Anno tricesimo

Georgii II. Regis.

An Act for the more effectual Preservation and Improvement of the Spawn and Fry of Fish in the River of *Thames*, and Waters of *Medway*; and for the better regulating the Fishery thereof.



WHEREAS by an Act of Parliament made and passed in the Ninth Year of the Reign of Her late Majesty Queen Anne, intituled, An Act for the better Preservation and Improvement of the Fishery within the River of *Thames*; and for regulating and governing the Company of Fishermen of the said River; it was enacted, That from and after the Tenth Day of June, One thousand seven hundred and eleven, it should and might be lawful to and for the Court of Assistants of the said Company, for the time being, or the major Part of them present, to make such By-laws and Ordinances for the good Rule and Government of the said Company, as they should think fit, so as the same should be always first approved of, or from time to time altered and amended by the Court of the Mayor and Aldermen of the City of London, and likewise allowed and confirmed according to the Form of the Statute in that Behalf made and provided; and that from and after the said Tenth Day of June, there should be yearly elected and chosen by the next Court of Mayor and Aldermen to be held after the said Tenth Day of June, out of the Six Wardens of the said Company for the time being, to

Preamble; reciting Clauses in Act 9 *Annæ*.

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be nominated by the said Court of Assistants, One fit Person to be a Master of the Art or Mystery of Fishermen; and also out of Twelve Assistants to be nominated as aforesaid, Six fit Persons to be Wardens of the said Art or Mystery (whereof the Water Bailiff of the City of London for the time being, to be One) and in like Manner, out of Sixty of the Commonalty to be nominated as aforesaid, Thirty fit Persons to be Assistants of the said Company; which said Master, Wardens, and Assistants, or any Sixteen of them, together with Three of the said Wardens, should be, and were thereby constituted the Court of Assistants of the said Company, for the time being; and were required to meet and assemble together, from time to time, on the First Tuesday in every Calendar Month in the Year, in the Hall of the said Company, in order to form the said Court of Assistants, and keep the same for regulating and reforming Abuses committed in the said Fishery; and for the due Ordering and Governance of the said Company: And whereas in pursuance of the said Act of Parliament, certain By-laws and Ordinances were made for regulating the said Fishery, and reforming Abuses committed therein; but the said Company having ceased to act from about the Year One thousand seven hundred and twenty seven, and most of the Members thereof being dead, the Regulations in the said Fishery intended by the said Act have not taken Place, and the several Laws now in Force for the Preservation of the said Fishery, have hitherto proved ineffectual, and by the unwarrantable Practices used by Fishermen, and others, the Brood and Fry of Fish in the said River and Waters of Medway have been greatly hurt and destroyed: For Remedy whereof, and for the better preserving the Spawn, Fry, and Young Brood of Fish in the said River of Thames, and also in the Waters of Medway, so far as the same are within the Jurisdiction of the Mayor of the City of London, as Conservator of the River of Thames, and Waters of Medway, and for preventing the fishing therein with unlawful and unsizeable Nets, Engines, or other Devices; and for the ascertaining the Times, Seasons, and Manner of Fishing in the said River and Waters, and the Size and Kind of Nets and Engines to be used in Fishing in the said River and Waters; and for regulating the said Fishery, and reforming Abuses therein; and for the more speedy and effectual apprehending and punishing the Offenders; 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,

Commons, in this present Parliament assembled, and by the Authority of the same, That the Court of the Mayor and Aldermen of the said City of London, for the time being, shall have full Power and Authority, and they are hereby required on or before the Twenty ninth Day of September, in the Year of our Lord One thousand seven hundred and fifty seven, to make, frame, and set down in Writing, such reasonable Rules, Orders, or Ordinances, for the governing and regulating all Persons who shall fish or dredge in the said River of Thames, and also in the said Waters of Medway (within the said Jurisdiction of the said Mayor, as Conservator as aforesaid) as Common Fishermen or Dredgermen, or otherwise; and for Declaration in what Manner they shall demean themselves in Fishing, and with what Manner of Nets and Engines, and at what Times and Seasons they shall use Fishing in the said River and Waters of Medway, within the Jurisdiction aforesaid, and for ascertaining the Assize of the several Fish to be there taken; and for the Preservation from time to time of the Spawn and Fry of Fish in the said River and Waters, within the Jurisdiction aforesaid; and for obliging every Common Fisherman or Dredgerman, or other such Person who shall fish with a Boat, Vessel, or Craft, from and after the said Twenty ninth Day of September, One thousand seven hundred and fifty seven, in the said River of Thames, and in the said Waters of Medway, within the Jurisdiction aforesaid, to have in his Boat, Vessel, or Craft, both his Christian and Surname, and also the Name of the Parish or Place in which he dwelleth, painted in legible and large Characters, in some convenient Place where any one may see and read the same; and for preventing such Name or Mark of Distinction from being changed, altered, or defaced; and to annex reasonable Penalties and Forfeitures for the Breach of such Rules, Orders, or Ordinances, not exceeding the Sum of Five Pounds for any One Offence; and such Rules, Orders, and Ordinances, or any of them, from time to time, to alter and amend, and such new and other Rules, Orders, and Ordinances, touching the Matters aforesaid, with such reasonable Penalties and Forfeitures (not exceeding Five Pounds for any One Offence) from time to time to make, as to the said Court in their Discretion shall seem meet, for the better putting this Act in Execution; so as after the making thereof the same be allowed and approved of, from time to time, by the Lord Chancellor of Great Britain, the Lord Keeper or Lords Commissioners of the Great Seal, for the time being, the

