



## CHAPTER lxxiv.

An Act to incorporate and confer powers upon the Faversham Oyster Fishery Company to provide for the transfer to and vesting in that Company of the undertaking of the Company or Fraternity of Free Fishermen and Dredgermen of the Manor and Hundred of Faversham in the County of Kent to dissolve the said Company or Fraternity and for other purposes. A.D. 1930.

[4th June 1930.]

**W**HEREAS 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 in exercise of rights conferred or confirmed by divers ancient charters and mentioned in divers ancient records have from time out of mind exclusive of all other persons bred laid dredged for caught had and taken oysters and oyster brood in the waters and creeks within the fishery situate in the said manor and hundred and hereinafter referred to the said Company paying in consideration thereof a yearly sum of twenty-three shillings and fourpence to the lord of the said manor and hundred of Faversham for the time being :

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— And whereas by an Act passed in the third year of the reign of Queen Victoria intituled “An Act for “granting certain powers to the Faversham Oyster “Fishery Company” (in this Act referred to as “the Act of 1840”) after reciting (inter alia)—

- (i) the limits of the oyster fishery in the manor and hundred of Faversham in the county of Kent in respect of which the said Company and the freemen or members thereof possessed such exclusive rights as aforesaid;
- (ii) the existence time out of mind of that Company; and
- (iii) the holding time out of mind before the steward of the said manor and hundred of certain courts called water courts at which the members or the majority of the members of the said Company or fraternity then present had made orders rules and regulations for the government and management of the Company and at which persons qualified according to the usages and customs of the Company had been admitted to the freedom of the Company

it was enacted that the several persons then composing the said Company and all other persons who should thereafter be free of the said fishery should and might have and exercise all the powers and authorities which at the date of the passing of the Act of 1840 were vested in and belonged to and were used and exercised by the said Company and should also have and exercise all such other powers and authorities as were by the said Act given or mentioned:

And whereas provision was made by the Act of 1840 for (inter alia) the holding of general annual courts and special general courts of the said Company and the management and regulation of the said fishery and of the affairs of the said Company by a foreman treasurer secretary and jury of twelve jurymen elected out of the members of the said Company:

And whereas according to the usages and customs of the said Company and the orders made by the water courts thereof no person is qualified for admission to the freedom thereof unless—

- (i) he be the son of a freeman born after his father's admission as a freeman;

- (ii) he has bona fide served an apprenticeship of seven years to a freeman of the Company of not less than seven years' standing under an indenture of apprenticeship duly prepared executed and enrolled conformably to the rules and orders of the Company and shall have actually been employed in such service; A.D. 1930.  
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- (iii) he shall have been married before applying for admission to such freedom such marriage not having been contracted before or during his apprenticeship; and
- (iv) he shall have paid the accustomed fees in respect of such admission :

And whereas the number of freemen of the said Company who were entered in the list of the members thereof required to be kept by the Act of 1840 and were (so far as can be ascertained) living on the eighteenth day of July one thousand nine hundred and twenty-nine was seventy-two :

And whereas there were also living on the said date (so far as can be ascertained) forty-three persons who being sons of freemen had served an apprenticeship of seven years to a freeman of the Company of not less than seven years' standing some of whom have been or are believed to have been married after termination of their apprenticeship and such persons if living are accordingly (with the exception of one person who was of unsound mind on the said date) entitled or would if this Act had not been passed have become entitled subject to compliance with the prescribed conditions to be admitted as freemen of the Company :

And whereas there were also living on the said date nine persons who being sons of freemen and unmarried were serving as apprentices to freemen of the said Company of not less than seven years' standing under indentures of apprenticeship duly prepared executed and enrolled as aforesaid :

And whereas between the said date and the sixteenth day of November one thousand nine hundred and twenty-nine (being the date of the first publication of the parliamentary notice of the Bill for this Act) two persons became apprentices to freemen of the said Company of

A.D. 1930. not less than seven years' standing under such indentures as aforesaid and those persons continued to be such apprentices at the said last-mentioned date :

— And whereas by certain indentures of lease dated respectively the twenty-fourth day of August one thousand nine hundred and sixteen and the ninth day of April one thousand nine hundred and twenty parts of the said fishery have been leased by the said Company to other parties for terms of years expiring respectively on the twenty-ninth day of September one thousand nine hundred and thirty-seven and the first day of January one thousand nine hundred and forty-one but the remainder of the said fishery is managed carried on and maintained by the Company :

And whereas since the passing of the Act of 1840 the said fishery except for the said leasing of parts thereof has been managed and carried on by the said Company in accordance with the provisions of that Act and of orders from time to time made by the said annual and special general courts and the ancient customs and usages of the Company and the balance of the receipts of the said Company from the sale of oysters and oyster brood after payment of the expenses and outgoings of the Company has been divided among the freemen of the Company employed in the catching of oysters and oyster brood and the rents of the parts of the said fishery in lease as aforesaid have been divided among the freemen of the Company whether actually employed in the said fishery or not :

