



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cclxxx.

An Act for the Incorporation of the *Herne Bay, Hampton, and Reculver* Oyster Fishery Company, and for authorizing them to establish and maintain an Oyster Fishery in the Estuary of the River *Thames*, and to make and maintain a Pier and a Tramway and other Works; and for other Purposes. [25th July 1864.]

WHEREAS the making and maintaining of a duly protected Oyster Fishery in the Estuary of the River *Thames*, near to *Herne Bay*, with proper and sufficient Oyster Beds, and other Works and Conveniences connected therewith, 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 for the Purposes of the Conveyance of Oysters from the Fishery, and other Purposes connected with the Fishery, it is expedient that the Company be authorized to make and maintain a Pier and

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Landing

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Landing Place at the Fishery, and a Tramway thence to the *Kent Coast* Railway: And whereas Plans and Sections of the proposed Pier, Tramway, and other Works, showing the Lines and Levels thereof and the Lands proposed to be taken for the Purposes of this Act, and Books of Reference to the Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, have been deposited with the Clerk of the Peace for the County of *Kent*, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: 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,)

Short Title. 1. This Act may for all Purposes be cited as "*The Herne Bay Fishery Act, 1864.*"

8 & 9 Vict.
cc. 16. 18.
& 20.,
10 & 11 Vict.
c. 27.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 92. & 118.
incorporated.

2. "The Companies Clauses Consolidation Act, 1845," and Part 1 (relating to Cancellation and Surrender of Shares), and Part 3 (relating to Debenture Stock), of "The Companies Clauses Act, 1863," and "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Part 1 (relating to Construction of a Railway) of "The Railways Clauses Act, 1863," and "The Harbours, Docks, and Piers Clauses Act, 1847," (save so far as any of the Sections and Provisions of those Acts and Parts of Acts respectively are expressly excepted or varied by this Act,) are incorporated with and form Part of this Act; and the Words "Work" and "Railway" in Part 1 of the "Railways Clauses Act, 1863," relating to "Protection of Navigation," shall apply to and include all Works below High-water Mark to be executed under the Authority of this Act: Provided that the following Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," are not incorporated with this Act, (that is to say,) Sections 25 and 26, and the Provisions with respect to the Construction of Works for the Accommodation of the Officers of Customs, with respect to the Rates to be taken by the Undertakers, with respect to the Collection and Recovery of Rates, and with respect to the Accounts to be kept of the Rates and the Vessels in respect of which they are payable: Provided also, that the Provisions of that Act with respect to Life Boats, and with respect to keeping a Tide and Weather Gauge, shall not have any Operation as Part of this Act, unless and until and except only so far as the Board of Trade from Time to Time so prescribe.

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3. The several Words and Expressions to which by the Act 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 "Stock Holders:" Provided also, that for the Purposes of the "Railways Clauses Act, 1863," the Tramway shall be deemed to be "the Railway," and that the Word "Junction" in the 9th, 10th, 11th, and 12th Sections of that Act shall include the Crossing of the Down Line of the *Kent Coast* Railway, proposed for effecting One of the Junctions by this Act authorized, and that the Junctions with the *Kent Coast* Railway and that Crossing shall in the first instance be made, and shall at all Times afterwards be kept in good Repair and working Order, by and at the Expense of the Company.

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

Provision as to Junctions, &c.

4. *William Crofts, William Mount, John William Satter*, 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 *Herne Bay, Hampton, and Reculver* Oyster Fishery, and the Oyster Beds, Pier, Tramway, and other Works 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 *Herne Bay, Hampton, and Reculver* Oyster Fishery Company," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes, but subject to the Restrictions of this Act.

Herne Bay, Hampton, and Reculver Oyster Fishery Company incorporated.

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

Capital.

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.

Shares not to issue until One Fifth Part paid up.

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.

Calls.

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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 whole the Sum of Twenty-five thousand 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 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 Appoint-
ment 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 Two thousand 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 Seven, and the Qualification of a Director shall be the holding in his own Right of Fifty Shares of the Company's Capital of the aggregate nominal Amount of at least Five hundred Pounds.

Quorum of
Directors
and Com-
mittees.

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 Direc-
tors.

13. Sir *Henry James Leeke* Baronet, Sir *Edwin Pearson*, *Frank Buckland*, *Edward Reynolds Collard*, *Cholmondeley Pennell*, *George Braginton*, and *Alexander Smith* 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.

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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 Five, and the Meeting may determine when the Reduction shall take effect, and the Rotation of the reduced Number of Directors.

Power to reduce Number of Directors.