The Court of Mayor and Aldermen of *London*, impowered to make Rules for regulating the Conduct and Demeanour of Fishermen and Dredgermen in the *Thames* and *Medway*;

the said Rules to be approved and allowed of by Two of the Judges.

Lord Chief Justice of the Court of King's Bench, the Lord Chief Justice of the Court of Common Pleas, the Lord Chief Baron of the Court of Exchequer, or any Two of them, who are hereby required, on Request from time to time to them, or any Two or more of them, made by or on the Behalf of the said Court of Mayor and Aldermen, to peruse and examine all such Rules, Orders, or Ordinances, as shall, from time to time, be made by the said Court of Mayor and Aldermen, in pursuance of this Act, and laid before the said Lord High Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal, for the time being, the said Lord Chief Justice of the Court of King's Bench, the said Lord Chief Justice of the Court of Common Pleas, the said Lord Chief Baron, or any Two of them, for their Allowance and Approbation; and they, or any Two of them, are to allow thereof, or alter the same, before they allow thereof, as they, or any Two of them, shall, from time to time, think fit; and for the doing thereof, no Fee or Reward shall be paid or taken.

who may allow, or alter the same.

The Penalties which shall be annexed to particular Offences in the said Rules, confirmed.

And be it further enacted by the Authority aforesaid, That no Person or Persons whatsoever shall, within the said Jurisdiction of the said Mayor, from and after the First Day of November, One thousand seven hundred and fifty seven, wilfully take, destroy, spoil, kill, or expose to Sale, or exchange for any Goods, Matter, or Thing, whatsoever, any Spawn, Fry, or Brood of Fish, or Spatt of Oysters, or any unsizeable or unwholesome Fish, or Fish out of Season, or bring such Fish on Shore for Sale, or use or keep any Net, Engine, or other Device whatsoever, which shall be prohibited or declared unlawful in and by such Rules, Orders, and Ordinances of the said Court of Mayor and Aldermen of the said City, allowed and approved of as aforesaid, upon Pain of forfeiting and paying, for every Offence, such Sum and Sums of Money as in and by such Rules, Orders, or Ordinances, shall be respectively appointed, and to be recovered in such Manner as is herein after mentioned.

The Rules to be printed and published.

Provided nevertheless, and be it enacted by the Authority aforesaid, That such Rules, Orders, and Ordinances, so to be, from time to time, made by the said Court of the Mayor and Aldermen, shall, within Thirty Days after the same shall be allowed and approved of as aforesaid, be printed and made publick in such Manner as the said Court shall think proper, and, from time to time, order.

And to the Intent the said Court of the Mayor and Aldermen of the said City may be the better informed what

what Rules, Orders, and Ordinances may be proper to be made, from time to time, for the better Regulation and Preservation of the said Fishery; be it further enacted by the Authority aforesaid, That the said Court shall at some Time or Times between the Twenty fifth Day of June and Twenty ninth Day of September next, and so yearly for ever thereafter (if Occasion shall so require) between the Twenty fifth Day of June and Twenty ninth Day of September, in every Year, order to be summoned before them such and so many Persons who shall fish in the said River of Thames, or Waters of Medway, within the Jurisdiction aforesaid, as common Fishermen or Drudgermen (not exceeding Twelve in Number) as to the said Court shall seem meet to be examined upon Oath (if the said Court shall so think fit) touching the Fish and Fishery of the said River and Waters; and if any such common Fisherman or Drudgerman being personally summoned by Writing to attend the said Court of Mayor and Aldermen for the Purposes aforesaid, by the Space of Fourteen Days at the least, shall neglect or refuse so to do, or in case of Attendance shall refuse to be examined upon Oath as aforesaid, not having or making appear before the said Court some just or lawful Excuse for such Neglect or Refusal; then, and in every such Case, he or they so offending shall, on due Proof made by Oath in such Court of the due Service of the Summons in Manner aforesaid, forfeit and lose the Sum of Forty Shillings, to be levied by Distress and Sale of his or their Goods and Chattles, by Warrant under the Hand and Seal of the said Mayor, or the Recorder of the said City, or any One Alderman of the said City, directed to any Assistant of the said Water Bailiff, or any Constable, Headborough, or Peace Officer, impowering him, them, or any of them, to make the said Distress for the said Forty Shillings, and cause the same to be appraised and sold after the Expiration of Five Days from the making such Distress, rendering the Overplus, if any, to the said Offender; which said penal Sum shall, as soon as received, be paid to the Treasurer of Greenwich Hospital for the Benefit of the same Hospital.

