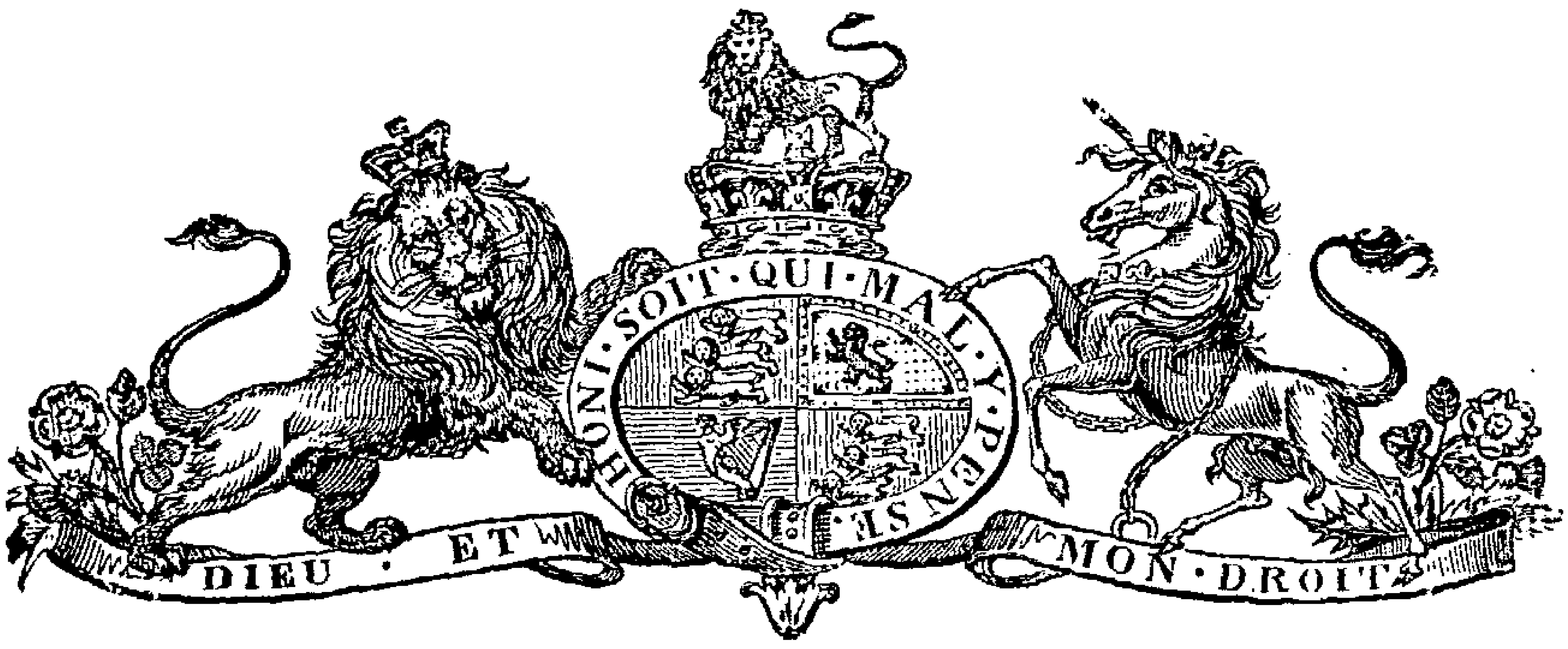


ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. cxlviii.

An Act for the Incorporation of the *Ham* Oyster Fishery Company, and for authorizing them to establish and maintain an Oyster Fishery near the North-east Coast of the *Isle of Sheppey* in the County of *Kent*; and for other Purposes.

[29th *June* 1865.]

WHEREAS the making and maintaining of a duly protected Oyster Fishery in the Estuary of the River *Thames* near to the North-east Coast of the *Isle of Sheppey* in the County of *Kent* would tend to increase the Supply of Oysters and would be of public Advantage: And whereas the several Persons in that Behalf in this Act named, with others, are willing at their own Expense to carry the Undertaking into execution, on their being incorporated as a Company (in this Act called the Company) with adequate Powers for the Purpose, and it is expedient that they be incorporated by this Act accordingly: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

The Ham Oyster Fishery Act, 1865.

Short Title.

1. This Act may for all Purposes be cited as "The *Ham* Oyster Fishery Act, 1865."

8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to Cancellation and Surrender of Shares), and Part III. (relating to Debenture Stock) of "The Companies Clauses Act, 1863," save so far as any of the Sections and Provisions of these Acts and Parts of Acts respectively are expressly excepted or varied by this Act, are incorporated with and form Part of this Act.

