

# *Out of an Oyster*

by BRAND INGLIS



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IT IS RARE to find a piece of silver coupling the names of the important and influential, in this case the great Lord Chief Justice Mansfield and the Viscount Bolingbroke, with the names of some relatively humble and probably extremely hard-working fishermen. The handsome silver cup and cover (Fig. 1) was made in London in 1775 and bears the

goldsmiths mark of Charles Wright. The cup is engraved on one side with an oval cartouche, topped with finely engraved scrolling foliage, and in the centre with an oyster shell; inside the reserve is engraved the following intriguing inscription:

“The Gift of the Sea Salter Co. of Fishermen to Thos. Benson Esq. in consideration of his Services on the Prosecution of their Oyster Fishery Cause wherein a Verdict was obtained in their favour against the Tenants of Lord Bolingbroke on a Special Issue between them, tried at Maidstone Assizes before Lord C. J. Mansfield, the 5th day of August 1772”.

The other side of the cup is engraved with the arms and crest of Benson impaling another (so far unidentified) coat-of-arms around which is engraved the slightly later inscription:

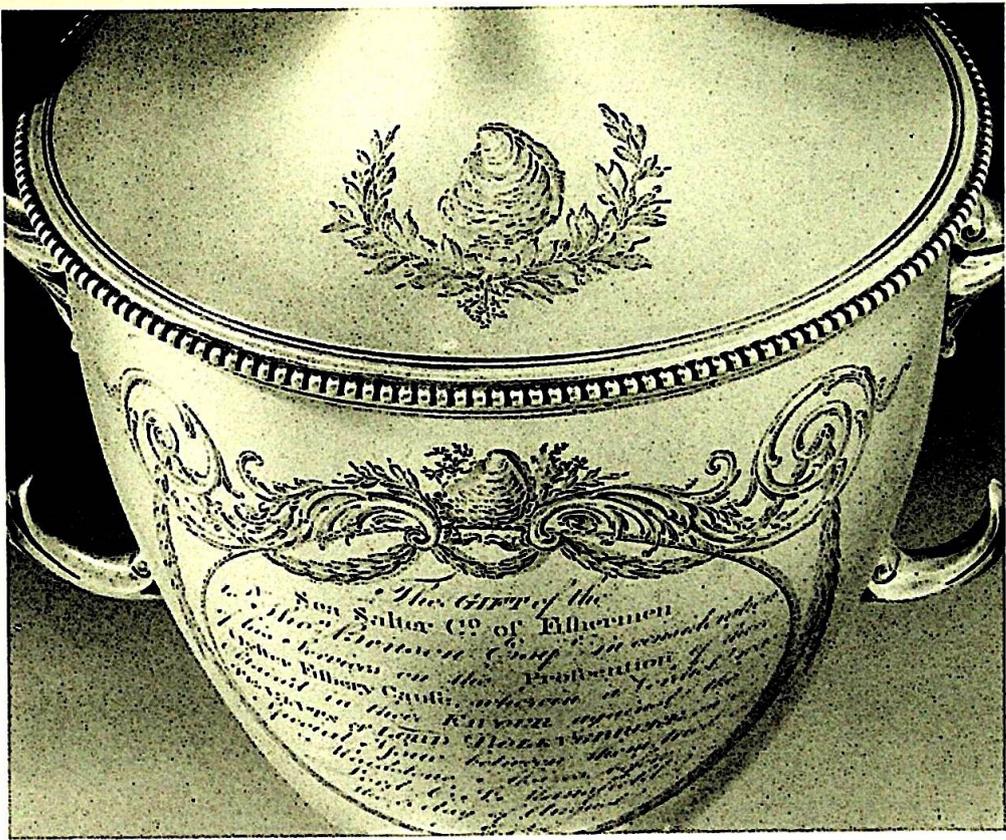
“Presented by the Family to the Company, in the Year of our Lord 1803.”

Underneath the foot of the cup is engraved:

“Donors R. & I. Knock, I. Wright, E. Foreman, Is. Tevelain & R. Marlborough”.

