Anno tricesimo tertio

Georgii II. Regis.

An Act to repeal so much of an Act passed in the Twenty ninth Year of His present Majesty's Reign, concerning a free Market for Fish at *Westminster*, as requires Fishermen to enter their Fishing Vessels at the Office of the Searcher of the Customs at *Gravesend;* and to regulate the Sale of Fish at the First Hand in the Fish Markets in *London* and *Westminster;* and to prevent Salesmen of Fish buying Fish to sell again on their own Account; and to allow Bret and Turbot, Brill and Pearl, although under the respective Dimensions mentioned in a former Act, to be imported and sold; and to punish Persons who shall take or sell any Spawn, Brood, or Fry of Fish, unsizeable Fish, or Fish out of Season, or Smelts under the Size of Five Inches; and for other Purposes.

WHEREAS by an Act made in the Twenty ninth Year of His present Majesty's Reign, intituled, An Act for explaining, amending, and rendering more effectual an Act made in the Twenty second Year of His present Majesty's Reign, intituled, *An Act for making a free Market for the Sale of Fish in the City of* Westminster; *and for preventing the Foreſtalling and Monopolizing of Fish; and for allowing the Sale of Fish, under the Dimensions mentioned in a Clause contained* Preamble, reciting Act 29 *Geo.* II.

contained in an Act of the First Year of His late Majesty Reign, in case the same are taken with a Hook; it was (amongst other Things) enacted, That if any Fisherman, or other Person or Persons whatsoever, Master or Owner of any Fishing Ship, Sloop, Smack, or Fishing Vessel, coming from Sea, or other Person having the Conduct of such Fishing Ship, Sloop, Smack, or Fishing Vessel, Natives or Foreigners, employed either in catching, bringing, or vending of Fish, for the Supply of the Cities of London and Westminster, should break Bulk or make Sale of their Fish, or any Part thereof, between Harwich and the Nore, or Margate and the Nore, to any Person or Persons to sell again, or should not enter their Ship, Sloop, Smack, or other Fishing Vessel, at such Place or Places, and within such Time as therein was, and herein after is, mentioned, or should keep any Shell Fish, or other Fish whatsoever, in such their Ship, Sloop, Smack, or other their Fishing Vessel or Vessels, or in any Well-boat or Store-boat, after such their Arrival, so as not to sell off their whole Cargo of Fish within the Space of Eight Days, to be reckoned from the Day of such their Arrival at the Nore as aforesaid, and thereof should be convicted before One or more of His Majesty's Justices of the Peace for the Counties of Kent or Essex, or before the Mayor, Recorder, or such Aldermen for the time being, who had Power to act as Justices of the Peace within the Corporations of Queenborough or Gravesend, on his, her, or their own Confession or Confessions, in Writing under his or their Hand or Hands, or on the Oath of One or more credible Witness or Witnesses; which Conviction should be final, and without any Appeal whatsoever; such Ship, Sloop, Smack, or Fishing Vessel, Boat, Store-boat, or other Boat, into which the said Fish, or any Part thereof, should be unloaded or delivered, with all Tackle, Apparel, and Furniture to the same belonging, together with the whole Cargo of such Fish, should be forfeited by the Owners thereof, and disposed of as therein after mentioned; such Forfeitures to be levied by Distress and Sale, by Warrant under the Hand and Seal of any One or more of His Majesty's Justices of the Peace within the said Counties of Kent or Essex, or of the said Mayor, Recorder, or Aldermen, acting for the time being as Magistrates, within the Towns of Queenborough and Gravesend, or such Mayor, Recorder, or Aldermen, of any other Corporate Town, between the said Towns of Queenborough and Gravesend and the City of Westminster as aforesaid; which Warrant or Warrants the said Justice or Justices, Mayors, Recorders, or Aldermen,

was and were thereby impowered and required to make and issue accordingly, and to be directed to the High Constable, Petty Constable, Headborough or Tythingman, of either of the said Towns of Queenborough or Gravesend, or any other Towns as aforesaid, near unto where any such Offences should be committed, or where such Ship, Sloop, Smack, or Fishing Vessel, Boat, Store-boat, or other Boat, should then be, to take and seize the same, and sell and dispose thereof within Fourteen Days accordingly; and One Moiety or Half-part of the Produce of such Sale, after reasonable Charges deducted, should go and be paid to the Informer or Informers, as the said Justices should appoint, and the other Moiety to the Trustees appointed to put the said recited Act in Execution, and for the Purposes therein mentioned: Provided nevertheless, That in case any such Fishing Vessel was freighted or loaded with Lobsters, or whose Part Loading might be made up with Lobsters, and the Fishermen or other Person or Persons, Natives or Foreigners, who should be Owners of such Lobsters, or have the Power to sell and dispose of the same, should sell off her whole Cargo of such Lobsters, within Twelve Days after the Arrival of such Vessel, at the Place or Places therein before appointed for that Purpose, and in all other Respects conform to the Directions of the said Acts; then and in such Case, the Sale of the whole Cargo of such Lobsters, should be, and was thereby declared to be, as good a Sale thereof, as if such Sale had been compleated and made within the said limited Time of Eight Days before mentioned: And it was thereby further enacted, That from and after the Twenty fourth Day of June, One thousand seven hundred and fifty six, there should be paid to His Majesty's Searcher or Searchers at Gravesend, for the Certificate of the Entry of the Arrival of any such Fishing Ship, Sloop, Smack, or other Vessel or Vessels as aforesaid, the Sum of Two Shillings, which was to be applied in Manner following; that is to say, There should be kept and retained by, and to the Use of, the said Searcher or Searchers, for making out such Certificate, Six Pence; and the remaining One Shilling and Six Pence was thereby vested in the said Trustees, and was to be paid by such Searcher or Searchers, from time to time, to the said Trustees, or such other Person or Persons as the said Trustees, or any Five or more of them, should, by any Writing for that Purpose under their Hands and Seals, direct and appoint; and which said Payment of One Shilling and Six Pence, on each Fishing Vessel as aforesaid, was to be applied by the said Trustees, or any

