ANNO UNDECIMO

Georgii III. Regis.

CAP. XXXI.

An Act for the Encouragement of the White Herring Fiſhery.

WHEREAS the carrying on and Improvement of the Britiſh White Herring Fiſheries are of great Importance to theſe Kingdoms, by increaſing the Trade and Navigation thereof; and being a Nurſery for Seamen, and otherwiſe a Means of employing and providing for great Numbers of induſtrious Poor, provided that reaſonable Encouragement be given to ſuch Perſons as are willing to carry on the ſaid Fiſheries: Therefore, and for the better Regulation of the ſaid Trade, and for preventing Frauds and Impoſitions in the Management thereof, 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 Preamble.

as an Encouragement to all Persons whatsoever, as well Bodies Politick and Corporate as others, to engage in the said White Herring Fisheries, that, from and after the Twenty-second Day of October, One thousand seven hundred and seventy-one, a Bounty of Thirty Shillings per Ton shall be paid annually, in Manner as herein after provided for, to the Owner or Owners of all decked Vessels from Twenty to Eighty Tons Burthen, which shall be fitted out and employed in the said Fisheries, in Manner and under the Regulations herein after mentioned, and that, for the Space and Term of Seven Years, from and after the said Twenty-second Day of October, One thousand seven hundred and seventy-one, and to the End of the then next ensuing Session of Parliament.

Bounty of 30s. per Ton on the Vessels employed in the Fisheries.

And be it also enacted by the Authority aforesaid, That the said Bounty of Thirty Shillings per Ton shall, for every Vessel or Vessels proceeding to the said Fisheries, immediately, from any Port or Place within that Part of Great Britain called England, be paid out of such Monies as shall be produced out of His Majesty's Customs there; and for all other Vessels which shall take their Departure from any Port or Place within that Part of Great Britain called Scotland, out of the Monies which shall be produced out of His Majesty's Customs or Excise within that Part of the united Kingdom last mentioned.

How and where the Bounty shall be paid.

Provided always, and it is hereby further enacted by the Authority aforesaid, That no Person or Persons shall be allowed or intitled to receive the Bounty herein before granted for any Buss or Vessel which shall not proceed directly upon the said Fishery, from that Part of the united Kingdom to which such Buss or Vessel shall belong, and where her Owners reside; and that the Master and Owners of such Buss or Vessel shall take out their Licence from the Collector and Comptroller of the Port where such Buss or Vessel was bona fide manned, victualled, furnished, accoutred, and fitted out for that Voyage; any Thing in this Act, or any Law, Custom, or Usage, to the Contrary notwithstanding.

Proviso.

And be it further enacted, That every such Buss or Vessel which shall be employed in the said White Herring Fisheries, whose Owner or Owners shall be intitled to the Bounty of Thirty Shillings per Ton by virtue of this Act, shall be a decked Buss or Vessel, built in Great Britain after the First Day of January, One thousand seven hundred

All Busses or Vessels to be decked.

