



ANNO QUADRAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 88.

An Act for repealing so much of an Act made in the Second Year of the Reign of His present Majesty, intituled, *An Act for the better supplying the Cities of London and Westminster with Fish, and to reduce the present exorbitant Price thereof; and to protect and encourage Fishermen*, as limits the Number of Fish to be sold by Wholesale, within the said City of *London*; and for the better Regulation of the Sale of Fish by Wholesale in the Market of *Billinggate* within the said City. [22d June 1802.]

WHEREAS an Act was passed in the Second Year of the Reign of His present Majesty, intituled, *An Act for the better supplying the Cities of London and Westminster with Fish, and to reduce the present exorbitant Price thereof; and to protect and encourage Fishermen*: And whereas, in Consequence of the great Increase in the Quantity of Fish of all Kinds brought to the Market of *Billinggate* in the said City of *London*, and of the improved Method of bringing the same to Market, the Publick are more amply and reasonably supplied

[Loc. and Per.] 17 C

plied therewith, than at the Time of the passing of the said recited Act; and the Provisions of the said recited Act for limiting the Number of Fish to be sold in each Lot are now become inconvenient and prejudicial to the Persons supplying the said Market with Fish, and also detrimental to the Publick; and it would tend greatly to encourage and facilitate the Sale of Fish in the said Market, if the said Provisions in the said recited Act were repealed, so far as the same relates to the Limitation of the Number of Fish to be sold in each Lot by Wholesale in *Billingsgate* Market, or elsewhere within the said City of *London*, and be of publick Utility; and if the Lord Mayor, Aldermen, and Commons of the said City of *London* in Common Council assembled, were empowered to regulate the Sale of Fish by Wholesale in the said Market; be it therefore 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, That so much of the said herein-before in Part recited Act of the Second Year of the Reign of His present Majesty, as relates to the Number of Fish to be sold in each Lot, by Wholesale, in *Billingsgate* Market or within the Space of One hundred and fifty Yards from *Billingsgate* Dock, or elsewhere, within the said City of *London*, shall, from and after the passing of this Act, be, and the same is hereby repealed.

2 Geo. 3.
c. 15. re-
pealed as to
Sale of Fish
by Wholesale
in *London*

Corporation
of *London*
empowered
to regulate
the Sale of
Fish Whole-
sale at *Bil-
lingsgate*, as
they do un-
der 36 Geo. 3.
c. 118. by
Retail.

II. And be it further enacted, That the said Lord Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, shall, from and after the passing of this Act, from Time to Time appoint the Hour for the Commencement of the Sale of Fish by Wholesale in *Billingsgate* Market aforesaid, or within the Space of One hundred and fifty Yards from *Billingsgate* Dock, in the same Manner as they are empowered to do with respect to the Sale of Fish by Retail in the said Market, under and by virtue of an Act passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled, *An Act to authorize the Sale of Fish at Billingsgate, by Retail*; and that the said Lord Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, shall have the like Power, Authority, Jurisdiction, and Controul over the said Market for the Sale of Fish by Wholesale as they now have over the Market for the Sale of the same by Retail, and also as they now have over the several other publick Markets of the said City, or any of them.

Lots in which
Fish shall be
fold Whole-
sale.

III. And be it further enacted, That all Fish of any of the respective Sorts herein-after specified, which, after the passing of this Act, shall be brought for Sale to the said City of *London*, shall be openly and publickly exposed for Sale at the First Hand, and shall be sold in no greater Number or Quantity of Fish in any One Lot or Parcel, or by any greater Weight of Fish in any One Lot or Parcel, in *Billingsgate* Market, or within One hundred and fifty Yards of *Billingsgate* Dock, than herein-after is directed and prescribed touching the same respectively; and that every Lot or Parcel of such Fish as aforesaid shall consist only of One Sort of Fish, and shall not be composed of Two or more different Sorts of Fish; (that is to say),

All Fresh Salmon, not exceeding Twelve in any One Lot:

All Sturgeon, not exceeding Two in any One Lot:

All large Fresh Cod, not exceeding Ten in any One Lot:

