the Hands of such Officer, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Company for such Money and Charges, and have paid the Money to the said Company, or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Company: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Three Calendar Months.

Company may sue and be sued in the Name of Officer of the Company.

VII. And be it further enacted, That all Actions and Suits, and also all Petitions to found any Commission or Fiat of Bankruptcy against any Person or Persons indebted to the said Company, and liable to be made bankrupt by the Laws now or at any Time hereafter in force relating to Bankrupts and Traders, and all Proceedings at Law or in Equity under any Commission or Fiat of Bankruptcy to be awarded in consequence of any such Petition, and all other Proceedings at Law or in Equity to be commenced, instituted, or carried on by or on behalf of the said Company, or wherein the said

said Company is or shall be concerned or interested, against any Person or Persons, Body or Bodies Politic or Corporate, whether such Person or Persons is or are or shall then be a Member or Members of or in the said Company or not, shall and lawfully may be commenced, instituted, presented, and prosecuted or carried on in the Name of any Person who shall be the Foreman, Treasurer, or Secretary of the said Company at the Time such Action, Suit, or Proceeding shall be commenced or instituted, as the nominal Plaintiff, Petitioner, or Party for or on behalf of the said Company; and all Actions, Suits, and Proceedings at Law or in Equity, to be commenced or instituted against the said Company by any Person or Persons, Body or Bodies Politic or Corporate, whether such Person or Persons is or are or shall then be a Member or Members of or in the said Company or not, may be commenced, instituted, and prosecuted against any Person who shall be the Foreman, Treasurer, or Secretary for the Time being of the said Company, or in case there be no Foreman, Treasurer, or Secretary, against any Member, as the nominal Defendant for and on behalf of the said Company; and all Prosecutions to be brought, instituted, or carried on by or on behalf of the said Company for Fraud upon or against the said Company, or for Embezzlement, Robbery, or stealing any Money, Notes, Bills, Effects, Securities, or Property of the said Company, or for any other Offence against the said Company, shall and lawfully may be so brought, instituted, or carried on in the Name of the Foreman, Treasurer, or Secretary for the Time being of the said Company; and in all Indictments and Informations it shall be lawful to state the Property of the said Company to be the Property of the Company or Fraternity of Free Fishermen and Dredgermen of the Manor and Hundred of *Faversham* in the County of *Kent*, or of the Foreman, Treasurer, or Secretary for the Time being of the said Company; and any Offence committed with Intent to injure or defraud the said Company shall and lawfully may in such Prosecution be laid to have been committed with Intent to injure or defraud the said Company, or the Foreman, Treasurer, or Secretary for the Time being of the said Company, and any Offender or Offenders may thereupon be lawfully convicted of any such Offence; and in all other Allegations or Indictments, Informations, or other Proceedings in which before the passing of this Act it would have been necessary to state the Names of the Persons composing the said Company it shall and may be lawful and sufficient to state the Name of the Foreman, Treasurer, or Secretary for the Time being of the said Company; and the Death, Resignation, or Removal of any such Foreman, Treasurer, or Secretary for the Time being, or any other Act or Proceeding of any such Foreman, Treasurer, or Secretary done without the Consent of the said Company, shall not abate or render defective any such Action, Suit, Proceeding, or Prosecution.

Proceedings not to abate by Death, &c. of Officer.

Judgments in Action against the Officer shall bind the Property of the Company

VIII. And be it further enacted, That every Judgment, Decree, and Order which shall at any Time be obtained, made, or pronounced in any Action, Suit, or Proceeding at Law or in Equity against any such Foreman, Treasurer, or Secretary of the said Company, as a nominal Defendant for and on behalf of the said Company, shall have the like Effect and Operation upon and against the Funds

