



ANNO QUINQUAGESIMO TERTIO

GEORGI III. REGIS.

Cap. 71.

An Act for regulating *Covent Garden Market*.

[21st May 1813.]

WHEREAS His late Majesty King *Charles* the Second, by his Royal Letters Patent bearing Date at *Westminster* the Twelfth Day of *May*, in the Twenty-second Year of his Reign, did for himself, his Heirs and Successors, give and grant unto *William* Earl of *Bedford*, his Heirs and Assigns, that he the said *William* Earl of *Bedford*, his Heirs and Assigns, should and might from thenceforth for ever, have, hold and keep a Market within the Parish of *Saint Paul Covent Garden*, in the County of *Middlesex*, in a certain Place there, then called *The Piazza*, near the Church of *Saint Paul Covent Garden*, extending from the said Church towards the East Four hundred and twenty Feet of Assize, little more or less, and from the Garden Wall of the said Earl there, towards the North, Three hundred and sixteen Feet of Assize, little more or less, as well within the Rails there as without, on every Day in every Week throughout the Year (except *Sundays* and the Feast of the Nativity of our Lord), for the buying and selling of all and all Kinds of Fruits, Flowers, Roots, and Herbs whatsoever, together with all Liberties, Free Customs, Tolls, Stallage, Piccage, and all other Profits, Advantages and Emoluments whatsoever, to the like Market in anywise belonging or appertaining, or with the same usually had or enjoyed, to hold the said Market and all and singular other the Premises by the said Letters Patent

[*Loc. & Per.*] 140 granted

For Removal
of Obstruc-
tions.

granted unto and to the Use of the said *William* Earl of *Bedford*, his Heirs and Assigns, for ever : And whereas such Market hath been held accordingly in the said Place called *The Piazza*, and the same is now known by the Name of *Covent Garden Market*, and hath been for many Years, and still is a principal Market within the Metropolis for the buying and selling of all Kinds of Fruits, Flowers, Roots and Herbs, and is of great public Utility and Benefit : And whereas the most Noble *John* Duke of *Bedford* is now seised in Fee Simple of the said Market, and of all other the Premises by the said Letters Patent granted, and of the Ground and Soil whereon the said Market hath been and now is holden : And whereas from the great Increase of the Quantity of Articles brought to the said Market for Sale, and of the Number of Persons resorting thereto, it is expedient that Provision should be made for the better Regulation and ordering of the said Market, and of the Persons resorting thereto, and for the more easy Collection and Recovery of the Tolls and Dues payable in the said Market or in respect thereof ; but the same cannot be effected without the Aid and 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, That from and after the Twenty-fourth Day of *June* One thousand eight hundred and thirteen, if any Person or Persons shall put or place any Bulk, Stand, Stall, Stall-board, Form, Wheelbarrow, Cask, Basket, Package, Hamper, or other Thing, in or upon any of the Ways, Paths, or Passages of or in the said Market, and shall not immediately remove and take away the same, when required so to do by the Owner or Owners of the said Market for the Time being, or his or their Lessee or Lessees, Tenant or Tenants thereof, or his, their, or any or either of their Servant or Servants, or any or either of them, and continue and keep the same so removed ; or shall leave any empty Waggon, empty Cask, empty Basket, empty Cask, empty Hamper, or empty Packing-case of any Kind, between the Railing of the said Market and the Denter Stones thereof, or upon any Part of the Carriage-way immediately surrounding the said Market, it shall be lawful for the Owner or Owners of the said Market for the Time being, or his or their Lessee or Lessees, Tenant or Tenants thereof, or his, their, or any or either of their Servant or Servants, or any One or more of them, to seize, and also for any Person or Persons whomsoever to be aiding and assisting in seizing, any such Bulk, Stand, Stall, Stall-board, Form, Wheelbarrow, Cask, Basket, Package, Hamper, Waggon, Cart, Packing-case or other Thing, together with the Horse or Horses to any such Waggon or Cart belonging, and the Harness, Gears, and Accoutrements thereof, and to cause the same to be removed to some convenient and proper Place or Places (affixing a written or printed Notice, within a reasonable Time after such Seizure, upon some conspicuous Place within the said Market, of the Place or Places to which the Articles so seized shall be removed), and the same shall be there kept and detained until the Costs, Charges and Expences of removing and keeping the same, and of keeping such Horse or Horses (if any) shall be paid ; and in case the same shall not be claimed, and the said Costs, Charges and Expences paid within Seven Days next after such Removal thereof, it shall be lawful for the Owner or Owners of the said Market for the Time being, or his or their Lessee or Lessees, Tenant or Tenants thereof, or any or either of them, (having affixed in some conspicuous Place in the said Market, One Day's