And whereas the said Company are empowered by the Act of 1840 to borrow money to the extent in the manner and upon the security therein mentioned but they are not now indebted in any sum of money in respect of any such borrowing :

And whereas the output and revenue of the said Company have become seriously reduced with consequent reduction of the number of men and boats employed and the money distributable among the men and the said fishery is in need of development and improvement which requires the expenditure of new capital :

And whereas the constitution of the Company is ill-suited to modern conditions and in order to facilitate the introduction of new capital and to secure the better

maintenance management and development of the said fishery and thereby to lead to a larger production of oysters and a greater amount of employment and thus to promote both the public interest and the interest of the existing freemen and apprentices it is expedient that the said existing Company should be dissolved and that a new company should be formed and that the property rights and interests of the existing Company should be transferred thereto on the terms and in the manner in this Act provided and that further powers should be conferred upon such new company as in this Act contained :

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And whereas under or by virtue of a scheme relating to the Faversham United Municipal Charities and dated the sixth day of July one thousand eight hundred and eighty-three as varied by a further scheme dated the eighteenth day of August one thousand nine hundred and twenty-two (such schemes being made by the Charity Commissioners for England and Wales under or by virtue of the Charitable Trusts Acts 1853 to 1914) provision is made for the appointment of certain alms-people of whom six are to be persons who (except in special cases to be approved by the said commissioners) have resided in the municipal borough of Faversham or in the Brents or in the neighbourhood thereof for not less than five years next preceding the time of their appointment and who are freemen of the said Company or widows of such freemen preference being given among such freemen and widows to those who are working dredgermen or widows of working dredgermen and it is expedient that such amendments in the said schemes should be made consequent upon the passing of this Act as is by this Act provided :

And whereas it is expedient that such other provisions as are in this Act contained should be enacted :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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) :—

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PART I.

PRELIMINARY.

Short title.      1. This Act may be cited as the Faversham Oyster Fishery Act 1930.

Act divided into Parts.      2. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Incorporation of Company &c.

Part III.—Capital and financial provisions.

Part IV.—Meetings directors and administrative provisions.

Part V.—General and miscellaneous.

Incorporation of general Acts.      3. The following Acts and parts of Acts so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Act are hereby incorporated with and form part of this Act (that is to say):—

The Companies Clauses Consolidation Act 1845;

Part I (Cancellation and surrender of shares) Part II (Additional capital) and Part III (Debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts;

The Lands Clauses Acts except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement.

Interpretation.      4. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated therewith have the same respective meanings And—

“The Company” means the Faversham Oyster Fishery Company incorporated by this Act;

“The existing Company” means the Company or Fraternity of Free Fishermen and Dredgermen of the Manor and Hundred of Faversham in the County of Kent;

“The Act of 1840” means the Act passed in the third year of the reign of Queen Victoria intituled “An Act for granting certain powers to the Faversham Oyster Fishery Company”;

“ The water court orders ” means the orders made by any general annual court or special general court of the existing Company held in pursuance of the Act of 1840 or by any of the water courts held previously to the passing of the Act of 1840 and referred to in the preamble to that Act; A.D. 1930.  
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“ The fishery ” means the fishery in respect of which the existing Company or the freemen or members thereof have such exclusive rights as are referred to in the preamble to this Act and the limits of which as described in the Act of 1840 are as follows (namely) :—

“ A considerable Oyster Fishery in the Manor and Hundred of Faversham in the County of Kent and the arms of the Sea near thereunto situate within the bounds and limits following that is to say towards the Westward commencing at a place called the East part of Tenham Robbs and from thence North and by East into Bell Creek and from Bell Creek down into Capel Fleet and so through the said Fleet into Mussel Creek and through Mussel Creek into the River ” (meaning thereby the River Swale)  
“ and from Mussel Creek by the West Shore down to Shell Ness and from Shell Ness down along the Columbine all the Channel over to the Snout Wears which formerly stood at a place now called The Northern Stone Banks with the Tower of Whitstable Church bearing South by Compass and from the East Side of Bell Creek through the North Channel by a place called the Nebbe and from the said Nebbe down East along the North Shore to a place called The Sand End and from Sand End to Mussel Creek and so North East down to the Swale Wears otherwise called the Snout Wears along by the West Side and so into the Sea and upon the South and by West from the said place called Tenham Robbs to a place called Black Shore and from thence along East to Tenham

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Gutt Eastward and from Tenham Gutt along by Ryde Ferry Way 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";

"The appointed day" means the thirty-first day of July one thousand nine hundred and thirty;

"The qualifying date" means the end of the eighteenth day of July one thousand nine hundred and twenty-nine;

"Freeman" means a person duly admitted to the freedom of the existing Company and enrolled in the list of members of the existing Company in pursuance of the provisions of the Act of 1840;

"Deed of apprenticeship" means an indenture or deed of apprenticeship duly prepared executed and enrolled in accordance with the water court orders for the time being in force;

"Apprentice" means a person who being the son of a freeman and unmarried is serving as an apprentice to a freeman of not less than seven years' standing under a deed of apprenticeship

for a period of apprenticeship of not less than seven years;      A.D. 1930.