All

- All Skait, not exceeding Six in any One Lot :
- All Pike, not exceeding Ten in any One Lot :
- All Turbot, not exceeding Twelve in any One Lot :
- All Bret, not exceeding Ten in any One Lot :
- All Brill, not exceeding Ten in any One Lot :
- All Pearl, not exceeding Ten in any One Lot :
- All Kingston, not exceeding Five in any One Lot :
- All Ling, not exceeding Five in any One Lot :
- All Dorys, not exceeding Five in any One Lot :
- All Half Fresh Cod, not exceeding Sixteen in any One Lot :
- All Quarter Fresh Cod, not exceeding Twenty-four in any One Lot :
- All Mulletts, not exceeding Ten in any One Lot :
- All Cole Fish, not exceeding Five in any One Lot :
- All Salmon Trout, and other Trout, not exceeding Twelve in any One Lot :
- All small Cod, not exceeding Forty-eight in any One Lot :
- All small Pike, not exceeding Twenty-four in any One Lot :
- All large Haddock, not exceeding Twelve in any One Lot :
- All small Haddock, not exceeding Forty-eight in any One Lot :
- All Perch above Six Inches long from the Eye to the Fork of the Tail, not exceeding Twenty-four in any One Lot :
- All Carp, Gurnet, Tench, and Sea Bass, not exceeding Twenty-four in any One Lot :
- All Thornbacks, not exceeding Eight in any One Lot :
- All large Soals, not exceeding Twelve Pair in any One Lot :
- All small Soals, not exceeding Twenty-four Pair in any One Lot :
- All Mackarel, Whittings, Whiting Points, Plaice, Dabbs, Herrings, Pilchards, Garb Fish, Flounders, and Maids, not exceeding One hundred and twenty in any One Lot :
- All large Smelts, not exceeding One hundred and four in any One Lot :
- All small Smelts, not exceeding Five hundred and twenty in any One Lot :
- All Eels, not exceeding Thirty Pounds Weight in any One Lot, unless any single Fish shall exceed that Weight :
- All large Lobsters and Crabs of either Sort, not exceeding Twenty in any One Lot :
- All small Lobsters and Crabs of either Sort, not exceeding Forty in any One Lot.

IV. Provided always, and be it further enacted, That notwithstanding any Thing herein-before contained, it shall be lawful for any Person to expose to or for Sale, and to sell in *Billingsgate* Market aforesaid, or within One hundred and fifty Yards of *Billingsgate* Dock, any of the said herein-before mentioned respective Sorts of Fish by the single Fish, or in any smaller Number or Quantity, or any Eels by any lesser Weight than herein before is prescribed for the selling in any One Lot, any of the said respective Sorts of Fish herein-before specified ; and that if any Proprietor of Fish or any Salesman or Factor or Person interested or employed to sell any Fish in the said Market, or within One hundred and fifty Yards of *Billingsgate* Dock, shall refuse to sell, or shall enter into any Agreement or Confederacy not to sell to any Person

Not to prevent Sale of Fish in smaller Quantities or by the single Fish.

Penalty on Fishmongers refusing to sell smaller Lots or single Fish.

son or Persons in the said Market, or within One hundred and fifty Yards of *Billingsgate* Dock, during the Market Hours, a single Fish, or any other smaller Number or Quantity of Fish of any of the Sorts or Kinds above mentioned, which shall be brought or exposed to or for Sale at or in the said Market, or within One hundred and fifty Yards of *Billingsgate* Dock, or any Eels so brought or exposed to or for Sale, by any lesser Weight than herein-before is prescribed, at the fair Market Price of the Day, of the same Sort or Kind of Fish, then and in every such Case every Person who shall so offend in the said Premises, and shall be thereof convicted in the Manner herein-after by this Act directed, shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds, to be levied, recovered, and applied in Manner herein-after directed.

Recovery of Penalties.