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.

First and subsequent Ordinary Meetings.

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.

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

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

Quorum for General Meetings.

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

Number of Shareholders for calling Extraordinary Meetings.

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

Newspapers for Advertisements.

21. Subject to the Provisions of this Act, and except as hereinafter mentioned, the Company from Time to Time may enter upon, take, and use such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference as they think proper for the Purposes of this Act.

Power to take Lands.

22. The Company shall not by virtue of this Act, and then only by Agreement, acquire any Estate or Interest other than an Easement in Lands situate below High-water Mark without the Consent in Writing of the Owners thereof for the Time being, except for the Purposes of the Pier and Works at or near *Hampton Point* hereinafter mentioned.

Company to acquire an Easement only in Lands below High-water Mark.

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23. The

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Powers for compulsory Purchases limited.

23. The Company's Powers for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act.

Lands for extraordinary Purposes.

24. The Company, by Agreement, from Time to Time may purchase for any Purposes of this Act, in addition to the Lands which they may purchase compulsorily, any Quantity of Land, not exceeding in the whole Three Acres.

Power to make Works authorized by Act.

25. Subject to the Provisions of this Act, the Company from Time to Time shall make, maintain, and execute, in the Lands shown on the deposited Plans and specified in the deposited Books of Reference, the Works and Operations by this Act authorized, and, so far as the Lines and Levels thereof respectively are shown on the deposited Plans and Sections, shall make the same in accordance with those Lines and Levels.

Works authorized by Act.

26. The Works and Operations which by this Act the Company are authorized to make, maintain, and execute, comprise the following Works and Operations, with all incidental Works and Conveniences; (that is to say,)

- (A.) Oyster Beds or Tanks for the Storage of Oysters, and a Waterway or Drain connected therewith, and of not more than Eleven Feet in Width at the Bottom, all in the Parish of *Herne* in the County of *Kent*;
- (B.) The Diversion into the Oyster Beds or Tanks, Waterway or Drain, of Waters flowing from the Estuary of the River *Thames*;
- (C.) A Tramway commencing by a Junction with the *Kent Coast* Railway at a Point Westward of the present *Herne Bay* Railway Station, and terminating at *Hampton Point* on the Shore of the Estuary, all in the Parish of *Herne*;
- (D.) The Junction of the Tramway with the *Kent Coast* Railway;
- (E.) A Diversion of Part of the *Faversham and Hampton Point* Highway commencing at *Hampton Point*, and terminating at the Junction of that Highway with the *Herne Bay and Whitstable Road*, all in the Parish of *Herne*;
- (F.) A Pier or Jetty and Landing Place, with all necessary Wharves and Conveniences for the landing of Fish and other Goods, commencing at *Hampton Point*, and terminating at a Point Three hundred Yards or thereabouts Seaward and North-westward of *Hampton Point*, all in the Parish of *Herne* and an adjoining Extra-parochial Place, or One of them;
- (G.) All such Dams, Embankments, Walls, Buildings, Workshops, Stores, Sheds, Wharves, Lay-bys, Locks, Sluices, Gates, Flood-gates, Openings, Cranes, and other Apparatus as the Company from

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from Time to Time think necessary or convenient for any of the Purposes of their Undertaking:

(H.) The crossing, diverting, or altering, permanently or temporarily, of all such Highways, Streams, Navigations, Rivers, Embankments, Bridges, and Tramways within or adjacent to the several Parishes or Places of *Herne, Herne Bay, Hampton, Reculver, Swalecliffe, Chislett, and Saint Nicholas at Wade*, as the Company from Time to Time find it expedient for the Purposes of their Undertaking so to interfere with.

27. The Company, in the Execution of the Works by this Act authorized, may deviate from the Lines of the Works shown on the deposited Plans to any Extent within the Limits of Deviation shown thereon, and may deviate from the Levels of the Works shown on the deposited Sections to any Extent not exceeding Five Feet.

Lateral and vertical Deviations.

28. The Company may make, maintain, and use the Tramway across and on the Level of the Parish Road from *Herne Bay* to *Whitstable* shown on the deposited Plan, and numbered 5 in the Parish of *Herne*; and no more than One Line of Rails shall be made at such Crossing.

Level Crossing.

29. The Works by this Act authorized, and shown on the deposited Plans and Sections, shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers of the Company for making the same, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as is then completed: Provided that, notwithstanding the Expiration of that Period, the Company from Time to Time may repair, enlarge, improve, and maintain so much of the Works as they complete within that Period.

Period for Completion of Works.