hundred and sixty, and shall proceed on the said Fisheries from some Port in Great Britain, manned and navigated as by the Law now in Force is directed; and before such Buss or Vessel proceed on such Voyage, or be intitled to the Benefit of this Act, she shall be visited by such Officer or Officers of the Customs belonging to such Port, who shall be appointed by the Commissioners of the Customs to examine into such Buss or Vessel, and who shall take an Account of the Tonnage thereof, by Admeasurement, and shall certify such his or their Visitation, Examination, and Admeasurement, to the Commissioners of His Majesty's Customs; and that she hath on Board such a Quantity of Fishing-nets, and other Stores, to be used in the said Fishery as herein after mentioned, and otherwise is a proper Vessel to be employed in the said Fishery; and upon its further appearing, by the Oath of One or more Owner or Owners, or Agent appointed by them, and of the Master or chief Officer of such Vessel, written at the Foot of the said Certificate, and made before the Collector or Comptroller of such Port, who are hereby impowered and required to administer the same, That it is really and truly their firm Purpose and determined Resolution, that such Buss or Vessel shall proceed respectively, so manned, furnished, and accoutred; either to Yarmouth, in the County of Norfolk; Whitehaven, in the County of Cumberland; Leith, in the County of Edinburgh; Inverness, in the County of Inverness; or to Brassey Sound, in Shetland; Campbeltown, or Oban, in Argyleshire; or Kirkwall, in Orkney, and be at the Rendezvous of the said Fishery there on or before the Twenty-second Day of June, and shall not shoot or wet their Nets before the Twenty-fourth Day of the said Month of June, and shall continue fishing to the Twelfth Day of October; or shall proceed to Yarmouth, in the County of Norfolk; Whitehaven, in the County of Cumberland; Leith, in the County of Edinburgh; Inverness, in the County of Inverness; or to Brassey Sound, in Shetland; Campbeltown, or Oban, in Argyleshire; or Kirkwall, in Orkney, and be at the Rendezvous of the said Fisheries, on or before the First Day of October, and shall continue fishing to the Eleventh Day of January following, unless they shall have sooner completed their Loading of Fish; and shall fish in an orderly and regular Manner, without impeding or obstructing other Vessels which shall be employed in the said Fishery; and shall keep a Journal of their Proceed-

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kings: And if, after such Certificate had, and Oath made, such Owner or Owners, or their Agents, and Master, or chief Officer of such Vessel as aforesaid, do also become bound, with Two sufficient Sureties, unto His Majesty, His Heirs and Successors, in the Penalty of such Sums as shall be equal to Treble the Bounty on the Tonnage of his Vessel intended by this Act, (which Bond, the Collector, with the Approbation of the Comptroller, is hereby required to take, and is to be in Force for the Space of Three Years, against the Master and his Sureties, for the faithful Dealing of the said Master and Ship Company, in regard to the said Vessel and Voyage); then, and in such Case, it shall and may be lawful for the Collector and Comptroller of such Port to give and grant, and they are hereby required to give and grant to the Master and Owners of such Buss or Vessel, full Licence and Authority to proceed on such Voyage as aforesaid.

Such decked Vessel to have on Board 12 *Winchester* Bushels of Salt for every Last of Fish.

And, to prevent any Disputes which may arise, whether a Vessel be properly qualified and duly fitted out for the Herring Fishery, according to the true Intent and Meaning of this Act, and intitled to a Certificate from the Custom-house Officers, it is hereby enacted, That every such Vessel shall be a Decked Vessel, built in Great Britain, after the First Day of January, One thousand seven hundred and sixty, and shall have on Board Twelve Winchester Bushels of Salt for every Last of Fish which such Vessel is capable of holding; which Salt shall be barrelled up in new Barrels, and as many more new Barrels as such Buss or Vessel is capable of carrying, and shall have on Board, at the Place of Rendezvous, Two hundred and fifty square Yards of Netting for each Ton of Buss Measurement, together with the customary Quantity of other Materials for the Equipment and Mounting of the said Two hundred and fifty Yards of Netting in the Fishery Business; but with Liberty to make Use of such Nets in the same as they shall find best adapted to the said Fisheries.

Every Vessel of 20 Tons to have Six Men on Board.

And be it further enacted, That every such Vessel of Twenty Tons, which shall be employed in the said Fishery, shall have on Board, at such of the Places afore mentioned as shall be appointed for their Rendezvous, not less than Six Men; and every Vessel of greater Burden shall, over and above the Six Men aforesaid, have One for every Five Tons which she shall exceed Twenty Tons.