Court to summon occasionally 12 of the common Fishermen, and examine them touching the Fish and Fishery of the *Thames* and *Medway*;

Fishermen refusing to attend or to be examined forfeit 40 *s.*

to be levied by Distress and Sale,

and paid to *Greenwich* Hospital.

And be it further enacted by the Authority aforesaid, That for the better Preservation of the said Fishery of the said River of Thames, and Waters of Medway, within the Jurisdiction aforesaid, and for preventing, as much as may be, any Abuses from being committed therein, it shall and may be lawful to and for the Deputy of the said Mayor for the time being, as Conservator as aforesaid, commonly called The Water Bailiff, and his Assistant and Assistants, such Assistant and Assistants having been named

Water Bailiff, his Assistants, and others authorized by the Mayor,

and appointed to be his Assistant and Assistants, by Warrant under the Hand and Seal of the Mayor of the said City for the time being, and likewise for all and every other Person or Persons who shall for that Purpose be specially authorized by any Warrant or Warrants under the Hand and Seal of the said Mayor, from time to time, and

may enter into Fishermens Boats, and seize all prohibited Fish, Nets, &c. on Board.

at all Times, to enter into any Boat, Vessel, or Craft, of any Fisherman or Dredgerman, or other Person or Persons fishing or taking Fish, or endeavouring to take Fish, upon the said River of Thames, or upon the said Waters of Medway, within the Jurisdiction aforesaid, and there search for, take, and seize, all Spawn, Fry, Brood of Fish, Spatt of Oysters, and unsizeable, unwholesome, or unseasonable Fish, and also all unlawful Nets, Engines, and Instruments, for taking or destroying Fish, as shall then be in any such Boat or Boats, Vessel or Craft, in or upon the said River or Waters;

and also such as shall be found on the Shore;

and to take and seize on the Shore or Shores adjoining to the said River, or Waters of Medway, within the Jurisdiction aforesaid, all such Spawn, Fry, Brood of Fish, Spatt of Oysters, unsizeable, unwholesome, or unseasonable Fish, as shall be there found; and such Deputy and Assistants, or other Persons, who shall be so authorized as aforesaid, shall, from time to time, with all convenient Speed, after the seizing or taking of any such unlawful Nets, Engines, or Instruments, or any Spawn, Fry, Brood of Fish, or Spatt of Oysters, or unsizeable, unwholesome,

and bring them before a proper Magistrate;

or unseasonable Fish, bring, or cause the same to be brought, before the Mayor of the said City for the time being, or the Recorder of the said City, or One of the Aldermen of the said City, if seized within the Limits of the said City of London, and Liberties thereof, either upon the said River, or on Shore, or before the Mayor of the said City for the time being, or the Recorder of the said City, or One of the Aldermen of the said City, or One of his Majesty's Justices of the Peace of the County in which such Seizure shall be made, if made upon the said River, or Waters, out of the Limits of the said City, or the Liberties thereof, but within the Jurisdiction of the said Mayor as Conservator as aforesaid, or before One of his Majesty's Justices of the Peace of the County in which the same shall be seized on Shore, who shall respectively cause such Nets, Engines, or Instruments, or Spawn, Fry, Brood of Fish, Spatt of Oysters, unsizeable, unwholesome, or unseasonable Fish, so seized, to be examined; and if the same shall, upon View and Examination thereof, or on Proof on Oath before him or them made (which Oath he and they is and are hereby impowered

and the same being found, upon Examination, to be prohibited by, and contrary to, the Rules,

ered to administer) appear to be unsizeable, unwholesome, or unseasonable Fish, or unlawful Nets, Engines, or Instruments for taking unsizeable Fish, or destroying of Fish or Spawn of Fish, contrary to such Rules, Orders, or Ordinances, as shall be made by the said Court of the said Mayor and Aldermen, and allowed and approved of as aforesaid, and the Intent and Meaning of this Act, and that the same were so seized as aforesaid, the said Mayor, Recorder, or any Alderman of the said City, or Justice respectively, within their respective Jurisdictions, shall cause to be forthwith burnt or destroyed, as well all such unlawful Nets, Engines, or Instruments, as also all such Spawn, Fry, or unsizeable, unwholesome, or unseasonable Fish, as shall be seized as aforesaid.

are to be forthwith burnt.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall obstruct or hinder the said Water Bailiff, his Assistants, or any of the said Officers, or any Constable, Headborough, or other Peace Officer, in the Execution of any of the Powers vested in them by this Act, or of any Warrant or Warrants to be issued by the said Mayor, Recorder, or any Alderman of the said City, or Justice respectively, in pursuance of this Act; or if any Person or Persons whatsoever shall rescue any Person or Persons who shall be apprehended or taken by virtue or in pursuance of any of the Powers given by this Act, the Person or Persons so offending therein shall, for every such Offence, forfeit the Sum of Ten Pounds, on Conviction thereof by the Oath of One or more credible Witness or Witnesses, before the said Mayor, Recorder, or One of the Aldermen of the said City, within the said City and Liberties, or the Jurisdiction aforesaid, or before a Justice of the County where the said Offence shall be committed, or where the Offender shall be apprehended.