“ Past apprentice ” means a person who has completed his service as an apprentice and remained unmarried during his apprenticeship and has not become a freeman;

“ Age at the qualifying date ” means age attained at the last birthday before the qualifying date;

“ The Scheme of 1883 ” and “ the Scheme of 1922 ” mean respectively the schemes relating to the Faversham United Municipal Charities dated the sixth day of July one thousand eight hundred and eighty-three and the eighteenth day of August one thousand nine hundred and twenty-two made by the Charity Commissioners for England and Wales under or by virtue of the Charitable Trusts Acts 1853 to 1914;

“ The undertaking ” means the undertaking of the Company as existing from time to time under or in pursuance of this Act;

“ Directors ” means directors of the Company;

“ Employee ” means any workman servant or officer other than a director;

“ The subsisting leases ” means the indenture of lease dated the twenty-fourth day of August one thousand nine hundred and sixteen made between the existing Company of the one part and George Tabor Limited of the other part (being a lease of that part of the fishery known as the East End for a term of twenty-one years from the twenty-ninth day of September one thousand nine hundred and sixteen) and the indenture of lease dated the ninth day of April one thousand nine hundred and twenty and made between the existing Company of the one part and the Seasalter and Ham Oyster Fishery Company Limited of the other part (being a lease of that part of the fishery known as Bales Pool for a term of twenty-one years from the first day of January one thousand nine hundred and twenty).

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PART II.

INCORPORATION OF COMPANY &c.

Dissolution  
of existing  
Company  
and incor-  
poration of  
Company.

5. As from the appointed day the existing Company shall be and is by virtue of this Act dissolved and—

- (i) the several persons who are under the provisions of this Act to be the first directors of the Company;
- (ii) the several persons to and in whom original shares in the Company are allotted and vested as fully paid up under the provisions of the section of this Act of which the marginal note is "Allotment of original shares to freemen";
- (iii) the several persons to and in whom original shares in the Company are allotted and vested as fully paid up under the provisions of the section of this Act of which the marginal note is "Allotment of original shares to certain persons other than freemen"; and
- (iv) all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively

shall be and are hereby united into a company for the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Faversham Oyster Fishery Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to take hold and dispose of lands and other property for the purposes of this Act and of the undertaking and with all the other powers and privileges of a body corporate.

General  
purposes of  
Company.

6. The Company shall be established for the purpose of maintaining preserving managing and improving the fishery and generally for the purpose of carrying on the undertaking and exercising the powers and effecting the purposes of this Act. The powers of the Company shall subject to the provisions of this Act include (inter alia) the acquisition construction maintenance working and user or discontinuance sale letting and disposal of all such lands easements buildings works machinery plant fittings apparatus materials matters

and things and the exercise of such powers and the construction and doing of such works and things as may be necessary or convenient in for or in connection with the operations of breeding laying down dredging for catching taking acquiring disposing of making marketable and marketing oysters oyster brood ware half-ware spat and spawn and other shell fish and also floating fish of all descriptions and shall include all necessary powers for providing or working materials matters and things for those purposes or any of them and for otherwise carrying on the undertaking.

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7. Subject to the provisions of this Act all the right title and interest in the fishery and all exclusive rights of breeding laying dredging for catching having and taking oysters and oyster brood and all other rights attaching to the fishery or enjoyed by the existing Company in connection therewith and all the lands erections buildings rights and easements which immediately before the appointed day are vested in the existing Company or the freemen or members thereof (as such and not in their individual capacity) or in any person in trust for them or to which the existing Company or the freemen or members thereof (as such and not in their individual capacity) are in anywise entitled and all machinery plant tackle apparatus oysters and oyster brood stocks matters and things which are immediately before the appointed day the property of the existing Company or the freemen or members thereof (as such and not in their individual capacity) or any trustee on their behalf and all moneys securities credits effects and other property whatsoever which immediately before the appointed day belong to the existing Company or the freemen or members thereof (as such and not in their individual capacity) or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the existing Company and immediately before the appointed day in force and the undertaking of the existing Company and of the freemen and members thereof (as such and not in their individual capacity) shall on and from the appointed day be by virtue of this Act transferred to and vested in the Company subject to the subsisting leases and to the payment in perpetuity or until extinguished by agreement or under any statute for the time being

Property of  
existing  
Company  
vested in  
Company.

A.D. 1930. — applicable in that behalf of the sum of twenty-three shillings and fourpence to the lord of the manor and hundred of Faversham for the time being but free of any other manorial incidents or payments obligations or services to or fines forfeitures or claims by the said lord and in other respects to the same extent and for the same estate and interest as the same were previously to the appointed day vested in the existing Company or the freemen or members thereof (as such and not in their individual capacity) or any trustee on their behalf and may subject and according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed and dealt with by the Company as they think fit.

Act of 1840  
of water  
court  
orders &c.