Five of them, in the first Place to pay such Inspector or Inspectors of the Fishing Vessels, for his or their said Service, and for the Charges of a Boat, such yearly Sum, as the said Trustees, or any Nine of them, should think was fit and reasonable for such Service; and if any Surplus arose over and above, then to apply such Surplus in the same Manner as the Surplus arising from the Tolls and Duties of the said recited Act, were directed to be applied: And it was thereby also further enacted, That the Master, Owner, Chief Officer, or Mariner, who should have the Care or Conduct of any such Ship, Sloop, Smack, or other Vessel or Vessels made use of for the catching or importing of Fish as aforesaid, should within Three Days after the Arrival of such Fishing Ship, Sloop, Smack, or other Vessel or Vessels at the Nore as aforesaid, truly report the Time of such Arrival to His Majesty's said Searcher or Searchers at their Office at Gravesend, or to the Chief Officer of His Majesty's Customs there, who was thereby directed and required to take Notice of and enter the same in a Book to be kept for that Purpose, and to give a Certificate thereof to such Master, Owner, Chief Officer, or Mariner belonging to the said Fishing Ship, Sloop, Smack, or other Vessel: And whereas the going to Gravesend, and the stopping there to report to His Majesty's Searcher or Searchers at their Office at Gravesend, or to the Chief Officer of His Majesty's Customs there, the Time of the Arrival of every Fishing Ship, Sloop, Smack, or other Vessel or Vessels at the Nore, within the Space of Three Days after such the Arrival thereof at the Nore, hath been found inconvenient, and sometimes prejudicial, to the Owners of such Fishing Ships, Sloops, Smacks, and Vessels, as by stopping to make such Report or Entry there, Fishing Ships, Sloops, Smacks, and Vessels, sometimes lose the Tide, and cannot get to Billingsgate Market to sell their Cargo of Fish there, until the next Day's Market; and the great Penalties the Owners of such Vessels are, by the said herein before recited Act made in the said Twenty ninth Year of His present Majesty's Reign, liable to in case of the Neglect or Omission of the Master or other Person, who hath the Conduct of the Fishing Ship, Sloop, Smack, or other Fishing Vessel (and in general is only Servant to the Owner or Owners thereof) to make such Report at Gravesend, as by the said herein before recited Act is directed; and the not giving a Power to appeal where the Parties informed against deem themselves aggrieved by the Conviction of a Justice of Peace, tend to

the Discouragement of the Owners of such Fishing Vessels, who are at a considerable Expence to fit out such Vessels to catch Fish at Sea; For Remedy therefore in the Premisses, may it please Your most Excellent 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 seven hundred and sixty, so much of the said recited Act made in the said Twenty ninth Year of His said present Majesty's Reign, as obliges the Fishermen and others, Masters or Owners, or having the Conduct of any Fishing Ship, Sloop, Smack, or Fishing Vessel, to enter their Ship, Smack, Sloop, or other Fishing Vessel, with His Majesty's Searcher or Searchers at Gravesend; and to the Payment to such Searcher or Searchers thereof the Sum of Two Shillings for the Certificate of such Entry; and also to report the Time of the Arrival of such Fishing Ship, Sloop, Smack, or other Fishing Vessel or Vessels at the Nore, as aforesaid, to His Majesty's said Searcher or Searchers at their Office at Gravesend, or to the Chief Officer of His Majesty's Customs there, shall be and is hereby repealed.

So much of the recited Act of 29 *Geo.* II. as obliges Fishermen to enter and report their Vessels with the Searcher at *Gravesend*, &c. repealed.

And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, the Master, Owner, Chief Officer, or Mariner, who shall have the Care or Conduct of any such Fishing Ship, Sloop, Smack, or other Vessel or Vessels made use of for the catching or importing of Fish as aforesaid, shall, within Three Days after the Arrival of any such Fishing Ship, Sloop, Smack, or other Vessel or Vessels at the Nore, as aforesaid, with any such Fish, truly report the Time of such Arrival of every such Fishing Ship, Sloop, Smack, or other Vessel, to the Person who, for the time being, shall act as deputed Clerk in the Coast Office, under the Collector outward in the Port of London, at the Custom-House in London, who is hereby directed and required to take Notice thereof, and to enter the same in a Book to be by him provided and kept for that Purpose; and also to give a Certificate thereof, if required, to such Master, Chief Officer, or Mariner, who shall make any such Entry as aforesaid; and that there shall be paid to such said Person, who, for the time being, shall act as deputed Clerk at the said Coast Office under the Collector outward in the said Port of London, for receiving and entering every such Report, and giving a Certificate

And such Report, for the future, to be made within 3 Days after the Arrival of every Vessel with Fish at the *Nore*, to the Clerk of the Coast Office, *London*,

who is to make an Entry, and grant a Certificate thereof;

for which 2s. is to be paid; Certificate thereof, if required, the Sum of Two Shillings, which shall be applied in Manner following; that

6d. thereof to go to the Clerk; and is to say; The Sum of Six Pence, Part thereof, shall be kept and retained by and for the Use of such Person who, for the time being, shall act as such deputed Clerk at the said Coast Office, under the said Collector outward, for receiving and entering every such Report, and giving

1s. 6d. to the Trustees of the Fish Market at *Westminster*; a Certificate thereof, if required; and the Sum of One Shilling and Six Pence, the Remainder thereof, shall from time to time be paid by such said deputed Clerk to the Trustees of the said Fish Market in Westminster for the time being, or such Person or Persons as the said Trustees, or any Five or more of them, shall, by Writing for that Purpose under their Hands, direct or appoint; and the Receipt of such Person or Persons as the said Trustees, or any Five of them, shall, from time to time, direct or appoint to receive the Remainder of every such Two Shillings, shall be and is hereby declared to be, at all Times, a full Discharge to such said deputed Clerk at the said Coast Office, under the Collector outward, for the same: And the Money which shall be received by any such Person or Persons shall, from time to time, be applied by the said Trustees, or any Five of them, to the like Uses and Purposes as the Money, by the said herein before recited Act to be paid them by the said Searcher or Searchers at Gravesend, was thereby directed to be applied.

to be applied as the recited Act directs.