and

and Property of the said Company as if all the Members of the said Company were Parties before the Court to and in such Action, Suit, or Proceeding; and it shall be lawful for any Court in which such Judgment, Decree, or Order shall have been obtained, made, or pronounced to cause any such Judgment, Decree, or Order to be enforced against the Funds and Property of the said Company, and also against all or any One or more of the Members for the Time being of the said Company, in like Manner as if all the Members of the said Company were Parties before such Court to and in such Action, Suit, or Proceeding: Provided always, that nothing in this Act contained shall render any Members of the said Company liable for any Payment of any Debt for which such Action, Suit, or other Proceeding may have been brought to which they would not have been liable by Operation of Law in case any Action, Suit, or other Proceeding had been originally brought against them for the same: Provided also, that nothing in this Act contained shall be deemed or taken to enable any Plaintiff, Petitioner, Prosecutor, Defendant, or Respondent in any Action, Suit, Petition, or other Proceeding under this Act to recover from any Member for the Time being of the said Company any greater Sum or Sums of Money than such Member would have been liable to pay, either at Law or in Equity, under any Contract for the Time being subsisting, if this Act had not been passed.

and the Members thereof.

IX. Provided always, and be it further enacted, That every Foreman, Treasurer, and Secretary in whose Name any Action, Suit, or other Proceedings, Prosecution, Indictment, or Information under this Act may be commenced, prosecuted, preferred, or defended, and every Person, Body Politic, Corporate, or Collegiate, paying any Money or suffering any Loss or Damage by an Execution or otherwise on account of the Debts, Engagements, Acts, Deeds, or Defaults of the said Company, shall be reimbursed and fully repaid out of the Funds and Property of the said Company all such Monies, Costs, Charges, Losses, Damages, and Expences as by reason of such Action, Suit, Proceeding, Prosecution, Indictment, Information, Payment, Execution, or otherwise he or they shall pay, incur, sustain, or be put unto.

Officer to be reimbursed on account of Suits.

X. And be it further enacted, That no Action, Suit, or Proceeding, either at Law or in Equity, or otherwise, which shall or may be brought or commenced by or against the said Company, or by or against any Foreman, Treasurer, or Secretary, or Member of the said Company, as a nominal Plaintiff, Complainant, or Defendant for or on behalf of the said Company, under or by virtue of this Act, upon, for, or in respect of any Contract, Tort, Matter, or Thing whatsoever, shall be in anywise affected or defeated by or by reason of the Plaintiff or Plaintiffs, Complainant or Complainants, Defendant or Defendants therein, or of any other Person or Persons in whom any Right, Interest, or Remedy may be averred, or who may be in anywise interested or concerned in such Action, Suit, or Proceeding, being a Member or Members of the said Company.

No Action against the Company to be affected in consequence of the Plaintiff being a Member.

XI. And be it further enacted, That the said Company shall and they are hereby required to cause the Names and Designations of the several

A List of the Members to be kept.

several Persons who now are or who may from Time to Time hereafter be Members of the said Company, distingnishing therein such of the said Members as shall be the Foreman, Treasurer, and Secretary of the said Company for the Time being, to be fairly and distinctly entered in a Book or Books to be kept for that Purpose by the Steward or Deputy Steward of the said Manor, which said Book he is hereby required to keep; and for making such Entry of all the present Members of the said Company and their Designations such Steward or Deputy Steward shall be paid by the said Company the Sum of Three Pounds and Three Shillings, and no more; and for erasing from such Book or Books the Name of every Person who shall cease to be a Member of the said Company, and for adding or entering the Name and Designation of every Person who shall hereafter become a Member of the said Company, such Steward or Deputy Steward shall be paid by the said Company the Sum of Two Shillings, and no more; which said Book may be perused at all seasonable Times by any Creditors of the said Company or other Persons interested therein, without Fee or Reward.

Actions when pleadable in bar.