Penalty 10*l.* of obstructing an Officer in his Duty, or rescuing an Offender.

And be it further enacted by the Authority aforesaid, That the Mayor, Recorder, or any One Alderman of the said City, within the said City and Jurisdiction aforesaid, and His Majesty's Justices of the Peace of the respective Counties within the Jurisdiction aforesaid, or any One of them, shall have full Power to hear and determine in a summary Way, Complaints touching any unlawful or undue Fishing, or taking or destroying Fish, or any other Offences to be committed contrary to any of the Rules, Orders, or Ordinances, at any Time hereafter to be made by the said Court of the Mayor and Aldermen in pursuance of this Act, and which shall be allowed and approved of as aforesaid; and the said Mayor, Recorder, Aldermen, and Justices, and each of them respectively, within their respective Jurisdictions,

Magistrates to hear and determine Complaints touching Offences against the Rules, in a summary Way;

and upon View, or Complaint on Oath of any Offence, to issue their Warrants for apprehending Offenders.

are, and is hereby authorized and required upon View, or upon Complaint made on Oath to them respectively, of any such Offence committed within their respective Jurisdictions, contrary to such Rules, Orders, or Ordinances, within Ten Days after the Commission of any such Offence, to issue his or their Warrant or Warrants under his Hand and Seal, or their Hands and Seals, directed to the Water Bailiff of the said City, or such his Assistant or Assistants as aforesaid, or to such Constables, Headboroughs, or other Peace Officers, as the said Mayor, Recorder, Aldermen, or Justices, or any One of them, shall, from time to time, think fit, thereby requiring him or them to apprehend such Offender or Offenders, and to bring him, her, or them, before the said Mayor, Recorder, Aldermen, or Justices, or any One of them, within their respective Jurisdictions, to answer the Matters of Complaint to be contained in such Warrant or Warrants; and which Warrant or Warrants the Person and Persons to whom the same shall be directed, and their Assistants, are hereby authorized, impowered, and required, to execute on the said River Thames, or on the Waters of Medway, or on any Part thereof, within the Jurisdiction aforesaid, or on any Shore adjoining to the said River, or Waters of Medway; and for that Purpose, they, and every of them, are hereby authorized, impowered, and required, at all Times, to go on Board any Boat, Vessel, or Craft, in the said River, or Waters; or in the Day Time, with a Peace Officer, to enter any House wherein any such Offender or Offenders shall be, for the apprehending him, her, or them; and when apprehended, to carry him, her, or them, as soon as conveniently may be, before the said Mayor, Recorder, or One of the Aldermen of the said City, if apprehended in the said City of London or the Liberties thereof; and if apprehended out of the said City of London, or the Liberties thereof, then before One of the Justices of the County where the said Offender or Offenders shall be taken; and the said Mayor, Recorder, Aldermen, and Justices, within their respective Jurisdictions, or any One of them, are, and is hereby authorized and required to summon Witnesses, on either Side, before them, and to examine them on Oath (which Oath the said Mayor, Recorder, Aldermen, and Justices respectively, or any One of them, is and are hereby authorized, impowered, and required, to administer) touching the Premisses, and thereupon to hear and determine the same; and in case any Offender or Offenders shall thereupon, by the said Mayor, Recorder, or Aldermen, or the said Justices, or

Officer impowered to execute the same.

Magistrate to summon Witnesses, and examine them on Oath touching the Premisses.

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One of them, be convicted, and adjudged guilty of any such Offence, then such Offender or Offenders shall thereby incur and forfeit such Penalty as shall be by such Rules and Ordinances set and imposed for the same; and that such Warrant or Warrants, or other Act or Acts of the said Mayor, Recorder, Aldermen, or Justices, and the Act and Acts of the Water Bailiff, and his Assistants, and of all Constables, Headboroughs, and other Persons, in Obedience to such Warrant or Warrants, shall be as valid, good, and effectual in Law, to all Intents whatsoever, as if the same were executed within the proper Limits of their own City, County, or Jurisdiction.

Upon Conviction, Offender to forfeit as the Rules direct.

Acts of the Magistrates and Officers therein, declared to be good.

