ANNO QUINQUAGESIMO QUINTO

# GEORGII III. REGIS.

## CAP. XCIV.

### An Act to continue and amend ſeveral Acts relating to the *Britiſh* White Herring Fiſhery.

[14th *June* 1815.]

WHEREAS an Act was paſſed in the Forty-eighth Year of the Reign of His preſent Majeſty, *for the further Encouragement and better Regulation of the* Britiſh *White Herring Fiſhery*; and another Act was paſſed in the Fifty-firſt Year of the Reign of His preſent Majeſty, for amending the ſaid Act; and another Act was paſſed in the Fifty-ſecond Year of the Reign of His preſent Majeſty, to rectify a Miſtake, and to carry into more effectual Execution the Purpoſes of the laſt recited Act; which ſeveral Acts were, by an Act paſſed in the laſt Seſſion of Parliament, continued in force until the end of the preſent Seſſion of Parliament: And whereas it is expedient that the ſaid Acts ſhould be amended and made perpetual; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Acts ſhall, ſubject to the Alterations and Amendments herein contained, be and the ſame are hereby made perpetual, and from the Firſt Day of *June* One thouſand eight hundred and fifteen all Letters Patent, Appointments, Rules, Regulations, Orders, and Directions granted, made, or given under or by virtue of the ſaid Acts, or any or either of them, and in force at the Time of paſſing this Act, ſhall be good and effectual, and remain and continue in force, unleſs or until any of them ſhall be altered, varied, or annulled, under any of the Powers or Authorities of the ſaid Acts or of this Act.

48G.3.c.110. 51G.3.c.101. 52G.3.c.153. 54G.3.c.102. Recited Acts further continued.

II. And be it further enacted, That it ſhall be lawful for His Majeſty, His Heirs and Succeſſors, to appoint the Advocate and Solicitor General for Advocate and Solicitor General of

Scotland added to Commissioners.

for *Scotland*, or either of them for the Time being, to be Commissioners, in addition to the Number authorized by the said Act of the Forty-eighth Year of the Reign of His present Majesty, for the Herring Fishery.

Commissioners to be sworn.

III. And be it further enacted, That every Person hereafter to be appointed One of the Commissioners for the Herring Fishery, by virtue of the said Act of the Forty-eighth Year of the Reign of His present Majesty, or of this Act, shall, before he proceeds in Execution of any of the Powers and Authorities vested in the Commissioners under the said Act of the Forty-eighth Year of the Reign of His present Majesty, and this Act (save only in the administering the Oath herein-after mentioned), take and subscribe the following Oath; that is to say,

'I *A. B.* do swear, That I will faithfully and honestly, according to the best of my Skill and Judgment, execute the several Powers and Trusts reposed in me by an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act* [*here insert the Title of the said Act*] as the same is amended by Two Acts passed in the Fifty-first and Fifty-second Years of the Reign of His present Majesty, and further amended and continued by Two Acts passed in the Fifty-fourth and Fifty-fifth Years of His said Majesty's Reign, according to the true Intent and Meaning of the said Acts; and that I am not, directly or indirectly, concerned as an Adventurer in the White Herring Fishery, or as a Curer of Herrings; nor will I, so long as I shall continue to act as a Commissioner under the said Acts, be concerned, either directly or indirectly, as an Adventurer in the said Fishery, or as a Curer of Herrings.' 'So help me GOD.'

Which Oath any one of the said Commissioners may administer to the other or others of them.

Reports to be made of their Proceedings.

IV. And be it further enacted, That the Commissioners for the Herring Fishery shall, and they are hereby required to deliver in annually, on or before the First Day of *November* in every Year, to the Board of Trustees or Commissioners for Fisheries and Manufactures in *Scotland*, appointed under the Authority of any Act or Acts of Parliament, a full and accurate Report of their Proceedings for the Year preceding; and shall also cause to be laid before each House of Parliament, within Fourteen Days after the Commencement of every Session, a Copy of the said Report, signed by the said Commissioners for the Herring Fishery.

Exportation Bounty repealed, 43 G. 3. c. 69.

V. And whereas by an Act passed in the Forty-third Year of the Reign of His present Majesty, intituled *An Act to repeal the Duties of Excise payable in Great Britain, and to grant other Duties in lieu thereof*, it is among other Things enacted, that on every Barrel of White Herrings, containing Thirty-two Gallons, and which shall be exported to Foreign Parts, there shall be paid a Bounty of Two Shillings and Eight-pence; be it further enacted, That from and after the First Day of *June* One thousand eight hundred and fifteen, so much of the said Act as is above recited be and the same is hereby repealed.

Bounty on cured Herrings increased.

VI. And whereas by the said Act passed in the Forty-eighth Year of the Reign of His present Majesty, it is among other Things enacted, that there shall be paid for every Barrel of White Herrings caught in the *British* Fisheries

Fiſheries and landed in *Great Britain*, and which ſhall be cured and packed according to the directions of the ſaid Act, a Bounty of Two Shillings; be it further enacted, That from and after the ſaid Firſt Day of *June* One thouſand eight hundred and fifteen the ſaid Bounty of Two Shillings ſhall ceaſe and determine, and in lieu thereof a Bounty of Four Shillings a Barrel ſhall be granted; which Bounty of Four Shillings ſhall be paid for every Barrel of Herrings which ſhall be caught, landed, cured and packed according to the Directions of the ſaid Act of the Forty-eighth Year of the Reign of His preſent Majeſty, and of this Act, and which ſhall be produced to and inſpected by the proper Officer of the Fiſhery after the ſaid Firſt Day of *June* One thouſand eight hundred and fifteen.

Crews of Deep-Sea Buſſes may fiſh Cod or Ling.

VII. And be it further enacted, That it ſhall be lawful for the Maſter and Crew of any Buſs or Veſſel fitted out for the *Britiſh* White Herring Fiſhery in the Deep Sea, under the Regulations of the ſaid Acts, to take Cod or Ling, and to cure the ſame with Salt to be taken on board for that Purpoſe; ſuch Cod or Ling to be ſtowed in Bulk; and that in every inſtance where Cod or Ling ſhall be ſo taken, cured, and ſtowed on board any ſuch Buſs or Veſſel as aforeſaid, the ſame ſhall be ſaved and excepted out of that Part of the Oath preſcribed to be taken by the Maſter of every ſuch Buſs or Veſſel, on his Return from the ſaid Fiſhery, wherein ſuch Maſter is required to ſwear that no Fiſh other than Herrings were taken by the Crew of the ſaid Buſs or Veſſel.

Superintendant of Deep-Sea Fiſhery to proceed, after it is over, to the Bays and Coaſts.