And

And be it further enacted by the Authority aforesaid, That, on the Return of such Vessel into any Port of Great Britain for her Discharge, the Chief Officer of the Customs, or such other Officer of the Customs as he shall appoint at such Port, shall immediately repair on Board such Vessel, and view the Condition of such Vessel and her Lading, and certify the same, together with their Observations thereon, and also the real Tonnage of the said Buss or Vessel; and the said Officers are also to take an Account of the Names of the Master and other Persons on Board, and to certify the same; and the Master shall make Oath before the Collector and Comptroller of such Port, (who are hereby impowered and required to administer the same), which shall be wrote on the Back of, or annexed to the Licence granted as aforesaid, and which they are hereby required to deliver up, and what they did in pursuance thereof, That such Vessel was at One of the Places before mentioned, at the Time appointed by this Act, and has not since been on any other Voyage, or pursued any other Design or View of Profit; and that they did remain fishing according to the Directions of this Act, and had, at the Time of their Rendezvous, the Quantity of Nets and other Stores and Number of Men herein before directed to be on Board the said Vessel; which Certificate, Schedule, Licence, and Oath, together with the Account of the Fish taken by the said Vessel, shall be transmitted by the Collector or Comptroller of such Port, in case the said Buss or Vessel departed with her Licence from any Port within that Part of Great Britain called England, to the Commissioners of the Customs of England; and in case such Buss or Vessel departed with her Licence from any Port within that Part of Great Britain called Scotland, to the Commissioners of Customs or Excise for that Part of the united Kingdom; and such Commissioners respectively being fully satisfied of the faithful Dealings of the Master and other Persons employed in such Vessels with respect to such Voyage and Fishing, shall, on Demand, cause Payment to be made to the Owner or Owners, or to his or their Assigns, by the Receiver-general of the Customs or Excise, as the Case shall happen, the Sum of Thirty Shillings per Ton, according to the Admeasurement of such Vessel duly certified as aforesaid.

Vessels to be inspected by Officers of the Customs.

Provided always, and it is further enacted by the Authority aforesaid, That the Owner and Owners aforesaid shall not be intitled to have and receive the Bounty of

Owners not intitled to have the Bounty of 30s. per Ton.

in respect of such Vessels as shall return with a less Number of Hands than required.

Thirty Shillings per Ton, by this Act given, or allowed to Vessels employed in the said Fisheries, in respect of such Vessels as shall return into Port with a less Number of Hands than such Vessel is required by this Act to have on Board at the Rendezvous, unless it shall be made appear, that such Number hath been reduced by Death, or that such Reduction is occasioned by Sickness, or Desertion, without any Default, Fraud, or Collusion, on the Part of the said Owner and Owners.

Owners not deemed liable to forfeit the Bounty, if the Vessels did depart for such respective Places at the Time appointed.

And be it further enacted by the Authority aforesaid, That the said Owner and Owners shall not be deemed liable to forfeit, or incur a Forfeiture of the said Bounty of Thirty Shillings per Ton, so given to Vessels employed in the said Fisheries, in respect of such Busses as shall not arrive at One of the Places, in and by this present Act appointed for the Rendezvousing of the Busses or Vessels to be employed in the said Fisheries, by or on the respective Days appointed for the Rendezvous of such Busses or Vessels; provided, that such Busses or Vessels did really and bona fide take their Departure for such respective Places of Rendezvous, or One of them, at least Five Days before the respective Days herein before named and appointed for the Vessels employed in the said Fisheries to be at such respective Places of Rendezvous, and that such Busses or Vessels be fitted out in all respects comformable to the Directions and Regulations herein before provided.

In case Busses do not arrive at their Rendezvous, the Oath may be varied.

And be it further enacted by the Authority aforesaid, That in all Cases where the respective Busses employed in the said Fisheries, and taking their Departure for such respective Places of Rendezvous at the respective Times before mentioned, shall not arrive at the said respective Stations at Yarmouth, in the County of Norfolk; Whitehaven, in the County of Cumberland; Leith, in the County of Edinburgh; Inverness, in the County of Inverness; or to Brassey Sound, in Shetland; Campbeltown, or Oban, in Argyleshire; or Kirkwall in Orkney, or One of them, on or before the respective Days herein before directed and appointed, the before-mentioned Oath, required to be made by the respective Masters of such Busses or Vessels at their Return into Port for their Discharge, with respect to so much of such Oath as relates to their having arrived at such respective Places of Rendezvous, or One of them, on such Days as is for that Purpose already mentioned and appointed, or either of them, and to their having remained fishing, according to the Directions of this present Act, may and shall, from