The Master, &c. neglecting to make such Entry, forfeits, on Conviction, 50*l.* And be it further enacted by the Authority aforesaid, That if the Master, Chief Officer, or Mariner, who shall have the Care or Conduct of any such Fishing Ship, Sloop, Smack, or other Fishing Vessel or Vessels, shall not, within the Space of Three Days next after the Arrival of such Fishing Ship, Sloop, Smack, or other Vessel or Vessels, at the Nore, as aforesaid, enter, or cause to be entered, every such Fishing Ship, Sloop, Smack, or other Fishing Vessel or Vessels, with such said deputed Clerk as aforesaid at the said Coast Office, under the said Collector outward, then, in every such Case, on Information being given thereof on Oath before any Justice of the Counties of Kent, Surry, Essex, or Middlesex, or of the Cities of London or Westminster, or before the Mayor, Recorder, or Aldermen acting, for the time being, as Magistrates within the Towns of Queenborough and Gravesend, or before the Mayor, Recorder, or Aldermen, of any other Corporate Town between the said Towns of Queenborough and Gravesend, and the said City of Westminster, and on such Master or other Person as aforesaid, who shall have the Care or Conduct of any such Fishing

Ship, Sloop, Smack, or other Fishing Vessel or Vessels, as aforesaid, being convicted of having neglected or omitted to make such Entry as aforesaid, either on his own Confession, or by the Oath of One or more credible Witness, before any such Justice or Justices, the Owner or Owners, of every such Fishing Ship, Sloop, Smack, or other Fishing Vessel or Vessels as aforesaid, shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds.

And be it also enacted by the Authority aforesaid, That every Master, Owner, Chief Officer, or Mariner, who shall have the Care or Conduct of any such Fishing Ship, Sloop, Smack, or other Vessel, as aforesaid, shall also, at the Time of his making, or causing to be made, at the said Coast Office, the Report hereby required to be made by him, give to, and leave with, the said Person who, for the time being, shall act as the deputed Clerk at the said Coast Office, under the said Collector outward, a true and particular Account, according to the best of the Judgement and Belief of every such Master, Owner, Chief Officer, or Mariner, as aforesaid, and either in Writing or Printed, of all Fresh Salmon, Salmon Trouts, Turbots, and large Fresh Cod, and Half Fresh Cod Fish, Haddock, Scate Fish, Fresh Ling, Lobsters, Soles, and Whitings, which shall be brought alive to the Nore in every such Fishing Ship, Sloop, Smack, or other Fishing Vessel, as aforesaid, upon Pain that the Owner or Owners of every such Fishing Sloop, Smack, or other Fishing Vessel or Vessels, whose Master, Owner, Chief Officer, or Mariner, as aforesaid, shall refuse, neglect, or omit, to give or leave such Account, or who shall give or leave any false or untrue Account thereof, shall, on any such Master, Owner, Chief Officer, or Mariner, as aforesaid, being convicted of any such Offence, either on his own Confession, or by the Oath of One or more credible Witness or Witnesses, before any such Justice or Justices as aforesaid, for every such Offence, forfeit and pay the Sum of Twenty Pounds; or if any such Master, Owner, Chief Officer, or Mariner, who shall have the Care or Conduct of any such Fishing Ship, Sloop, Smack, or other Vessel, or any other Person on Board such Fishing Ship, Sloop, Smack, or other Vessel, after her Arrival at the Nore, shall wilfully destroy, or throw or cast away, or cause to be wilfully destroyed, or thrown or cast away, any Fish which the said Fishing Ship, Sloop, Smack, or Fishing Vessel, shall have brought from the Sea that is not unwholesome, perished, or unmarketable, such Master, Chief Owner, Officer, or Mariner, shall be committed to the House of Correction, there to remain without Bail, or

and if he refuses or neglects to give in at the same Time, a particular and true Account of the several Sorts of Fish brought alive to the *Nore*, in his Vessel,

he forfeits 20*l.*

and if after such Arrival, he shall wilfully destroy or throw away any of the said Fish, not being unwholesome or unmarketable, &c.

he is liable to be committed to the House of Correction,

and kept to hard Labour for any Time not exceeding 2 Months, nor less than One.

or Mainprize, and to be kept to hard Labour, for any Time not exceeding Two Months, nor less than One Month.

Method of Recovery of the Forfeitures aforesaid.

And be it further enacted by the Authority aforesaid, That all the above mentioned Forfeitures shall be levied by Warrant under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace as aforesaid, by Distress and Sale of the Goods and Chattles of the Owner or Owners of the Fishing Ship, Sloop, Smack, or other Vessel, whose Master, Chief Officer, or Mariner, as aforesaid, shall be convicted of any such Offence as aforesaid, by any such Justice or Justices as aforesaid, or by Distress and Sale of the Fishing Ship, Sloop, Smack, or other Fishing Vessel or Vessels, whose Master, Chief Officer, or Mariner, as aforesaid, shall have been convicted of any such Offence as aforesaid, or of any Nets, Tackle, or Furniture, as shall belong to any such Fishing Ship, Sloop, Smack, or other Fishing Vessel or Vessels, together with the Costs of every such Distress and Sale; rendering the Overplus, if any, after the Money forfeited, and the Costs of every such Distress and Sale, shall be paid, to the Person or Persons intitled thereto.