VIII. And be it further enacted, That it ſhall be lawful for the Officer who ſhall be appointed by the Lords Commiſſioners of the Admiralty to ſuperintend the White Herring Fiſhery in the Deep Sea, to proceed, after the Deep Sea Fiſhery ſhall be ended, to ſuch Place or Places on the Coaſt of *Great Britain* as the Commiſſioners for the Herring Fiſhery ſhall direct, there to preſerve Order among the Perſons employed in the Herring Fiſhery carried on on the Coaſts and in the Bays of *Great Britain*; and the ſaid Officer ſhall have and exerciſe the like Powers as are hereby given to any Superintendant to be ſpecially appointed for the Loch and Coaſt Fiſhery purſuant to this Act; and any Perſon or Perſons who ſhall impede or obſtruct ſuch Officer, or any Perſon employed by him in the Exerciſe of the Powers hereby given him, ſhall be liable to the like Penalty as is hereby impoſed on any Perſon or Perſons obſtructing ſuch Superintendant as aforeſaid.

Superintendant of Loch and Coaſt Fiſhery to be appointed.

IX. And be it further enacted, That it ſhall be lawful for the Lords Commiſſioners of the Admiralty, upon the Application of the Commiſſioners for the Herring Fiſhery, from Time to Time to appoint a commiſſioned Officer of His Majeſty's Navy, as Superintendant of the *Britiſh* Herring Fiſhery carried on in the Lochs and upon the Coaſt of *Great Britain*, not in the Deep Sea, for the Purpoſe of preſerving Order among the Fiſhermen and other Perſons engaged in the ſaid Fiſhery as aforeſaid; which Perſon ſo to be appointed Superintendant, ſhall take an Oath in ſuch Terms and before ſuch Perſons as by the ſaid Act of the Forty-eighth Year of the Reign of His preſent Majeſty is required to be taken by the Superintendant of the *Britiſh* Herring Fiſhery carried on in the Deep Sea; and it ſhall be lawful for ſuch Commander and Superintendant of the Loch and Coaſt Fiſhery, or any Perſon acting by his Order, at all Times whenever he

His Duty.

ſhall

shall think fit to go on board any of the Vessels or Boats employed in the Fishery under his Superintendance, and to inspect the Certificate of Registry, Excise Permit, Licence, Certificate of Fishery Officers, and the Account kept by the Master, or other Document, which is or are respectively required by Law to be on board such Vessel or Boat; all which the Master of every such Vessel or Boat shall produce and deliver to the said Superintendant or other Person aforesaid upon Demand, for his Inspection and Examination; and the said Superintendant or other Person aforesaid, is hereby empowered to detain any such Vessel or Boat, till all or any of such Documents shall be produced and delivered to him; and all Powers given by the said Act to the Superintendant of the Deep Sea Fishery, to enable him to preserve Order in the said Fishery, shall extend to the Superintendant of the Herring Fishery in the Lochs and on the Coast of *Great Britain*, and to every Officer of the Fishery, wherever such Officer shall be appointed or employed to execute the Duties of his Office; and all Penalties imposed by the said Act on any Person or Persons, for resisting the Superintendant of the Deep Sea Fishery, or for resisting any Officer of the Fishery in the Execution of the Powers given him by the said Act, shall extend to every Person or Persons resisting the Superintendant of the Herring Fishery in the Lochs and on the Coast of *Great Britain*, or any Person or Persons acting under him, or any Officer of the Fishery respectively, in the Execution of the Powers hereby extended to him or them for preserving Order in the said last mentioned Fishery,

Superintendant authorized to seize Nets.

X. And be it further enacted, That all and every Net forfeited by the said Act passed in the Forty-eighth Year of His Majesty's Reign, shall and may be seized by any Superintendant of the Herring Fishery, or any Person acting under his Orders, or by any Officer of the Fishery.

Herring Nets set or hauled on Sunday to be forfeited.

XI. And be it further enacted, That if any Herring Net shall be set or hauled in any River or Loch in *Scotland*, or at any Place on the Coast thereof, or within Two Leagues of the same, after Twelve of the Clock at Night on *Saturday*, and before Twelve of the Clock at Night on *Sunday*, or having been set before Twelve of the Clock at Night on *Saturday*, shall not be hauled before the same Hour; every such Net shall be forfeited, and shall and may be seized by any Superintendant of the Herring Fishery, or any Person employed under him, or by any Officer of the Fishery,

Herring Barrels not to be made in whole or in part of Fir, to be Half an Inch throughout, and to contain 32 Gallons English Wine Measure. 29 G. 2. c. 23.

XII. And whereas by an Act passed in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for encouraging the Fisheries in that Part of* Great Britain *called* Scotland, it is among other Things enacted, that the Staves of all Barrels in which White Herrings shall be packed or put up in *Scotland*, shall be at least One Half Part of an Inch in thickness throughout, of made work; and that if any Barrel containing White Herrings shall be found to be of less Thickness than One Half Part of an Inch in any Part of the said Barrel, any Officer of Customs or Excise is thereby authorized and required to seize the same; and upon Proof thereof before any Two Justices of the Peace, the Owner or Proprietor of such Fish shall forfeit both Fish and Barrel: And whereas it is expedient that so much of the said Act as is above recited should be amended, and the Operation thereof extended throughout *Great Britain*; be it therefore enacted, That from and after the

the First Day of *June* One thousand eight hundred and sixteen, no White Herrings shall be cured, packed, or put up in *Great Britain*, or on board any Vessel or Boat employed in the *British* Herring Fishery, in any Barrel which shall be made in Whole or in Part of Fir, or which shall not be One Half Part of an Inch in Thickness throughout of made work, or which shall not contain Thirty-two Gallons *English* Wine Measure; and that if any White Herrings shall be cured, packed, or put up in any Barrel which shall be made in Whole or in Part of Fir, or which shall not be One Half Part of an Inch in Thickness throughout of made work, or which shall not contain Thirty-two Gallons *English* Wine Measure, all such Herrings, with the Barrel containing the same, shall be forfeited, and shall and may be seized by any Officer of the Fishery, Customs, or Excise.

Commissioners empowered to fix the Measure by which Fresh Herrings are to be bought and sold.

XIII. And be it further enacted, That the Commissioners for the Herring Fishery be and they are hereby empowered to fix and determine, by Rules or Regulations to be made by them for that Purpose, the Content or Capacity of every Measure commonly called a Cran, by which Fresh Herrings, taken in the *British* Herring Fishery, shall be bought and sold; also the Form or Dimensions thereof, the Sort or Sorts of Wood of which it shall be made, the Thickness of every Part thereof, the Number and Dimensions of the Hoops with which it shall be bound, and whether the Whole or what Part of such Hoops shall be of Iron; and also to determine and direct what Marks or Characters shall be set, and upon what Part or Parts of every such Measure; as also to appoint a fit Person or Persons, at such Place or Places as they shall think proper, to examine the same; and upon finding any such Measure to be conformable in all respects to the Rules or Regulations to be made by the said Commissioners as aforesaid, to cause such Marks or Characters as aforesaid to be branded thereon with an hot Iron in his Presence, according to the Rules and Regulations aforesaid; and if at any Time after the First Day of *June* One thousand eight hundred and sixteen, any Cran or Measure, not so marked or branded as aforesaid, shall be made use of in the buying or receiving, selling or delivering of Fresh Herrings in the *British* Herring Fishery, or on any Part of the Coast or Shores of *Great Britain*, every Person so making use thereof shall forfeit the said Cran or Measure, and also the Sum of Ten Pounds, and the Commissioners for the Herring Fishery shall cause the said Cran or Measure to be destroyed; and that the Provisions made by the said Act of the Forty-eighth Year of His present Majesty's Reign, against the fraudulent branding of Barrels of Herrings with any Mark or Character by that Act appointed to be branded thereon, by Order and in Presence of an Officer of the Fishery, shall extend and be construed to extend to the Subject of this Provision, and be put in Execution against any Person or Persons fraudulently branding any Measure called a Cran with such Marks or Characters as shall be appointed by the said Commissioners, or with any Marks or Characters counterfeiting the same.