30. The Company shall not take or use, otherwise than by Agreement, such Portion of the Foreshore, if any, as may belong to *Earl Cowper*, as Lord of the Manor of *Swalecliffe*, within the Limits of Lands numbered 10c, 11c, and 12c on the deposited Plans.

Not to take Lands of Earl Cowper without Consent.

31. The Company shall not take or use, otherwise than by Agreement, any Weir, Land, or Fishery belonging to and occupied by *Judah Downs*.

Not to take Weir, &c. of Judah Downs without Consent.

32. In the event of the Company failing to proceed with the Execution of the Works by this Act authorized within One Year after the passing of this Act, or in the event of the Company failing to prosecute and complete such Works within the Time limited by this Act, or in the event of the Inspectors of Fisheries from Time to Time

Powers of the Company to cease on their failing to execute the Works or cultivate the

Time

*The Herne Bay Fishery Act, 1864.*Oyster
Grounds.

Time acting under the "Salmon Fishery Act, 1861," after giving Two Months Notice in Writing to the Company of their Intention so to do, certifying that the Company has for the Space of Twelve Months failed to maintain and cultivate the Oyster Grounds by this Act defined, or that the Company has for the Space of Five Years from the passing of this Act failed to produce on the said Ground well fed Oysters, fit for the public Market, so as to be of public Advantage, and which Certificate the said Inspectors are hereby authorized to grant, all the Rights, Powers, and Authorities conferred upon the Company by this Act shall thenceforth cease and determine, and all the Provisions in this Act relating to the Oyster Grounds shall cease to be applicable, as though this Act had not passed.

Deposit
Money not
to be repaid
unless within
a limited
Period
Tramway
opened, or
Half the Ca-
pital paid up
and expend-
ed, except on
execution of
Bond.

33. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Two hundred and fifty-six Pounds, being Eight *per Centum* upon the Amount of the Estimate of the Expense of the Tramway by this Act authorized, being Part of a total Sum of Four thousand Pounds Sterling (the remaining Part thereof, amounting to the Sum of Three thousand seven hundred and forty-four Pounds Sterling, being Four *per Centum* on the Estimate of Expense of the other Works by this Act authorized, which has been deposited with the Court of Chancery in *England*, pursuant to the same Act), in respect of the Application to Parliament for this Act: Be it enacted, That notwithstanding anything contained in the said recited Act, the Sum of Two hundred and fifty-six Pounds, Part of the said Sum of Four thousand Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Tramway hereby authorized to be made, either open the said Tramway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up, by means of the Capital in Shares by this Act authorized to be raised, the Sum of One thousand six hundred Pounds, being One Half of the estimated Expense of constructing the said Tramway, and have expended for the Purposes of this Act in respect of the said Tramway a Sum of One thousand six hundred Pounds; and if the said Period shall expire before the Company shall either have opened the said Tramway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the

the

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the Lords of the said Committee, the said Sum of Two hundred and fifty-six Pounds deposited as aforesaid, and the Interest and Dividends thereof, shall, immediately from and after the Expiration of the said Period, be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided that, at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Two hundred and fifty-six Pounds shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor of the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Two hundred and fifty-six Pounds if the Company shall not, within the Time limited for the Completion of the said Tramway, either open the said Tramway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up, by means of the Capital in Shares by this Act authorized to be raised, a Sum of One thousand six hundred Pounds, and have expended for the Purposes of this Act in respect of the said Tramway a Sum of One thousand six hundred Pounds, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

34. The Court of Chancery may at any Time after the passing of this Act order that Three thousand seven hundred and forty-four Pounds, and the Interest and Dividends thereon, being Part of the said Sum of Four thousand Pounds, be paid to the Company, or to such Person or Persons as the Company may appoint in that Behalf; and upon such Order being made, such Sum of Three thousand seven

Provision
for Repay-
ment of
Residue of
Deposit
Money.

[*Local.*]

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hundred

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hundred and forty-four Pounds, and the Interest and Dividends thereon, shall be paid to the said Company, or to such Person or Persons as the said Company shall appoint.

Power to
make
Landing
Places, Slips,
&c.

35. The Company from Time to Time may make, erect, maintain, repair, and improve, on any of the Lands acquired by them under this Act, all such Landing Places, Slips for the building and repairing of Boats and Vessels of small Tonnage, Warehouses, Sheds, and other Buildings, Works, and Conveniences for the Purposes of their Undertaking as they think fit.

Power for
Company to
provide
Dwellings
for Officers,
&c.