The Clerk of the Coast Office is to receive and make Entry of all such Reports of Arrivals,

And be it likewise enacted by the Authority aforesaid, That the Person for the time being who shall act as deputed Clerk at the said Coast Office, under the said Collector outward, shall, from time to time, receive at the said Coast Office every Report which shall be there made, or offered to be made, of the Time of the Arrival of every such Fishing Ship, Sloop, Smack, or other Vessel or Vessels, as aforesaid, at the Nore, and enter the same in a Book to be by him provided and kept for that Purpose; and shall also, from time to time, receive at the said Coast Office every Account which shall, from time to time, be brought, or offered to be made there, of the Fresh Salmon, Salmon Trout, Turbot, and Large Fresh Cod, and Half Fresh Cod Fish, Haddock, Scate Fish, Fresh Ling, Lobsters, Soles, and Whitings, as aforesaid, which shall be brought in any such Fishing Ship, Sloop, Smack, or other Fishing Vessel, as aforesaid, to the Nore; and shall, from time to time, with all convenient Speed after any such Account of Fish as aforesaid shall be brought to the said Coast Office, cause the same, or the Purport thereof, to be entered in some Book to be provided by the said Person who, for the time being, shall so act as deputed Clerk at the said Coast Office, under the said Collector outward, for that Purpose; and which Book and Books shall, from time to time,

and Accounts given in of Fish on Board such Vessels;

and the Books in which such Entries are to be made,

time, be kept at the said Coast Office, and may be, at all Times in Office Hours there, examined into, and inspected by, any Person or Persons.

are to be kept at the Coast Office, and may be examined by any Person;

And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, the Person who, for the time being, shall act as such deputed Clerk at the said Coast Office as aforesaid, under the said Collector outward, shall, on Monday, Wednesday, and Friday in every Week, return, or cause to be returned unto the Mayor of the City of London for the time being, in London; and to such Person as the said Trustees of the said Fish Market at Westminster, or any Five of them, shall appoint, in the City of Westminster; and likewise to the Inspector as aforesaid, at such Place as the said Trustees, or any Five of them, shall, by any Writing signed by them, appoint the same to be sent to such Inspector, and give Notice thereof, to the Persons who for the time being shall act as deputed Clerk at the said Coast Office as aforesaid; a true Account in Writing, or printed, and in a fair and legible Character, of the Time when every respective Fishing Ship, Sloop, Smack, or other Fishing Vessel as aforesaid, shall have been entered at the said Coast Office as having arrived at the Nore; and also of the Fresh Salmon, Salmon Trout, Turbot, Large Fresh Cod, and Half Fresh Cod Fish, Haddock, Scate Fish, Fresh Ling, Lobsters, Soles, and Whitings, as aforesaid, which shall have been entered at the said Coast Office as brought to the Nore in such respective Fishing Ship, Sloop, Smack, or other Fishing Vessel as aforesaid, upon Pain that the Person who, for the time being, shall act as such deputed Clerk at the said Coast Office as aforesaid, under the said Collector outward, shall in any wise offend in the Premisses, and be thereof convicted, either on his own Confession, or by the Oath of One or more Witness or Witnesses, before any Justice or Justices as aforesaid, shall, for every such Offence, Neglect, or Omission, forfeit and pay the Sum of Five Pounds.

and to the Person who shall be appointed by the Trustees for the Fish Market at *Westminster*, and also to the Inspector,

of all such Entries and Reports as aforesaid,

on Forfeiture of 5 *l.* for every such Omission or Neglect.

And be it further enacted by the Authority aforesaid, That no Live Salmon, Salmon Trout, Turbot, Large Fresh Cod, Half Fresh Cod, Haddock, Scate, Fresh Ling, Soles, or Whitings, shall at any Time after the Arrival thereof at the Nore as aforesaid, be put into any Well Boat or Store Boat from or out of any such Fishing Ship, Sloop, Smack, or other Fishing Vessel or Vessels as aforesaid, in which the same shall have been brought to the Nore, upon Pain that every Person who shall offend in the Premisses, shall, for every such Offence, forfeit

No Fish, after its Arrival at the *Nore*, is to be removed out of the Vessel in which it was brought, into the Store or Well Boat of any other Vessel,

on Penalty of 20 *l.* nor may any Fish be delivered out of such Fishing Vessels, unless by Retail, into other Vessels, but such as shall be employed to carry the Fish directly to Market; and if such Market Vessels shall loiter on their Way, or be above a Tide after taking in their Loading, in arriving at the Market, and delivering her Fish there, *&c.* the Offender is to be committed to hard Labour for any Time not exceeding 2 Months, nor less than 1.

forfeit and pay the Sum of Twenty Pounds; and that no such Fish shall be unloaded or delivered out of any Fishing Ship, Sloop, Smack, or other Fishing Vessel or Vessels, unless by Retail, into any other Vessel or Boat after such her Arrival at the Nore, but into such Vessel or Vessels, Boat or Boats, as shall be employed to carry the Fish directly to the Market of Billingsgate or Westminster; and that no such Vessel or Boat, after such Fish put therein, shall afterwards loiter or keep from going on directly, and as soon as may be, to and for the Market to which such Vessel or Boat is appointed or bound; and in case such Vessel or Boat, into which such Fish shall be unloaded and delivered out for the Market, shall remain above One Tide with her Fish, after taking in the same, in her Way between the Place of such Taking in and the Market at Billingsgate or Westminster as aforesaid; or shall remain without delivering her Fish there at or before the next Market, Accidents of Winds and Weather excepted, every such Person acting contrary to the said Prohibitions, shall be committed to the House of Correction, there to remain without Bail or Mainprize, and to be kept to hard Labour for any Time not exceeding Two Months, nor less than One Month.

