ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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C A P. XXVI.

An Act to amend the Acts relating to the *British* White Herring Fishery. [24th *July* 1851.]

WHEREAS the following Acts were passed for the Encouragement and Regulation of the *British* White Herring Fishery; *viz.*, an Act of the Forty-eighth Year of King *George* the Third, Chapter One hundred and ten; an Act of the Fifty-first Year of His said Majesty, Chapter One hundred and one; an Act of the Fifty-second Year of His said Majesty, Chapter One hundred and fifty-three; an Act of the Fifty-fourth Year of His said Majesty, Chapter One hundred and two; an Act of the Fifty-fifth Year of His said Majesty, Chapter Ninety-four; an Act of the First Year of King *George* the Fourth, Chapter One hundred and three; an Act passed in the Session of Parliament holden in the First and Second Years of His said Majesty, Chapter Seventy-nine; an Act of the Fifth Year of His said Majesty, Chapter Sixty-four; an Act of the Seventh Year of His said Majesty, Chapter Thirty-four; an Act of the First Year of His Majesty King *William* the Fourth, Chapter Fifty-four; an Act of the Session of Parliament holden in the Sixth and Seventh Years of Her present Majesty, Chapter Seventy-nine; and an Act of the Session of Parliament holden in the Tenth and Eleventh Years of Her said Majesty, Chapter Ninety-one: And whereas it is expedient that the said recited Acts should be altered

and amended: Be it enacted by the Queen'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,—

Necessity of the Expiration of Fifteen Days between salting and branding White Herrings repealed.

I. That every Enactment or Provision contained in the said recited Acts or any of them whereby it is or may be held to be required that Fifteen clear Days should intervene between the Day of the salting White Herrings and the Day on which the Barrels containing such Herrings, whether Bung-packed or repacked, should be marked or branded, shall be and the same is hereby repealed.

Commissioners to regulate the Time (being not more than FifteenDays) between salting and branding.

II. That from and after the passing of this Act it shall be lawful for the Commissioners of the Herring Fishery, in virtue of the Powers conferred upon them by the said recited Acts or any of them and by this Act, from Time to Time to regulate and fix the Period which shall intervene between the Day on which White Herrings, whether Bung-packed or repacked, shall be salted, and the Day on which the Barrels containing such Herrings, whether Bung-packed or repacked, shall be entitled to be branded, such Period being not more than Fifteen clear Days after the salting of the same; and the said Commissioners shall, before any Regulations made by them for the Purposes aforesaid are to come into operation, cause Notice thereof to be given by Publication of the same once in the *Edinburgh Gazette*, and also by affixing printed Copies thereof on some conspicuous Place or Places at the various Herring Fishing Stations in *Scotland*; and nothing in the said recited Acts or any of them shall prevent the Exportation, subject to the other Provisions of the said recited Acts, to Ports or Places in *Europe* or out of *Europe*, of Herrings branded within the Periods to be authorized by the Regulations to be so made and published by the said Commissioners.

Penalty for fraudulently branding Barrels filled with Herrings applied to fraudulently branding empty Barrels or Casks.

III. That the Penalties and Forfeiture by the Fiftieth Section of the said recited Act of the Forty-eighth Year of King *George* the Third imposed upon any Person fraudulently burning or branding, or causing to be burnt or branded, any Barrel or Cask of Herrings, shall attach and apply to and be enforced against any Person who shall fraudulently, or without the Authority of an Officer of the Fishery, burn or brand, or cause to be burnt or branded, or illegally have in his Custody or Possession any Instrument for the Purpose of burning or branding, any empty Barrel or Cask, with any such Mark or Marks, Character or Characters as are referred to in the said Section, in such and the like Manner as if such Section as hereby extended were re-enacted herein.

IV. That

Repealing the Necessity of repacking Herrings for Exportation with Great Salt.