8. Subject to the provisions of this Act as from the appointed day the Act of 1840 is hereby repealed and the water court orders in force immediately before that day shall as to any prospective operation be wholly void and the Company and the shareholders thereof shall be exempted from all the provisions restrictions and requirements of the said Act and water court orders But nothing in this Act contained shall affect the previous operation of the said Act and water court orders or anything done or suffered or any right obligation or liability acquired accrued or incurred thereunder and with respect to all such rights obligations and liabilities the Company and the property of the Company shall to all intents and purposes represent the existing Company and the freemen or members thereof as such and the property of the existing Company.

Contracts  
prior to  
appointed  
day to be  
binding.

9. All purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the appointed day by to or with the existing Company or the freemen or members thereof as such or the foreman treasurer secretary or jury of or any trustee or person acting on behalf of the existing Company or by to or with any person to whose rights and liabilities they have succeeded and in force at the appointed day shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the existing Company or the freemen members foreman treasurer secretary or jury thereof or any trustee or person acting on behalf

of the existing Company the Company had been a party thereto. A.D. 1930.

**10.** Nothing in this Act contained shall release discharge or suspend any action or other proceeding which was pending by or against the existing Company or any freemen or members thereof as such or any foreman treasurer or secretary thereof in relation to the affairs of the existing Company or to which the existing Company or any freemen or members thereof as such or any foreman treasurer or secretary thereof in relation to such affairs were parties immediately before the appointed day and any such action or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the existing Company or any freemen or members foreman treasurer or secretary thereof if this Act had not been passed the Company being in reference to the matters aforesaid in all respects substituted for the existing Company and the freemen or members foreman treasurer or secretary thereof.

Actions  
&c. not to  
abate.

**11.** Every person who (being authorised so to do) before the appointed day entered into any bond covenant contract or engagement on behalf of the existing Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put to by reason of his having entered into such bond covenant contract or engagement.

Indemnity.

**12.** Subject to the provisions of this Act from and after the appointed day the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the existing Company immediately before the appointed day were subject and shall indemnify the freemen and members and the foreman treasurer secretary jury and other officers and servants of the existing Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in connection therewith.

Company  
to satisfy  
liabilities  
of existing  
Company.

**13.** All persons who immediately before the appointed day owed any money to the existing Company or to any person on their behalf shall pay the same

As to  
payment of  
debts owing

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—  
before  
appointed  
day.

with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the appointed day were due or recoverable from the existing Company or for the payment of which the existing Company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Books &c.  
to continue  
evidence.

**14.** All documents books and writings which if the said dissolution repeal and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts and elsewhere notwithstanding such dissolution repeal and avoidance.

Saving  
rights of  
existing  
Company  
until  
appointed  
day.

**15.** Save as in this Act otherwise specially provided nothing in this Act shall prejudice or affect the exercise or enjoyment by the existing Company or the freemen or members thereof as such or any foreman treasurer secretary or jury of the existing Company of any of their rights powers or privileges during the period between the passing of this Act and the appointed day and save as aforesaid all such rights powers and privileges may be exercised and enjoyed during the said period as if this Act had not been passed.

### PART III.

#### CAPITAL AND FINANCIAL PROVISIONS.

Capital.

**16.** The capital of the Company shall be thirty thousand pounds divided into thirty thousand shares of one pound each. Of such capital such sum as may be necessary for giving effect to the provisions of this Act relating to the allotment of original shares is in this Act called the original capital and the shares therein are called the original shares and the remainder of the said capital is called the additional capital and shall be raised in manner hereinafter mentioned.

Allotment  
of original  
shares to  
freemen.

**17.** Subject to the provisions of the section of this Act of which the marginal note is "Further provisions as to persons entitled to allotment" there shall be allotted to and vested in every person who at the qualifying date was living and a freeman (or in the case of any such freeman who shall have died after the qualifying

date to and in his legal personal representatives) or to and in his (or their) nominees for that purpose two hundred original shares in the Company and such shares shall be issued as fully paid up and shall be accepted in substitution for any interest right or claim such freeman or his legal personal representatives as aforesaid may have in to or against the existing Company or its property or against all or any of the freemen or members of the existing Company as such or against any of the officers or the jury of that Company. A.D. 1930.

**18.**—(1) Subject to the provisions of the section of this Act of which the marginal note is “Further provisions as to persons entitled to allotment” the following provisions shall have effect with respect to the issue of original shares in the Company to persons other than freemen (namely):—

Allotment  
of original  
shares to  
certain  
persons  
other than  
freemen.