Notice

Notice of his or their Intention so to do) with any Constable of the said Parish of *Saint Paul Covent Garden* (who is hereby required to be aiding and assisting therein), to cause the Articles so seized as aforesaid to be appraised by a Sworn Appraiser (whom such Constable is hereby empowered to swear to appraise the same truly, according to the best of his Understanding), and after such Appraisement to be sold for the best Price that can be got for the same, leaving the Overplus which shall remain, after satisfying the Costs, Charges, and Expences of and attending such Seizure, Removal, Keeping, Appraisement, and Sale, in the Hands of the said Constable, for the Owners Use; and if the Parties shall differ about such Costs, Charges, and Expences, the same shall be finally settled by any One of His Majesty's Justices of the Peace for the said County of *Middlesex*, acting as such near to the said Market, upon Application made to him for that Purpose within Seven Days next after such Difference shall so arise; and every Person who shall so put or place any such Bulk, Stand, Stall, Stall-board, Form, Wheelbarrow, Cask, Basket, Package, Hamper, or other Thing, in or upon any of the Ways, Paths, or Passages, of or in the said Market, and shall not immediately remove and take away the same, when required so to do as aforesaid, and continue and keep the same so removed, or who shall leave any such empty Waggon, empty Cart, empty Basket, empty Cask, empty Hamper, or empty Packing-case, between the Railing of the said Market and the Denter Stones thereof, or upon any Part of the Carriageway immediately surrounding the said Market; and also every Person who shall obstruct or hinder the Owner or Owners of the said Market for the Time being, or his or their Lessee or Lessees, Tenant or Tenants thereof, or any or either of them, or his, their, or any or either of their Servant or Servants, or any Person or Persons by him or them employed for that Purpose, in the seizing, removing, or taking away of any such Bulk, Stand, Stall, Stall-board, Form, Wheelbarrow, Cask, Basket, Package, Hamper, Waggon, Cart, Packing-case, or other Thing as aforesaid; shall for each and every such Offence forfeit and pay to the Owner or Owners of the said Market for the Time being, or his or their Lessee or Lessees, Tenant or Tenants thereof, or such of them as shall first proceed to recover the same, any Sum not exceeding Forty Shillings; and it shall be lawful for the Owner or Owners of the said Market for the Time being, or his or their Lessee or Lessees, Tenant or Tenants thereof, and his, their, any or either of their Servant or Servants, or any or either of them, to seize and take into Custody, and for any Person or Persons whomsoever to be aiding and assisting in seizing and taking into Custody every such Offender, at the Time of his or her committing such Offence, and to carry him or her before any Justice of the Peace for the County of *Middlesex*, and which Justice shall hear and determine the Complaint; and if upon the Conviction of the Offender, either on his own Confession, or on the Oath of any credible Witness (and which Oath the said Justice is hereby authorized to administer), such Offender shall not pay the said Penalty, he or she shall be committed to the Common Gaol or House of Correction of the said County of *Middlesex*, for any Time not exceeding One Calendar Month, unless such Penalty, and the reasonable Charges of recovering the same, shall be sooner paid.

II. And

To prevent
Obstructions
in the Pro-
prietor clean-
ing the
Market.