V. And be it further enacted, That the Lord Mayor, Recorder, or any One Alderman for the Time being of the said City, shall and may hear and determine all Offences committed against the true Intent of this Act; and that all pecuniary Penalties and Forfeitures inflicted and made payable by this Act, shall be paid within Twenty-four Hours after the Conviction of the Offender or Offenders, either by his or their Confession, or by the Oath of One or more credible Witness or Witnesses, which Oath the said Lord Mayor, Recorder, or any One Alderman respectively is hereby authorized and required to administer; and that the said Lord Mayor, Recorder, or any One Alderman respectively, may issue a Warrant under his Hand and Seal, or their Hands and Seals respectively, directed to any Peace Officer within their respective Jurisdiction, to levy the same by Distress of the Goods and Chattels of the respective Person or Persons who shall be so convicted, and which shall be found within the said City, and if within Five Days from any such Distress being taken the Money forfeited shall not be paid, together with the Costs of such Distress, the Goods so distrained shall be appraised and sold, rendering the Overplus, if any, after deducting the Penalty or Forfeiture, and the Costs and Charges of the Distress and Sale, to the Owner or Owners thereof, which Charges shall be ascertained by the Magistrate before whom the Offender or Offenders shall have been convicted; and if sufficient Distress cannot at any Time be found, whereby the Money which shall be forfeited by any Offender or Offenders against this Act can be levied on his, her, or their Goods and Chattels, then and in every such Case, on Proof thereof upon Oath before the said Lord Mayor, Recorder, or any One Alderman respectively, the said Lord Mayor, Recorder, or any One Alderman respectively shall, on the Application of any Prosecutor or Prosecutors of any such Offender or Offenders, issue a Warrant under the Hand and Seal of the said Lord Mayor, Recorder, or any One Alderman respectively, directed to some Peace Officer or Officers, to apprehend any such Offender or Offenders, if he, she, or they can be found, and to convey and commit every such Offender and Offenders to any Gaol or House of Correction within the City, there to remain and be kept to hard Labour for any Time not exceeding Two Calendar Months, as the said Lord Mayor, Recorder, or any One Alderman respectively shall order, unless the Money which shall be forfeited by such Offender or Offenders shall be sooner paid.

VI. Provided always, and it is hereby enacted, That no Person shall suffer any Punishment for any Offence committed against this Act, unless the Prosecution for the same be commenced within Three Calendar Months after such Offence committed; and that where any Person shall suffer Imprisonment pursuant to this Act, for any Offence contrary thereto in Default of Payment of any Penalty hereby imposed, such Person shall not be liable afterwards to pay such Penalty.

Limitation of
Prosecution.

VII. And be it further enacted by the Authority aforesaid, That if it shall be made out by the Oath of any credible Person or Persons, to the Satisfaction of the said Lord Mayor, Recorder, or any One Alderman respectively, that any Person or Persons residing or living within the said City is likely to give or offer material Evidence on Behalf of the Prosecutor of any Offender or Offenders against the true Intent and Meaning of this Act, or on Behalf of the Person or Persons accused, and shall not voluntarily appear before the said Lord Mayor, Recorder, or Alderman respectively, and be examined, and give his, her, or their Evidence concerning the Premises, the said Lord Mayor, Recorder, or Alderman respectively is and are hereby authorized and required to issue his Summons to convene any and every such Witness and Witnesses before the said Lord Mayor, Recorder, or Alderman respectively at such reasonable Time as in such Summons shall be fixed; and if any Person so summoned shall neglect or refuse to appear at the Time by such Summons appointed, and no just Cause shall be offered for such Neglect or Refusal, then after Proof by Oath of such Summons having been duly served upon the Party or Parties so summoned, the said Lord Mayor, Recorder, or Alderman respectively is and are hereby authorized and required to issue his or their Warrant, under his Hand and Seal or their Hands and Seals, to bring every such Witness or Witnesses before the said Lord Mayor, Recorder, or Alderman respectively, and on the Appearance of any such Witness or Witnesses before the said Lord Mayor, Recorder, or Alderman respectively, is and are hereby authorized and empowered to examine upon Oath every such Witness; and if any such Witness on his or their Appearance, or on being brought before the said Lord Mayor, Recorder, or Alderman respectively, shall refuse to be examined on Oath concerning the Premises, without offering any just Cause for such Refusal, the said Lord Mayor, Recorder, or Alderman respectively may, by Warrant under his Hand and Seal, commit any Person or Persons so refusing to be examined to any publick Prison or Gaol within the said City, there to remain for any Time not exceeding Fourteen Days, nor less than Three Days, as the said Lord Mayor, Recorder, or Alderman respectively shall direct.

Power to
compel At-
tendance of
Witnesses.

VIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That the Lord Mayor, Recorder, or Alderman, before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form; (*videlicet*)

Form of Con-
viction.