XII. Provided always, and be it further enacted, That no Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, having or claiming to have any Demand upon or against the said Company, shall commence or institute any Action, Suit, or other Proceeding, at Law or in Equity, or otherwise, in respect of such Demand, when the same Demand has been so determined or settled as that the Determination or Settlement thereof may have been pleadable in bar against such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate; and such Determination or Settlement thereof in any Action against the said Company, or against the Foreman, Treasurer, or Secretary for the Time being of the said Company, or against any Member or Members thereof, may be pleaded in bar of any Action, Suit, or Proceeding which may, in respect of the same Demand, be commenced or instituted against any Member or Members of the said Company, or against the said Company, or the Foreman, Treasurer, or Secretary of the said Company: Provided also, that the said Company having or claiming to have any Demand upon or against any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall not commence or institute any Action, Suit, or other Proceeding at Law or in Equity, or otherwise, in respect of such Demand, when the same Demand shall have been so determined or settled as that the Determination thereof may have been pleadable in bar by such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate; and such Determination or Settlement shall or may be pleaded in bar of any Action, Suit, or Proceeding which shall or may in respect of the same Demand be commenced or instituted by the said Company, or the Foreman, Treasurer, or Secretary thereof, under or by virtue of this Act, against such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or their respective Executors, Administrators, Successors, or Assigns.

Act to apply to all future Members of theCompany.

XIII. And be it further enacted, That this Act and the Provisions herein contained shall extend and be construed and taken to extend to the said Company called "The Company or Fraternity of Free

Fishermen and Dredgermen of the Manor and Hundred of *Faversham* in the County of *Kent*," at all Times during the Continuance of the same, whether the said Company shall hereafter be composed of all or some of the Persons who now are Members thereof, or of all or some of those Persons together with some other Person or Persons, or shall be composed altogether of Persons who are not now Members of the same, or of Persons all of whom shall become Members after the passing of this Act.

Proceedings to be entered in a Book.

XIV. And be it further enacted, That the Orders and Proceedings of every Meeting, as well General as Special, of the said Company, shall be entered in a proper Book, to be provided for that Purpose by the said Company, and kept by the Steward of the said Manor and Hundred, and shall be signed by him; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and that without Proof of such Meeting having been duly convened, or of the Persons making such Orders being Members of the said Company.

Power to borrow Money.

XV. And for raising Money to defray the Expences of obtaining and passing this Act, and of managing and carrying on, maintaining and preserving the said Fishery, be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to borrow and take up at Interest, from Time to Time, such Sum and Sums of Money as the said Company, or the Majority of the Members of the said Company present at any General Annual Court or Special General Court, may from Time to Time think proper and authorize and direct to be borrowed, and to mortgage, assign, and charge the said Fishery, and the Profits arising or to arise therefrom, and the Oysters, Brood, and Stock therein or thereon, or any Part thereof respectively (the Costs and Charges of assigning the same to be paid out of such Profits), as a Security for any such Sum or Sums of Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party, or to his Trustees, who shall advance the same, yet so nevertheless that there shall not be owing upon the Security aforesaid at any one Time more than Thirty thousand Pounds Principal Money; and such Mortgages, Assignments, and Charges shall be by Deed duly stamped, in which the Consideration shall be truly stated and set forth, and shall be made under the Hands and Seals of the Foreman, Treasurer, and Secretary for the Time being of the said Company, or any Two of them, and may be in the Words or to the Effect following, with such Variations therein as the Circumstances of the Case may render necessary; (that is to say,)

Form of Mortgage.

'Number .

'BY virtue of an Act passed in the Year of the Reign of 'Her Majesty Queen *Victoria*, intituled [*here set forth the Title* '*of this Act*], We of the Officers of "The Company or 'Fraternity of Free Fishermen and Dredgermen of the Manor and 'Hundred of *Faversham* in the County of *Kent*," duly authorized by 'or under the Provisions of the said Act, in consideration of the Sum 'of to us in hand paid by

‘ of for the Use and Purposes of the said Com-
‘ pany, do assign unto the said his Executors,
‘ Administrators, and Assigns, the said Fishery, and the Oysters,
‘ Brood, and Stock now or hereafter therein or thereon, and all and
‘ singular the Profits arising therefrom, and all the Estate, Right,
‘ Title, and Interest of the said Company of, in, and to the same, to
‘ hold unto the said his Executors, Adminis-
‘ trators, and Assigns, until the said Sum of
‘ together with Interest for the same after the Rate of
‘ for every One hundred Pounds for a Year, shall be fully paid and
‘ satisfied. Given under our Hands and Seals this Day of
‘ in the Year of our Lord .’