Regulations for clearing out Vessels (other than Busses on the Tonnage Bounty) for the British Herring Fishery.

XIV. And be it further enacted, That whenever any Vessel or Boat, for which it is not meant the Tonnage Bounty shall be claimed, shall be intended to be fitted out at any Port or Place in *Great Britain*, where an Officer of the Fishery shall be stationed for the *British* Herring Fishery, it shall be lawful to ship Salt, Netting, Barrels, and other Stores, on board such Vessel or Boat, without the Presence of such Officer, provided the Person intending to ship the same, shall first give such Notice thereof in

Writing, to the ſaid Officer of the Fiſhery, and therein ſpecify ſuch Particulars as by the ſaid Act are required; and thereupon it ſhall be lawful for the ſaid Officer to give Permiſſion under his Hand to ſuch Perſon (to be written at the Foot of the ſaid Notice) to ſhip or put on board the Stores therein ſpecified; and when the ſame ſhall be ſo ſhipped or put on board, the Shipper ſhall make a Declaration thereof under his Hand, to be ſubjoined to the ſaid Permiſſion, and return the ſame to ſuch Officer; whereupon the ſaid Officer, being ſatisfied of the truth of the ſaid Declaration, ſhall give the Maſter of the ſaid Veſſel or Boat a Certificate, that the ſaid Stores, ſpecifying the Quantities and Sorts thereof, were reſpectively entered and declared to be ſhipped, mentioning the Name of the ſaid Veſſel or Boat, and the Name of the Maſter thereof; and ſuch Certificate ſhall be of the ſame Force and Effect under the Proviſions of the ſaid Act of the Forty-eighth Year of His preſent Majeſty, and of this Act, as if the ſaid Salt, Netting, Barrels, or other Stores, had been ſhipped in Preſence of an Officer of the Fiſhery, and a Certificate had been granted by ſuch Officer to the Effect preſcribed in ſuch Caſes by the ſaid Act.

Unlawful Nets to be forfeited.

XV. Provided always, and be it further enacted, That if any Net which according to the Tenor of the ſaid Act may not be uſed for the taking of Herrings, ſhall be ſhipped or put on board any ſuch Veſſel or Boat as aforeſaid, the ſame ſhall be forfeited.

Regulations for clearing out Veſſels for and diſcharging them from the Britiſh Herring Fiſhery, not to extend to Boats which ſhall not exceed the Burthen of Four Tons.

XVI. Provided always, and be it further enacted, That nothing in the ſaid Act or in this Act contained, relative to any Veſſel or Boat which ſhall be intended to be or which ſhall be fitted out for the *Britiſh* Herring Fiſhery, with Salt, Netting, Barrels, or other Stores, or which ſhall proceed to the ſaid Fiſhery having on board Salt to be uſed in the curing of Herrings, or on board of which Herrings ſhall be cured, or which ſhall return with the Herrings ſo cured to any Port of *Great Britain*, ſo far as relates to the Requiſites directed by the ſaid Act and this Act to be performed by the Perſon or Perſons intending to fit out ſuch Veſſel or Boat, or by the Maſter thereof, or as relates to any Penalty or Forfeiture thereby provided for any Default in or Contravention of any of the ſaid Requiſites, ſhall extend or be conſtrued to extend to the Caſe of any Boat in which Salt ſhall be ſhipped or put on board for the ſaid Fiſhery, or which ſhall return with Herrings cured with ſuch Salt to any Part of *Great Britain*; provided ſuch Boat ſhall not exceed the Burthen of Four Tons.

The Quantity of Salt uſed daily in curing Herrings not required to be ſpecified in Account, but Oath made of the total Quantity uſed in the Cure of the Herrings therein mentioned.

XVII. And whereas by the ſaid Act made in the Forty-eighth Year of the Reign of His preſent Majeſty, it is among other Things enacted, that the Maſter of every Veſſel or Boat which ſhall proceed to the *Britiſh* Herring Fiſhery, having on board Salt to be uſed in the Curing of Herrings, ſhall keep an Account (among other Things) of the Quantity of Herrings which he ſhall cure or cauſe to be cured every Day, and the Quantity of Salt uſed in the Curing thereof; which Account, ſigned by him, the ſaid Maſter ſhall bring, with the Herrings which ſhall have been cured on board thereof, to any Port of *Great Britain* to which the ſaid Veſſel or Boat ſhall return or arrive for the Diſcharge thereof, and ſhall verify the ſame on Oath before ſuch Officer, as therein mentioned; be it further enacted, That ſo much of the ſaid recited Act as requires that the Quantity of Salt uſed every Day be ſpecified in ſuch Account as aforeſaid, and as relates to any

any Penalty or Forfeiture for the Omiſſion thereof, is hereby repealed; and that the Maſter of every ſuch Veſſel or Boat ſhall, before the ſame Officer in whoſe Preſence he ſhall, according to the Directions of the ſaid recited Act, verify the Account of the Particulars by the ſaid Act required to be ſpecified therein, and not hereby diſpenſed with, make Oath what Quantity of Salt has been uſed or expended in the Curing of the Herrings (mentioning the Number of Barrels, or if cured in bulk, the Number of Herrings) ſpecified in the ſaid Account, and that no Part of the ſaid Salt was embezzled, ſold, or in any Manner diſpoſed of, otherwiſe than is expreſſed in the ſaid Account; which Oath ſhall be ſo made by the Maſter of ſuch Veſſel or Boat as aforeſaid, before any Herring, Salt, or other Fiſhing Stores, ſhall be landed or unſhipped with Intent to be landed out of the ſame, under the like Forfeiture as is provided by the ſaid recited Act, in caſe ſuch Account as aforeſaid ſhall not be verified on Oath as thereby required.

Herrings not to be deemed to be gutted within the Meaning of this Act, unleſs gutted, cured, and packed, within 24 Hours after they were taken.