And be it further enacted by the Authority aforesaid, That if any Witness or Witnesses who shall be summoned in Pursuance of this Act to appear before the said Mayor, Recorder, Aldermen, or Justices of the Peace, or any One of them, within their respective Jurisdictions aforesaid, shall neglect or refuse to appear according to the Direction of the Summons, or appearing shall refuse to be examined on Oath touching the Premisses, and no just Excuse shall be offered for such Neglect or Refusal, every Person so offending, on Proof on Oath being made of such Summons having been served on him, her, or them, shall, for every such Offence, forfeit and lose such Sum of Money, not exceeding Five Pounds, nor less than Twenty Shillings, as the said Mayor, Recorder, Aldermen, or Justices, or any One of them, within their respective Jurisdictions, shall by Warrant under his Hand or their Hands order or direct.

Witness refusing to appear, or to give Evidence, without just Cause, forfeits not exceeding 5 *l.* nor less than 20 *s.*

And be it further enacted by the Authority aforesaid, That if any Assistant or Assistants of the Water Bailiff of the said City, or any Peace Officer, shall wittingly or willingly neglect or refuse to serve or execute any Warrant or Warrants to him or them directed in Pursuance of this Act, or shall otherwise wilfully or wittingly omit the Performance of his or their Duty in the Execution of this Act, and shall be thereof convicted by the Oath of One or more credible Witness or Witnesses, before the said Mayor, Recorder, or any such Alderman, or Justice as aforesaid, within their respective Jurisdictions, every such Assistant or Peace Officer so offending shall forfeit and lose any Sum of Money not exceeding Five Pounds, as the said Mayor, Recorder, Alderman, or Justice, or any One of them, within their respective Jurisdictions shall think reasonable and direct.

Officer neglecting his Duty, forfeits any Sum not exceeding 5 *l.*

And be it further enacted by the Authority aforesaid, That if the said Water Bailiff, or any of his Assistants, shall at any Time hereafter receive any Sum of Money,

Gratuity,

Penalty 5 *l.* on Water Bailiff, or Assistant, taking any Gratuity to screen, &c. an Offender.

Gratuity, or Reward whatsoever, from any Person or Persons to prevent, delay, or hinder, any Prosecution; or compound for, or wilfully conceal, any Offence to be committed contrary to this Act, and shall be thereof convicted by the Oath of One or more credible Witness or Witnesses, before the said Mayor, Recorder, or Aldermen, of the said City, or any One of them (and which Oath the said Mayor, Recorder, and Aldermen, or any One of them, is and are hereby authorized to administer) such Water Bailiff and his Assistants respectively, for every such Offence shall forfeit and lose the Sum of Five Pounds.

Method of Recovery, and Application of the Forfeiture.

And, for the better and more easy Recovery of the several Penalties and Forfeitures to be incurred by Disobedience to this Act, and the Powers therein contained, and disposing of the said Forfeitures, where no particular Provision is already made herein; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Mayor of the said City of London for the time being, Recorder and Aldermen of the said City, or any One of them, within the said City, or Liberties thereof, or within the Jurisdiction aforesaid, and to and for any other of His Majesty's Justices of the Peace, or any One of them, within their respective Counties, on the Conviction of any Person or Persons for any Offence or Offences committed contrary to the true Meaning of this Act, the Forfeiture not being paid, to issue a Warrant or Warrants under his Hand and Seal, or their Hands and Seals respectively, directed to the Assistant or Assistants of the said Water Bailiff, or any Peace Officer, within their respective Jurisdictions, impowering him or them to make Distress of the Goods and Chattles of the said Offender or Offenders, for the Sum to be levied by any such Warrants; and to cause such Goods and Chattles, after Five Days from the Distress taken, to be appraised and sold, rendering the Overplus, if any, after deducting the Forfeiture and the Costs and Charges of the Distress and Sale, to the Owners; which Charges shall be ascertained by the Magistrate before whom such Offender or Offenders shall have been so convicted; and for want of such Distress and Non-payment, then it shall be lawful for the said Mayor, Recorder, Aldermen, and Justices, or any One of them, within their respective Jurisdictions, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction of the City or County, where such Offender or Offenders shall be convicted, there to remain for the Space of Three Months, from the Time of such Commitment, unless

For want of Distress to levy the Forfeiture, Offender to be committed for 3 Months.