On November the 8th, 1566, an indenture was made between the Dean and Chapter of Canterbury and one John Lidyer of Hernhill, Yeoman. The Dean and Chapter of Canterbury granted the fishing rights upon the beach lying between the high water and low water mark on their lands and Manor of Seasalter for a term of twenty-one years at a yearly rent of 3s 4d. Similar indentures were made, usually for the period of twenty-one years, to various people during the seventeenth and eighteenth centuries and, in 1744, the fishery was let to John Knock and others and was re-granted in 1757 with the following indenture:

“This indenture made on the ninth day of December in the Thirty-first year of the Reign of our Sovereign Lord George ye 2d by ye Grace of God, King of Britain, France and Ireland, Defender of the Faith, etc., between the Dean and Chapter of the Cathedral and Metropolitan Church of Christ, Canterbury, of one part and John Knock, James Marlborough of Seasalter in the County of Kent, and Robert Knock, John Foreman, Isaac Trevelain, James Bushell and John Wraith of Whitstable in the sd. County, Fishermen and Drudgers, of the other part, witnesseth that the said Dean and Chapter as well for and in consideration of the surrender of a Lease of the Things thereby again demised before this time made, granted by them the said Dean and Chapter to the said John Knock, James Marlborough, John Coultrup, Robert Knock, John Foreman, and Isaac Tevelain, which leade bears Date the first day of December in the Eighteenth year of the Reign of His present Majesty as also for other good cause and Considns, them herewith moving have with their common Assent and Consent demised granted and to Farm letten and by these presents for them and their Succrs. do demise grant and to Farm letten to the said John Knock, James Marlborough, Robert Knock, John Foreman, Isaac Tevelain, James Bushell and John Wraith ALL that their Liberty of Fishing and Fowling on the Sands lying between the Full Sea Mark and the Low Water Mark against their Lands and within the Liberty of their Mannour of Seasalter in the County of Kent, and all such Oysters which are or shall be yearly and from Time to Time coming, growing, and being or to be found, drudged, collected, or gathered in or upon the Beachy or Oazy Grounds of the said Manor of Seasalter between the Full Sea Mark and the Low Water Mark of the said Liberty or



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Mannour of Seasalter EXCEPT and always to the said Dean and Chapr. and their Succrs. reserved all principal head and royal Fishes to be found and taken there and all manner of Wrecks of the Sea when and as often as they shall happen and chance there together with full and free Liberty to ye said Chapr. for Fishing there whensoever they or any of them shall repair thither in person for that Purpose.”

Next door to the Seasalter Fishery was the land of the Faversham Free Fishers which was owned by Frederick St. John, Viscount Bolingbroke, who was born in 1734 and who died, apparently in lunacy, in 1787. The Faversham men were accused of having riotously entered on to the Seasalter grounds and carried off great quantities of oysters and thus a dispute between the Lord Viscount Bolingbroke and the Dean and Chapter of Canterbury appeared before the Court. The cause of this was explained in an advertisement which appeared in The Kentish Post and Canterbury News Letter on May 13th 1768:

“Whereas a dispute for several years past has prevailed concerning the Boundary of the Oyster Grounds of Whitstable and Seasalter in the County of Kent between the Company who occupy the grounds belonging to the Right Hon. Frederick Lord Viscount Bolingbroke, and that Company who occupy the grounds belonging to the Dean and Chapter of Canterbury. According to the account given by the men of the place who have known the grounds and boundary thereof for fifty or sixty years past, say that it did go sometimes from a place called Scabs Acre bearing North West in a straight line to a place called Shellness opposite Lasydown

Church in the Isle of Shepway. But as the variation of the needle has for many years kept increasing to the Westward, is the reason that the Company of the Dean and Chapter have encroached on that of Lord Bolingbroke, only by their not rightly accounting for the said variation for that point of the compass which was North West sixty years ago is far from going the same now which is the reason of the dispute and Encroachment, for had the variation of the compass been to the Eastward as it formerly was, the Company of Lord Bolingbroke would by the same rules have encroached as much as that of the Dean and Chapter. This is therefore, to give notice that the dispute and variation of the compass which is the cause of it will be explained and accounted for on Thursday the 26th of May instant and the Boundary marked out at the same time. At which times and places all persons who are interested therein are desired to attend, to see they are encroached not on noting the said boundary.”

The case finally came to court in 1772 and the defendants on the Seasalter side were John Foreman, Robert Knock, Isaac Tevelain, John Wright, John Knock, John Coulthrop and William Dodd. Thomas Benson who stood for them was probably an ecclesiastical official of the Dean and Chapter of Canterbury on the legal side. Unfortunately, at the moment, no trace has been found of him but one can presume that he died in 1803 and that his widow and children decided it would be a generous offer to return the silver cup that the fishermen of the Seasalter Company had clubbed together to buy for him thirty years before.