XVIII. And whereas by the ſaid Act it is among other Things enacted, that the Bounty thereby granted ſhall not be paid or allowed for any Herrings which (among other Things) were not originally gutted; and further, that the Maſter of any Veſſel or Boat laden with Salt or other Stores for the *Britiſh* Herring Fiſhery, or any Perſon having Salt ſtored on Shore at any Place where the ſaid Fiſhery is carried on, and intending to cure Herrings therewith, ſhall each of them reſpectively keep an Account (among other Things) of the Quantity of Herrings cured every Day, and of the Manner in which the ſame were cured, (that is to ſay) whether they were cured, gutted, or ungutted; be it further enacted, That no Herrings ſhall be deemed to be gutted within the Meaning of the ſaid Act or this Act, unleſs they were gutted, cured, and packed within Twenty-four Hours after they were taken or caught.

Declaration of Tranſhipment may be verified at the Port of Landing.

XIX. And be it further enacted, That in all Caſes where the Maſter of any Veſſel or Boat arriving from the *Britiſh* Herring Fiſhery in any Port or Place in *Great Britain*, having on board Herrings cured with Salt which had been carried from any Port or Place in *Great Britain* to the ſaid Fiſhery in a different Veſſel, ſhall bring with the ſaid Herrings a Declaration, ſigned by the Maſter of the ſaid Veſſel or Boat in which the ſaid Salt was carried to the Fiſhery, (with a Copy indorſed thereon of the Certificate by the Officer of the Fiſhery, in whoſe Preſence or by whoſe Permiſſion the Salt was ſhipped) ſuch Declaration expreſſing the Name of the Veſſel or Boat in which the Herrings ſhall be ſhipped, the Name of the Maſter thereof, the Number of Barrels of Herrings ſhipped or put on board the ſame, with the Marks ſet on the ſaid Barrels reſpectively, the Day on which the Herrings contained in each of the ſaid Barrels reſpectively were cured, and the Manner in which the ſame were cured, and what Quantity of the Salt ſpecified in the ſaid Certificate was uſed in the Curing thereof, as is directed by the ſaid Act of the Forty-eighth Year of His preſent Majeſty; the ſaid Declaration, although it ſhall not have been verified on Oath by the Maſter of the Veſſel in which the ſaid Salt was carried out, as by the ſaid Act of the Forty-eighth Year of His preſent Majeſty is required, ſhall be of the ſame Force and Effect as if the ſame had been ſo verified; provided the Maſter of the Veſſel or Boat ſo arriving and having on board the ſaid Herrings, ſhall make Oath at the Foot thereof, before the Officer of the Fiſhery at the Port or Place where he ſhall ſo arrive, that there was

no Officer of the Fishery at the Place where the said Herrings were shipped or put on board, before whom the said Declaration could have been verified, and that he verily believes that the said Declaration is true.

Herrings cured on Shore, Account of, to be kept and delivered to the proper Officer of the Fishery, under a Penalty of 5l.

XX. And be it further enacted, That if any Person or Persons having Salt stored at any Place on Shore where the Herring Fishery is carried on, shall begin there to cure Herrings with such Salt as aforesaid, before having given such Notice of his Intention so to do to the proper Officer of the Fishery, as is required by the said Act made in the Forty-eighth Year of His Majesty's Reign; or if such Person or Persons shall not keep such Account thereof as is required by the said Act of the Forty-eighth Year of His present Majesty, and this Act; or if the Curer of such Herrings shall not deliver such Account thereof to the proper Officer of the Fishery, and verify the same upon Oath before such Officer as required by the said Act of the Forty-eighth Year of His present Majesty, and this Act; every such Person so offending shall not only be entitled to no Bounty in respect of such Herrings, but also (unless the Quantity of Salt which he shall have stored as aforesaid, shall not exceed Thirty Bushels) shall forfeit and lose the Sum of Five Pounds.

Copy of such Part of said Account as relates to gutted Herrings, to be delivered by the Officer to the Curer.

XXI. And whereas by the said Act of the Forty-eighth Year of His present Majesty, it is enacted, that such Officer of the Fishery shall deliver a Copy of such Account, and of such Oath thereon as aforesaid (certified by him to be a true Copy) to the Person by whom the same shall be so delivered and verified, as by the said Act is directed; be it further enacted, That so much of the said Act as is above recited, be, and the same is hereby repealed; and that the said Officer shall, in lieu of such Copy, deliver to such Person as aforesaid, a Copy of so much only of the said Account as shall relate to Herrings cured gutted; and in case the Curer thereof shall produce the Whole or any Part of the Herrings comprised in such Copy to the said Officer, at the Place where the Herrings were so cured, in order to obtain thereon the Bounty hereby granted, such Curer shall thereupon deliver up the said Copy to such Officer; and in case the said Curer shall have so produced a Part only of the Herrings specified in the said Copy, the said Officer shall give him a Copy of the said Account, as far as relates to the Residue of the said Herrings; and the like Proceedings shall be had as often as any Part of the said Herrings shall be so produced at the Place where the same were cured as aforesaid; and that every such Copy as aforesaid shall be certified by the said Officer of the Fishery to be a true Copy of or Extract from the Account of the said Curer, verified by him upon Oath, specifying the Time when and Place where it was so verified.

Bounty allowed on additional Barrels used in repacking, and on substituted Barrels.

XXII. And whereas by the said Act of the Forty-eighth Year of His present Majesty, it is among other Things enacted, that the Bounty thereby granted on White Herrings shall not be paid or allowed for any Herrings contained in any Barrel on which such Mark or Marks, Character or Characters, shall not have been set at the Fishery as is directed by the said Act of the Forty-eighth Year of His present Majesty, or which shall not remain thereon distinctly legible, denoting the Day on which the same were cured, and that the same were cured gutted; and further, that if any Herrings packed in any such Barrel shall be produced to an Officer of the Fishery, to be branded in his Presence, and certified by him, for the

the Purpoſe of obtaining the ſaid Bounty, all ſuch Herrings, with the Barrels containing the ſame, ſhall be forfeited: And whereas Herrings unpacked out of Barrels in which they were originally cured, cannot be repacked into the ſame Number of Barrels, and it therefore becomes neceſſary, when the Herrings packed in any Number of Barrels are intended to be repacked, that an additional Number of Barrels be provided to contain the Surplus of the ſaid Herrings which ſhall remain after the original Number of Barrels ſhall have been filled with ſuch Herrings; be it further enacted, That ſo much of the ſaid Act as is above recited, ſhall not extend to ſuch additional Number of Barrels, or any of them, which ſhall be ſo provided, and in which ſuch Surplus of the ſaid Herrings ſhall be ſo repacked as aforeſaid, or to the Herrings contained therein; nor to any Barrel, or the Herrings therein contained, which Barrel ſhall be different from that in which the ſame Herrings were originally cured and packed, in caſe ſuch laſt mentioned Barrel ſhall have been rendered unfit by accidental Damage to contain ſuch Herrings; but every Barrel of ſuch ſurplus Herrings, or of Herrings repacked out of ſuch another Barrel rendered unfit by accidental Damage to contain the ſame as aforeſaid, ſhall, upon the Oath of the Curer thereof, verifying the Fact before the proper Officer of the Fiſhery, be deemed to be in the ſame Plight or Condition, within the Meaning of the ſaid Act and this Act, as if the Barrel were the ſame in which the Herrings were originally cured, and on which the like Marks or Characters were ſet at the Fiſhery, as directed by the ſaid Act.