Payment

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Payment shall be made of the said Penalty, Costs, and Charges, before the Expiration of the said Three Months; and One Moiety of all such Penalties and Forfeitures, when recovered, shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer of Greenwich Hospital aforesaid, for the Use of the said Hospital; but in case any such Offender or Offenders shall think him or themselves aggrieved by such Conviction, and shall within the said Five Days enter into a Recognizance with Two good and sufficient Sureties, in the Penal Sum of Twenty Pounds, before such Magistrate or Magistrates, before whom he, she, or they, shall be so convicted (which said Recognizance shall be returned, within the Space of Fourteen Days, to the said Court of the Mayor and Aldermen) conditioned for his Personal Appearance at some Court of the said Mayor and Aldermen of the said City, to be holden within Six Weeks after the acknowledging such Recognizance, or at the next Court of Conservacy to be held for the County in which such Offence shall be committed, and to stand to and abide such Order as shall be made in the Premisses by such Court, then the Goods so distrained shall be returned to the Party or Parties from whom the same were taken; and the said Court of Mayor and Aldermen, or Court of Conservacy, is hereby impowered and directed upon a Petition of Appeal presented to them, by the Party or Parties so convicted, complaining of such Conviction, to appoint a Time for the hearing and determining the Matter of such Appeal, and thereupon to cause Notice to be given to the Parties, and to summon Witnesses to attend at the Time so appointed, and then to examine such Witnesses upon Oath, and finally to hear and determine the Matter of such Appeal or Complaint, and make such Order therein, as to such Court shall seem meet; and the said Courts respectively shall, and they are hereby impowered to order all or any of the Penalties laid on or incurred by any of the Parties complaining, to be mitigated, or to vacate or set aside such Conviction or Convictions, or otherwise to ratify and confirm the same, and at their Discretion to award such reasonable Costs to be paid by the Appellant, as to them shall seem meet; and the said Court of Mayor and Aldermen, or Court of Conservacy, may, on Forfeiture of any such Recognizance, estreat the same into His Majesty's Court of Exchequer, there to be proceeded upon, and executed in the same Manner as Estreats returned to the said Court of Exchequer, from any Court of Conservacy held by the said Mayor of the said City, are.

One Moiety of the Penalty to go to the Informer, the other to *Greenwich Hospital.*

If the Offender, aggrieved by such Conviction, shall enter into a Recognizance, with Sureties, to abide the Order of the Court,

the Distress is to be returned;

and the Court to hear and determine such Appeal,

and to mitigate the Penalties, or vacate the Conviction, or confirm the same with Costs;

and on Forfeiture of Recognizance, to estreat the same into the Exchequer.

And be it further enacted by the Authority aforesaid, That the Mayor, Recorder, or any Alderman or Justice before whom any Person shall be convicted in Manner prescribed by this Act, shall cause such respective Conviction to be drawn up in the Form, or to the Effect following; that is to say,

Form of Conviction,

To wit. BE it remembered, That on this Day of in the Year of His Majesty's Reign, *A. B.* is convicted before me, One of His Majesty's Justices of the Peace for the City or County of *(as the Case shall happen to be)* for *(here set forth the Offence)* and I do adjudge him to pay and forfeit for the same the Sum of

Given under my Hand and Seal, the Day and Year aforesaid.

to be written on Parchment, and transmitted to the Court, to be filed;

And the said Mayor, Recorder, Alderman, or Justice before whom such Conviction shall be had, shall cause the same so drawn up in the Form aforesaid, to be fairly written upon Parchment, and transmitted to the Court of Mayor and Aldermen, or Court of Conservacy, to be filed and kept amongst the Records of the said Court, to which the same shall be transmitted; and in case any Person or Persons so convicted shall appeal from the Judgement of the said Mayor, Recorder, or any Alderman or Justice as aforesaid, to the said Court of Mayor and Aldermen, or Court of Conservacy, the said Court of Mayor and Aldermen, or Court of Conservacy, is hereby required upon receiving the said Conviction, drawn up in the Form aforesaid, to proceed to the Hearing and Determination of the Matter of the said Appeal, according to the Directions of this Act; any Law or Usage to the contrary notwithstanding.

upon receiving thereof, Court to proceed to Determination of Appeal.

Conviction, or other Proceedings of the Court, not removeable by *Certiorari*.

And be it further enacted by the Authority aforesaid, That no Writ of Certiorari, or other Writ or Process for Removal of any such Conviction, or any Proceedings thereon, into any of His Majesty's Courts of Record at Westminster, shall be allowed or granted.

If the Offender escape out of the Jurisdiction of the Person granting a Warrant against him,

And it is hereby further enacted, That in case any Person, against whom a Warrant shall be issued by the said Mayor, Recorder, or any Alderman, or Justice of the Peace, either before or after Conviction as aforesaid for

for any Offence against this Act, shall escape, go into, reside, or be in any other County, Riding, Division, City, Liberty, Town, or Place, out of the Jurisdiction of such Person granting such Warrant or Warrants as aforesaid; or if the Goods and Chattles of any Offender convicted of any Offence in pursuance of this Act, shall be in a different County, Riding, Division, City, Liberty, Town, or Place, than where the said Party was convicted, or the Warrant of Distress granted; it shall and may be lawful for the said Mayor, Recorder, or any Alderman as aforesaid, or any Justice of the Peace of the County, Riding, Division, City, Liberty, Town, or Place, into which such Person shall escape either before or after Conviction, or where his Goods and Chattles shall be, after such Conviction; and they and every of them are hereby required, upon Proof made upon Oath of the Hand Writing of the said Mayor, Recorder, Alderman, or Justice, granting such Warrant or Warrants, to indorse his or their Name or Names on such Warrant; and the same, when so indorsed, shall be a sufficient Authority to all Peace Officers to execute such Warrant in such other County, Riding, Division, City, Town, or Place, out of the Jurisdiction of the Person granting the said Warrant; and the said Mayor, Recorder, Aldermen, and Justices respectively, or any One of them, as the Case shall happen, after indorsing the said Warrant, may, on the Offender or Offenders being apprehended and brought before the said Mayor, Recorder, Aldermen, or Justices, or any One of them, within their respective Jurisdictions, proceed to hear and determine the Complaint, in the same Manner as if it had originally arose within their respective Jurisdictions, or may direct the Offender to be carried to the Person who granted the said Warrant, to be dealt with according to Law.

or if his Goods be in a different County, &c.

any Justice of the Peace, &c. may indorse the Warrant,

and Peace Officer execute the same;

and the Offender may be tried by such Justice,

or remanded back to be tried by the Person granting the Warrant.

Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall extend, or enure to prejudice or derogate from the Rights, Privileges, Franchises, or Authority, of the City of London, or any Rights, Privileges, or Authority exercised by the Mayor of the said City for the time being, as Conservator as aforesaid; or to prohibit, defeat, alter, or diminish, any Power, Authority, or Jurisdiction, which, at the Time of making this Act, the Mayor, Commonalty, and Citizens of London, or the Mayor of the City of London, as Conservator of the said River of Thames and Waters of Medway, did or might lawfully claim, use, or exercise; and further, That it shall and may be lawful to and for the said Mayor of the said City for the time being,

Rights and Privileges of the City of *London*, and of the Mayor, and Corporation, reserved.

The Mayor, as Conservator, may try, by Presentment or Indictment, all unlawful and undue Fishing.

being, in like Manner as he hath used to do in other Cases, to inquire of, hear, and determine, by Presentment or Indictment taken before him as Conservator of the said River and Waters, all unlawful and undue Fishing, and taking and destroying Fish, and all other Offences contrary to such Rules, Orders, and Ordinances, as shall be made by the said Court of Mayor and Aldermen, and allowed and approved of as aforesaid; and upon Conviction of any such Offender or Offenders, to impose a Fine on him, her, or them, for the said Offence, not exceeding the Penalties which shall be inflicted in and by the said Rules, Orders, or Ordinances; and which Fine or Fines, when levied and recovered, shall be applied and distributed in like Manner as the Penalties inflicted by the said Court of Conservacy have been usually applied and distributed; but no Person shall be punished Twice for One and the same Offence.

and other Offences contrary to the Rules,

and impose suitable Fines,

to be applied as Penalties inflicted by the Court of Conservacy.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That all Actions, Suits, and Informations, which shall be commenced and prosecuted against any Person or Persons, for any Thing which he, she, or they shall do, or cause to be done in pursuance of this Act, shall be commenced, sued, or prosecuted, within Six Months next after the Cause of Action shall accrue; and all such Persons against whom any such Actions, Suits, or Informations, shall be commenced, sued, or prosecuted, shall and may plead the General Issue, and give this Act, and the Special Matter in Evidence; and if in any such Suit, the Plaintiff or Prosecutor shall become Nonsuit, or shall forbear Prosecution, or discontinue his Suit; or if a Verdict shall pass, or Judgement shall be given against him upon a Demurrer, then, and in any such Case, the Defendant or Defendants shall recover Double Costs, for which he or they shall have like Remedy, as when Costs by Law are awarded; and this Act shall be taken and allowed in all Courts within this Kingdom as a Publick Act; and all Judges and Justices are hereby required to take Notice thereof as such, without the same being specially pleaded.

General Issue.

Double Costs.

Publick Act.

And be it further enacted by the Authority aforesaid, That the Statute made in the Twenty fourth Year of His present Majesty's Reign, intituled, An Act for the rendering Justices of the Peace more safe in the Execution of their Office; and for indemnifying Constables, and others, acting in Obedience to their Warrant, so far as the said Act relates to the rendering Justices of the Peace more safe in the Execution of their Office, shall extend, and be construed to extend, to the Mayor, Recorder, and every

Act 24 *Geo.* II. extended to Magistrates acting under this Act.

every Alderman of the said City of London, and to every Justice and Justices of the Peace, acting under the Authority or in the Execution of this Act; and no Action or Suit shall be had or commenced against, nor any Writ sued out, or Copy of Writ served upon the said Water Bailiff, his Assistant or Assistants, or any other Officer or Officers, for any Thing done in the Execution of this Act, until Notice in Writing shall have been given to him or them, or left at his or their usual Place of Abode, by the Attorney for the Party commencing such Action, or suing out such Writ, One Month before the commencing such Action, or suing out or serving the Copy of the said Writ; which said Notice in Writing shall contain the Name and Place of Abode of the Person who is to bring such Action, together with the Cause of Action or Complaint; and the Name and Place of Abode of the said Attorney, shall be under-wrote or indorsed thereon; and the said Water Bailiff, his Assistant or Assistants, and the said other Officer or Officers shall be at Liberty, and may, by virtue of this Act, at any Time within One Calendar Month after such Notice, tender or cause to be tendered any Sum or Sums of Money, as Amends for the Injury complained of to the Party complaining, or to the said Attorney; and if the same is not accepted, the Defendant or Defendants in such Action or Actions may plead such Tender in bar of such Action or Actions, together with the General Issue, or any other Plea, with Leave of the Court; and if upon Issue joined upon such Tender, the Jury shall find the Amends tendered to have been sufficient, the said Jury shall find a Verdict for the Defendant or Defendants; and in such Case, or if the Plaintiff shall become Nonsuit, or discontinue his Action; or if Judgement shall be given for the Defendant or Defendants upon Demurrer, the Defendant or Defendants shall be intitled to Double Costs; and if the Jury shall find that no such Tender was made, or that the Amends tendered were not sufficient; and also shall find against the Defendant or Defendants, on such other Plea or Pleas by them pleaded, the said Jury shall find a Verdict for the Plaintiff, and such Damages as they shall think proper; for which the said Plaintiff shall have Judgement, together with his Costs of Suit.