BE it remembered, That on the _____ Day of _____ in the _____ Year of our Lord _____
A. B. is convicted before me (the Lord Mayor, Recorder, or One of the Aldermen) of the City of London [*here specify the Offence, and the*
[*Loc. & Per.*] _____ 17 D _____ Time

Time and Place when and where committed, as the Case may be], contrary to an Act of Parliament, made in the Forty-second Year of the Reign of King George the Third, intituled, [*here insert the Title of the Act*]. Given under my Hand and Seal, the Day and Year first-above mentioned. C. D.

Application
of Penalties.

IX. And be it further enacted, That One Moiety of all Money which shall be forfeited for any Offence which shall be committed against this Act shall, when recovered, go and be paid to the Person or Persons who shall prosecute to Conviction any such Offender or Offenders, and the other Moiety thereof shall go and be paid to the Treasurer of *Greenwich Hospital*, for the Time being, for the Benefit of the said Hospital.

Appeal.

X. Provided also, and be it further enacted, That it shall be lawful for any Person or Persons who shall think him, her, or themselves aggrieved by any Order or Determination of the said Lord Mayor, Recorder, or any One Alderman respectively, upon Account of any Offence committed or supposed to be committed against this Act, to appeal to the General or Quarter Sessions of the Peace which shall be held in and for the said City next after the Conviction of any such Offender or Offenders for any Offence committed against this Act, the Person or Persons so appealing first giving Security in Double the Sum forfeited before such of the said Magistrates before whom he shall have been convicted respectively, to prosecute such Appeal with Effect, and to abide by the Order or Orders which shall be made on such Appeal, and giving Eight Days Notice in Writing of his, her, or their Intention to appeal to the Party or Parties on whose Prosecution any such Conviction shall be made, if there shall be so many Days within the Time of such Conviction and such General or Quarter Session, and if not, then the Party or Parties who shall deem him, her, or themselves aggrieved by any such Conviction, shall and may be at Liberty to appeal to the next General or Quarter Sessions but one which shall be held next after any such Conviction for the County, City, or Place where any such Conviction shall be made; and the Justices in the said General or Quarter Sessions are hereby authorized and required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs as to them shall appear just, and to cause to be levied, under the Order of any such Session, the Costs which shall be awarded, together with such Money as any such Court of Session, on the hearing of any such Appeal, shall adjudge to be forfeited, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay such Costs and Money forfeited; and if sufficient Goods or Chattels of any such Offender or Offenders cannot be met with to satisfy such Costs and Money forfeited, then by Distress and Sale of the Goods and Chattels of the Person or Persons who shall have become Surety or Sureties as aforesaid for the Party or Parties who shall have so appealed.

Order shall
not be quashed
for want
of Form, &c.

XI: Provided likewise, and be it also enacted, That no Order or Proceedings to be made or had by or before the said Lord Mayor, Recorder, or any One Alderman respectively, in relation to the Premises, shall be quashed or vacated for Want of Form only; and that the Order which shall be made in the Premises by the Justices at their General or Quarter Sessions

Sessions of the Peace as aforesaid shall be final; and that no Proceedings of any such Lord Mayor, Recorder, or Alderman out of Sessions, or in their said General or Quarter Sessions, in pursuance of this Act, shall be removeable by *Certiorari*, Letters of Advocation or Suspension, or otherwise.

XII. And be it enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing which shall be done in pursuance of this Act, every such Action or Suit shall be brought and commenced within the Space of Six Calendar Months next after any such Cause of Complaint shall have accrued, and not afterwards, and shall be brought, laid, and tried in the County, City, or Place in which the Cause of Action shall have arisen, and not elsewhere, and that the Defendant or Defendants in every such Action and Suit may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before limited, or shall be laid or brought in any other County, City, or Place than where the Cause of Action shall have arisen, then and in any of such Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs in any such Action or Suit shall become nonsuited, or discontinue his, her, or their Action after the Defendant or Defendants shall have appeared, or if, on any Demurrer, Judgement shall be given for the Defendant or Defendants, then and in any of the said Cases every such Defendant or Defendants shall have and recover Treble Costs, and shall be entitled to pursue and take such Remedy for recovering of the same as any Defendant or Defendants hath or have to recover his or their Costs in other Cases by Law.

Limitation of
Actions.

XIII. And be it further enacted and declared, That this Act shall be deemed and allowed to be a publick Act, and all Judges, Justices, and other Persons are hereby required to take Notice thereof as such, without specially pleading the same.

Publick Act.