from henceforth, be varied, and made conformable to the particular Circumstances attending such respective Busses or Vessels so quitting their respective Stations at Sea, from whence the said Fisheries are directed to be carried on, or either of them, or to their not arriving at any of the said respective Stations of Yarmouth, in the County of Norfolk; Whitehaven, in the County of Cumberland; Leith, in the County of Edinburgh; Inverness, in the County of Inverness; or to Brassey Sound, in Shetland; Campbeltown, or Oban, in Argyleshire, or Kirkwall in Orkney, herein before appointed for the Rendezvous of such Busses or Vessels; and that such Oath shall be made and taken by the Master, or other chief Officer, of such Buss or Vessel so returning into Port for a Discharge.

Persons employed in the said Fisheries, to have the free Use of all Ports, Harbours, &c. in *Britain* and the Islands thereto belonging.

And be it further enacted by the Authority aforesaid, That all and every Person or Persons employed in the said Fisheries may fish in any Part of the British Seas, and shall have and exercise the free Use of all Ports, Harbours, Shores, and Forelands in Great Britain, or the Islands belonging to the Crown of Great Britain, below the highest High-water Mark, and for the Space of One hundred Yards on any waste or uncultivated Land beyond such Mark, within the Land, for landing their Nets, Casks, and other Materials, Utensils, and Stores, and for erecting Tents, Huts, and Stages, and for the Landing, Pickling, Curing, and Reloading their Fish, and in drying their Nets, without paying any Foreland or other Dues, or any other Sum or Sums of Money, or other Consideration whatsoever, for such Liberty (except as herein after is excepted), any Law, Statute, or Custom, to the Contrary notwithstanding: And if any Person or Persons shall presume to Demand or receive any Dues, Sums of Money, or other Consideration whatsoever, for the Use of any such Ports, Harbours, Shores, or Forelands, within the Limits aforesaid, or shall obstruct the Fishermen, or other Persons employed in the taking or curing of Fish, or drying their Nets, in the Use of the same, every Person so offending, shall, for every such Offence, forfeit the Sum of One hundred Pounds, to be recovered and levied in Manner herein after directed.

Offenders to forfeit 100*l.*

Provided always, That nothing in this Act contained shall extend to exempt the Vessels, or Boats, employed in the said Fisheries, from the Payment of such Harbour or Pier Duties as are, and by the Law ought to be, demanded for Ships, Vessels, or Boats, in Piers, or Harbours, which are built or artificially made, but that

such Harbour or Pier Dues shall be paid in like Manner as the same were liable to be paid before the passing of this Act.

Penalty to be determined by Bill or Information.

And be it further enacted by the Authority aforesaid, That the Penalty herein before mentioned shall and may be prosecuted and determined by Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, or in the Court of Exchequer in Scotland respectively; wherein no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed; and One Moiety of such Penalty shall be to the Use of His Majesty, and the other Moiety to such Person or Persons as will sue for and prosecute the same.

Commissioners of Customs to order Payment of said Bounty, according as the Vessel, &c. shall have departed.