Bung-packed Herrings branded for Bounty may be re-packed, and the ſurplus Barrels branded; but no Bounty allowed thereon.

XXIII. And be it further enacted, That if the Curer or Proprietor of any Number of Barrels of Herrings Bung-packed, on which the Bounty granted by the ſaid Act or this Act ſhall have been allowed, ſhall intend to repack the ſame with great Salt in the ſame Barrels, and as many in Addition thereto as with the original Number ſhall be neceſſary to contain the ſame in a repacked State, the ſaid Curer or Proprietor ſhall give Twenty-four Hours Notice in Writing under his Hand, of his ſaid Intention, to the proper Officer of the Fiſhery; and if upon Production of the ſaid Herrings ſo repacked as aforeſaid, the ſaid Curer or Proprietor ſhall, upon the Requeſt Note (which, according to ſuch Regulations as ſhall be made by the ſaid Commiſſioners for the Herring Fiſhery, he ſhall have delivered or cauſed to be delivered to the ſaid Officer) make Oath before him that the Herrings contained in the Barrels ſo produced (mentioning the Number) in a repacked State, are the very ſame Herrings, without any Addition or Mixture whatever, that were originally in a bung-packed State contained in that Part (mentioning the Number) of the ſaid Barrels, whereof each is branded with Marks or Characters denoting that the Bounty granted by the ſaid Act or by this Act was allowed or paid thereon; and if the Barrels of Herrings ſo produced ſhall, upon due Inſpection and Examination, be found by the ſaid Officer to be each of them well cured, properly repacked, and in all reſpects ſuch as a Barrel of White Herrings, on which the ſaid Bounty is claimed or allowed, is by the ſaid Act and this Act required to be, he ſhall cauſe each of the ſaid Barrels in which the ſaid Herrings were originally cured, and in which the greater Part thereof are now repacked, to be branded with ſuch Marks or Characters, in addition to thoſe which ſhall have been already branded thereon, as the Commiſſioners for the Herring Fiſhery ſhall direct, and as ſhall denote that the ſame are repacked, and by what Officer the ſame were inſpected and examined after the repacking thereof; and the ſaid Officer ſhall cauſe each of the

Barrels in which the remaining Part of the ſaid Herrings ſhall be repacked, to be branded with ſuch Marks or Characters as by the ſaid Act or this Act are directed to be branded thereon, in caſe the ſame were produced to the ſaid Officer in order to obtain the Bounty granted by this Act, and had been by him deemed to be entitled thereto, with ſuch Addition to the ſame as the Commiſſioners for the Herring Fiſhery ſhall think fit to direct, and as ſhall denote that the ſame are ſo branded under the Authority of this Proviſion: Provided always, that no Bounty ſhall be paid or allowed, nor ſhall any Certificate be granted for that Purpoſe, in reſpect of any ſuch Barrel or Barrels of Herrings repacked and branded with ſuch Marks or Characters, and with ſuch Addition thereto as laſt above mentioned, but that the ſame ſhall nevertheleſs be liable to Forfeiture in all Caſes where any Barrel or Barrels of Herrings, on which the ſaid Bounty ſhall have been allowed, would by the ſaid Act or this Act be liable thereto.

Herrings cured otherwiſe than in Bulk, not to be mixed with Herrings cured in Bulk.

XXIV. And be it further enacted, That no Herrings cured otherwiſe than in Bulk, ſhall be mixed with Herrings cured in Bulk, whether packed or not; nor ſhall any Herrings cured in Bulk, or any Herrings which, although otherwiſe cured, ſhall have been afterwards laid in Bulk, be packed in any Barrel or Caſk, unleſs the Word "Bulk" ſhall have been firſt branded thereon in Manner herein directed; and if any Herrings cured otherwiſe than in Bulk, ſhall be mixed with Herrings cured in Bulk; or if any Herrings cured in Bulk, or which, although otherwiſe cured, ſhall have been afterwards laid in Bulk, ſhall be packed in any Barrel or Caſk, Barrels or Caſks, unleſs the Word "Bulk" ſhall have been firſt branded thereon in the Manner herein directed, and ſhall remain thereon diſtinctly legible; all ſuch Herrings, with the Barrels or Caſks containing the ſame, ſhall be forfeited, and ſhall and may be ſeized by any Officer of the Fiſhery or Cuſtoms.

Herrings cured in Bulk to be packed in Barrels marked Bulk.

XXV. And be it further enacted, That when any Herrings in Bulk ſhall be brought or imported into any Port or Place in *Great Britain* from the *Britiſh* Herring Fiſhery, or from any other Port or Place in *Great Britain*, or in any of His Majeſty's Dominions, ſuch Herrings ſhall upon the Landing thereof be conveyed to a Place proper for the packing of the ſame, and ſhall there without delay be packed in Barrels, on each of which the Word "Bulk" ſhall have been firſt branded in the Manner herein directed, and ſhall not afterwards be laid in Bulk; and if any Herrings in Bulk brought or imported from the *Britiſh* Herring Fiſhery, or from any ſuch other Port or Place as aforeſaid, ſhall not upon the landing thereof be conveyed to ſuch Place as aforeſaid, or ſhall not there without delay be packed in Barrels, on each of which the Word "Bulk" ſhall have firſt been, or within Twenty-fours Hours afterwards ſhall be branded in the Manner herein directed, and ſhall remain thereon diſtinctly legible, or, having been ſo packed, ſhall be afterwards laid in Bulk, the ſaid Herrings, with the Barrels or other Packages in which the ſame ſhall be contained, ſhall be forfeited, and ſhall and may be ſeized by any Officer of the Fiſhery: Provided always, that no Herrings cured or laid in Bulk, which ſhall be intended to be made into Red Herrings, and which on the landing thereof ſhall be conveyed to a Manufactory of Red Herrings, ſhall be required to be packed in Barrels ſo marked as directed by this Act; nor ſhall any Herrings cured or laid in Bulk, which on the landing thereof were packed in Barrels on each of which the Word "Bulk" ſhall have been branded in the Manner herein directed, be forfeited for being afterwards taken out of

ſuch

ſuch Barrel at a Manufactory of Red Herrings, provided the ſame ſhall be immediately put in Proceſs for being made into Red Herrings.

Refuſe of Red Herrings to be packed, and marked Refuſe.