Same Meanings to Words in incorporated Acts as in this Act.

3. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context; provided that the Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute, and the Words "Shares" and "Shareholders" include when requisite "Stock" and "Stockholders."

Ham Oyster Fishery Company incorporated.

4. *Harry George Austin*, *Thomas Gann* senior, *George Austin*, and all other Persons and Corporations who have already subscribed or hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, are by this Act united into a Company for the Purpose of establishing and maintaining the *Ham* Oyster Fishery by this Act authorized, and for other the Purposes of this Act, and for those Purposes are by this Act incorporated by the Name of "The *Ham* Oyster Fishery Company," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal.

Capital.

5. The Capital of the Company shall be Ten thousand Pounds, in One thousand Shares of Ten Pounds each.

Shares not to issue until One Fifth Part paid up.

6. It shall not be lawful for the Company to issue any Share, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Calls.

7. Two Pounds a Share shall be the greatest Amount of any One Call, and Three Months at least shall be the Interval between successive Calls, and Three Fifths of the nominal Amount of a Share shall be the utmost aggregate Amount of the Calls made payable in any One Year on the Share.

Power to borrow on Mortgage.

8. The Company from Time to Time may borrow on Mortgage for the Purposes of their Undertaking any Sums not exceeding in the

the whole the Sum of Two thousand five hundred Pounds; provided that the Company shall not borrow on Mortgage any Part of that Sum until the whole of their Capital is subscribed for or taken, and One Half thereof is actually paid up, and the Justice who certifies under Section 40 of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act, is satisfied that the whole of the Capital is subscribed for or taken *bonâ fide*, and Half thereof has been paid up, and that Twenty *per Centum* was paid upon each Share at or before the Issue and Acceptance thereof, and that every Share is held by registered Holders thereof who are legally liable for the Payment of so much thereof as is not paid up, of which Satisfaction the Certificate under that Section shall be sufficient Evidence.

Arrears may be enforced by Appointment of a Receiver.

9. The Mortgagees of the Company may enforce the Payment of the Arrears of Interest and of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Five hundred Pounds.

Application of Monies.

10. All the Monies from Time to Time raised by the Company by Shares and by borrowing respectively shall be applied only to Purposes of the Company's Undertaking.

Number and Qualification of Directors.

11. The Number of Directors shall be Five, and the Qualification of a Director shall be the holding in his own Right of Twenty Shares of the Company's Capital of the aggregate nominal Amount of at least Two hundred Pounds.

Quorum of Directors and Committees.

12. The Quorum of a Meeting of Directors is Three, and the Quorum of a Committee of the Directors shall be the Quorum prescribed by the Directors when they appoint the Committee.

First Directors.

13. *Harry George Austin*, *Thomas Gann* senior, *George Austin*, *William Gardener*, and *James Tolley* shall be the First Directors.

Election of Directors at First General Meeting.

14. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting held after the passing of this Act, and at that Meeting the Shareholders present in person or by proxy may continue in Office the Directors appointed by this Act, or any of them, or may elect new Directors to supply the Place of those not continued in Office, the Directors appointed by this Act being, if qualified, re-eligible; and the Meeting may determine the Rotation of the Directors then continued in Office or elected.

Power to reduce Number of Directors.

15. The Company from Time to Time by the Resolution of a General Meeting may reduce the Number of the Directors, but so that the Number be not less than Three, and the Meeting may determine when the Reduction shall take effect and the Rotation of the reduced Number of Directors.

16. The

First and subsequent Ordinary Meetings.

16. The First Ordinary Meeting of the Company shall be held within Twelve Months after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* and *August* in every Year, or at such other Times as the Resolution of a General Meeting of the Company from Time to Time determines.

Ordinary Meetings, with Notice of special Business, to be Extraordinary for that Business.

17. Where, by the Notice convening an Ordinary Meeting of the Company, Notice is given to the Shareholders of any special Business to be transacted or discussed at the Meeting, the Meeting shall for the Purposes of this Act be deemed with respect to that Business to be an Extraordinary or Special Meeting of the Company, or a General Meeting of the Company specially convened for the Purposes of that Business.

Quorum for General Meetings.

18. The Quorum for a General Meeting is Five Shareholders, holding together in their own Right Shares to the aggregate nominal Amount of at least Five hundred Pounds.

Number of Shareholders calling Extraordinary Meetings.