Mortgagees not entitled to Preference by reason of Priority in Date of the Mortgage.

And the respective Persons to whom such Mortgages or Assignments shall be made either for Money lent to or for the Use of the said Company before the passing of this Act, or to be taken up and borrowed under the Provisions of this Act, shall be entitled, one with the other, to their Proportions of the said Profits and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority in the Date of any such Mortgage or Assignment, or on any other Account whatsoever; and an Entry or Memorial of every such Mortgage or Assignment, containing the Number and Date thereof, and the Names of the Parties (with their proper Additions) to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon, shall, within Twenty-eight Days next after the Date thereof, be entered in some Book to be provided by the said Company, and kept by the Steward or Deputy Steward of the said Manor and Hundred, which said Book he is hereby required to keep, and a Certificate of such Entry shall be indorsed by the said Steward or Deputy Steward on every such Mortgage or Assignment, and for making such Entry and indorsing such Certificate such Steward or Deputy Steward shall be paid the Sum of Two Shillings and Sixpence, and no more; which said Book may be perused at all seasonable Times by any of the Creditors of the said Company or other Persons interested therein, without Fee or Reward;

Mortgages may be transferred.

and all Parties to whom any such Mortgages or Assignments shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights or Interests therein to any other Persons; and every Transfer thereof shall be by Writing duly stamped, in which the Consideration for the same shall be truly stated, and may be in the Words or to the Effect following; (that is to say,)

Form of Transfer of Mortgage.

‘ I of in consideration of the
‘ Sum of paid to me by of
‘ do hereby transfer a Mortgage or Assignment, Number
‘ made by of the Officers of “ The Company or Fraternity
‘ of Free Fishermen and Dredgermen of the Manor and Hundred of
‘ *Faversham* in the County of *Kent*,” to bearing Date the
‘ Day of for securing the Sum of
‘ and Interest, and all my Right, Estate, and Interest in and to the
‘ Money thereby secured, and in and to the Profits and Property
‘ thereby assigned, to the said his Executors,
‘ Administrators,

‘ Administrators, and Assigns. Dated this Day of
‘ in the Year of our Lord .’

Transfers to be registered.

And every such Transfer shall, within Twenty-eight Days next after the Date thereof if executed in *England*, or otherwise within Twenty-eight Days next after the Arrival thereof in *England* if executed elsewhere, (the Time of such Arrival to be verified by a Declaration made by some respectable Person before any of Her Majesty's Justices of the Peace, or before any Master or Master Extraordinary of the High Court of Chancery, which Declaration shall be delivered to and left with the Steward or Deputy Steward of the said Manor and Hundred,) be produced to the Steward or Deputy Steward of the said Manor and Hundred, who shall cause an Entry or Memorial to be made thereof, and a Certificate of such Entry to be indorsed on such Transfer, in the same Manner as of the original Mortgage or Assignment, for which the said Steward or Deputy Steward shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry or Memorial made every such Transfer shall entitle such Assignee, or his or her Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the same, or any Sum of Money thereon due or thereby secured, or any Part thereof.

Creditors of the Company to the Amount of 100*l.* may demand a Security on the Fishery.