- (a) Every past apprentice who at the qualifying date was living and of sound mind and had been married between the completion of his apprenticeship and the qualifying date and whose age at the qualifying date did not exceed thirty years (or his legal personal representatives if he shall have died after the qualifying date) shall be entitled to have allotted to and vested in him (or them) or to and in his (or their) nominees for that purpose one hundred and fifty original shares in the Company;
- (b) Every past apprentice who at the qualifying date was living and of sound mind and had been married between the completion of his apprenticeship and the qualifying date and whose age at the qualifying date exceeded thirty years (or his legal personal representatives if he shall have died after the qualifying date) shall be entitled to have allotted to and vested in him (or them) or to and in his (or their) nominees for that purpose such number of original shares in the Company as is equal to one hundred and fifty reduced by four for every one of the years by which his age at the qualifying date exceeded thirty years;
- (c) Every past apprentice who at the qualifying date was living and of sound mind and unmarried

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and whose age at the qualifying date did not exceed thirty years (or his legal personal representatives if he shall have died after the qualifying date) shall be entitled to have allotted to and vested in him (or them) or to and in his (or their) nominees for that purpose one hundred and fifty original shares in the Company;

(d) Every past apprentice who at the qualifying date was living and of sound mind and unmarried and whose age at the qualifying date exceeded thirty years (or his legal personal representatives if he shall have died after the qualifying date) shall be entitled to have allotted to and vested in him (or them) or to and in his (or their) nominees for that purpose such number of original shares in the Company as is equal to one hundred and fifty reduced by six for every one of the years by which his age at the qualifying date exceeded thirty years;

(e) Every person who—

(i) was an apprentice at the qualifying date or having become an apprentice between the qualifying date and the sixteenth day of November one thousand nine hundred and twenty-nine remained an apprentice at the last-mentioned date; and

(ii) shall have attained the age of twenty-one years and shall upon attaining that age be of sound mind (or his legal personal representatives if he shall have died after attaining the age of twenty-one years)

shall be entitled to have allotted to and vested in him (or them) or to and in his (or their) nominees for that purpose such number of original shares in the Company as is equal to one hundred increased by five for each year of his apprenticeship completed on or before the sixteenth day of November one thousand nine hundred and twenty-nine :

Provided nevertheless that in any case in which any such past apprentice as is referred to in paragraph (b) or in paragraph (d) of this subsection (or his legal personal

representatives) would not under the operation of the provisions of those paragraphs respectively be entitled to have allotted to and vested in him (or them) as many as three original shares in the Company such person (or his legal personal representatives) shall be entitled to have allotted to and vested in him (or them) three such original shares. A.D. 1930.

(2) The original shares referred to in subsection (1) of this section shall be issued as fully paid up and shall be accepted by the persons respectively entitled thereto in substitution for any interest right or claim such persons as aforesaid may respectively have in to or against the existing Company or its property or against all or any of the freemen or members of the existing Company as such or against any of the officers or the jury of that Company.

19.—(1) The directors shall on the appointed day or as soon as practicable thereafter enter in the register of shareholders of the Company the names of all persons whose addresses they may know or may be able by reasonable inquiry to ascertain and with respect to whom it shall appear to the directors that they are entitled to the immediate allotment of fully paid original shares in the Company under the provisions of this Act and also in due course the names of all apprentices with respect to whom it shall appear to the directors that though not entitled to such an immediate allotment on the appointed day they have become entitled to such an allotment subsequently by reason of attaining the age of twenty-one years and whose addresses the directors may know or may be able by reasonable inquiry to ascertain. Further provisions as to persons entitled to allotment.

(2) As soon as practicable after the passing of this Act the Company shall give notice of the effect of the provisions of the sections of this Act of which the respective marginal notes are "Allotment of original shares to freemen" and "Allotment of original shares to certain persons other than freemen" and of this section by advertisement in two successive weeks in a daily newspaper published in the county of London and in two weekly newspapers published or circulating in the county of Kent.

(3) In the case of every person whose name is not entered in the register of shareholders as made up by

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(a) if he qualifies for allotment by the title of a freeman or past apprentice two years after the appointed day; and

(b) if he qualifies for allotment by the title of an apprentice one year after attainment by the apprentice of the age of twenty-one years;

it shall be established to the reasonable satisfaction of the directors that he is entitled to the immediate allotment of fully paid original shares in the Company under the provisions of this Act his name shall be entered by the directors in the register of shareholders in respect of such shares forthwith upon his title thereto being so established.

(4) No person shall be entitled to an allotment of any fully paid original shares in the Company in pursuance of this Act unless either his name is entered in the register of shareholders in respect of such shares by the directors in accordance with the provisions of subsection (1) of this section or his title to an immediate allotment of such shares is established to the reasonable satisfaction of the directors within the period prescribed in subsection (3) of this section.

(5) Every person to whom original shares in the Company are allotted as fully paid under the provisions of this Act shall be entitled in respect of such shares to participate in any dividend as from the date when his name is entered in the register of shareholders in respect of such shares in pursuance of this section and not from any earlier date.

Power to  
raise  
additional  
capital.

**20.** The Company may subject to the provisions of this Act and to the provisions of Part II of the Companies Clauses Act 1863 raise by the issue of new ordinary shares any additional capital not exceeding in the whole such sum as with the original capital shall make up the total capital of thirty thousand pounds by this Act authorised but the Company shall not issue any share of less nominal value than one pound nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

**21.** The additional capital created by the Company under this Act and the new shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the original capital of the Company and the new shares were shares in that capital.