The Inspector is to examine whether the Entries are duly made,

and see that no Fish be put in any Store or Well Boats contrary to the Intent of the Act;

on Forfeiture, for any Neglect, or wilful Misbehavior, of 20 *l.*

And be it further enacted by the Authority aforesaid, That the Inspector already appointed, and who shall hereafter be appointed under the said recited Act, shall from time to time employ himself as the said Trustees shall from time to time direct and appoint, in inspecting and examining whether the Entries made at the said Coast Office as hereby directed (and whereof Copies as aforesaid shall be transmitted to him) were made from time to time, within the Time the same ought to have been, and according to the Account which shall from time to time be transmitted from the said Coast Office to such Inspector, so as that such Inspector for the time being may the better discover and prevent the Frauds designed to be remedied by the said recited Act, and this present Act; and see that no Fish shall be put in any Store or Well Boats contrary to the Intent of this Act; and if any such Inspector shall be negligent in the Performance of his Duty, or shall wilfully misbehave himself in the Execution of his Duty in the Premisses, he shall, on being convicted of any such Neglect or wilful Misbehaviour, either on his own Confession, or the Oath of One or more credible Witness or Witnesses as aforesaid, before any Justice or Justices as aforesaid, be shall forfeit and pay for every such Neglect or wilful Misbehaviour the Sum of Twenty Pounds.

And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, no Person who shall sell, or be concerned in the Sale of any Fresh Fish by Commission, shall directly or indirectly buy or be concerned in the buying of any Fresh Fish to sell again for his or her own separate Account, or for the joint Account of him or herself and any other Person or Persons whatsoever: And if any Person shall offend in the Premisses, and be thereof convicted either on his or her own Confession, or by the Oath of One or more credible Witness or Witnesses, by any such Justice or Justices as aforesaid, every such Offender shall forfeit and pay for every such Offence the Sum of Fifty Pounds.

No Salesman may buy any Fresh Fish to be sold again, in which he is to be any ways interested,

on Forfeiture of 50 *l.*

And whereas by an Act of Parliament passed in the First Year of the Reign of his late Majesty King George the First, intituled, An Act for the better preventing Fresh Fish taken by Foreigners imported into this Kingdom; and for the Preservation of the Fry of Fish; and for the giving Leave to import Lobsters and Turbots in Foreign Bottoms; and for the better Preservation of Salmon within the several Rivers of that Part of this Kingdom called *England*; it is, amongst other Things, enacted, That after the Time in the said Act mentioned, no Person should bring to Shore in that Part of Great Britain called England, or sell, offer, or expose to Sale, or exchange for any Goods, Matter, or Thing, any Bret or Turbot which should not be of the Length or Size of Sixteen Inches from the Eyes to the utmost Extent of the Tail; or any Brill or Pearl, which should not be Fourteen Inches from the Eyes to the utmost Extent of the Tail, under the Penalties therein mentioned: And whereas Bret or Turbot, Brill or Pearl, are often taken in the Sea with an Hook, under the several Dimensions in the said last in Part recited Act mentioned, and if thrown again into the Sea, it is uncertain whether such thereof as have swallowed the Hook, will afterwards live, or not; be it therefore further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, Bret or Turbot, Brill or Pearl, although under the respective Dimensions mentioned in the said Clause of the said last recited Act, may be exposed to Sale in England, any thing contained in the said last recited Act to the contrary notwithstanding, so as the same be not by any Person or Persons, at any Time after the said Twenty fourth Day of June, sold by Retail, at a Price or Rate exceeding Six Pence a Pound for every Pound any such Bret or Turbot under the said Dimension of Sixteen Inches from the Eyes thereof to the utmost Extent

Clause in Act 1 *Geo.* II.

Bret, Turbot, Brill or Pearl, may be brought to Market, tho' under the Dimensions of 16 Inches required by the recited Clause, so as the same be not sold by Retail above 6 *d. per lb.*

tent of the Tail thereof, or any such Brill or Pearl under the Dimension of Fourteen Inches from the Eyes thereof to the utmost Extent of the Tail thereof, shall weigh, and after that Proportion for any lesser Weight than a Pound: And if any Person shall ask, demand, or take, for any such Bret, Turbot, Brill or Pearl, under the respective Dimensions as aforesaid, any higher or greater Price than at and after the Rate of Six Pence the Pound, and so in Proportion for any lesser Weight thereof than a Pound, which any such Bret or Turbot, Brill or Pearl, shall weigh; or shall refuse or neglect to weigh and measure any such Bret or Turbot, Brill or Pearl, which shall be exposed to or for Sale, when required; every such Bret or Turbot, Brill or Pearl, shall be forfeited: And it shall be lawful for any Person to seize any such Bret or Turbot, Brill or Pearl, and deliver the same into the Hands of a Constable, and to charge such Constable with the Party who asked, demanded, or took, any greater or higher Price than as aforesaid, for the same; and every such Constable is hereby required to carry the Party so charged, and also the Bret or Turbot, Brill or Pearl, which shall be so seized and delivered to him, with all convenient Speed before some Justice or Justices of the Peace, within whose Jurisdiction any higher Price than as aforesaid was asked, demanded, or taken, for any such Bret or Turbot, Brill or Pearl, which shall have been so seized: And if the Person who shall be charged with any such Offence, shall be convicted thereof, either on his or her Confession, or by the Oath of One or more credible Witness or Witnesses, by any such Justice or Justices as aforesaid, every such Offender shall forfeit and pay the Sum of Twenty Shillings for every such Offence, and the Bret or Turbot, Brill or Pearl, which shall have been so seized as aforesaid, shall, by Order of such Justice or Justices, be given to the Person or Persons who shall prosecute to Conviction any such Offender or Offenders; and the Money paid for any such Bret or Turbot, Brill or Pearl, shall be returned to the Party or Parties who paid the same.

If any greater Price shall be demanded or taken,

or such Fish shall not be weighed or measured, if required,

the same may be seized, and be carried, together with the Party, before a Justice,

and the Offender, upon Conviction, is to forfeit 20 s.

and the Money paid for the same to be returned.