II. And be it further enacted, That, from and after the said Twenty-fourth Day of *June*, if any Lessee or Lessees, or Tenant or Tenants of the said Market, or any other Person or Persons whomsoever, shall wilfully obstruct or hinder the Owner or Owners of the said Market for the Time being, or his or their Servant or Servants, or any Person or Persons by him or them employed for that Purpose, in the sweeping or cleaning of the said Market, or any Part thereof, or in the taking or carrying away of any Dust, Dirt, Rubbish, Offal, Dung, Soil, or other Filth whatsoever found therein, every Person so offending shall for every such Offence forfeit and pay to the Owner or Owners of the said Market for the Time being, any Sum not exceeding Five Pounds; and it shall be lawful for the Owner or Owners of the said Market for the Time being, or his or their Servant or Servants, or any or either of them, to seize and take into Custody, and for any Person or Persons whomsoever to be aiding and assisting in seizing and taking into Custody every such Offender, at the Time of his or her committing such Offence, and to carry him or her before any Justice of the Peace for the County of *Middlesex*, and which Justice shall hear and determine the Complaint; and if upon the Conviction of the Offender, either on his or her own Confession, or on the Oath of any credible Witness (and which Oath the said Justice is hereby authorized to administer) such Offender shall not pay the said Penalty, he or she shall be committed to the Common Gaol or House of Correction of the said County of *Middlesex*, for any Time not exceeding One Calendar Month, unless such Penalty, and the reasonable Charges of recovering the same, shall be sooner paid.

To prevent
Obstruction
in the Tenant
cleaning the
Market.

III. And be it further enacted, That, from and after the said Twenty-fourth Day of *June*, if any Person or Persons (except the Owner or Owners of the said Market for the Time being, or any Person or Persons acting under his or their Authority) shall wilfully hinder or obstruct the Lessee or Lessees, Tenant or Tenants of the said Market for the Time being, or his or their Servant or Servants, or any Person or Persons by him or them employed for that Purpose, in the sweeping or cleaning of the said Market, or any Part thereof, or in the taking or carrying away of any Dust, Dirt, Rubbish, Offal, Dung, Soil or other Filth whatsoever found therein, every Person (except as before mentioned) so offending shall for every such Offence forfeit and pay to the said Lessee or Lessees, Tenant or Tenants of the said Market for the Time being, any Sum not exceeding Five Pounds; and it shall be lawful for the said Lessee or Lessees, Tenant or Tenants of the said Market for the Time being, or his or their Servant or Servants, or any or either of them, to seize and take into Custody, and for any Person or Persons whomsoever to be aiding and assisting in seizing and taking into Custody every such Offender, and to carry him or her before any Justice of the Peace for the County of *Middlesex*, and which Justice shall hear and determine the Complaint; and if upon the Conviction of the Offender, either on his or her own Confession, or on the Oath of any credible Witness (and which Oath the said Justice is hereby authorized to administer), such Offender shall not pay the said Penalty, he or she shall be committed to the Common Gaol or House of Correction of the said County of *Middlesex*, for any Time not exceeding One Calendar Month, unless such Penalty, and the reasonable Charges of recovering the same, shall be sooner paid.

IV. Provided

IV. Provided always, and be it further enacted by the Authority aforesaid, That neither the Owner or Owners of the said Market, or his Lessee or Lessees, or his or their Servant or Servants, nor any other Person or Persons whomsoever, shall begin to sweep or clean the said Market, or any Part thereof, or cause the same to be so swept or cleaned as aforesaid, before the Hour of One of the Clock in the Afternoon of each Day and every Day on which he or they shall intend to sweep or clean the same as aforesaid.

To be swept
before One
o'Clock.

V. And be it further enacted, That, from and after the said Twenty-fourth Day of *June*, it shall and may be lawful for the Owner or Owners of the said Market for the Time being, and his and their Lessee or Lessees, Tenant or Tenants thereof, to demand and take, or cause to be demanded and taken of and from all and every Person and Persons who shall place, pitch or expose for sale, or sell, within any Part of the said Market, any Fruits, Flowers, Vegetables, Roots or Herbs; all such Toll and Tolls as is or are usually taken or collected within the said Market, or which is or are payable for or in respect of the same; and that from and after the said Twenty-fourth Day of *June* no Toll or Tolls shall be payable by any Person or Persons who shall buy any Fruits, Flowers, Vegetables, Roots or Herbs within the said Market, for or in respect of any such Fruits, Flowers, Vegetables, Roots or Herbs so by him, her, or them bought within the said Market, unless the same shall be by him or them again placed, pitched, or exposed for sale, or sold, within the said Market.