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New shares  
to be  
subject to  
same  
incidents  
as other  
shares.

**22.** Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the Company and shall be entitled to a dividend with the other holders of shares proportioned to the whole amount from time to time called up and paid on such new shares.

Dividends  
on new  
shares.

**23.**—(1) The Company may without further or other authority borrow on mortgage of the undertaking in respect of the original capital any sum or sums not exceeding in the whole one half of the total amount of the original shares which at the time of borrowing have been allotted in pursuance of the provisions of this Act.

Power to  
borrow.

(2) The Company may also subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the additional capital any sum or sums not exceeding in the whole one-half part of the nominal amount of that capital which at the time of borrowing has been actually issued and accepted but no part of any such sum shall be borrowed until the shares in respect of which the borrowing power is exercised are issued and accepted and one-half of the total nominal amount thereof is paid up and the Company shall have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares have been issued and accepted and that one-half of the total nominal amount thereof has been paid up and that not less than one-fifth part of the amount of each separate share issued and accepted has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted and to the extent aforesaid paid up bona fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns

A.D. 1930. — and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For  
appoint-  
ment of a  
receiver.

24. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Debenture  
stock.

25. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of  
mortgages  
over other  
debts.

26. All moneys raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of the sum of twenty-three shillings and fourpence referred to in the section of this Act of which the marginal note is "Property of existing Company vested in Company" or in respect of any rentcharge to be granted by the Company in pursuance of the Lands Clauses

Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to or vested in the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock. A.D. 1930.

**27.** All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend. *Application of moneys.*

**28.**—(1) The Company may for the purposes of or in connection with the undertaking borrow or raise moneys on temporary loans from bankers by means of overdrafts or otherwise or by the issue of notes or bonds of a currency of not less than five years and of not more than ten years and may draw accept and endorse bills of exchange or other negotiable instruments. *Company may incur temporary loans.*

(2) The powers of raising moneys conferred by this section shall be in addition to any powers for the time being of the Company to borrow on debenture or mortgage of the undertaking or to raise moneys by the issue of debenture stock.

(3) The aggregate amount outstanding at any one time of the moneys raised under this section shall not exceed ten thousand pounds.

**29.** The Company may in issuing any portion of the additional capital or any securities authorised by this Act dispose of all or any of the shares representing such capital or such securities at such times to such persons on such terms and conditions and in such manner as the directors think advantageous to the Company. *As to disposal of shares or stock.*

**30.** The Company may subscribe for purchase hold and dispose of shares stocks or securities in any other fishery company or in any company purchasing or marketing or agreeing to purchase or market any of the Company's oysters oyster brood ware half-ware spat spawn fish or any other of the Company's products or in any company making producing or dealing in vessels boats machinery plant tackle appliances or other articles used in or in connection with the business of a fishery *Subscription for shares or loans in other undertakings.*

A.D. 1930. — company and may lend money on mortgage bond or other security to any such company or to any firm or person purchasing or marketing or agreeing to purchase or market any of the Company's said products or making producing or dealing in such vessels boats machinery plant tackle appliances or articles.

Reserve  
fund.

**31.** The directors may before apportioning the profits to be divided among the shareholders set aside thereout such sums as they think proper as a reserve or reserves which shall at the discretion of the directors be applicable for meeting contingencies or for equalising dividends or for any other purpose to which the profits of the Company may be properly applied and pending such application may at the like discretion either be employed in the business of the Company or be invested in such investments (other than shares of the Company) as the directors may from time to time think fit.

Receipt in  
case of  
persons not  
sui juris.

**32.** If any money is payable to a shareholder or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Company  
not bound  
to regard  
trusts.

**33.** The Company shall not be bound to see to the execution of any trusts whether express implied or constructive to which any stock or debenture stock may be subject and the provisions of section 20 of the Companies Clauses Consolidation Act 1845 shall mutatis mutandis extend and apply to any stock or debenture stock of the Company as if the same were shares in the capital of the Company.

#### PART IV.

##### MEETINGS DIRECTORS AND ADMINISTRATIVE PROVISIONS.

Ordinary  
meetings.

**34.** The first ordinary meeting of the Company shall be held on the thirty-first day of July one thousand nine hundred and thirty-one and all subsequent ordinary meetings of the Company shall be held yearly in the month of July August or September in every year at the Company's principal office or in such other month or at such other place as shall be from time to time appointed for that purpose by an order of the directors.

Notice of  
meetings.

**35.** Any meeting of the Company whether ordinary or extraordinary may be convened by notice delivered

at or sent by post to the registered address or other known address of each shareholder of the Company Provided that the notice if delivered shall be delivered at such address as aforesaid not less than six clear days or if sent by post shall be prepaid and posted not less than seven clear days before the date of the meeting In proving that any such notice has been sent by post it shall be sufficient to prove that the notice was properly addressed and put into the post and prepaid not later than the time hereby prescribed.