XXVI. And be it further enacted, That all Herrings, being the Refuſe of the Manufactory of Red Herrings, ſhall be packed in Barrels, on each of which the Word "Refuſe" ſhall have been branded in the Manner herein directed; and all ſuch Herrings not packed in Barrels on each of which the Word "Refuſe" ſhall be ſo branded, and ſhall remain diſtinctly legible, as well as all Herrings whatever mixed with Herrings of the ſaid Deſcription, whether packed or not, ſhall be forfeited, and ſhall and may be ſeized by any Officer of the Fiſhery or of the Cuſtoms.

Barrels containing Herrings cured in Pickle, in tight Vats, Pits, Ciſterns, and Hogsheads, not to be marked Bulk.

XXVII. Provided always, That ſo much of this Act as enacts, that Herrings cured otherwiſe than in Bulk ſhall not be mixed with Herrings cured in Bulk, and that Herrings cured in Bulk ſhall not be packed in any Veſſel or Caſk unleſs the Word "Bulk" ſhall have been branded thereon in Manner herein directed, ſhall not extend or be conſtrued to extend to Herrings cured originally in Bulk, in tight Vats, Pits, Ciſterns, Hogſheads, or Caſks of a larger Size than Hogſheads, and therein preſerved in the Pickle produced by their original Cure, till the ſame ſhall have been packed in Barrels, and which, having been ſo packed in Barrels, ſhall not have been afterwards laid in Bulk; or to any Herrings cured otherwiſe than in Bulk, mixed with Herrings ſo cured as laſt above deſcribed.

Regulations regarding White Herrings imported from Ireland, Iſle of Man, or other Place in the King's Dominions.

XXVIII. And be it further enacted, That when any White Herrings, packed in Barrels or Caſks, ſhall be imported or brought into any Port or Place in *Great Britain*, from any Port or Place in *Ireland*, the *Iſle of Man*, or from any other Iſland or Colony under His Majeſty's Dominion, the Barrels or Caſks containing the ſaid Herrings ſhall have been, or within Twenty-four Hours after the landing thereof and before the ſame ſhall be put into any Warehouſe, ſhall be branded with ſuch Word or Words as after mentioned reſpectively, (that is to ſay), if imported from any Port or Place in *Ireland*, with the Word "*Iriſh*;" if imported from the *Iſle of Man*, with the Word "*Manx*;" if imported from any other Iſland or Colony under His Majeſty's Dominion, with a Word or Words deſcriptive of the Name of ſuch other Iſland or Colony reſpectively; which Word or Words ſhall be branded on every ſuch Barrel or Caſk reſpectively in the Manner herein directed, and ſhall remain thereon diſtinctly legible; nor ſhall any ſuch Herrings be afterwards packed in any other Barrels or Caſks, unleſs ſuch Word or Words reſpectively as aforeſaid ſhall have been ſo branded thereon as aforeſaid; nor ſhall any ſuch Herrings be laid in Bulk, or mixed with any other Herrings, unleſs the ſame ſhall be ſo laid in Bulk or mixed in a Manufactory of Red Herrings, for the Purpoſe of being made into Red Herrings; and if any White Herrings, imported in Barrels or Caſks from any ſuch Port or Place as is above mentioned, ſhall be found in Bulk, or mixed with any other Herrings unleſs as aforeſaid, or packed in Barrels or Caſks on which ſuch Word or Words ſhall not have been branded reſpectively, or ſhall not remain thereon diſtinctly legible as aforeſaid, contrary to this Act, all ſuch Herrings, with the Barrels or Caſks containing the ſame, ſhall be forfeited, and ſhall and may be ſeized by any Officer of the Fiſhery or of the Cuſtoms: Provided always, that nothing in the ſaid Act made in the Forty-eighth Year of His Majeſty's Reign, or in this Act contained, relative to the Size or Thickneſs of the Barrels or Half Barrels in which White Herrings ſhall be packed or againſt their being made of Fir, or relative to the Exportation of White

Herrings, ſhall extend or be conſtrued to extend to White Herrings imported in Barrels or Caſks from *Ireland*, the *Iſle of Man*, or from any other Iſland or Colony under His Majeſty's Dominion, ſuch Barrels or Caſks being branded in the Manner herein directed.

Size of Letters in Words required by this Act to be branded on Barrels.

XXIX. And be it further enacted, That where any Word or Words is or are by this Act directed or required to be branded on any Barrel or Caſk, the ſame ſhall be ſo branded with an hot Iron on the Bulge thereof, in legible, conſpicuous and permanent Letters, whereof each ſhall not be leſs than One Inch and a Half in Length.

Herrings to be Fifteen Days in Salt, before being entitled to Bounty.

XXX. And be it further enacted, That no Barrel of Herrings repacked or bung-packed, ſhall be deemed entitled to the Bounty of Four Shillings *per* Barrel granted by this Act, unleſs a Space of Time not leſs than Fifteen Days ſhall have intervened from and after the Day when the ſaid repacked Herrings were originally cured and packed, and before the Day when the ſame were begun to be repacked, or unleſs a Space of Time not leſs than Fifteen Days ſhall have intervened from and after the Day when ſuch bung-packed Herrings were originally cured and packed, and before the Day when the ſame were completely bung-packed; and if any Barrel of Herrings repacked or bung-packed ſhall be produced to any Officer of the Fiſhery, in order to obtain the ſaid Bounty, not being entitled thereto according to the Proviſions of this Act, the ſame ſhall be forfeited, and ſhall and may be ſeized by any Officer of the Fiſhery.

Bounty not to be paid on Barrels under certain Weight.

XXXI. And be it further enacted, That the Bounty of Four Shillings *per* Barrel granted by this Act ſhall not be paid or allowed for any Barrel of Herrings bung-packed, or repacked with ſmall Salt, which ſhall not contain, excluſive of Salt and Brine, Two hundred and thirty-five Pounds Weight of Fiſh at the leaſt; or for any Barrel of Herrings repacked with great Salt, which ſhall not contain, excluſive of Salt and Brine, Two hundred and twelve Pounds Weight of Fiſh at the leaſt: And if any Barrel of Herrings, bung-packed, or repacked with ſmall Salt, and not containing, excluſive of Salt and Brine, Two hundred and thirty-five Pounds Weight of Fiſh at the leaſt; or if any Barrel of Herrings, repacked with great Salt, and not containing, excluſive of Salt and Brine, Two hundred and twelve Pounds Weight of Fiſh at the leaſt; ſhall be tendered to any Officer of the Fiſhery, in order to obtain the aforeſaid Bounty thereon; the ſame ſhall be forfeited, and ſhall and may be ſeized by any Officer of the Fiſhery.

At what Ports or Places Herrings may be branded for Bounty.