Tolls.

VI. And be it further enacted, That, from and after the said Twenty-fourth Day of *June*, if any Person or Persons who shall place, pitch or expose for sale, or sell, within any Part of the said Market any Fruits, Flowers, Vegetables, Roots or Herbs, or the Person or Persons for or on whose Account the same shall be placed, pitched or exposed for sale, or sold, shall refuse to pay the Toll or Tolls which shall become due or payable for or in respect thereof, it shall be lawful for the Owner or Owners of the said Market for the Time being, or his or their Lessee or Lessees, Tenant or Tenants thereof, or any or either of them, or any other Person or Persons by him, them, or any or either of them authorized so to do, to levy and recover such Toll or Tolls by Distress and immediate Sale of a sufficient Part of the same, or of any other Fruits, Vegetables, or other Goods or Wares at any Time found in the said Market of or belonging to the Person or Persons who shall place, pitch or expose for sale, or sell, the said Fruits, Flowers, Vegetables, Roots or Herbs, or for or on whose Account the same shall be placed, pitched or exposed for sale, or sold, returning the Overplus (if any) which shall remain after Payment of the said Toll or Tolls, and the reasonable Costs, Charges and Expences of such Distress and Sale, to the Person or Persons so placing, pitching or exposing for sale or selling the said Fruits, Flowers, Vegetables, Roots or Herbs, or any of them, or to the Owner or Owners of the said Fruit, Vegetables or other Goods or Wares, upon Demand; and in case any Difference shall arise between the Parties, concerning such Costs, Charges and Expences, the same shall be finally settled by any Justice of the Peace for the County of *Middlesex* acting as such near to the said Market, upon Application made to him for that Purpose within Seven Days next after the said Distress and Sale or Return of the said Overplus.

For Recovery
of Tolls.

Not to prevent
Tolls being
sued for in the
Courts at
Westminster.

VII. Provided always, and be it further enacted, That nothing in this Act contained shall hinder or prevent, or be construed to hinder or prevent the Owner or Owners of the said Market for the Time being, or his or their Lessee or Lessees, Tenant or Tenants thereof, or any or either of them, from suing for and recovering, in any of His Majesty's Courts of Record at *Westminster*, any Sum or Sums of Money whatsoever, which after the said Twenty-fourth Day of *June* shall become due or payable to them, or any or either of them, as or for or in respect of any Toll or Tolls, for or in respect of any Fruits, Flowers, Vegetables, Roots or Herbs which shall be placed, pitched or exposed for sale, or sold, within any Part of the said Market.

Act not to af-
fect Stallage,
Piccage, &c.

VIII. Provided always, and be it further enacted, That nothing in this Act contained shall in any Manner extend to or alter, vary, lessen, diminish, or affect; or be deemed or construed to extend to or alter, vary, lessen, diminish or affect the Right or Title of the said *John Duke of Bedford*, his Heirs or Assigns, to Stallage, Piccage, or any other Liberties, Customs, Profits, Advantages or Emoluments whatsoever (except the Tolls) to the said Market belonging or appertaining.

Distress not
unlawful for
Want of
Form.

IX. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, such Distress shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any of the Proceedings relating thereto; nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage only, in an Action on the Case.

Justice may
summon
Offenders.

X. And be it further enacted, That, from and after the said Twenty-fourth Day of *June*, it shall be lawful for any Justice of the Peace for the County of *Middlesex*, on Information on Oath made before him of any Offence committed against the Provisions of this Act, or any of them, to summon the Offender or Offenders; and in case he, she, or they shall not attend on so being summoned, to issue his Warrant under his Hand and Seal, to bring the said Offender or Offenders before him, in order that he may hear and determine the said Complaint, and act therein according to the Provisions of this Act.