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**36.** The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be five shareholders (of whom at least one shall be a director) present in person and representing (either as shareholders or as proxies for shareholders) in the aggregate not less than one-twentieth of the total number of shares (whether in the original or in the additional capital) for the time being allotted or issued by the Company.

Quorum of  
general  
meetings.

**37.** At all general meetings of the Company whether ordinary or extraordinary every holder of shares shall on a show of hands be entitled to one vote and on a poll to one vote in respect of each one pound in the nominal value of the shares held by him Provided always that no shareholder shall be entitled to vote at any meeting in respect of any share on which any call remains unpaid.

Votes at  
meetings.

**38.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder or stockholder duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder or stockholder and for that purpose may execute on behalf of the shareholder or stockholder the necessary form of proxy Provided that except in cases where the instrument appointing the attorney shall have been previously registered with the Company the same or (in the case of an instrument deposited with the central office of the Supreme Court) an office copy thereof shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy.

As to  
appoint-  
ment of  
proxies.

**39.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons

Joint  
holders.

A.D. 1930. — are jointly entitled to and registered as holders of any share of the Company any one of those persons may vote at any meeting either personally or by proxy in respect of the share as if he were solely entitled thereto but if more than one of such joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the share shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any share stands shall for the purposes of this section be deemed joint holders thereof.

**Directors.**

**40.**—(1) The number of directors shall be six.

(2) (i) The qualification of every director shall be the holding in his own name of not less than two hundred shares in the Company.

(ii) At the first ordinary meeting of the Company and during the period of six years after the first ordinary meeting of the Company no election of directors shall be valid if it results in less than three of the directors being persons who at the qualifying date were freemen Provided always that this provision shall only apply if and so far as there are for the time being such persons living and willing to serve as directors and possessed of the qualification required by paragraph (i) of this subsection.

(3) The quorum of a meeting of the directors shall be such number (not being less than two) as the directors may from time to time determine.

(4) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract Provided that if he is or becomes interested in any contract with the Company (whether such interest shall arise before or after his appointment as a director) the nature of his interest in the contract shall be disclosed by him at the

meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

A.D. 1930.  
 —

41. Austin Gardner Edwin William Luckhurst First  
 Lewes George Gardner Thomas Edward Arnold Walter directors  
 Philip Lightfoot and Frederick Jemmett shall be the and chair-  
 first directors of the Company and Austin Gardner shall man and  
 be the first chairman of directors and such first directors subsequent  
 shall continue in office until the first ordinary meeting elections of  
 of the Company held after the passing of this Act At directors.  
 that meeting the shareholders of the Company present  
 in person or by proxy may (subject to the provisions  
 of the section of this Act of which the marginal note  
 is "Directors") either continue in office the directors  
 appointed by this Act or any of them or may elect a  
 new body of directors or directors to supply the place  
 of those not continued in office the directors appointed  
 by this Act being if they continue qualified eligible for  
 re-election At the first ordinary meeting to be held in  
 every year after the year one thousand nine hundred  
 and thirty-one the shareholders of the Company present  
 in person or by proxy shall (subject as aforesaid) elect  
 persons to supply the places of the directors then retiring  
 from office in accordance with the provisions of the  
 Companies Clauses Consolidation Act 1845 If at any  
 such meeting the directors from among whom those who  
 are to go out of office must be chosen by agreement  
 or ballot include any persons who at the qualifying date  
 were freemen the directors chosen to go out of office  
 shall include one and only one of such persons The  
 several persons elected at any such meeting being neither  
 removed nor disqualified nor having died or resigned  
 shall continue to be directors until others are duly elected  
 in their stead.

42. The continuing directors may act notwith- Continuing  
 standing any vacancy in the number of directors. directors.

A.D. 1930.

—  
Interim  
dividends  
and annual  
accounts.

**43.** If and so long as the ordinary meetings of the Company shall be held once only in each year the following provisions shall have effect:—

(a) It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company without the sanction or direction of a general meeting;

(b) The Company and the directors shall not be required to make up a half-yearly balance sheet and accounts and the balance sheet and accounts made up by them in accordance with section 116 of the Companies Clauses Consolidation Act 1845 shall relate to the transactions of the Company in the course of the preceding year.

Closing of  
transfer  
books.

**44.**—(1) The directors may close the register of transfers of shares or stock for a period not exceeding fourteen days previous to the declaration of any dividend and they may close the register of transfers of mortgages debentures or debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and they may fix a day for closing any such register of which day seven days' notice shall be given either by circular to each holder of shares or of mortgages debentures or debenture stock (as the case may require) or by advertisement in a newspaper published in the county of Kent.

(2) Any transfer of shares stock mortgages debentures or debenture stock made during the time when the register of transfers of such security is so closed shall as between the Company and the person claiming under the transfer but not otherwise be considered as made subsequently to the declaration of any such dividend or the payment of any such interest as the case may be.

Register of  
shareholders  
and share-  
holders'  
address  
book.