XVI. Provided always, and be it further enacted, That any Person or Persons who at the Time of the passing of this Act shall have any Claim to the Amount of One hundred Pounds or upwards on the said Company, or any Officer or Member thereof, for Money advanced to or for the Use of the said Company, shall, on Request made to the Foreman, Treasurer, or Secretary of the said Company, at any Time after the passing of this Act, and whilst any such Claim to the Amount aforesaid shall remain unsatisfied, be entitled to have, at the Expence of the said Company, an Assignment, Mortgage, or Charge on and over the said Fishery, Profits, Oysters, Brood, and Stock for the Amount of such Claim and Interest; and which said Assignment, Mortgage, or Charge the said Foreman, Treasurer, and Secretary for the Time being of the said Company, or any Two of them, are hereby required, on such Request as aforesaid, to make and execute, in the same Form or to the same Effect as is herein provided with respect to the Securities for Money to be taken up and borrowed by the said Company under the Authority of this Act; provided that neither the Officers of the said Company who shall make such Assignments, Mortgages, or Charges, nor any other Member of the said Company, shall by reason of such Assignments, Mortgages, or Charges, or by reason of any thing herein contained, be rendered liable, or be deemed or taken to be personally or individually liable, for any Money taken up and borrowed by the said Company under the Authority of this Act, nor for any other Debt or Engagement of the said Company, further or otherwise than such Officer or Member would have been liable for or in respect of any Money lent to or for the Use of the said Company, or any Debt, Contract, or Engagement of the said Company contracted before the passing of this Act.

Officers or Members not to be personally liable further than they are now liable.

XVII. And

Interest of Money borrowed to be paid half-yearly.

XVII. And be it further enacted, That the Interest of the Money which shall be secured or raised by Mortgage, Assignment, or Charge as aforesaid shall be paid half-yearly to the several Parties entitled thereto; and in case such Interest or any Part thereof shall be unpaid by the Space of Twenty-one Days next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Twenty Days after Demand thereof in Writing shall have been made to the said Company, or left at the Office or Place of Abode of the Foreman, Treasurer, or Secretary of the said Company, such Demand being made upon or at any Time after the Expiration of such Twenty-one Days, it shall be lawful for any Two or more Justices of the Peace acting for the said County of *Kent*, not being interested in the Matter in question, and they are hereby required, on Request to them made by or on behalf of any Mortgagee whose Interest shall be so in arrear, by an Order under their Hands to appoint some Person to receive the Whole or such Part of the Profits of the said Fishery, and of the Money to be received by the Sale of any Oysters or Oyster Brood caught therein, as are liable to pay such Interest so due and unpaid as aforesaid, and such Profits and Money the Treasurer for the Time being of the said Company is hereby required to pay to such Receiver so appointed as aforesaid; and the Money so to be received by such Receiver is hereby declared to be so much Money received by or to the Use of the Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Profits, shall be fully paid and satisfied; and after such Interest and Costs shall have been paid and satisfied the Power or Authority of such Receiver for the Purposes aforesaid shall cease and determine, or otherwise the Interest so due and unpaid as aforesaid may be sued for and recovered, with Costs, by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

Persons aggrieved may appeal to Quarter Sessions.

XVIII. And be it further enacted, That all Bodies Corporate and Persons who may think themselves aggrieved by any Order or Judgment or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to any Court of General or Quarter Sessions to be held for the Eastern Division of the said County of *Kent*, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Ground and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Company (as the Case may be), and forthwith after such Notice entering into Recognizance before some Justice of the Peace conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Court shall in a summary Way either hear or determine the said Complaint at such General or Quarter Sessions, or, if such Court think proper, may adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for the said Eastern Division of the said County; and the said Court of Sessions may, if such Court see Cause, mitigate any Penalty or Forfeiture, and may order any

Money to be returned which shall have been levied in pursuance of such Determination, and may also order any such further Satisfaction to be made to the Party injured as such Court shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as the said Court shall think reasonable.

Not to extend to incorporate the Company.

XIX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be deemed, construed, or taken to extend, to incorporate the said Company, or to relieve or discharge the said Company, or any of the Members thereof respectively, from any Responsibility, Contracts, Duties, or Obligations whatsoever to which by Law they now are or at any Time hereafter may be subject or liable, either as between such Company and other Parties, or as between the said Company and any of the individual Members of such Company and others, or among themselves, or in any other Manner howsoever.