And it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful for the Commissioners of His Majesty's Customs for England and Scotland respectively, to order the said Bounty to be paid by the Receiver-general or Cashier of the Customs for that Part of Great Britain, from whence the Buss or Vessel shall have departed as herein before directed, out of any Money in the Hands of such Receiver-general or Cashier, arising from any of the Duties, Revenues, and Customs, under the Management of such respective Commissioners; and if the Receiver-general or Cashier of the Customs at Edinburgh shall not have sufficient Money in his Hands to pay the said Bounty, the Commissioners of His Majesty's Customs at Edinburgh, or any Three of them shall forthwith give the Person or Persons intitled to receive such Bounty, a certificate, certifying the same to the Commissioners of His Majesty's Excise for that Part of Great Britain called Scotland; which Certificate, being affixed to the Licence, and other Certificates and Documents required by Law, and being produced to the said Commissioners of Excise, they the said Commissioners are hereby authorised and required, on Demand, to cause the Money therein certified as aforesaid to be due, to be paid by the Receiver-general, or Cashier of the said Excise, out of any Money in his Hands arising from any of the Duties and Revenues, under the Management of such Commissioners; any Law, Custom, or Usage, to the Contrary notwithstanding.

Receiver-general of Customs at *Edinburgh* not having Money to pay the Bounty, Commissioners to give a Certificate to the Person intitled to the Commissioners of Excise for Payment.

And whereas the Revenue in that Part of Great Britain called Scotland, hitherto applicable to the Payment of the Bounties granted for the Encouragement of the British White Herring Fishery, hath not been sufficient to satisfy and pay the said Bounties for several Vessels and Busses which have proceeded by Licence on the said Fishery

from thence, and divers Certificates and Orders for the Payment of such Bounties do for that Reason remain unsatisfied: Now, for making a reasonable Compensation for such Delay of Payment, be it further enacted by the Authority aforesaid, That every Person and Persons, who, from and after the Fifth Day of April, One thousand seven hundred and seventy-one, shall be legally intitled to receive any such Bounty which shall then remain due and unsatisfied, for, or in respect of any Buss or Vessel, which before the First Day of October, One thousand seven hundred and seventy, proceeded from Scotland upon the said White Herring Fishery, shall, for the Forbearance of such Money as shall be so due, be allowed Interest, after the Rate of Three Pounds per Centum per Annum for the same, such Interest to be computed from the said Fifth Day of April, One thousand seven hundred and seventy-one, and be continued until Notice shall be given in the London Gazette, and Edinburgh Courant, by Order of the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the Time being, that the Money due for such Bounties, shall and will be paid off and discharged.

Persons to whom Bounty remains unsatisfied, shall, after *April* 5. 1771, be intitled to Interest of 3 *per Cent.* for Forbearance.

And it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful for the Commissioners of His Majesty's Customs for that Part of Great Britain called Scotland, to cause the said Interest allowed by this Act to be paid annually by the Receiver-general of the Customs in Scotland, out of any Money in his Hands arising from any of the Duties, Revenues, and Customs, under the Management of such Commissioners.

Commissioners of the Customs in *Scotland* may cause said Interest to be paid annually.

And be it further enacted by the Authority aforesaid, That, for preventing any Difficulties about ascertaining, getting in, and receiving all such Sums of Money as shall for the future become due and payable by Law, as a Duty of Sixpence per Month from all Seamen who are or shall be employed in the Service of the British White Herring Fishery, for the Support of the Royal Hospital at Greenwich, the Commissioners for the Time being of His Majesty's Customs, or of Excise, if in Scotland, as the Case may be, shall, and they are hereby required, from Time to Time, after the Commencement of this Act, to transmit, or cause to be transmitted, with all convenient Speed, to the Office of the Receiver for the Time being of the said Duty in London, a true and exact Copy of every Certificate which shall, from Time to Time, after the said Commencement, be transmitted to them the said Commissioners, by all or any of the respective Collectors and Comptrollers

Commissioners, &c. in *Scotland*, to transmit exact Copies of Certificates to the Office in *London*, for Recovery of Money due to *Greenwich Hospital* from Seamen employed in the White Herring Fishery.

of

of the ſeveral Out-ports in Great Britain, in order to the ſaid Commiſſioners cauſing Payment to be made of the Bounty of Thirty Shillings per Ton, purſuant to the Directions of an Act of Parliament made in the Twenty-third Year of His ſaid late Majeſty's Reign, intituled, An Act for the Encouragement of the *Britiſh* White Herring Fiſhery.

FINIS.