36. The Company from Time to Time may build, maintain, and improve on any of the Lands acquired by them under this Act, or may take on Lease or hire elsewhere, all such Dwelling Houses or Cottages and Offices for their Officers and Servants as the Company think fit, and may permit the same to be occupied accordingly, with or without the Payment of Rent for the same, and on such Terms and Conditions as they think fit.

Power to
provide
Boats, &c.

37. The Company from Time to Time may provide, maintain, repair, and use for any of the Purposes of this Act 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
Grounds.

38. The following are the Company's Oyster Grounds under this Act, and the Limits thereof; that is to say,

All those Parts of the Foreshore and Bed of the Estuary of the River *Thames* situate within the several Parishes of *Swalecliffe*, *Herne*, *Reculver*, *Chislett*, and *Saint Nicholas at Wade*, all in the County of *Kent*, or some of them, and Places adjacent thereto, which are comprised within the following Lines, containing an Area of Nine Square Miles, or thereabouts; that is to say,

First.—Westward. An imaginary straight Line drawn from a Point (A.) at *Trinity* High-water Mark on the Shore of the Parish of *Swalecliffe*, at a Distance of One hundred and fifty-eight Chains Westward from the Centre of the Shore End of *Herne Bay* Pier, to a Point (B.) due North of and distant One hundred and ten Chains from the Point (A.):

Second.—Northward. An imaginary straight Line drawn from the Point (B.) to a Point (C.) due East of and distant Four hundred and ninety-two Chains from the Point (B.):

Third.—Eastward. An imaginary straight Line drawn from the Point (C.) to a Point (D.) at *Trinity* High-water Mark on the Shore of the Parish of *Saint Nicholas*, South-east of and distant One hundred and thirty-three Chains from the Point (C.),
and

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and at a Distance of Four hundred and eight Chains Eastward from the Centre of the Shore End of *Herne Bay Pier* :

Fourth.—Southward. The Line of *Trinity* High-water Mark from the Point (D.) to the Point (A.) :

And also all the Oyster Beds, Tanks, Waterways, Drains, and Lands from Time to Time belonging to the Company.

39. The Oyster Grounds, and all Places within the Limits thereof, shall for all the Purposes of this Act, and for all other Purposes, civil and criminal and otherwise, be within the Body of the County of *Kent*.

Oyster Grounds in County of Kent.

40. The Company from Time to Time shall erect and maintain at each of the Points (A.) and (D.) a Boundary Stone, and shall provide and maintain at each of the Points (B.) and (C.), and at each of such other Points as the Board of Trade may fix, a Buoy respectively, proper and sufficient for clearly denoting the Limits of so much of the Oyster Grounds as is Seaward of *Trinity* High-water Mark.

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

41. 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.

Buoys to be such as the Board of Trade approve.

42. 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.

Meaning of Word "Oysters."

43. At all Times after the passing of this Act the Company, within and to the full Extent of the Oyster Grounds, 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 make and maintain Oyster Beds, and 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 Oyster Beds, 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.

Company's Oyster Fishery.

44. All Oysters from Time to Time after the passing of this Act being within the Limits of the Oyster Grounds shall be the absolute Property of the Company, and in all Courts of Law and Equity and

Oysters in the Oyster Grounds to be Com-

elsewhere,

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pany's Property, &c.

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 Grounds and not sold by Company to be their Property, &c.

45. All Oysters from Time to Time after the passing of this Act having been within the Limits of the Oyster Grounds and having been removed therefrom, and by whomsoever removed, and notwithstanding the same after being so removed and not having been sold in Market overt, or otherwise than by or under the Authority of the Company, 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.

46. 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 Grounds and Provisions of Act relating thereto, &c.

47. As soon as conveniently can be after the First Meeting of the Company they shall, by Advertisements in Newspapers published in the County of *Kent*, and by Placards posted in conspicuous Places and distributed in the several Parishes named in this Act, give public Notice of the Limits of the Oyster Grounds, and the Provisions of this Act relating thereto and to the Company's Oyster Fishery.

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

48. After the Expiration of One Month after the erecting and providing by the Company of Boundary Stones and Buoys to denote the Limits of the Oyster Grounds, and the publishing by them of the prescribed Notice of the Limits of the Oyster Grounds, and the Provisions of this Act relating thereto and to their Oyster Fishery, 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 Grounds 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 Hook, or by Net solely adapted for catching floating Fish, any Eels, or any Soles, Flounders, Plaice, Turbot, Halibut, or other Flat Fish, or any other 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:

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

(F.) Use

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(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 any Weir, Engine, Work, Implement, Apparatus, or Device, prejudicial or likely to be prejudicial to any Oyster Bed or Oysters, or to the Oyster Fishery :

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

(I.) Wilfully do or occasion in any other Manner any Injury or Damage to any Oyster Bed or 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 and every subsequent 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.