No Fresh Fish may be sold at the First Hand, at the Market, or within a certain Distance thereof, during Market Hours,

And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, no Person shall sell, or expose to or for Sale, at the First Hand, at any Fish Market within the Limits of the Weekly Bills of Mortality, or within One hundred and fifty Yards of any such Fish Market, and during the Market Hours of any such Fish Market, any Fresh Salmon, Salmon Trout, Turbot, Large Fresh Cod Fish, or Half Fresh Cod Fish,

Haddock, Scate Fish, Fresh Ling, Lobsters, Soles, or Whitings, before he or she shall have first placed up, or caused to be placed up, in some conspicuous Manner, on or over the Form, Bench, Stall, or Place, at which he or she shall offer or expose to or for Sale, any such Fresh Salmon, Salmon Trout, Turbot, Large Fresh Cod, or Half Fresh Cod, Haddock, Scate Fish, Fresh Ling, Lobsters, Soles, or Whitings, a true Account, and in a large, fair, and legible Character, and either wrote or printed, of all Fresh Salmon, Salmon Trout, Turbot, and Large Fresh Cod, and Half Fresh Cod Fish, Haddock, Scate Fish, Fresh Ling, Lobsters, Soles, or Whitings, which any such Person shall then have, or have been intrusted with, to sell; distinguishing in every such Account, the several Sorts of all such Fresh Salmon, Salmon Trout, Large Fresh Cod, and Half Fresh Cod Fish, Haddock, Scate Fish, Fresh Ling, Lobsters, Soles, or Whitings, as aforesaid, and the Quantity of every Sort thereof respectively, which any such Person shall then have, or is then intrusted with, to sell: And if at any Time of the Morning or Day, in which any such Account shall have been so placed up, and before the Fish Market of that Day shall be ended or over, any other Fresh Salmon, or Salmon Trout, Large Fresh Cod Fish, or Half Fresh Cod Fish, Haddock, Scate Fish, Fresh Ling, Lobsters, Soles, or Whitings, shall be brought to, or be intrusted with, any such Salesman or Factor, as aforesaid, to sell, every such Salesman or Factor, before he or she shall sell, or offer or expose to or for Sale, any of such other Fresh Salmon, Salmon Trout, Turbot, Large Fresh Cod, or Half Fresh Cod Fish, Haddock, Scate Fish, Fresh Ling, Lobsters, Soles, or Whitings, as aforesaid, shall add a true Account or Particular thereof to the Account so before put up: And shall take Care that every such Account and Accounts which shall be so put up, shall continue up where the same shall have been first placed, until all the Fish specified therein shall be sold, or the Fish Market of the Day on which the same shall be so placed up shall be over or ended, without being defaced or obliterated; upon Pain that every One who shall in any wise offend in the Premisses, or who shall wilfully take down, deface, or obliterate, any Account which shall be placed up as aforesaid, during the Time the same ought to continue up, and shall be convicted of any such Offence (other than and except the taking down, defacing, or obliterating such Account, which shall be placed up as aforesaid) on his, her, or their own Confession, or by the Oath of One or more Witness or Witnesses, before any such

before a particular Account of the Quantity of the several Sorts of Fish be placed over the Stall or Place where the same are to be sold;

and all such other Fish as shall be brought for Sale, before the Market is over, are to be added to the Account,

and the Account kept up undefaced till the Sale or Market is over,

on Forfeiture of 10 *l.* for offending in any of the Premisses, except for pulling down, or defacing, any such Account, for which the Forfeiture is 40 *s.*

such Justice or Justices as aforesaid, shall, for every such Offence, forfeit and pay the Sum of Ten Pounds; and that every Person who shall be convicted in Manner as aforesaid, of taking down, wilfully defacing, or obliterating, or causing to be taken down, defaced, or obliterated, any such Account placed up as aforesaid, at any Time whilst the same ought to have continued up, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

All Spawn, Fry, or Brood of Fish,

unsizeable Fish, Fish out of Season, or Smelts under 5 Inches long, which shall be found in any Person's Possession,

may be seized, together with the Offender,

and be delivered over to a Constable,

to be taken before a Justice,

And for the better Preservation of the Spawn, Brood, and Fry of Fish, and for preventing the Sale of small and unsizeable Fish, and Fish out of Season, be it further enacted by the Authority aforesaid, That no Person shall, at any Time after the said Twenty fourth Day of June, take, kill, or destroy, or knowingly have in his or her Possession, either on the Water or on Shore, or shall bring to Shore, or cry, carry about, sell, offer, or expose, to or for Sale, or shall exchange for any Goods, Matter, or Thing, any Spawn, Fry, or Brood of Fish, or any unsizeable Fish, or any Fish out of Season, or any Smelt which shall not be full Five Inches in Length, from the Nose to the utmost Extent of the Tail thereof; and if any One shall offend in the Premisses, it shall be lawful for any other Person or Persons, under the Authority of this Act, to take and seize all or any such Spawn, Fry, or Brood of Fish, or any unsizeable Fish, or any Fish out of Season, or any Smelt of less Size than Five Inches from the Nose to the utmost Extent of the Tail thereof, wherever the same shall be found, together with all Baskets and Package in which the same shall be so found or taken, and also to charge a Constable, or other Peace Officer, with every such Offender and Offenders in the Premisses; and after every such Seizure shall be made, the Spawn, Fry, or Brood, or other Fish, as aforesaid, together with the Baskets and Package in which the same shall be so seized, shall be delivered into the Hands of some Constable, or other Peace Officer; and every such Constable, or other Peace Officer, is hereby authorized and required to take every such Offender and Offenders, with whom he shall be so charged for any such said Offence, into his Custody, and also the Spawn, Fry, or Brood of Fish, and all unsizeable Fish, and Fish out of Season, and all unsizeable Smelts, and all Baskets and Package in which the same shall be so seized, and which shall be delivered to such Constable, or other Peace Officer, as aforesaid, and to carry every such Offender and Offenders, and all such Spawn, Fry, or Brood of Fish, and all unsizeable Fish, and Fish out of Season, and all unsizeable Smelts, together with the Baskets and Package, as aforesaid,