XXXII. And be it further enacted, That the Bounty hereby granted ſhall not be paid or allowed for or in reſpect of any Barrel or Barrels of Herrings, unleſs the ſame ſhall be produced to the proper Officer of the Fiſhery, and branded in his Preſence, in Manner by the ſaid Act of the Forty-eighth Year of His preſent Majeſty's Reign directed, at ſuch Port or Place as is herein-after directed reſpectively, and no other; that is to ſay, if the ſaid Herrings were cured with Salt ſtored on ſhore at a Place where the Herring Fiſhery was carried on, then the ſaid Barrel or Barrels of Herrings ſhall be ſo produced and branded as aforeſaid, at the Port or Place where the ſaid Herrings were ſo cured, or at ſome other Place within the ſame Port, or at the next Place without ſuch Port, to which the ſame ſhall be removed or carried; or if the ſaid Herrings were cured with Salt carried out in any Veſſel or Boat fitted out for the *Britiſh* Herring Fiſhery, and were brought from the ſaid Fiſhery in the ſame or any other Veſſel,

according to the Regulations of the said Act of the Forty-eighth Year of His present Majesty's Reign and this Act, then the Barrel or Barrels of Herrings shall be so produced and branded as aforesaid, at the Port or Place to which the same shall have been so brought from the said Fishery; nor shall the said Bounty be paid or allowed in respect of any Barrel or Barrels of Herrings, unless the Curer thereof, who shall produce the same to the proper Officer of the Fishery for that Purpose, shall, after the same shall have been so produced and inspected by such Officer, make Oath before him, which Oath the said Officer is hereby authorized to administer, (such Oath to be written at the Foot of the Request Note, which, pursuant to any Regulation made or to be made by the Commissioners for the Herring Fishery, such Curer shall have delivered to the said Officer, in order to his attending to inspect the said Herrings), that the said Herrings and every Part thereof were, to the best of his Knowledge and Belief, gutted and packed within Twenty-four Hours after they were caught, and that the same or any Part thereof were not, either in the same or in different Barrels, before that Time produced to any Officer of the Fishery, in order to obtain the Bounty granted by the said Act of the Forty-eighth Year of the Reign of His present Majesty, or by this Act.

Herrings intended for the Bounty hereby granted, to be gutted with a Knife.

XXXII. And be it further enacted, That from and after the First Day of *June* One thousand eight hundred and sixteen, Herrings, in respect of which the Bounty hereby granted shall be intended to be claimed, shall be gutted with a Knife, in the Manner practised by the *Dutch* Fishermen; and it shall be lawful for the Commissioners for the Herring Fishery to make Rules and Regulations for carrying the Purposes of this Provision into effect; and every Person who is required by the said Act of the Forty-eighth Year of the Reign of His present Majesty to keep an Account or Journal of Herrings cured, or to give a Declaration thereof shall (over and above the Particulars by the said Act required) mention therein, whether the Herrings taken, cured, and gutted every Day, or what Part thereof in the last, were wholly gutted with a Knife, according to the Regulations to be made pursuant to this Act, and shall verify the Fact upon Oath, as by the said Act of the Forty-eighth Year of the Reign of His present Majesty is directed; and if any Barrels or Half Barrels of Herrings, which shall have been gutted otherwise than with a Knife in the Manner hereby directed, shall be produced to any Officer of the Fishery, in order to be branded and certified for the Bounty hereby granted, the said Officer shall, in the Certificate to be granted by him pursuant to the said Act, describe or distinguish such Barrels or Half Barrels of Herrings as have been gutted otherwise than as hereby directed; and it shall be lawful for the Commissioners for the Herring Fishery to cause to be disallowed and withholden a Part of the Bounty granted by this Act, not exceeding Sixpence for each and every Barrel, and Three-pence for every Half Barrel of such Herrings as last above mentioned.

Whether or not so gutted, to be specified in Account or Journal.

Part of the Bounty to be withholden from Herrings not gutted with a Knife.

XXXIII. And whereas by the said Act it is among other Things enacted, that no White Herrings shall be exported or shipped, or tendered to be shipped for any Port or Place out of *Europe*, unless such Herrings shall have been repacked, and a Space of Time not less than Fifteen Days shall have intervened, from the Day when the same were originally cured and packed, and before the same were repacked; all which shall be made to appear to the Satisfaction of the proper Officer of the Fishery and of the Customs, at any Port or Place to which the same shall be brought Coastwise for Exportation, by Certificate to be granted by the proper

Certificate for repacked Herrings sent Coastwise, not required for Herrings branded for Bounty.

Officer of the Fishery at the Port or Place from which the same were so sent Coastwise as aforesaid, and Oath made thereon by the Exporter or his Agent before any such Officer, that the Herrings tendered for Exportation are the same that were brought Coastwise with such Certificate: And whereas such Certificate and Oath are rendered unnecessary by the Provisions of this Act, with respect to any Barrel of White Herrings upon which the Bounty of Four Shillings hereby granted shall have been allowed; be it therefore enacted, That from and after the First Day of *June* One thousand eight hundred and fifteen, so much of the said Act as is above recited shall be repealed, so far as respects any Barrel of Herrings in respect of which it shall appear, by the Mark thereon, that the said Bounty of Four Shillings shall have been allowed.

Barrels under Weight not allowed to be exported.

XXXV. And be it further enacted, That if any Barrel of Herrings repacked with great Salt, which shall not contain, exclusive of Salt and Brine, the Quantity of Fish herein-after mentioned respectively, at the least (that is to say) if intended to be exported to any Port or Place in *Europe*, Two hundred and twenty-four Pounds Weight, or if intended to be exported to any Port or Place out of *Europe*, Two hundred and twelve Pounds Weight, shall be shipped or tendered to any Officer of the Fishery, in order to be shipped for Exportation to any such Port or Place as aforesaid respectively; or if any Barrel of Herrings bung-packed, or repacked with small Salt, which shall not contain, exclusive of Salt and Brine, Two hundred and thirty-five Pounds Weight of Fish, at the least, shall be shipped or tendered to any Officer of the Fishery in order to be shipped for Exportation to any Port or Place in *Europe*; the same shall be forfeited, and shall and may be seized by any Officer of the Fishery.

If tendered to be shipped, forfeited.

Mode of settling Disputes between Officers and Curers.

XXXVI. And whereas the Provisions in the said Act of the Forty-eighth Year of the Reign of His present Majesty, for settling Disputes between Officers of the Fishery and Curers or Proprietors of Herrings, in certain Cases in the said Act mentioned, have not been found effectual; be it enacted, That in every such Case, any Justice of the Peace, to whom Application shall be made either by the Officer or Curer, shall appoint Two skilful Persons, who shall have no Interest in the Matter in Dispute, One to be nominated by the Officer and the other by the opposite Party; and if either Party shall fail to make such Nomination before or at the Time when he shall be required by Authority of the said Justice (not being longer than Twenty-four Hours from the Time of being required to make such Appointment) so to do, then the said Justice shall nominate One skilful Person, not interested in the Matter in Dispute, in his Place; and the Persons so appointed, upon Examination of the Matters in Dispute, shall certify on their Oaths, to be taken before the said Justice, their Opinion on the Matters aforesaid; and if they shall agree in their Opinion, the Matter in Dispute shall be determined accordingly; but if the Arbitrators so to be appointed shall differ in Opinion thereon, the said Justice shall require them to name one other skilful Person, not interested in the Matter in Dispute, which Person so nominated shall examine the Matters in Dispute, and upon such Examination shall certify upon Oath, to be made before the said Justice, his Opinion thereon, and the said Matter shall then be finally determined accordingly.