and no Action is issuable against an Officer, till Notice be given him thereof;

and he may tender Amends for the Injury complained of,

and plead the same, &c. or any other Plea, in bar of the Action;

and upon a Verdict have Double Costs.

Plaintiff recovering, intitled to Damages and Costs of Suit.

Saving always to the King's most Excellent Majesty, his Heirs, and Successors, and all Bodies Politick and Corporate, and to the High Court of Admiralty, and all other Courts and Persons, all Fines, Forfeitures, Penalties, Amerciaments, and Wreck of Sea, which of Right have been reserved and become due and payable to the said Courts and Persons respectively, for and in respect

Reservation of accustomable Rights and Privileges, to the Crown, and to all Bodies Politick and Corporate, and other Persons.

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spect of the said Fishery or Dredging, or otherwise, and all Rights, Titles, Estates, Jurisdictions, Privileges, or Franchises, whatsoever, in as full and ample Manner as the same were, or have been, before the making of this Act; and also all such Right, Title, Interest, Claim, Privilege, and Conservation, and Inquiry and Punishment of and for the Offences aforesaid, as they or any of them lawfully have and enjoy, or of Right ought to have and enjoy, by any Manner of Means; any thing in this Act to the contrary notwithstanding.

Reservation of Rights to the Admiralties of *Kent* and *Essex*, Fiscaries, &c.

Provided always, and be it enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend, or be construed to extend to prejudice or derogate from any of the Rights of the Admiralties, or Vice Admiralties of Kent or Essex, or any Fiscaries or Fishings belonging to, or appertaining to the said City of London, or any other City or Town Corporate, or any Lords of Manors, Proprietors, Owners, or Occupiers, of any Rivers, Creeks, Streams, or Fisheries, adjacent to, or within any Part of the said Limits, or to the Rights of any other Person or Persons within the Limits aforesaid.

Places and Persons exempted from the Jurisdiction of this Act.

Provided also, That nothing in this Act contained shall extend, or be construed to extend, to any Fisherman or Dredgerman, who now do, or shall hereafter inhabit or dwell in any of the Cinque Ports or their Members, or in the City of Rochester, or Towns or Places of Strood, Chatham, Frindsbury, Gillingham, Milton, Queenborough, Feversham, Whitstaple, or the Places adjacent; but that such Fishermen and Dredgermen shall and may use and exercise their Trades of Fishing and Dredging, and Selling, in as full and ample Manner as they have heretofore lawfully done, to all Intents and Purposes as if this Act had never been made.

Fishermen not liable to take out Licences, or pay any Gratuity for Liberty of Fishing,

Provided always, and it is hereby further enacted, That nothing herein contained shall extend, or be construed to extend, to impower or authorize the said Mayor, Court of Mayor and Aldermen, the Water Bailiff, or any other Person whatsoever, to grant any Licence or Licences, or to make any Rules, Orders, or Ordinances, whereby any Licence or Licences shall be required to be taken by any Fisherman, Dredgerman, or other Person, for going out to Fish, Fishing, Dredging, or Taking Fish in any Manner or Way, or whereby any Gratuities, Rewards, or Compensations, under any Pretence or Denomination whatsoever, shall be paid or payable by any Fisherman, Dredgerman, or other such Person, to the Water Bailiff, or his Successors, or to any other

Person or Persons; or whereby any such Fisherman, Dredgerman, or other such Person shall be obliged to appear before the said Mayor, Water Bailiff, or other Person, to enter his or their several Name or Names, in any Register or other Book, or whereby any such Fisherman, Dredgerman, or other Person as aforesaid, shall be limited or restrained from keeping any Number of Boys in any One Boat, as such Fisherman, Dredgerman, or other Person, shall judge proper; any thing in the said Act of the Ninth Year of Her late Majesty Queen Anne, or any other Statute, Law, Custom, or Usage, to the contrary in any wise notwithstanding.

or to appear and enter their Names,

or to be restrained from keeping any Number of Boys.

FINIS.