which shall have been delivered to any such Constable, or other Peace Officer, with all convenient Speed, before some Justice or Justices, as aforesaid, for such Offender and Offenders, to be dealt with according to Law; and on the Conviction of any such Offender or Offenders, for any such said Offence, before any such Justice or Justices, as aforesaid, every such Offender and Offenders shall forfeit all and every such Spawn, Fry, or Brood of Fish, unsizeable Fish, and Fish out of Season, and every Smelt and Smelts of less Size than Five Inches from the Nose to the utmost Extent of the Tail thereof, which shall be so seized, together with all Baskets or Package in which the same shall be so seized, and all such Spawn, Fry, or Brood of Fish, unsizeable Fish, and Fish out of Season, and unsizeable Smelts, together with such Baskets and Package in which the same shall have been so seized, as aforesaid, shall, by Order of the Justice or Justices before whom the same shall be so brought, be delivered to the Person or Persons who shall have so seized the same, and shall prosecute to Conviction any such Offender or Offenders; and every Offender and Offenders in the Premisses who shall be convicted, as aforesaid, of any such Offence, shall besides forfeit and pay, for every such Offence, the Sum of Twenty Shillings.

to be dealt with according to Law;

and on Conviction, the Offender forfeits all such Spawn and Fish, &c. to the Prosecutor.

and is to pay moreover 20 *s.*

And be it further enacted by the Authority aforesaid, That the Under Water Bailiff of the City of London for the time being, and also the Officers of the City of London for the time being, commonly called The Yeomen of the Waterside, shall, from and after the said Twenty fourth Day of June, from time to time, take Care to see that the Provisions hereby made concerning the Sale of Fresh Fish in the Fish Market at Billingsgate, and for punishing Persons who shall have there in his or their Possession, any Spawn, Brood, or Fry, of any Kind of Fish, or any unsizeable Fish, or any Fish out of Season, or any Smelt of less Size than Five Inches from the Nose to the utmost Extent of the Tail thereof, shall be enforced and carried into Execution; and shall also, from time to time, take Care that the Provisions made by a Statute 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) against Regrating of Fish in and at the Market of Billingsgate, or within One hundred and fifty Yards of Billingsgate Dock, be strictly observed; and to lay Information, from time to time, before some Justice or Justices of the Peace of the said City of

The Under Water Bailiff, and Yeomen of the Waterside, to see that the Provisions of this Act concerning the Sale of Fresh Fish at *Billingsgate*; and Punishment of Persons having Spawn or unsizeable Fish, &c. in their Possession,

be carried into Execution;

and that the Act 9 *Anne* against regrating of Fish in the said Market,

be observed;

and lay Information before a proper Magistrate of all Offenders against the said Statute;

London, against every Person and Persons whom the said Under Bailiff, or any Yeoman of the Waterside for the time being, shall at any Time find or discover to offend against the Statute, in order that every such Offender may be punished as by the said last-mentioned Statute is directed: And that from and after the said Twenty fourth Day of June, the Person or Persons for the time being, who is or shall be appointed by the Trustees aforesaid to supervise the Fish Market of the City of Westminster, shall take Care to see, from time to time, that the Provisions hereby made concerning the Sale of Fresh Fish in the Fish Market at Westminster, and for punishing Persons who shall have there in his, her, or their Possession, any Spawn, Brood, or Fry, of any Kind of Fish, or any unsizeable Fish, or any Fish out of Season, or any Smelts of less Size than Five Inches from the Nose to the utmost Extent of the Tail thereof, shall be enforced and carried into Execution: And if the Under Water Bailiff, or any Yeoman of the Waterside of the said City of London, for the time being, or the Person or Persons appointed, or to be appointed, as aforesaid, to supervise the said Fish Market of the City of Westminster, or any of them, shall at any Time be negligent, or offend in the Premisses, and shall be convicted of any such Neglect or Offence, either on his own Confession, or by the Oath of One or more credible Witness or Witnesses, before any Justice or Justices of the Peace within whose Jurisdiction any such Neglect or Offence shall be committed, every such Offender shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

and the Supervisor of the Fish Market at *Westminster* is to take Care, in like Manner, that the aforesaid Provisions be duly executed and observed there;

on Penalty of their respectively forfeiting, for any Neglect or Omission of their Duty, 5 *l.*

Recovery and Application of the Forfeitures.