19. The Number of Shareholders on whose Requisition an Extraordinary Meeting of the Company shall be called is at least Five Shareholders, holding together in their own Right Shares to the aggregate nominal Amount of at least Five hundred Pounds.

Newspaper for Advertments.

20. The Newspaper for Advertisements with respect to the Affairs of the Company is any Newspaper published in the County of *Kent*.

Power to provide Boats, &c.

21. The Company from Time to Time may provide and hire, maintain, rent, repair, and use for any of the Purposes of this Act all such Offices and Cottages for their Officers and Servants, Buildings, Storehouses, and Premises, all such Boats and other Vessels of small Tonnage, dredging and other Machines, Tackle, Engines, and Apparatus whatsoever, as they think fit.

Limits of Company's Oyster Fishery.

22. After the Company shall have acquired and so long as they shall possess Title to the Use of the Soil they shall have an Oyster Fishery under this Act, and the Limits thereof shall be as follows:

That Part of the Estuary of the River *Thames* off the North-eastern Coast of the *Isle of Sheppey* in the County of *Kent* which is comprised within the following Lines, containing an Area of Two and a Half square Miles or thereabouts; that is to say,

Firstly, an imaginary straight Line drawn in a North-easterly Direction from a Point (A.) distant Eighty-two Chains or thereabouts from and North-eastward of the Beacon at *Shellness Point*, and One Chain or thereabouts North-west of the *Ham Gut* Buoy to a Point (B.) distant Two hundred and forty Chains or thereabouts from the Point (A.), and close to the *Columbine* Red Buoy at the North-eastern Extremity of the *Columbine Sand*:

Secondly,

Secondly, an imaginary straight Line drawn in a North-westerly Direction from the Point (B.) to a Point (C.), distant One hundred and thirty Chains or thereabouts from Point (B.), and One hundred and ten Chains or thereabouts from the *Middle Spaniard* Buoy, and One hundred and thirty Chains or thereabouts from the *West Spaniard* Buoy:

Thirdly, an imaginary straight Line drawn in a South-westerly Direction from the Point (C.) to a Point (D.), distant Two hundred and sixty-five Chains or thereabouts from Point (C.), and about Six Chains North-west of the Point (A.):

Fourthly, an imaginary straight Line drawn in a South-easterly Direction from the Point (D.) to the Point (A.), and distant therefrom about Six Chains.

Oyster Fishery in County of Kent.

23. The Oyster Fishery, and all Places within the Limits thereof, shall for all the Purposes of this Act, and for all Civil and Criminal Proceedings in any Court whatsoever, be within the Body of the County of *Kent*.

Company to provide Boundary Stones and Buoys for defining Limits of Oyster Fishery.

24. The Company from Time to Time shall, if and when required by the Board of Trade, and subject to the Provisions of this Act, erect and maintain at each of such Points as the Board of Trade may fix a Buoy proper and sufficient for clearly denoting the Limits of the Oyster Fishery.

Buoys to be such as the Board of Trade approve.

25. The Buoys from Time to Time so provided and maintained by the Company shall be of such Sort and so moored and maintained as the Board of Trade require or approve, and if and when the Board of Trade so require the Company shall remove any Buoys or Moorings so provided by them and replace them by others.

Meaning of Word Oysters.

26. In this Act the Word "Oysters" means and includes all Oysters and their Progeny and Spawn, whether called by the Names Oysters, Ware, Brood, Spat, or Spawn, or by any other local Name.

Company's Oyster Fishery.

27. After the Company shall have acquired Title to the Use of the Soil within the Limits of the Oyster Fishery, and so long as they shall possess such Title, the Company, within the Limits and to the full Extent of the Oyster Fishery, shall have a several Fishery and shall have the sole and exclusive Right of depositing, breeding, propagating, protecting, dredging, fishing for, and taking Oysters, and from Time to Time may exercise those Rights respectively as they think fit, and in the Exercise thereof may collect and gather together Oysters, and remove Oysters from Place to Place, and deposit Oysters, as and where they think fit, and may protect the Oysters and may do all things whatsoever which they think proper for those Purposes, and for obtaining, storing, and disposing of the Produce of their Fishery.

Oysters in the Oyster Fishery to be Company's Property, &c.

28. All Oysters from Time to Time being within the Limits of the Oyster Fishery shall be the absolute Property of the Company, and in all Courts of Law and Equity and elsewhere, and for all Purposes, civil and criminal or otherwise, shall be deemed to be the absolute Property and in the actual Possession of the Company.

Oysters removed from the Oyster Fishery to be their Property, &c.