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

Offences in
Oyster
Grounds
triable in
Kent.

50. 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.

Interest not
to be paid on
Calls paid up.

[*Local.*]

47 *E*

51. The

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Deposit on
future Bills
not to be
paid out of
Capital.

51. The Company shall not, out of any Money by this Act authorized to be raised by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, is required to be deposited in respect of any Application to Parliament for an Act authorizing the Company to make any other Railway, or execute any other Work or Undertaking.

For preserv-
ing the
Rights of
the Commis-
sioners of
Sewers for
East Kent.

52. Nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the Commissioners of Sewers for the several Limits in the Eastern Parts of the County of *Kent*, by virtue of the General Laws relating to Sewers, nor to authorize or enable the said Company to appropriate or take, or do any Act to interfere with or prejudice or affect, the Sea Walls, Groins, or other Defences, or the Streams, Sewers, or Sluices, or the Lands or Property respectively belonging to or under the Jurisdiction of the said Commissioners of Sewers in the several Parishes of *Reculver*, *Chislett*, and *Saint Nicholas at Wade*, without the express Consent of the said Commissioners first had and obtained; and all Works for the Formation of Oyster Beds or Tanks for storing or breeding Purposes on the Lands of or affecting the Drainage and Walls or Sea Defences under the Jurisdiction of the said Commissioners in either of the Parishes aforesaid, or for supplying such Beds or Tanks with Water from the Sea, shall be made and constructed to the Satisfaction of the said Commissioners of Sewers, and under the Inspection and to the Satisfaction of the Engineer or Surveyor for the Time being of the said Commissioners, and so as not to injure the said Walls, Groins, or other Defences, or the said Sewers, Streams, or Sluices, or the Lands or Property belonging to or under the Jurisdiction of the said Commissioners.

Saving
Rights of
Herne Bay
Pier Com-
pany.

53. Nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Rights, Powers, Privileges, or Remedies of the *Herne Bay Pier Company*, and no Power or Right under this Act shall be exercised so as in any Manner to interfere therewith without the Consent of the *Herne Bay Pier Company*.

Saving
Rights of the
Crown.

54. 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,

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prejudice, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by Her Majesty, Her Heirs or Successors.

55. As regards any Land 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 of Her Majesty's Woods, Forests, and Land Revenues, 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.

Commissioners of Woods, Forests, &c. may grant and the Company may accept a Lease of Crown Lands with Consent.

56. If in the course or by means of the Execution of any Works by this Act authorized any Part of the Shore or Bed of the Sea now belonging to Her Majesty is inned, gained, or reclaimed from the Water, the Company shall not have or exercise any Right upon or in respect of the same, and shall not enter upon, take, use, or interfere with the Lands so inned, gained, or reclaimed for any Purpose whatsoever, without the previous Consent in Writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues (and which Consent they or he may give), but the Inning, Gain, or Reclamation shall enure absolutely for the Benefit of Her Majesty, Her Heirs and Successors.

Any Land reclaimed from Sea by Company's Works not to be taken without Consent of Commissioners of Woods.

57. If in the course or by means of the Execution of any Works by this Act authorized any Part of the Shore or Bed of the Sea now belonging to any Person as Lord of the Manor or otherwise is inned, gained, or reclaimed from the Water, the Company shall not have or exercise any Rights upon or in respect of the same, and shall not enter upon, take, use, or interfere with the Lands so inned, gained, or reclaimed, for any Purpose whatsoever, without the previous Consent in Writing of such Person as aforesaid, but the Inning, Gain, or Reclamation shall enure absolutely for the Benefit of such Person as aforesaid, his Heirs and Assigns.

Any Land reclaimed from Sea by Company's Works not to be taken without Consent of Owner.

58. 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 Grounds or any Part thereof, without in every Case his respective previous Consent in Writing.

Saving Rights of Lords of Manor and Landowners.

59. Except as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the established

Saving Rights of Kent Coast Company.

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established Rights, Powers, or Privileges of the *Kent Coast* Railway Company.

Tramway
not exempt
from Provi-
sions of pre-
sent and
future Gene-
ral Acts.

60. Nothing in this Act contained shall exempt the Tramway, Pier, or Works 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 Tramways or Piers, or to Oyster Fisheries, or to Buoys and Beacons.

Expenses of
Act.

61. 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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