IV. That so much of the said recited Acts or any of them as requires that Herrings repacked with Great Salt only shall be exported to any Place out of *Europe* shall be and the same is hereby repealed; and it shall hereafter be lawful to repack Herrings with Great Salt or other Salt, and, subject to the other Provisions of the said recited Acts, to export to any Place out of *Europe* such Herrings so repacked; and it shall in like Manner be lawful to ship Coastwise for Exportation unbranded Herrings, without the Production of any Notice or Certificate required by the said recited Acts.

Authorizing the Exportation of Barrels under Weight when the Fish have not been Ten Days in Salt.

V. That the Prohibition and Forfeiture applicable under the Thirty-fifth Section of the said recited Act of the Fifty-fifth Year of King *George* the Third to Barrels of Herrings of the Description and containing less than the Quantity and Weight of Fish therein set forth, shipped or tendered for shipping to any Port or Place in *Europe* or out of *Europe*, shall not be applicable or apply to the Exportation to any Port or Place in *Europe* or out of *Europe* of Herrings shipped or intended to be shipped as aforesaid which shall not have lain Ten Days in Salt.

As to Nets to be used when the regular Herring Fishery is commenced.

VI. That whenever the Herring Fishery is commenced or carried on it shall not be lawful for any Person to use for the Purpose of taking Herrings any Drag Net, or Sea Net mounted for trawling, or any Sweep, Circle, Ring Net, or Scringe Net, or any Net prohibited by the said recited Acts or any of them, or any Net of any Kind or Description whatsoever other than the usual Drift Net, or to use any Drift Net by dragging the same through the Water in the Manner of trawling; nor shall it be lawful to take or have on board of any Fishing Vessel or Boat, during the Time of the Herring Fishery, any Net of any Description other than Drift Nets; and every such Net other than Drift Nets, used as aforesaid, or found on board of any Fishing Vessel or Boat during the Herring Fishery, or found on shore, or in the Possession of any Person for the Purpose of being so used, shall be liable to be seized by any Superintendent of the Herring Fishery, or Person acting under his Order, or by any Officer of the Fishery; and any Person using or having on board any Fishing Vessel or Boat, or having on shore for the Purpose of being used as aforesaid, any Net contrary to the Provisions of the said recited Acts or any of them, or this Act, shall be subject and liable to the Penalties imposed in that Behalf by the said recited Acts or any of them, and any Net so seized shall be liable to Forfeiture in Terms of the said Acts.

For securing the Use of Quarter Cran Basket or Measure.

VII. That in order to secure the Delivery to the Purchaser or Curer of the Quantity of Herrings purported to be sold, in Situations where the

the Standard Measure of the Cran cannot be conveniently used, no Boat's Crew, while selling and delivering fresh Herrings by Measure, shall use or have on board any Herring Boat any Fish Basket or Measure of less Capacity than One Fourth Part of a Cran, that is to say, such as on being filled Four Times with Herrings shall make a complete Cran; and any Person selling or delivering Herrings by any Basket or Measure of less Capacity than aforesaid shall be liable in the Forfeiture and Penalty imposed by the said recited Act of the Fifty-fifth *George* Third upon Persons using any Cran or Measure not properly branded.

Forfeitures and Penalties by whom to be enforced and sued for.

VIII. That it shall be competent to enforce or sue for any Forfeiture or Penalty imposed by the said recited Acts or any of them or by this Act in the Manner provided by the said recited Acts or this Act, in the Name of the Secretary of the Board for the Time being, or the Procurator Fiscal of the County or of the Burgh or Town where the Offence is to be tried, or by the Superintendent of the Herring Fishery, or by any Officer of the said Fishery.

Sentence for Penalty may contain Decerniture for Imprisonment, failing Payment or Security.

IX. That it shall be lawful for any Judge trying any Offence under the said recited Acts or any of them or this Act, who in pronouncing Sentence shall decern against any Offender for Payment of any Penalty and Expenses, to grant Warrant also (failing Payment of such Penalty and Expenses, or failing Security being found to the Satisfaction of the Court for such Payment, within Forty-eight Hours after the same shall have been decerned for,) to imprison such Offender for any Period not exceeding Thirty Days, unless such Penalty and Expenses shall be sooner paid.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.