29. All Oysters from Time to Time after the passing of this Act having been within the Limits of the Oyster Fishery, and having been unlawfully removed therefrom, shall at all Times be the absolute Property of the Company, and in all Courts of Law and Equity and elsewhere, and for all Purposes, civil and criminal or otherwise, the same shall be deemed to be the absolute Property of the Company, and the absolute Right to the Possession thereof shall be deemed to be in the Company.

Company may deal in Oysters.

30. The Company from Time to Time as they think fit may buy, sell, deal with, and dispose of Oysters.

Company to give public Notice of Limits of Oyster Fishery and Provisions of Act relating thereto.

31. As soon as conveniently can be after the First Meeting of the Directors the Company shall, by Advertisements in Newspapers published in the County of *Kent*, and by Placards posted in conspicuous Places, and distributed in the Parishes of *Eastchurch*, *Warden*, *Leysdown*, and *Saint Thomas Isle of Harty*, all in the *Isle of Sheppey* in the County of *Kent*, give public Notice of the Limits of the Oyster Fishery and the Provisions of this Act relating thereto.

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

32. After the Expiration of One Month from the publishing by them of the prescribed Notice of the Limits and the Provisions of this Act relating thereto, no Person other than the Officers, Agents, and Servants of the Company, in the due Exercise of their Duties under this Act, or Persons thereunto expressly authorized by the Company by Writing under the Hand of their Secretary, shall within the Limits of the Oyster Fishery do any of the following Things; (that is to say,)

(A.) Fish for, or take, or attempt to take any Oysters:

(B.) Dredge or trawl for any Oysters:

(C.) Fish for, or take, or attempt to take otherwise than by Line and Hooks, or by Net solely adapted for catching floating Fish, any Fish whose natural Habit it is to be in the Mud or Sand or at or near to the Bottom of the Water:

(D.) Dredge for any Ballast, Mud, Sand, or other Substance, except for the Purpose of improving the Navigation, under the Authority of the Board of Trade:

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

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

(G.) Place

(G.) Place any Weir, Engine, Work, Implement, Apparatus, or Device prejudicial or likely to be prejudicial to any Oysters or to the Oyster Fishery:

(H.) In any other Manner wilfully disturb any Oyster Layings or Oysters:

(I.) Wilfully do or occasion in any other Manner any Injury or Damage to any Oysters or to the Oyster Fishery:

(K.) Buy, or sell, or expose for Sale, or have in his Possession without the Authority or Permission of the Company, any Oyster the Property of the Company:

(L.) Wilfully damage or injure or moor any Vessel to any Buoy provided by the Company for denoting the Limits of the Oyster Grounds:

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

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

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

(O.) He shall pay 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 Offence:

And in addition to the Penalties, and whether or not they be inflicted, he shall make full Compensation to the Company for all Damage or Injury sustained by them by reason of the Offence.

Offences triable in Kent.

33. Every Offence committed under this Act within the Limits of the Oyster Fishery shall be deemed to have been committed within the Body of the County of *Kent*, and may be tried and punished accordingly.

Interest not to be paid on Calls paid up.

34. The Company shall not, out of any Money by this Act authorized to be raised by Shares or by borrowing, pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him; provided that the Company from Time to Time may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act.

Commissioners of Woods, &c. may grant, and

35. As regards any Land within the Limits of this Act belonging to Her Majesty which may be required to be taken or used by the Company for the Purposes of this Act, it shall be lawful for the Commissioners

the Company may accept, a Lease of Crown Lands with Consent.

missioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, with Consent of the Commissioners of Her Majesty's Treasury, to grant, and for the Company to accept, and execute a Lease of the whole or any Part of such Land, or any Interest therein, or Rights thereon, subject to such Rent, for such Term, not exceeding Sixty Years, and subject to such Covenants and Conditions as may be agreed upon.

Saving Rights of the Crown.

36. Nothing in this Act contained shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenement, or Hereditament, or any Right of whatsoever Nature belonging to or enjoyed or exerciseable by Her Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them (and which Consent they or he may give), or shall divest, take away, lessen, prejudice, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by Her Majesty, Her Heirs or Successors.

Saving Rights of Lords of Manor and Land-owners.

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

Provision as to future General Acts.

38. Nothing in this Act contained shall exempt the Oyster Fishery by this Act authorized to be made or maintained from the Provisions of any General Act already passed, or to be hereafter passed, relating to Oyster Fisheries or to Buoys.

Expenses of Act.

39. All the Costs, Charges, and Expenses of and incidental to the preparing and applying for, obtaining, and passing of this Act shall be borne and paid by the Company.

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