And be it also enacted by the Authority aforesaid, That any Justice or Justices of the Peace, as aforesaid, within his or their respective Jurisdiction, shall, on Application to him or them for that Purpose made, grant his or their Warrant under his Hand, and Seal, or their Hands and Seals, to levy any Money which shall be forfeited by virtue of this Act, on the Conviction of any Offender or Offenders, by Distress and Sale of the Goods and Chattles of the Person or Persons who shall be convicted of any Offence against this Act, together with the Costs of every such Distress and Sale (except in the Cases herein before particularly provided to charge the Owners of such Fishing Ship, Sloop, Smack, or other Fishing Vessel or Vessels) and that One Moiety of all the Money which shall be forfeited for any Offence committed against this Act (the Application whereof is not herein before particularly appropriated) 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, except where the Conviction shall be for any Offence commited in the City of Westminster, or for not making the Entry at the said Coast Office of the Time of the Arrival of any such Fishing Ship, Sloop, Smack, or Fishing Vessel, at the Nore, as aforesaid, shall go, and be paid to and for the Use of the Poor of the Parish in which any such Offence shall be committed: And where any Conviction shall be for any Offence committed in the City of Westminster, or for not reporting, as herein before is directed, the Time of the Arrival of any such Fishing Ship, Sloop, Smack, or Vessel, at the said Coast Office, as aforesaid, the said other Moiety of the Money which shall be forfeited on any such Conviction, shall go and be paid to the Trustees appointed to put the said recited Acts in Execution, to be placed by them, or any Five or more of them, or their Order, to the General Account of Surplus of Profits arising from the said Fish Market in Westminster, and to be appropriated as the said Surplus in the said Act, in the said Twenty second Year of his present Majesty's Reign, is directed: And if sufficient Distress at any Time cannot be found, wherefrom the Money which shall be forfeited by any Offender or Offenders against this Act can be levied on his, her, or their Goods and Chattles, then, and in any such Case, every such Offender, and Offenders shall, by Warrant under the Hand and Seal, or Hands and Seals, of One or more such Justice or Justices directed to some Peace Officer, be apprehended, if he, she, or they, can be found, and be committed to some House of Correction of the County, City, or Place, where any such Offender shall be apprehended, there to remain and be kept to hard Labour for any Time not exceeding Three Months, as any such Justice or Justices shall order, unless the Money which shall be forfeited by such Offender or Offenders shall be sooner paid.

For want of sufficient Distress whereon to levy any Forfeiture, the Offender is to be committed, and kept to Hard Labour, for any Time not exceeding 3 Months.

Provided always, and be it further enacted, That no Person shall be punished for any Offence against this Act, unless a Prosecution shall be commenced against him for the same within Two Months after every such Offence shall be committed, or who shall have been punished for any such Offence under any other Law; and that where any Person shall be committed to any House of Correction for Default of Payment, or for want of sufficient Distress being met with to answer any Penalty incurred by any Offence against this Act, and shall remain there during the Time for which he, she, or they, shall be so committed, no such Person

Limitation of Prosecutions.

Person shall be liable afterwards to be prosecuted again for Nonpayment of such Money forfeited; and that any Person who shall inhabit in any Parish in which any Offence against this Act shall be committed, shall, notwithstanding such Inhabitancy, be allowed and admitted to be a competent Witness.

Inhabitants deemed competent Witnesses.

Mitigation of smaller Penalties.

Provided also, and be it likewise enacted by the Authority aforesaid, That any Justice or Justices of the Peace before whom any Offender shall be brought and convicted of any Offence against this Act, shall and may, from time to time, as he or they shall see Occasion, mitigate any of the Penalties under the Sum of Five Pounds hereby inflicted, so as such Mitigation doth not at any Time extend to remit above One Half of the Penalty inflicted for any Offence committed against this Act; and every such Mitigation shall be a sufficient Discharge to the Person offending, for so much of the Penalty under the Sum of Five Pounds as shall be so mitigated.

Form of Conviction.

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

To wit, { BE it remembered, That on this Day of in the Year of the Reign of *A. B.* is convicted before of His Majesty's Justices of the Peace for the County of or City of or Corporation of *(as the Case shall happen to be)* for and do adjudge him, her, or them *(as the Case shall be)* to pay and forfeit the Sum of

Given under our Hands and Seals (or my Hand and Seal) the Day and Year aforesaid.

Appeal may be made to the next General or Quarter Session.

Provided further, and be it also enacted, That it shall be lawful for any Person or Persons who shall think him, her, or themselves aggrieved by the Conviction of any Justice or Justices of the Peace for any Offence committed against this Act, or the said recited Act of the Twenty ninth Year of His said present Majesty's Reign, to appeal to the next General or Quarter Session to be holden for the County, City, or Place, in which any such Conviction shall have been made; the Person or Persons so appealing,

pealing, first entering into a Recognizance in Double the Sum of Money forfeited, before such Justice or Justices, to prosecute such Appeal with Effect, and abide by the Order or Orders which shall be made on such Appeal; and giving Eight Days Notice in Writing of every such Intention to appeal, to the Party or Parties on whose Prosecution any such Conviction was made; and the Justices of the County, City, or Place, in which any such Conviction shall have been made, are hereby authorized and required in their next General or Quarter Session after any such Appeal shall be made, to hear and determine the Matter of every such Appeal, and to make such Order, and to award such Costs and Damages, as to them in their Discretion shall seem reasonable; and to levy, by their Order or Warrant, the Costs which shall be so awarded, together with such Money as they shall adjudge to be forfeited, by Distress and Sale of the Goods and Chattles of any Person who shall refuse to pay the same; and for want of sufficient Distress, to commit the Party or Parties to the Common Gaol or Prison of the County, City, or Place, in which he, she, or they, shall be apprehended, there to remain and be kept to hard Labour for the Space of Six Months, unless the Money which shall be adjudged to be forfeited, as well as the Costs ordered to be paid, shall be sooner paid; and such Order of any such Justices at their General or Quarter Sessions, shall be final; and no Proceedings of any such Justices out of Session, or in their said General or Quarter Session, in pursuance of this Act, shall be removeable by Certiorari, or otherwise.

the Appellant entering into a Recognizance, and giving due Notice to the Prosecutor;

and the Justices at the said Sessions are authorized to hear and determine the Matter of such Appeal, &c.

and their Order to be final.

Provided likewise, and be it also enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, every such Action or Suit shall be brought within Six Months next after the Fact committed, and not afterwards, and shall be laid or brought in the County, City, or Place, in which such Offence shall be committed, and not elsewhere; and the Defendant or Defendants, in every such Action or Suit so to be brought, 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 it shall appear so to have been done, or that such Action or Suit shall be brought after the Time limited for bringing the same, 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 discontinue

Limitation of Actions.

General Issue.

tinue his Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defend-
Treble Costs. ant or Defendants shall be paid Treble Costs, and have such Remedy for Recovery of the same, as any Defendant or Defendants hath or may have, in any Case, to recover his, her, or their Costs by Law. 8

FINIS.