XI. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That the Magistrate 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 Magistrate;] [here specify the Offence, and the Time and Place when
' and where committed, as the Case may be] contrary to an Act of Parliament
' made in the Fifty-third Year of the Reign of King *George* the Third,
' intituled [here insert the Title of this Act.] Given under my Hand and
' Seal the Day and Year first above written. ' C. D.'

XII. And

XII. And be it further enacted, That it shall be lawful for any Person convicted by any Magistrate of any Offence or Offences against this Act, to appeal to the Justices of the Peace assembled at the next General Quarter Sessions or General Sessions to be holden for the County of *Middlesex*, on giving immediate Notice in Writing of such Appeal, also giving Security to the Satisfaction of such Justice for the Payment of the Penalty in case the Conviction shall be confirmed, and also entering into a Recognizance before such Magistrate, with Two sufficient Sureties conditioned for prosecuting the said Appeal with Effect, and abiding the Determination of the Court therein; and such Justices in such General Quarter Sessions or General Sessions shall hear and determine the Matter of such Appeal, and may either confirm or quash the Conviction, and award such Costs to either Party as to them the said Justices shall seem just and reasonable, and the Decision of the said Justices therein shall be final, binding, and conclusive; and it shall be lawful for such Justices, by Warrant under the Hands and Seals of any Two or more of them, to cause the Costs which shall be so awarded, to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any), upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale.

XIII. And be it further enacted, That no Conviction, or any Order or Determination on any Appeal in pursuance of this Act, shall be quashed or vacated for Want of Form only, or be removed or removable into any of His Majesty's Courts of Record at *Westminster*, by *Certiorari*, or any other Writ or Process whatsoever, any Law, Statute, or Usage to the contrary notwithstanding.

XIV. And be it further enacted, That no Plaintiff shall recover in any Action, for any Irregularity, Trespass or wrongful Proceedings made or committed in Execution of this Act, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall be depending, at any Time before Issue joined, to pay into Court, such Sum of Money as he or they shall see fit, whereupon such Proceedings or Order and Judgment shall be had, made, or given, by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

XV. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done in pursuance of this Act, or of any of the Powers hereby given, until Twenty-one Days Notice shall have been thereof given in Writing to the Defendant or Defendants, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, or after sufficient Satisfaction or Tender of Amends shall have been made to the Party aggrieved, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, or after Six Calendar Months next after the Cause of Action shall have arisen; and every such Action or Suit shall be brought and tried in the County of *Middlesex* and not elsewhere, and the Defendant or Defendants in every such Action or Suit shall and 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 be so done, or if such Action or Suit shall be brought before Twenty-one Days Notice shall be given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuit, or shall discontinue his, her or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Costs of Suit, and have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in other Cases of Law.

Not to lessen
the Powers of
the Commis-
sioners acting
under Act of
23 G. 3. c. 42.

XVI. Provided always, and be it further enacted, That nothing in this Act contained shall in any Manner lessen or abridge, or be deemed or construed to lessen or abridge the Powers or Authority of the Commissioners acting under or by virtue of an Act passed in the Twenty-third Year of the Reign of His present Majesty, intituled *An Act for better paving, cleansing, and lighting the Parish of Saint Paul Covent Garden, within the Liberty of Westminster, and certain Places adjoining thereto, and for removing and preventing Nuisances and Annoyances therein*; provided that no Offender under this Act shall be convicted of or subject to any Penalty both under this Act and under the said in Part recited Act.

Not to pre-
judice any
Rights of
the Duchy of
Lancaster.

XVII. Provided always, and be it further enacted and declared, That nothing herein contained shall extend or be construed to extend to prejudice, alter, or defeat any Rights and Privileges of the King's most Excellent Majesty, in Right of His Duchy of *Lancaster*, or any Rights and Privileges of any Person or Persons holding or claiming under His said Majesty in respect of the said Duchy, but that all such Rights and Privileges shall remain and continue the same to all Intents and Purposes, as if this Act had not passed.

Public Act.

XVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.