Premiums under recited Act, 48 G. 3. c. 110. ex-

XXXVII. And whereas by the said Act of the Forty-eighth Year of His present Majesty, it is among other Things enacted, that the Commissioners for the Herring Fishery shall be authorized to allow Premiums

or

or Bounties, not exceeding the Sum of Three thousand Pounds in the Whole in any one Year, to be paid to Persons who shall employ Boats of a Burthen not less than Fifteen Tons by Admeasurement, in the taking of Herrings on the Coast of *Scotland*, and who shall cure and pack the same according to such Plan and to such Rules and Regulations as the said Commissioners shall make and publish in that Behalf: And whereas it is expedient to extend the Benefit of the said recited Clause to the Effect herein-after provided; be it therefore enacted, That such Premiums or Bounties as aforesaid shall and may be allowed to Persons who shall fit out Boats of such Burthen as aforesaid from any Port or Place in *Scotland*, and employ the same in the taking of Herrings on the Coast of *Great Britain*, *Ireland*, or the *Isle of Man*, and who shall cure and pack the same according to such Plan and to such Rules and Regulations as aforesaid.

Premiums extended to Vessels fishing on the Coasts of Great Britain, Ireland, or the Isle of Man.

XXXVIII. And be it further enacted, That any Vessel or Boat which shall be laden at any Port or Place in *Great Britain* with Salt in Bulk or in Barrels, intended to be used in the Curing of Herrings in Bulk or in Barrels, by the Master and Crew thereof, such Herrings having been taken by the said Master and Crew on any Part of the Coasts of *Great Britain*, *Ireland*, or the *Isle of Man*, or purchased fresh by the said Master, on any Part of the said Coasts, from the Crews of other *British* Boats by whom the same were taken, shall be deemed and taken to be a Vessel or Boat fitted out for the *British* Herring Fishery, within the Meaning of the said Act of the Forty-eighth Year of the Reign of His present Majesty, and of this Act; and where any such Vessel or Boat, having been so fitted out for the *British* Herring Fishery, and proceeded to any Part of the Coast of *Great Britain*, *Ireland*, or the *Isle of Man*, where the Fishing of Herrings shall have been carried on, and of which the Master and Crew shall have there taken or purchased Herrings fresh, and cured the same in Bulk or in Barrels, shall arrive laden therewith in any Port or Place of *Great Britain*; or where any Herrings, taken or purchased and cured as aforesaid, shall have been transhipped out of any such Vessel or Boat as aforesaid, into any other Vessel or Boat which shall arrive laden with the said Herrings in any Port or Place in *Great Britain*; then and in either of these Cases all such Herrings shall be deemed to have been brought from the *British* Herring Fishery, within the Meaning of the said Act and this Act.

What Vessels shall be deemed to be fitted out for the British Herring Fishery,

and what Herrings deemed to be brought from the Fishery.

XXXIX. And be it further enacted, That from and after the passing of this Act, in case any Herrings, Barrels, or Casks, Salt, Nets, or Netting, or any Boats, shall be seized as forfeited by virtue or in pursuance of the said Act of the Forty-eighth Year of His present Majesty's Reign, or of this Act, it shall and may be lawful to and for the Commissioners for the Herring Fishery, or any Three of them, on Evidence given to their Satisfaction that the Forfeiture arose without any Intention of Fraud in the Proprietor or Proprietors, Claimant or Claimants, and Person or Persons having the Custody, Care, or Management, for the Time being, of such Herrings, Barrels, or Casks, Salt, Nets, Netting, or Boats, to order the same to be restored to such Proprietor or Proprietors, or Claimant or Claimants, in such Manner and on such Terms and Conditions as under the Circumstances of the Case shall appear to the said Commissioners to be reasonable, and as they shall think fit to direct; and if such Proprietor or Proprietors, or Claimant or Claimants, shall comply with

Commissioners authorized to remit Penalties.

the Terms and Conditions prescribed by such Commissioners, it shall not be lawful for such Herrings, Barrels, or Casks, Salt, Nets or Netting, or Boats, to be proceeded against in any Manner for the Condemnation thereof; but if such Proprietor or Proprietors, or Claimant or Claimants, shall not comply with the Terms and Conditions prescribed by the said Commissioners, such Herrings, Barrels or Casks, Salt, Nets or Netting, or Boats, may and shall be proceeded against for the Condemnation thereof, as if this Provision had not been made: Provided always, that if such Proprietor or Proprietors, or Claimant or Claimants, shall accept the Terms and Conditions prescribed by the said Commissioners, such Proprietor or Proprietors, or Claimant or Claimants respectively, shall not, nor shall any of them, have or be entitled to any Recompence or Damage, on account of the Seizure or Detention of such Herrings, Barrels, or Casks, Salt, Nets or Netting, or Boats.

Half Barrels entitled to Half Bounty.

XL. And be it further enacted, That every Half Barrel of White Herrings shall, if bung-packed or repacked, contain Half the Quantity of Fish, exclusive of Salt and Brine, which a Barrel of Herrings bung-packed or repacked is by the said Act and this Act required to contain respectively; and shall be entitled to Half of the Bounty, and be subject to all Rules, Regulations, Penalties, and Forfeitures, to which a Barrel of Herrings in the like Case is liable.

Commissioners may alter Rules.

XLI. And be it further enacted, That the Commissioners for the Herring Fishery shall be and they are hereby authorized and empowered to revoke and annul, or alter or vary, any Rule or Regulation made by them pursuant to the said Act of the Forty-eighth Year of the Reign of His present Majesty, and this Act, and in lieu thereof to make another Rule or Regulation for the same Purpose, which shall be of full force.

Penalties and Forfeitures how to be sued for.

XLII. And be it further enacted, That any Fine, Penalty, or Forfeiture by the aforesaid Act of the Forty-eighth Year of His present Majesty, or by this Act imposed, except in any Case where other Provision is thereby made, shall or may be sued for, recovered, levied, and mitigated, as any Fine, Penalty, or Forfeiture may be sued for, recovered, levied, and mitigated, by any Law or Laws of Customs or Excise, or by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Exchequer in *Scotland* respectively; and one Moiety of such Fine, Penalty, or Forfeiture shall be to the Use of His Majesty, His Heirs and Successors, and the other Moiety to such Person or Persons as shall inform or sue for the same.

Rules, &c. to remain in force.

XLIII. And be it further enacted, That all the Rules, Regulations, and Provisions contained in the before recited Act, and all the Penalties and Forfeitures imposed thereby, shall be in full Force and Effect as if the same were re-enacted in this Act, unless where the same are altered, varied, or repealed by or under the Authority of this Act.

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