


ANNO QUINQUAGESIMO NONO

# GEORGII III. REGIS.

## CAP. XXXVIII.

**An Act to enable His Majesty to make Regulations with respect to the taking and curing Fish on certain Parts of the Coasts of *Newfoundland*, *Labrador*, and His Majesty's other Possessions in *North America*, according to a Convention made between His Majesty and the United States of *America*.** [14th *June* 1819.]

WHEREAS a Convention between His Majesty and the United States of *America*, was made and signed at *London*, on the Twentieth Day of *October* One thousand eight hundred and eighteen; and by the First Article of the said Convention, reciting that Differences had arisen respecting the Liberty claimed by the United States for the Inhabitants thereof to take, dry, and cure Fish in certain Coasts, Bays, Harbours, and Creeks of His *Britannic* Majesty's Dominions in *America*, it is agreed, that the Inhabitants of the said United States shall have for ever, in common with the Subjects of His *Britannic* Majesty, the Liberty to take Fish of every Kind on that Part of the Southern Coast of *Newfoundland* which extends from *Cape Ray* to the *Rameau* Islands, on the Western and Northern Coasts of *Newfoundland*, from the said *Cape Ray* to the *Quirpon* Islands, on the Shores of the *Magdalen* Islands, and also on the Coasts, Bays, Harbours, and Creeks from *Mount Joly* on the Southern Coasts of *Labrador*, to and through the Straits of *Belleisle*, and thence northwardly indefinitely along the Coast, without Prejudice however to any of the exclusive Rights of the *Hudson's Bay* Company; and it was also by the said Article of the said Convention

Convention, dated 20th Oct. 1818.

vention agreed, that the *American* Fishermen should have Liberty for ever to dry and cure Fish in any of the unsettled Bays, Harbours, and Creeks of the Southern Part of the Coast of *Newfoundland* above described, and of the Coast of *Labrador*, but that so soon as the same, or any Portion thereof, should be settled, it should not be lawful for the said Fishermen to dry or cure Fish at such Portion so settled, without previous Agreement for such Purpose with the Inhabitants, Proprietors, or Possessors of the Ground: And whereas it is expedient that His Majesty should be enabled to carry into Execution so much of the said Convention as is above recited, and to make Regulations for that Purpose; 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 from and after the passing of this Act, it shall and may be lawful for His Majesty, by and with the Advice of His Majesty's Privy Council, by any Order or Orders in Council, to be from Time to Time made for that Purpose, to make such Regulations, and to give such Directions, Orders, and Instructions to the Governor of *Newfoundland*, or to any Officer or Officers on that Station, or to any other Person or Persons whomsoever, as shall or may be from Time to Time deemed proper and necessary for the carrying into Effect the Purposes of the said Convention, with relation to the taking, drying, and curing of Fish by Inhabitants of the United States of *America*, in common with *British* Subjects, within the Limits set forth in the said Article of the said Convention, and herein-before recited; any Act or Acts of Parliament, or any Law, Custom, or Usage to the contrary in any wise notwithstanding.

His Majesty in Council may make Regulations for carrying the Convention into Effect.

II. And be it further enacted, That from and after the passing of this Act it shall not be lawful for any Person or Persons, not being a natural-born Subject of His Majesty, in any Foreign Ship, Vessel, or Boat, nor for any Person in any Ship, Vessel, or Boat, other than such as shall be navigated according to the Laws of the United Kingdom of *Great Britain* and *Ireland*, to fish for, or to take, dry, or cure any Fish of any Kind whatever, within Three Marine Miles of any Coasts, Bays, Creeks, or Harbours whatever, in any Part of His Majesty's Dominions in *America*, not included within the Limits specified and described in the First Article of the said Convention, and herein-before recited; and that if any such Foreign Ship, Vessel, or Boat, or any Persons on board thereof, shall be found fishing, or to have been fishing, or preparing to fish within such Distance of such Coasts, Bays, Creeks, or Harbours, within such Parts of His Majesty's Dominions in *America* out of the said Limits as aforesaid, all such Ships, Vessels, and Boats, together with their Cargoes, and all Guns, Ammunition, Tackle, Apparel, Furniture, and Stores, shall be forfeited, and shall and may be seized, taken, sued for, prosecuted, recovered, and condemned by such and the like Ways, Means, and Methods, and in the same Courts, as Ships, Vessels, or Boats may be forfeited, seized, prosecuted, and condemned for any Offence against any Laws relating to the Revenue of Customs, or the Laws of Trade and Navigation, under any Act or Acts of the Parliament of *Great Britain*, or of the United Kingdom of *Great Britain* and *Ireland*; provided that nothing in this Act contained shall apply or be

Foreign Vessels not to fish within a certain Distance of any British Harbour in America not included in the Limits prescribed by the Convention; under Penalty of Confiscation.

be construed to apply to the Ships or Subjects of any Prince, Power, or State in Amity with His Majesty, who are entitled by Treaty with His Majesty to any Privilege of taking, drying, or curing Fish on the Coasts, Bays, Creeks, or Harbours, or within the Limits in this Act described.

Not to extend to Vessels of any Power entitled thereto by Treaty.

III. Provided always, and be it enacted, That it shall and may be lawful for any Fisherman of the said United States to enter into any such Bays or Harbours of His *Britannic* Majesty's Dominions in *America* as are last mentioned, for the Purpose of Shelter and repairing Damages therein, and of purchasing Wood and of obtaining Water, and for no other Purpose whatever; subject nevertheless to such Restrictions as may be necessary to prevent such Fishermen of the said United States from taking, drying, or curing Fish in the said Bays or Harbours, or in any other Manner whatever abusing the said Privileges by the said Treaty and this Act reserved to them, and as shall for that Purpose be imposed by any Order or Orders to be from Time to Time made by His Majesty in Council under the Authority of this Act, and by any Regulations which shall be issued by the Governor or Person exercising the Office of Governor in any such Parts of His Majesty's Dominions in *America*, under or in pursuance of any such Order in Council as aforesaid.

American Fishermen may enter such Harbours for the Purposes of repairing or watering, subject to such Regulations as may be issued to prevent the Abuse of the Treaty.

IV. And be it further enacted, That if any Person or Persons, upon Requisition made by the Governor of *Newfoundland*, or the Person exercising the Office of Governor, or by any Governor, or Person exercising the Office of Governor, in any other Parts of His Majesty's Dominions in *America* as aforesaid, or by any Officer or Officers acting under such Governor, or Person exercising the Office of Governor, in the Execution of any Orders or Instructions from His Majesty in Council, shall refuse to depart from such Bays or Harbours; or if any Person or Persons shall refuse or neglect to conform to any Regulations or Directions which shall be made or given for the Execution of any of the Purposes of this Act; every such Person so refusing or otherwise offending against this Act shall forfeit the Sum of Two hundred Pounds, to be recovered in the Superior Court of Judicature of the Island of *Newfoundland*, or in the Superior Court of Judicature of the Colony or Settlement within or near to which such Offence shall be committed, or by Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*; One Moiety of such Penalty to belong to His Majesty, His Heirs and Successors, and the other Moiety to such Person or Persons as shall sue or prosecute for the same: Provided always, that any such Suit or Prosecution, if the same be committed in *Newfoundland*, or in any other Colony or Settlement, shall be commenced within Three Calendar Months; and, if commenced in any of His Majesty's Courts at *Westminster*, within Twelve Calendar Months from the Time of the Commission of such Offence.

Penalty on Persons refusing to remove, or disobeying Orders, 200*l*.

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