**45.** Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company—

(a) to keep separately a register of shareholders and a shareholders' address book but in lieu

thereof the Company may if they think fit keep one register only containing such particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively; or

- (b) to authenticate by the affixing of their common seal or otherwise the register of shareholders or any register which the Company may keep in lieu thereof under the powers of this section.

**46.** Notwithstanding anything in any Act relating to the Company any contract required to be in writing and not under seal may be signed on behalf of the Company by the secretary or other person appointed in that behalf by the directors.

A.D. 1930.

—

As to contracts.

**47.**—(1) It shall not be necessary for any auditor to hold any shares in the Company.

Auditors.

(2) No person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting an auditor of the Company unless notice in writing be given to the secretary or left at the principal office of the Company not less than three clear days before the date of the meeting that such person will be proposed for election as an auditor of the Company. The secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such three days and the day of election keep a copy of the notice fixed in some conspicuous place in the said office.

(3) If any auditor of the Company dies or resigns the directors may appoint another auditor in his place and any auditor so appointed shall hold office until the next ordinary meeting.

(4) Nothing in this section shall prevent any person who at the date of the passing of this Act is an auditor of the existing Company from being appointed or continuing to act as an auditor of the Company.

**48.** In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary and auditors.

Remuneration of secretary and auditors.

A.D. 1930.

## PART V.

## GENERAL AND MISCELLANEOUS.

Amend-  
ment of  
Scheme.

**49.** As from the appointed day clause 28 of the Scheme of 1883 as varied by clause 2 of the Scheme of 1922 shall be read and have effect as if there were substituted for the references therein to freemen of the existing Company or widows of such freemen references respectively to persons who were at the qualifying date freemen or who are widows of persons who were at that date or had been before that date freemen preference being given to those who are working dredgersmen or widows of working dredgersmen.

Power to  
lease  
fishery.

**50.** Subject to the provisions of this Act the Company may from time to time grant leases for such periods and upon such terms and conditions as they think fit of the fishery or any part or parts thereof or of any of their rights in the oyster grounds comprised therein and the exclusive user and enjoyment of the same and of all or any other rights or property of the Company to be specified in any such lease and may from time to time grant renewals or accept surrenders of any such leases and of the subsisting leases.

Lands by  
agreement.

**51.** The Company may for the general purposes of the undertaking purchase or take on lease (by agreement but not otherwise) and hold any lands and hereditaments not exceeding ten acres which the Company may from time to time require for any of the purposes of this Act or of the undertaking but the Company shall not create or permit a nuisance on any such lands.

Dwelling-  
houses for  
employees.

**52.** The Company may erect and maintain upon the lands for the time being belonging to or held on lease by them or as to which they may have acquired any right or permission so to do and may acquire and hold cottages or dwelling-houses for their employees and other buildings in connection with or for the purposes of the undertaking.

Company  
may dispose  
of lands not  
required.

**53.** Notwithstanding any provisions of the Lands Clauses Acts the Company may sell grant or lease for such periods and for such consideration as they think fit any lands houses and property for the time being

belonging to them which they do not require for the purposes of the undertaking or any interest right or easement therein. A.D. 1930. —

**54.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Persons under disability may grant easements &c.

**55.—(1)** The Company may grant pensions or gratuities or make other allowances or payments to any employees of the Company or the dependants of any such employees or may make contributions to any fund established by their employees for the payment of pensions or superannuation allowances or for the benefit of such dependants and may charge their funds and revenues with such payments or contributions. Power to grant pensions &c. to employees.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing any such pensions gratuities allowances or payments and may for all or any of the purposes of this sub-section apply the revenues of the Company.

(3) No pensions fund established under this section to which the employees of the Company are required to contribute shall come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

**56.** The directors may subscribe or make donations to infirmaries or hospitals and to convalescent homes and similar institutions and to any charitable objects and to any industrial exhibitions relating to any of the objects of the Company and to benevolent and sick funds of the employees of the Company and may for any of those purposes apply the revenues of the Company. Power to directors to make donations subscriptions &c.

A.D. 1930.

Works  
below high-  
water mark  
not to be  
constructed  
without  
consent of  
Board of  
Trade.

**57.** The Company shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade in the interests of navigation to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Saving for  
existing  
apprentice-  
ship deeds.

**58.** Except as is by this Act expressly provided nothing in this Act shall prejudice or affect any apprenticeship deeds whereby at the date of the passing of this Act any persons are bound apprentice to freemen or the rights duties or obligations of the parties thereto.

Saving for  
rights of  
lord of  
manor and  
steward.

**59.** Except as by this Act expressly provided nothing in this Act contained shall extend 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 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 passed.

Crown  
rights.

**60.** Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the Crown.

**61.** Nothing in this Act contained shall exempt the Company or the fishery from the provisions of any general Act relating to oyster fisheries or to buoys now in force or which may hereafter pass during this or any future session of Parliament.

A.D. 1930.  
Provisions  
as to  
general  
Acts.

**62.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of  
Act.

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Printed by EYRE and SPOTTISWOODE, LTD.,  
FOR  
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Acts of Parliament.

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