Treasurer, &c. may grant Releases to Witnesses.

XX. And be it further enacted, That in all Actions, Suits, or other Proceedings at Law or in Equity, and also in all Prosecutions commenced or instituted by or on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, or otherwise, it shall be lawful for the Foreman or Treasurer for the Time being of the said Company, not being personally interested otherwise than as a Member of the said Company, to sign, execute, and deliver, for and on behalf of the said Company, any such general or other Release as may be deemed to be necessary for the Purpose of exonerating and releasing any Person who may be produced as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Company in order to qualify such Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding, and also to do any other Act in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding which any Plaintiff, Defendant, or other Party may do in any Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding; and every such Release and Act respectively shall be valid and effectual to all Intents and Purposes whatsoever.

Service of Notice on the Company.

XXI. And be it further enacted, That in all Cases wherein it may be necessary for any Person to serve any Summons, Demand, or Notice, or any Writ or other Proceeding at Law or in Equity, or otherwise, upon the said Company, Service thereof respectively on the Foreman, Treasurer, or Secretary for the Time being of the said Company, or by leaving the same at his Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Service of Notice by the Company.

XXII. And be it further enacted, That in all Cases wherein it may be necessary for the said Company to give any Summons, Demand,

mand, or Notice of any Kind whatsoever to any Person or Corporation, such Summons, Demand, or Notice may be given in Writing, signed by the Foreman, Treasurer, Secretary, Attorney, or Solicitor for the Time being of the Company.

Mode of Proof, &c. by Company in Cases of Bankruptcy and Insolvency.

XXIII. And be it further enacted, That in case any Fiat or Commission of Bankruptcy shall be awarded against any Person who shall be indebted to the said Company, or against whom the said Company shall have any Claim or Demand, or in case any Person who shall be indebted to the said Company, or against whom the said Company shall have any Claim or Demand, shall petition to take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Foreman, Treasurer, or Secretary for the Time being of the Company to appear and act on behalf of the said Company, in respect of any such Debt, Claim, or Demand, before the Commissioner under any such Commission of Bankruptcy, or before the Court of Insolvent Debtors, or any Commissioners thereof, either personally or by his Affidavit, to be sworn and exhibited in the usual Manner, in order to prove and establish any such Debt, Claim, or Demand under such Fiat, Commission, or Insolvency; and such Foreman, Treasurer, or Secretary shall in all such Cases be admitted and allowed to make Proof or tender a Claim under any such Fiat, Commission, or Insolvency, on behalf of the said Company, in respect of any such Debt, Claim, or Demand, and shall have such and the same Powers and Privileges as to voting in the Choice of Assignees (and as to signing Certificate in case of Bankruptcy), and otherwise in respect of any Debts admitted to be proved on behalf of the said Company, as any other Person, being a Creditor of such Bankrupt or Insolvent in his own Right, would have in respect of the Debt proved by him under such Fiat, Commission, or Insolvency.

Treasurer, &c. may sign Releases.

XXIV. And be it further enacted, That it shall be lawful for the Foreman, Treasurer, or Secretary of the said Company to execute any Condition, Deed, Letter of Licence, Composition, or Release in his own Name on behalf of the said Company.

For paying the Expences of the Act.

XXV. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act shall be paid and discharged by the said Company in preference to all Payments whatsoever.

Saving of Rights of Lord of the Manor and Steward.

XXVI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be deemed, construed, or taken to extend, to abridge, alter, lessen, or affect the Rights, Privileges, Liberties, or Profits of the Lord of the said Manor and Hundred of *Faversham*, or his Steward of the said Manor and Hundred, but that the said Lord and his Steward shall respectively use, exercise, and enjoy all such Rights, Privileges, Liberties, and Profits in as full, ample, and beneficial a Manner to all Intents and Purposes as if this Act had not been made, any thing herein contained to the contrary thereof in anywise notwithstanding.

XXVII. And

XXVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

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